

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2009-00219
(CONTROL NUMBER 1987-00006)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF BROWARD MOTORSPORTS OF PALM BEACH LLC
BY RUDEN, MCCLOSKEY, AGENT
(BROWARD MOTORSPORTS 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, 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-2009-00219 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 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-2009-00219, the application of Broward Motorsports of Palm Beach LLC, by Ruden, McClosky, agent, for a Development Order Amendment to to redesignate land uses (auto dealership to a facility that sells/leases and services motorcycles, boats, etc), reconfigure the site plan and modify conditions of approval (Use Limitations) 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 29, 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
District 7	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 29, 2009.

Filed with the Clerk of the Board of County Commissioners on July 8th, 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, CLERK &
COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

Parcel "A", LEXUS OF PALM BEACH, according to the Plat thereof, as record in Plat Book 111, Pages 74-75 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

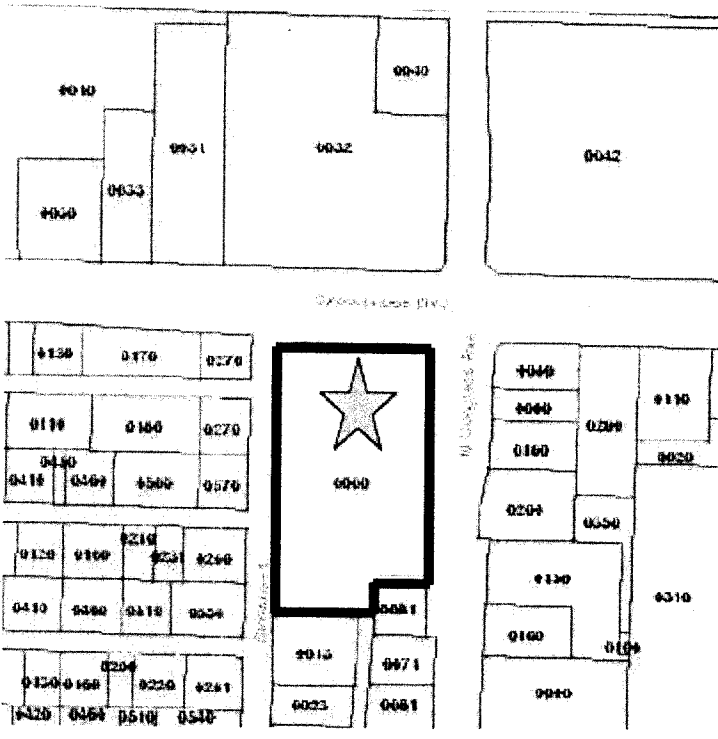


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2003-939, Petition DOA87-006(D), which currently states:

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)

Is hereby amended to read:

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

2. Condition A.2 of Resolution R-2003-0939, 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 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)

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 13, 2009. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING -Zoning)

3. Prior to approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. (DRC: ZONING- Co Atty) (Previous Condition R.1 of Resolution R-03-939, Petition DOA87-006(D))

ARCHITECTURAL REVIEW

1. At time of submittal for Building permits, the architectural elevations for all proposed structures shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (Building Permit: ARCH REVIEW - Zoning)

ENGINEERING

1. Prior to site plan certification, all drainage and road right-of-ways within the project shall be properly abandoned as determined by the County Attorney. (DRO: ENGINEERING Eng) (Previous Condition E1 of Resolution R-2003-939, Control No. 1987-006(D)) [Note: Completed]

2. The property owner shall pipe the existing drainage ditch along the project's east property line concurrent with onsite paving and drainage improvements. (ONGOING:

ENGINEERING Eng) (Previous Condition E2 of Resolution R-2003-939, Control No. 1987-006(D)) [Note:Completed]

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 E3 of Resolution R-2003-939, Control No. 1987-006(D)) [Note:Completed]

4. Prior to June 1, 1999 the property owner shall convey a temporary roadway construction easement to Palm Beach County for that portion of the additional property added to the car dealership along Congress Avenue. Construction by the applicant within sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE/BLDG PRMT: MONITORING Eng) (Previous Condition E5 of Resolution R-2003-939, Control No. 1987-006(D)) [Note:Completed]

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

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

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

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

This additional right of way shall be conveyed on or before October 1, 2003, or prior to the issuance of the first Building Permit whichever shall first occur. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach

County's Thoroughfare Right of Way Identification Map and shall "Corner Clips." (Previous Condition E8 of Resolution R-2003-939, Control No. 1987-006(D)) (BLDG PERMIT: MONITORING-Eng) [Note:Completed]

8. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING Eng) (Previous Condition E9 of Resolution R-2003-939, Control No. 1987-006(D))

9. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for a 25 foot corner clip at the intersection of Okeechobee Boulevard and Suwanee Drive prior to December 29, 2009. Right of way conveyance shall be free and clear of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and

encroachments. (DATE: MONITORING-Eng)

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

a. No building permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING Eng)

11. No Building Permits for the site shall be issued until the Property Owner provides documentation to the Traffic Division that the applicable maximum allowable limits for the Westgate TCEA development identified in Table TE-6 of the Comprehensive Plan will not be exceeded. (BLDG PERMIT: MONITORING - Eng)

ENVIRONMENTAL

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

HEALTH

1. Previous condition G. 1 of Resolution R-2003-939; Control 1987-006 which reads:

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)

Is hereby amended to read:

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

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted for the site. (ONGOING: HEALTH-Health) (Previous condition G. 2 of Resolution R-2003-939; Control 1987-006)

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 G. 3. of Resolution R-2003-939; Control 1987-006)

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 G. 4 of Resolution R-2003-939; Control 1987-006)

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 G. 5 of Resolution R-2003-939; Control 1987-006)

LANDSCAPE - GENERAL

1. All canopy trees required to be planted on site by this approval shall meet the

following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition I.1 of Resolution R-03-939, Petition DOA87-006(D))

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 I.2 of Resolution R-03-939, Petition DOA87-006(D))

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) (Previous Condition I.3 of Resolution R-03-939, Petition DOA87-006(D))

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) (Previous Condition I.4 of Resolution R-03-939, Petition DOA87-006(D))

LANDSCAPE - 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) (Previous Condition J.1 of Resolution R-03-939, Petition DOA87-006(D))

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) (Previous Condition J.2 of Resolution R-03-939, Petition DOA87-006(D))

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) (Previous Condition J.3 of Resolution R-03-939, Petition DOA87-006(D))

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) (Previous Condition J.4 of Resolution R-03-939, Petition DOA87-006(D))

LANDSCAPE - PERIMETER

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

- a. A minimum twenty (20) foot wide landscape buffer strip. Buffer may be reduced to seven and one-half (7.5) feet in width in accordance with Board of Adjustment variance BA 2003-005;
- b. One (1) canopy tree for each thirty (30) linear feet of the property line. Where applicable, all existing Geiger or Silver Buttonwood trees shall be relocated;
- c. One (1) small shrub for each five (5) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- d. One (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE Zoning) (Previous Condition K.1 of Resolution R-03-939, Petition DOA87-006(D))

2. 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) (Previous Condition L.1 of Resolution R-03-939, Petition DOA87-006(D))

3. 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) (Previous Condition L.2 of Resolution R-03-939, Petition DOA87-006(D))

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

- a. A ten (10) foot wide landscape buffer strip;
- b. One fourteen (14) foot high native, canopy tree planted at twenty (20) feet on center; and
- c. Thirty six (36) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches. (CO: LANDSCAPE: ZONING Zoning) (Previous Condition J.1 of Resolution R-98-2038, Petition DOA87-006(C)) (Previous Condition M.1 of Resolution R-03-939, Petition DOA87-006(D))

5. 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) (Previous Condition O.1 of Resolution R-03-939, Petition DOA87-006(D))

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 P.1 of Resolution R-03-939, Petition DOA87-006(D))

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 P.2 of Resolution R-03-939, Petition DOA87-006(D))

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF Zoning) (Previous Condition P.3 of Resolution R-03-939, Petition DOA87-006(D))

SIGNS

1. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF Zoning) (Previous Condition Q.1 of Resolution R-03-939, Petition DOA87-006(D))

2. 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-03-939, Petition DOA87-006(D))

3. No additional freestanding signs except for directional signs shall be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition Q.4 of Resolution R-03-939, Petition DOA87-006(D))

4. 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. (CO/DRC: BLDG/ZONING Zoning) (Previous Condition Q.5 of Resolution R-03-939, Petition DOA87-006(D))

Is hereby deleted. [REASON: Variance condition only allows one (1) sign.]

5. 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) (Previous Condition Q.6 of Resolution R-03-939, Petition DOA87-006(D))
Is hereby deleted. [REASON: Variance condition only allows one (1) sign.]

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

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet;
- b. Maximum sign face area: one hundred and thirty five (135) square feet per side;
- c. Maximum number of signs: one (1) combined;
- d. Style: Monument style only;
- e. Location: Intersection of Okeechobee Boulevard and Congress Avenue; and,
- f. Signs shall be limited to the design as indicated on the proposed site plan dated April 13, 2009. (CO/DRO: BLDG/ZONING Zoning)

SITE DESIGN

1.The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG Zoning) (Previous Condition C.2 of Resolution R-03-939, Petition DOA87-006(D))

2.All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG Zoning) (Previous Condition C.3 of Resolution R-03-939, Petition DOA87-006(D))

3.All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty-five (25) feet of a residential property line, nor be located in a Lake Worth Drainage District Easement (LWDD). (ONGOING: ZONING/CODE ENF Zoning) (Previous Condition D.1 of Resolution R-03-939, Petition DOA87-006(D))

4.Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to delete the Congress Avenue access point located in the 0.4 acre addition. (DRC: ZONING Zoning) (Previous Condition D.2 of Resolution R-03-939, Petition DOA87-006(D))

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

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-03-939, Petition DOA87-006(D))

USE LIMITATIONS-AUTO (VEHICLE) STORAGE AND DISPLAY AREAS

1.Condition B.5 of Resolution R-2003-939, Petition DOA87-006(D), which currently states:

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)

Is hereby deleted. [REASON: The condition is no longer relevant as the vehicle type changed.]

2.Condition S.2 of Resolution R-03-939, Petition DOA87-006(D), which currently states:

Use of the site shall be limited to the commercial sales, leasing and repair of new or used automobile and customary accessory use. (ONGOING: ZONING/CODE ENF Zoning)

Is hereby amended to read:

Use of the site shall include commercial retail sales/leasing and/or vehicle sales/leasing and/or repair/service and customary accessory uses. (ONGOING:ZONING/CODE ENF Zoning)

3.All loading/unloading activities shall be limited to designated areas within the interior of the site. (ONGOING: CODE ENF Zoning) (Previous Condition S.3 of Resolution R-03-939, Petition DOA87-006(D))

4.There shall be no outside storage of disassembled vehicles or parts thereof, nor outdoor repair of vehicles on site. (ONGOING: CODE ENF Zoning) (Previous Condition B.1 of Resolution R-03-939, Petition DOA87-006(D))

5.The parking of vehicles shall be limited to areas designated for storage, display, customer and employee parking as indicated on the site plan dated April 14, 2009, unless modifications are required to address conditions of approval. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted. (ONGOING: CODE ENF Zoning) (Previous Condition B.2 of Resolution R-03-939, Petition DOA87-006(D))

6.When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF Zoning) ((Previous Condition B.4 of Resolution R-03-939, Petition DOA87-006(D))

VARIANCE

1.Prior to the submittal for final approval by the Development Review Officer (DRO), the approved variance(s) and any associated conditions conditions of approval shall be reflected on the site plan. (DRO:ZONING-Zoning)

2.Prior to July 1, 2010 all construction shall be initiated for the proposed improvements affected by the variance or the site plan will become null and void. The applicant may either obtain a variance extension or amend the site plan to comply with Code. (DATE: MONITORING-Zoning/BofA)

3.The development order for this particular variance shall lapse on July 1, 2010, one (1) year from the approval date. The applicant may apply for an extension provided they complete the time extension application, prior to the original Development Order (DO) expiring. (DATE: MONITORING-ZONING)

4.The Development Order for this non-concurrent variance shall be valid till July 1,2009, a period of one (1) year from the date of the Zoning Hearing. The property owner must secure a building permit or commence development to vest the variance pursuant to ULDC Table 2.E.3-B-1. (DATE: MONITORING - Zoning)

ZONING 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)

2.Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)