

RESOLUTION NO. R-97-960

RESOLUTION APPROVING ZONING PETITION **DOA96-69(A)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF **GARDENETTE ROYAL PROP., INC. & BONNIE LANE INC.**  
BY **ROBERT BASEHART, AGENT**  
(**P. B. TOYOTA AKA KIA**)

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 **DOA96-69(A)** was presented to the Board of County Commissioners at a public hearing conducted on June **23, 1997**; and

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

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

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

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

- 0. This Development Order Amendment has a concurrency determination and **complies** with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development **Code**.
- 9. This Development Order Amendment, with **conditions** as adopted, minimizes **environmental** impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands **and the** natural functioning of the environment.
- 10. **This Development Order Amendment**, with conditions **as** adopted, will result **in logical**, timely and **orderly** development **patterns**.

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA96-69(A), ~~the petition of Gardenette Royal Prop., Inc. & Bonnie Lane Inc.~~, by Robert Basehart, agent, for a Development Order Amendment to redesign ~~site~~ plan and add building square footage (+11,150) 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 23, 1997, **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 Roberts and, upon being put to a vote, the vote **was** as follows:

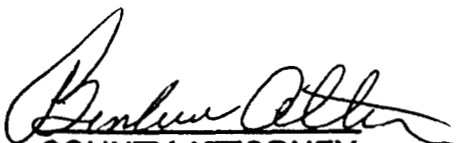
Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that *the* resolution **was** duly passed and adopted on July 24, 1997.

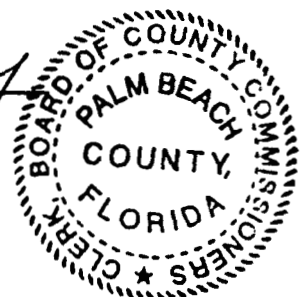
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION TO ACCOMPANY **WSC DWG. NO. 87-1156-5** (RES. PARCEL):  
Parcel A

South 1/2 of the Northeast **114** of the Southwest 1/4 also being Lot 2, Block 3, **PALM BEACH PLANTATIONS**, recorded in Plat **Book 10**, page **20**, of the Public Records of Palm Beach County, Florida, less the West **787** feet as measured ~~along the South line less the North~~ **111.04** feet as measured along the West line and less the South **371.06** feet as measured along the West line and less the East **402** feet as measured along the South line of Section 1, Township **44** South, Range **42**, East. **Palm** Beach County, Florida.

Less the West **20** feet for road ~~right~~ of way purposes.

**Parcel B**

The West **95.89** feet of the East **402** feet of the South **81.15** feet of the North **192.18** feet of the South one-half of the Northeast **114** of the Southwest **114** of Section 1, Township **44** South, Range **42** East. Palm Beach County. Florida.

Parcel C

The North **85.53** feet of the North Half of the South **371.06** feet, as measured along the West line, less the West **787** feet, as measured along the South line, and ~~less~~ the South **256** feet, as measured along the East line of the East **362** feet, as measured along the South line, and less the East **402** feet, as measured along the South line of the North **115.06** feet of the South **371.06** feet, as measured along the East line of the South Half of the Northeast quarter of the Southwest quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County. Florida, less the West **20** feet for road right of way purposes.

Parcel D

The North **70.47** feet of the South **256** feet of the East **186.21** feet of the West **973.21** feet; and the North **29.53** feet of the South **285.53** feet of the East **146.21** feet of the West **933.21** feet of the NE **114** of the SW **114** of Section 1, Township **44** South, Range **42** East. Palm Beach County. Florida. less the West **20** feet for road right of way purposes.

Parcel E (O.R.B. 514, Page 649)

The North Half (N **112**) of the South **185.53** feet, as measured along the West line, of the East **182.21** feet of the West **973.21** feet: as measured along the South line. of the South Half (S 1/2) of the Northwest Quarter (NE 1/4) of the Southwest Quarter (SW **114**) of Section 1, Township **44** South, Range **42** East.

SUBJECT to an easement for road and street purposes over and across the West 20 feet of the above described property

Less the right of way for Bonnie Lane in O.R.B. 2310. page 882.

Parcel F (O.R.B. 1196, Page 7)

The Westerly 60 feet of the Easterly **362** feet of the Northerly **100** feet of the Southerly **216** feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South, Range **42** East. Palm Beach County, Florida.

Parcel G (O.R.8. 5337, Page 1185)

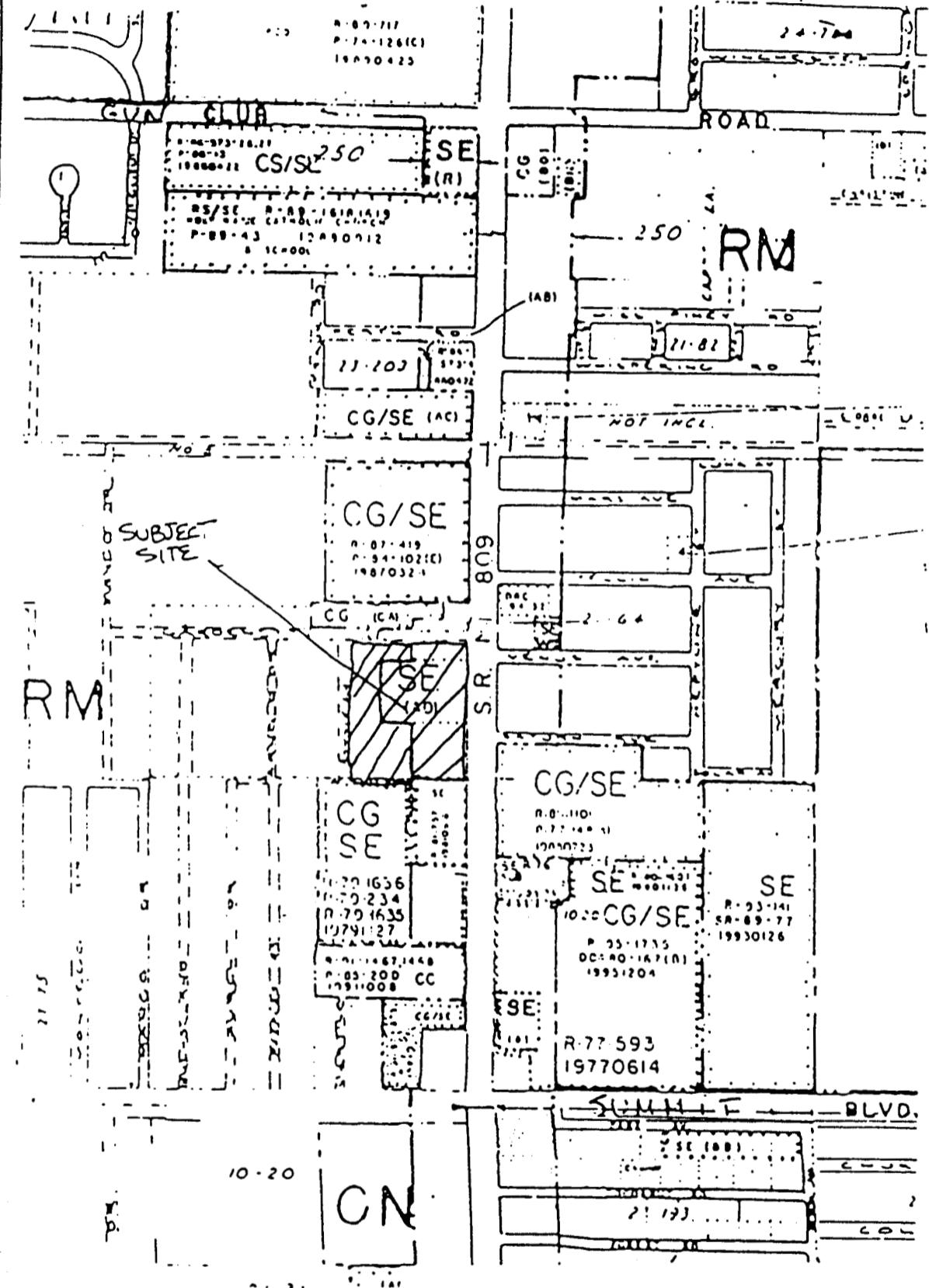
The South Half of the South **185.53** feet as measured along the West line. **LESS** the West **787** feet and **LESS** the East **362** feet as measured along the South line of the South Half of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South, Range **42** East, Palm Beach County, Florida.

Parcel H

The Westerly 60 feet of the Easterly **362** of the Southerly **216** feet of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 1, Township **44** South. Range **42** East, Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number Z/CA 96-69

Zoning Quad Page \_\_\_\_\_

Date: June 19, 1996



NORTH

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.    **The approval granted in Resolution R-80-225 (Petition 80-10), is hereby revoked. (Previously Condition A.1 of Resolution R-96-1732, Petition 96-69) (MONITORING)**

2.    **Condition A2 of Resolution R-96-1732, Petition 96-69 which currently states:**

Development of the site is limited to the uses and site design approved by **the** Board of County Commissioners (site plan dated August 2, 1996). 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 23, 1997**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the **ULDC**. (ONGOING: ZONING)

3.    All previous conditions of approval applicable to the subject property, as contained in Resolutions **R-96-1732** (Petition **96-69**), 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)

**B.**    **BUILDING AND SITE DESIGN**

1.    **Condition B.1 of Resolution R-96-1732, Petition 96-69, which currently states:**

Total gross **floor** area shall be limited to a maximum of twenty seven thousand four hundred (**27,400**) square feet. **(DRC: ZONING)**

**Is** hereby amended to read:

Total **gross** floor area shall be limited to one building with a maximum of thirty-six thousand five hundred fifty feet (36,550). **(DRC: ZONING)**

2.    **The minimum setback for the service building shall be one hundred (100) from the west property line. (Previously Condition B.2 of Resolution R-96-1732, Petition 96-69) (DRC: ZONING)**

3. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty (30) feet. (Previously Condition **B.3** of Resolution R-96-1732, Petition 96-69) (BLDG PERMIT: BLDG - Zoning)
4. Bay door openings shall not be permitted on the facade of buildings directly facing residential areas **or** public streets. (Previously Condition **B.4** of Resolution R-96-1732, Petition 96-69) (BLDG PERMIT: BLDG - Zoning)
5. All air conditioning and mechanical equipment shall be screened **from** view **on all** sides by a visually opaque **barrier** consistent with the color, **character and architectural style of the** principle structure or equivalent landscape material. (Previously Condition **8.5** of Resolution R-96-1732, Petition 96-69) (CO: BLDG/LANDSCAPE - Zoning)
6. Similar architectural character and treatment shall be provided on all sides **of** the buildings visible from perimeter property lines. (Previously Condition B.6 of Resolution R-96-1732, Petition 96-69) (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to final DRC site plan certification. (Previously Condition C.1 of Resolution R-96-1732, Petition 96-69) (DRC: ERM)

D. HEALTH

1. Generation and disposal **of** any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and **the** agency responsible for sewage works are constructed and used by project tenants **or** owners generating such effluent. (Previously Condition D.1 of Resolution R-96-1732, Petition 96-69) (ONGOING: HEALTHICODE ENF)
2. **The** owner, occupant **or** tenant of the facility shall participate in an oil recycling program which ensures proper **reuse or** disposal of any waste oil. (Previously Condition D.2 of Resolution R-96-1732, Petition 96-69) (ONGOING: HEALTHICODE ENF)
3. Any toxic **or** hazardous waste which may **be** generated at this site shall be properly handled and disposed of in accordance with Chapter **62-730 FAC.** (Previously Condition **0.3** of Resolution R-96-1732, Petition 96-69) (ONGOING: HEALTHICODE ENF)

E. ENGINEERING

1. 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. (Previously Condition **E.1** of Resolution R-96-1732, Petition 96-69) (ENG)

2. **Prior** to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for 2 twenty-five foot corner clips, 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. One corner clip in the southwest corner of Military Trail and Gardenette Road and the 2nd **is** located in **the southeast** corner **of the** intersection of Gardenette Road **and** Bonnie lane. (Previously Condition E.2 of Resolution R-96-1732, Petition 96-69) (DATUBLDG PERMIT: MONITORING - Eng)
3. Prior **to** Site Plan approval by the Development Review **Committee**, the property owner shall **revise** the site plan to reflect one access onto **Military Trail** in accordance with Florida Department of Transportation access management criteria. NOTE: condition **has be** completed. (Previously Condition E.3 of Resolution R-96-1732, Petition **96-69**) (DRC: **ENG**)
4. LANDSCAPE WITHIN MEDIAN
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent **median(s)** of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public **Works**, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March **1994** Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (Previously Condition E.4.a of Resolution R-96-1732, Petition 96-69) (**BLDG PERMIT: MONITORING - Eng**)
  - B. All required median landscaping, including an irrigation system **if** required shall **be** installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees **or** duly established Property **Owner's** Association **and/or** Homeowners's Association. Perpetual maintenance includes, **but is not limited to**, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods **of** drought in order to maintain healthy plant material. **All** landscape material shall be installed on or before **the** issuance of a Certificate **of** Occupancy. (Previously Condition E.4.b of Resolution **R-96-1732**, Petition 96-69) (**CO: MONITORING - Eng**)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (Previously Condition E.4.c of Resolution R-96-1732, Petition 96-69) (CO: MONITORING - Eng)
5. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit for this project, Zoning Petition 96-69, presently is \$36,520 (664 additional trips X \$55.00 per trip) (Previously Condition E.5 of Resolution R-96-1732, Petition 96-69) (ONGOING: ACCOUNTING - Fair Share Fee Coord)
6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project Zoning Petition DOA 96-69 (A) to be paid at the time of issuance of the Building Permit presently is \$70,840 (1,288 additional trips X \$55.00 per trip). (ONGOING: FAIR SHARE FEE COORD)
7. The Property owner shall construct a pedestrian pathway along the north side of Gardenette Road from Military Trail west a distance of approximately 375 feet. 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 drainage structure relocation. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING/Eng)
8. No building permits or certificates of occupancy after December 31, 1997 unless a new traffic study is submitted and approved by the County Engineer justifying a longer project buildout. (DATE: ENG)

F. LANDSCAPING

1. All trees required to be planted shall meet the following minimum standards at time of 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. (Previously Condition F.1 of Resolution R-96-1732, Petition 96-69) (CO: LANDSCAPE - Zoning)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
- a. Palm heights: twelve (12) feet grey wood.



- b. Clustering: staggered heights twelve **(12)** to **eighteen (18)** feet.
- c. Pruning: minimum six **(6)** fronds, no clipped ~~or~~ spiked cuts.
- d. Credit may be given **for** existing ~~or~~ relocated palms **provided** they meet current ULDC requirements. (Previously Condition F.2 of Resolution R-~~96~~-1732, Petition ~~96~~-69) (CO: **LANDSCAPE** - Zoning)

**G. LANDSCAPING - INTERIOR**

1. Petitioner shall provide a minimum of one **(1)** interior landscape ~~island~~ for every twelve **(12)** parking space interval ~~designated~~ as customer/service, **display** and employee parking spaces. (Previously **Condition G.1** of Resolution R-~~96~~-1732, Petition ~~96~~-69) (DRC: **LANDSCAPE** - Zoning)
2. Landscaped divider medians shall be provided between all rows of abutting parking ~~designated~~ as **customer/service**, display and employee parking spaces. The minimum width of the median shall be **five (5)** feet with one tree and appropriate ground cover installed a maximum spacing of **thirty (30)** feet on center. (Previously Condition G.2 of Resolution R-~~96~~-1732, Petition 96439) (DRC / CO: **ZONING / LANDSCAPE**)
3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall **be** provided in ~~the~~ center of **all** driveways over **thirty (30)** feet in width providing ingress ~~or~~ egress to the site. The minimum width of this median shall be **six (6)** feet. The minimum length of this median shall be twenty five **(25)** feet. A minimum width of **five (5)** feet of landscaped area shall **be** provided. One tree and appropriate ground cover shall be planted for each twenty **(20)** linear feet of the ~~divider~~ median. (Previously **Condition G.3** of Resolution R-~~96~~-1732, Petition ~~96~~-69) (DRC / CO: **ZONING / LANDSCAPE**)
4. Condition G.4 of Resolution R-~~96~~-1732, Petition 96-69, ~~which~~ currently states:

Landscape planters shall be provided on the facades of **all** structures. The combined length of the required landscape planters shall be no less than **40%** of the total length of the applicable side of ~~the~~ **structure**. **The** minimum width of ~~the~~ required foundation landscape planters shall be five **(5)** feet. **All** required landscape islands shall **be** planted with a minimum of one **(1)** tree ~~or~~ palm every **20** feet on center ~~and~~ appropriate ground cover.

Is hereby amended to read:

Landscape planters shall be provided on the facades of all structures. The combined length of ~~the~~ required landscape planters shall **be** no less than 40% of the total length of the north, south and east facades and 100% of the total length of the west **facade** of the structures. The minimum width of the required foundation **landscape** planters shall be five **(5)** feet. **All** required landscape islands shall **be** planted with a minimum of one (1) **tree or** palm every **20** feet on center ~~and~~ appropriate ground cover. (DRC/CO: **ZONING / LANDSCAPE**)

**H. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL)**

1. Landscaping and buffering along the east property line shall include:
  - a. a minimum fifteen **(15)** foot wide landscape buffer strip;
  - b. one **(1)** canopy tree for each twenty **(20)** linear feet of frontage with a maximum spacing of **twenty-five (25)** feet on center;
  - c. one **(1)** palm for each twenty **(20)** linear feet of frontage with a **maximum** spacing of sixty **(60)** feet on center between clusters; **and**
  - d. twenty four **(24)** inch high **shrub** or hedge material shall be **spaced** no more **than** twenty four **(24)** inches on **center** and **maintained at a** minimum height **of thirty-six (36)** inches.
  - e. **an additional group of three (3) palms may be substituted for a** perimeter canopy tree (Previously Condition **H.I** of Resolution **R-96-1732, Petition 96-69**) (**CO/ONGOING: LANDSCAPE/CODE ENF - Zoning**)

Condition I of Resolution **R-96-1732, Petition 96-69**, which currently states:

**I. LANDSCAPING ALONG WEST PROPERTY LINE (BONNIE LANE) AND WEST TWO HUNDRED TWENTY (220) FEET OF NORTH PROPERTY LINE (GARDENETTE ROAD)**

1. Landscaping and buffering along the west property line and the west two hundred twenty **(220)** foot of the north property line shall include:
  - a. a minimum twelve **(12)** foot wide landscape buffer strip;
  - b. a continuous eight **(8)** foot concrete wall to be located **on** the inside of the buffer with a finished architectural treatment **facing the** residential area and adjacent right of ways;
  - c. one **(1)** canopy tree for each twenty **(20)** linear feet of frontage with a maximum spacing of **twenty-five (25)** feet on center;
  - d. one **(1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty **(60)** feet on center between clusters; and
  - e. twenty four **(24)** inch high shrub **or** hedge material **spaced** no more than twenty four **(24)** inches on center and maintained at a minimum height of sixty **(60)** inches.
  - f. **A** group of three **(3)** palms shall not be substituted for a perimeter canopy tree.

**Is** hereby amended to read:

**I. LANDSCAPING ALONG WEST PROPERTY LINE (BONNIE LANE) AND WEST NINETY-FIVE (95) FEET OF NORTH PROPERTY LINE (GARDENETTE ROAD)**

1. Landscaping **and** buffering along **the** west property line and the west ninety-five **(95)** foot of the north property line shall include:
  - a. **a minimum twelve (12)** foot wide landscape buffer strip;
  - b. a continuous eight **(8)** foot concrete wall **to** be located on the inside of **the** buffer with a finished architectural treatment **facing** the residential area and adjacent right of ways;
  - c. one **(1)** canopy **tree** for each twenty **(20)** linear feet of frontage **with** a maximum spacing of **twenty-five (25)** feet on center;

- d. one (1) palm for ~~each~~ twenty-five (25) linear feet of property line; with a maximum spacing of sixty (60) feet on center between clusters; and
- e. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of sixty (60) inches.
- f. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (CO/ ONGOING: LANDSCAPE/ CODE ENF - Zoning)

**J. LANDSCAPING ALONG NORTH PROPERTY LINE (REMAINING EASTERN PORTION OF GARDENETTE ROAD)**

- 1. Landscaping and buffering along the north property line shall include:
  - a. a minimum ~~fifteen~~ (15) foot wide landscape buffer strip;
  - b. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
  - c. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
  - d. twenty four (24) inch high shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.
  - e. a group of three (3) palms shall not be substituted for a perimeter canopy tree. (Previously Condition J.1 of Resolution R-96-1732, Petition 96-69) (CO/ONGOING: LANDSCAPE/ CODE ENF - Zoning)

**K. 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. (Previously Condition K.1 of Resolution R-96-1732, Petition 96-69) (CO / ONGOING: BLDG/ CODE ENF - Zoning)
- 2. Lighting along the west property line, adjacent to a residential zoning district, shall be hooded and wall mounted at a height below the proposed wall. (Previously Condition K.2 of Resolution R-96-1732, Petition 96-69) (CO: BLDG - Zoning)

**L. OUTSTANDING LIENS AND FINES**

- 1. Prior to final DRC certification all outstanding liens and fines shall be paid. (DRC: CODE ENF / OFMB)

**M. PARKING**

- 1. Condition L.1 of Resolution R-96-1732, Petition 96-69, which currently states:

The fifty (50) customer/service parking spaces shall be designated with signage and separated from display and inventory/storage spaces.

It hereby amended to read:

The forty-three (~~43~~)customer/service parking spaces shall be designated with signage and separated from display and inventory/storage spaces. (DRC / ONGOING: CODE ENF - Zoning)

2. Condition L.2 of Resolution R-96-1732, Petition 96-69, which currently states:

~~The thirty (30) parking spaces designated as employee parking spaces shall be designated with signage and separated from display and inventory/storage spaces.~~

is hereby amended to read:

~~The fifty-six (56) parking spaces designated as employee parking spaces shall be designated with signage and separated from display and inventory /storage spaces. (DRC / ONGOING: CODE ENF - Zoning)~~

3. Condition L.3 of Resolution R-96-1732, Petition 9649, which currently states:

~~All parking spaces designated as inventory/storage spaces shall be located within two hundred twenty feet (220) of the west property line.~~

is hereby amended to read:

All parking spaces designated as inventory/storage spaces shall be located within two hundred (200) feet of the west property line. (DRC / ONGOING: CODE ENF - Zoning)

4. All parking spaces designated as inventory/storage spaces shall be separated from other spaces by a fence with a five (5) foot landscape divider median and not accessible to the public. (Previously Condition L.4 of Resolution R-96-1732, Petition 96-69) (DRC/ONGOING: CODE ENF-Zoning)
5. Bullpen parking shall be limited to the inventory/storage spaces located in the rear (southwest corner) of the sales/service building, unless a variance is approved by the Board of Adjustment to allow bullpen parking of display vehicles in the eastern portion of the site along Military Trail. (DRC / ONGOING: CODE ENF - Zoning)
6. The parking designated as employee spaces shall be for on-site employee use only. (ONGOING: CODE ENF)

## N. SIGNS

1. Point of purchase signs shall be limited as follows:
  - a. Maximum sign heights, measured from finished grade to highest point - existing twenty five (25) foot high sign shall be reduced to fifteen (15) feet and one new fifteen (15) foot high sign;
  - b. Maximum sign face area per side - existing one hundred (100) square foot sign and one new one hundred (100) square foot sign;
  - c. Maximum number of signs - two (2);

- d. Style • one existing freestanding pole sign and one new monument style sign;
  - e. Location • Military Trail only. The existing sign shall **be** located midway between the Military Trail entrance and Gardenette Road. The new sign shall **be** located midway between the Military Trail entrance and the **south** property line. (Previously Condition **M.1** of Resolution **R-96-1732**, Petition 96-69) (BLDG PERMIT: BLDG - Zoning)
2. Only one directional sign shall be permitted on Gardenette Road. (Previously Condition **M.2** of Resolution **R-96-1732**, Petition **96-69**) (BLDG PERMIT: BLDG - Zoning)
  3. **No** wall signs shall be permitted on the west or south facades **of** the buildings. (Previously Condition **M.3** of Resolution **R-96-1732**, Petition **96-69**) (BLDG PERMIT: BLDG - Zoning)
  4. The existing billboard shall **be** removed prior to October 1, 1997. (Note: no administrative **time** extensions will be allowed). (Previously Condition **M.4** of Resolution **R-96-1732**, Petition 96-69) (DATE: MONITORING - Bldg)
  5. All advertisements and signage shall be limited to on-site sales/services only. (ONGOING: CODE ENF)

O. VEHICLE SALES OR RENTAL

1. Vehicles shall not be parked or on display with hoods or trunks open. (Previously Condition **N.1** of Resolution **R-96-1732**, Petition 96-69) (ONGOING: CODE ENF - Zoning)
2. Vehicles shall not be elevated **off** the ground or parked in front **of** perimeter buffers. (Previously Condition **N.2** of Resolution **R-96-1732**, Petition 96-69) (ONGOING: CODE ENF - Zoning)
3. Vehicles for display and inventory/storage shall be parked only in the areas designated on the certified site plan. (Previously Condition **N.3** of Resolution **R-96-1732**, Petition 96-69) (ONGOING: CODE ENF - Zoning)
4. **No** advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors **on** any building, vehicle or wall. (Previously Condition **N.4** of Resolution **R-96-1732**, Petition 96-69) (ONGOING: CODE ENF - Zoning)
5. Condition **N.5** of Resolution **R-96-1732**, Petition 96-69, which **currently** states:

The designated unloading area shall be limited to approximately one hundred eighty (180) feet from the north and west property lines,

**is** hereby amended to read:

The designated unloading area shall **be** a minimum **of** one hundred (100) **feet** from the north and west property lines. (ONGOING: CODE ENF - Zoning)

6. An automatic car wash facility, if provided, shall utilize a **100% water** recycling system. (Previously Condition **N.6** of Resolution R-96-1732, Petition 96-69) (CO: BLDG -Health)
7. Outdoor speaker or public address **systems** which are audible from any property line shall not be permitted on site. (Previously Condition **N.7** of Resolution R-96-1732, Petition 96-69) (ONGOING: CODE ENF - Zoning)
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (**Previously** Condition **N.8** of Resolution R-96-1732, Petition **96-69**) (ONGOING: CODE ENF - Zoning)
9. There **shall be** no outdoor repair of **vehicles** on site. (Previously **Condition N.9** of Resolution **R-96-1732**, Petition **96-69**) (ONGOING: CODE ENF - Zoning)
10. When **this** facility **is** not open, the **parking** area shall be locked and gated. (Previously Condition **N.10** of Resolution R-96-1732, Petition **95-69**) (ONGOING: CODE ENF - Zoning)
11. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of **air** and water for customer convenience. The owner of the facility shall provide air and **water** to the public at no charge. (Previously Condition **N.11** of Resolution R-96-1732, Petition 96-69) (DRC/ONGOING: ZONING/CODE ENF)
12. Vehicles shall not be test driven on residential streets. (Previously Condition **N.12** of Resolution R-96-1732, Petition 96-69) (ONGOING - CODE ENF)

P. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), **the** petitioner shall record in the public record a unity **of title** for the entire subject property. The unity **shall** be recorded in a **form** and manner acceptable to the County Attorney. The unity shall **not** be removed, altered, changed or amended without written approval from the Zoning Director. (Previously Condition **O.1** of Resolution R-96-1732, Petition 96-69) (DRC: ZONING - Co Att)

Q. COMPLIANCE

1. **Condition P.1** Resolution R-96-1732, Petition 96-69, 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.

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

Is hereby amended:

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