

RESOLUTION NO. R-2008- 0474

RESOLUTION APPROVING ZONING APPLICATION DOA2007-1774
(CONTROL NUMBER 1983-161)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF NEW COUNTRY
BY GARY M. BRANDENBURG AND ASSOCIATES, AGENT
(SMART CAR DEALERSHIP)

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 DOA2007-1774 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2008; 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 DOA2007-1774, the application of New Country, by Gary M. Brandenburg and Associates, agent, for a Development Order Amendment to add square footage (2,500 sf) and reconfigure site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 2008, 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 24, 2008.

Filed with the Clerk of the Board of County Commissioners on May 14, 2008.

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 BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

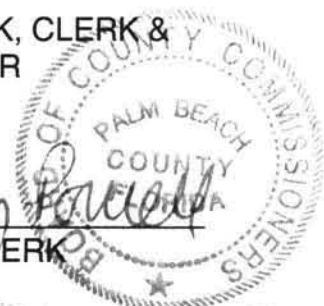


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF MERCEDES BENZ OF PALM BEACH, M.U.P.D. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
TRACT A, MERCEDES BENZ OF PALM BEACH, M.U.P.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105, PAGES 90 AND 91, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 522,312 SQUARE FEET OR 11.99 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

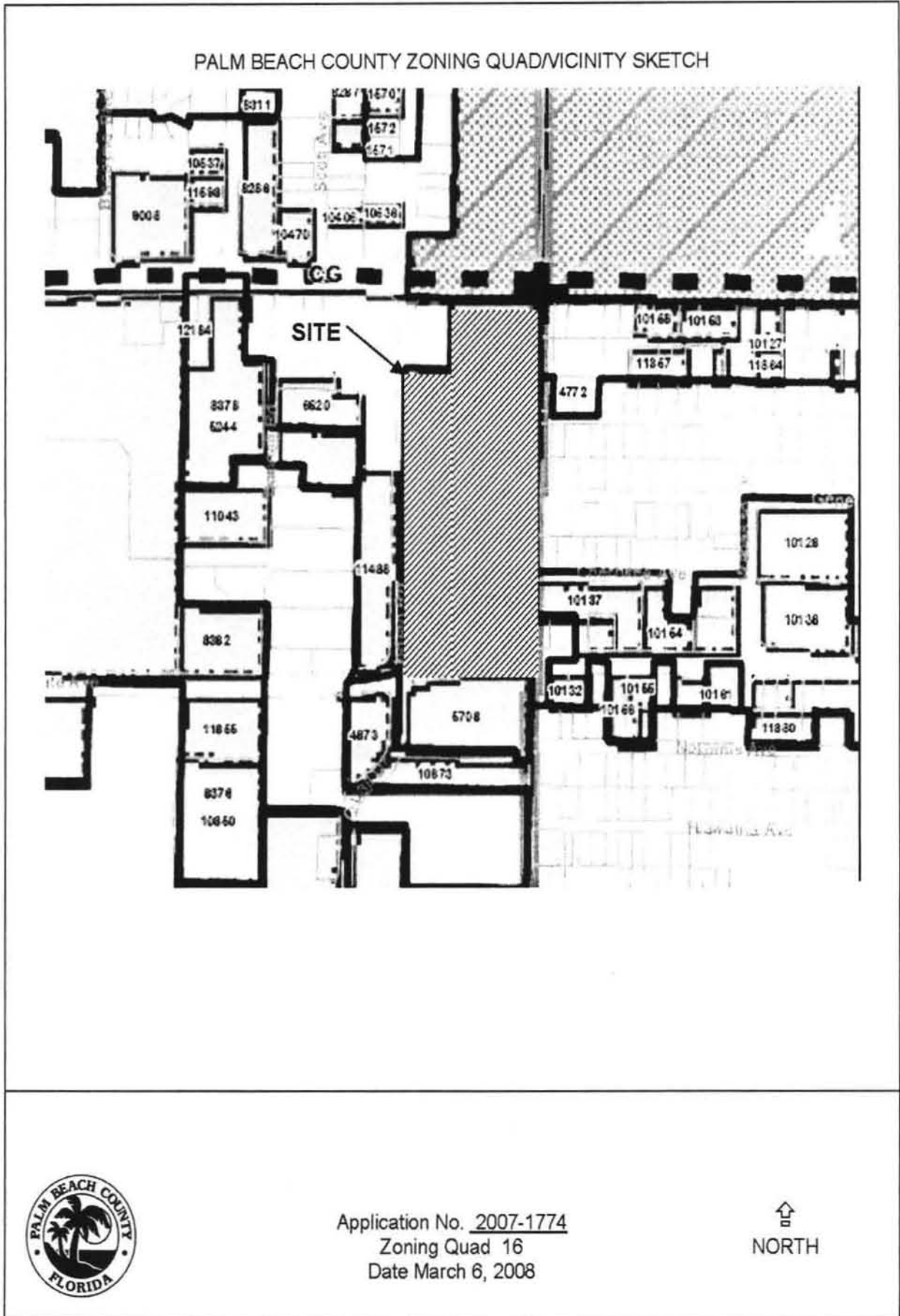


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous Condition A.2. of Resolution 2004-0149 (Control No. 1918-161D) 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 December 23, 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 January 28, 2008. 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)

2. Previous Condition A.4. of Resolution 2004-0149 (Control No. 1918D), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1070 (Petition 83-161(A), R-95-434(Petition EAC83-161(B), R-95-0711(Petition EAC1983-161(C), and R-97-2088, 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-2004-0149, (Control No. 1918D), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous Condition A.6 R-2004-149 (Control No. 1918D), which currently states:

The petitioner shall have three (3) years from adoption of the resolution approving Petition 83-161(D) to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING-Zoning)

Is hereby amended to read:

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

4. The site plan shall be revised at the time of Final DRO to meet the minimum Technical Requirements. (DRO: DRO-DRO)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations for the new/proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to meet the requirements of Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRC approved site plan. (DRO: ARCH REVIEW - Zoning) (Previous Condition B.1. R-2004-149 (Control No. 1983-161).
2. The maximum height for the proposed automotive paint and body shop facility shall be limited to twenty-five (25) feet. All heights shall be measured from the highest point of the building to finished grade. (DRC/BLDG PERMIT:ZONING-Zoning) (Previous Condition B.2. R-2004-149 (Control No. 1983-161).

DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, located outdoors:
 - a. shall not be located within 50 feet of any residentially zoned property,
 - b. shall be confined to areas designated on the site plan, and
 - c. shall be screened from view by an enclosure made of the same material as the principal building. The open end of the enclosure shall have an obscure, opaque gate. (DRO/BLDG PERMIT:ZONING/BLDG- Zoning (Previous Condition C.1 of Resolution R-2004-149 (Control No. 1983-161).

ENGINEERING

1. Within 90 days of approval the property owner shall convey:
 - a) for the ultimate right-of-way for Okeechobee Boulevard, 70 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
 - b) for the ultimate right-of-way for Indian Road, 40 feet from centerline approximately an additional 10 feet; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit.
 - c) a drainage easement along the East property line to Palm Beach County as required by the county Engineer in accordance with the proposed Westgate Area wide Drainage Improvements Program for purposes of providing a piped legal positive outfall to serve the adjacent properties. The petitioner shall also be responsible for all costs incurred with the piping of this easement. Palm Beach County shall permit the petitioner the use of this easement for required parking purposes and the required ten (10) foot wide landscape strip. (DATE: ENGINEERING - ENG) (Previous Condition E.2 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
2. The developer shall construct concurrent with on site paving and drainage improvements pursuant to a paving and drainage permit issued from the Office of the County Engineer:
 - a) an extension of the existing left turn lane, East approach, on Okeechobee Boulevard, at the project's existing west entrance road, per the County Engineer's approval.
 - b) right turn lane, West approach, on Okeechobee Boulevard at the project's existing West entrance road.

- c) On Indian Road, at the project's entrance road, a left turn lane, north approach and a right turn lane, South approach. (ONGOING ENGINEERING- ENG) (Previous Condition E.3 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
3. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (ONGOING ENGINEERING- ENG) (Previous Condition E.6 of Resolution R-2004-149, Control No.1983-161).
4. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring properties. (ONGOING ENGINEERING- ENG) (Previous Condition E.7 of Resolution R-2004-149, Control No.1983-161).
5. Prior to certification, site plan shall be amended to reflect the following:
 - a) The proposed drainage easement along the East property line and a ten (10) foot wide landscape strip along the East property line which abuts RM Zoned property and along the South property line. (ONGOING:ENGINEERING-Eng) (Previous Condition E.8.a. of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
 - b) Relocation of the proposed dumpster enclosure to the Western portion of the site. (ONGOING:ENGINEERING-Eng) (Previous Condition E.8.b. of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
6. If permitted by the Florida Department of Transportation (FDOT) and the County Engineer, the petitioner shall landscape the median of Okeechobee Boulevard consistent with FDOT Index Standard #546. Trees, if permitted, may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected and installed according to xeriscape principles. This landscaping shall be maintained by the developer for a period of eighteen (18) months from the time of planting and shall be installed prior to August 1, 1995. (MONITORING-Engineering - Eng) (Previous Condition O.1 of Resolution R-95-0711, Control No. 1983-161(C) (Previous Condition E.10. of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
7. Prior to issuance of a Building Permit the developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.11. of Resolution R-2004-149, Control No.1983-161 D) [NOTE: Completed]
8. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Indian Road 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.PERMIT: MONITORING-Eng) (Previous Condition E.12 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
9. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed for a 25 foot corner clip at the intersection of Westgate Avenue and Indian Road. Right of way conveyance shall free of all encumbrances and encroachments. The 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor

agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees. Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG. PERMIT: MONITORING-Eng) (Previous Condition E.13 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

10. Previous Condition E.14 of Resolution R-2004-149, Control No.1983-161, which states:

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

No Building Permits for the site may be issued after January 29, 2007. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition E.14 of Resolution R-2004-149, Control No.1983-161).

Is here by amended to read:

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 April 27, 2011. 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)

11. The Property owner shall replace Palm Beach County's existing Indian Road Drainage system along the exiting Car Dealership's south property line in accordance with the approval of the County Engineer.

- a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. Construction shall include the relocation of the existing drainage easement to eliminate the 2-90 degree bends within the site. The relocated drainage easement shall be shown on the final site plan.
- b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition E.15 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

ENVIRONMENTAL

1. Secondary containment for stored regulated substances-fuels, oils, solvents, or other hazardous chemicals is required. Environmental Resources management Department staff are willing to provide guidance on appropriate protective measures. (ONGOING:ERM-ERM) (Previous Condition D.1 of Resolution R-2004-0149, Control No. 1883-161(D))
2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The Petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ONGOING:ERM-ERM) (Previous Condition D.2 of Resolution R-2004-0149, Control No. 1883-161(D))
3. 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 D.3 of Resolution R-2004-0149, Control No. 1883-161(D))

HEALTH

1. Previous Health condition F. 1. of Resolution R 2004-0149 which reads:

Generation and disposal of hazardous effluents into sanitary sewerage 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. (Previous condition I.1 of Resolution R-95-0711, Petition No 1983-161 (C)). (ONGOING:HEALTH-CODE ENF)

Is hereby amended to read:

Owners and operators of facilities generating hazardous, industrial, or toxic wastes shall not deposit or cause to be deposited into the sanitary sewer system any such wastes unless adequate 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: HEALTH-Health) (Previous condition F.1 of Resolution R-2004-0149, Control 1983-0161)

2. Previous condition F.2 of Resolution R-2004-0149 which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

3. Previous condition Number F.3 of Resolution R-2004-0149 which reads:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

4. The Owner, occupant, or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil. (ONGOING:HEALTH-Health) (Previous condition F.4 of Resolution R-2004-0149, Control number 1983-161)

5. Previous condition F.5 of Resolution R-2004-0149 which reads:

No portion of this project is to be approved on well (except for irrigation and car washing) or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, FAC. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

6. Previous condition number F.6 of Resolution R-2004-0149 which reads:

Any fuel or chemical storage tanks shall be installed in accordance with Chapter 17-61, Florida Administrative Code. The design and installation plans shall be submitted to the Health Department and the Department of Environmental Resource Management for approval prior to installation. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

7. Previous condition number F.7 of Resolution R-2004-0149 which reads:

Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

8. Previous condition number F.8 of Resolution R-2004-0149 which reads:

Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730, FAC. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

9. Previous condition number F.9 of Resolution R-2004-0149 which reads:

Owner or operator shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing, or handling; without taking reasonable precautions to prevent such emissions (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

10. Previous condition number F.10 of Resolution R-2004-0149 which reads:

Owner or operator shall not cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. (ONGOING:HEALTH-Health)

Is hereby deleted [REASON: Code Requirement]

LANDSCAPE – STANDARD

1. Fifty (50) percent of canopy trees to be planted in the perimeter landscape buffers shall be native, and meet the following minimum standards at installation (This condition is not applicable to areas adjacent to FPL easement):
- a. Tree height: Fourteen (14) feet;

- b. Trunk diameter: three and one-half (3.5) Inches measured at four and one-half (4.5) feet above grade;
 - c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition H.2 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
2. All palms required to be planted on the property 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 Condition H.3 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
3. All shrub or hedge materials shall be planted in continuous masses and in a mending 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. legmen (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 to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both Sides of the wall. (CO: LANDSCAPE Zoning) (Previous Condition H.4 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition H.5 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified here in. (CO: LANDSCAPE - Zoning) [NOTE: Completed]
6. 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 of guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE Zoning) (Previous Condition H.7 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE Zoning) (Previous Condition H.8 of Resolution R-2004-149, Control No. 1983-161) [NOTE: Completed]
8. Previous condition H.9 of Resolution R-2004-149, Control No. 1983-161 which currently states:

Prior to April 1, 2004, the property owner/petitioner shall replace all dead, missing plant materials on the parent tract (land area approved under 1983 161 through 1983161 C). (DATE:LANDSCAPE-Zoning)

Is hereby amended to read:

Prior to Certificate of Occupancy, the property owner/petitioner shall replace all dead, missing plant materials on the parent tract (land area approved under 1983 161 through 1983161 C). (DATE:LANDSCAPE-Zoning)

9. In addition to the existing Royal Palms, landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - c. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - d. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning) (Previous Condition I.1. of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

10. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot Wide landscape buffer strip. No Width reduction or easement encroachment shall be permitted;
 - b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at Installation; and
 - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) Inches at Installation. (CO: LANDSCAPE- Zoning) (Previous Condition J.1 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

11. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip along the south 560 linear feet of the west property line. No width reduction or easement encroachment shall be permitted;
 - b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at Installation; and
 - e. one (1) medium shrub for each four (4) 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-2004-149, Control No.1983-161) [NOTE: Completed]

12. Landscaping and buffering along the south 520 linear feet of the east property line shall be upgraded to include:
 - a. a minimum of fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted. A maximum of five (5) foot easement encroachment may be permitted;
 - b. an eight (8) foot high opaque concrete block or concrete panel wall to be located at the north end of the retention area, and shall extend a minimum of 270 linear feet northwards. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;

- c. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. In area where a wall is located, shrubs shall be planted on the both sides of the wall;
- f. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. And
- g. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center at the exterior side of the required wall. (CO: LANDSCAPE - Zoning) (Previous Condition L.1 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

LANDSCAPING ALONG THE NORTH 670 LINEAR FEET OF THE EAST PROPERTY LINE (ABUTTING COMMERCIAL AND RESIDENTIAL)

- 13. Landscaping and buffering along the north 670 feet of the east property line shall be upgraded to include:
 - a. a minimum of ten (10) foot wide landscape buffer strip;
 - b. a minimum eight (8) foot high opaque concrete or concrete panel wall, excluding the northernmost 200 linear feet. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development;
 - c. plant materials shall be installed pursuant to the 2003 ULDC requirements. (DRC/CO:ZONING-Zoning) (Previous Condition M.1 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

LANDSCAPE - STANDARD-INTERIOR

- 14. Condition N.1 of Resolution R-2004-149, Control No.1983-161) which states:

One landscape island shall be provided for every twelve (12) parking/storage spaces. The maximum spacing between landscape islands shall not exceed 120 linear feet. (DRC/CO:ZONING/LANDSCAPE-Zoning) (Previous Condition N.1 of Resolution R-2004-149, Control No.1983-161)

Is hereby deleted REASON: [Completed]

LANDSCAPE – STANDARD

- 15. Landscaping for terminal islands in the parking area shall consist of the following:
 - a. A minimum of one (1) canopy tree for each island. Additional tree may be required in each island, subject to review and approval by the Landscape Section at final DRC approval,
 - b. continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO:LANDSCAPE - Zoning) (Previous Condition N.4 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
- 16. Landscaping for divider median in the parking area (between the existing body shop, vehicle sales and the proposed body shop) shall consist of the following:
 - a. the existing wall shall be renovated or painted to a color consistent with the principal structure;
 - b. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median-Trees to be planted alternating on both sides of the wall;
 - c. one (1) palm for each thirty-five (35) linear feet of the median. Palms may be planted in clusters and shall be planted alternating on both sides of the wall;

- d. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) Inches; and
- e. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center on both sides of the required wall. (DRC/CO: ZONING/LANDSCAPE - Zoning) (Previous Condition N.5 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

LANDSCAPE - STANDARD-INTERIOR

- 17. Prior to final site plan approval by the Development Review Committee (DRC), an Alternative Landscape Plan (ALP) for the north side of the 1.38-acre dry detention area to the landscape Section for review and approval. Bay door orientation towards the south of the automotive paint and body shop building shall be permitted subject to the approval of the ALP. (DRC/CO:LANDSCAPE - Zoning) (Previous Condition N.6 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]
- 18. A concrete block wall or concrete panel wall with a minimum height of eight (8) feet shall be installed along the northern edge of the retention area. This wall shall connect to the wall as required pursuant to Condition N.8, Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Planting shall include the following:
 - a. one (1) canopy tree planted for each twenty (20) linear feet of the wall, and shall be planted on the exterior side of the wall;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the wall with a maximum spacing of sixty (60) feet between clusters. and shall be planted on the exterior side of the wall;
 - c. one (1) small shrub for each two (2) linear feet of the wall. Shrub shall be a minimum height of twenty-four (24) Inches at installation, and shall be planted on both sides of the wall;
 - d. one (1) medium shrub for each two (2) linear feet of the wall. Shrub shall be a minimum height of thirty-six (36) Inches at Installation. and shall be planted on both sides of the wall; and
 - e. one (1) climbing vine supported by decorative trellis shall be installed at ten (10) feet on center, and to be located on both sides of the walls. (CO: LANDSCAPE - Zoning) (Previous Condition N.8 of Resolution R-2004-149, Control No.1983-161) [NOTE: Completed]

LIGHTING

- 1. All outdoor lighting used to illuminate the Subject property and Identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF- Zoning) (Previous Condition O.1 of Resolution R-2004-149, Control No.1983-161).
- 2. All outdoor, free standing lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition O.2 of Resolution R-2004-149, Control No.1983-161).
- 3. All outdoor, freestanding lighting fixtures shall be setback fifty (50) feet from the east property line. (CO: BLDG - Zoning) (Previous Condition O.3 of Resolution R-2004-149, Control No.1983-161)
- 4. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING:CODE ENFORCEMENT-Zoning) (Previous Condition O.4 of Resolution R-2004-149, Control No.1983-161).

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous Condition O.5 of Resolution R-2004-149, Control No.1983-161)

PARKING

1. Customer parking shall be marked with an above grade sign and shall be physically separated from the vehicle sales, storage and display areas. (BLDG. PERMIT: BLDG-Zoning) (Previous Condition P.2 of Resolution R-2004-149, Control No.1983-161)
2. The equipment yard shall be screened by a twelve (12) foot high wing wall consistent with the color and character of the principle structure. The open end shall have an obscure, opaque gate. (ARCH REVIEW/BLDG PERMIT: ZONING/BLDG-Zoning) (Previous Condition P.3 of Resolution R-2004-149, Control No.1983-161).
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING:CODE ENF-Zoning) (Previous Condition P.4 of Resolution R-2004-149, Control No.1983-161).

RECYCLE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING:SWA-SWA) (Previous Condition Q.1 of Resolution R-2004-149, Control No.1983-161)

SIGNS

Previous Condition R.1 of Resolution R-2004-149, Control No.1983-161) which currently states:

1. Signs fronting on Okeechobee Boulevard shall be limited as follows:
 - a. Maximum total sign height - twenty five (25) feet.
 - b. Maximum total sign area, per face - 100 square feet per face.
 - c. Maximum number of signs - one (1). (CO:BLDG-Zoning)

Is hereby amended to read:

1. Freestanding signs fronting 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 per side – ninety (90) square feet;
 - c. maximum number of signs – two (2);
 - d. style - monument style only;
 - e. If the existing Auto sign that is 25 feet high and 100 square feet of sign face area is replaced it shall meet these standards. (BLDG PERMIT: BLDG - Zoning)
2. Signs fronting on Indian Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign area, per face - 35 square feet per face.
 - c. Maximum number of signs one (1). (CO:BLDG-Zoning) (Previous Condition R.2 of Resolution R-2004-149, Control No.1983-161).

3. Prior to final site plan approval of the Development Review Committee (DRC), the petitioner shall submit a Master Sign Program containing sign location and sign dimensions, all proposed details shall be in conformance to all sign related conditions of approval. (DRC:ZONING-Zoning) (Previous Condition R.3. of Resolution R-2004-149, Control No.1983-161).
4. No signs shall encroach into the minimum required perimeter landscape buffers. (DRC:ZONING-Zoning) (Previous Condition R.4 of Resolution R-2004-149, Control No.1983-161).
5. All on site signs shall comply with the Palm Beach County Sign Code and shall indicate principal uses only. No snipe signs, balloons, banners or other prohibited types of advertisement or signs shall be permitted onsite. (ONGOING:CODE ENF-Zoning) (Previous Condition R.5 of Resolution R-2004-149, Control No.1983-161).
6. No advertising flags, foreign flags, pennants, banners, streamers, balloons, flashing signs, electronic message boards, signs upon any vehicles, prices or vehicle stock numbers or other Information shall be displayed on vehicles for sale except as required to be posted on such vehicles by law and the year of the automobile. (ONGOING:CODE ENF- Zoning) (Previous Condition R.7 of Resolution R-2004-149, Control No.1983-161).
7. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, except as may be permitted by the Sign Code. (ONGOING:CODE ENF-Zoning) (Previous Condition R.8 of Resolution R-2004-149, Control No.1983-161).
8. No vehicle shall be parked with its hood or trunk open. nor elevated off the ground in any way. Vehicles shall only be parked or displayed in the approved areas designated on the certified site plan. (ONGOING:CODE ENF-Zoning) (Previous Condition R.9 of Resolution R-2004-149, Control No.1983-161).
9. Wall signs shall be limited to south and west facades of the new auto paint and body building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG - Zoning) (Previous Condition R.10 of Resolution R-2004-149, Control No.1983-161).
10. Prior to final DRO approval the applicant shall submit a revised Master Sign Program Plan for the site. The plan shall include all new and existing signs and meet the all Technical Manual and ULDC Requirements. (DATE-MONITORING-Zoning)

USE LIMITATIONS

1. When this facility is not open, the principal inventory parking areas shall be locked and gated. (ONGOING; CODE ENF-Zoning) (Previous Condition S.3 of Resolution R-2004-149, Control No.1983-161).
2. All display, inventory. parking. spaces. loading area and specialized vehicular use area, shall be limited to the locations as shown on the site plan dated December 23, 2003. (ONGOING:CODE ENF-Zoning) (Previous Condition S.5 of Resolution R-2004-149, Control No.1983-161).
3. No vehicles, other than for customer/employee parking and those which are intended for sale and are in running condition, shall be stored or displayed outdoors on-site. (ONGOING:CODE ENF-Zoning) (Previous Condition S.6 of Resolution R-2004-149, Control No.1983-161).
4. There shall be no outdoor repair of vehicles. (ONGOING:CODE ENF-Zoning) (Previous Condition S.8 of Resolution R-2004-149, Control No.1983-161).

5. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF-Zoning) (Previous Condition S.9 of Resolution R-2004-149, Control No.1983-161).
6. Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF - Zoning) (Previous Condition S.10 of Resolution R-2004-149, Control No.1983-161).
7. Any automatic car wash facility on the site shall utilize a 100% water recycling system. (ONGOING:CODE ENF-HEALTH) (Previous Condition S.11 of Resolution R-2004-149, Control No.1983-161).
8. No outdoor speaker or public address systems which are audible off-site shall be permitted. (ONGOING:CODEENFORCEMENT-Zoning) (Previous Condition S.13 of Resolution R-2004-149, Control No.1983-161).
9. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m., except deliveries to the "Dedicated Delivery Area" indicated on the master site plan. (CODE ENFORCEMENT-Zoning) (Previous Condition S.14 of Resolution R-2004-149, Control No.1983-161).
10. No storage or placement of any, refuse, equipment or debris shall be permitted in the rear of the facility. (CODE ENFORCEMENT-Zoning) (Previous Condition S.15 of Resolution R-2004-149, Control No.1983-161).

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) (Previous Condition T.1 of Resolution R-2004-149, Control No.1983-161) 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; 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 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 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. (ONGOING:MONITORING-Zoning)

Is hereby amended to read:

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 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 a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)