

RESOLUTION NO. R-2017- 0499

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2016-02014
(CONTROL NO. 2000-00057)
a Development Order Amendment
APPLICATION OF Imports Autonation
BY Ronald L. Book, PA, Sol-ARCH, AGENT
(AutoNation Palm Beach Collision Center)

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/CA-2016-02014 was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2017;

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/CA-2016-02014, the Application of Imports Autonation, by Ronald L. Book, PA, Sol-ARCH, Agent, for a Development Order Amendment to modify uses and modify and delete Conditions of Approval (Engineering, Landscape, Use, Signs, and Site Design), 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 April 27, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
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 April 27, 2017.

Filed with the Clerk of the Board of County Commissioners on May 11th, 2017.

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



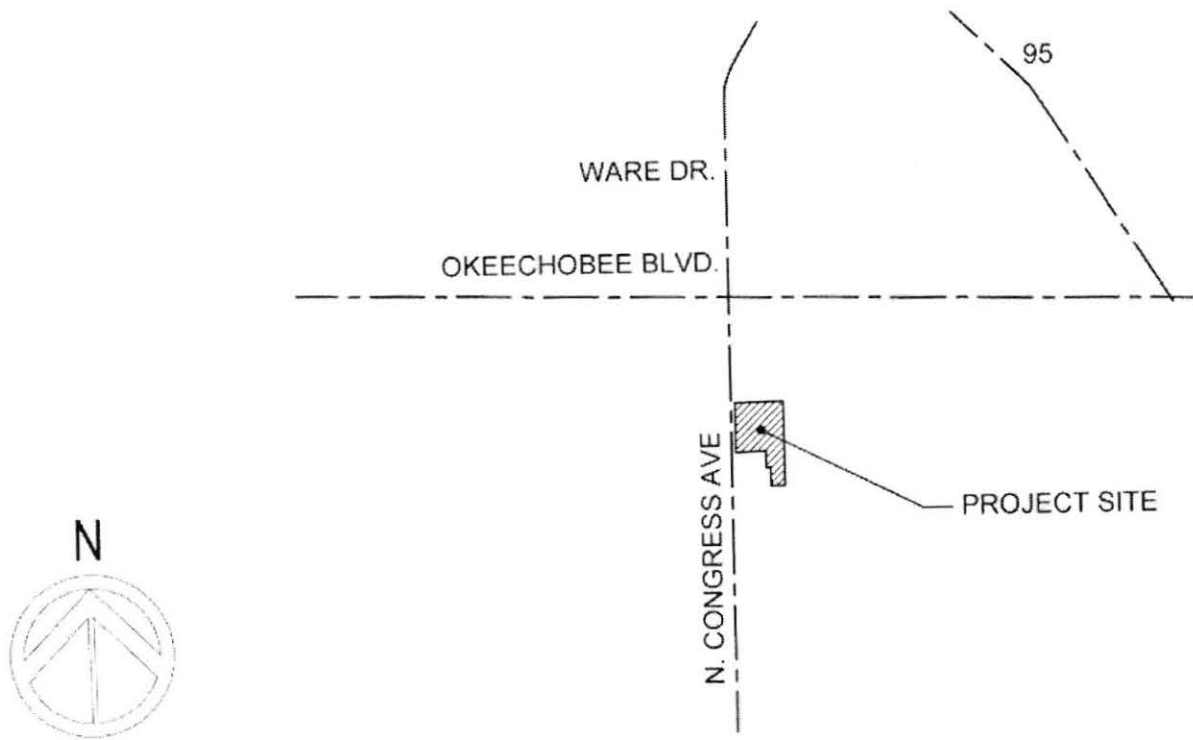
EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

Tract "A" of **LEXUS OF PALM BEACH PLAT TWO**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 91, Page 100.

EXHIBIT B
VICINITY SKETCH



Location Plan

EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2000-1563, Control No.2000-00057, 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 July 31, 2000. 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:

The approved Site Plan is dated February 17, 2017. 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.

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDGPM: BUILDING DIVISION - Zoning) (Previous B Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Ave. 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for: a) b) Congress Ave, 60 feet from the centerline; Expanded intersection at Congress Avenue and Westgate Avenue. All right of way shall be conveyed prior to February 1, 2001 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include Corner Clips where appropriate as determined by the County Engineer. [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2000-1563, Control No.2000-00057)

4. Prior to Certificate of a Occupancy(CO), the property owner shall participate in the future Median Landscaping program of Congress Avenue adjacent to the site by the Westgate CRA. Funding for this program by the property owner shall be in accordance with Resolution No. 2000-2 of the WestgateBelvedere Homes CRA dates April 10, 2000 (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2000-1563, Control No.2000-00057)

5. Previous ENGINEERING Condition 5 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

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

- a. The Dealership shall be limited to repair of new or used luxury automobiles. No commercial sales, leasing, rental or display of Automobiles shall be permitted on the site.
- b. The use of the 2nd floor shall be limited to warehouse storage only

Is hereby amended to read:

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

- a. The Dealership shall be limited to repair of new or used luxury automobiles, auto repair and body work. No commercial sales, leasing, rental or display of Automobiles shall be permitted on the site.
- b. The use of the 2nd floor shall be limited to warehouse storage only
- c. No Building Permits for the site may be issued after December 31, 2020. 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)

6. 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/CO: MONITORING - Engineering)

HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous F Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. Any toxic or hazardous waster which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous F Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use of disposal of any waste oil. (ONGOING: HEALTH DEPARTMENT - Code Enforcement) (Previous F Condition 3 of Resolution R-2000-1563, Control No.2000-00057)

LANDSCAPE - GENERAL

1. Fifty percent (50%) of all canopy trees required to be planted on the perimeter buffers shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) (Previous D Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. All palms required to be planted on site by this approval shall be booted Sabal palms and shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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. (ONGOING: ZONING - Zoning) (Previous D Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

LANDSCAPE - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING - Zoning) (Previous K Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. Foundation planter strips shall be provided along the north and west facades (except in service bay areas) of the building. The minimum width of the required planter strip shall be eight (8) feet. The combined length of the required planter strip shall be no less than 40% of the accumulative length of the applicable side of the structure. All required planter strips shall be planted with appropriate trees, shrubs and ground cover. (DRO: ZONING - Zoning) (Previous K Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. Special landscaped treatment shall be provided along the island/buffer directly across the vehicular access door adjacent to the east property line. The combined planting area shall be a minimum of 2,250 square feet and shall consist of :

i. Buffer

- a. one (1) canopy tree planted at twenty (20) feet on center;
- b. a minimum of six (6) Booted Sabal Palms; and,
- c. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches.

ii. Landscape Island

- a. a minimum of six (6) Booted Sabal Palms;
- b. a minimum of seven (7) small, flowering trees; and,
- c. twenty-four (24) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty three (43) inches. Shrub and hedge materials shall be planted in a naturalistic manner. (DRO/ONGOING: ZONING - Zoning) (Previous K Condition 3 of Resolution R-2000-1563, Control No.2000-00057)

4. Prior to the final DRC certification of the site plan, the petitioner shall revise the site plan indicating the location of the perimeter fencing/gates. All perimeter fence shall be located on the inside edge of the perimeter buffers and shall be black vinyl coated chain link fence with a minimum height of eight (8) feet. No fence shall be permitted in the landscape buffer along Congress Avenue. (Previous K Condition 4 of Resolution R-2000-1563, Control No.2000-00057)

5. Any new perimeter fencing or gates shall be constructed with decorative aluminum fence or similar material as permitted by the WCRAO. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG THE NORTH, SOUTH AND THE SOUTH 130 FEET OF THE WEST PROPERTY LINES (ABUTTING COMMERCIAL)

1. Landscaping along the north, south and the south 130 feet of the west property lines shall include:

- a. a minimum five (5) foot wide landscape buffer strip;
- b. one canopy tree planted at twenty (20) feet on center; and
- c. thirty six (36) inches high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches.

(ONGOING: ZONING - Zoning) (Previous G Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

LANDSCAPE - PERIMETER-ALONG THE EAST 91 FEET OF THE SOUTH PROPERTY LINE AND THE SOUTH 100 FEET OF THE WEST PROERTY LINE

2. Landscaping along the east 91 feet of the south property line and the south 100 feet of the west property line shall include:

- a. minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two and half (2.5) foot high berm measured from top of curb;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- 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; and,
- e. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. A minimum fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (ONGOING: ZONING - Code Enforcement) (Previous H Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

3. Previous I Condition 1 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

Landscaping along the east property line (except the special planting area indicated in Condition K.3) shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) canopy tree planted every twenty (20) feet on center;
- 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; and,
- d. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches.

Is hereby amended to read:

Landscaping along the east property line (except the special planting area indicated in Interior Landscape Condition 3) shall include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) canopy tree planted every twenty (20) feet on center;
- 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; and,
- d. twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (ONGOING: ZONING - Code Enforcement)

LANDSCAPE - PERIMETER-ALONG THE WEST PROPERTY LINE (CONGRESS AVENUE FRONTAGE)

4. Landscaping along the west property line shall include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. a continuous two and half (2.5) foot high berm measured from top of curb;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- 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; and,
- e. twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. A minimum fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (ONGOING: ZONING - Code Enforcement) (Previous J Condition

1 of Resolution R-2000-1563, Control No.2000-00057)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets and the minimum necessary to satisfy the Palm Beach County Security Code. (ONGOING: ZONING - Code Enforcement) (Previous L Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (ONGOING: ZONING - Code Enforcement) (Previous L Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: ZONING - Code Enforcement) (Previous L Condition 3 of Resolution R-2000-1563, Control No.2000-00057)

4. The lighting conditions above shall not apply to security lights or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: ZONING - Code Enforcement) (Previous L Condition 4 of Resolution R-2000-1563, Control No.2000-00057)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), the property owner shall record in the public records, an irrevocable cross access easement to the North and South, subject to approval by the County Attorney s Office. The access easement shall be consistent with the locations of pedestrian and vehicular cross access easements identified on the approved site plan. The Final Site Plan shall be amended to indicated the recorded easement OR Book (DRO: PLANNING - Planning)

SIGNS

1. Freestanding signs fronting on Congress Avenue shall be limited as follows:
a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
b. Maximum sign face area per side - 100 square feet;
c. Maximum number of signs - one (1); and
d. Style - monument style only. (ONGOING: ZONING - Code Enforcement) (Previous M Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. No banners, flags, balloons, snipe signs , etc. shall be permitted on site. All advertisement shall be in conformance with the Palm Beach County Sign Code. (ONGOING: ZONING - Code Enforcement) (Previous M Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. No off premise signs shall be permitted on site. (ONGOING: ZONING - Code Enforcement) (Previous M Condition 3 of Resolution R-2000-1563, Control No.2000-00057)

4. Wall signs shall not be permitted on the east facade of the building. (ONGOING: ZONING - Code Enforcement) (Previous M Condition 4 of Resolution R-2000-1563, Control No.2000-00057)

5. Previous M Condition 5 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

A maximum of one (1) wall sign with a maximum height of forty-eight (48) inches shall be permitted for the West, and thirty-six (36) on the south and west facades of the building.

Is hereby deleted. [REASON: Allow wall signage based on ULDC Article 8.]

SITE DESIGN

1. Previous C Condition 1 of Resolution R-2000-1563, Control No.2000-00057, which

currently states:

Total gross floor area shall be limited to a maximum of 45,433 square feet. Expansion shall be subject to approval by the Board of County Commissioners. (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Replaced by All Petition COA.]

2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDGPM: BUILDING DIVISION - Zoning) (Previous C Condition 2 of Resolution R-2000-1563, Control No.2000-00057)

3. Previous C Condition 3 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

All air conditioning, mechanical equipment, and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Code Requirement]

4. No barbed or razorwire shall be permitted on the site. (ONGOING: BUILDING DIVISION - Zoning) (Previous C Condition 4 of Resolution R-2000-1563, Control No.2000-00057)

USE LIMITATIONS

1. There shall be no outdoor loud speaker system installed on the site. (ONGOING: ZONING - Code Enforcement) (Previous N Condition 1 of Resolution R-2000-1563, Control No.2000-00057)

2. Previous N Condition 2 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

Use of the site shall be limited to repair of new or used automobile and customary accessory use. No commercial sales, leasing, rental or display of automobiles shall be permitted on the site.

Is hereby amended to read:

Use of the site shall be limited to General Repair and Maintenance and Auto Paint and Body Shop. No commercial sales, leasing, rental or display of automobiles shall be permitted on the site. (ONGOING: ZONING - Code Enforcement)

3. Previous N Condition 3 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

There shall be no outside storage of disassembled vehicles or parts. (ONGOING: ZONING - Code Enforcement)

Is hereby deleted. [REASON: Code Requirement]

4. Previous N Condition 4 of Resolution R-2000-1563, Control No.2000-00057, which currently states:

The parking of vehicles and loading shall be limited to the designated areas shown on the site plan dated February 17, 2017. No parking of vehicles within public rights-of-way or required landscape buffers shall be permitted.

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: 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.