

RESOLUTION NO. R-2009- 0486

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2008-01698  
(CONTROL NUMBER 2005-00641)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF Florida Auto Auction of Orlando Inc - dba Manheim Palm Beach,  
JMC-IV Real Estate Company  
BY Kilday & Associates, Inc., AGENT  
(Manheim Palm Beach MUPD)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application ZV/DOA-2008-01698 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.



7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application ZV/DOA-2008-01698, the application of Florida Auto Auction of Orlando Inc - dba Manheim Palm Beach, JMC-IV Real Estate Company, by Kilday & Associates, Inc., agent, for a Development Order Amendment to to add land area and square footage, reconfigure the site plan, restart the commencement clock, delete conditions of approval contained within R2004-2423, and modify a condition of approval (Engineering) 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 March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 30, 2009.


Filed with the Clerk of the Board of County Commissioners on April 2, 2009.

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON BOCK COUNTY CLERK &  
COMPTROLLER  
BY:   
DEPUTY CLERK  
FLORIDA

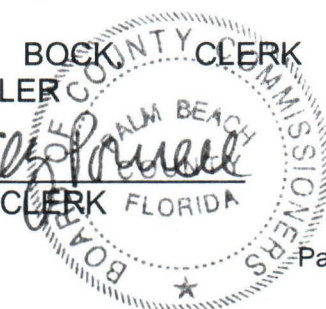


EXHIBIT A  
LEGAL DESCRIPTION

TRACTS A AND B, WEST PALM BEACH AUTO AUCTION, M.U.P.D., PLAT BOOK 111, PAGES 80 THROUGH 84, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

TRACT 27, LESS THE NORTH 46 FEET THEREOF; TRACT 28, LESS THE NORTH 46 FEET AND THE WEST 40 FEET THEREOF; THE NORTH 80 FEET OF TRACT 33, LESS THE WEST 40 FEET THEREOF; THE NORTH 80 FEET OF TRACT 34, ALL IN BLOCK 7, PALM BEACH FARMS CO, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

THAT CERTAIN 30 FOOT STRIP OF LAND LYING EAST OF TRACT 28 AND WEST OF TRACT 27 AND THE NORTH 80 FEET OF THAT CERTAIN 30 FEET STRIP OF LAND LYING EAST OF TRACT 33 AND WEST OF TRACT 34, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION THEREOF LYING WITHIN THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT CANAL NO. L-4.

TOGETHER WITH

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES FOR THE BENEFIT OF PARCELS ABOVE, CREATED IN THAT CERTAIN ACCESS EASEMENT BETWEEN LAKE WORTH DRAINAGE DISTRICT AND GREEN MEADOWS FARM, INC., RECORDED IN OFFICIAL RECORD BOOK 10668, PAGE 980, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST 50 FEET OF THE EAST 68 FEET OF THE NORTH 50 FEET OF TRACT 27, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

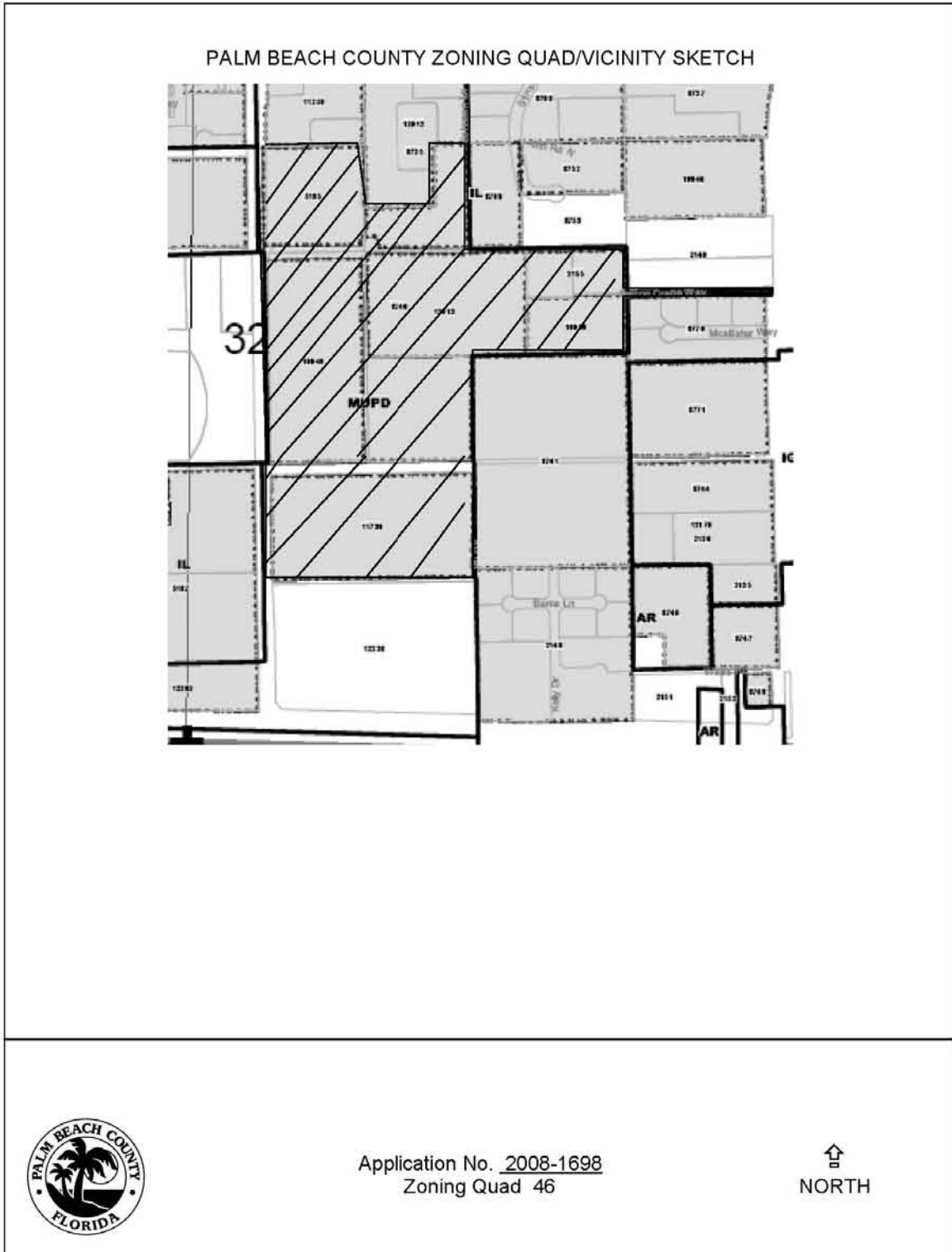
TOGETHER WITH THE WEST 50 FEET OF THE EAST 68 FEET OF THE 30 FOOT PLATTED ROADWAY (A/K/A LAKE WORTH DRAINAGE DISTRICT L-4 CANAL AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) LOCATED BETWEEN TRACTS 22 AND 27, BLOCK 7, OF THE AFORESAID PLAT.

LESS AND EXCEPT

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 17785, PAGE 1807, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 91.598 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous condition All Petitions 1, Resolution R-2006-915 Control 2005-641, which currently states:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated March 9, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated February 2, 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. (DRO: ZONING - Zoning)

2. All conditions of approval contained in Resolution R-2004-2423 for an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential Zoning District to the Multiple Use Planned Development District are associated with Control Number 2004-326 for the Palm Beach Post Production Facility which was never constructed are not applicable to Control Number 2005-641 for the Auto Auction and Open Storage (Automobiles) uses known as Manheim Palm Beach MUPD and are therefore hereby deleted.

3. Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING-Zoning)

#### ARCHITECTURAL REVIEW

1. Previous Condition Architectural Review 1, Resolution R-2006-915 Control 2005-641, which currently states

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed auto paint and body shop, auction building and security building 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. (DRO: ARCH REVIEW - Zoning)

Is hereby amended to read

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the administration/auction building "A" 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. (DRO: ARCH REVIEW - Zoning)

2. Previous Condition Architectural Review 2, Resolution R-2006-915 Control 2005-641, which currently states

The maximum height of the buildings shall be thirty-five feet, excluding architectural features which shall not exceed a maximum height of forty (40) feet and shall be generally consistent with the elevations prepared by Don D. Walter, Architect and dated December

30, 2005. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)

Is hereby deleted REASON: Code requirement.

3.Previous Condition Architectural Review 3, Resolution R-2006-915 Control 2005-641, which currently states

Design of gutters and downspouts shall be integrated into the architectural design of proposed buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

Is hereby deleted. REASON: No longer applicable.

4.Previous Condition Architectural Review 4, Resolution R-2006-915 Control 2005-641, which currently states

At time of issuance of the certificate of occupancy (CO) for the expansions to Building A, existing Buildings C and D will be painted a color consistent with the color of Building A. (CO: ARCH REVIEW-Zoning)

Is hereby amended to read

At time of issuance of the certificate of completion for Building A, existing Buildings C and D shall be painted to color consistent with the color of Building A. (CO: ARCH REVIEW-Zoning)

5.At least ten percent (10%) of the total roof area of building A shall be vegetated green roof and the remaining roof area shall use high solar reflectance roof or any equivalent effective method of reducing heat. (ONGOING: BUILDING - Zoning)

#### BUILDING AND SITE DESIGN

1.Prior to final approval by the Development Review Officer (DRO), a note shall be added to the Site Plan to indicate that approximately 18 acres of paved area shall be "High Solar Reflectance Pavement" per the Petition ZV/DOA-2008-1698. The subject paved area is the parcel to the south supporting new Building A and includes the LWDD L-4 canal area if the Triple P agreement is approved. (DRO: ZONING - Zoning)

#### ENGINEERING

1.Prior to August 1, 2006 the property owner shall convey a temporary roadway construction easement along Sansbury Way 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 E1 of Zoning Resolution R-2006-0915, Control No. 2005-641)

[Note:Complete]

2.Previous Condition E2 of Zoning Resolution R-2006-0915, Control No. 2005-641, which currently states:

The Property owner shall construct a left turn lane south approach on Benoist Farms Road at Falcon Crane Way.

a. This construction shall completed prior to June 1, 2007. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.



- b. Permits required by Palm Beach County for this construction shall be obtained prior March 1, 2007. (DATE: Monitoring-Eng)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (DATE: MONITORING-Eng)

is hereby amended to read:

The Property owner shall construct a left turn lane south approach on Benoist Farms Road at Falcon Crane Way. This construction shall be concurrent with improvements for Building J. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit for Building J shown on the certified site plan from Application ZV/DOA-2008-1698. (BLDG PERMIT: Monitoring-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Building J shown on the certified site plan from Application ZV/DOA-2008-1698. (CO: MONITORING-Eng)

### 3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

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

a. Benoist Farms Road, 80 feet west of the ultimate west right of line of the LWDD E2 Canal.

b. 25-foot Corner Clip at the northeast and southeast corners of the intersection of Sansbury Way and Fairgrounds Road.

c. Sansbury Way, 60 feet from centerline

d. All right of way shall be dedicated prior to August 1, 2006. Right of way conveyance shall be free 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. (DATE: MONITORING-Eng)

(Previous Condition E3 of Zoning Resolution R-2006-0915, Control No. 2005-641)

[Note: Complete]

4. Prior to August 1, 2006, the property owner shall convey a roadway construction easement as follows:

a. Falcon Crane Way at Benoist Farms Road

b. 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. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (DATE: MONITORING-Eng)

(Previous Condition E4 of Zoning Resolution R-2006-0915, Control No. 2005-641)

[Note:Complete]

5.Previous Condition E5 of Zoning Resolution R-2006-0915, Control No. 2005-641, which currently states:

The property owner shall fund any required utility relocation costs associated with the Benoist Farms left turn lane construction required in the condition above. Limits of the required utility relocation shall be from the north right of way of McAlistor Way, north, to the end of the construction limits. Palm Beach County also has required turn lane construction on Benoist Farms Road at McAllistor Way. Palm Beach County will be responsible for Utility relocation costs along Benoist Farms Road from the north right of way of McAllistor Way south to the end of Palm Beach County construction limits. (ONGOING:ENG-Eng)

Is hereby amended to read:

The property owner shall fund any required utility relocation costs associated with the Benoist Farms left turn lane construction required in engineering condition E2 above. Limits of the required utility relocation shall be from the north right of way of McAllister Way, north, to the end of the construction limits. There are also turn lanes required on Benoist Farms Road at McAllister Way that are to be constructed by others where Palm Beach County will be responsible for Utility relocation costs along Benoist Farms Road from the north right of way of McAllister Way south to the end of Palm Beach County construction limits. (ONGOING:ENG-Eng)

6.Previous Condition E6 of Zoning Resolution R-2006-0915, Control No. 2005-641, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule: No Building Permits for the site may be issued after May 25, 2009. 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, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

is hereby amended to read:

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, 2013. 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)

7.The Property owner shall construct:

- i. Right turn lane south approach on Sansbury's Way at project's middle entrance.
- ii. Left turn lane north approach on Sansbury's Way at project's middle entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner.

These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a.Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for the modification of the site. (BLDG PERMIT: MONITORING Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy



for any buildings permitted after the initial development order amendment. (CO: MONITORING-Eng)

8. Property owner shall provide Land Development a copy of the Piping, Paving, Parking license agreement from LWDD for improvements within the L-4 canal right of way prior to DRO final site plan approval. (DRO:ENGINEERING-Eng)

9. The property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer on Sansbury's Way at project's middle entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 6 months of the Development Order. (DATE:MONITORING Eng)

10. In order to be relieved from this requirement and to have the surety posted for the traffic signal on Sansbury's Way at project's middle entrance returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING:ENGINEERING Eng)

11. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

12. Prior to final site plan approval, the property owner shall provide a 20 foot drainage easement along the east side of the southern portion of the property to Palm Beach County. The easement shall extend from the south property line and continue north to the LWDD L-4 canal right of way. (DRO: ENGINEERING-Eng)

## HEALTH

1. Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING; CODE ENF-Health) (previous condition Health 1. of Resolution R-2006-915, Control 2005-641)

## ZONING - LANDSCAPING

1. Previous condition Landscaping 1, Resolution R-2006-915 Control 2005-641, which currently states:

All landscaping shall be designed, installed and maintained in accordance with the landscape design concepts, including buffer widths, as shown on Kilday & Associates, Inc. Conceptual Landscape Plans dated January 04, 2006. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby deleted. Reason: No longer applicable.

2. Previous condition Landscape 2, Resolution R-2006-915 Control 2005-641, which currently states:

Prior to Development Review Officer (DRO) approval, the applicant shall have submitted a Landscape Plan for review and approval by the Landscape Section. The plan shall be generally consistent with the Conceptual Landscape Plans prepared by Kilday & Associates, Inc. and dated January 04, 2006 and the Variance Exhibit submitted with the Board of Adjustment petition BA 2005-01705. (DRO:LANDSCAPE-Zoning)

Is hereby deleted. Reason: No longer applicable.

3.A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning) (Previous condition Landscape 3, Resolution R-2006-915 Control 2005-641)

4.Previous condition Landscape 4, Resolution R-2006-915 Control 2005-641, which currently states:

All canopy trees to be planted in the inventory storage areas shall be native and meet the following minimum standards at installation:

- a. tree height: Sixteen (16) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)

Is hereby deleted. Reason: No longer applicable upon Zoning Commission approval of Petition ZV/DOA-2008-1698 for landscape variances in the inventory storage areas.

5.A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscape 5, Resolution R-2006-915 Control 2005-641)

6.Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscape 6, Resolution R-2006-915 Control 2005-641)

#### ZONING - LANDSCAPING-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF SANSBURY'S WAY)

7.In addition to the proposed landscaping and Code requirements, landscaping along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a minimum tree height: Sixteen (16) feet; and,
- c. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous condition Landscaping 1 (along West Property Line) Resolution R-2006-915 Control 2005-641.)

#### ZONING - LANDSCAPING

8.Prior to final approval by the Development Review Officer (DRO), the approved Landscape plans dated June 9, 2008 shall be amended to include the 20-acre added land area and the LWDD L-4 Canal area (if the Triple P licensing agreement is approved). The Landscape Plan shall be in compliance with all landscape related conditions of approval as contained herein. Trees and medium shrub plantings shall be maximized to the greatest

extent possible (as determined by the Landscape Review Section) within the pervious area of the 20-acre added area indicated on the Preliminary Site Plan dated February 2, 2009, including the additional Divider median provided under Landscape Condition 10. (DRO: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING-SPECIAL PLANTING AREA

9. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain LWDD approval of the proposed planting plan for the LWDD L-4 canal. The planting plan shall include the right-of-way buffer area and the area between Phase 1 Lake and Phase 2 Lake as indicated on the Preliminary Site Plan dated February 2, 2009. To mitigate for the variance to eliminate trees and medium shrubs in the inventory storage area, the LWDD L-4 canal area planting plan shall maximize trees and medium shrubs to the greatest extent possible except that a minimum clear area for LWDD vehicles and minimum required separation between trees and the pipe shall be provided as required by the LWDD Triple P licensing agreement. If the LWDD does not approve the proposed planting plan for the above referenced areas, an alternative plan shall be submitted for approval by Palm Beach County (ONGOING: LANDSCAPE - Landscape)

#### ZONING - LANDSCAPING

10. Prior to final approval by the Development Review Officer (DRO), the Site Plan shall be revised to include divider medians between every row of parking in the Dealer and Employee Parking area. Building A side setback from the LWDD L-4 canal as indicated on the Preliminary Site Plan dated February 2, 2009 may be reduced to comply with this condition. (DRO: ZONING - Zoning)

#### ZONING - LANDSCAPING-SPECIAL PLANTING AREA

11. Prior to final approval by the Development Review Officer (DRO), the pervious area to the west and southwest of proposed Building A shall be designated as a Special Planting Area. Trees and medium shrubs shall be planted to maximize landscape material in this area. (DRO: ZONING-Landscape)

#### LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous condition Lighting 1, Resolution R-2006-915 Control 2005-641)

2. 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 Lighting 2, Resolution R-2006-915 Control 2005-641)

#### PALM TRAN

1. Previous Mass Transit Condition 1, Resolution R-2006-915, Control 2005-641, which currently states:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

Is hereby deleted. Reason: Complete.

2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG -Palm Tran)

#### SIGNS

1. Previous condition Signs 1, Resolution R-2006-915 Control 2005-641, which currently states:

Freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point fifteen (15) in height;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs: one (1) for this road frontage;
- d. style - monument style only;
- e. location - within fifty (50) feet of the southern access point on Sansbury's Way; and,
- f. sign shall be limited to identification of tenant only.

(BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Freestanding signs fronting on Sansbury's Way shall be limited as follows:

- a. maximum sign height eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs: one (1);
- d. style - monument style only;
- e. location - within fifty (50) feet of the southern access point on Sansbury's Way; and,
- f. sign shall be limited to identification of tenant only.

(BLDG PERMIT: BLDG - Zoning)

#### UTILITIES

1. Prior to first Service Initiation in Phase 2, the Developer shall construct a 30" sewer Force Main along the west property line from the south property line to the LWDD Canal L-4.

2. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications.  
(ONGOING-UTILITIES)

#### 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)

1. 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

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

b. 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

c. Referral to code enforcement; and/or

d. 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.  
(ONGOING: MONITORING - Zoning)