

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

Application No.: ZV/ABN/DOA-2021-00997
Application Name: Broward Motorsports of Palm Beach
Control No./Name: 1987-00006 (Broward Motorsports)
Applicant: Broward Motorsports of Palm Beach, LLC
Owners: Broward Motorsports of Palm Beach, LLC
Agent: Gentile Glas Holloway O'Mahoney & Associates, Inc. - Ben Dolan.
 George Gentile and Pat Lentini
Telephone No.: (561) 575-955
Project Manager: James Borsos, Site Planner II

TITLE: a Type 2 Variance **REQUEST:** to increase the Build to Line setback **TITLE:** a Development Order Abandonment **REQUEST:** to allow a partial abandonment of a Special Exception for Repair Facility

TITLE: a Development Order Amendment **REQUEST:** to modify the Site Plan, add building square footage, and modify the Conditions of Approval

APPLICATION SUMMARY:

Proposed is a Type 2 Variance, Development Order Abandonment and Development Order Amendment for the Broward Motorsports development. The 3.87-acre development was last approved by the Board of County Commissioner (BCC) on June 29, 2009 for a Development Order Amendment (DOA) to re-designate land uses, reconfigure the site plan and modify Conditions of Approval.

The Applicant is requesting a Type 2 Variance to increase the build-to-line setback for two new building additions. A Development Order Abandonment is proposed to abandon a Repair Facility use, approved through Special Exception under Resolution R-87-1099. A Development Order Amendment is also requested to allow modification to the site plan to add building square footage, to delete the Phase 2 inventory storage building, and to reconfigure the parking area. The Preliminary Site Plan indicates 29,985 square feet (sq. ft.) of vehicle sales and rental, light use and includes 166 parking spaces and one loading space. Access to the site remains unchanged from the three right-of-ways that border the site Suwanee Drive, Congress Avenue and Okeechobee Boulevard.

SITE DATA:

Location:	Southwest corner of Okeechobee Boulevard and North Congress Avenue
Property Control Number(s)	00-43-43-30-23-001-0000
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Existing Zoning District:	General Commercial District (CG)
Total Acreage:	3.87 acres
Affected Acreage:	3.87 acres
Tier:	Urban/Suburban
Overlay District:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	N/A
CCRT Area:	Westgate
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	West Palm Beach
Commission District	District 7, Commissioner Mack Bernard

RECOMMENDATION: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1987-00006	A Special Exception to allow a commercial new and used automobile dealership, truck, boat, motorcycle, mobile home, recreational vehicle, sales, rental, and repair	R-1987-1099	February 26, 1987

Z/SE-1987-00006	An Official Zoning Map Amendment to allow a rezoning from CG-General Commercial Zoning District, in part, and RH-Multiple Family Residential Zoning District (high density), in part, entirely to CG-General Commercial Zoning District	R-1989-1634	May 25, 1989
	A Special Exception to amend and expand the site plan for a Commercial New and Used Automobile, Truck, Boat, Motorcycle, Mobile Home, Recreational Vehicle Sales and Rental; and, Repair Facility and lots to increase land area.	R-1989-1635	May 25, 1989
DOA-1987-00006	A Development Order Amendment to add building square footage to showroom/sales building and car wash; to add land area and parking spaces	R-1997-1573; R-1998-2038	April 04, 2002
DOA-1987-00006	A Development Order Amendment to add land area and parking spaces	R-2003-0939	June 26, 2003
ZV/DOA-2009-00219	A Development Order Amendment to redesignate land uses (auto dealership to a facility that sells, leases, and services motorcycles, etc.; reconfigure site plan and modify conditions of approval	R-2009-1046	June 29, 2009

SURROUNDING LAND USES:

NORTH:

FLU Designation: COM (City) Temp (COM (city))
 Zoning District: (City of West Palm Beach Zoning)
 Supporting: Commercial (Control Name and Control Number N/A)

SOUTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
 Zoning District: General Commercial District (CG)
 Supporting: Commercial (Control No. 1991-018, Palm Beach Lincoln Mercury)

EAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
 Zoning District: Community Commercial/Special Exception (CC/SE)
 Supporting: Commercial

SOUTHEAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
 Zoning District: General Commercial District (CG)
 Supporting: Commercial (Control No, 1985-00100, Palm Beach Lincoln Mercury)

WEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
 Zoning District: General Commercial District (CG)
 Supporting: Commercial (Control No. 1985-00154, Control Name N/A)

SOUTHWEST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
 Zoning District: Multi-Family Residential (RH)
 Supporting: Residential (Control Name and Control Number. N/A)

TYPE 2 VARIANCE SUMMARY

#	ULDC Article	Required	Proposed	Variance
V.8	Table 3.B.14.F – PDRs – Building To Line	Build To Line - 10-25'	west side - 54.87' east side - 148.5'	west - in excess of 29.87' east - in excess of 123.5'

The Applicant is proposing a Type 2 Variance to increase the Build to Line requirement of 10-25' for the side streets of Suwanee Drive and Congress Avenue, as required by Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs. The subject site is bordered by three R-O-W on the north, east, and west property lines. The structure is existing with non-conforming structure placement at the build-to-line for these two roads.

The Applicant is proposing two additional show rooms in the existing building on the east and west facades that are subject to the new variance requests, but will decrease the non-conformity as those portions of the building move toward each right of way. The PSP indicates a 148.5 ft. side street setback for the proposed show room along the east façade facing North Congress Avenue and a 54.87 ft. side street setback along the west façade facing Suwanee Drive.

FINDINGS:

Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:*

YES. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structures that are not applicable to other parcels of land, structures or buildings in the same district. The Property is bounded on three sides by public streets: Okeechobee Boulevard to the north; Congress Avenue to the east; and Suwanee Drive to the west. The Build to Line variance will allow the existing building to remain, and allow the construction of two (2) proposed additions that will reduce the non-conformity of the building placement, bringing portions of the building closer to each right of way. The existing and proposed building on the west side is 54.87 feet and the existing and proposed building on the east side is 148.5 feet. The additions are not proposed to extend past the existing buildings. It is not practical to build the proposed additions as separate buildings, each complying with the side street build-to-lines. The triple frontage characteristic of the Property and existing building location creates a special condition that is peculiar to this Property and not applicable to other buildings within the CG Zoning District/UG Sub-area.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

YES. Special circumstances and conditions do not result from the actions of the Applicant. The triple frontage characteristic of the Property, together with the WCRAO requirement for build-to-line setbacks from all street frontages is a special circumstance that is not self-created. The building placement was approved under a prior Development Order, when build-to-lines were not required in this area. The modification of the code is not an Action of the Applicant, the proposed request moves to reduce, not eliminate, the nonconformity of the building placement, and still supporting redevelopment for the parcel.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

YES. The proposed variance from this section of the code for the typical build-to-line (setback) along Congress Avenue and Suwanee Drive does not represent a special privilege. As mentioned above, the two proposed additions are flush with the existing building and are not encroaching any further to the property lines. The triple frontage characteristic of the Property creates a special condition that is peculiar to this Property and not applicable to other buildings within the CG Zoning District/UG Sub-area. Granting the variance assists in the process of reducing a non-conformity and supporting the goal of redevelopment in this area.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

YES. Literal interpretation of the code would create an undue hardship because the Property is not of the size or configuration to promote street-orientation on two side streets. The Property is bounded on three sides by public streets: Okeechobee Boulevard to the north, Congress Avenue to the east, and Suwanee Drive to the west. Literal interpretation and enforcement of the Code will require significant building and site modifications to expand the existing structure to meet the Build to Lines on three (3) different frontages. Such significant modifications would result in loss of parking and impact several existing trees on site which would work an unnecessary and undue hardship.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

YES. The site is developed and has existed in essentially the same configuration since the late 1980's. The most logical means of expanding the showrooms for this particular site is to incorporate them into the existing building with the same consistent facade setback lines and in so doing, the Build to Line required by the ULDC cannot be achieved. To require the Applicant to do so would result in a disjointed and inefficient site

configuration. Therefore, granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure.

f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

YES. The Applicant's proposal is consistent with the objectives of the Westgate/Belvedere Homes CRA to 1) eliminate blighting influences, and 2) promote physical and economic revitalization of commercial areas. The proposed variance will allow Broward Motorsports to fully occupy the Property with its operations, renovate the existing structure and make site improvements that will not only meet operational needs, but will improve the functions of the existing use of the Property..

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

YES. The proposed showroom additions and adjustments to the Site Plan in order to accommodate the additions to the existing building will not be injurious to the existing site and will, in fact, improve the general appearance and operation of the site. The west showroom addition eliminates the previously approved bay doors for service and replaces them with a well-designed and more attractive enclosed showroom. The proposed east showroom is well separated from adjacent uses and is designed to be seamlessly incorporated into the existing building. The proposal otherwise complies with all applicable provisions of the ULDC and will generally bring the site into greater compliance with current ULDC requirements, thereby resulting in an overall benefit to the public welfare.

CONCLUSION: Staff finds that the request meets the Type 2 Variance Standards and recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-1.

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Resolution No. R-1987-1099, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2. B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6. Standards.

a. Consistency with the Plan - *The proposed abandonment is consistent with the Plan.*

The proposed partial abandonment of a Special Exception Use for a Repair Facility use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The proposed development, being reviewed under a concurrent application, will be compliant with the requirements of the Plan.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed partial abandonment of a Special Exception Use for a Repair Facility is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The partial abandonment of the DO does not create any non-conformities. The proposed partial abandonment of a use does not affect any provision to the requirements of the ULDC such as setbacks, building coverage, parking, landscaping and signage.

c. Adequate Public Facilities - *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2. F, Concurrency (Adequate Public Facility Standards) Art. 2. F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2. F, Concurrency (Adequate Public Facility Standards).*

The proposed partial abandonment of the DO is for a Special Exception use and will not impact the requirements of Art. 2. F, Concurrency (Adequate Public Facility Standards).

d. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

The property received approval to provide a Repair Facility within the existing main building however that use is no longer being provided. The Applicant states in their justification that the property owner no longer intends to continue a Repair Facility operation at this location and desires to continue the other approved uses on the site. A concurrent application for a Development Order Amendment to modify the Site Plan, add building square footage, and modify the Conditions of Approval and a Type 2 Variance to increase the Building to Line Setback is under review and contingent on the approval of this abandonment.

CONCLUSION: Staff finds that the request meets the Development Order Abandonment Standards and recommends approval of the request.

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5. G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **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.*

PLANNING DIVISION COMMENTS:

- *Consistency with the Comprehensive Plan:* 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.

- *Prior Land Use Amendments:* The site has been the subject of two prior County Initiated Future Land Use amendments. The first was known as Cross-Hatching (99-CHX; Ord. 1999-070), which amended the future land use from CX/8 to C/8 to remove crosshatching from the parcel. The second was Commercial Categories (Com. Cat 58f; Ord. 2001-87), which amended the future land use from C/8 to CH/8 in order to assign the Commercial High designation to the parcel. Both amendments were adopted with no conditions. The request to redesign the site and abandon the previously approved uses is not inconsistent with the amendment ordinances.

- *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a non-residential project with a CH/8 FLU designation in the Urban Suburban Tier (168,442 surveyed sq. ft. or 3.867 acres x 0.85 maximum FAR = 143,175.7 sq. ft. maximum). The request for a total of 29,985 sq. ft. equates to a FAR of approximately 0.18 (29,985 / 168,442 surveyed sq. ft. or 3.87 acres = 0.18).

- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The request is located within the Comprehensive Plan's Urban Redevelopment Area (URA) and Westgate/Belvedere Homes Community Redevelopment Area (WCRAO). A summary analysis for each planning area is as follows:

- *URA* - The request complies with applicable policies of the URA, specifically Future Land Use Element (FLUE) Policy 1.2.2-h regarding interconnectivity. The Preliminary Site Plan indicates four access points to the project from adjacent roadways, including one from Okeechobee Boulevard; one from Congress Avenue; and two from Suwanee Drive.
- *WCRAO* - The Applicant submitted a letter of support from the WCRA dated May 11, 2021 (Exhibit E) stating that the request is consistent with the goals and objectives of the Westgate Community Redevelopment Plan.

- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- *Previously Approved Variances:* The Preliminary Site Plan provides a table that shows with the approval there will be seven existing variances to continue in effect and one new variance that permit nonconformities which include the service bay doors oriented toward a public street, reduced R-O-W buffering along Okeechobee Boulevard and North Congress Avenue, easement overlap of the landscape buffer, front building setback, and a 400 sq. ft. multi-faced sign exceeding the 200 sq. ft. maximum.

○ *Code Enforcement:* There are outstanding code enforcement issues on the subject property that have to do with construction of the building additions without the required permits (Case No. C-2019-09110033). If this Development Order is approved, it will allow the Property Owner to apply for building permits to rectify the violation.

○ *Property Development Regulations:* The subject parcel is located within the UG subarea of the Westgate Redevelopment Area Overlay. The PDRs in this area are of a form based regulation, rather than a suburban format. The front and side street regulations are to pull the buildings closer to the Rights-of-Way, and the proposed request is to deviate with the variances from the build-to line requirements. The project meets the rear setback. The minimum building frontage applies to the portion of the structure facing Okeechobee, not part of the affected area of this request. The proposed structural additions meet the maximum stories (20) (proposed two) and maximum height (240 feet), as well as the maximum building length of 300 feet (proposed 261 feet).

○ *Use Regulations:* The Applicant proposes to abandon the Class A Conditional Use approval for vehicle maintenance and repair and replace the use with the enlargement of the approved Light Vehicle Sales and Rental. The one-story, 15,496.6 sq. ft. inventory storage building proposed in Phase Two has not been constructed and has been removed from the current development proposal. The square footage of the existing building is proposed to increase from 24,805 sq. ft. to 29,985 sq. ft., a net decrease of 10,316 sq. ft. from the approved Final Site Plan.

○ *Overlays:* The site is within the Westgate CRA Overlay, UG Subarea. The Applicant attended the WCRA Hearing on May 10, 2021 and received a letter of support which was included with this application.

○ *Architectural Review:* No architectural plans have been included with this submittal. The Applicant has requested to obtain architectural review approval at time of application for Building Permits for the proposed structures. When approved the proposed elevations shall contribute to Palm Beach County as a unique place by enhancing the built environment and reflecting the individual character of the tier within which the proposed project is located. Through careful application of the Architectural guidelines as described in the ULDC, this project will be compatible with the existing structures and the surrounding area and enhance the appearance of the local community in general.

○ *Parking and Loading:* The parking table on the Preliminary Site Plans shows that 122 parking spaces are required and 166 parking spaces are provided, which include 4 existing motorcycle parking spaces and 6 disabled parking spaces. Proposed is a reconfiguration of the parking area that includes the elimination of the Inventory Storage Building on the approved Final Site Plan in the previous Phase 2 of the development. The one Standard B loading space to the south of the building remains essentially in the same location although it shifts slightly east to allow for an increased landscape area.

○ *Landscape/Buffering:* The proposed DOA will not alter the existing landscape buffering from the respective R-O-Ws and property lines. The landscape/buffering will remain as approved and no change is proposed.

○ *Signs:* The existing signage will remain as approved and no change is proposed.

○ *Access:* Access to the site will remain unchanged and will be provided from two access points from Suwanee Drive, one from Okeechobee Boulevard, and two from Congress Avenue.

c. 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 subject site is surrounded on all four sides with commercial land use and zoning and is therefore compatible with the uses and character of the land surrounding and in the vicinity of the subject property. The proposed amendment to add land area and modify the site plan does not create inconsistencies with the surrounding area. The expansion of the existing building and deletion of unbuilt square footage is compatible with other commercial development in the area. The additions to the existing structures further the goals of redevelopment in the Overlay, while working toward reducing nonconformities in the property development regulations of the build-to-lines. The character of land in this area is along a major thoroughfare with high intensity commercial uses along this corridor. The modifications will not negatively impact the adjacent lands.

d. 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 design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The proposed showroom are additions to the existing Vehicle Sales Facility and do not provide any adverse impacts to the surrounding properties. The show room on the west façade fronting Suwanee Drive will include the 8 ft. wide foundation plan which will provide additional screening from the residential Zoning

District. The 10 ft. buffer along the western property line will remain unchanged and will continue to help mitigate adverse visual impacts of the site.

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is an existing automobile dealership.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

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.

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

Development in the area is characterized as commercial uses such as Vehicle Sales on three of the four corners of the Okeechobee Boulevard / North Congress Avenue intersection. There are other commercial uses on the south, east and west sides of the subject property. Access to the site is provided by driveway connections to Okeechobee Boulevard, North Congress Avenue and Suwanee Drive with no traffic directed to navigate through neighboring communities. The proposed request is therefore deemed to be consistent with development patterns in the vicinity and as such, will result in a logical, orderly, and timely development pattern.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2. F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The small expansion of an existing automobile dealership is expected to generate 123 net daily trips, 9 net AM peak hour trips, and 11 net PM peak hour trips. The build out of the project is expected to happen by 2023.

There are no roadway improvements required to meet the Traffic Performance Standards because the impacts of the projects will be insignificant.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

- h. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant's Justification Statement cites that this project has been a staple of the community for quite a long time and adding additional square footage will facilitate a continued service to the area. It has been 13 years since the last site plan was approved for the subject site. Since that time, commercial development has increased along the Okeechobee Boulevard corridor, and the Applicant's business has also changed which has caused a demand for more showroom area and a deletion of the repair use.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of the requests, subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 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)

VARIANCE

1. 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/ONGOING: ZONING - Zoning)

2. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/ABN/DOA-2021-00997. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)

3. 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 Site Plan. (DRO: ZONING - Zoning)

COMPLIANCE

1. 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)

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.

CONDITIONS OF APPROVAL

EXHIBIT C-2: Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-1046, Control No.1987-00006, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0939 (Petition DOA1987-006(D)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R2009-1046 (Control 1987-00006), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-1046, Control No.1987-00006, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 13, 2009. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 22, 2022. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ALL PETITIONS-UNITY OF TITLE

3. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (DRO: ZONING - County Attorney) (Previous ALL PETITIONS Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

ARCHITECTURAL REVIEW

1. At time of submittal for Building permits, the architectural elevations for all proposed structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

ENGINEERING

1. Prior to site plan certification, all drainage and road right-of-ways within the project shall be properly abandoned as determined by the County Attorney. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. The property owner shall pipe the existing drainage ditch along the project's east property line concurrent with onsite paving and drainage improvements. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. Prior to June 1, 1999 the property owner shall convey a temporary roadway construction easement to Palm Beach County for that portion of the additional property added to the car dealership along Congress Avenue. Construction by the applicant within sketches and the dedication documents shall be approved by the County

Engineer prior to final acceptance. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

5. Prior to January 15, 2004, the developer shall replat the entire Lexus Car Dealership in accordance with provisions of Article 8 of the Unified Land Development Code. (DATE: MONITORING Eng) (Previous Condition E6 of Resolution R-2003-939, Control No. 1987-006(D)) [Note:Completed] (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2009-1046, Control No.1987-00006)

6. Prior to May 1, 2004, the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard (entire frontage) and Congress Avenue (entire frontage) to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING Eng) (Previous Condition E7 of Resolution R-2003-939, Control No. 1987-006(D)) [Note:Completed] (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2009-1046, Control No.1987-00006)

7. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

- a. Okeechobee Boulevard, 97 feet from centerline from Congress Avenue to Suwanee Drive; and,
- b. Congress Avenue 64 feet from centerline for the parcel of property being added into the Auto Dealership as part of this application.

This additional right of way shall be conveyed on or before October 1, 2003, or prior to the issuance of the first Building Permit whichever shall first occur. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach

County's Thoroughfare Right of Way Identification Map and shall "Corner Clips." (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2009-1046, Control No.1987-00006)

8. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2009-1046, Control No.1987-00006)

9. Previous ENGINEERING Condition 9 of Resolution R-2009-1046, Control No.1987-00006, which currently states:

The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a 25 foot corner clip at the intersection of Okeechobee Boulevard and Suwanee Drive prior to December 29, 2009. Right of way conveyance shall be free and clear of all encumbrances and encroachments. 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.

Is hereby amended to read:

The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a 25 foot corner clip at the intersection of Okeechobee Boulevard and Suwanee Drive prior to February 28, 2023. Right of way conveyance shall be free and clear of all encumbrances and encroachments. 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)

10. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No building permits for the site shall be issued after December 31, 2012. 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 Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng) (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2009-1046, Control No.1987-00006)

11. No Building Permits for the site shall be issued until the Property Owner provides documentation to the Traffic Division that the applicable maximum allowable limits for the Westgate TCEA development identified in Table TE-6 of the Comprehensive Plan will not be exceeded. (BLDG/PMT: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2009-1046, Control No.1987-00006)

12. 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, 2023, 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)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM ERM)(Previous Condition No. F. 1. of Resolution No. R-2003-0939, Control No. 1987-006 [NOTE: COMPLETED] (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

HEALTH

1. Owners and operators of facilities generating hazardous, industrial, or toxic wastes shall no 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 Palm Beach County Health Department and the agency responsible for sewage works are used.

(ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted for the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. The developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from storm water runoff from the remainder of the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

5. 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 HEALTH Condition 5 of Resolution R-2009-1046, Control No.1987-00006)

LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet.

b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.

c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;

b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and

c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. All new shrub or hedge materials required by condition of approval shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

a. Eighteen (18) to twenty-four (24) inches groundcover and small shrub;

b. Twenty-four (24) to thirty-six (36) inches medium shrub;

c. Forty-eight (48) to seventy-two (72) inches large shrub; and,

d. This condition does not apply where a single row of shrubs is required. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place" guidelines and pursuant to Article 7.D.2.A of the ULDC. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

LANDSCAPE - INTERIOR

5. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

6. Foundation planter strips shall be provided along the north, east and west facades of the sales/showroom building. The minimum width of the required planter strip shall be five (5) feet. The combined length of the required planter strip shall be no less than 40% of the accumulative length of the applicable side of the structure. All required planter strips shall be planted with appropriate trees, shrubs and ground cover. (DRO: ADDRESSING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

7. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to provide terminal landscape islands along the north side of each row of vehicle storage area added in the 0.4 acre addition, to include:

- a. A minimum width of eight (8) feet excluding curb;
 - b. Four (4) canopy trees or specimen palms, subject to approval by the Zoning Division;
 - c. One (1) small shrub for each ten (10) linear feet of landscape island. Shrub shall be planted at a minimum height of eighteen (18) inches at installation;
 - d. One (1) medium shrub for each five (5) linear feet of landscape island. Shrub shall be planted at a minimum height of twenty-four (24) inches at installation;
 - e. One (1) large shrub for each two (2) linear feet of landscape island, planted twenty-four inches on center. Shrub shall be planted at a minimum height of thirty (30) inches at installation; and,
 - f. A continuous row of Paurotis palms, maintained to provide a screening effect may be used in lieu of required shrubs and canopy trees.
- (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

8. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to indicate a barrier separating the proposed vehicle storage area addition from other use areas on the site plan. Barriers may be in the form of a landscape strip, curbing, decorative gates, removable bollards or other suitable barriers subject to approval by the Zoning Division. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

LANDSCAPE - PERIMETER

9. Landscaping and buffering along the north property line fronting on Okeechobee Boulevard, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. Buffer may be reduced to seven and one-half (7.5) feet in width in accordance with Board of Adjustment variance BA 2003-005;
 - b. One (1) canopy tree for each thirty (30) linear feet of the property line. Where applicable, all existing Geiger or Silver Buttonwood trees shall be relocated;
 - c. One (1) small shrub for each five (5) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - d. One (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.
- (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

10. Landscaping and buffering along the north 230 feet of the east property line fronting on Congress Avenue, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. Buffer may be reduced to five (5) feet in width in accordance with Board of Adjustment variance BA 2003-005;
- b. One (1) canopy tree for each thirty (30) linear feet of the property line. Where applicable, all existing Geiger or Silver Buttonwood trees shall be relocated; and,
- c. One (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

11. Landscaping and buffering along the south 250 feet of the east property line fronting on Congress Avenue, shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. Buffer may be reduced to five (5) feet in width in accordance with Board of Adjustment variance BA 2003-005;
- b. One (1) canopy tree for each thirty (30) linear feet of the property line. Where applicable, all existing Geiger or Silver Buttonwood trees shall be relocated;
- c. One (1) medium shrub for each five (5) linear feet of the property line. Shrub shall be planted at a minimum height of twenty-four (24) inches at installation;
- d. One (1) large shrub for each two (2) linear feet of the property line, planted twenty-four inches on center. Shrub shall be planted at a minimum height of thirty (30) inches at installation, to be maintained at a minimum height of seventy-two (72) inches; and,
- e. A continuous row of Paurotis palms, maintained to provide a screening effect may be used in lieu of required shrubs and canopy trees. (BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

12. Landscaping along the (SUWANEE DRIVE) property line shall include:

- a. A ten (10) foot wide landscape buffer strip;
- b. One fourteen (14) foot high native, canopy tree planted at twenty (20) feet on center; and
- c. Thirty six (36) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches.
(BLDGPM/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

13. Landscaping and buffering along the south 83 feet of the east property line, and east 107 feet of the south property line abutting commercial, shall be upgraded to include:

- a. A minimum five (5) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage; and
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2009-1046, Control No.1987-00006)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. All new outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

SIGNS

1. 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: CODE ENF - Zoning) (Previous SIGNS Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. Any wall signs shall be limited to the north and east facades of the showroom/sales building. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. No additional freestanding signs except for directional signs shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. Replacement or relocation of existing freestanding point of purchase signs fronting on Okeechobee Boulevard and Congress Avenue shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet;
- b. Maximum sign face area: one hundred and thirty five (135) square feet per side;
- c. Maximum number of signs: one (1) combined;
- d. Style: Monument style only;
- e. Location: Intersection of Okeechobee Boulevard and Congress Avenue; and,
- f. Signs shall be limited to the design as indicated on the proposed site plan dated April 13, 2009.
(DRO: ZONING - Zoning) (Previous SIGNS Condition 6 of Resolution R-2009-1046, Control No.1987-00006)

SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty-five (25) feet of a residential property line, nor be located in a Lake Worth Drainage District Easement (LWDD). (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to delete the Congress Avenue access point located in the 0.4 acre addition. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

5. Building permits for the additional 2,533 square foot vehicular sales use shall be issued prior to June 29, 2012. Failure to comply with this condition shall result in the reallocation of the 64 daily trips for the increased building area of the vehicle sales use back to Westgate TCEA development pool. The reallocation shall be subject to Art. 2.E. (Monitoring) of the ULDC, as amended.

(BLDG/PMT/DATE: MONITORING - Zoning) (Previous SITE DESIGN Condition 5 of Resolution R-2009-1046, Control No.1987-00006)

UNITY OF TITLE

1. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous UNITY OF TITLE Condition 1 of Resolution R-2003-939, Control No.1987-00006)

USE LIMITATIONS

1. There shall be no outdoor loud speaker system installed upon the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. Use of the site shall include commercial retail sales/leasing and/or vehicle sales/leasing and customary accessory uses.

(ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. All loading/unloading activities shall be limited to designated areas within the interior of the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. There shall be no outside storage of disassembled vehicles or parts thereof, nor outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

5. Previous USE LIMITATIONS Condition 5 of Resolution R-2009-1046, Control No.1987-00006, which currently states:

The parking of vehicles shall be limited to areas designated for storage, display, customer and employee parking as indicated on the site plan dated April 14, 2009, unless modifications are required to address conditions of approval. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.

Is hereby amended to read:

The parking of vehicles shall be limited to areas designated for storage, display, customer and employee parking as indicated on the site plan dated April 22, 2022, unless modifications are required to address conditions of approval. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted. (ONGOING: CODE ENF - Zoning)

6. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2009-1046, Control No.1987-00006)

VARIANCE

1. Prior to the submittal for final approval by the Development Review Officer (DRO), the approved variance(s) and any associated conditions of approval shall be reflected on the site plan. (DRO: ZONING - Zoning) (Previous VARIANCE Condition 1 of Resolution R-2009-1046, Control No.1987-00006)

2. Prior to July 1, 2010 all construction shall be initiated for the proposed improvements affected by the variance or the site plan will become null and void. The applicant may either obtain a variance extension or amend the site plan to comply with Code. (DATE: MONITORING - Zoning) (Previous VARIANCE Condition 2 of Resolution R-2009-1046, Control No.1987-00006)

3. The development order for this particular variance shall lapse on July 1, 2010, one (1) year from the approval date. The applicant may apply for an extension provided they complete the time extension application, prior to the original Development Order (DO) expiring. (DATE: MONITORING - Zoning) (Previous VARIANCE Condition 3 of Resolution R-2009-1046, Control No.1987-00006)

4. The Development Order for this non-concurrent variance shall be valid till July 1,2009, a period of one (1) year from the date of the Zoning Hearing. The property owner must secure a building permit or commence development to vest the variance pursuant to ULDC Table 2.E.3-B-1. (DATE/ONGOING: MONITORING - Zoning) (Previous VARIANCE Condition 4 of Resolution R-2009-1046, Control No.1987-00006)

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:
- 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
 - The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - 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
 - Referral to Code Enforcement; and/or
 - 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.

Figure 1 - Land Use Map

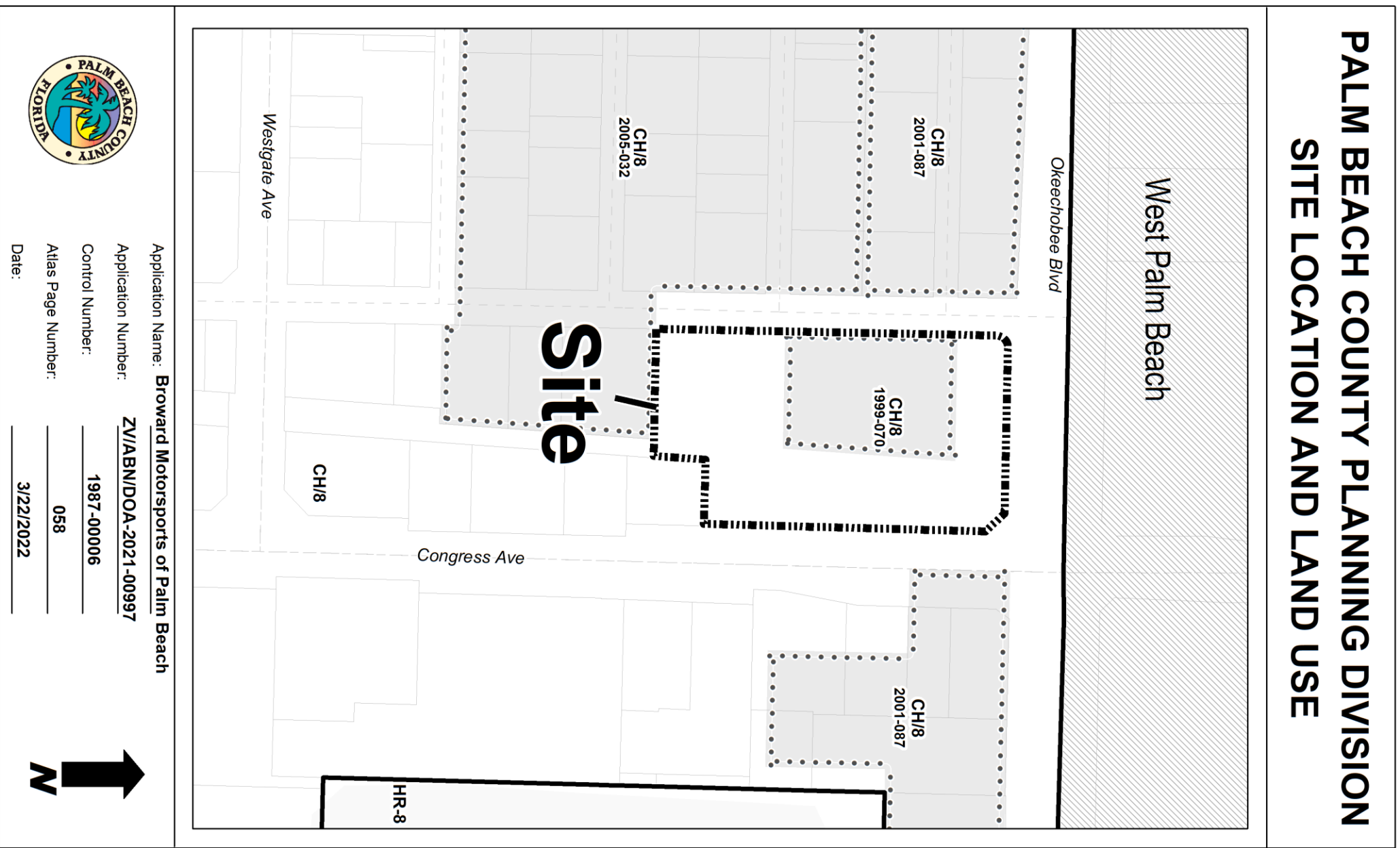


Figure 2 - Zoning Map

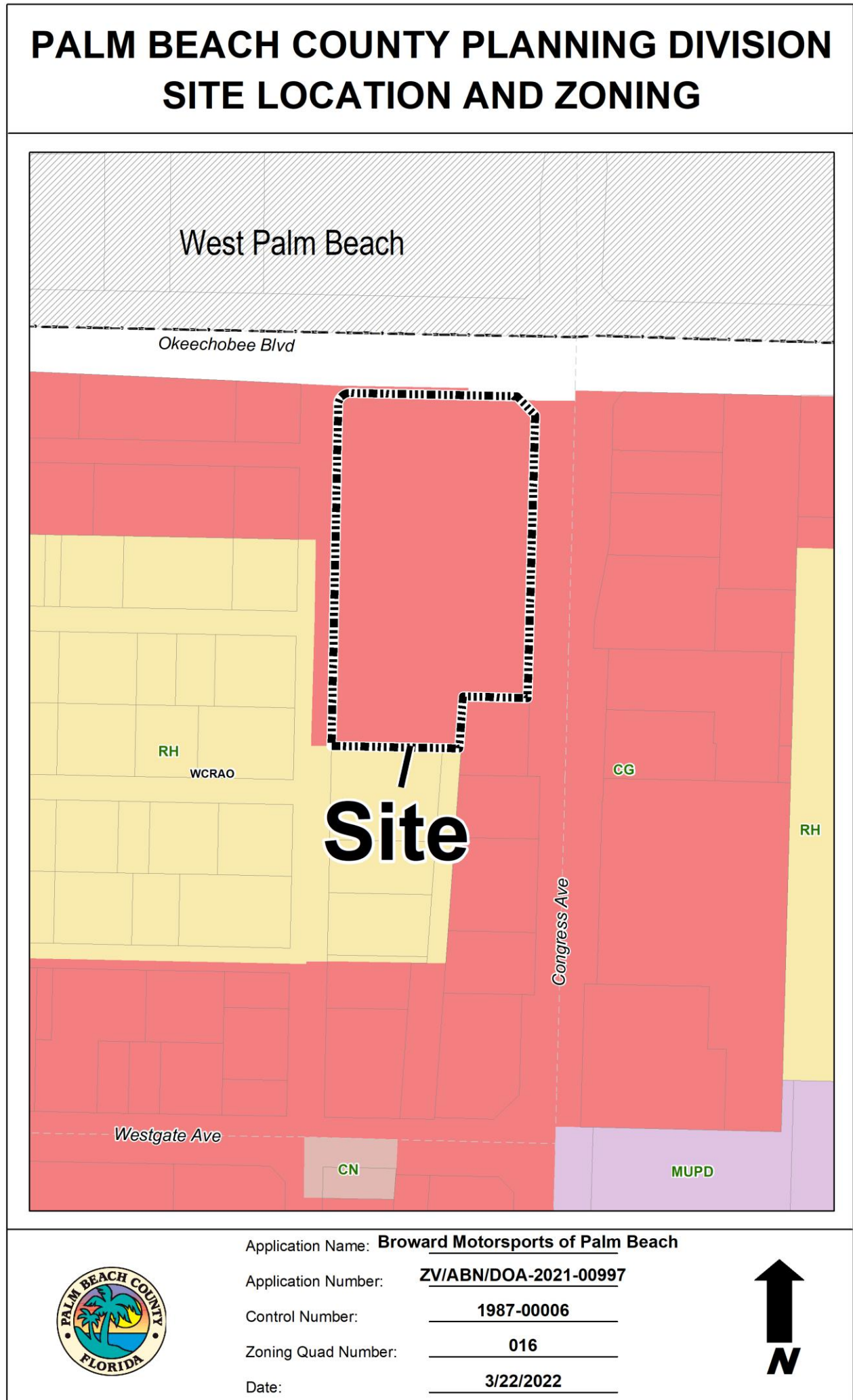
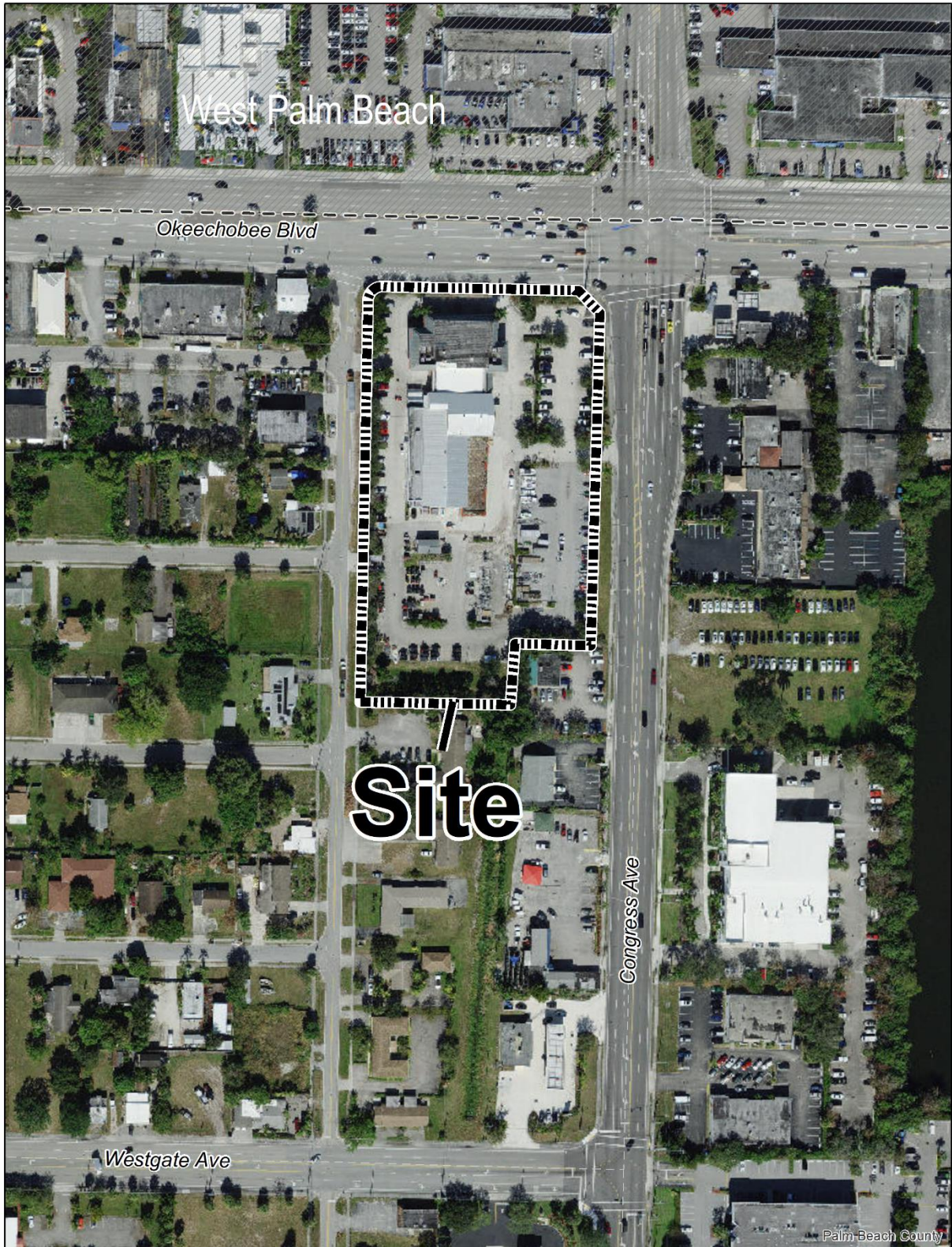


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: **Broward Motorsports of Palm Beach**

Application Number: **ZV/ABN/DOA-2021-00997**

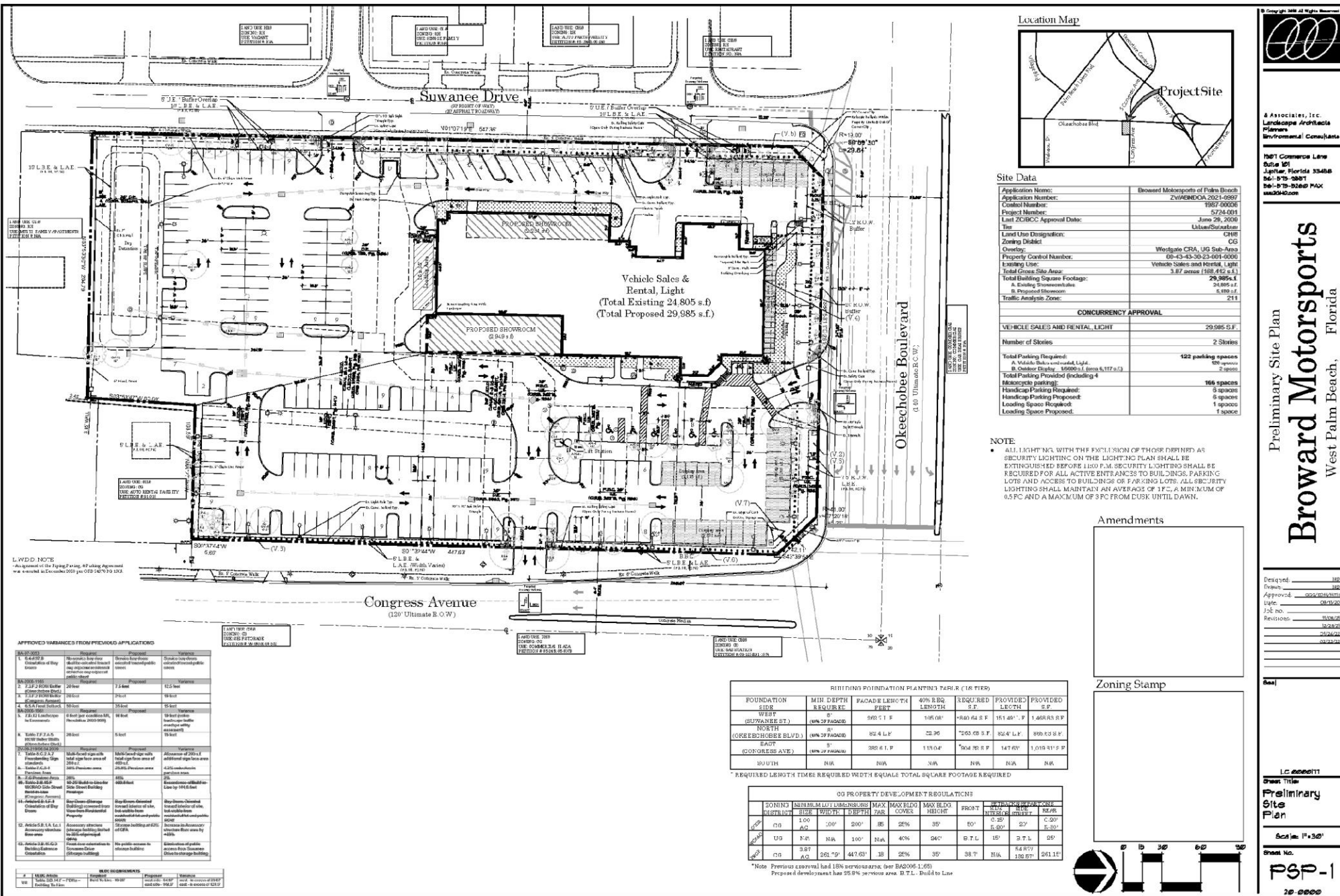
Control Number: **1987-00006**

Atlas Page Number: **058**

Date: **3/22/2022**



Figure 4 – Preliminary Site Plan dated February 22, 2022



8 Associates, Inc.
Landscape Architects
Planners
Environmental Consultants

1507 Commerce Lane
Suite 101
Jupiter, Florida 33458
Tel: 561-745-0801
Tel: 561-745-0801 FAX
www.8a.com

Preliminary Site Plan
Broward Motorsports
West Palm Beach, Florida

Designed: JHE
Drawn: JHE
Approved: JHE
Date: 02/15/22
Job No.:
Revisions:
12/28/21
12/28/21
12/28/21

LC 000811
Owner Title
Preliminary Site Plan
Scale: 1"=30'
Sheet No.
PSP-1
20 0000

Figure 5 - Previously Approved Site Plan dated September 9, 2009

Broward Motorsports of Palm Beach

2300 Okeechobee Boulevard

Site Plan

Debra L. Northsea
Landscape Architect
6008 Eagles Nest Drive
Jupiter, Florida 33458
Phone: (561) 744-2958 Fax: 744-9862
Email: DLNLANDSIGN@aol.com

Job Name: BrowardMotorsports
CAD File: zrr2014-1767.rvt
Site Drawn By: Comments

Scale: 1"=30'-0"
0' 15' 30' 60'



SITE DATA

CONTROL NO. 05-00
APPLICATION NUMBER DFD-2009-0066
RESOLUTION NUMBER 1987-006
LATE REG APPROVAL DATE JUNE 28, 2009
PROJECT NUMBER 0725-00
NAME OF PROJECT BROWARD MOTORSPORTS OF PALM BEACH
RE LEASE OF PALM BEACH

TERM URBAN / SUBURBAN
EXISTING ZONING DISTRICT C-20
SECTION, TOWNSHIP, RANGE WESTGATE CRA, MD 80A-80A
PROPERTY CONTROL NUMBER 00-45-43-20-20-0000
FLAT 19 18, PD 74
EXISTING USE IS AUTOMOBILE DEALERSHIP AND SERVICE/REPAIR
PROPOSED USE (S) RETAIL SALES, GENERAL / 5,887 S.F. / 1ST FLOOR
AUTO ACCESSORIES ON PARTS 7,271 S.F.
VEHICLE SALES AND RENTAL, GENERAL, 1ST AND 2ND FLOOR SHOWROOM / 4,874 S.F.
REPAIR AND MAINTENANCE, GENERAL, 5,576 S.F.
WAREHOUSE, GENERAL
TOTAL, GROSS SITE AREA 887 ACRES
TOTAL, GROSS SITE AREA 23,778 S.F.
PROPOSED S.F. 42,069 S.F.
TRACING ANALYSIS ZONE(S) (STAD) ZVDA04-2009-0266-4-00
VARIANCE APPROVAL NUMBER, APPROVAL DATE

CONCURRENCY APPROVAL

RETAL SALES AND VEHICLE SALES AND SERVICE/REPAIR FACILITY 23,802 S.F.
INVENTORY DISPLAY AREA AND INDOOR STORAGE 23,826 S.F.

CONCURRENCY IS APPROVED FOR THE ABOVE USES AND MODIFICATIONS TO THIS PLAN.

TOTAL FLOOR AREA RATIO	522
TOTAL BUILDING COVERAGES	852
TOTAL IMPERVIOUS AREA	287 AC / 125,073 S.F. / 743%
EXISTING IMPERVIOUS	162,678 S.F. / 852
PROPOSED BUILDING	87 AC / 17,024,187 S.F. / 1.6%
PROPOSED DRIVEWAYS/WALKS	33 AC / 1,874,754 S.F. / 1.7%
TOTAL IMPERVIOUS AREA	10 AC / 5,848,018 S.F. / 5.6%
EXISTING PERVIOUS	23,778 S.F. / 18%
PROPOSED PERVIOUS	10 AC / 43,000 S.F. / 5.5%
NUMBER OF STORES	33 STORES
NUMBER OF BAYS	2 STORES
SPACE PER 200 RETAL SALES, GENERAL: 70 SPACES	33 SPACES
1 SPACE PER 200 SF OF VEHICLE SALES AND RENTAL: 9 SPACES	
1 SPACE PER 200 SF OF REPAIR & MAINTENANCE, GEN: 5 SPACES	
1 SPACE PER 1000 SF OF WAREHOUSE: 5 SPACES	
1 SPACE PER 100 SF OF OUTDOOR DISPLAY: 5 SPACES	
PROPOSED PARKING	33 SPACES
BY RETAIL SALES SPACES PLUS 4 MOTORCYCLE SPACES	33 SPACES
HANDICAP SPACES REQUIRED	2 SPACES
HANDICAP SPACES PROPOSED	2 SPACES
LOADING REQUIRED BY 50' MIN	1 SPACES
LOADING PROVIDED	2 SPACES

NOTE: ALL LIGHTING, WITH THE EXCLUSION OF THOSE DEFINED AS SECURITY LIGHTING FOR THE EXTERIOR, SHALL BE EXTINGUISHED BEFORE 11:00 P.M. SECURITY LIGHTING SHALL BE REQUIRED FOR THE EXTERIOR OF ALL BUILDINGS, INCLUDING PARKING LOTS AND ACCESS TO BUILDINGS OR PARKING LOTS. ALL SECURITY LIGHTING SHALL BE INSTALLED AT AN ANGLE OF 90 TO A MINIMUM OF 0.5FC AND A MAXIMUM OF 3FC FROM DUSK UNTIL DAWN.

NOTE: THE SHOWROOM INCLUDES VEHICLE SALES/RENTAL AND RETAL SALES/RENTAL. THE FLOOR AREA OF THESE SPACES IS NOT BEING REQUESTED FOR THE PURPOSES OF THIS SITE PLAN. THE ENTIRE FIRST FLOOR OF THE SHOWROOM IS RESERVED AS RETAL SALES, WHICH HAS A GREATER PARKING CALCULATION.

City of West Palm Beach
Land Use: Commercial
Zoning: Commercial
Permit: No Permit
Resolution Information: Car Dealership



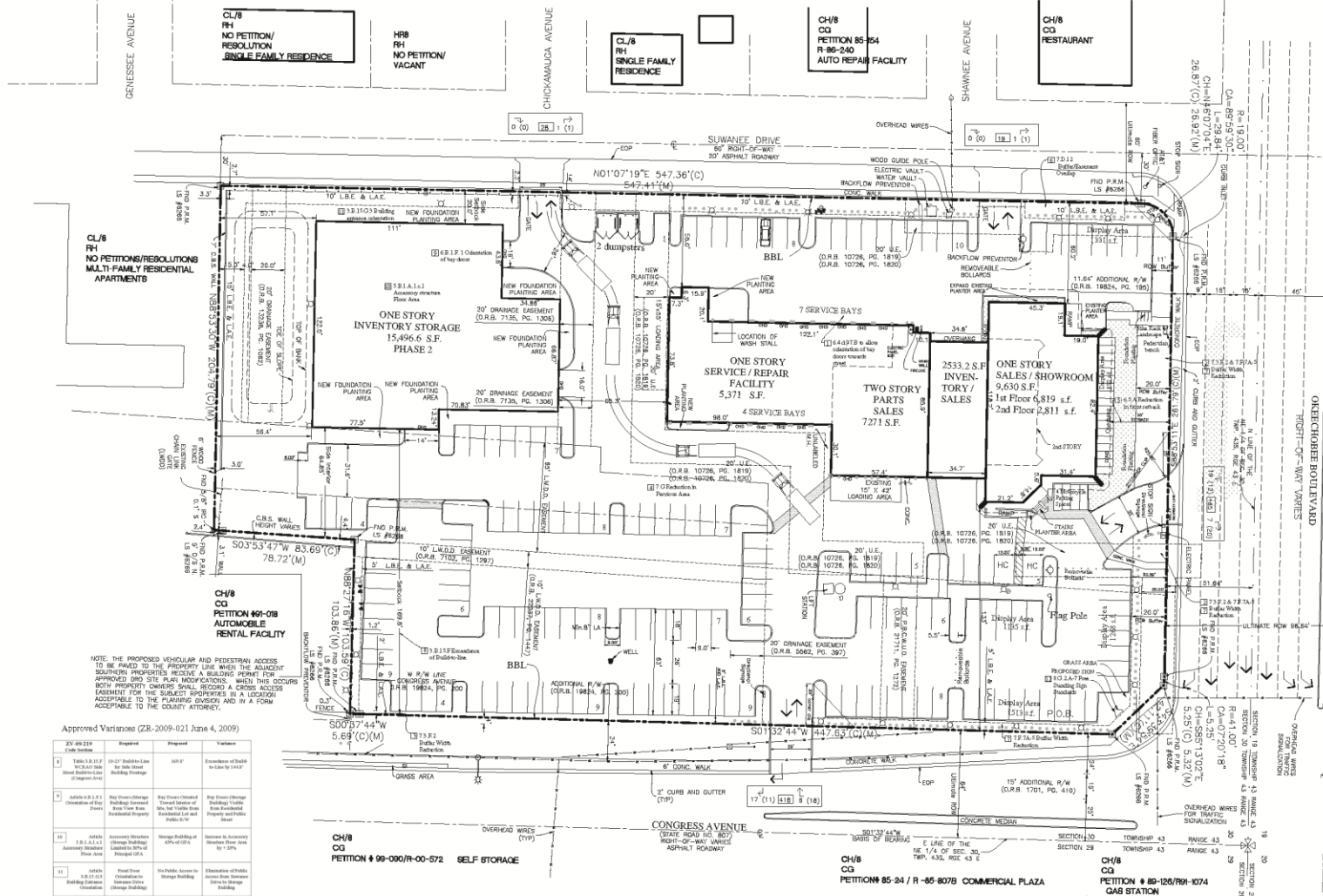
Amendments
ZZR 2014-1767 10/27/2014 IS

DEVELOPMENT REGULATIONS

CG PROPERTY DEVELOPMENT REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT DIMENSION	MAX. MINIMUM LOT DIMENSION	MINIMUM FRONT YIELD	MINIMUM MAX. BLOCK FRONT	MINIMUM MAX. BLOCK REAR
CG LO	100'	200'	36%	25X	35'
CG VQ	100'	200'	36%	40X	240'
CG VQ	50'	100'	36%	35'	35'

PROJECT # 05/24-001
CONTROL# 1987-006
EXHIBIT# 60
SUPERCEDES EXH#: 57
DATE APPROVED: 09/09/2009
PROJECT MANAGER: D. McGuire



NOTE: THE PROPOSED VEHICULAR AND PEDESTRIAN ACCESS TO BE MAILED TO THE PROPERTY LINE WHEN THE AMENDMENT APPROVED. THE PROPOSED VEHICULAR AND PEDESTRIAN ACCESS TO BE MAILED TO THE PROPERTY LINE WHEN THE AMENDMENT APPROVED. THE PROPOSED VEHICULAR AND PEDESTRIAN ACCESS TO BE MAILED TO THE PROPERTY LINE WHEN THE AMENDMENT APPROVED.

Approved Variances (ZR-2009-021 June 4, 2009)

Case No.	Request	Approved	Variance
14	Table 3.8.1.1.1 (b) (1) Building Height	100%	Exceedance of Height by 6'-0"
15	Table 3.8.1.1.1 (b) (1) Building Height	100%	Exceedance of Height by 6'-0"
16	Table 3.8.1.1.1 (b) (1) Building Height	100%	Exceedance of Height by 6'-0"
17	Table 3.8.1.1.1 (b) (1) Building Height	100%	Exceedance of Height by 6'-0"
18	Table 3.8.1.1.1 (b) (1) Building Height	100%	Exceedance of Height by 6'-0"

1. The proposed variance shall provide the Building Division with a copy of the Board of Adjustment Resolution and a copy of the site plan presented to the Board of Adjustment.

2. The proposed variance shall provide the Building Division with a copy of the Board of Adjustment Resolution and a copy of the site plan presented to the Board of Adjustment.

3. The proposed variance shall provide the Building Division with a copy of the Board of Adjustment Resolution and a copy of the site plan presented to the Board of Adjustment.

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Figure 6 – Preliminary Regulating Plan dated February 22, 2022

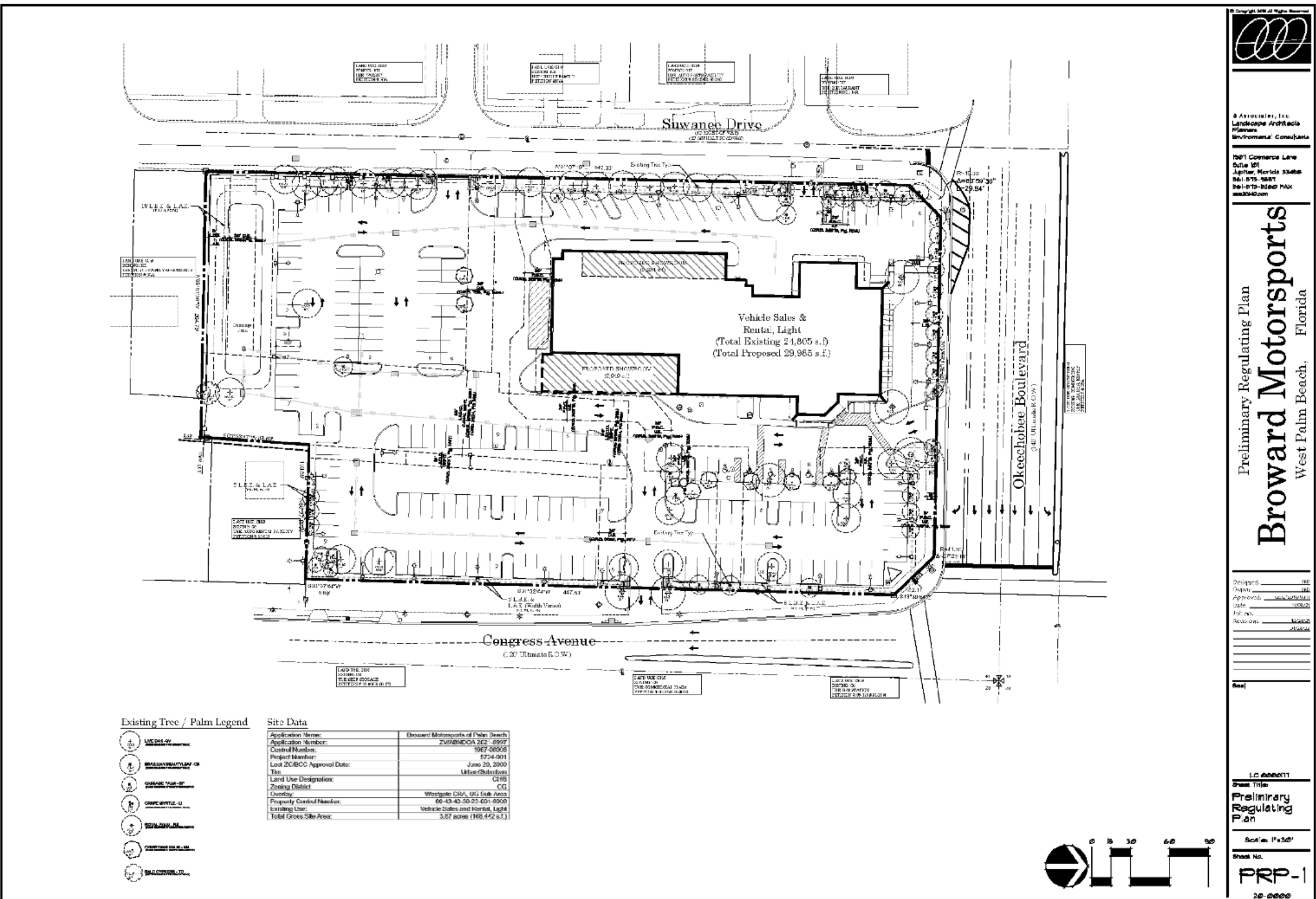


Exhibit D – Disclosure of Ownership

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 Marc A. Osheroff, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

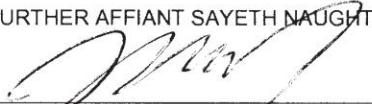
1. Affiant is the individual or Manager *[position - e.g., president, partner, trustee]* of Broward Motorsports of Palm Beach, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (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: 16400 NW 2nd Avenue Suite 202 North Miami Beach, FL 334169

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.



Marc A. Osheroff, Manager, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization, this 19th day of April, 2021 by Marc A. Osheroff (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

(Name - type, stamp or print clearly)

My Commission Expires on: _____

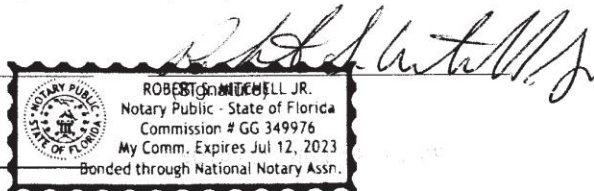


EXHIBIT "A"

PROPERTY

PARCEL "A", LEXUS OF PALM BEACH, ACCORDING TO THE 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 111, PAGE 74.



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
Broward Motorsports of Palm Beach LLC	16400 NW 2nd Avenue Suite 202 North Miami Beach, FL 334169

2

Exhibit E – Westgate CRA Approval Letter dated December 10, 2021



December 10, 2021

Ms. Patricia Lentini, Senior Planner
Gentile Glas Holloway O'Mahoney
1907 Commerce Lane, Suite 101
Jupiter, FL 33458

RE: WCRA Recommendation Letter (revised)
PROJECT: Broward Motorsports of Palm Beach (2300 Okeechobee Blvd.)
Control No. 1987-00006

Dear Ms. Lentini;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The applicant requests a recommendation of approval for the project from the Westgate CRA to include the following:

1. A Development Order Amendment to modify the site plan approved via #R-2009-1046, including associated conditions of approval as necessary, to add 5,180 sf. of vehicle showroom, remove a planned 15,496 sf. inventory storage structure, and reconfigure parking and site circulation;
2. An increase of 123 net new trips per day and 11 pm peak hour trips, from the existing vested use to be allocated from the WCRA Transportation Concurrency Exception Area (TCEA) pool.
3. Any variances necessary for the approval of the proposed development order amendment; and,
4. Final DRO site plan approval.

The Westgate CRA reviewed the preliminary site plan dated April 26, 2021, justification by your office, along with other supportive documents including traffic and drainage statements. A revised preliminary site plan, dated November 8, 2021 was reviewed administratively on December 10, 2021. The applicant's request remains compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, and the intent of the WCRA Zoning Overlay UG (Urban General) Sub-area to encourage more intense commercial, residential, and mixed use development.

Please feel free to contact me at 561-640-8181x105 or at dpennell@pbcgov.org should you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Pennell".

Denise Pennell, FRA-RA
Senior Planner/Project Manager, Westgate CRA

cc. Susan Taylor, Perry & Taylor, PA

1280 N. Congress Avenue, Suite 215 ~ West Palm Beach, Florida 33409 ~ 561.640.8181 ~ westgatecra.org

Exhibit F – Justification Statement Dated February 22, 2022



Landscape Architects ■ Planners ■ Environmental Consultants

GENTILE | GLAS | HOLLOWAY | O'MAHONEY & Associates, Inc.

LC 0000177
George G. Gentile FASLA
Al. Troy Holloway ASLA
Emily M. O'Mahoney ASLA
Dodi Buckmaster Glas AICP

**BROWARD MOTORSPORTS OF PALM BEACH
JUSTIFICATION STATEMENT
ZONING VARIANCE, ABANDONMENT
AND DEVELOPMENT ORDER AMENDMENT
ORIGINAL SUBMITTAL: JUNE 7, 2021
INSUFFICIENCY SUBMITTAL: AUGUST 2, 2021
1st RESUBMITTAL: NOVEMBER 8, 2021
2ND RESUBMITTAL: DECEMBER 13, 2021
3rd RESUBMITTAL: DECEMBER 28, 2021
4th RESUBMITTAL: JANUARY 24, 2022
5th Resubmittal: February 22, 2022**

Request/Location:

2GHO, Inc. as agent for the applicant, Broward Motorsports of Palm Beach, LLC, respectfully requests approval of the following request:

1. Development Order Abandonment of the commercial new and used automobile, truck, boat, motorcycle, mobile home, recreational vehicle, sale, rental and repair facility – a partial abandonment of the service and repair under Resolution No. 1987-1099;
2. Development Order Amendment (DOA) for a redesign of the site including two (2) additional square footage along with modification of conditions of approval; and
3. Type 2 Variances to increase the Build to Line setbacks from Table 3.B.14.F - PDRs.

The subject site is located on the southwest corner of the intersection of Okeechobee Boulevard and Congress Avenue in Palm Beach County, Florida. The Property has a Future Land Use designation of CH/8 – Commercial High/Residential 8 and Zoning designation of CG – Commercial General District. The property is also located within the boundaries of the Westgate/Belvedere Homes Community Redevelopment Plan and covered by the Westgate Community Redevelopment Area Overlay. The subject site is located within Palm Beach County Urban/Suburban Tier. Below are the surrounding land use, zoning and approvals:

	Land Use	Zoning	Existing Uses	Approved use	Control No. Petition No.	Reso. No.
Subject Site	CH/8	CG	Dealership	Dealership	1987-0006	R-2009-1046
North	WPB – C	WPB-C	Dealership	Dealership	WPB	WPB
South	CL/8 and CH/8	RH and CG	MF residential & commercial	MF residential & commercial	N/A 1991-018	N/A
East	CH/8	CG	Gas station Retail plaza Self-storage	Gas station Retail plaza Self-storage	1989-126 1985-24 1999-090	R91-1074 R85-6078 R00-0572
West	CH/8 and CL8	CG and RH	Restaurant, Auto repair and Residential	Restaurant Auto repair and Residential	N/A 1985-154 N/A	N/A R86-240 N/A

■ 1907 Commerce Lane, Suite 101 | Jupiter, Florida 33458 | 561-575-9557 | 561-575-5260 Fax | www.2gho.com

Broward Motorsports of Palm Beach
 Justification Statement
 Original Submittal: June 7, 2021
 Insufficiency Submittal: August 2, 2021
 1st Resubmittal: November 8, 2021
 2nd Resubmittal: December 13, 2021
 3rd Resubmittal: December 28, 2021
 4th Resubmittal: January 24, 2022
 5th Resubmittal: February 22, 2022
 Page 2

History on the subject site:

In 1987, the site was approved with a Special Exception to allow a commercial new and used automobile, truck, boat, motorcycle, mobile home, recreational vehicle, sales, rental and repair facility (R-87-1099). This approved use was reconfirmed by R-89-1635 when additional land was added to the site. The site was improved as an automobile dealership in 1987 and was utilized as such for approximately 20 years before Broward Motorsports acquired the property and processed amendments to the zoning approval to accommodate its particular operation.

In 2009, Broward Motorsports reconfigured the site plan relative to, among other things, its display areas, employee parking and designated public parking areas; however, the general site configuration remained the same as that of the prior auto dealership. While the existing Special Exception included the types of vehicles proposed to be sold and repaired by Broward Motorsports, zoning records reflect that staff concluded there was a need to modify and clarify existing conditions of approval to better describe Broward Motorsports' specific use. Therefore, where the prior use limitation condition specifically referred to the sale, leasing and repair of new or used *automobiles* and customary accessory uses (R2003-939), this condition was amended in R2009-1046 (use Limitation Condition No. 2) to provide as follows:

“Use of the site shall include commercial retail sales/leasing and/or vehicle sales/leasing and/or repair/service and customary accessory uses.”

Abandonment Application – Resolution No. 1987-1099:

The abandonment application is proposed to partially modified Use Limitations Condition No. 2:

Use of the site shall be limited to the commercial retail sales/leasing and/or vehicle sales/leasing and/or repair/service and customary accessory use.

Removal of the repair/service portion of this condition and maintain the commercial retail sales/leasing and/or vehicle sales/leasing and customary accessory use. At this time in the code, this use is now referred to as Vehicle Sales and Rental, Light.

Complete List of Approvals:

Control / Application No.	Request	Action	Date	Resolution No.
1987-00006/ ZAR 2019-00805	Relocation of square footage	Withdrawn	10/30/2019	

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 Page 3

Control / Application No.	Request	Action	Date	Resolution No.
CDTE 2019-83500	Time extension for COA	Approved	07/09/2019	
ZAR 2017-00303	Relocation of square footage	Withdrawn	08/15/2017	
ZAR 2016-0567	Allow bull-ben parking	Approved	06/02/2017	2016-00567-1
CDTE 2016-73193	Time extension on commencement	Approved	05/04/2016	
DRO 2015-01939	AA modification of site plan	Approved	04/18/2015	
ZZR 2014-01767	Removal of 40 s.f. signage	Approved	10/27/2014	
CDTE 2014-66805	Time extension for COA	Approved	07/28/2014	
CDTE 2011-51273	Time extension on commencement	Approval	10/03/2011	
CDTE 2010-40327	Time extension for COA	Approval	07/02/2010	
CDTE 2010-35285	Time extension for COA	Approval	01/7/2010	
CDTE 2009-34954	Time extension for COA	Approval	01/07/2010	
1987-0006 ZV/DOA-00219	Re-designate land uses and site changes	Approved	06/04/2009	ZR-2009-0021 / R-2009-1046
AVE-2007-01498	Time Extension	Approved	10/18/2007	
SR-1987-6D	Time Extension	Approved	9/27/2007	--
AVE-2007-1071	Time Extension	Approved	8/16/2007	
BA2006-1561	Width of Landscape Buffer and Landscape Easement Overlap	Approved	11/16/2006	
BA2006-1165	Width of Landscape Buffers and Building Setback due to ROW dedication	Approved	9/21/2006	
1987-006D	Add Land	Approved	7/22/2003	R-2003-939
BA2003-005	Buffer, Setback and Pervious Area Reductions	Approved	3/20/2003	
1987-006C	Car Sales	Approved	12/3/1998	R-1998-2038
1987-06(B)	Add S.F.	Approved	10/23/1997	R-1997-1573
BA1997-53	Orientation of Bay doors (vehicle service)	Approved	6/19/1997	
1987-0006		Approved	1991	DRC-1991-00018
1987-061(A)	SE Add Land Rezone	Approved	09/12/1989	R-1989-1635 / R-1989-1634
1987-06	SE	Approved	07/28/1987	R-1987-1099

Request – Development Order Amendment Application:

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The request for DOA application will allow two (2) additional showrooms proposed on the east and west side of the existing building for a total of 5,180 square feet. The proposed changes are as follows:

- Removal of the previously approved inventory storage building from the overall square footage, parking spaces are now shown in this location;
- Minor adjustments to the overall site to accommodate the two (2) additions along with removal of the previous Type 2 Variance and Time Extension information:

The subject site has been cited by the Palm Beach County Code Enforcement Division (Case Number C-2019-09110033) for the following violation of the ULDC:

- Article 2.A.6.B.4 – Use Violations – Site Plan - the site is not operating per the controlling site plan;
- PBCAFBC17 – 105.1 – Construction work without Permit – an addition to the main structure without permit.

Signage:

There is an existing approved sign located at the northeast corner of the intersection of Okeechobee Boulevard and Congress Avenue. The sign and location was previously approved and installed under B2013-003236.

Westgate CRA Overlay:

The applicant attended the WCRA Hearing on May 10, 2021 and received a letter of support which is included with this application.

Traffic Statement:

A Traffic Statement has been included to identify the addition of 5,180 square feet of showroom and was prepared by PTC Traffic Consultants.

Development Order Abandonment Standards:

Based on Article 2.B.7.F.6 for a Development Order Abandonment (ABN) refers the Applicant to address the Standards under Article 2.B.7.F.6 of the Palm Beach County Unified Land Development Code (ULDC) establishes standards by which these requests shall be considered.

a. Consistency with the Plan:

Response: The proposed ABN is consistent with the purposes, goals, objectives and policies of the Plan. The subject site has a Future Land Use Designation of CH/8. Additionally, the subject property is located within the Urban/Suburban Tier. Based on Policy 2.2.2.-a – intersection location – Commercial High future land use designations shall have frontage on two built roadway segments. The subject site is located at the

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Page 5

southwest corner of the intersection of Okeechobee Boulevard and Congress Avenue and is contiguous with other Commercial High Land Use Designations.

b. Consistency with the Code:

Response: The proposed ABN complies with all applicable standards and provisions of this Code for use, layout, function and general development characteristics. The proposed abandonment of the uses from R1987-1099 along with any conditions of approvals are not in conflict. The additional showroom complies with the vehicle sales and rental, light in the ULDC.

c. Adequate Public Facilities

Response: The proposed ABN complies with Article 2.F, Concurrency. The property currently has an existing building with services for public facilities. The proposed abandonment of the uses from R1987-1099 along with any conditions of approvals are not in conflict. With the proposed development the existing services will be reviewed upgraded as necessary. Currently the site is connected to water and sewer services.

d. Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate a modification.

Response: All conditions of approval contained within Resolution No.: 1987-1099 that relate to the uses being abandoned are proposed to be deleted. There are demonstrated changed conditions or circumstances. This project has been a staple of the community for quite a long time and adding additional square footage will facilitate a continued service to the area

Development Order Amendment and Conditional Use Standards:

Based on Article 2.B.7.C.2 for a Development Order Amendment (DOA) refers the Applicant to address the Standards under Article 2.B.7.B.2 of the Palm Beach County Unified Land Development Code (ULDC) which establishes standards by which these requests shall be considered.

a. Consistency with the Plan:

Response: The proposed DOA is consistent with the purposes, goals, objectives and policies of the Plan. The subject site has a Future Land Use Designation of CH/8. Additionally, the subject property is located within the Urban/Suburban Tier. Based on Policy 2.2.2.-a – intersection location – Commercial High future land use designations shall have frontage on two built roadway segments. The subject site is located at the southwest corner of the intersection of Okeechobee Boulevard and Congress Avenue and is contiguous with other Commercial High Land Use Designations.

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b. Consistency with the Code:

Response: The proposed DOA complies with all applicable standards and provisions of this Code for use, layout, function and general development characteristics. The additional showroom complies with the vehicle sales and rental, light in the ULDC.

c. Compatibility with Surrounding Uses:

Response: The subject site is surrounded on all four (4) sides with commercial land use and zoning.

	Land Use	Zoning	Existing Uses	Approved use	Control ? Petition No.	Reso. No.
Subject Site	CH/8	CG	Dealership	Dealership	1987-0006	R-2009-1046
North	WPB – C	WPB-C	Dealership	Dealership	WPB	WPB
South	CL/8 and CH/8	RH and CG	MF residential & commercial	MF residential & commercial	N/A 1991-018	N/A
East	CH/8	CG	Gas station Retail plaza Self-storage	Gas station Retail plaza Self-storage	1989-126 1985-24 1999-090	R91-1074 R85-6078 R00-0572
West	CH/8 and CL8	CG and RH	Restaurant, Auto repair and residential	Restaurant Auto repair and Residential	N/A 1985-154 N/A	N/A R86-240 N/A

d. Design Minimizes Adverse Impact:

Response: The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The proposed showroom are additions to the existing vehicle sales facility and do not provide any adverse impacts to the surrounding properties.

e. Design Minimizes Environmental Impact:

Response: The proposed amendment and design minimizes environmental impacts, including, but not limited to water, air stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. The maximum net peak hour trips generation is 11 trips.

f. Development Patterns:

Response: The proposed DOA will result in a logical, orderly and timely development pattern. The existing configuration of the site will the existing building and existing driveway curb cuts does not affect the surrounding properties.

g. Adequate Public Facilities:

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Broward Motorsports of Palm Beach
 Justification Statement
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 1st Resubmittal: November 8, 2021
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Response: The proposed DOA complies with Article 2.F, Concurrency. The property currently has an existing building with services for public facilities. With the proposed development the existing services will be reviewed upgraded as necessary. Currently the site is connected to water and sewer services.

h. Changed Conditions or Circumstances:

Response: There are demonstrated changed conditions or circumstances. This project has been a staple of the community for quite a long time and adding additional square footage will facilitate a continued service to the area.

Previously approved variances:

Below is a list of all the variances that have been previously approved. The chart references the variances that were approved for the storage building that has now been removed. The chart references the deleted variances with ~~strikeouts~~.

BA-97-0053	Required	Proposed	Variance
1. 6.4.d.97.B Orientation of Bay Doors	No service bay door shall be oriented toward any adjacent residential district or any adjacent public street	Service bay doors oriented toward public street	Service bay doors oriented toward public street
BA-2006-1165	Required	Proposed	Variance
2. 7.3.F.2 ROW Buffer (Okeechobee Blvd.)	20 feet	7.5 feet	12.5 feet
3. 7.3.F.2 ROW Buffer (Congress Avenue)	20 feet	2 feet	18 feet
4. 6.5.A Front Setback	50 feet	35 feet	15 feet
BA-2006-1561	Required	Proposed	Variance
5. 7.D.12 Landscape in Easements	0 feet (per condition M1, Resolution 2003-939)	10 feet	10 feet (entire landscape buffer overlaps utility easement)
6. Table 7.F.7.A-5 ROW Buffer Width (Okeechobee Blvd.)	20 feet	5 feet	15 feet
ZV-09-219/06.04.2009	Required	Proposed	Variance

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7. Table 8.G.2.A.7 Freestanding Sign standards	Multi-faced sign with total sign face area of 200 s.f.	Multi-faced sign with total sign face area of 400 s.f.	Allowance of 200 s.f. additional sign face area
8. Table 7.C.3.1 Pervious Area	30% Pervious area	25.8% Pervious area	4.2% reduction in pervious area
9. 7.G Pervious Area	20%	18%	2%
10. Table 3.B.15.F WCRAO Side Street Build to Line (Congress Avenue)	40-25' Build to Line for Side Street Building Frontage	169.8 feet	Exceedance of Build to Line by 144.8 feet
11. Article 6.B.1.F.4 Orientation of Bay Doors	Bay Doors (Storage Building) screened from View from Residential Property	Bay Doors Oriented toward interior of site, but visible from residential lot and public ROW	Bay Doors Oriented toward interior of site, but visible from residential lot and public ROW
12. Article 5.B.1.A.1.c.1 Accessory structure floor area	Accessory structure (storage building limited to 30% of principal GFA)	Storage building at 63% of GFA	Increase in Accessory structure floor area by +33%
13. Article 3.B.15.G.3 Building Entrance Orientation	Front door orientation to Suwanee Drive (Storage building)	No public access to storage building	Elimination of public access from Suwanee Drive to storage building

Type 2 Variance Requests:

Type 2 Variance to eliminate the Build to Line setbacks from Table 3.B.14.F - PDRs.

ULDC REQUIREMENTS				
#	ULDC Article	Required	Proposed	Variance
V.8	Table 3.B.14.F – PDRs – Building To Line	Build To Line - 10-25'	west side - 54.87' east side - 148.5'	west - in excess of 29.87' east - in excess of 123.5'

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

Variance Request 8:

Special conditions and circumstances exist that are peculiar to the parcel of land, building or structures that are not applicable to other parcels of land, structures or buildings in the same district. The Property is bounded on three sides by public streets: Okeechobee Boulevard to the north; Congress Avenue to the east; and Suwanee Drive to the west. The Build To Line variance will allow the existing building along with the two (2) proposed additions to remain. The existing and proposed building on the west side is 54.87 feet and the existing and proposed building on

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the east side is 148.5 feet. The additions are not proposed to extend pass the existing buildings. It is not practical to build the proposed additions as separate buildings, each complying with the side street build-to-lines. The triple frontage characteristic of the Property creates a special condition that is peculiar to this Property and not applicable to other buildings within the CG Zoning District/UG Sub-area.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

Variance Request 8:

Special circumstances and conditions do not result from the actions of the applicant. The triple frontage characteristic of the Property, together with the WCRAO requirement for build-to-line setbacks from all street frontages is a special circumstance that is not self-created.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

Variance Request 8:

The proposed variance from this section of the code for the typical build-to-line (setback) along Congress Avenue and Suwannee Drive does not represent a special privilege. As mentioned above, the two (2) proposed additions are flush with the existing building and are not encroaching any further to the property lines. The triple frontage characteristic of the Property creates a special condition that is peculiar to this Property and not applicable to other buildings within the CG Zoning District/UG Sub-area.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

Variance Request 8:

Literal interpretation of the code would create an undue hardship because the Property is not of the size or configuration to promote street-orientation on two side streets. The Property is bounded on three sides by public streets: Okeechobee Boulevard to the north, Congress Avenue to the east, and Suwannee Drive to the west.

5. GRANTING OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

Variance Request 8:

The literal interpretation and application of the Build to Line requirements of Table 3.B.14.F. would create an undue and unnecessary hardship in this case because the subject property is not

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configured in such a way so as to promote street orientation on the east and west side streets. The site is developed and has existed in essentially the same configuration since the late 1980's. The most logical means of expanding the showrooms for this particular site is to incorporate them into the existing building and in so doing, the Build to Line required by the ULDC cannot be achieved. To require the applicant to do so would result in a disjointed and inefficient site configuration.

6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

Variance Request 8:

The variances are consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the Code.

The Applicant's proposal is consistent with the objectives of the Westgate/Belvedere Homes CRA to 1) eliminate blighting influences, and 2) promote physical and economic revitalization of commercial areas. The proposed variance will allow Broward Motorsports to fully occupy the Property with its operations, renovate the existing structure and make site improvements that will not only meet operational needs, but will improve the aesthetics of the Property; thereby eliminating the blighting influence of a vacant, underutilized property and revitalize this major intersection within the CRA.

7. GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

Variance Request 8:

The proposed showroom additions and adjustments to the site plan to accommodate same will not be injurious to the existing site and will, in fact, improve the general appearance and operation of the site. The west showroom addition eliminates the previously approved bay doors for service and replaces them with a well designed and more attractive enclosed showroom. The proposed east showroom is well separated from adjacent uses and is designed to be seamlessly incorporated into the existing building. The proposal otherwise complies with all applicable provisions of the ULDC and will generally bring the site into greater compliance with current ULDC requirements, thereby resulting in an overall benefit to the public welfare

On behalf of the applicant, 2GHO, Inc. respectfully request approval of this application. The Project Managers at 2GHO, Inc. are George G. Gentile, Ben Dolan and Pat Lentini along with Susan Taylor, attorney.

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