

RESOLUTION NO. R-2016- 1229

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2016-00658
(CONTROL NO. 1983-00161)
a Development Order Amendment
APPLICATION OF Country New
BY Brandenburg & Associates, P.A., AGENT
(Ferrari-Maserati-Mercedes Benz MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

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

WHEREAS, Zoning Application ZV/DOA-2016-00658 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, THE Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

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

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2016-00658, the Application of Country New, by Brandenburg & Associates, P.A., Agent, for a Development Order Amendment to modify the Site Plan, to add and delete square footage, and modify Conditions of Approval (Signs), on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on

September 22, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 22, 2016.

Filed with the Clerk of the Board of County Commissioners on October 4th, 2016.

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






EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 25,
TOWNSHIP 43 SOUTH, RANGE 42 EAST, AND IN
SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST,
BEING ALL OF TRACT A, MERCEDES BENZ OF PALM
BEACH, M.U.P.D. PLAT TWO, AS RECORDED IN PLAT
BOOK 112, PAGES 57 TO 59, PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA.

CONTAINING 607,991 SQUARE FEET, OR 13.96 ACRES,
MORE OR LESS

EXHIBIT B
VICINITY SKETCH

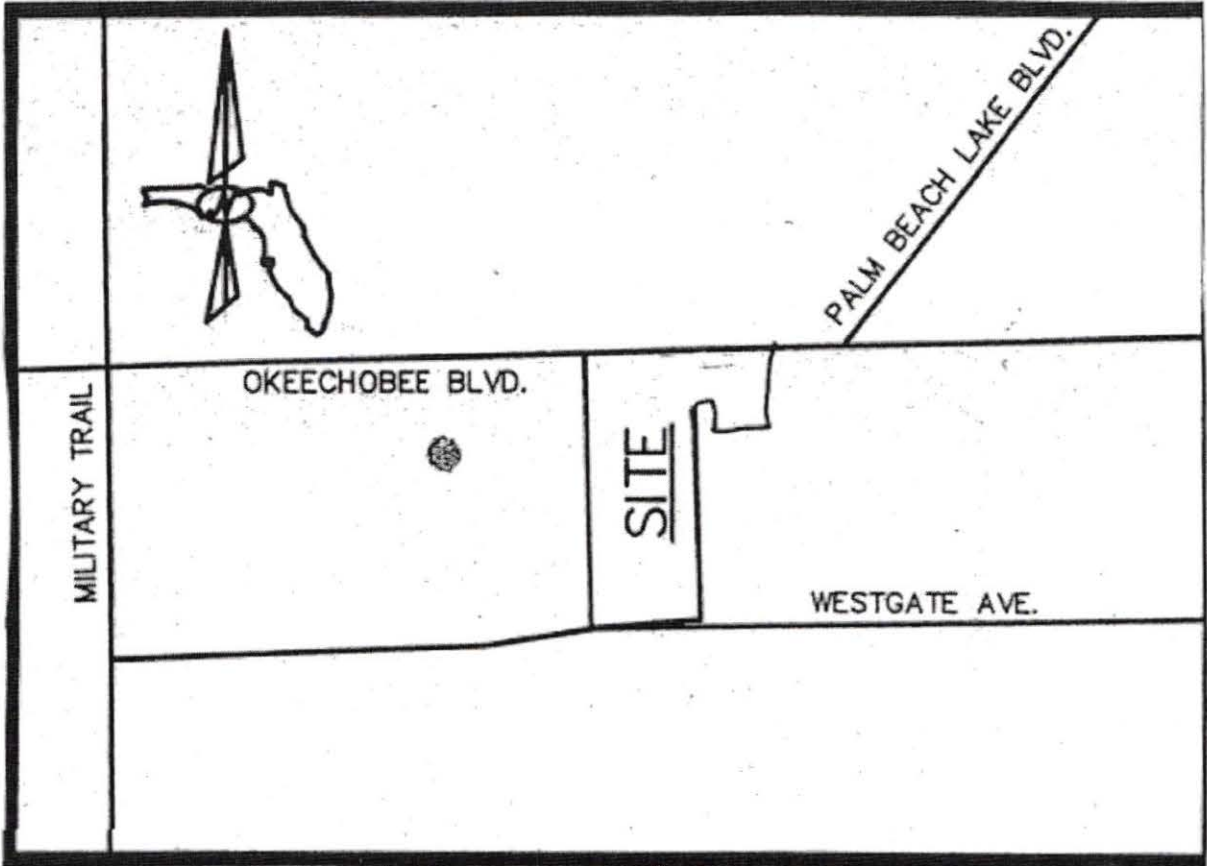


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2008-686, Control No.1983-00161, 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 February 15, 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.

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 July 14, 2016. 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 ALL PETITIONS Condition 2 of Resolution R-2008-686, Control No.1983-00161, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-686 (Control No. 1983-161), 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in R-2008-474 (Control No. 1983-161) and Resolution R-2008-686 (Control No. 1983-161), 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 ALL PETITIONS Condition 3 of Resolution R-2008-686, Control No.1983-00161, which currently states:

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.

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. (DATE/ONGOING: MONITORING - Monitoring)

ARCHITECTURAL REVIEW

1. At time of final DRO approval of the site plan a black line elevation compliant with the Zoning Technical Manual and indicating a color and finish schedule keyed to each surface, a roof plan for the proposed Maserati dealership building, the floor plan for the proposed Maserati dealership building shall be submitted simultaneously with the site

plan. The elevations and the site plan shall be designed to be consistent with Article S.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the approved DRO site plan. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2008-686, Control No.1983-00161)

2. Similar architectural composition and treatment shall be provided on all sides of building "B" (Maserati dealership). (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2008-686, Control No.1983-00161)

3. All building mounted electrical, air conditioning, and fixed mechanical equipment, such as satellite dishes, shall be screened from view on all sides by an opaque barrier constructed of compatible materials, color and character on building "B" building and building "C". (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2008-686, Control No.1983-00161)

4. Prior to final DRO approval the building elevations shall provide an articulation of the parapet roof treatment along all sides of building "B":

- a. The minimum combined length of the articulation of the parapet shall be no less than 30 percent;
- b. The maximum spacing between any articulation of the parapet shall be no greater than 100 feet;
- c. No parapet length used as part of wall signage shall be counted as an articulation; and
- d. All parapets shall be comprised of a decorative molding. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2008-686, Control No.1983-00161)

5. Prior to final DRO approval the building elevations shall provide recesses and/or projections along each side of building "B":

- a. The total length of the recesses and/or projections shall be a minimum of 20 percent of the total length of each faade; and
- b. Recesses and/or projections shall be distributed along each facade with a maximum distance of 100 feet between each recession and/or projection. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2008-686, Control No.1983-00161)

6. Prior to final DRO approval the building elevations shall indicate one of the following on all sides of building "B":

- a. Provide a primary and secondary exterior treatment of at least two different materials textures or finishes.
 - i. Minimum treatment to be 20 percent. Note location and treatment on the elevations;
- b. Provide fenestration details to each facade.
 - i. Minimum treatment to be 60 percent of the length of the front, side and rear facades. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2008-686, Control No.1983-00161)

7. Building "B" shall have a minimum of one clearly defined, easily identifiable primary public entrance feature. The entry feature shall provide:

- a. Canopies, porte-cochere, or porticos;
- b. Wall recess or projection with a minimum of 12 inches in depth; and
- c. Special pavers, bricks, decorative concrete, or other similar pavement treatment. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 7 of Resolution R-2008-686, Control No.1983-

00161)

8. All buildings shall have exterior paint colors and/or materials that are compatible with the surrounding area and complement the project. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 8 of Resolution R-2008-686, Control No.1983-00161)

9. Revise the site plan to include the locations of a pedestrian amenity. Provide details for the pedestrian amenity on the regulating plan. The pedestrian amenity shall come in the form of either:

- a. A clock tower with pedestrian plaza;
- b. A water feature or fountain with pedestrian plaza;
- c. An outdoor patio, courtyard or plaza containing tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e, restaurant);
- d. Outdoor furniture; or
- e. Other pedestrian amenity acceptable to the Architecture Review section. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 9 of Resolution R-2008-686, Control No.1983-00161)

10. Revise the site plan to include a continuous internal pedestrian walkway system that connects the various uses to other uses on the site. The walkways shall:

- a. Provide one (1) native canopy tree for every twenty-five (25) linear feet of walkway with a maximum spacing of 50 feet between trees;
- b. Provide one (1) bench every two-hundred (200) feet between the public sidewalk and building; and
- c. Walkways that traverse vehicular use areas shall be accented with special pavers, bricks, or decorative concrete, stamped concrete or similar decorative pavement treatment. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 10 of Resolution R-2008-686, Control No.1983-00161)

11. The site plan shall be revised to provide one five-bike bicycle rack per each two-hundred (200) parking spaces. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 11 of Resolution R-2008-686, Control No.1983-00161)

12. Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view. Please revise your elevations or provide details for the screening of these doors. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 12 of Resolution R-2008-686, Control No.1983-00161)

13. The exterior elevations of all buildings shall integrate the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute integration. (DRO: ZONING - Architectural Review) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 13 of Resolution R-2008-686, Control No.1983-00161)

14. The following elements shall be prohibited:

- a. Neon lights and colors;
- b. High intensity, metallic or fluorescent colors; and
- c. Mirror or solar glass with a reflectivity or opacity greater than 60 percent. (ONGOING: ZONING - Architectural Review) (Previous ARCHITECTURAL REVIEW Condition 14 of Resolution R-2008-686, Control No.1983-00161)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2008-686, Control No.1983-00161, which currently states:

Previous Condition E1, 4, 5, and 9 of Resolution R- R-2004-0149 , Petition PDD1983-161D were deleted (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Previously deleted]

2. 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 Areawide 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. (BLDG/PMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2008-686, Control No.1983-00161)

3. 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2008-686, Control No.1983-00161)

4. Previous ENGINEERING Condition 4 of Resolution R-2008-686, Control No.1983-00161, which currently states:

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 - Engineering)

Is hereby deleted. [REASON: Code requirement]

5. Previous ENGINEERING Condition 5 of Resolution R-2008-686, Control No.1983-00161, which currently states:

The Developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring properties. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: Code requirement]

6. 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.

(b) Relocation of the proposed dumpster enclosure to the Western portion of the site.

(DRO/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2008-686, Control No.1983-00161)

7. If permitted by the Florida Department of Transportation (FOOT) and the County Engineer, the Petitioner shall landscape the median of Okeechobee Boulevard consistent with FOOT 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. (DATE/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2008-686, Control No.1983-00161)

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/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2008-686, Control No.1983-00161)

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/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2008-686, Control No.1983-00161)

10. Previous ENGINEERING Condition 10 of Resolution R-2008-686, Control No.1983-00161, which currently states:

Condition E.1 4 of Resolution R-2004-0149, Petition No. 1983-1 61 (0)) which currently 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)

Is hereby amended to read:

A) No Building Permits for the site may be issued after April 25, 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) (BLDGPM/DATE: MONITORING - Engineering)

Is hereby deleted. [REASON: Replaced by a new condition number 16.]

11. The Property Owner shall replace Palm Beach County's existing Indian Road Drainage system along the existing 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.

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2008-686, Control No.1983-00161)

12. The Property Owner shall close the existing drive to the site on Okeechobee Boulevard 530 feet east of Indian Road in accordance with the Florida Department of Transportation requirements. Driveway closure shall be concurrent with the paving and drainage improvements for the Smart Car Dealership. Any and all costs associated with the construction shall be paid by the Property Owner.

a. Permits required from Palm Beach County for this driveway closure shall be obtained prior to the issuance of the Building Permit for the Smart Car Dealership. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Any construction associated with this driveway closure shall be completed prior to the issuance of the first Certificate of Occupancy for the Smart Car Dealership. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2008-686, Control No.1983-00161)

13. Prior to issuance of a Building Permit the Property Owner shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2008-686, Control No.1983-00161)

14. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Okeechobee Boulevard, an additional 4.5 feet of additional right of way, or as approved by FEOT and the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 Property Owner, the Property Owner agrees to hold the County and FDOT 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, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

15. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

16. 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 December 31, 2018. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2008-474, Control No.1983-00161)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2008-474, Control No.1983-00161)

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: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 3 of Resolution R-2008-474, Control No.1983-00161)

HEALTH

1. 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 DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2008-474, Control No.1983-00161)

2. 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 DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2008-474, Control No.1983-00161)

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 an 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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2008-686, Control No.1983-00161)

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. 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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2008-686, Control No.1983-00161)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 5 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 6 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 7 of Resolution R-2008-686, Control No.1983-00161)

8. 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 1983-161 C). (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 8 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 9 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 10 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 11 of Resolution R-2008-686, Control No.1983-00161)

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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 12 of Resolution R-2008-686, Control No.1983-00161)

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. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 13 of Resolution R-2008-686, Control No.1983-00161)

14. 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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 14 of Resolution R-2008-686, Control No.1983-00161)

15. 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 15 of Resolution R-2008-686, Control No.1983-00161)

16. 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. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 16 of Resolution R-2008-686, Control No.1983-00161)

17. 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 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: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 17 of Resolution R-2008-686, Control No.1983-00161)

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. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2008-686, Control No.1983-00161)
2. All outdoor, free standing lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous LIGHTING Condition 2 of Resolution R-2008-686, Control No.1983-00161)
3. All outdoor, freestanding lighting fixtures shall be setback fifty (50) feet from the east property line. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2008-686, Control No.1983-00161)
4. 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 LIGHTING Condition 4 of Resolution R-2008-686, Control No.1983-00161)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Palm Tran Condition 1 of Resolution R-2008-0686)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING - Palm-Tran) (Previous Palm Tran Condition 2 of Resolution R-2008-0686)

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. (BLDGPM: BUILDING DIVISION - Zoning) (Previous PARKING Condition 1 of Resolution R-2008-686, Control No.1983-00161)
2. Previous PARKING Condition 2 of Resolution R-2008-686, Control No.1983-00161, which currently states:

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. (BLDGPM: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: There is no equipment yard space within the Site.]

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 PARKING Condition 3 of Resolution R-2008-686, Control No.1983-00161)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2008-686, Control No.1983-00161, which currently states:

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 three (3);
- d. style - monument style only;
- e. any replacement or modification to the non-conforming 25 foot high freestanding sign shall comply with the limitations listed above

Is hereby amended to read:

Freestanding Signs fronting on Okeechobee Boulevard shall be limited as follows:

- a. Maximum sign height measured from finished grade to highest point: Mercedes Benz Monument Sign 25 feet; Smart Car Monument Sign 14 feet; Ferrari Monument sign 14 feet; and Maserati Monument sign 6 feet;
- b. Maximum sign area per side: Mercedes Benz, Smart Car and Ferrari Monument signs 90 square feet and Maserati Monument sign 50 square feet;
- c. Maximum number of signs: four (4)
- d. Any replacement or modification to Mercedes Benz Monument Sign (non-conforming twenty (25) foot high freestanding sign) shall comply with the limitations listed above. (CO: BUILDING DIVISION - Zoning) (BLDGPM: BUILDING DIVISION - 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: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2008-686, Control No.1983-00161)

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. (DRO: ZONING-Zoning) (Previous Condition R.3 of Resolution R-2004-149, Control No.1983-161) (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 3 of Resolution R-2008-686, Control No.1983-00161)

4. No signs shall encroach into the minimum required perimeter landscape buffers. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 4 of Resolution R-2008-686, Control No.1983-00161)

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 SIGNS Condition 5 of Resolution R-2008-686, Control No.1983-00161)

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 SIGNS Condition 6 of Resolution R-2008-686, Control No.1983-00161)

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 SIGNS Condition 7 of Resolution R-2008-686, Control No.1983-00161)

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 SIGNS Condition 8 of Resolution R-2008-686, Control No.1983-00161)

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/ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 9 of Resolution R-2008-686, Control No.1983-00161)

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. (DRO: MONITORING - Zoning) (Previous Condition Signs 9 of Resolution R-2004-149, Control No.1983-161) (DRO: MONITORING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 10 of Resolution R-2008-686, Control No.1983-00161)

USE LIMITATIONS

1. When this facility is not open, the principal inventory parking areas shall be locked and gated. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2008-686, Control No.1983-00161)

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 USE LIMITATIONS Condition 2 of Resolution R-2008-686, Control No.1983-00161)

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 USE LIMITATIONS Condition 3 of Resolution R-2008-686, Control No.1983-00161)

4. There shall be no outdoor repair of vehicles. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2008-686, Control No.1983-00161)

5. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2008-686, Control No.1983-00161)

6. Vehicles shall not be tested off-site on residential streets. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 6 of Resolution R-2008-686, Control No.1983-00161)

7. Any automatic car wash facility on the site shall utilize a 100% water recycling system. (ONGOING: CODE ENF - Health Department) (Previous USE LIMITATIONS

Condition 7 of Resolution R-2008-686, Control No.1983-00161)

8. No retail business activities shall be allowed on the site, including deliveries, prior to 6:00 am. nor continue later than 10:00 p.m., except deliveries to the "Dedicated Delivery Area" indicated on the master site plan. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 8 of Resolution R-2008-686, Control No.1983-00161)

9. No storage or placement of any, refuse, equipment or debris shall be permitted In the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 10 of Resolution R-2008-686, Control No.1983-00161)

USE LIMITATIONS-NOISE CONTROL

10. No outdoor speaker or public address systems which are audible off-site shall be permitted. (ONGOING: CODE ENF - Zoning) (Previous UNITY OF CONTROL Condition 1 of Resolution R-2008-686, Control No.1983-00161)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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