

RESOLUTION NO. R-2002-0511

RESOLUTION APPROVING ZONING PETITION DOA1995-022(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CHRYSLER REALTY CORP.
BY RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A., AGENT
(ARRIGO DODGE)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1995-022(B) was presented to the Board of County Commissioners at a public hearing conducted on April 4, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1995-022(B), the petition of Chrysler Realty Corp., by Ruden, McClosky, Smith, Schuster & Russell, P.A., agent, for a Development Order Amendment to reconfigure site plan, delete square footage, modify/delete conditions of approval and to add general repair and maintenance on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 4, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	- Aye
Carol A. Roberts, Vice Chair	- Aye
Karen T. Marcus	- Absent
Mary McCarty	- Aye
Burt Aaronson	- Absent
Tony Masilotti	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 4, 2002.

Filed with the Clerk of the Board of County Commissioners on 14 day of May, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

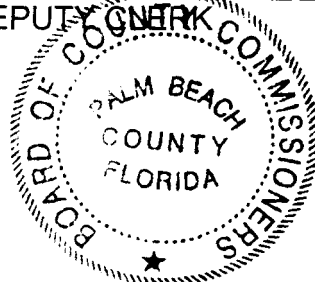


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION
Arrigo Dodge (former AutoNation)

All of the lands encompassed in the Plat of AutoNation 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, as recorded in Plat Book 83, Page 92.

Together with:

The reservation of right of ingress and egress, subject to the terms thereof, contained in that certain quitclaim deed dated March 11, 1974, and recorded on March 12, 1974, in official records book 2279, page 1407, of the public records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

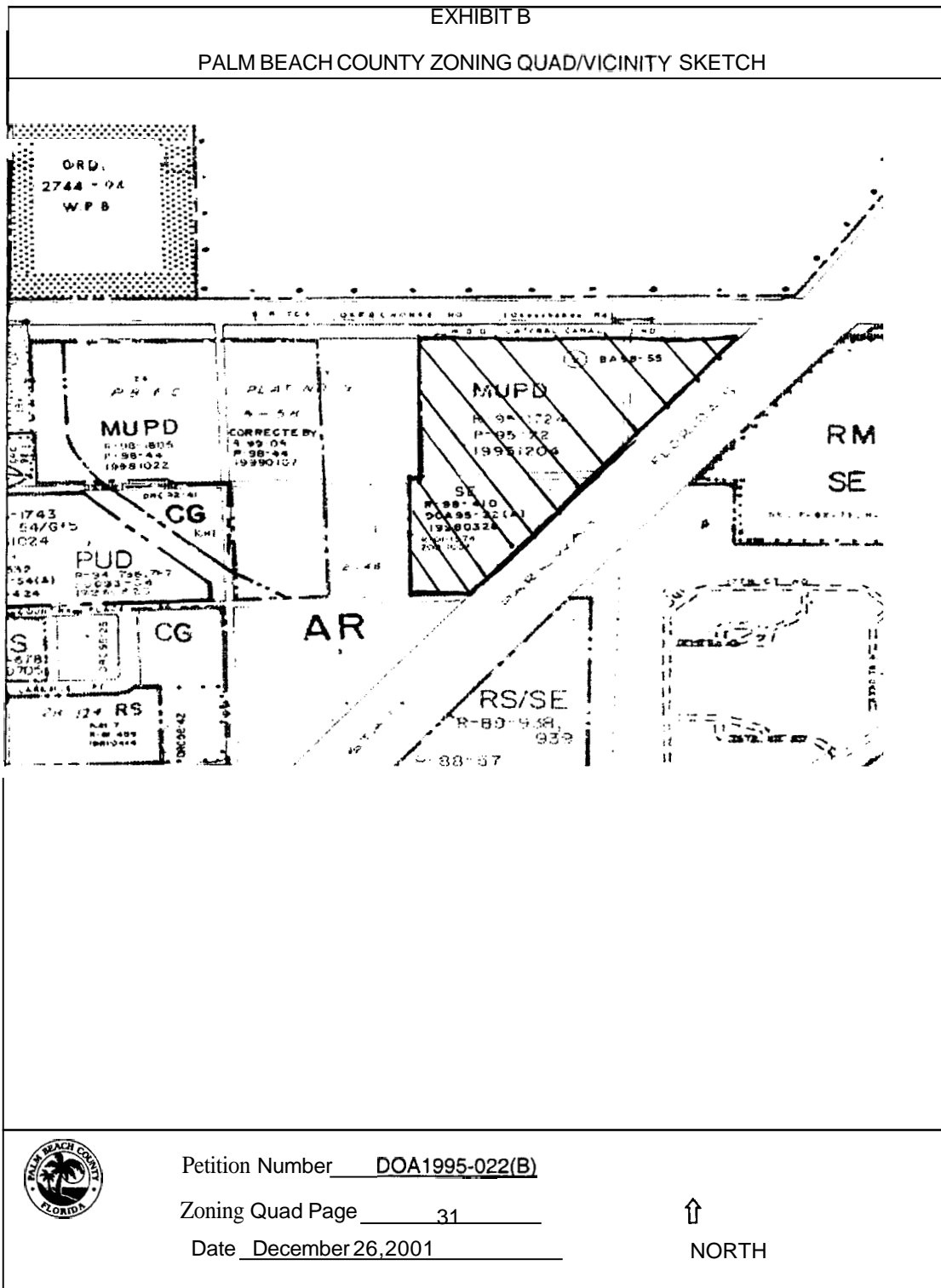


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-95-1724 (Petition 95-22), are hereby repealed. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-0410 (Petition 95-22A) and Resolution R-2001-1674, SR 1995-22) 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. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R-98-0410, Petition DOA95-22(A) 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 December 22, 1997. 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)

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 November 29, 2001. 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)

3. Future development for Phase 2 (2.99 acre outparcel) shall be subject to the approval of the Board of County Commissioners. (ONGOING: ZONING)

B. ARCHITECTURAL REVIEW

1. At times of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Condition L.1 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Total gross floor area shall be limited to a maximum of 123,112 square feet. Expansion shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (BLDG. PERMIT: BUILDING-Zoning)

Is hereby amended to read:

Total gross floor area shall be limited to a maximum of 123,112 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (BLDG. PERMIT: BUILDING-Zoning)

2. Condition B.1 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public records a covenant ensuring architectural compatibility between all buildings and signage for the entire subject property. The covenant shall be in a form acceptable to the County Attorney. (DRC: COUNTY ATTORNEY)

~~Is~~ hereby deleted. Reason: [replaced by M.1]

3. Condition B.2 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

All air conditioning and mechanical equipment for the showroom shall be roof mounted and screened from view with a parapet wall or other acceptable materials on all sides in a manner consistent with the color, character and architectural style of the principal structure. Screening shall be in accordance with Section 6.6.C. Compatibility Standards of the ULDC. (CO: BUILDING-Zoning)

Is hereby amended to read:

All roof or ground mounted air conditioning, mechanical equipment and satellite dishes for all the proposed structures shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: **BLDG** - Zoning)

4. Prior to final DRC certification of the master/site plan(s), the petitioner shall revise the "secured parking" area, storage/display/inventory area and tabular data to reflect 520 parking spaces and a maximum of 568 storage/display/inventory spaces for the auto-related facilities. (DRC: ZONING - Zoning)

5. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure and shall be confined to areas designated on the site plan. (CO: BUILDING-Zoning) (Previous Condition 8.4 of Resolution R-98-0410, Petition DOA95-22(A))

6. Condition B.3 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

The service building may have ground mounted mechanical equipment facing the southwest property line which is screened on all sides in a manner consistent with the color, character and architectural style of the principal structure. (CO: BUILDING-Zoning)
Is hereby deleted. Reason: [replaced by Condition B.3].

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC Site Plan certification. (DRC:ERM-ERM) (Previous Condition C. of Resolution R-98-0410, Petition DOA95-22(A))

E. ENGINEERING

1. The property owner shall modify the existing left turn lane east approach on Okeechobee Boulevard at the projects entrance road to either lengthen or reconstruct as a dual left turn lane with signalization as required by either the Florida Department of Transportation or by the County Engineer. If dual left turn lanes are constructed then 2 receiving lanes on the driveway shall be constructed.

- a. This construction shall be concurrent with the paving and drainage improvements for Phase II of the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations.
- b. Permits required by Florida DOT for this construction shall be obtained prior to the issuance of the first Building Permit Phase II of the site. (BLDG PERMIT: MONITORING-Eng)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy in Phase II. (CO: MONITORING-Eng) (Previous Condition E.1 of Resolution R-98-0410, Petition DOA95-22(A))

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Okeechobee Boulevard. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in

the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.a of Resolution R-98-0410, Petition DOA95-22(A))

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng) (Previous Condition E.2.b of Resolution R-98-0410, Petition DOA95-22(A))
 - c. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING-Eng)(Previous Condition E.2.c of Resolution R-98-0410, Petition DOA95-22(A))
3. Prior to site plan approval by the Development Review Committee the developer shall:
 - a. Receive approval from the Land Development Division for a revised drainage study demonstrating that the project will be in accordance with South Florida Water Managements Districts C-51 Drainage Basin requirements.
 - b. Obtain conceptual approval from the Florida Department of Transportation for the proposed geometrics and location of the proposed access drive onto Okeechobee Boulevard. Any modifications to the 2.99 acre outparcel shall be accommodated for on the revised Site Plan. (DRC: ENG-Eng) (Previous Condition E.3 of Resolution R-98-0410, Petition DOA95-22(A))
 4. The property owner shall fund a pro rata share of the cost of signalization if warranted by the County Engineer and the Florida Department of Transportation at the intersection of Okeechobee Boulevard and the projects entrance road. Signalization shall also include any required warning flashers on Okeechobee Boulevard in advance of the Florida Turnpike Overpass. Should signalization not be required after five years after the final Certificate of Occupancy then this property owner shall be relieved from this obligation. (ONGOING: ENG-Eng) (Previous Condition E.4 of Resolution R-98-0410, Petition DOA95-22(A))
 5. Prior to the issuance of the next building permit, the contract shall be let for Okeechobee Boulevard (Benoist Farms Road to the Turnpike) to an eight-lane cross section, or a CRALLS designation is adopted for Okeechobee Boulevard (Benoist Farms Road to the Florida Turnpike), whichever shall first occur. (BLDG PERMIT: MONITORING – Eng) (Previous Condition E.2 of Resolution R-2001-1674, Petition DOA95-22(A)/SR 1995-22)

F. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency for sewage works are constructed and used by project

tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition D.1 of Resolution R-98-0410, Petition DOA95-22(A))

2. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use of disposal of any waste oil. (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition D.2 of Resolution R-98-0410, Petition DOA95-22(A))
3. Condition D.3 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Any toxic or hazardous waste which may generated at this site shall be properly handled and disposed of in accordance with Chapter **62-730** FAC. (ONGOING: HEALTH/CODE ENF-Health)

Is hereby amended to read:

Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENFORCEMENT-Health)

G. LANDSCAPING - GENERAL

1. All 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. (CO: LANDSCAPE-Zoning) (Previous Condition F.1 of Resolution R-98-0410, Petition DOA95-22(A))
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;
 - 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. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-98-0410, Petition DOA95-22(A))

H. LANDSCAPING - INTERIOR

1. Landscape planting areas shall be provided along the front and side facades of all structures. The minimum width of required landscape planting areas shall be five (5) feet. The combined length of the required planting areas shall be no less than 40% of the total length of the applicable side of the structure. All required landscape planting areas shall be planted with a minimum of one (**1**) tree every **20** feet on center and appropriate groundcover. (BLDG PERMIT: BLDG-Zoning) (Previous Condition G.1 of Resolution R-98-0410, Petition DOA95-22(A))
2. Foundation planting or grade level planters shall be provided along the front and side facades of all proposed structures (i.e. the 53,532 s.f. service improvement building, and the bank and retail uses in Phase 2, outparcel) to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)

- 3. Condition G.2 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Landscaped divider medians shall be provided between all rows of abutting parking designated as customer/service, display and employee parking spaces. The minimum width of the median shall be five (5) feet with one tree and appropriate ground cover installed a maximum spacing of thirty (30) feet on center. (CO: LANDSCAPE-Zoning)

Is hereby deleted. Reason: [new configuration of parking layout]

- 4. Condition ~~G.3~~ of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Prior to site plan certification by the DRC, the auto storage area on the northeast portion of the site shall be amended to indicate one landscape island for any row of parking with more than twenty (20) parking spaces. The maximum spacing between landscape islands shall not exceed two hundred (200) linear feet in the northeast auto storage area. (DRC: ZONING-Zoning)

Is hereby amended to read:

A minimum of one (1) landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred and twenty (120) linear feet. This condition is applicable to all customer/employee/service parking, vehicular display, inventory and storage areas. (DRC: ZONING-Zoning)

- 5. Condition G.4 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

Prior to site plan certification by the DRC, the auto storage area on the northwest portion of the site shall be amended to indicate one landscape island for any row of parking with more than twenty-seven (27) parking spaces. The maximum spacing between landscape islands shall not exceed two hundred and seventy (270) linear feet in the northwest auto storage area. (DRC: ZONING-Zoning)

Is hereby deleted. Reason: [replaced by condition H.4]

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)

- 1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. a minimum one to three foot high undulating berm with an average height of two (2) feet measured from the top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;

- d. one (1) palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
- e. twenty four **(24)** inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches planted on the toe of the berm, (facing the right of way). (CO: LANDSCAPE-Zoning) (Previous Condition H.I of Resolution R-98-0410, Petition DOA95-22(A))

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING FLORIDA TURNPIKE)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty **(20)** foot wide landscape buffer strip;
 - b. a minimum one to three foot high undulating berm with an average height of two **(2)** feet measured from the top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five **(25)** feet on center;
 - d. one ~~(1)~~ palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
 - e. twenty four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches planted on the toe, of the berm, (facing the right of way). (CO: LANDSCAPE-Zoning) (Previous Condition 1.1 of Resolution R-98-0410, Petition DOA95-22(A))

K. LANDSCAPING ALONG THE WEST PROPERTY LINE AND SOUTH 286 FEET

- 1. Landscaping and buffering along the west and 286 feet of the south property line shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; 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. (CO: LANDSCAPE-Zoning) (Previous Condition J.I of Resolution R-98-0410, Petition DOA95-22(A))

L. 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. (CO/ ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition K.I of Resolution R-98-0410, Petition DOA95-22(A))
- 2. All outdoor lighting fixtures shall not exceed the following requirements:
 - a. Height: Maximum twenty five **(25)** feet measured from finished grade to highest point;
 - b. Spacing: Minimum sixty feet (60) apart; and,

c. **Intensity: Along Okeechobee Blvd & Florida Turnpike: Maximum average of 45 footcandle levels.** (CO: BLDG - Zoning) (Previous Condition K.2 of Resolution R-98-0410, Petition DOA95-22(A))

3. **All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only.** (ONGOING: CODE ENF-Zoning) (Previous Condition K.3 of Resolution R-98-0410, Petition DOA95-22(A))

4. **The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material.** (ONGOING: CODE ENF-Zoning) (Previous Condition K.4 of Resolution R-98-0410, Petition DOA95-22(A))

5. Prior to the issuance of the first Certificate of Occupancy for this petition, all existing and any proposed freestanding lighting fixtures (excluding concrete poles), and railings along the vehicular driveway shall be painted bronze. (CO: LANDSCAPE/BLDG-Zoning)

M. MUPD

1. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATTY - Zoning)

2. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING/CO ATTY-Zoning)

N. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to include the existing or proposed future location of sidewalks along Okeechobee Boulevard since this site is within two (2) miles of a school. (DRC: PLANNING-Planning)

O. SIGNS

1. **Freestanding point of purchase signs fronting on Okeechobee Boulevard, excluding out parcels, shall be limited as follows:**

a. **Freestanding point of purchase sign:**

1) **Maximum sign height, measured from finished grade to highest point - twenty-five (25) feet;**

2) **Maximum sign face area per side - 150 square feet;**

3) **Maximum number of signs - one (1); and**

- 4) Style - monument style only. (CO: BLDG-Zoning) (Previous Condition M.1.a of Resolution R-98-0410, Petition DOA95-22(A))
 - b. Freestanding primary identification sign:
 - 1) Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - 2) Maximum sign face area per side - 60 square feet;
 - 3) Maximum number of signs - one (1); and,
 - 4) Style - monument style only. (CO: BLDG-Zoning) (Previous Condition M.1.b of Resolution R-98-0410, Petition DOA95-22(A))
2. Freestanding point of purchase signs fronting on Okeechobee Boulevard for the outparcel shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1) and
 - d. Style - monument style only. (CO: BLDG-Zoning) (Previous Condition M.2 of Resolution R-98-0410, Petition DOA95-22(A))
3. Freestanding point of purchase signs fronting on the Florida Turnpike shall be limited as follows:
 - a. Freestanding point of purchase sign:
 - 1) Maximum sign height, measured from finished grade to highest point -twenty (20) feet;
 - 2) Maximum sign face area per side - 150 square feet;
 - 3) Maximum number of signs - one (1); and
 - 4) Style -monument style only. (CO: BLDG-Zoning) (Previous Condition M.3 of ResolutionR-98-0410, PetitionDOA95-22(A))
4. All billboards adjacent to the Florida Turnpike shall be removed prior to final Certificate of Occupancy and shall not be relocated. (CO: BLDG-Zoning) (Previous Condition M.4 of Resolution R-98-0410, Petition DOA95-22(A))
5. The existing three (3) paneled directional sign shall be either reduced to form a two (2) panel sign or be increased to form a four (4) panel sign. Should the petitioner/property owner choose to increase the panels, the fourth panel shall be limited to tenant identification only. (CO:BLDG - Zoning)

P. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF -Zoning) (Previously Condition N.1 of Resolution R-98-0410, Petition DOA95-22(A))
2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF - Zoning) (Previously Condition N.2 of Resolution R-98-0410, Petition DOA95-22(A))
3. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, service, display and inventory/storage spaces and shall maintain minimum backup distance and maneuverability. (ONGOING: CODE ENF - Zoning) (Previous Condition N.3 of Resolution R-98-0410, Petition DOA95-22(A))

4. 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. Except that special event signage shall be permitted with a special permit pursuant to signage regulations in Section 7.14 of the ULDC. (ONGOING: CODE ENF - Zoning) (Previous Condition N.4 of Resolution R-98-0410, Petition DOA95-22(A))
5. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG -Health) (Previous Condition N.5 of Resolution R-98-0410, Petition DOA95-22(A))
6. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.6 of Resolution R-98-0410, Petition DOA95-22(A))
7. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.7 of Resolution R-98-0410, Petition DOA95-22(A))
8. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF - Zoning) (Previous Condition N.8 of Resolution R-98-0410, Petition DOA95-22(A))
9. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF - Zoning) (Previous Condition N.9 of Resolution R-98-0410, Petition DOA95-22(A))
10. Vehicles shall not be tested off-site on the Vista Center property. (ONGOING: CODE ENF) (Previous Condition N.10 of Resolution R-98-0410, Petition DOA95-22(A))
11. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading, dispatch and delivery areas. (ONGOING: CODE ENF)

Q. WATER UTILITIES

1. The developer shall be required to design and construct a sewer lift station per PBC Water Utilities Department specifications and with a capacity and access to serve the area east of Jog Road, west of the Florida Turnpike and south of Okeechobee Boulevard. (PBCWUD) (Previous Condition 0.1 of Resolution R-98-0410, Petition DOA95-22(A))

R. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previously Condition P.1 of Resolution R-98-0410, Petition DOA95-22(A))

2. Condition P.2 of Resolution R-98-0410, Petition DOA95-22(A) which currently states:

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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to read:

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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)