

RESOLUTION NO. R-2016- 1563

RESOLUTION APPROVING ZONING APPLICATION DOA-2015-01033  
(CONTROL NO. 1975-00072)  
a Development Order Amendment  
APPLICATION OF Autonation Imports of Palm Beach Inc  
BY Mark Brenchley, Planning Consultants, AGENT  
(Lexus of Palm Beach)

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 DOA-2015-01033 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 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 DOA-2015-01033, the Application of Autonation Imports of Palm Beach Inc, by Mark Brenchley, Planning Consultants, Agent, for a Development Order Amendment to modify Conditions of Approval (Signage), 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 October 27, 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	-	Absent
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 October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on \_\_\_\_\_.

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: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK





EXHIBIT A

LEGAL DESCRIPTION

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 43 South, Range 42 East, Palm Beach County, Florida, together with an easement for underground utilities over and across that certain property set forth in an easement agreement recorded in Official Records Book 5695, Page 1191, Public Records of Palm Beach County, Florida and together with an easement for underground utilities over the property set forth in that certain easement agreement recorded in Official Records Book 5695, Page 1195 of the Public Records of Palm Beach County, Florida, less right-of-way of the north 39 feet for Okeechobee Boulevard (S.R. 704) and the south 35 feet of the Lake Worth Drainage District and less and except that property set for in that certain Right-of-Way Warranty Deed from Marvin M. Rosenberg, Trustee in favor of Palm Beach County as recorded in Official Records Book 5385, Page 800, Public Records of Palm Beach County, Florida. LESS AND EXCEPTING the following described parcel of land:

PARCEL NO. 108

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 26, Township 43 South, Range 42 East, Palm Beach County, Florida, described as follows:

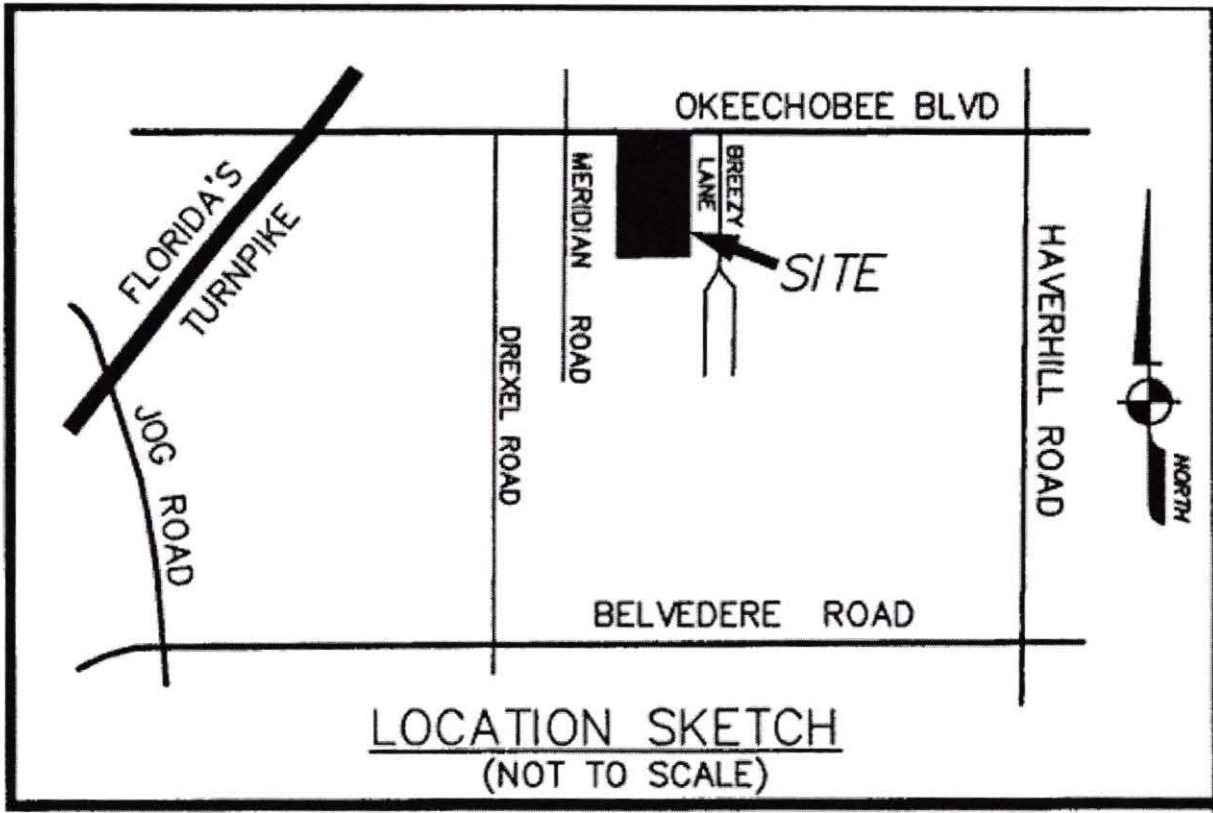
COMMENCING at the Northwest corner of said Section 26, run thence North 01°27'31" East, along the westerly section line for Section 23, Township 43 South, Range 42 East, a distance of 21.00 feet to the baseline of survey for S.R. 704 (Okeechobee Blvd.); thence South 88°40'34" East, along said baseline of survey, a distance of 1339.65 feet; thence South 01°19'26" West, a distance of 71.00 feet to the southerly existing right-of-way line for S.R. 704 (Okeechobee Blvd.) and the POINT OF BEGINNING; thence South 88°40'34" East, along the said south line, a distance of 55.00 feet; thence South 46°22'52" West, a distance of 35.39 feet; thence North 88°40'34" West, a distance of 30.00 feet to a point on the west line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 26; thence North 01°27'08" East, along the just described line, a distance of 25.00 feet to the POINT OF BEGINNING.

Said lands situate in Palm Beach County, Florida and containing 793,615 square feet (18.22 acres) more or less.

Also known as: A portion of Section 26, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest One-Quarter of said Section 26; thence S88°40'34"E, along the north line of said Section 26, a distance of 669.93 feet; thence S01°26'08"W, 49.00 feet to the POINT OF BEGINNING; thence continue S01°26'08"W, a distance of 1264.79 feet; thence N88°54'05"W, along the north right-of-way of Lake Worth Drainage District Lateral No. 1 Canal, a distance of 630.39 feet; thence N01°27'19"E, 1242.33 feet; thence N46°23'23"E, 35.31 feet; thence S88°40'34"E, 30.03 feet; thence S85°03'44"E, 190.38 feet; thence S88°40'34"E, 228.00 feet; thence N01°19'26"E, 12.00 feet; thence S88°40'34"E, 156.97 feet to the POINT OF BEGINNING. (The preceding five bearing and distances being along the South right-of-way line of Okeechobee Boulevard).

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2001-0963, Petition DOA75-072(G) have been revoked unless otherwise contained herein. (ONGOING:ZONING-Zoning) (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2005-1789, Control No.1975-00072, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated July 15, 2005. 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. (DRO:ZONING-Zoning)

##### Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The Preliminary Site Plan is dated May 12, 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)

##### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC and shall be generally consistent in form, materials and colors with adjoining properties. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a focal point at the terminus of the access drive from Okeechobee Boulevard. The focal point shall be in the form of a plaza, fountain, arcade, or any other site element or similar pedestrian oriented public area that is acceptable to the Zoning Division. The design and location of this element shall be subject to review and approval by the Architectural Review Section. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2005-1789, Control No.1975-00072)

3. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2005-1789, Control No.1975-00072)

##### ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2005-1789, Control No.1975-00072, which currently states:

##### LANDSCAPE WITHIN THE MEDIAN OF OKEECHOBEE BOULEVARD



The Petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Okeechobee Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit.

b) All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy.

c) At Petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Petitioner. The Petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner.

d) Also, prior to the issuance of a Building Permit, and at the option of the Petitioner, the Petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Okeechobee Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

**Is hereby amended to read:**

**Landscape Within the Median of Okeechobee Boulevard**

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Okeechobee Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit.

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy.

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians



with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner.

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Okeechobee Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG/PMT/ONGOING: ENGINEERING - Engineering)

## **HEALTH**

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous HEALTH Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

## **ZONING - LANDSCAPING-STANDARD**

1. All new and replacement trees shall be native and meet the following minimum standards at installation:

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. [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

2. All new and replacement palms required to be planted on the property by this approval shall be native and 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. [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2005-1789, Control No.1975-00072)

3. Prior to September 22, 2006, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2005-1789, Control No.1975-00072)

4. The landscape program on site including buffers and interior planting shall be pursuant to an Alternative Landscape Plan (ALP). This plan shall be submitted for review and approval by the Landscape Section prior to final plan approval by the Development Review Officer (DRO), and shall be generally consistent with the Landscape Plan dated July 15, 2005 by the Witkin Design Group. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2005-1789, Control No.1975-00072)

## **LIGHTING**

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height



measured from finished grade to highest point. (BLDGPMPT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

2. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours, excluding security lighting only. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 2 of Resolution R-2005-1789, Control No.1975-00072)

3. 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) [Note: COMPLETED] (Previous LIGHTING Condition 3 of Resolution R-2005-1789, Control No.1975-00072)

### **MASS TRANSIT**

1. Completed (DRO: DEVELOPMENT REVIEW OFFICER - Palm-Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

### **SIGNS**

1. Previous SIGNS Condition 1 of Resolution R-2005-1789, Control No.1975-00072, which currently states:

No additional new signs shall be permitted on Okeechobee Boulevard and Citation Drive. Replacement or relocation of the two (2) existing freestanding ground mounted signs on Okeechobee Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point: one (1) at 10-feet high and one (1) at 6.5-feet high.
- b. maximum sign face area per side - one hundred (100) square feet;
- c. maximum number of signs for the overall site two (2) fronting Okeechobee Boulevard only;
- d. style - monument style only; and,
- e. signs shall be limited to identification of the tenant only. No advertising or changeable copies shall be permitted. (BLDG PERMIT:BLDG- Zoning)

### **Is hereby amended to read:**

No additional new signs shall be permitted on Okeechobee Boulevard and Citation Drive. Replacement or relocation of the two (2) existing freestanding ground mounted signs on Okeechobee Boulevard shall be limited as follows:

a. maximum number of signs for the overall site two (2) fronting Okeechobee Boulevard only. (BLDGPMPT: BUILDING DIVISION - Zoning)

2. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 2 of Resolution R-2005-1789, Control No.1975-00072)

### **USE LIMITATIONS**

1. No dumpster pickup shall be permitted between the hours of 6:00 p.m. and 8 a.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2005-1789, Control No.1975-00072)

2. Test driving of vehicles is prohibited on local streets. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2005-1789, Control No.1975-00072)

3. Hours of construction activity during all stages of site development shall be limited to 7:00a.m. to 5:00p.m. Monday through Saturday. Construction shall be prohibited on



Sunday, and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2005-1789, Control No.1975-00072)

4. Vehicle sales activity shall not be allowed on the property prior to 7:00 a.m. nor continue later than 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2005-1789, Control No.1975-00072)

5. Loading, repair and service activity shall not be allowed on the property prior to 7:00 a.m. nor continue later than 6:00 p.m. daily. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2005-1789, Control No.1975-00072)

#### **UTILITIES**

1. Previous UTILITIES Condition 1 of Resolution R-2005-1789, Control No.1975-00072, which currently states:

If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications (ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

**Is hereby deleted.** [REASON: Does no longer apply.]

#### **COMPLIANCE**

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

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

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

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

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

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

#### **DISCLOSURE**

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