

RESOLUTION NO. R-2007-1881

RESOLUTION APPROVING ZONING APPLICATION Z2007-190
(CONTROL NO. 1984-051)
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
APPLICATION OF SUBURBAN OF PALM BEACH, LLC
BY LAND DESIGN SOUTH, INC, AGENT
(PALM BEACH VOLVO - OKEECHOBEE BLVD.)

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; and

WHEREAS, the notice and 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 Z2007-190 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2007; 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 (ULDC) 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 official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Amendment SCA 2007-018;
2. This official zoning map amendment (rezoning) is consistent with the stated purpose, intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations;
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment;
5. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern; and,
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.

8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY - Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

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 Z2007-190 the application of Suburban Of Palm Beach, LLC by Land Design South, Inc, agent, for an Official Zoning Map Amendment from the Multi-family Residential Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2007, subject to the conditions of the CONDITIONAL OVERLAY ZONE described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

Robert Kanjian

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

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Absent

The Chairperson thereupon declared that this resolution shall not become effective until Small Scale Amendment SCA 2007-018 (OKEECHOBEE VOLVO a.k.a. PALM BEACH VOLVO- OKEECHOBEE BLVD) is effective.

Filed with the Clerk of the Board of County Commissioners on November 19th, 2007

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



EXHIBIT A

LEGAL DESCRIPTION

THE SOUTH 26 FEET OF THE NORTH 76 FEET OF THE WEST 196.16 FEET OF THE EAST 304.88 FEET OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 3, "BREEZY ACRES", AS RECORDED IN PLAT BOOK 24, PAGE 48, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE NORTHERLY ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 3, A DISTANCE OF 26 FEET, MORE OR LESS, TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD, AS DEFINED IN DEED BOOK 47, PAGE 454, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AS DEFINED IN DEED BOOK 47, PAGE 454, A DISTANCE OF 196.16 FEET, MORE OR LESS, INTERSECTING THE EAST LINE OF THE WEST 58.72 FEET OF THE EAST 167.44 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID 58.72 FEET OF THE EAST 167.44 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 26, A DISTANCE OF 26 FEET, INTERSECTING THE EASTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF LOTS 3 AND 4 AS RECORDED IN PLAT BOOK 24, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID EASTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF SAID LOTS 3 AND 4, A DISTANCE OF 196.16 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE ADDITIONAL RIGHT-OF-WAY FOR STATE ROAD 704 (OKEECHOBEE BLVD.), FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR A SAFETY CORNER RECORDED IN OFFICIAL RECORD BOOK 6114, PAGE 629, BEING A SAFETY CORNER AT THE NORTHWEST PROPERTY CORNER AT OKEECHOBEE BLVD. AND BREEZY LANE RIGHT-OF-WAY LINE.

AND ALSO:

TRACT 1:

LOTS 3, 4, 5 AND 6, "BREEZY ACRES", ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

TRACT 2:

THE WEST 58.72 FEET OF THE EAST 167.44 FEET OF THE SOUTH 265.32 FEET OF THE NORTH 341.32 FEET; AND THE WEST 58.72 FEET OF THE EAST 108.72 FEET OF THE SOUTH 75 FEET OF THE NORTH 341.32 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TRACT 3:

LOT 7, ACCORDING TO THE PLAT OF "BREEZY ACRES", AS RECORDED IN PLAT BOOK 24, PAGE 48, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE SOUTH 150 FEET OF THE NORTH 491.32 FEET OF THE WEST 117.44 FEET OF THE EAST 167.44 FEET OF THE EAST ONE-EIGHTH (EAST 1/8) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TRACT 4:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 225 FEET OF THE NORTH 716.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION, LESS THE RIGHT-OF-WAY OF LAKE WORTH DRAINAGE DISTRICT E-3 CANAL.

TRACT 5:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 266.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE EAST 83.72 FEET, AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, LESS THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT E-3 CANAL AND LESS THE RIGHT-OF-WAY FOR OKEECHOBEE ROAD.

TRACT 6:

A PARCEL OF LAND LYING AND BEING IN THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 266.32 FEET AS MEASURED ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 26, OF THE WEST 25.0 FEET OF THE EAST 108.72 FEET MEASURED ALONG THE NORTH LINE OF SAID SECTION 26, OF THE EAST 1/8 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, LESS THE RIGHT-OF-WAY FOR OKEECHOBEE ROAD.

TOGETHER WITH:

LOT 8, OF BREEZY ACRES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

TOGETHER WITH:

LOT 9, OF BREEZY ACRES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 24, PAGE 48.

CONTAINING 148,950 SQUARE FEET (3.419 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

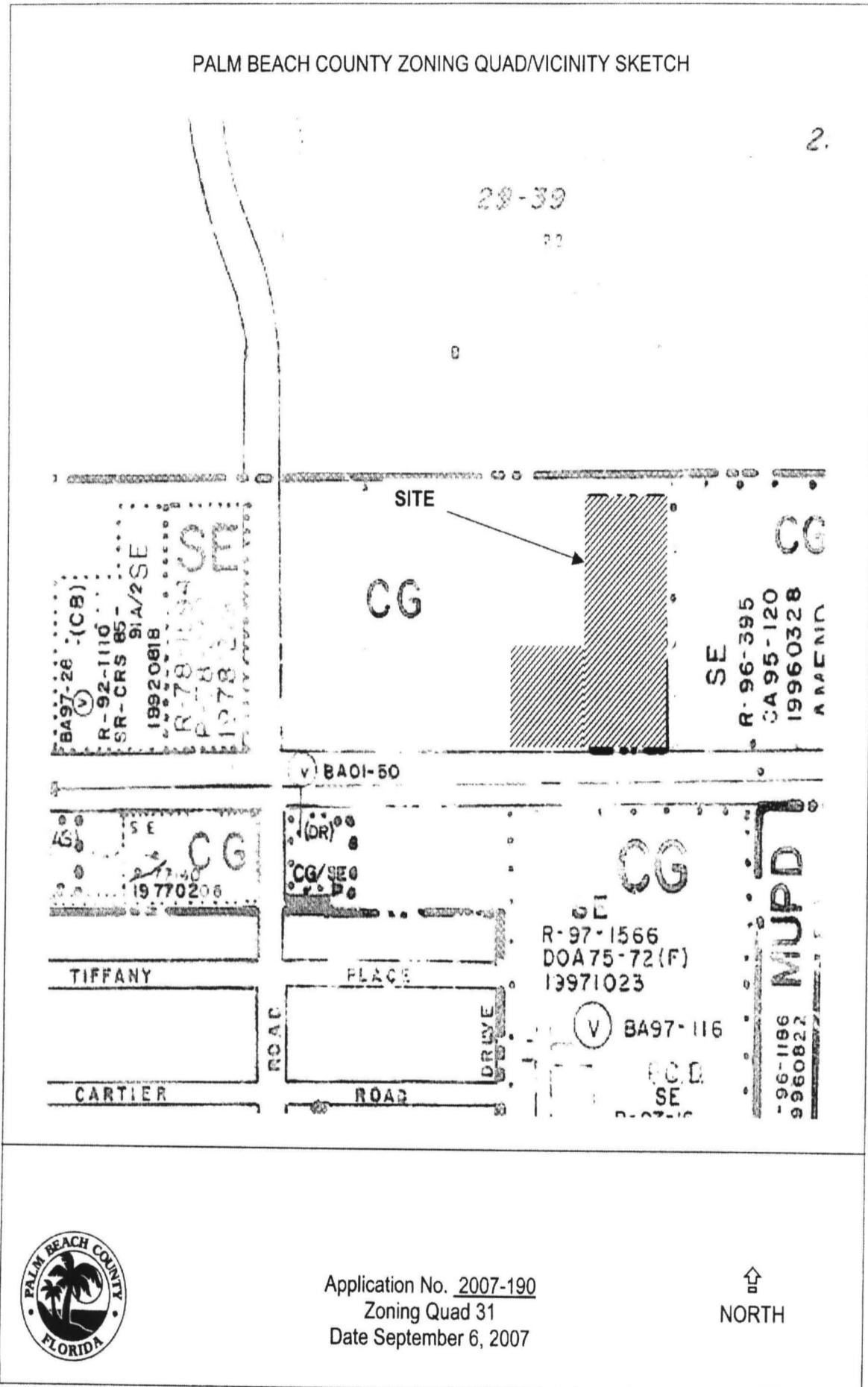


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-1188 (Petition 84-51), have been consolidated 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 Resolution R-96-1008, Petition DOA84-51(A), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-96-1008, Petition DOA84-51(A) 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 July 16, 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. (ONGOING: 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 June 25, 2007. 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 final approval by the Development Review Officer (DRO), the property owner shall revise the site plan to label Tract 4, Lots 8 and 9. (DRO:ZONING-Zoning)

ENGINEERING

1. Condition E1 of Zoning Resolution R 96-1008, Petition DOA84-51(A), which currently states:

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 84-51(A) to be paid at the time of issuance of the Building Permit presently is \$5610 (102 additional trips/day X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)

Is hereby deleted. Reason [Impact fees are now a code requirement]

2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (Previously Deleted Condition E2 of Resolution R-96-1008, Petition No. 84- 51(A)).
3. The Property Owner shall convey for the ultimate right-of- way of Okeechobee Boulevard, 70 feet south of the section line, within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit. (Previously deleted Condition 3 of Resolution R-84-1008, Petition No. 84-51(A))
4. Condition E4 of Zoning Resolution R 96-1008, Petition DOA84-51(A), which currently states:

The Development shall be permitted only one turnout onto Okeechobee Boulevard located at the project's east property line as modified. (DRC: ENG)

Is hereby deleted. Entrances are now required to be shown on Approved Site Plan.
5. The Developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:
 - a) Right turn lane, west approach on Okeechobee Boulevard at the project's entrance road.
 - b) Left turn lane, south approach on Breezy Lane, at Okeechobee Boulevard. (Previously deleted Condition E5 of Resolution R-96- 1008, Petition No. 84-51(A)).
6. The developer shall contribute toward the cost of meeting this project's direct and identifiable impact, to be paid at the of issuance of the Building Permit. (Previously Condition 5 of Resolution R-84-1188, Petition NO. 84-51) (Previously Deleted Condition E6 of Resolution R-96- 1008, Petition No. 84-51(A)).
7. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule: A) No Building Permits for the site may be issued after September 27, 2010. 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)

ENVIRONMENTAL

1. All vehicle parking and storage shall be on an impervious surface. (ONGOING: ERM -ERM)

LANDSCAPING-STANDARD

1. All trees required to be planted shall be native evergreen species and 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 BLDG PERMIT:LANDSCAPE - Zoning) (Previous Condition J.1 of Resolution R-96-1008, Petition DOA84-51(A))
- 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. (CO: LANDSCAPE-Zoning) (Previous Condition J.2 of Resolution R-96-1008, Petition DOA84-51(A))

LANDSCAPING ALONG THE NORTH PROPERTY LINE (OKEECHOBEE BOULEVARD)

- 3. Landscaping and buffering along the north property line shall include:
 - a. A minimum fifteen (15) foot wide landscaped buffer strip;
 - b. One (1) canopy tree for each twenty (20) 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 frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - d. Twenty-four (24) inch high shrub or hedge material installed no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/ CODE ENF Zoning) (Previous Condition K.1 of Resolution R-96-1008, Petition DOA84-51(A))

ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (FROM CORNER OF BREEZY LANE TO NORTH SIDE OF WEST ENTRANCE)

- 4. Landscaping along the west property line from the corner of Breezy Lane to the north side of west entrance shall include the following:
 - a. One (1) canopy tree for each twenty (20) feet to west entrance with a maximum spacing of twenty-five (25) feet on center;
 - b. One (1) palm for each twenty-five (25) linear feet to west entrance a maximum spacing of sixty (60) feet on center between clusters.
 - c. Twenty-four (24) inch high shrub or hedge material installed no more than twenty-four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/ CODE ENF Zoning) (Previous Condition L.1 of Resolution R-96-1008, Petition DOA84-51(A))

ZONING - LANDSCAPING-LANDSCAPING ALONG THE WEST AND SOUTH PROPERTY LINES OF 0.61 ACRE PARCEL (ABUTTING RESIDENTIAL)

- 5. Condition M.1 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

The petitioner shall provide a ten (10) foot landscape buffer along the west property line and twenty-nine (29) foot landscape buffer along the south property line. (DRC: LANDSCAPE Zoning)

Is hereby amended to read:

The property owner shall maintain a twenty-nine (29) foot wide existing buffer along the south property line of Tract 4, and at a minimum length of one hundred and seventeen (117) lineal feet; and a ten (10) foot wide existing buffer along the west property line of Tract 4 and at a minimum length of one hundred and forty-nine (149) lineal feet. Landscaping along these buffers shall be upgraded to include the following:

- a. a minimum of eight (8) foot high concrete block wall. Both sides of the existing wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- b. canopy trees and shrubs shall comply with current ULDC landscape requirements;
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

6. Condition M.2 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

The petitioner shall install a continuous six (6) foot concrete wall topped with two (2) foot vinyl colored coated chain link fence. Both sides of the wall shall be given a finished architectural treatment. (BLDG PERMIT: LANDSCAPE Zoning)

Is hereby deleted. Reason: [Replaced by revised Landscape Condition 5].

7. Condition M.3 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

The following landscaping requirements shall be installed alternating on the interior and exterior side of the required wall:

- One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
- 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. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby deleted. Reason: [Code Requirement].

8. Condition M.4 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

Along the exterior side of the required wall, the property owner shall install twenty-four (24) inch high native shrub or hedge material spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. (DRC/CO: Zoning / LANDSCAPE)

Is hereby deleted. [REASON: Completed].

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES OF LOTS 8 AND 9 (ABUTTING BREEZY ACRES)

9. In addition to code requirements, landscaping along the south and west property lines of Lots 8 and 9 shall be upgraded to include:

- a. a six (6) foot high opaque concrete block wall. Wall length shall be a minimum of eighty (80) lineal feet along the west property line and a minimum length of one hundred and twenty (120) lineal feet along the south property line. Height of the wall shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of height shall be finalized subject to the review and approval by the Landscape

Section to ensure screening effect is achieved for the adjacent property. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; This wall shall be connected to the existing walls pursuant to Landscape Condition 5; and,

- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

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 H.1 of Resolution R-96-1008, Petition DOA84-51(A))
2. Lighting along the south and west property lines, adjacent to a residential zoning district, shall be hooded and wall mounted at a height below the proposed wall/fence. (CO: BLDG - Zoning) (Previous Condition H.2 of Resolution R-96-1008, Petition DOA84-51(A))

PARKING

1. The customer parking spaces shall be designated with signage and separated from display and inventory/storage spaces. (DRC/ONGOING: CODE ENF - Zoning) (Previous Condition G.1 of Resolution R-96-1008, Petition DOA84-51(A))

2. Condition G.2 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

The thirty-eight (38) parking spaces designated as employee parking spaces shall be limited to the central portion of the site plan and south of the covered service bays. Appropriate signs shall be posted designating this area as employee parking. (DRO/ONGOING: CODE ENF - Zoning)

Is hereby amended to read:

The forty-seven (47) parking spaces designated as employee parking spaces shall be limited to the central portion of the site plan and south of the covered service bays. Appropriate signs shall be posted designating this area as employee parking. (DRO/ONGOING: CODE ENF - Zoning)

3. Condition G.3 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

All parking spaces designated as inventory/storage spaces shall be enclosed by a fence or wall and not accessible to the public. (DRO/ONGOING: CODE ENF-Zoning)

Is hereby amended to read:

Prior to final site plan approval all parking spaces designated as inventory/storage spaces shall be separated by a barrier from employee parking and not accessible to the public. (DRO: ZONING Zoning)

4. Condition G.4 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

The 0.61 acre parcel (Tract 4) to the south of the existing dealership shall be used for inventory/storage spaces only. (DRO/ONGOING: CODE ENF Zoning)

Is hereby amended to read:

The 0.61 acre parcel (Tract 4) shall be used for inventory/storage only and the 0.47 acre parcel (Lots 8 and 9) south of the existing dealership shall be used for employee parking only. (DRO/ONGOING: CODE ENF-Zoning)

5. Condition G.5 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

Petitioner shall provide a minimum of one (1) interior landscape island for every twelve (12) spaces designated as customer, display, employee and service parking spaces. (DRO:ZONING/LANDSCAPE -Zoning)

Is hereby deleted. [REASON: Code Requirement].

6. Prior to final approval by the Development Review Officer (DRO), the property owner shall revise the plan as follows:
 - a. provide a minimum of five (5) foot right-of-way buffer adjacent to the six parking spaces north of the lift station.
 - b. landscaping requirements of this buffer shall be consistent with the existing five-foot wide buffer located at the remaining north portion of Breezy Lane. Adjustment of plant materials may be permitted subject to the approval of the Landscape Section;
 - c. the depth of the existing six (6) parking spaces shall be adjusted to accommodate this buffer. (DRO:LANDSCAPE -Zoning)

PLANNING

1. The portions of the subject site that are designated as cross-hatched on the Future Land Use Atlas, shall be restricted to landscaping, drainage and/or at-grade employee & inventory parking. There shall be no commercial intensity and/or square footage associated with the crosshatched property. (DRO/ONGOING: PLANNING - Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to indicate the area that is cross-hatched. A note shall be placed on the site plan within or adjacent to the cross-hatched area, with reference to the FLUA amendment number/name and adopting Ordinance number for the FLUA amendment, indicating that the cross-hatched area is restricted. A note shall also be placed in the tabular data indicating the Ordinance number and FLUA amendment number/name. (DRO: PLANNING - Planning)

SIGNS

1. Condition C.1 of Resolution R-96-1008, Petition DOA84-51(A), which currently states:

Point of purchase signs shall be limited as follows:

Maximum sign heights, measured from finished grade to highest point one existing twenty-seven (27) foot high sign and one fifteen (15) foot high sign;
Maximum sign face area per side one existing one hundred twenty (120) square foot sign and one 80 square foot sign;
Maximum number of signs two (2);
Style one existing freestanding pylon sign and one new monument style sign; and

Location Okeechobee Boulevard only and new sign within fifteen (15) feet from entrance. (BLDG PERMIT: BLDG Zoning)

Is hereby amended to read:

Freestanding signs fronting on Okeechobee Boulevard.

- a. Maximum number of signs two (2)
 - b. Any replacement or modification to the existing non-conforming twenty-seven (27) foot high freestanding sign (Sign A) shall comply with the sign requirements of the Unified Land Development Code, in effect as of October 24, 2007.
 - c. Sign B is restricted to a maximum sign face of eighty (80) square feet and fifteen (15) feet in height, monument style only;
 - d. location of both signs shall be within fifty (50) feet of the access point measuring from the centerline of the access drive. (BLDG PERMIT: BLDG-Zoning)
2. No free standing or directional signs shall be permitted on Breezy Lane. (BLDG PERMIT: BLDG-Zoning) (Previous Condition C.2 of Resolution R-96-1008, Petition DOA84-51(A))

UNITY OF TITLE

1. Condition O.1 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

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. (DRC: Zoning-Co Atty)

Is hereby deleted. [REASON: Unity of Title no longer accepted. Application will be subject to requirements of Article 11].

USE LIMITATIONS

1. Vehicles shall not be parked or on display with hoods or trunks open. (ONGOING: CODE ENF-Zoning) (Previous Condition D.1 of Resolution R-96-1008, Petition DOA84-51(A))
2. Vehicles shall not be elevated off the ground in any way. (ONGOING: CODE ENF-Zoning) (Previous Condition D.2 of Resolution R-96-1008, Petition DOA84-51(A))
3. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, service, display and inventory/storage spaces. (ONGOING: CODE ENF-Zoning) (Previous Condition D.3 of Resolution R-96-1008, Petition DOA84-51(A))
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. (ONGOING: CODE ENF-Zoning)(Previous Condition D.4 of Resolution R-96-1008, Petition DOA84-51(A))
5. Condition D.5 of Resolution R-96-1008, Petition DOA84-51(A) which currently states:

A maximum of 159 parking spaces shall used for display or inventory/storage purposes. (ONGOING: CODE ENF-Zoning)

Is hereby amended to read:

A maximum of 199 parking spaces shall be used for display or inventory/storage purposes. (ONGOING: CODE ENF-Zoning)

6. An automatic car wash facility, if provided, shall utilize a 100% water recycling system. (CO: BLDG-Health) (Previous Condition D.6 of Resolution R-96-1008, Petition DOA84-51(A))
7. Outdoor speaker of public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF-Zoning) (Previous Condition D.7 of Resolution R-96-1008, Petition DOA84-51(A))
8. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF-Zoning) (Previous Condition D.8 of Resolution R-96-1008, Petition DOA84-51(A))
9. There shall be no outdoor repair of vehicles on site. (ONGOING: CODE ENF-Zoning) (Previous Condition D.9 of Resolution R-96-1008, Petition DOA84-51(A))
10. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF-Zoning) (Previous Condition D.10 of Resolution R-96-1008, Petition DOA84-51(A))

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are aq direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD - PBCWUD)

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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Condition P.1 of Resolution R-96-1008, Petition DOA84-51(A) 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 Certificate of Occupancy; the denial or revocation of a permit, license or approval to any developer, owner, lessee, or uses 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 to read:

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

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 15th Judicial Circuit. (ONGOING: MONITORING - Zoning)