

RESOLUTION NO. R-2016- 1838

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2016-00657
(CONTROL NO. 1987-00041)
a Development Order Amendment
APPLICATION OF EFN Northfield Property LLC
BY Miller Permitting and Land Development LLC, AGENT
(Napleton Kia)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, 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-2016-00657 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 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-2016-00657, the Application of EFN Northfield Property LLC, by Miller Permitting and Land Development LLC, Agent, for a Development Order Amendment to reconfigure the Site Plan and add square footage, 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 December 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Valeche moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

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

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A parcel of land in the Northeast One-Quarter of the Northwest One-Quarter of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

COMMENCE at the North One Quarter Section corner of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida,
thence North 88° 27' 22" West, along the North line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, a distance of 331.69 feet to a point;
thence South 01° 30' 38" West for a distance of 75.00 feet to a point on the South Right-of-way line of Lake Park West Road;
thence North 88° 27' 22" West along the South Right-of-way of said Lake Park West Road for a distance of 149.96 feet to a **POINT OF BEGINNING** and the Northeast corner of the herein described parcel and also the point of intersection with the West Right-of-way line of Lyndall Lane, as now laid out and in use;
thence South 01° 30' 38" West, along the said West Right-of-way line, a distance of 146.59 feet;
thence South 05° 11' 45" West, a distance of 11.78 feet;
thence South 16° 53' 50" West, a distance of 91.28 feet;
thence South 10° 16' 50" West, a distance of 193.98 feet;
thence South 01° 31' 30" West, a distance of 23.14 feet;
thence North 88° 27' 22" West, parallel with the North line of said Northeast One-Quarter of the Northwest One-Quarter of Section 19, a distance of 168.50 feet, more or less, to a point of intersection with the East line of the West 125 feet of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, as said East line is presently occupied;
thence South 01° 31' 14" West, along said East line, a distance of 798.06 feet, more or less, to a point of intersection with the South line of the Northeast One-Quarter of the Northwest One-Quarter as shown on the Plat of **PARKWAY VILLAGE** as recorded in Plat Book 37, Page 41 and 42, Public Records of Palm Beach County, Florida;
thence North 88° 12' 05" West, along the said South line, a distance of 291.76 feet, more or less, to a point of intersection with the West line of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19;
thence North 01° 32' 46" East, along said West line, a distance of 958.00 feet, more or less, to a point of intersection with the South line of the North 375 feet of said Northeast One-Quarter of the Northwest One-Quarter of said Section 19;
thence South 88° 27' 22" East, along said South line, a distance of 166.33 feet, more or less, to a point of intersection with the West line of the East One-Half of the West One-Half of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, as said West line is evidence by present occupation of line parallel with and 125 feet East of said West line;
thence North 01° 31' 14" East, along said West line, a distance of 200 feet;
thence South 88° 27' 22" East, parallel with the North line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 19, a distance of 15.00 feet,
thence North 01° 31' 14" East, a distance of 100 feet to a point of intersection with the South right-of-way line of said Lake Park West Road;
thence South 88° 27' 22" East, along said South Right-of-way line, a distance of 332.98 feet to the **POINT OF BEGINNING**.

LESS that portion conveyed to Palm Beach County by Warranty Deed recorded in O.R. Book 9181, Page 169, Public Records of Palm Beach County, Florida, more particularly described as follows:

A parcel of land lying in the Northeast Quarter of the Northwest Quarter of Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, said parcel being a portion of that property described in O.R. Book 6404, Page 953, Public Records of Palm Beach County, Florida; said parcel being more particularly described as follows:

COMMENCING at the North Quarter section corner of said Section 19;
thence North 88° 27' 22" West along the North line of said Section 19, a distance of 331.69 feet;
thence South 01° 30' 38" West, a distance of 75.00 feet to the intersection of the South Right-of-way line of Northlake Boulevard (Lake Park Road West);
thence North 88° 27' 22" West along the South Right-of-way line of Northlake Boulevard, a distance of 124.96 feet to the intersection of the East Right-of-way line of Lyndall Lane as recorded in O.R. Book 5599, Page 1106, Public Records of Palm Beach County, Florida, and the South Right-of-way line of Northlake Boulevard;
thence North 88° 27' 22" West along the South Right-of-way line of Northlake Boulevard, a distance of 25.00 feet to a point on the West Right-of-way line of Lyndall Lane and the **POINT OF BEGINNING** of the herein described parcel;
thence South 01° 30' 38" West along the West Right-of-way line of Lyndall Lane, a distance of 24.99 feet;
thence North 43° 28' 22" West, a distance of 35.35 feet to a point on the South Right-of-way line of said Northlake Boulevard;
thence South 88° 27' 22" East along said South Right-of-way line of Northlake Boulevard, a distance of 24.99 feet to the afore-described **POINT OF BEGINNING**.

PARCEL 2:

Application No. ZV/DOA-2016-00657
Control No. 1987-00041
Project No 05513-000

The South 300 feet of the North 375 feet of the West Half (W ½) of the East Half (E ½) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), and the West 15 feet of the South 100 feet of the North 175 feet of the East Quarter (E ¼) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), all in Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

Napleton Kia
3626 Northlake Boulevard
Palm Beach Gardens, FL 33403

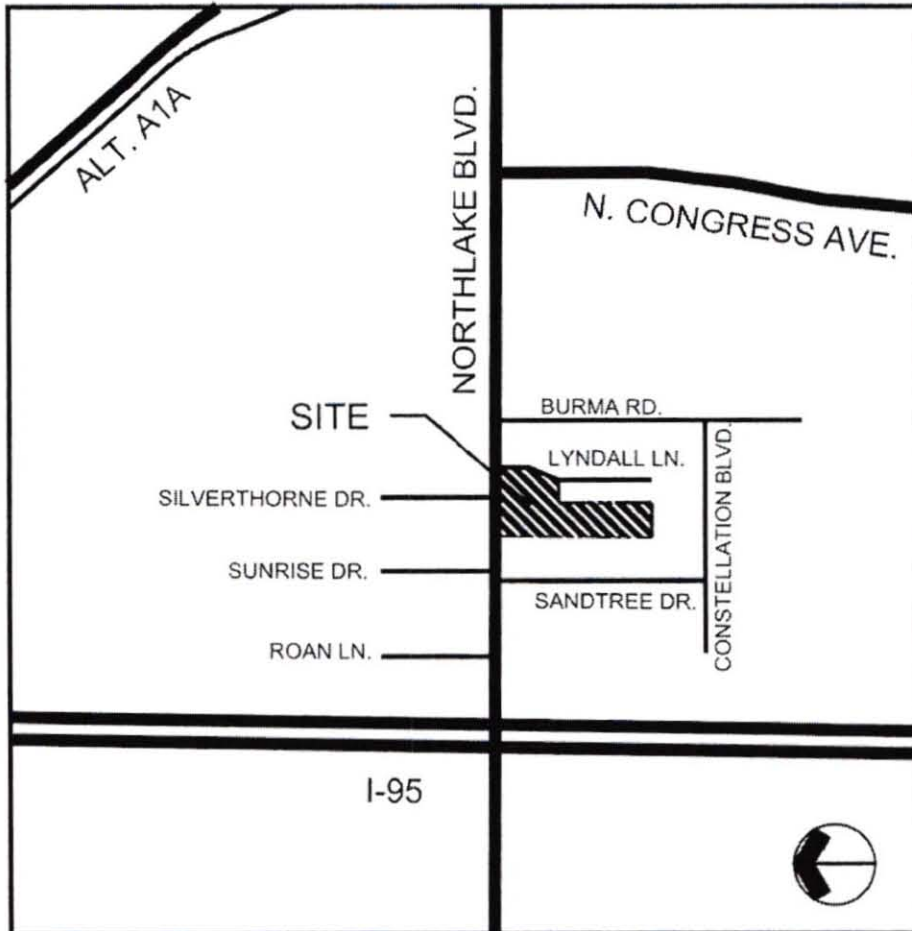


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-1988-1222, R-1989-603, R-1990-1286 and R-1995-1476 (Control 1987-00041), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Previous Condition 1 of Resolution R-1989-603, Control No.1987-00041, which currently states:

The developer shall comply with all previous conditions of approval, unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new All Petitions Condition 1.]

3. Previous Condition 1 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The petitioner shall comply with all previous conditions unless expressly modified herein.

Is hereby deleted. [REASON: Superseded by new All Petitions Condition 1.]

4. Previous A Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

The petitioner shall comply with all previous conditions of approval contained in Resolution R-90-1286 (Petition 87-41(C)) and deadlines previously established by Section 5.8 of the ULDC, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Superseded by new All Petitions 1.]

5. The approved Preliminary Site Plan is dated September 15, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to January 1, 1996 the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed a "Corner Clip" at the intersection of Lyndall Lane and Northlake Boulevard. The Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

2. Previous ENGINEERING Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from

time to time be

amended. The Fair Share Fee for this project, Zoning Petition 87-41(E), to be paid at the time of issuance of the Building Permit presently is \$ 2,255.00 (41 trips X \$55.00 per trip). (BLDGPM: MONITORING - Engineering)

Is hereby deleted. [REASON: Code Requirement]

3. LANDSCAPE WITHIN MEDIAN

a. Prior to February 1, 1996, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including an irrigation system if required shall be installed at the Property Owner's expense. All landscape material shall also be the perpetual maintenance obligation of the Petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before May 1, 1996. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to May 1, 1996 to reflect this obligation. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

4. The Property Owner shall construct:

a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall lane.

b. Lyndall Lane (local street standards minimum 2-10 foot travel lanes) from Northlake Boulevard South to the South property line a distance of 465 feet. This Property Owner shall also be responsible for providing right-of-way associated with this construction. The minimum right-of-way width shall be twenty five (25) feet with the construction of three (3) feet of curb and gutter along the west right-of-way line. Within ninety days of approval, this Developer shall convey the necessary right-of-way from the proposed site to Palm Beach County.

All construction shall be concurrent with onsite paving and drainage improvements. [Note: COMPLETED] (Previous Condition 4 of Resolution R-1989-603, Control No.1987-00041)

5. There is no Engineering Condition 5

6. Prior to site plan certification, Applicant shall revise this proposed site plan to clarify fee simple ownership of the Lyndall Lane adjacent to this property. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous A Condition 6 of Resolution R-1988-1222, Control No.1987-00041)

7. Previous A Condition 7 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development

Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [REASON: Code Requirement.]

8. Previous A Condition 8 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Property Owner shall construct:

a. Right turn lane, west approach on Northlake Boulevard at the project's west entrance road. The deceleration lane, right turn lane, on Northlake Boulevard is continued the entire length of the property to Lyndall Lane. b. Lyndall Lane (local street standards minimum 2-10 foot travel lanes) from Northlake Boulevard South to the South property line a distance of 465 feet. All construction shall be concurrent with onsite paving and drainage improvements.

Is hereby deleted. [REASON: Superseded by Engineering Condition 4]

9. Previous A Condition 9 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$26,736.00 (998 trips X 826.79 per trip).

Is hereby deleted. [REASON: Code Requirement]

10. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$6,684.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$33,420.00 are to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,684.00 shall be credited toward the increased Fair Share Fee. [Note: COMPLETED] (Previous A Condition 10 of Resolution R-1988-1222, Control No.1987-00041)

11. Previous Condition 11 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [REASON: Code Requirement]

12. Previous Condition 12 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

If required by the County Engineer or the South Florida Water Management District, the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff

from the remainder of the site.

Is hereby deleted. [REASON: Code Requirement]

13. Previous Condition 13 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" to be paid sixty (60) days after site plan approval.

Is hereby deleted. [REASON: Code Requirement]

14. Previous Condition 14 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

In addition, the Developer shall contribute the amount of \$406.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$406.00 shall be paid sixty (60) days after site plan approval.

Is hereby deleted. [REASON: Code Requirement]

15. Previous Condition 15 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$406.00 shall be credited toward the increased Fair Share Fee.

Is hereby deleted. [REASON: Code Requirement]

16. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot(s) of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

17. Prior to the Issuance of the first Certificate of Occupancy, the Property Owner shall remove the eastern most access point on Northlake Boulevard and restore the curb and sidewalk. (BLDGPM/CO: MONITORING - Engineering)

18. 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, 2017. 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)

HEALTH

1. Previous A Condition 11 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

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.

Is hereby deleted. [REASON: Superseded by Health Condition 6]

2. No building permit shall be issued for the subject property until such a time that the site

is connected to a public sewer system. [Note: COMPLETED] (Previous A Condition 12 of Resolution R-1988-1222, Control No.1987-00041)

3. There shall be no repair, oil change, car wash or maintenance of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system. [Note: COMPLETED] (Previous A Condition 13 of Resolution R-1988-1222, Control No.1987-00041)

4. Previous A Condition 14 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.

Is hereby deleted. [REASON: Site is connect to water and sewer.]

5. There is a potential for hazardous materials to be stored on site. An Affidavit of Notification must be executed by site plan certification. (DRO: HEALTH DEPARTMENT - Health Department) (Previous Condition 5 of Resolution R-1990-1286, Control No.1987-00041)

6. Previous Condition 6 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Generation and disposal of hazardous effluents into sanitary sewage 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.

Is hereby amended to read:

Owners and operators of facilities that generate hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Florida Department of Health, and the agency responsible for sewage works are used. (ONGOING: HEALTH DEPARTMENT - Health Department)

7. Previous Condition 7 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: Site is connected to sewer.]

8. Previous Condition 8 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: Site is connected to water.]

9. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous Condition 9 of Resolution R-1990-1286, Control No.1987-00041)

10. Previous Condition 10 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 Florida Administrative Code (F.A.C.).

Is hereby deleted. [REASON: Code Requirement.]

LANDSCAPE - GENERAL

1. a. The minimum landscape buffer width and planting treatment along the project's western, northern, western most and southern most property line shall be installed as shown on Exhibit No. 28.

b. Landscaping along the east and south property lines, where the facility abuts residentially zoned property, shall be upgraded to:

1. Provide a minimum of a ten (10) foot wide landscape strip.
2. Provide twelve (12) foot tall native canopy trees twenty (20) feet on center and one (1) palm for each thirty (30) feet.
3. Provide a six (6) foot concrete block wall along the inside edge of the landscape strip.
4. Provide one (1) vine planted on the exterior of the wall for each five (5) linear feet. (Previous Condition 2 of Resolution R-1990-1286, Control No.1987-00041)

2. Previous B Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

All trees shall be installed along the south side of Northlake Boulevard at a minimum fourteen (14) foot height planted at the equivalent of one tree per twenty (20) linear of property line. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Shortage of 14 foot tall trees.]

LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity in nature and directed away from adjacent properties and streets, shining only on the subject site. (Previous A Condition 5 of Resolution R-1988-1222, Control No.1987-00041)

2. Lighting fixtures within 100 feet of the eastern and southern property lines shall not exceed fifteen (15) feet in height and lighting shall be directed inward through the use of house shields. (Previous Condition 3 of Resolution R-1990-1286, Control No.1987-00041)

PLANNED DEVELOPMENT

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public records a unity of control for the entire subject property. The unity shall be in a form acceptable to the County Attorney. [Note: COMPLETED] (Previous F Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

SIGNS

1. No off-site or off-premise type signs shall be established on the site. (Previous A Condition 15 of Resolution R-1988-1222, Control No.1987-00041)

2. Previous A Condition 17 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

Signage along Northlake Boulevard will be limited to our dealership sign and two (2) flat wall signs, one (1) on each building frontage on Northlake Boulevard, provided that the Palm Beach County Sign Code does not establish a more restrictive requirement, the flat signs will be such a size as to be consistent with the standards established in the Palm Beach Gardens Sign Code. The dealership sign would be elevated and located in the green area in front of the building. No flag poles will be allowed.

Is hereby deleted. [REASON: No longer applicable, signage will comply with ULDC.]

3. Previous Condition 9 of Resolution R-1989-603, Control No.1987-00041, which

currently states:

No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information as required to be posted on such vehicles by law other than upon a sticker affixed to a side window, or similar objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any buildings, vehicle, or wall, other than inside a window as may be permitted by the Sign Code.

Is hereby deleted. [REASON: Code Requirement]

4. Petitioner shall remove the existing sign located in the southwest safe corner of Northlake Boulevard and Lyndall Lane prior to December 27, 1995. (DATE: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

5. Prior to final Development Review Committee certification, petitioner shall submit a master signage program with all proposed/existing sign locations, heights and sign face area. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous C Condition 1 of Resolution R-1995-1476, Control No.1987-00041)

6. Previous C Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Only three (3) free-standing signs shall be permitted on Northlake Boulevard. These signs shall be limited in height to one thirty (30) foot and two twenty (20) foot signs. (BLDG/PMT/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: This condition exceeds Code Requirements. Any new signage must meet Code.]

USE LIMITATIONS

1. No stock loading or dumpster pickup will be permitted between the hours of 9: 00 P.M. and 8:00 A.M. (Previous A Condition 2 of Resolution R-1988-1222, Control No.1987-00041)

2. Previous D Condition 2 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Vehicles shall not be elevated off the ground in any way. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Is now a code requirement.]

3. Previous A Condition 4 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

No outdoor public address system shall be installed on the site.

Is hereby deleted. [REASON: Code prohibits from being audible outside the property.]

4. The off-loading of automobiles from trucks will be limited to on-site area. (Previous A Condition 16 of Resolution R-1988-1222, Control No.1987-00041)

5. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. The required six (6) handicap parking spaces.
- b. The correct total floor area ratio.
- c. The required eight (8) foot high chain-link fence along the perimeter where the site does not abut a residential zone, as provided in Zoning Code Section 500.35.E.3.
- d. Appropriate signage to indicate one (1) way traffic at all affected intersections and points of entry and exit. (Previous Condition 2 of Resolution R-1989-603, Control No.1987-

00041)

6. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways. (Previous Condition 5 of Resolution R-1989-603, Control No.1987-00041)

7. Previous Condition 6 of Resolution R-1989-603, Control No.1987-00041, which currently states:

There shall be no outdoor storage of disassembled vehicles or parts thereof.

Is hereby deleted. [REASON: Code Requirement]

8. Previous Condition 7 of Resolution R-1989-603, Control No.1987-00041, which currently states:

Vehicles shall not be tested off-site on residential streets.

Is hereby deleted. [REASON: Code Requirement]

9. No vehicle shall be parked with its hood or trunk open, nor displayed on raised platforms above finished grade. Vehicles shall not be parked in any right-of-way or driveway. (Previous Condition 8 of Resolution R-1989-603, Control No.1987-00041)

10. Previous Condition 4 of Resolution R-1990-1286, Control No.1987-00041, which currently states:

The 2.3 acre parcel shall only be used for inventory.

Is hereby deleted. [REASON: No longer applicable.]

11. Previous D Condition 1 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Vehicles shall not be parked with hoods or trunks open. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement.]

12. Previous A Condition 3 of Resolution R-1988-1222, Control No.1987-00041, which currently states:

No outside storage of disassembled vehicles or parts thereof shall be permitted on site.

Is hereby deleted. [REASON: Code Requirement]

13. Vehicles shall only be parked or displayed only in the areas designated for parking or display on the certified site plan. Appropriate signs shall be posted restricting designated areas for customer parking only. (ONGOING: ZONING - Zoning) (Previous D Condition 3 of Resolution R-1995-1476, Control No.1987-00041)

14. 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: ZONING - Zoning) (Previous D Condition 4 of Resolution R-1995-1476, Control No.1987-00041)

15. Previous D Condition 5 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Is now a code requirement.]

16. Previous D Condition 6 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Is now a code requirement.]

17. Previous D Condition 7 of Resolution R-1995-1476, Control No.1987-00041, which currently states:

There shall be no outdoor repair of vehicles on site. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Is now a code requirement.]

18. When this facility is not open, the parking area shall be locked and gated. (ONGOING: ZONING - Zoning) (Previous D Condition 8 of Resolution R-1995-1476, Control No.1987-00041)

VARIANCE

1. Previous Condition 10 of Resolution R-1989-603, Control No.1987-00041, which currently states:

None of the above conditions shall be considered a hardship for the purpose of obtaining a variance from the Board of Adjustment. No variance relief shall be obtained for any of the conditions herein.

Is hereby deleted. [REASON: Code Requirement]

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.