

RESOLUTION NO. R-2003-0939

RESOLUTION APPROVING ZONING PETITION DOA1987-006D
DEVELOPMENT ORDER AMENDMENT
PETITION OF AUTONATION IMPORTS OF PALM BEACH, INC.
BY KIM JURAN, AGENT
(LEXUS OF PALM BEACH)

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 DOA1987-006D was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2003; 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 has considered the findings in the staff report and 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 adapted, 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 DOA1987-006D, the petition of AutoNation Imports of Palm Beach, Inc., by Kim Juran, agent, for a Development Order Amendment to add land area and parking spaces 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 June 26, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

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

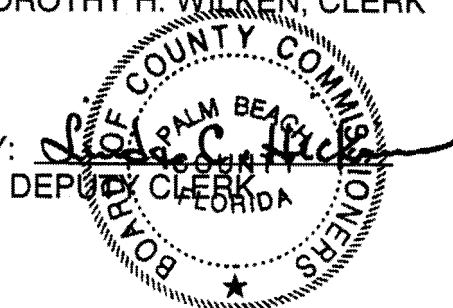


EXHIBIT A
LEGAL DESCRIPTION

Parcel 1:

Lots 1 and 2 of MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida.

TOGETHER with property described as Lateral No. 1, bound on the North by the South Right-of-Way line of Okeechobee Road, and on the East by the West Right-of-Way line of Congress Avenue, and on the South by the North line of Lots 1 and 2, MEERDINK'S LITTLE RANCHES, and on the West by the line which is the Northerly extension of the West line of lot 2, MEERDINK'S LITTLE RANCHES.

LESS AND EXCEPT: The real property described in Special Warranty Deed recorded in Official Records Book 1701, Page 410.

Parcel 2:

Lot 3, less the East 15 feet thereof, of MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida.

Parcel 3:

Block A, Less the North 382 feet and less the South 55 feet, WESTGATE ESTATES, according to the Plat thereof, as recorded in Plat Book 8, Page 38, of the Public Records of Palm Beach County, Florida.

Parcel 4:

Lots 1 through 8 inclusive, Block A, of the AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6, AND THE NORTHERN PART OF BLOCK A OF WESTGATE ESTATES, according to the Plat thereof, as recorded in Plat Book 9, Page 20, of the Public Records of Palm Beach County, Florida, together with that part of the North 232 feet of Block A, WESTGATE ESTATES, according to the Plat thereof, as recorded in Plat Book 8, Page 38, of said Public Records, lying South of said Lots 1 through 8, inclusive.

Parcel 5:

The South One Hundred Fifty Feet (S 150') of the North Three Hundred Eighty-Two Feet (N 382') of Block A, WESTGATE ESTATES, according to the plat thereof, as recorded in Plat Book 8, Page 38, of the Public Records of Palm Beach County, Florida.

Parcel 6:

All of that certain abandoned 20 foot platted street, lying North of, and contiguous to, the North line of Lot 3, MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida.

Parcel 7:

The North 232.8 feet of the Lake Worth Drainage District E-3 2 right-of-way lying in Section 30, Township 43 South, Range 43 East, as recorded in Plat Book 15, Page 16, Public Records of Palm Beach County, Florida, Being more particularly described as follows:

All that portion of the **said** Lake Worth Drainage District E-3 1/2 feet (30 feet wide) right-of-way lying North of the South property line of Lot 3, MEERDINK'S LITTLE RANCHES and South of the North property line of Lots 1 and 2 of MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida; excepting the South 20 feet of the fore described portion of said right-of-way.

Less and except that all parcels above (1 through 7 inclusive) shall not include and shall except the following described property as the case may be:

The North 16.00 feet of, as measured at right angles, to the North line of Lots 1 through 8, inclusive, Block A, of the AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK "A", WESTGATE ESTATES, according to the Plat thereof, as recorded in Plat Book 9, Page 20, Public Records of Palm Beach County, Florida.

AND

The West 24.00 feet of the East 39.00 feet, as measured at right angles, to the East line of Lots 1 and 3, MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida.

Together with the West 24.00 feet of the East 39.00 feet of that certain 20.00 foot street right-of-way, lying between Lots 1, 2 and 3 of said MEERDINK'S LITTLE RANCHES. AND That portion of Lots 1 through 8 inclusive, Block A of AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK A OF WESTGATE ESTATES, recorded in Plat Book 9, Page 20, of the Public Records of Palm Beach County, Florida,

AND

that portion of the Lake Worth Drainage District E-3 1/2 Canal (30 feet wide) right of way and together with property described as Lateral No. 1 all lying in Section 30, Township 43 South, Range 43 East, being more particularly described as follows:

COMMENCE at the Found Brass Disc at the West 1/4 Section corner of Section 29, Township 43 South, Range 43 East; thence North 01° 32' 44" East along the West line of said Section 29, a distance of 2733.70 feet to the Northwest corner of said Section 29; thence North 01° 14' 31" East, a distance of 13.00 feet to the Baseline of Survey for State Road 704 (Okeechobee Blvd.); thence North 88° 53' 11" West along **said** Baseline of Survey, a distance of 380.33 feet; thence South 01° 06' 49" West, a distance of 44.00 feet to the POINT OF BEGINNING; thence South 88° 53' 11" East, a distance of 203.20 feet; thence South 03° 53' 47" West, a distance of 4.01 feet; thence South 88° 53' 11" East, a distance of 126.95 feet to a point on a curve concave to the Southwest having a chord **bearing** South 43° 40' 14" East; thence **Southeasterly** along said curve having a radius of 10.00 feet, through a central angle of 90° 25' 55", an arc distance of 15.78 feet to the end of said curve; thence South 01° 32' 44" West, a distance of 12.93 feet; thence North 88° 53' 11" West, a distance of 24.00 feet; thence North 01° 32' 44" East, a distance of 3.39 feet; thence North 56° 11' 49" West, a distance of 27.06 feet; thence North 88° 53' 11" West, a distance of 293.11 feet; thence North 01° 07' 19" East, a distance of 9.00 feet to the POINT OF BEGINNING.

Parcel 8:

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Page 4

The South 1/2 of Lot 5 and the North 25 feet of Lot 6, MEERDINK'S LITTLE RANCHES according to the Plat thereof recorded in Plat Book 4, Page 50, Public Records of Palm Beach County, Florida less the East 35 feet thereof for road right of way.

Parcel 9:

A portion of Lake Worth Drainage District Canal E-3 112-8 right-of-way lying in Section 30, Township 43 South, Range 43 East, as recorded in WESTGATE ESTATES in Plat Book 15, Page 16, of the Public Records of Palm Beach County, Florida, said right of way being more particularly described as follows:

Bounded on the North by a line lying 20.00 feet North of South line of Lot 3, MEERDINK'S LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50 of the Public Records of Palm Beach County, Florida and as mentioned in O.R.B. 5597, Page 1990, as the South line of that portion of the Canals abandoned lying 232.8 feet South of the North line of Lots 1 and 2, MEERDINK'S SUBDIVISION.

Bounded on the South by a line lying 329.08 feet South of, and parallel to a line lying 20.00 feet North of the South line of MEERDINK'S LITTLE RANCHES, Lot 3. Bounded on the West, by the East line of Block "A", WESTGATE ESTATES, and the West right-of-way line of the E 3 1/2-8 Canal, as recorded in Plat Book 15, Page 16, Public Records of Palm Beach County, Florida.

Bounded on the East by the East line right-of-way line of the E-3 1/2-8 Canal, and the West line of Lots 4, 5, 6, 7 of the MEERDINK'S LITTLE RANCHES PLAT as recorded in Plat Book 4, Page 50, of the Public Records of Palm Beach County, Florida.

PARCEL 10:

A portion of Lake Worth Drainage District E-3 112-8 Canal (30 foot wide) Right of Way lying in Section 30, Township 43 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows; **COMMENCE** at a found Brass Disc at the West 1/4 Section corner of Section 29, Township 43 South, Range 43 East, thence North 01° 32' 44" East along the West line of said Section 29, a distance of 2,733.70 feet to the Northwest corner of said Section 29; thence North 01° 14' 31" East a distance of 13.00 feet to the Baseline of Survey for State Road 704 (Okeechobee Boulevard); thence North 88° 45' 29" West along said Baseline of Survey, a distance of 0.02 feet; thence North 88° 53' 11" West along said Baseline of Survey, a distance of 380.31 feet; thence South 01° 06' 49" West a distance of 44.00 feet to a point on the Westerly line of Lot 1, Block A of AMENDED PLAT OF BLOCKS 1, 2, 3, 4, 5, 6 AND THE NORTHERN PART OF BLOCK A OF WEST GATE ESTATES, as recorded in Plat Book 9, Page 20 of the Public Records of Palm Beach County, Florida; thence North 88° 53' 11" East along the Southerly line of that parcel of land as described in Official Record Book 6649, Page 237 of the Public Records of Palm Beach County, Florida, known as Parcel 160 (PART), as shown on the Florida Department of Transportation Right-of-way Map numbered 93280-2510, a distance of 203.20 feet to a point on the Westerly Right-of-Way line of the E-3 1/2-8 Canal; thence South 03° 53' 47" West along said Westerly line, a distance of 4.01 feet to the POINT OF BEGINNING; thence continue South 03° 53' 47" West along said Westerly line, a distance of 23.03 feet; thence South 88° 53' 11" East, a distance of 30.04 feet; thence North 03° 53' 47" East along the Easterly Right-of-Way line of the said E-3 1/2-8 Canal, a distance of 23.03 feet to a point on the Southerly Existing Right-of-way line for State Road 704 (Okeechobee Boulevard); thence North 88° 53' 11" West along said Southerly Right-of-Way line, a distance of 30.04 feet to the POINT OF BEGINNING, LESS the North 5.00 feet thereof.

EXPANSION PROPERTY

PARCEL 11

(Parcel 1)

Lot 4, less the East 15 feet of MEERDINKS LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, Public Records of Palm Beach County, Florida.

and

(Parcel 2)

North 2 of Lot 5, less the East 35 feet of MEERDINKS LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 4, Page 50, Public Records of; Palm Beach County, Florida.

Altogether Expansion Property consisting of 4.0 acres more or less

EXHIBIT B
VICINITY SKETCH

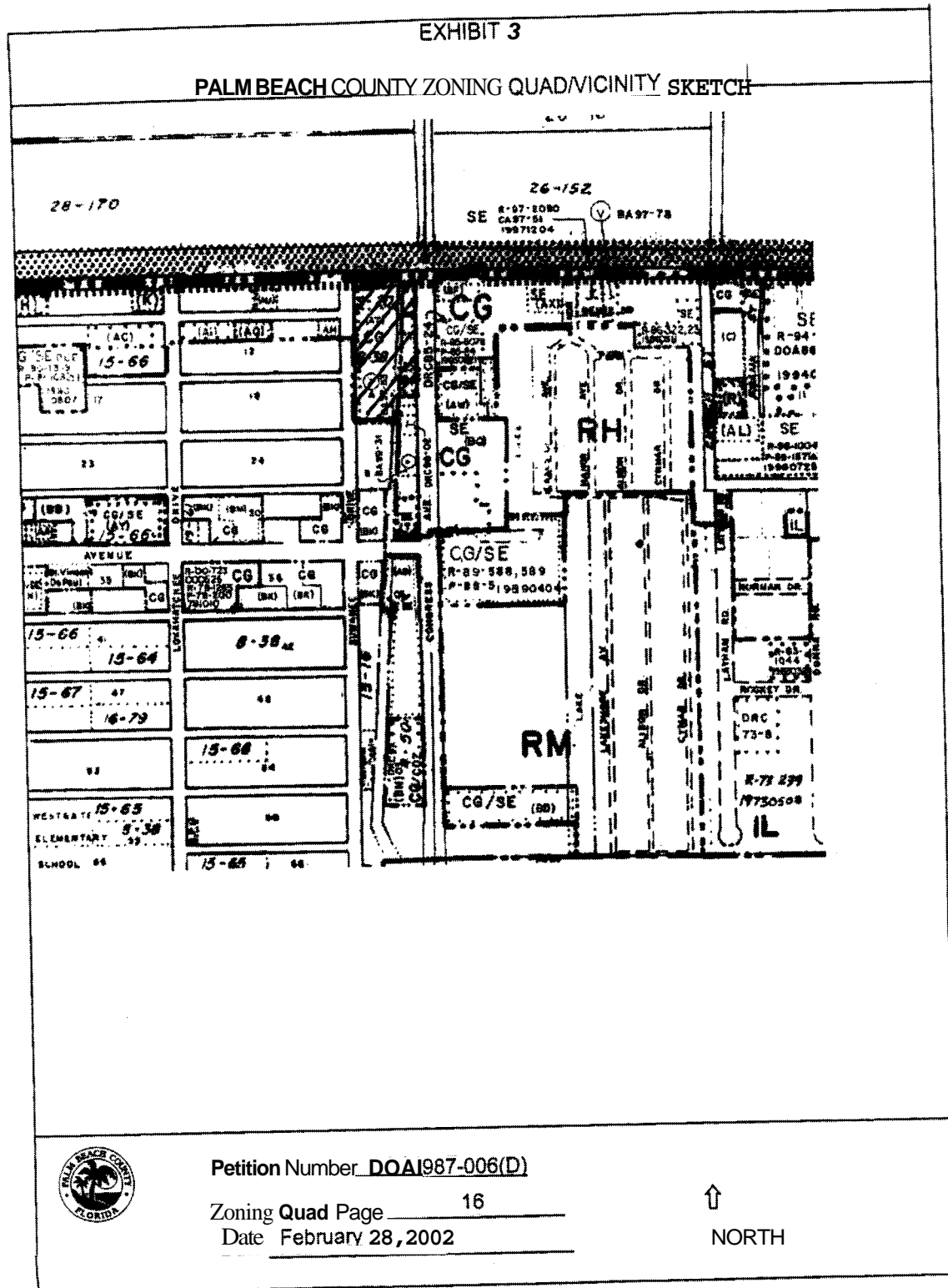


EXHIBIT C

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-98-2038, Petition DOA87-006(C), which currently states:

All **previous** conditions of approval applicable to the subject property, as contained in Resolution **87-1099** (Petition **87-006**) and Resolutions **R-89-1634**, **R-89-1635** (Petition **87-006A**), **R-97-1573** (Petition **87-006B**) 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, **as** contained in Resolution **R-1998-2038** (Petition **DOA1987-006(C)**), 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-98-2038, Petition DOA87-006(C), 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 September 24, 1998. 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 **14, 2003**. 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)

B. AUTO (VEHICLE) STORAGE AND DISPLAY AREAS

1. Condition **8.1** of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

There shall be no outside storage of disassembled vehicles or parts thereof. (ONGOING: **CORE** ENF - Zoning)

Is hereby amended to read:

There shall be no outside storage of disassembled vehicles or parts thereof, nor outdoor repair of vehicles on site. (ONGOING: CODE ENF – Zoning)

2. Condition **B.2** of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

The parking of vehicles shall be limited to the designated areas shown on the site plan dated June ~~30~~, 1997. **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 **14**, 2003, 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)

3. Condition 8.3 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Vehicles displayed on site shall not ~~be~~ displayed elevated above ground level or with open hoods or trunks excepting the existing second story display space.

Is hereby deleted. [REASON: Code requirement,]

4. Condition **8.4** of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

The southern ~~0.84~~ acre parcel shall be ~~used~~ exclusively for the storage of inventory.

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

5. Condition **B.5** of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

A maximum of one hundred and ~~sixty~~ four (**164**) vehicles shall be stored on site at any time.

Is hereby amended to read:

A maximum of **one** hundred and twenty four (**124**) vehicles shall be allowed on site as inventory storage at any time. A maximum of ~~seventy-eight~~ (**78**) vehicles may be displayed on site at any time. (ONGOING: CODE ENF – Zoning)

6. When this ~~facility~~ ~~is~~ not open, the parking area shall ~~be~~ locked and gated. (ONGOING: CODE ENF – Zoning) (Previous Condition B.6 of Resolution R-98-2038, Petition DOA87-006(C))

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Total gross floor area shall be limited to a maximum of **22,776 square** feet.

Is hereby deleted, [REASON: Replaced by Condition A.2.]

2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed **thirty-five (35) feet**. (BLDG PERMIT: BLDG – Zoning) (Previously Condition 6.2 of Resolution R-98-2038, Petition DOA87-006(C))
3. 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 PERMIT: BLDG – Zoning) (Previously Condition C.3 of Resolution R-98-2038, Petition DOA87-006(C))

D. BUILDING AND SITE DESIGN

1. Condition D.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

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 the residential property line and shall be confined to the areas designated on the site plan.

Is hereby amended to read:

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/CODE ENF – Zoning)

2. Prior to final Development Review Committee (RRC) approval, the site plan shall be revised to delete the Congress Avenue access point located in the 0.4 acre addition. (DRC: ZONING – Zoning)

E. 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. (DRC: ENG – Eng) (Previous Condition E.5 of Resolution R-98-2038, Petition DOA87-006(C))
2. The property owner shall pipe the existing drainage ditch along the project's east property line concurrent with **onsite** paving and drainage improvements. (MONITORING: ENG – Eng) (Previous Condition E.8 of Resolution R-98-2038, Petition DOA87-006(C))
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. (BLDG PRMT: MONITORING – Eng) (Previous Condition E.9 of Resolution R-98-2038, Petition DOA87-006(C))
4. Condition E.10 of Resolution R-98-2038, Petition DOA87-006(C)) which currently states:

Prior to June 1, 1999 the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way to ~~provides~~ an expanded Intersection at the intersection of Okeechobee Boulevard and Congress Avenue as shown on Palm Beach County's expanded intersection detail. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (BLDG PRMT: MONITORING - Eng)

Is hereby deleted. [Reason: New Condition E.8 below replaces this condition.]

5. 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 PRMT: MONITORING - Eng) (Previous Condition E.11 of Resolution R-98-2038, Petition DOA87-006(C))

6. Condition E.12 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Prior to June 1, 1999, the **Developer** shall ~~replat~~ the entire Lexus Car Dealership in accordance with provisions of Article 8 of the Unified Land Development Code.

~~Is~~ hereby amended to read:

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)

7. 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. (BLDG PRMT: MONITORING - Eng)
8. 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." (DATE/BLDG PRMT: MONITORING - Eng)

9. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC: ENG - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

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)

G. HEALTH

1. Generation and disposal of ~~hazardous~~ effluents into sanitary sewer system shall be prohibited unless adequate ~~pretreatment~~ facilities approved by the Florida Department of ~~Environmental Regulation~~ (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH - Health) (Previous Condition F.1 of Resolution R-98-2038, Petition DOA87-006(C))
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site. (ONGOING: HEALTH - Health) (Previous Condition F.2 of Resolution R-98-2038, Petition DOA87-006(C))
3. Water service ~~is~~ available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH - Health) (Previous Condition F.3 of Resolution R-98-2038, Petition DOA87-006(C))
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 stormwater runoff from the remainder ~~of~~ the site. (ONGOING: HEALTH - Health) (Previous Condition F.4 of Resolution R-98-2038, Petition DOA87-006(C))
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 - Health) (Previous Condition P.1 of Resolution R-98-2038, Petition DOA87-006(C))

H. LAKE WORTH DRAINAGE DISTRICT

1. The petitioner shall convey to the Lake Worth Drainage District the additional right-of-way for E-3 2 Canal as shown on the Survey for the property until such time as document has been executed for the piping, paving and parking, as ~~tentatively~~ agreed to by the ~~owner=s~~ representative and the Board of Supervisors of the Lake Worth Drainage District at the regular Board Meeting on November 12, 1986. (Previous Condition G. 1 of Resolution R-98-2038, Petition DOA87-006(C))

I. LANDSCAPING - STANDARD

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: 35 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. (CO: LANDSCAPE - Zoning) (Previous Condition H.1 of Res. R-98-2038, Petition DOA87-006(C))
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. (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-98-2038, Petition DOA87-006(C))
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. (CO: LANDSCAPE – Zoning)
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 Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING – INTERIOR

- 1. 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. (DRC: ZONING – Zoning) (Previously Condition I.1 of Resolution R-98-2038, Petition DOA87-006(C))
- 2. 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. (DRC/CO: ZONING/LANDSCAPE – Zoning) (Previously Condition 12 of Resolution R-98-2038, Petition DOA87-006(C))
- 3. 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. (LANDSCAPE/DRC: ZONING – Zoning)
4. 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. (DRC: ZONING – Zoning)

K. LANDSCAPING ALONG NORTH PROPERTY LINE (FRONTAGE OF OKEECHOBEE BOULEVARD)

- 1. Landscaping and buffering along the north property line fronting an 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. (CO: LANDSCAPE – Zoning)

L. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CONGRESS AVENUE)

- 1. Condition M.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Landscaping along the above property line shall include:

- a. **A minimum fifteen (15) 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.**

Is hereby amended to read:

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. (CO: LANDSCAPE – Zoning)
2. 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. (CO: LANDSCAPE – Zoning)

M. LANDSCAPING ALONG WEST PROPERTY LINE (SUWANEE DRIVE)

f. Landscaping along the above 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. (CO: LANDSCAPE: ZONING – Zoning) (Previous Condition J. 1 of Resolution R-98-2038, Petition DOA87-006(C))**

N. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition K.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Prior to January 15, 1998, the petitioner shall replace any dead, damaged, or missing trees, shrubs or other required improvements on the site in accordance with the ULDC or Landscaping Conditions as modified.

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

O. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING COMMERCIAL)

1. Condition L.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Landscaping along the above property lines shall include:

- a. A minimum five (5) 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.

Is hereby amended to read:

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. (LANDSCAPE: ZONING - Zoning)

P. 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 N.1 of Resolution R-98-2038, Petition DOA87-006(C))
- 2. All new outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition N.2 of Resolution R-98-2038, Petition DOA87-006(C))
- 3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Condition N.3 of Resolution R-98-2038, Petition DOA87-006(C))

Q. SIGNS

1. Condition Q.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

No banners, flags, balloons, snipe signs, etc. shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code.

Is hereby amended to read:

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)

2. Condition Q.2 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

No off premise signs shall be permitted on site,

Is hereby deleted. [REASON: Code requirement and inconsistent with billboard settlement agreement.]

3. **Any wall signs shall be limited to the north and east facades of the showroom/sales building.** (CO: BLDG PRMT – Zoning) (Previous Condition Q.3 of Resolution R-98-2038, Petition DOA87-006(C))
4. **No additional freestanding signs except for directional signs shall be permitted on site.** (ONGOING: COOE ENF – Zoning) (Previous Condition Q.4 of Resolution R-98-2038, Petition DOA87-006(C))
5. Replacement or relocation of existing freestanding point of purchase signs on Okeechobee Boulevard shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point: fifteen **(15)** feet;
 - b. Maximum sign face area: seventy-five (75) square feet per side;
 - c. Maximum number of signs: one (1);
 - d. Style: Monument style only;
 - e. Location within fifty (50) feet of the Okeechobee Boulevard entrance;
 - f. Exceptions: The existing metal pylon sign (excluding the portion housing the electronic message board) may be relocated one (1) time to accommodate the addition of a right turn lane on Okeechobee Boulevard; and,
 - g. Signs shall be limited to identification of tenants only. (GOIDRC: BLDG/ZONING – Zoning)
6. Replacement or relocation of existing freestanding point of purchase signs fronting on Congress Avenue shall be limited as follows:
- a. Maximum sign height, measured from finished grade to highest point: fifteen **(15)** feet;
 - b. Maximum sign face area: fifty (50) square feet per **side**;
 - c. Maximum number of signs: one (1);
 - d. Style: Monument style only;
 - e. Location: Congress Avenue frontage; and,
 - f. Signs shall be limited to identification of tenants only. (CO/DRC: BLDG/ZONING – Zoning)

R 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.** (DRC: ZONING- Co Atty) (Previous Condition R. 1 of Resolution R-98-2038, Petition DOA87-006(C))

S. USE LIMITATIONS

1. There shall be no outdoor loud speaker system installed upon the site. (ONGOING: ZONING/CODE ENF – Zoning) (Previous Condition S.1 of Resolution R-98-2038, Petition DOA87-006(C))
2. Use of the site shall be limited to the commercial sales, teasing and repair of new or used automobile and customary accessory use. (ONGOING: ZONING/CODE ENF – Zoning) (Previous Condition 5.2 of Resolution R-98-2038, Petition DOA87-006(C))
3. Condition 0.1 of Resolution R-98-2038, Petition DOA87-006(C), which currently states:

Loading shall be limited to designated areas within the interior of the site.

is hereby amended to read:

All loading/unloading activities shall be limited to designated areas within the interior of the site, (ONGOING: CODE ENF – Zoning)

T. 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) (Previous Condition T.1 of Resolution R-98-2038, Petition DOA87-006(C))
2. Condition T.2 of Resolution R-98-2038, Petition DOA87-006(C), 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; 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.

It 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, (ONGOING: MONITORING – Zoning)