

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/DOA-2016-00657  
**Application Name:** Napleton Kia  
**Control No.:** 1987-00041  
**Applicant:** EFN Northfield Property LLC  
**Owners:** Efn Northfield Property Llc  
**Agent:** Miller Permitting and Land Development LLC - Rebecca Miller Sparfka  
**Telephone No.:** (772) 418-1384  
**Project Manager:** Josue Leger, Site Planner II

**TITLE:** a Type II Variance REQUEST: to allow a reduction in the width of the Right-of-Way (ROW) and Type 2 Incompatibility Buffers; the elimination of shrubs in the Type II Incompatibility Buffer; a reduction in interior and terminal landscape island width; and a reduction of freestanding sign minimum separation from a residential district. **TITLE:** a Development Order Amendment REQUEST: to reconfigure the Site Plan; and add square footage.

**APPLICATION SUMMARY:** Proposed are Type II Variances and a Development Order Amendment (DOA) for the Napleton Kia development. The 10.54-acre parcel was originally approved by the Board of County Commissioners (BCC) on July 24, 1987 for a rezoning from RM-Multi-family Residential Zoning District, in part, and General Commercial (CG) Zoning District, in part, entirely to the CG Zoning District granted through Resolution R-88-1221. There were several subsequent DOAs to this property. The last BCC approval granted through Resolution R-1995-1476 was on October 26, 1995 for a DOA to add land area to an approved site plan.

The Applicant is proposing to add 7,222 square feet (sq. ft) to the Vehicle Sales and Services use, 1,885 sq. ft of Repair and Maintenance, and add 1,426 sq. ft of Accessory Car Wash for the Dealer's customer use. Additionally, the Applicant is requesting variances to address existing conditions that are non-conforming with the current Code and the Overlay within the affected area. These Variances are to address a reduction of the Right-Of-Way (ROW) buffer, Incompatibility buffer, Interior and Terminal Landscape Islands, amount of shrubs, and a separation for a freestanding sign that is located along a residential district. The Preliminary Site Plan indicates 20,200 sq. ft. of Vehicle Sales and Service, 27,507 sq. ft. of Repair and Maintenance, and 1,426 car wash, and approximately 3.14 acres of Vehicle Inventory. The site is subject to Type I Waivers from the Northlake Boulevard Overlay Zone (NBOZ) that will be reviewed through an Administrative Review process by the Development Review Officer. Access shall remain as previously approved with one access point from Northlake Boulevard and one access point from Lyndall Lane.

**SITE DATA:**

Location:	Southwest corner of Northlake Boulevard and Lyndall Lane.
Property Control Number(s)	00-43-42-19-00-000-3010; 00-43-42-19-00-000-3011
Existing Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8) Commercial High (CH)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	General Commercial District (CG)
Proposed Zoning District:	No proposed change
Acreage:	10.56 acres
Tier:	Urban/Suburban
Overlay District:	Northlake Corridor Overlay
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Town of Lake Park, Village of North Palm Beach, City of Palm Beach Gardens, City of Riviera Beach
Future Annexation Area	Town of Lake Park, City of Palm Beach Gardens

**RECOMMENDATION:** Staff recommends approval of the requests subject to 33 Conditions of Approval as indicated in Exhibit C-2.

**ACTION BY THE ZONING COMMISSION (ZC):** On the November 3, 2016 ZC meeting, this application was on the Consent Agenda. The Agent accepted all of the Conditions of Approval and no one from the public was present or speak on the application. The ZC approved the Type II Variances by a Vote of 8-0, and recommended approval for the Development Order Amendment by a vote of 8-0.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff has received 1 letter in opposition with concerns about additional traffic congestions, and additional development in similar nature will make the area less attractive; a few phone inquiries about the application but no concerns expressed once their questions were addressed.

**PROJECT HISTORY:**

Application No.	Request	Approval Date	Resolution
Z/SE-1987-00041	Rezoning from RM- Multiple Family Residential Zoning District (Medium Density), in part, and CG-General Commercial Zoning District, in part, entirely to CG Zoning District.	July 24, 1987	R-1988-1221
	Special exception to allow Commercial New and Used, Automobile, Truck, Boat, Motorcycle, Mobile Home, Recreational Vehicle sales, Rental and Repair Facilities and Lots.	July 24, 1987	R-1988-1222
SE-1987-00041	Modification of Commission requirements	April 4, 1989	R-1989-0603
Z/SE-1987-00041	Special exception to amend and expand the site plan for an existing Commercial New and Used Automobile, and Repair Facilities and Lots to increase the Land Area.	August 7, 1990	R-1990-1286
	Rezoning from RM-Multiple Family Residential Zoning District (Medium Density), in part, and CG-General Commercial Zoning District, in part, entirely to CG-General Commercial Zoning District.	August 7, 1990	R-1990-1285
DOA-1987-00041	Development Order Amendment (DOA) to add land area to an approved site plan.	October 26, 1995	R-1995-1476

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Ed Morse Auto Park, Control No 1984-00015)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Tire Kingdom, Control No 1984-00048)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Walter and Camille Schief Rezoning, Control No 1976-00046)

**SOUTH:**

FLU Designation: High Residential (HR-12)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Residential (Control No. NA)

**EAST:**

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District (IL)

Supporting: Industrial (Bellsouth Mobility, Control No 1973-00237)

FLU Designation: High Residential 8 units per acre (HR-8)

Zoning District: Residential Medium (RM)

Supporting: Residential (Control No. NA)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Schumacher Automobile, Control No 1980-00200)

**TYPE II VARIANCE SUMMARY:** At the November 03, 2016 Public Hearing the ZC approved the following Variances.

	ULDC Article	Required	Proposed	Variance
V.1	7.F.1.A Landscape - Buffer Types Right of Way (Lyndall Lane)	0-99-ft. ultimate ROW requires minimum buffer width of 15-ft.	Existing Condition: Min. 10-ft.wide shall be permitted adjacent to ROWs that are 0-99-ft. wide	Reduction of the required ROW buffer width by 5-ft. due to existing conditions.
V.2	7.F.7.A Landscape - Buffer Types Right of Way (Northlake Blvd)	100+ ft. ultimate ROW requires a minimum buffer width of 20-ft.	Existing Condition: Min. 15-ft. wide ROW buffer shall be permitted adjacent to ROWs that are greater than or equal to 100-ft. wide	Reduction of the required ROW buffer width by 5-ft. due to existing conditions.
V.3	7.F.9 Landscape - Incompatibility Buffer	Type 2 Buffer: 15-ft. wide 6-ft. ht. barrier (min.) 2-min. row of shrubs 20-ft. max tree spacing	Existing Condition: Min. 10-ft. wide shall be permitted 6-ft. ht. barrier wall No shrubs required 20-ft. max. tree spacing unless existing canopies touch	Reduction of the required incompatibility buffer width by 5-ft., elimination of shrub requirement, and increase in max. tree spacing due to existing conditions.
V.4	7.G.2.B.1.a Interior landscape islands	Interior landscape islands to be a min. 8-ft. wide by 15-ft.. long, exclusive of curbing	Existing Condition: Min. 4-ft. wide shall be permitted exclusive of curbing. (min. 5-ft. wide including the curbing)	Reduction of the required landscape island width by 4-ft. due to existing conditions
V.5	8.G.2.A Freestanding Sign Standards	Freestanding signs to have 75-ft. min. separation from residential district.	Existing Condition: Freestanding sign shall be permitted within 50-ft. of a residential district	Reduction of the required min. separation by 25-ft. due to existing conditions.

**FINDINGS:**

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

- 1. Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

- o *Prior Land Use Amendments:* The site has been the subject of 2 of previous Land Use amendments. The first county initiated amendment, Commercial Categories Com. Cat 38a, was adopted with no conditions via ORD. 2001-087 and amended the land use on the north and western portions of the site from C/8 to CH/8. The second county initiated amendment, Northlake Boulevard

Property 01-38 CHX 1, was adopted with no conditions via ORD. 2001-097 and amended the land use on the eastern and southern portions of the site from CX/8 to CH .

- *Intensity:* The maximum Floor Area Ratio (FAR) of .35 is allowed in Commercial High FLU designation in the Urban/Suburban Tier when not developing as a Planned Development District (PDD) (10.546 acres x 43,560 square feet x .35 maximum FAR = 161,089.24, square feet maximum). The request for a total of 49,133 square feet equates to a FAR of approximately 0.11 (49,133 / 459,393.5 square feet or 10.546 acres = 0.106).

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within the Northlake Boulevard Corridor Overlay as depicted on Map Series Map 3.1 Special Planning Areas. The Overlay is implemented in the ULDC under Article 3.B.8.

**2. Consistency with the Code - The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.**

The Vehicle Sales and Rental use exists with 38,600 sq. ft of Showroom, Service Bays, and Vehicle inventory and display areas originally approved on July 24, 1997. The proposed renovation and expansion will focus primarily on the front portion and façade of the existing structure.

- *Non-conformities:* There are several non-conformities exist with respect to current standards and the site plan initially approved in 1997, including ROW buffers, foundation planting, island widths and locations, signage, and separation of repair services that are not in the affected are or proposed to expand. These are addressed in the non-conforming chart as outlined in ULDC Article 1 for Previous Approvals, and are noted on the Preliminary Site Plan (PSP).

Revisions to the landscaping and parking area in the affected area are proposed and Variances are requested for the affected area for the ROW landscape buffers and interior islands, along Northlake Boulevard and the north 200 feet of the east property line along Lyndall Lane.

- *Property Development Regulations:* The proposed 10,533 sq. ft. addition to the existing Vehicle Sales and Rental in the General Commercial Zoning District is considered a DOA to a previously approved Class A Conditional use, together with an accessory Car Wash which is not open to the public and the accessory Repair and Maintenance are permitted uses for a Vehicle Sales and Rental use, under the CG General Commercial District and the NBOZ Guidelines.

- *Overlays:* The project is located within the Northlake Boulevard Overlay Zoning (NBOZ) District. The Applicant is requesting nine Type I Waivers from the NBOZ. The Applicant will be seeking an approval which will be done through the Type I Waiver Administrative Review Process by the Development Review Officer (DRO). Type I Waivers are reviewed under Article 2.B.2.G.3.a, b & c. The requested Waivers must comply with the following standards;

- Standard 1, The Waiver does not create additional conflicts with other requirements of the U LDC, and is consistent with the state purpose and intent for the Zoning district or Overlay.
- Standard 2, The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details for the development and
- Standard 3, The alternative design option recommended as part of the waiver approval, if granted, will not adversely impact adjacent properties.

**TYPE I NBOZ WAIVER SUMMARY CHART:**

	<b>NBOZ Section</b>	<b>Required</b>	<b>Proposed: ULDC Section</b>	<b>Waiver</b>
<b>W-1</b>	Sec.4-2.D.4.a Tree Replacement 3 inches in caliper	Trees <= 3-inch caliper (DBH) removed to be replaced by 3-inches to every 1-inch lost and of like/similar species.	<u>Table 7.D.2.E:</u> Existing trees shall be credited according to the specified formula.	Comply with Table 7.D.2.D, Tree Credit & Replacement.

<b>W-2</b>	Sec. 4-11.A Min. Perimeter Buffer	A landscape buffer a minimum of 8 ft. in width around the perimeter of a parcel.	<u>Article 7.F.8: Compatibility Buffer.</u> 5 ft. wide compatibility buffer required between all compatible use types.	Comply with Article 7.F.8, Compatibility Buffer
<b>W-3</b>	Sec. 5-6.D Wall mounted signs	(1) per business per street frontage. Max. (2) per business.	<u>Article 8.G.1.A: Wall Signs.</u> Max. Area (per LF of wall which sign is attached) = 1 SF along any (1) side of the building. 0.5 SF along any remaining sides of building or 0.25 SF for walls adjacent to residential zoning.	Comply with Article 8.G.1.A, Wall Sign
<b>W-4</b>	Sec. 5-6.C.2.c Ground/ Monument Signs	Parcels > 300 LF of frontage, (1) sign per parcel plus (1) additional sign for each 700 LF of street frontage.	<u>Article 8.G.2.A: Freestanding Signs.</u> Number per frontage based on frontage of entire project (1 sign per 200 ft. or less, 2 signs per 201-300 ft., 3 signs max. per 301 ft. or greater) Max. number per project frontage – (3) signs.	Comply with Article 8.G.2.A, Freestanding Signs
<b>W-5</b>	Sec. 5-6.C.2.e Ground/ Monument Signs	Maximum area is 60 SF	<u>Article 8.G.2.A: Freestanding Signs.</u> Maximum Area (per sign) – 200 SF	Comply with Article 8.G.2.A, Freestanding Signs
<b>W-6</b>	Sec. 5-6.C.2.f Ground/ Monument Signs	Maximum height is 10 ft.	<u>Article 8.G.2.A: Freestanding Signs.</u> ≥ 110 ft. ROW = 20 ft. HT < 80 ft. ROW = 8 ft. HT	Comply with Article 8.G.2.A, Freestanding Signs
<b>W-7</b>	Sec. 5-6.D/ Table 5-6 Ground/ Monument signs	Max. 60 SF, 10 ft. HT/ 15 ft. width, 50 ft. setback min. from ROW & interior property lines	<u>Article 8.G.2.A: Freestanding Signs.</u> 5 ft. minimum setback	Comply with Article 8.G.2.A, Freestanding Signs
<b>W-8</b>	Sec. 5-5.C.3 Parking area directional signs.	Shall not exceed 2 SF area or > 3 ft. HT; (1) sign per ingress and egress; No names or logos permitted on sign.	<u>Article 8.G.3.D: Other Sign Types.</u> Shall contain no advertising copy other than project logos, and shall be similar type/style throughout development. <u>Table 8.G.3.D:</u> (4) signs per parcel; 20 SF max.; 10 ft. HT	Comply with Article 8.G.3.D, Other Sign Types.
<b>W-9</b>	Sec. 1-3.A.2 Applicability.	All renovations > 50% of the improvement value, or increase > 20% of SF shall conform to 100% of the NBOZ Regulations.	<u>Article 1.F.5: Nonconforming Site Elements.</u> <u>Table 1.F.5:</u> > 35% improvement value requires addressing Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7 Landscaping, Art. 8 Signage. > 75% improvement value requires addressing Articles above, and Art. 5.C Design Standards, if applicable.	Comply with Article 1.F.5, Nonconforming Site Elements

Staff has reviewed the Waivers under the above three standards and found all these in compliance and therefore recommended approval.

o Vehicle Sales and Rental The ULDC defines the use as an establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. The existing and proposed expansion complies with the following criteria of Article 4:

- A minimum of three acres: the subject site is 10.54 acres;
- Repair facilities and sales of parts are provided as an accessory use: Repair facilities and sales of parts are provided as an accessory use. The expansion shows an additional 1,743 sq. ft of parts sales area;
- Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district: A portion of these uses are less than 100 ft from a residential district but are existing non-forming and previously approved and are not in the affected area;
- Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street. A portion of the existing Service bay doors are oriented toward an adjacent property in a residential district, however an existing six foot wall and canopy trees block the view of the bay doors and this portion of the site is not in the affected area.
- There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts. There is no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.
- No mobile home, recreational vehicle, or other vehicle is used as a sales office, storage space or as a dwelling unit.
- Car wash facilities shall use a water recycling system and a new car wash as part of the Vehicle Sales Use and not open to the public is proposed with this request;
- No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
- Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.
- All vehicular use areas for display, sale, rent, or storage shall comply with Article 6, Parking.
- Outdoor area storage and display areas and bull pen parking are provided
- No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part; and
- No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.

o Architectural Review: Preliminary Architectural Elevations have been provided and reviewed by Staff (Figure 5) and found to be in compliant with Article 5.C and will be subject to final approval by the DRO.

o Landscape/Buffering: The proposed landscape design and plant material are consistent with the general provisions of this Article. However, the required landscape buffers associated with the adjacent rights-of-way and property boundaries within the affected area are in conflict with the existing conditions and the approved site plan. As required by the ULDC, the site must meet all of the required ROW and perimeter landscape buffers, internal island, and building foundation planting quantity and species. Since the site falls under the NBOZ Central District, it shall also follow the NBOZ Landscape Design criteria. Per Article 3 Overlay NBOZ, the most restrictive section of these Codes shall prevail.

In order to bring Landscape and Buffer conditions into compliance with the NBOZ and ULDC requirements the Applicant is requesting two Type I Waivers and four Type II Variances.

o Signs: The proposed signage meets the ULDC wall and directional sign requirements, but does not meet the quantity, maximum heights and maximum sign area as required by the NBOZ. Per Article 3. NBOZ Overlay, the most restrictive Code shall apply and, as such, a Type I Waiver to deviate from the specific NBOZ signage regulations are being requested as part of this application and compliance with the ULDC Article 8, is required for any new signage.

Prior conditions of Resolution R-1995-1476 require a Master Signage Program with all proposed or existing sign locations, heights and sign face area, and a second condition of R-1995-1476, which allows three freestanding signs on Northlake Boulevard and limitation in height to 20 foot high signs. The ULDC allows three signs per frontage provided there is a minimum of 301 feet of frontage.

The ULDC; however, allows a maximum of 15 foot high signage if adjacent to residential. The site is adjacent to residential on the east and the south sides therefore a maximum 15 foot high sign is permitted. Staff recommends to delete Sign Condition 2 to allow a variance request in the future if the Applicant wishes to request taller signs.

Staff finds the amount of signage the Applicant is requesting is excessive as the building will be closer to Northlake Boulevard and wall signage as well as freestanding signage is permitted. The Applicant shall also revise the site plan to meet current ULDC requirements. However, Staff has determined that, with the permitted wall signage and three freestanding signs are sufficient identification for the site.

- Parking: All parking, access, circulation, parking and loading requirements has been met. Due to required throat distances and return radii, specific variances are requested herein.

Staff has reviewed the Waivers related to landscaping, signs and parking under the ULDC standards and found these are in compliance and therefore, recommend approval of the Waiver from the NBOZ standards. The site plan indicates 172 spaces as required and 207 spaces proposed. In addition, 532 spaces for vehicle inventory is provided therefore the site is in compliance with the ULDC in regard to Article 6.

**3. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed development is compatible with the surrounding uses. This existing property has been in this location for many years and reflects the overall development patterns of the Northlake Corridor. Adjacent residential property to the east and south are well buffered with a 6ft. wall and mature vegetation as shown on the approved site plan. It is important to mention that the affected area proposed site design seeks to respect all of the surrounding uses, and is not in close proximity to the majority of the residential uses. The Applicant is part of an international corporation thrives on building relationships with its neighbors. Care has been taken to minimize the off-site impact by focusing the proposed improvements away from the residential districts.

**4. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed modification to the approved site plan minimizes adverse effects including visual impact and intensity of the proposed use on adjacent lands. The proposed added square footage aesthetically conforms to surrounding buildings with similar nature of business, no significant increase in height, no increase in inventory spaces with the exception of the expansion of the showroom.

**5. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The property has been previously cleared and developed into the existing facility.

**WELLFIELD PROTECTION ZONE:** The property is located with Wellfield Protection Zone #4.

**IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**6. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

This development has been in existence since 1987 and the design and renovation is similar in character of the surrounding area. Also, it is located in an area where the development patterns are showing heavy redevelopment potential and growth, and improvements to properties within the Corridor aide in the increase of property values. This is also reinforced by the FDOTs reconstruction of the nearby interchange, relieving the traffic impacts on Northlake Boulevard. The proposed redevelopment of the architectural facades and site plan will complement the growth in the area.

**7. Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS: 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.

The Property Owner shall remove the eastern most access point on Northlake Boulevard.

The Property Owner shall obtain a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto or work within Northlake Boulevard.

FIRE PROTECTION: Staff has reviewed the project and has no further issue with the proposed request.

SCHOOL IMPACTS: Staff has reviewed the project and has no further issue with the proposed request.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met all Department of Health requirements.

**8. Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Applicant indicates that the owner has recently purchased the property and is proposing improvements to the aesthetics and function of the site. Thus, this application addresses the upgrades in the existing architecture, and landscaping which compliment the overall site experience for the end user. Special care has been given to reduce overall impact to the surrounding neighborhoods while still maintaining a viable business in the community.

**CONCLUSION**

Staff has evaluated the standards listed under Article 2.B.1.B and Article 2.B.3.E and determined that there is a balance between the need for change and the potential impacts generated by the Type II Variances as well as the Development Order Amendment, and that they will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2. Therefore, Staff is recommending approval of these requests.



## CONDITIONS OF APPROVAL

Exhibit C-1

### **Type II Variance - Concurrent**

#### **ALL PETITIONS**

1. The approved Site Plan is dated September 15, 2016. 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)

#### **VARIANCE**

2. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA-2016-00657. (ONGOING: ZONING - Zoning)

3. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated September 15, 2016. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)

4. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO/ONGOING: ZONING - Zoning)

5. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT: ZONING - Zoning)

6. This Variance is approved for the Vehicle Sales and Service Use. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

7. In Granting this Approval, the Zoning Commission 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: ZONING - Zoning)

8. 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; 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: ZONING - Zoning)

#### **DISCLOSURE**

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

## CONDITIONS OF APPROVAL

### Exhibit C-2 Development Order Amendment

#### ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-1988-1222, R-1989-603, R-1990-1286 and R-1995-1476 (Control 1987-00041), 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: ZONING - Zoning)

2. Previous Condition 1 of Resolution R-1989-603, Control No.1987-00041, which currently states:

The developer shall comply with all previous conditions of approval, unless expressly modified herein.

**Is hereby deleted.** [REASON: Superseded by new All Petitions Condition 1.]

3. Previous Condition 1 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The petitioner shall comply with all previous conditions unless expressly modified herein.

**Is hereby deleted.** [REASON: Superseded by new All Petitions Condition 1.]

4. Previous A Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

The petitioner shall comply with all previous conditions of approval contained in Resolution R-90-1286 (Petition 87-41(C)) and deadlines previously established by Section 5.8 of the ULDC, unless expressly modified. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Superseded by new All Petitions 1.]

5. The approved Preliminary Site Plan is dated September 15, 2016. 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)

#### ENGINEERING

1. Prior to January 1, 1996 the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed a "Corner Clip" at the intersection of Lyndall Lane and Northlake Boulevard. The Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

2. Previous ENGINEERING Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 87-41(E), to be paid at the time of issuance of the Building Permit presently is \$ 2,255.00 (41 trips X \$55.00 per trip). (BLDGPMPT: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Code Requirement]

### 3. LANDSCAPE WITHIN MEDIAN

- a. Prior to February 1, 1996, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED]
- b. All required median landscaping, including an irrigation system if required shall be installed at the Property Owner's expense. All landscape material shall also be the perpetual maintenance obligation of the Petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 1996. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED]
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to May 1, 1996 to reflect this obligation. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

### 4. The Property Owner shall construct:

- a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall lane.
- b. Lyndall Lane (local street standards minimum 2-10 foot travel lanes) from Northlake Boulevard South to the South property line a distance of 465 feet. This Property Owner shall also be responsible for providing right-of-way associated with this construction. The minimum right-of-way width shall be twenty five (25) feet with the construction of three (3) feet of curb and gutter along the west right-of-way line. Within ninety days of approval, this Developer shall convey the necessary right-of-way from the proposed site to Palm Beach County.

All construction shall be concurrent with onsite paving and drainage improvements. [Note: COMPLETED] (Previous Condition 4 of Resolution R-1989-603, Control No.1987-00041)

### 5. There is no Engineering Condition 5

6. Prior to site plan certification, Applicant shall revise this proposed site plan to clarify fee simple ownership of the Lyndall Lane adjacent to this property. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous A Condition 6 of Resolution R-1988-1222, Control No.1987-00041)

7. Previous A Condition 7 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

**Is hereby deleted.** [REASON: Code Requirement.]

8. Previous A Condition 8 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Property Owner shall construct:

a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall Lane. b. Lyndall Lane (local street standards minimum 2-10 foot travel lanes) from Northlake Boulevard South to the South property line a distance of 465 feet. All construction shall be concurrent with onsite paving and drainage improvements.

**Is hereby deleted.** [REASON: Superseded by Engineering Condition 4]

9. Previous A Condition 9 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$26,736.00 (998 trips X 826.79 per trip).

**Is hereby deleted.** [REASON: Code Requirement]

10. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$6,684.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$33,420.00 are to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,684.00 shall be credited toward the increased Fair Share Fee. [Note: COMPLETED] (Previous A Condition 10 of Resolution R-1988-1222, Control No.1987-00041)

11. Previous Condition 11 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

**Is hereby deleted.** [REASON: Code Requirement]

12. Previous Condition 12 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

If required by the County Engineer or the South Florida Water Management District, the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.

**Is hereby deleted.** [REASON: Code Requirement]

13. Previous Condition 13 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" to be paid sixty (60) days after site plan approval.

**Is hereby deleted.** [REASON: Code Requirement]

14. Previous Condition 14 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

In addition, the Developer shall contribute the amount of \$406.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$406.00 shall be paid sixty (60) days after site plan approval.

**Is hereby deleted.** [REASON: Code Requirement]

15. Previous Condition 15 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$406.00 shall be credited toward the increased Fair Share Fee.

**Is hereby deleted.** [REASON: Code Requirement]

16. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering)

17. Prior to the Issuance of the first Certificate of Occupancy, the Property Owner shall remove the eastern most access point on Northlake Boulevard and restore the curb and sidewalk. (BLDGPMPT/CO: MONITORING - Engineering)

18. 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, 2017. 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)

## HEALTH

1. Previous A Condition 11 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works, are constructed and used by project tenants or owners generating such effluents.

**Is hereby deleted.** [REASON: Superseded by Health Condition 6]

2. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system. [Note: COMPLETED] (Previous A Condition 12 of Resolution R-1988-1222, Control No.1987-00041)

3. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system. [Note: COMPLETED] (Previous A Condition 13 of Resolution R-1988-1222, Control No.1987-00041)

4. Previous A Condition 14 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.

**Is hereby deleted.** [REASON: Site is connect to water and sewer.]

5. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification. (DRO: HEALTH DEPARTMENT - Health Department) (Previous Condition 5 of Resolution R-1990-1286, Control No.1987-00041)

6. Previous Condition 6 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Generation and disposal of hazardous effluents into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

**Is hereby amended to read:**

Owners and operators of facilities that generate hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health, and the agency responsible for sewage works are used. (ONGOING: HEALTH DEPARTMENT - Health Department)

7. Previous Condition 7 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

**Is hereby deleted.** [REASON: Site is connected to sewer.]

8. Previous Condition 8 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

**Is hereby deleted.** [REASON: Site is connected to water.]

9. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous Condition 9 of Resolution R-1990-1286, Control No.1987-00041)

10. Previous Condition 10 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 Florida Administrative Code (F.A.C.).

**Is hereby deleted.** [REASON: Code Requirement.]

**LANDSCAPE - GENERAL**

1. a. The minimum landscape buffer width and planting treatment along the project's western, northern, western most and southern most property line shall be installed as shown on Exhibit No. 28.
- b. Landscaping along the east and south property lines, where the facility abuts residentially zoned property, shall be upgraded to:
  2. Provide a minimum of a ten (10) foot wide landscape strip.
  3. Provide twelve (12) foot tall native canopy trees twenty (20) feet on center and one (1) palm for each thirty (30) feet.
  4. Provide a six (6) foot concrete block wall along the inside edge of the landscape strip.
  5. Provide one (1) vine planted on the exterior of the wall for each five (5) linear feet. (Previous Condition 2 of Resolution R-1990-1286, Control No.1987-00041)

6. Previous B Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

All trees shall be installed along the south side of Northlake Boulevard at a minimum fourteen (14) foot height planted at the equivalent of one tree per twenty (20) linear of property line. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Shortage of 14 foot tall trees.]

## LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity in nature and directed away from adjacent properties and streets, shining only on the subject site. (Previous A Condition 5 of Resolution R-1988-1222, Control No.1987-00041)

2. Lighting fixtures within 100 feet of the eastern and southern property lines shall not exceed fifteen (15) feet in height and lighting shall be directed inward through the use of house shields. (Previous Condition 3 of Resolution R-1990-1286, Control No.1987-00041)

## PLANNED DEVELOPMENT

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a form acceptable to the County Attorney. [Note: COMPLETED] (Previous F Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

## SIGNS

1. No off-site or off-premise type signs shall be established on the site. (Previous A Condition 15 of Resolution R-1988-1222, Control No.1987-00041)

2. Previous A Condition 17 of Resolution R-1988-1222, Control No. 1987-00041, which currently states:

Signage along Northlake Boulevard will be limited to our dealership sign and two (2) flat wall signs, one (1) on each building frontage on Northlake Boulevard, provided that the Palmbeach County Sign Code does not establish a more restrictive requirement, that flat signs will be such size as to be consistent with the standards established in the Palm Beach Gardens Sign Code. The dealership sign would be elevated in the green area in front of the building. No flag poles will be allowed.

**Is hereby Deleted.** [REASON: No longer applicable, signage will comply with ULDC.]

3. Previous Condition 9 of Resolution R-1989-603, Control No.1987-00041, which currently states:

No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any buildings, vehicle, or wall, other than inside a window as may be permitted by the Sign Code.

**Is hereby deleted.** [REASON: Code Requirement]

4. Petitioner shall remove the existing sign located in the southwest safe corner of Northlake Boulevard and Lyndall Lane prior to December 27, 1995. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

5. Prior to final Development Review Committee certification, petitioner shall submit a master signage program with all proposed/existing sign locations, heights and sign face area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

6. Previous C Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Only three (3) free-standing signs shall be permitted on Northlake Boulevard. These signs shall be limited in height to one thirty (30) foot and two twenty (20) foot signs. (BLDG/PMT/ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: This condition exceeds Code Requirements. Any new signage must meet Code.]

## USE LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 9: 00 P.M. and 8:00 A.M. (Previous A Condition 2 of Resolution R-1988-1222, Control No.1987-00041)

2. Previous D Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Vehicles shall not be elevated off the ground in any way. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Is now a code requirement.]

3. Previous A Condition 4 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

No outdoor public address system shall be installed on the site.

**Is hereby deleted.** [REASON: Code prohibits from being audible outside the property.]

4. The off-loading of automobiles from trucks will be limited to on-site area. (Previous A Condition 16 of Resolution R-1988-1222, Control No.1987-00041)

5. Prior to site plan certification, the site plan shall be amended to indicate the following:

a. The required six (6) handicap parking spaces.

b. The correct total floor area ratio.

c. The required eight (8) foot high chain-link fence along the perimeter where the site does not abut a residential zone, as provided in Zoning Code Section 500.35.E.3.

d. Appropriate signage to indicate one (1) way traffic at all affected intersections and points of entry and exit. (Previous Condition 2 of Resolution R-1989-603, Control No.1987-00041)

6. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways. (Previous Condition 5 of Resolution R-1989-603, Control No.1987-00041)

7. Previous Condition 6 of Resolution R-1989-603, Control No.1987-00041, which currently states:

There shall be no outdoor storage of disassembled vehicles or parts thereof.

**Is hereby deleted.** [REASON: Code Requirement]

8. Previous Condition 7 of Resolution R-1989-603, Control No.1987-00041, which currently states:

Vehicles shall not be tested off-site on residential streets.

**Is hereby deleted.** [REASON: Code Requirement]

9. No vehicle shall be parked with its hood or trunk open, nor displayed on raised platforms above finished grade. Vehicles shall not be parked in any right-of-way or driveway. (Previous Condition 8 of Resolution R-1989-603, Control No.1987-00041)

10. Previous Condition 4 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The 2.3 acre parcel shall only be used for inventory.

**Is hereby deleted.** [REASON: No longer applicable.]

11. Previous D Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Vehicles shall not be parked with hoods or trunks open. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code Requirement.]



12. Previous A Condition 3 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

No outside storage of disassembled vehicles or parts thereof shall be permitted on site.

**Is hereby deleted.** [REASON: Code Requirement]

13. Vehicles shall only be parked or displayed only in the areas designated for parking or display on the certified site plan. Appropriate signs shall be posted restricting designated areas for customer parking only. (ONGOING: ZONING - Zoning) (Previous D Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

14. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: ZONING - Zoning) (Previous D Condition 4 of Resolution R-1995-1476, Control No.1987-00041)

15. Previous D Condition 5 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Is now a code requirement.]

16. Previous D Condition 6 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Is now a code requirement.]

17. Previous D Condition 7 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

There shall be no outdoor repair of vehicles on site. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Is now a code requirement.]

18. When this facility is not open, the parking area shall be locked and gated. (ONGOING: ZONING - Zoning) (Previous D Condition 8 of Resolution R-1995-1476, Control No.1987-00041)

## **VARIANCE**

1. Previous Condition 10 of Resolution R-1989-603, Control No.1987-00041, which currently states:

None of the above conditions shall be considered a hardship for the purpose of obtaining a variance from the Board of Adjustment. No variance relief shall be obtained for any of the conditions herein.

**Is hereby deleted.** [REASON: Code Requirement]

## **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: ZONING - 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: ZONING - Zoning)

**DISCLOSURE**

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

Figure 1 - Land Use Map

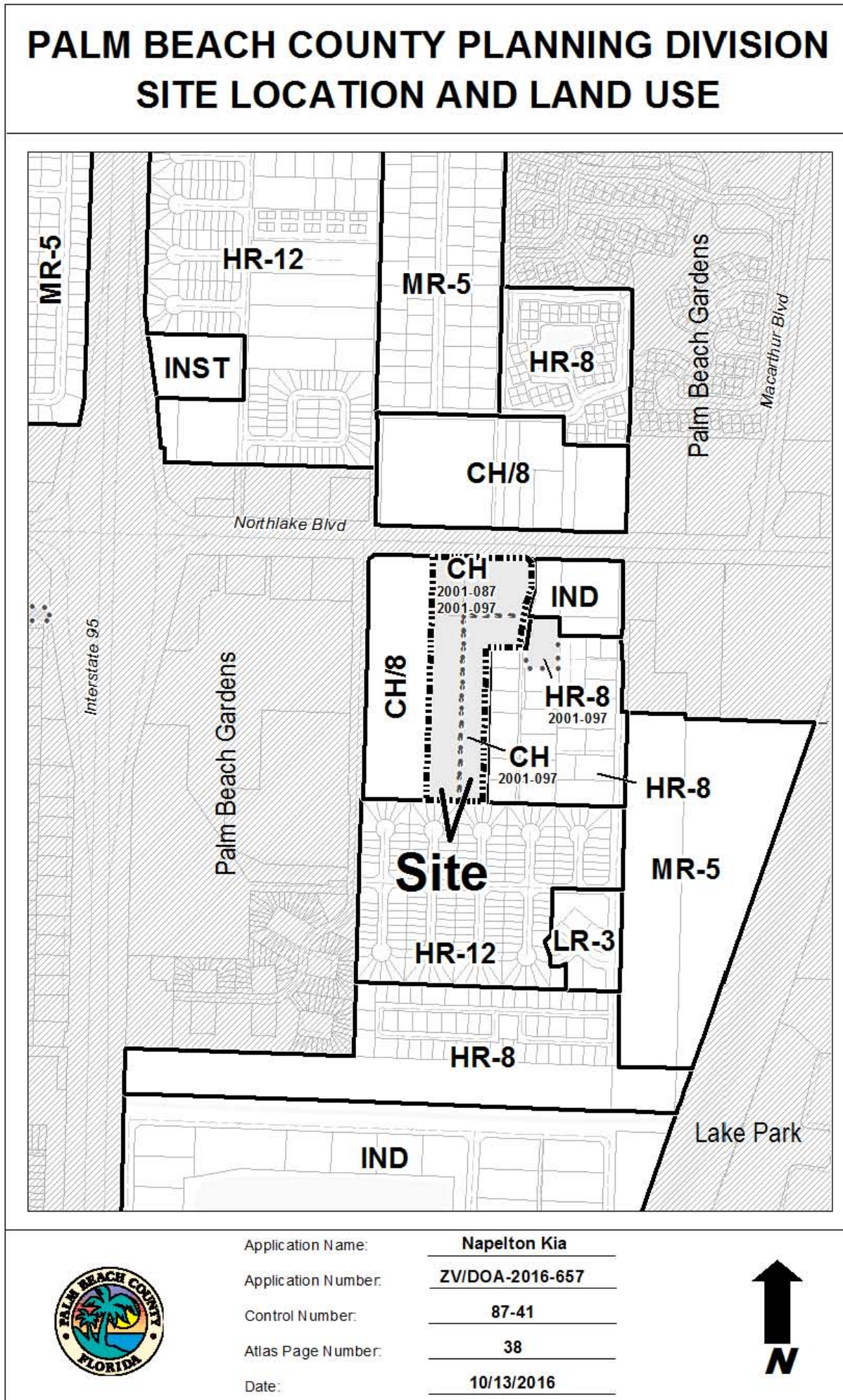


Figure 2 – Zoning Map

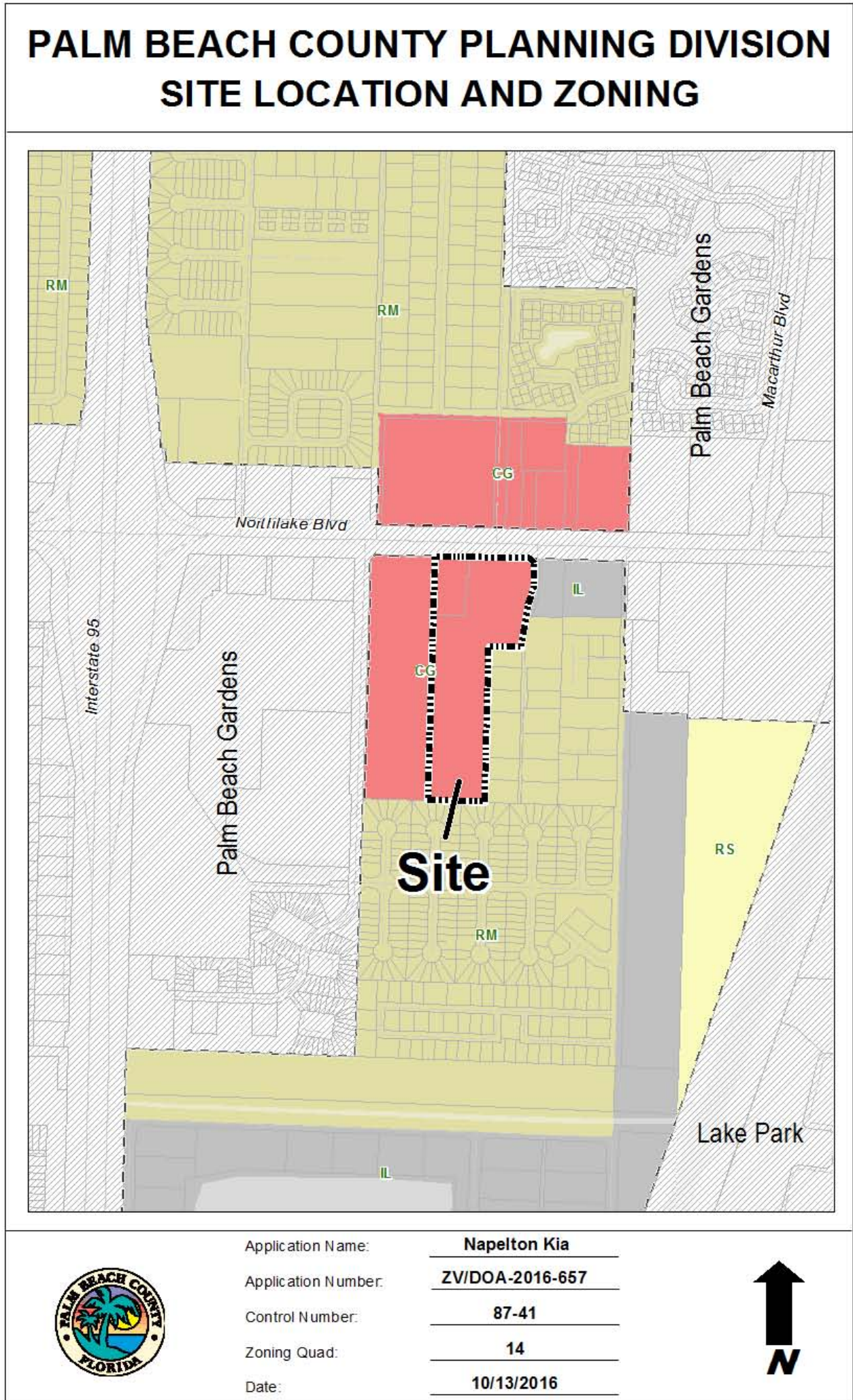
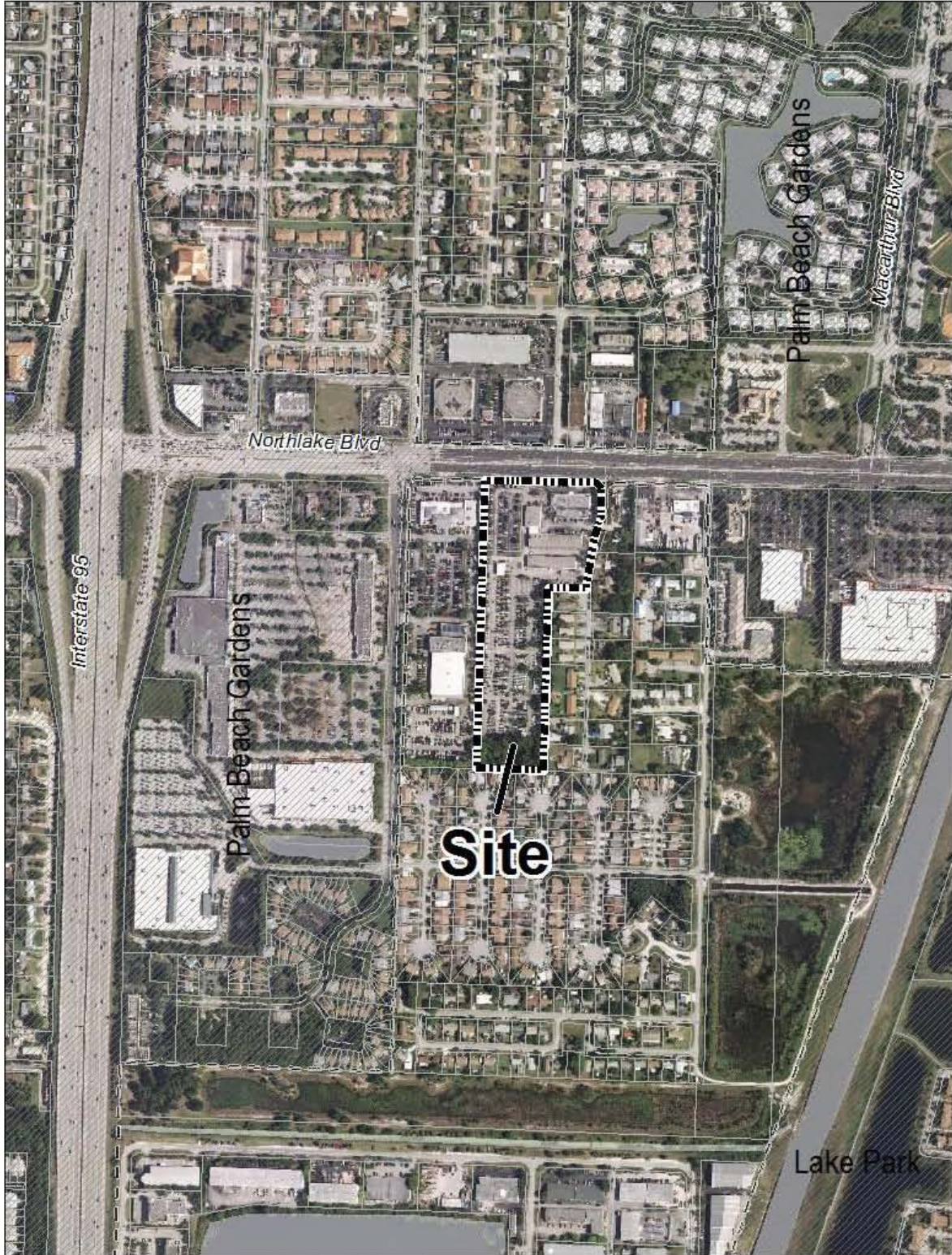


Figure 3 - Aerial

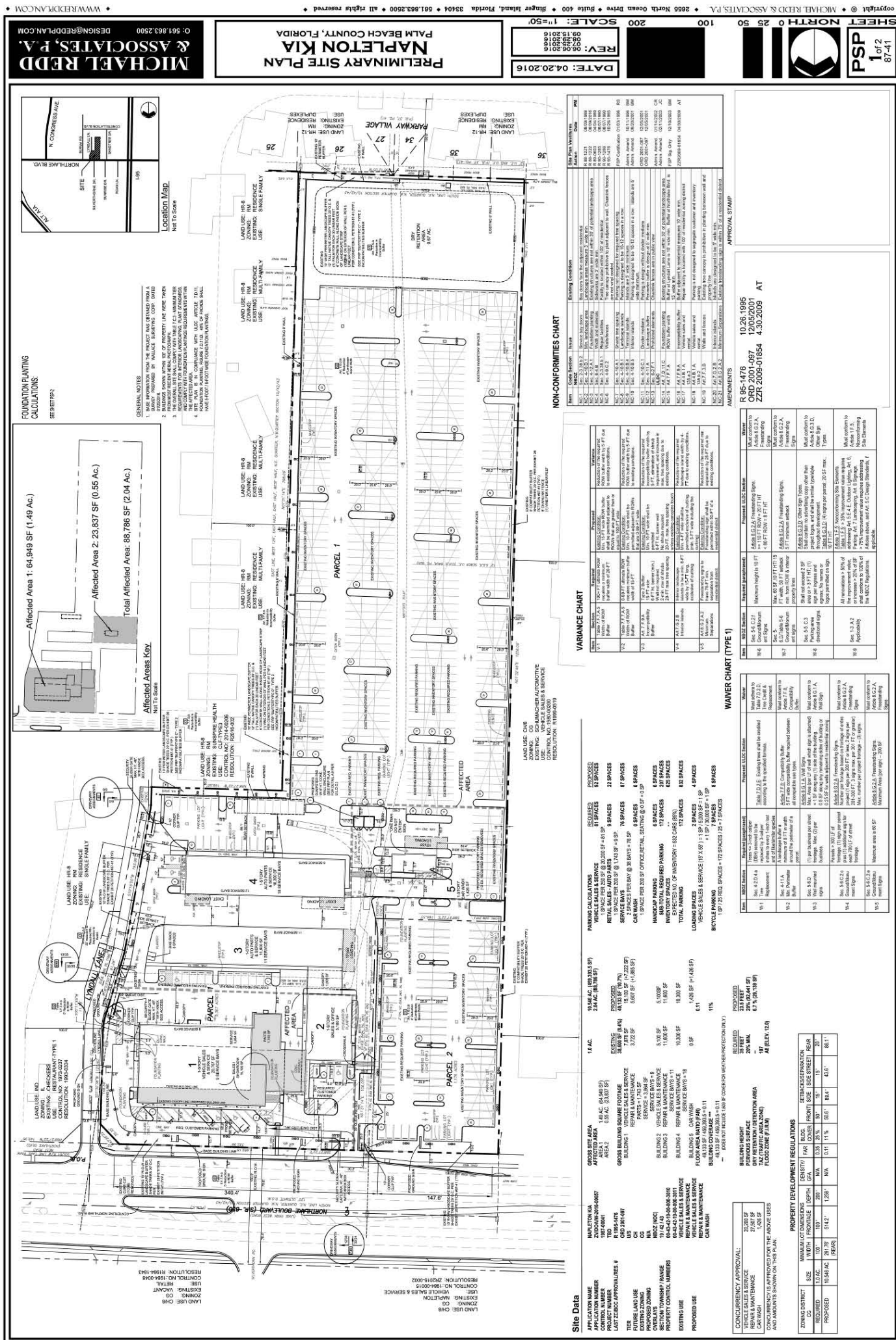
# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Napelton Kia</u>
Application Number:	<u>ZV/DOA-2016-657</u>
Control Number:	<u>87-41</u>
Atlas Page Number:	<u>38</u>
Date:	<u>10/13/2016</u>



Figure 4 – Preliminary Site Plan dated September 15, 2016 (page 1 of 2)



BCC  
 Application No. ZV/DOA-2016-00657  
 Control No. 1987-00041  
 Project No. 05513-000

December 07, 2016  
 BCC District 1

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Figure 4 – Preliminary Site Plan dated September 15, 2016 (page 2 of 2)

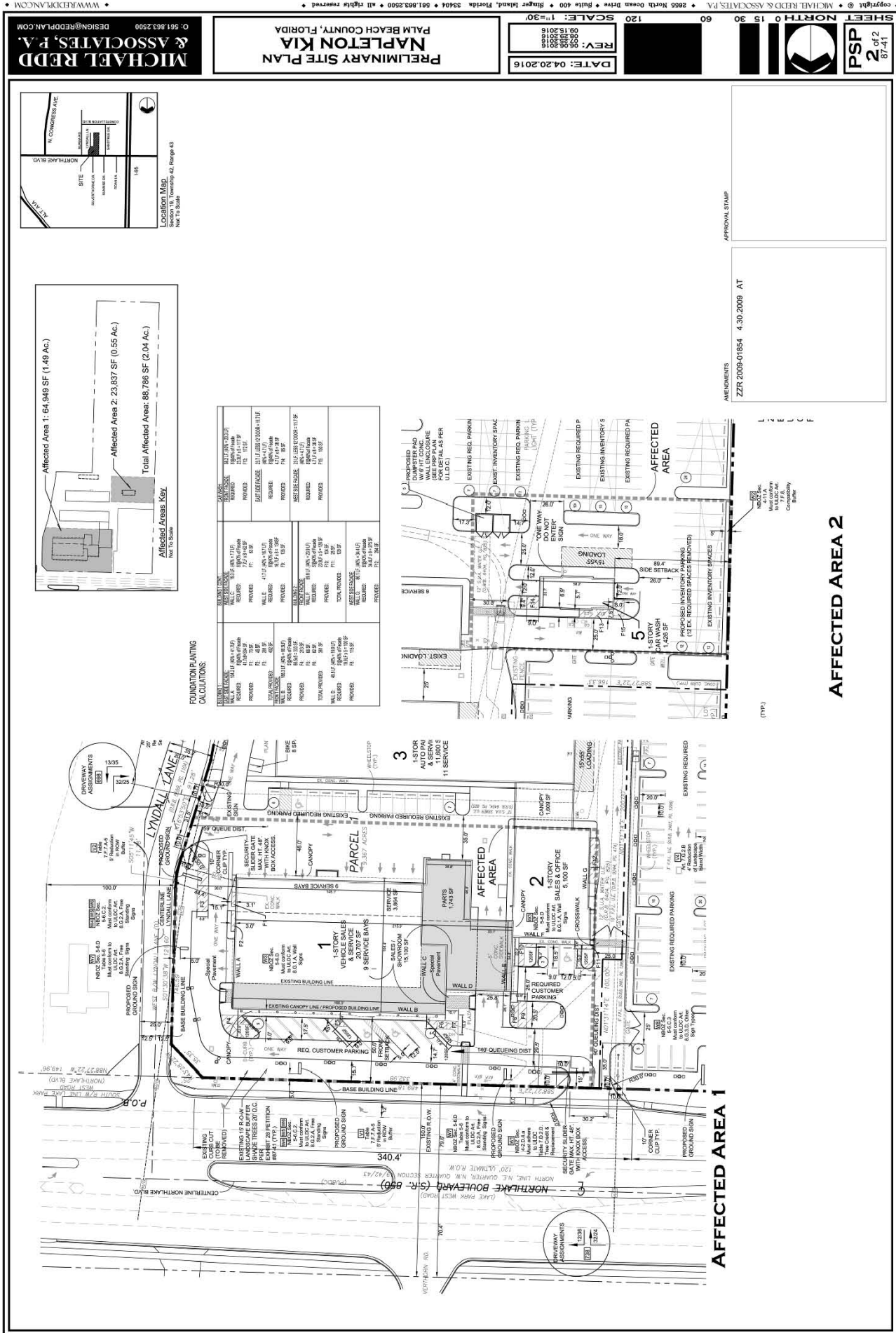
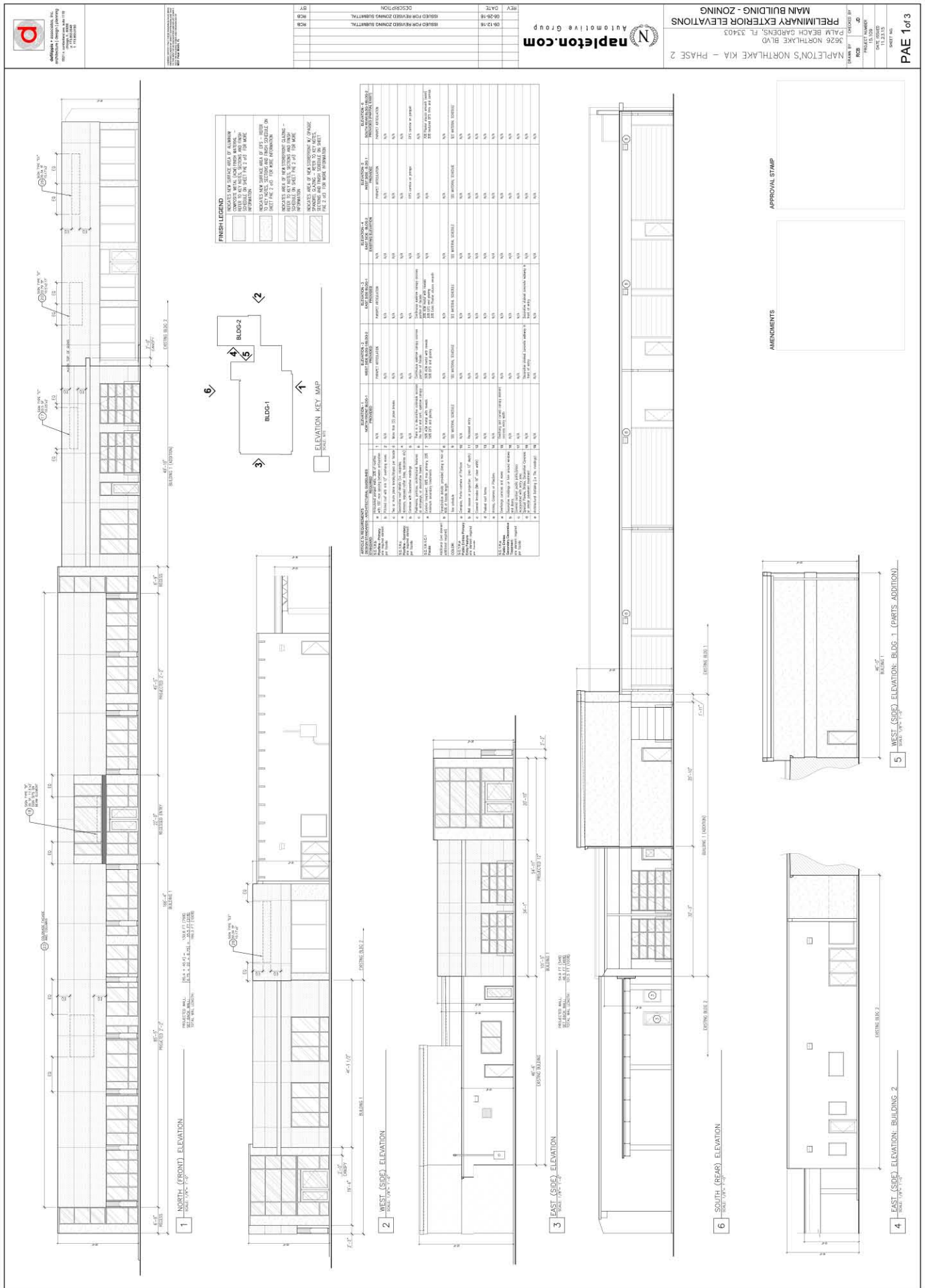
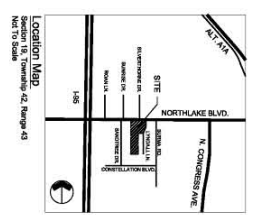
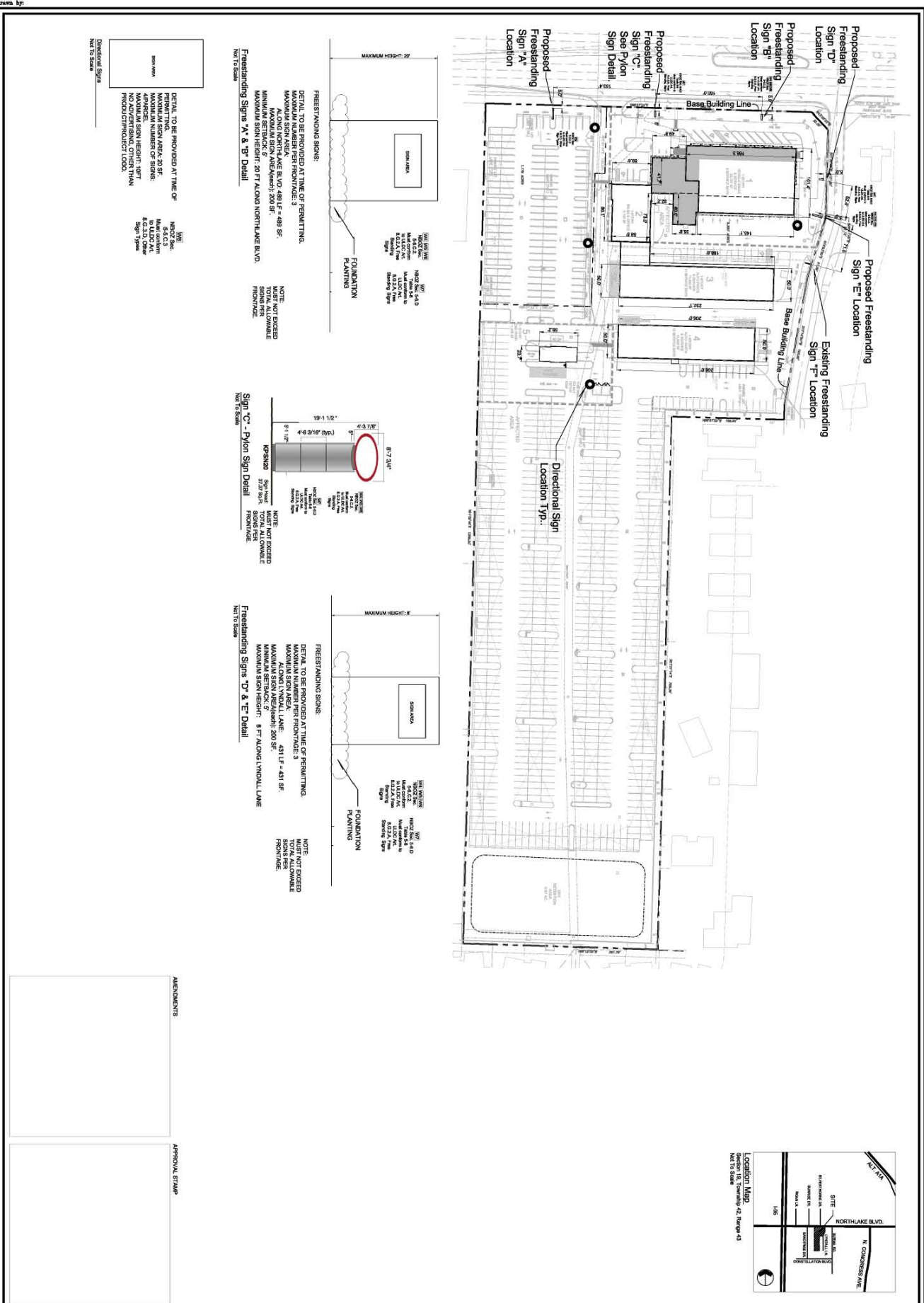


Figure 5 – Preliminary Architecture Elevations dated September 15, 2016







**MICHAEL REDD & ASSOCIATES, P.A.**  
 O: 561.863.2500 DESIGN@REDDPLAN.COM  
 WWW.REDDPLAN.COM

**PRELIMINARY MASTER SIGN PLAN  
 NAPLETON KIA  
 PALM BEACH COUNTY, FLORIDA**

DATE: 04.20.2016
REV: 06.06.2016 07.05.2016 08.29.2016 09.05.2016 10.14.2016
SCALE: 1"=60'

**PMSPP**  
 1 of 2  
 8/14/16

**SHEET NORTH** 0 30 60 120 240

Figure 6 - Preliminary Master Sign Plan dated September 15, 2016 (page 1 of 2)

Figure 6 – Preliminary Master Sign Plan dated September 15, 2016 (page 2 of 2)

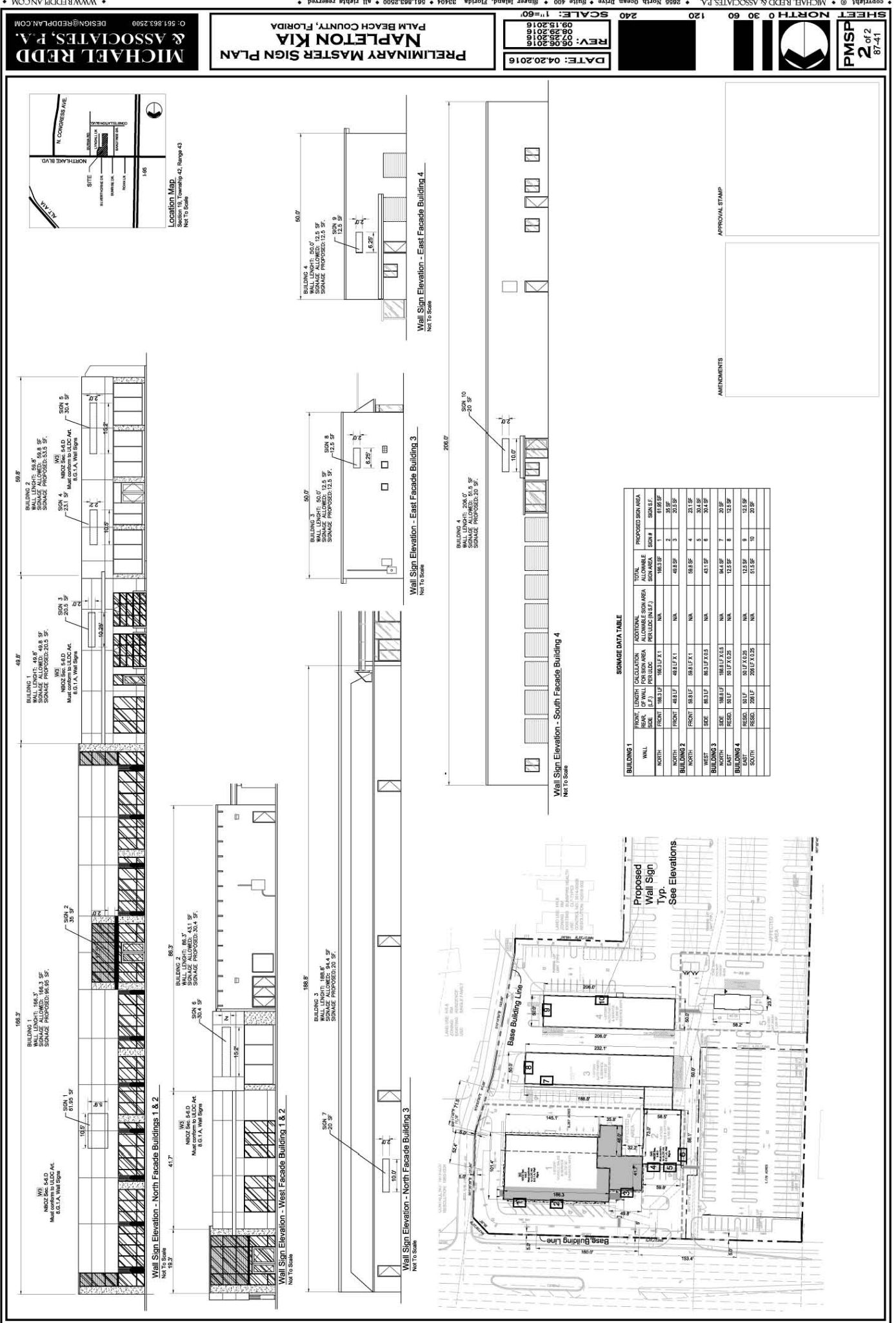


Figure 7 – Preliminary Regulating Plan dated September 15, 2016

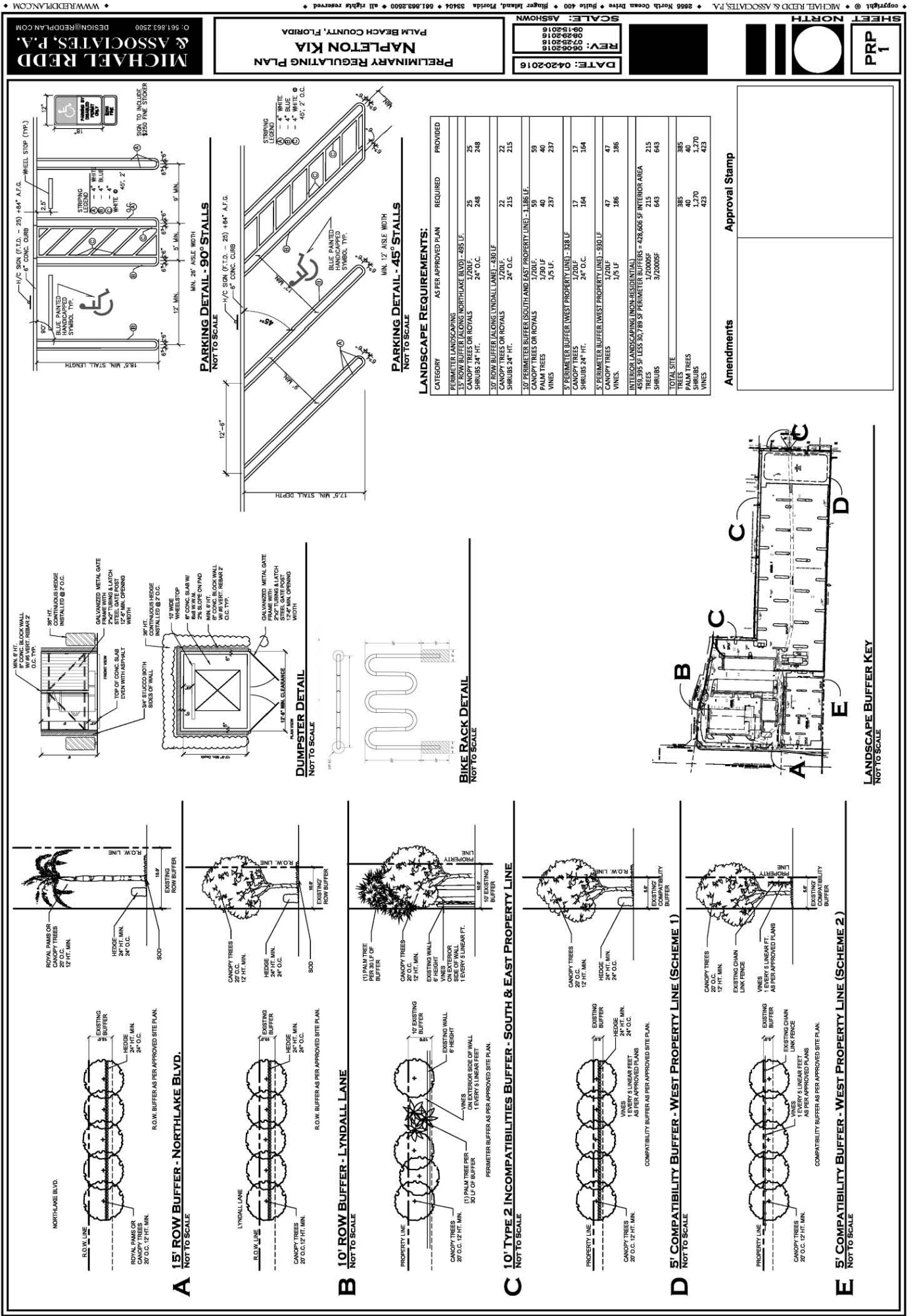
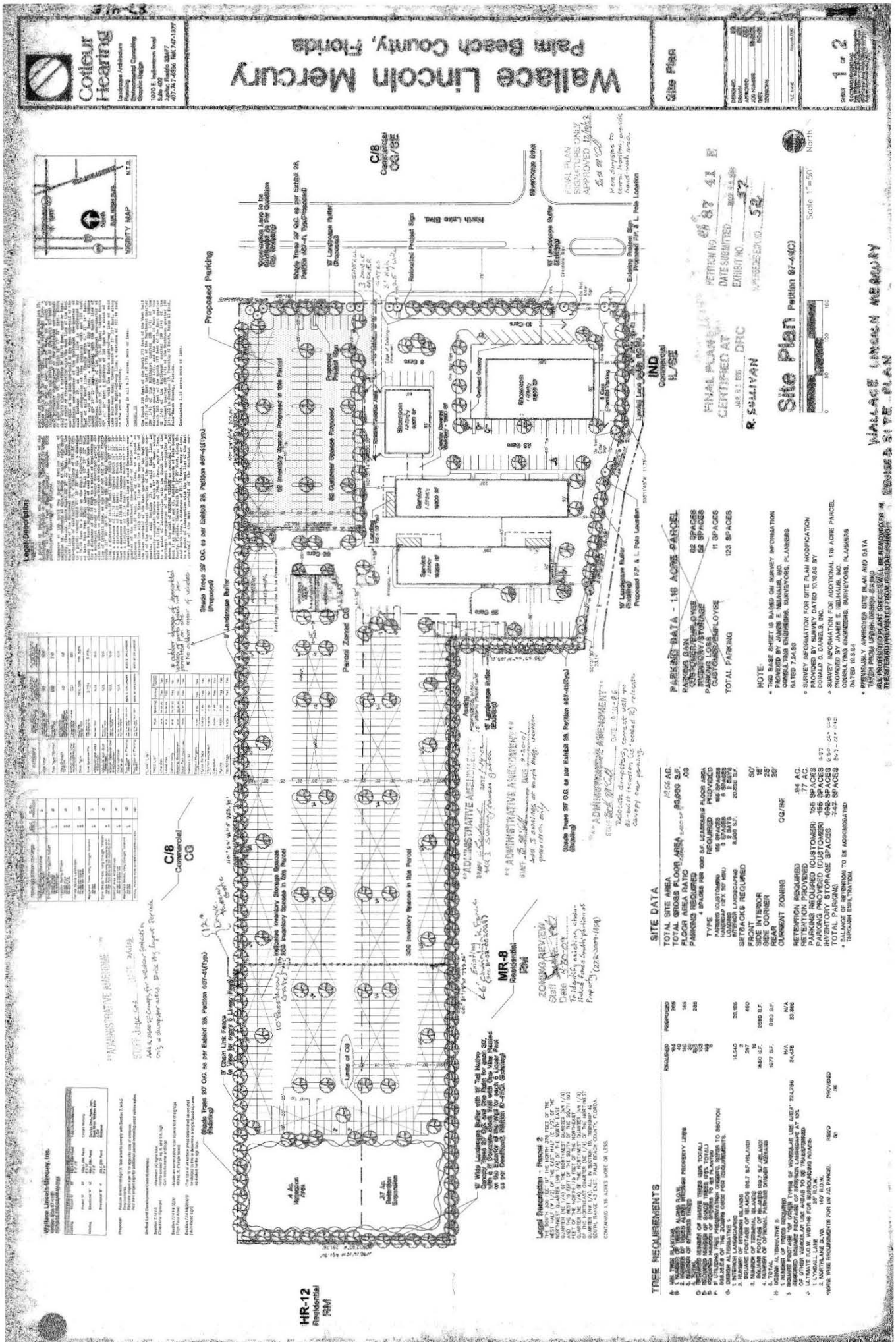


Figure 8 – Approved Final Master Plan dated November 15, 1995



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared EDWARD NAPLETON, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [ ] individual or [ ] Manager [position - e.g., president, partner, trustee] of EFN Northfield [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: EFN NORTHFIELD PROPERTY, LLC c/o The Napleton Group  
One E. Oak Hill Drive, Suite 100  
Westmont, IL 60559
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
EDWARD F. NAPLETON Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of April, 2016, by Edward Napleton,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



  
Notary Public

Kathleen Falco  
(Print Notary Name)

NOTARY PUBLIC  
ILLINOIS  
State of ~~Florida~~ at Large  
My Commission Expires: 5-13-2018

**EXHIBIT "A"**  
**PROPERTY**

<p><b>LEGAL DESCRIPTION:</b> <b>PARCEL 1:</b></p> <p>A parcel of land in the Northeast One-Quarter of the Northwest One-Quarter of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:</p> <p>COMMENCE at the North One Quarter Section corner of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, thence North 88° 27' 22" West, along the North line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, a distance of 331.69 feet to a point;  thence South 01° 30' 38" West for a distance of 75.00 feet to a point on the South Right-of-way line of Lake Park West Road;  thence North 88° 27' 22" West along the South Right-of-way of said Lake Park West Road for a distance of 149.96 feet to a POINT OF BEGINNING and the Northeast corner of the herein described parcel and also the point of intersection with the West Right-of-way line of Lyndall Lane, as now laid out and in use;  thence South 01° 30' 38" West, along the said West Right-of-way line, a distance of 146.59 feet;  thence South 05° 11' 45" West, a distance of 11.78 feet;  thence South 16° 53' 50" West, a distance of 91.28 feet;  thence South 10° 16' 50" West, a distance of 193.98 feet;  thence South 01° 31' 30" West, a distance of 23.14 feet;  thence North 88° 27' 22" West, parallel with the North line of said Northeast One-Quarter of the Northwest One-Quarter of Section 19, a distance of 168.50 feet, more or less, to a point of intersection with the East line of the West 125 feet of the East One-Half of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, as said East line is presently occupied;  thence South 01° 31' 14" West, along said East line, a distance of 798.06 feet, more or less, to a point of intersection with the South line of the Northeast One-Quarter of the Northwest One-Quarter as shown on the Plat of PARKWAY VILLAGE as recorded in Plat Book 37, Page 41 and 42, Public Records of Palm Beach County, Florida;  thence North 88° 12' 05" West, along the said South line, a distance of 291.76 feet, more or less, to a point of intersection with the West line of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19;  thence North 01° 32' 46" East, along said West line, a distance of 958.00 feet, more or less, to a point of intersection with the South line of the North 375 feet of said Northeast One-Quarter of the Northwest One-Quarter of said Section 19;  thence South 88° 27' 22" East, along said South line, a distance of 166.33 feet, more or less, to a point of intersection with the West line of the East One-Half of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, as said West line is evidence by present occupation of line parallel with and 125 feet East of said West line;  thence North 01° 31' 14" East, along said West line, a distance of 200 feet;  thence South 88° 27' 22" East, parallel with the North line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, a distance of 15.00 feet,  thence North 01° 31' 14" East, a distance of 100 feet to a point of intersection with the South right-of-way line of said Lake Park West Road;  thence South 88° 27' 22" East, along said South Right-of-way line, a distance of 332.98 feet to the POINT OF BEGINNING.</p> <p>(cont.)</p>
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**EXHIBIT "A"**  
**PROPERTY**

LEGAL DESCRIPTION:  
(cont.)

LESS that portion conveyed to Palm Beach County by Warranty Deed recorded in O.R. Book 9181, Page 169, Public Records of Palm Beach County, Florida, more particularly described as follows:

A parcel of land lying in the Northeast Quarter of the Northwest Quarter of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, said parcel being a portion of that property described in O.R. Book 6404, Page 953, Public Records of Palm Beach County, Florida; said parcel being more particularly described as follows:

COMMENCING at the North Quarter section corner of said Section 19;  
 thence North 88° 27' 22" West along the North line of said Section 19, a distance of 331.69 feet;  
 thence South 01° 30' 38" West, a distance of 75.00 feet to the intersection of the South Right-of-way line of Northlake Boulevard (Lake Park Road West);  
 thence North 88° 27' 22" West along the South Right-of-way line of Northlake Boulevard, a distance of 124.96 feet to the intersection of the East Right-of-way line of Lyndall Lane as recorded in O.R. Book 5599, Page 1106, Public Records of Palm Beach County, Florida, and the South Right-of-way line of Northlake Boulevard;  
 thence North 88° 27' 22" West along the South Right-of-way line of Northlake Boulevard, a distance of 25.00 feet to a point on the West Right-of-way line of Lyndall Lane and the POINT OF BEGINNING of the herein described parcel;  
 thence South 01° 30' 38" West along the West Right-of-way line of Lyndall Lane, a distance of 24.99 feet;  
 thence North 43° 28' 22" West, a distance of 35.35 feet to a point on the South Right-of-way line of said Northlake Boulevard;  
 thence South 88° 27' 22" East along said South Right-of-way line of Northlake Boulevard, a distance of 24.99 feet to the afore-described POINT OF BEGINNING.

PARCEL 2:

The South 300 feet of the North 375 feet of the West Half (W ½) of the East Half (E ½) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼),  
 and the West 15 feet of the South 100 feet of the North 175 feet of the East Quarter (E ¼) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), all in Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida.



EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name Address

→ Napleton Investment Partnership  
One Oakbrook Terrace, 10<sup>th</sup> Floor, Oakbrook Terrace, IL 60181

**Edward F Napleton Descendants Trust (31.145%) 6393 N**

Ocean Blvd, Ocean Ridge FL 33435

**Katherine R Napleton Descendants Trust (67.855%)**

6393 N Ocean Blvd, Ocean Ridge FL 33435