

RESOLUTION NO. R-2023- 0228

RESOLUTION APPROVING ZONING APPLICATION EAC-2022-01280  
(CONTROL NO. 1988-00021)  
a Development Order Amendment (Expedited Application Consideration (EAC))  
APPLICATION OF Dolphin Stations LLC  
BY Schmidt Nichols, AGENT  
(APEC)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application EAC-2022-01280, submitted on behalf of Dolphin Stations LLC, by Schmidt Nichols, Agent for approving a Development Order Amendment (Expedited Application Consideration (EAC)) to modify the property boundaries and delete land area was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2023;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment (Expedited Application Consideration (EAC));

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application EAC-2022-01280, the Application of Dolphin Stations LLC, by Schmidt Nichols, Agent, for a Development Order Amendment (Expedited Application Consideration (EAC)) to modify the property boundaries and delete land area on 2.74 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and

made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 23, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Barnett and, upon being put to a vote, the vote was as follows:

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Absent
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 23, 2023.

Filed with the Clerk of the Board of County Commissioners on February 27th, 2023

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION:**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (STATE ROAD NUMBER S-807), AS SHOWN ON THE STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP, RECORDED IN ROAD PLAT BOOK 3, PAGES 32 THROUGH 39, INCLUSIVE, AND THE WESTERLY EXTENSION OF THE NORTH LINE OF LARSON ADDITION, ACCORDING TO THE AMENDED PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 55; THENCE NORTH 02° 55' 04" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE AND BEING PARALLEL WITH AND 33 FEET EAST OF THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 175.97 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LANDS; THENCE CONTINUE NORTH 02° 55' 04" EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 124.54 FEET TO A CROSS ON WALK THENCE SOUTH 88° 08' 06" EAST, A DISTANCE OF 150.00 FEET TO A PIPE; THENCE SOUTH 02° 55' 04" WEST, A DISTANCE OF 150.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS STREET; THENCE NORTH 88° 08' 06" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 14.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25 FEET AND A CENTRAL ANGLE OF 91° 03' 10" T; HENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.73 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THE ABOVE-DESCRIBED PREMISES CONVEYED BY WARRANTY DEED TO PALM BEACH COUNTY ON MARCH 25, 1988, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (STATE ROAD NO. 807) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP RECORDED IN ROAD PLAT BOOK 3 AT PAGE 32 THRU 39 AND THE WESTERLY EXTENSION OF THE NORTH LINE OF LARSON ADDITION, ACCORDING TO THE AMENDED PLAT AS RECORDED IN PLAT BOOK 24 AT PAGE 55 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN N.02°30'38"E. ALONG THE EAST RIGHT-OF-WAY LINE AND BEING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 5, FOR A DISTANCE OF 92.90 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE N.02°30'38"E. ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 107.41 FEET; THENCE RUN S.88°33'15"E. ALONG A LINE THAT IS PARALLEL WITH THE CENTER LINE OF CONSTRUCTION OF SUMMIT BOULEVARD AS PER RIGHT-OF-WAY MAP AS PER SECTION NO. 93580 IN PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 13.00 FEET; THENCE RUN S.02°30'38"W. FOR A DISTANCE OF 115.53 FEET; THENCE RUN S.43°01'19"E. FOR A DISTANCE OF 35.68 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE SUMMIT BOULEVARD; THENCE RUN N.88°33'15"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 6.60 FEET; THENCE RUN N.41°29'25"W. FOR A DISTANCE OF 45.87 FEET TO THE POINT OF BEGINNING, SAID PARCEL OF LAND LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE (STATE ROAD 807) AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP RECORDED IN ROAD PLAT BOOK 3, PAGES 32-39 AND THE WESTERLY EXTENSION OF THE NORTH LINE OF LARSON ADDITION, ACCORDING TO THE AMENDED PLAT AS RECORDED IN PLAT BOOK 24, PAGE 55 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE RUN N.02°30'35"E. ALONG THE EAST RIGHT-OF-WAY LINE AND BEING PARALLEL WITH AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 5, FOR A DISTANCE OF 300.37 FEET, THENCE RUN S.88°33'15"E. PARALLEL TO THE CENTER LINE OF CONSTRUCTION AS PER RIGHT-OF-WAY MAP AS PER SECTION NO. 93580 IN PALM BEACH COUNTY, FLORIDA FOR 13.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE S.88°33'15"E. FOR A DISTANCE OF 137.00 FEET; THENCE RUN S.02°30'38"W. PARALLEL TO THE WEST LINE OF SAID SECTION 5 FOR 141.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD; THENCE RUN N.88°33'15"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 111.53 FEET TO A POINT; THENCE RUN N.43°01'19"W. FOR 35.68 FEET; THENCE RUN N.02°30'38"E. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE (AFOREMENTIONED), FOR 115.53 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A CERTAIN PARCEL IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE WEST LINE OF THE EAST 771.71 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, WITH THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON ROAD PLAT BOOK 3, PAGE 165, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88° 08' 06" WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 377.65 FEET, MORE OR LESS, TO A LINE PARALLEL WITH AND 183 FEET EASTERLY FROM THE WEST LINE OF SAID SECTION 5; THENCE NORTH 2° 55' 04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 150 FEET; THENCE NORTH 88° 8' 06" WEST PARALLEL WITH THE NORTHERLY LINE OF SAID SUMMIT BOULEVARD, A DISTANCE OF 150 FEET TO A LINE PARALLEL WITH AND 33 FEET EASTERLY FROM THE WEST LINE OF SAID SECTION 5, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, THE SAME AS SHOWN ON ROAD PLAT BOOK 3, PAGE 32, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 2° 55' 04" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 211.12 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 5; THENCE SOUTH 88° 07' 56" EAST ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4), A DISTANCE OF 529.78 FEET, MORE OR LESS, TO THE SAID WEST LINE OF THE EAST 771.74 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5; THENCE SOUTH 5° 15' 14" WEST ALONG THE SAID WEST LINE OF THE EAST 771.74 FEET, A DISTANCE OF 351.14 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

TOGETHER WITH LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 AND 12, BLOCK 1, PALM ACRES ESTATES, AS RECORDED IN PLAT BOOK 20, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY.

LESS THE FOLLOWING DESCRIBED RIGHT-OF-WAY WARRANTY DEED AS DESCRIBED IN OFFICIAL RECORD BOOK 4813, PAGE 6, OF THE SAID PUBLIC RECORDS, BEING:

A PORTION OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN OFFICIAL RECORD BOOK 3517, PAGE 206, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE INTERSECTION OF THE WEST LINE OF THE EAST 771.74 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, WITH THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON ROAD PLAT BOOK 3, PAGE 165, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88° 33' 15" WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 177.65 FEET TO THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED PROPERTY; THENCE CONTINUE NORTH 88° 33' 15" WEST ALONG THE NORTH RIGHT-OF-WAY OF SUMMIT BOULEVARD, A DISTANCE OF 200.03 FEET TO A LINE PARALLEL WITH AND 183.00 FEET EASTERLY FROM THE WEST LINE OF SAID SECTION 5; THENCE NORTH 02° 30' 38" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 9.00 FEET; THENCE SOUTH 88° 33' 15" EAST, PARALLEL WITH AND 9.00 FEET NORTH OF SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 81.84 FEET; THENCE SOUTH 87° 02' 31" EAST, A DISTANCE OF 118.18 FEET; THENCE SOUTH 02° 30' 38" WEST, A DISTANCE OF 5.88 FEET TO THE **POINT OF BEGINNING**.

LESS THE FOLLOWING DESCRIBED RIGHT-OF-WAY WARRANTY DEED AS DESCRIBED IN OFFICIAL RECORD BOOK 4813, PAGE 8, OF THE SAID PUBLIC RECORDS, BEING:

A PORTION OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN OFFICIAL RECORD BOOK 3517, PAGE 204, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE WEST LINE OF THE EAST 771.74 FEET OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, WITH THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON ROAD PLAT BOOK 3, PAGE 165, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88° 33' 15" WEST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD, A DISTANCE OF 177.49 FEET TO A LINE PARALLEL WITH AND 383 FEET EASTERLY FROM THE WEST LINE OF SAID SECTION 5; THENCE NORTH 02° 30' 38" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 5.88 FEET; THENCE 87° 02' 31" EAST, A DISTANCE OF 177.47 FEET; THENCE SOUTH 02° 56' 13" EAST, A DISTANCE OF 1.20 FEET TO THE **POINT OF BEGINNING**.

LESS AND EXCEPT

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE, SOUTH 02°55 '04" WEST, ALONG THE WEST LINE OF SAID SECTION 5, 568.45 FEET; THENCE, SOUTH 88°07'56" EAST, 33.01 FEET TO THE NORTHWEST COMER OF LOT 1, BLOCK 1, PALM ACRES ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE, CONTINUE SOUTH 88°07'56" EAST, ALONG THE NORTH LINE OF SAID BLOCK 1 (ALSO THE SOUTH RIGHT-OF-WAY LINE OF OKLAHOMA STREET), 274.8 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE SOUTH 88°07' 56" EAST, 228.09 FEET TO THE NORTHEAST COMER OF LOT 10, BLOCK 1, PALM ACRES ESTATES; THENCE, SOUTH 03°16'26" WEST, ALONG THE EAST LINE OF SAID LOT 10, 100 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE, SOUTH 88°07 '56" EAST, 26.48 FEET; THENCE, SOUTH 03°08'00" WEST, ALONG THE WEST LINE OF THE EAST 771.74 FEET OF THE NORTHWEST 114 OF THE SOUTHWEST 114 OF SAID SECTION 5, 349.41 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD; THENCE NORTH 87°02 '31" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE, 177.63 FEET; THENCE, NORTH 86°41 '32" WEST, ALSO ALONG SAID RIGHT-OF-WAY, 74.98 FEET; THENCE NORTH 02°55'04" WEST, 443.03 FEET BACK TO THE POINT OF BEGINNING. (SEE O.R BOOK 30061, PAGE 1951, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.)

ALSO KNOWN AS:

A CERTAIN PARCEL IN SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID SECTION 5, FOR THE FOLLOWING TWO (2) COURSES: 1) S.02°30'49"W., A DISTANCE OF 2,678.35 FEET TO THE WEST QUARTER (W 1/4) CORNER OF SAID SECTION 5; 2) S.02°31'05"W., A DISTANCE OF 569.13 FEET; THENCE S.88°28'42"E., DEPARTING SAID WEST LINE OF SECTION 5, A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE AS RECORDED IN ROAD PLAT BOOK 3, PAGE 32, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHWEST CORNER OF LOT 1, BLOCK 1, PALM ACRES ESTATES, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 5, OF SAID PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE CONTINUE S.88°28'42"E., ALONG THE SOUTH RIGHT-OF-WAY LINE OF OKLAHOMA STREET AND THE NORTH LINE OF BLOCK 1 OF SAID PLAT OF PALM ACRES ESTATES, FOR A DISTANCE OF 274.79 FEET; THENCE S.02°34'18"W., A DISTANCE OF 443.36 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS SHOWN ON OFFICIAL RECORDS BOOK 4813, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.87°01'53"W. ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 4813, PAGE 6 OF SAID PUBLIC RECORDS, A DISTANCE OF 42.51 FEET; THENCE N.88°32'37"W., A DISTANCE OF 193.39 FEET; THENCE N.43°00'46"W., A DISTANCE OF 35.69 FEET; THENCE N.02°31'05"E., A DISTANCE OF 115.35 FEET; THENCE N.88°33'15"W., A DISTANCE OF 13.00 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE N.02°31'05"E. ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 301.73 FEET TO THE **POINT OF BEGINNING**.

SAID LAND SITUATE, LYING AND BEING IN, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 119,332 SQUARE FEET OR 2.740 ACRES MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS. RIGHTS OF WAYS AND RESERVATIONS OF RECORD.

EXHIBIT B  
VICINITY SKETCH

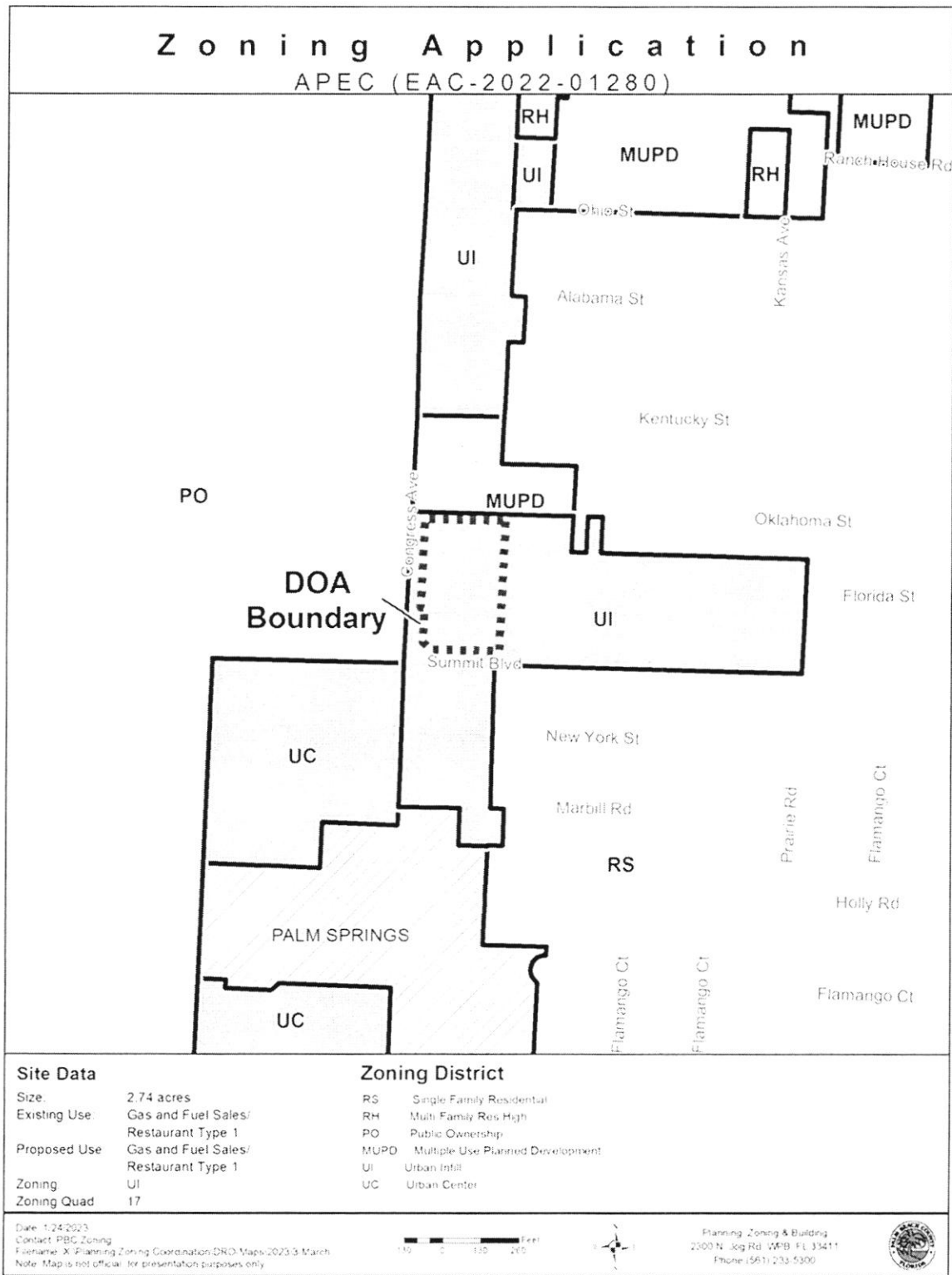


EXHIBIT C

CONDITIONS OF APPROVAL

**EXHIBIT C-1**

**Development Order Amendment (EAC) Retail Gas Station and Fuel Sales with a Convenience Store**

**ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-1237, Control No.1988-00021, which currently states:

The approved Site Plan is dated June 6, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

**Is hereby amended to read:**

The approved Site Plan is dated October 24, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-1237 (Control 1988-00021), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

**ENGINEERING**

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2021, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2019-1237, Control No.1988-00021)

2. The Property Owner shall construct a right turn lane south approach on Congress Ave at the project entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-1237, Control No.1988-00021)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified



Land Development Code or as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-1237, Control No.1988-00021)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Summitt Boulevard 63 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2019-1237, Control No.1988-00021)

5. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for the expanded intersection of Congress Avenue 67 feet at the south end of the property and tapering per the most recent Palm Beach County Standards on an alignment approved by the FDOT or County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way

directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2019-1237, Control No.1988-00021)

6. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Congress Avenue at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2019-1237, Control No.1988-00021)

#### **LANDSCAPE - INTERIOR-LANDSCAPING WITHIN OPEN SPACE AREAS EAST AND WEST OF THE SOUTH ACCESS POINT TO THE SITE**

1. The open space areas located east and west of the of the south access point to the site, as depicted on the Preliminary Site Plan dated June 10, 2019, shall be planted as follows:

- a. one (1) canopy tree;
- b. medium shrubs planted at 30 inches on center. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2019-1237, Control No.1988-00021)

#### **LANDSCAPE - INTERIOR-LANDSCAPING WITHIN OPEN SPACE AREA SOUTHEAST OF THE LOADING AREA**

1. The open space area located southeast of the loading area, as depicted on the Preliminary Site Plan dated June 10, 2019, shall be planted as follows:

- a. a group of three (3) palms, with twelve (12) feet clear trunk at installation.
- b. medium shrubs planted at 30 inches on center. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2019-1237, Control No.1988-00021)

#### **PLANNING**

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney, submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2019-1237, Control No.1988-00021)

2. Construct, and pave to the property line, the cross access as shown on the site plans prior to the release of the Certificate of Occupancy. (CO: MONITORING - Planning) (Previous PLANNING Condition 2 of Resolution R-2019-1237, Control No.1988-00021)

## **SITE DESIGN-RETAIL GAS AND FUEL SALES WITH A CONVENIENCE STORE**

1. The loading space adjacent to the south side of the Convenience Store building, shall be screened with a six (6) feet high concrete wall along the west and south of the loading area. The screening wall along the west shall connect to the Convenience Store building. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2019-1237, Control No.1988-00021)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.