

RESOLUTION NO. R-2015-0958

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2014-01341  
(CONTROL NO. 1976-00134)  
a Development Order Amendment  
APPLICATION OF Hammerhead Motors  
BY Jon E Schmidt & Associates, AGENT  
(Ponderosa Industrial Park, Lot 13)

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

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

WHEREAS, Zoning Application ZV/DOA/R-2014-01341 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2015;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.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/R-2014-01341, the application of Hammerhead Motors, by Jon E Schmidt & Associates, Agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, and add a Requested Use, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 2015, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 23, 2015.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2015.

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOCA RATON FLORIDA" at the bottom, separated by a star on the left. The inner ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "DEPUTY CLERK" at the bottom, also separated by a star on the left.

EXHIBIT A  
LEGAL DESCRIPTION

**Property Control Number & Legal Description  
Ponderosa Industrial Park**

Overall

LEGAL DESCRIPTION

PONDEROSA INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE(S) 113 AND 114, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL ACREAGE

+/- 23.436 Acres

**Affected Area:**

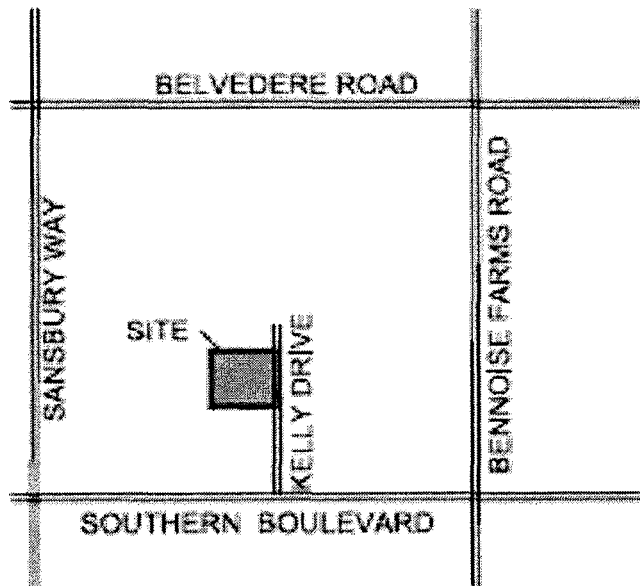
LEGAL DESCRIPTION

LOT 13, PONDEROSA INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 34, PAGE(S) 113 AND 114, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL ACREAGE

1.097 Acres

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2001-962, Control No.1976-00134, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-1037 (Petition 76-134), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

##### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-1037 (Control 76-134), R-2001-0962 (Control 1976-134A) 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. The approved Overall Master Plan is dated September 14, 1977. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. The approved Preliminary Site Plan for Lot 13, is dated May 20, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ALL PETITIONS-APPLICABLE TO TRACT A ONLY

4. 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 10, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (Applicable to Tract A only) (ONGOING: ZONING - Zoning) Previous ALL PETITIONS condition 2 of Resolution R-2001-962, Control No.1976-00134

##### ENGINEERING

1. Developer shall dedicate to Palm Beach County the additional right-of-way required for a one hundred twenty (120) foot right-of-way for State Road 80 within ninety (90) days, and shall also reserve an additional eighty (80) feet for future right-of-way. (Previously Condition 2. of Resolution R-76-1037, Petition 76-134) (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 1 of Resolution R-2001-962, Control No.1976-00134)

2. Prior to September 1, 2001, the property owner shall convey a temporary roadway construction easement along Southern Boulevard 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2001-962, Control No.1976-00134)

3. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Southern Boulevard 220 feet north of the existing north right of way line of Southern Boulevard or a lesser amount if approved by the Florida Department of Transportation and County Engineer. This right of way shall be conveyed prior to September 1, 2001, or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 3 of Resolution R-2001-962, Control No.1976-00134)

4. Prior to Site Plan approval by the DRC, the property owner shall revise the site plan for the site to align the project entrance with Gator Lane. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-2001-962, Control No.1976-00134)

**LANDSCAPE - GENERAL-(APPLICABLE TO TRACT A ONLY)**

1. For proposed or replacement of canopy trees required to be planted in the perimeter buffer 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2001-962, Control No.1976-00134)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2001-962, Control No.1976-00134)

3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2001-962, Control No.1976-00134)

**LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH PROPERTY LINE (SOUTHERN BOULEVARD FRONTAGE TRACT A ONLY)**

4. Prior to December 1, 2002 or issuance of Certificate of Occupancy, whichever comes first, any native plant materials which may be affected by the road expansion, shall be relocated within the proposed right-of-way buffer for Southern Boulevard. In case the plant materials are damaged or destroyed during the transplanting process, the petitioner/property owner shall replace with similar species. (CO/DATE: LANDSCAPE - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2001-962, Control No.1976-00134)

**LANDSCAPE - GENERAL-(APPLICABLE TO THE OVERALL PID)**

5. Developer shall provide the following perimeter buffer areas:

- a) North - Fifteen (15) feet

- b) South - Twenty-five (25) feet
- c) East - Fifteen (15) feet
- d) West - Twenty-five (25) feet (CO: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2001-962, Control No.1976-00134)

6. Developer shall preserve as many trees as possible as indicated on Site Plan, Exhibit No. 6, and shall protect trees of significant value as determined by the Planning, Building and Zoning Departments urban forester. (ONGOING: LANDSCAPE - Zoning) (Previous LANDSCAPE - GENERAL condition 5 of Resolution R-2001-962, Control No.1976-00134)

#### **SITE DESIGN-(TRACT A ONLY)**

1. Total gross floor area shall be limited to a maximum of 36,483 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRO. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN condition 1 of Resolution R-2001-962, Control No.1976-00134)

2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN condition 2 of Resolution R-2001-962, Control No.1976-00134)

3. All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BUILDING DIVISION - Zoning) (Previous SITE DESIGN condition 3 of Resolution R-2001-962, Control No.1976-00134)

4. No barbed or razor wire shall be permitted on the site. (ONGOING: BUILDING DIVISION - Zoning) (Previous SITE DESIGN condition 4 of Resolution R-2001-962, Control No.1976-00134)

#### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment,

and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.