

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ZONING COMMISSION VARIANCE
STAFF REPORT
1/4/2008**

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSE D	VARIANCE
ZV2007- 1772 Arrigo Dodge	8.G.3.C.-12 Standards for Specific Sign Types	Maximum flagpole height 50 feet	80 feet in flagpole height	increase 30 feet in flagpole height
SITUS ADDRESS:	6500 Okeechobee Blvd West Palm Beach 33411			
AGENT NAME & ADDRESS:	Alfred Malefatto Greenberg Traurig, PA 777 S Flagler Dr West Palm Beach FL 33401			
OWNER NAME & ADDRESS:	Arrigo Enterprises, Inc. 6500 Okeechobee Blvd West Palm Beach FL 33411			
PCN:	00-42-43-27-27-001-0000; 002-0000; 003-0000; 004-0000			
ZONING DISTRICT:	Multiple Use Planned Development District (MUPD)			
BCC DISTRICT:	02			
PROJECT MANAGER:	Carrie Rechenmacher, Senior Site Planner			
LEGAL AD:	ZV2007-1772 <u>Title</u> : Resolution approving a Type II Zoning Variance application of Arrigo Enterprises, Inc., by Greenberg Traurig, PA, Agent. <u>Request</u> : To allow a Flagpole in excess of the fifty feet. <u>General Location</u> : Southwest corner of Okeechobee Boulevard and the Florida Turnpike. (ARRIGO DODGE MUPD) (Control 1995-022)			
LAND USE:	Commercial High or Industrial (CH/IND)		S/T/R: 27-43-42	
CONTROL #:	1995-00022			
LOT AREA:	44.71 acres +/-			
LOT DIMENSIONS:	A generally triangular shaped piece approximately 1900 feet by 1800 by 1500 linear feet.			
APPLICANT REQUEST:	To allow a Flagpole in excess of the fifty feet in height.			

AERIAL



APPLICATION SUMMARY

This request is for a Type II Variance from the regulations contained in ULDC Table 8.G.3.C-12, regarding Maximum Flagpole Height. The request is to allow an increase in flagpole height from 50 feet to 80 feet in height, (a variance of 30 feet).

SURROUNDING AREA

To the north across Okeechobee Boulevard is the Vista Center PIPD. To the south and east is the Florida Turnpike and high density residential uses and utility uses south of the Turnpike. To the west is a commercial shopping center supporting a Home Depot, Gas and Convenience Store and Publix Supermarket.

PROJECT HISTORY

CONTROL NUMBER	RESOLUTION	REQUEST	DATE	ACTION
95-22	95-1724	SE-Large Scale Retail	1/95	Approved
95-22	95-1744	Corrective Reso	1/96	Approved
DOA95-22(C)	98-410	Vehicle Sales, (Autonation) FF, Bank , & Retail	3/98	Approved
DOA95-22(B)	2002-0511	Dealership, Bank and Retail	04/02	Approved
Signature Only	NA	+4700 sf service -9775 sf Bank	3/03	Approved
BA 2005-010		Remove islands & replace with diamonds & increase Palm Trees in display area	2/05	Approved- never implemented- expired
DOA 95-22 (C)	2005-0382	Reconfigure site plan- landscape diamonds & 3-ac bull pen storage	03/05	Approved- never implemented
2007-051(95-022)	2007-1614	+14.48 ac for bull pen storage, Delete Bank & Retail and add Display parking on this	9/07	Approved September 24, 2007

		outparcel, fill in 1 ac retention pond for service parking +_3,000 sf service bldg; + access to Jog Road		
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1995, Resolution R-95-1724, BCC approved a large-scale retail center
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1998, Resolution R-98-410, approved DOA (Autonation) allowing to reconfigure site plan and addition of vehicle sales and rental facility, a fast food restaurant, a bank and 50,322 square feet of general retail use.

2002, Resolution R2002-0511: DOA to a full service auto dealership with a 123,112 square feet, a 10,000 square foot bank and 9,098 square feet of retail space.

March, 2003, site plan revision via the Signature Only process to allow a 4,700 square foot parts storage area to the existing service building, thus, increasing the service building improvements to a total of 58,232 square feet. Additionally, the square footage designated for the bank on the Outparcel was reduced to 9,775 square feet. The approved retail square footage was not changed from 9,098 square feet.

2005, DOA to remove specific landscaping within the display parking areas, to be replaced with alternative landscape diamonds. Also approved was the interim use of the 2.99-acre Outparcel as bull-pen vehicle storage. The interim use of the Outparcel as bull-pen storage has since expired due to traffic concurrency restrictions imposed by the BCC. The landscaping was never implemented and under the current application will revert back to the previous landscaping required under the 2002 Development Order.

September 2007, Rezoning of a 14.86 acre parcel of land from the Agriculture Residential (AR) Zoning District to the Multiple Use Planned Development Zoning District (MUPD) and to allow the addition of this parcel to the existing 29.85 acre Arrigo Dodge Vehicle Sales and Service Center providing a total 44.71 acre facility supporting 111,674 square feet for an auto dealership showroom and service areas. The additional land area would be utilized for vehicle storage and additional retention area. Also proposed is a modification of the previous approved site plan to increase display area, add an internal oil change facility (+3,000 square feet) and delete an approved but unbuilt bank and retail uses (-18,873 square feet).

CODE REQUIREMENTS

Article 8.G.3.C. of the ULDC allows a 50-foot tall flagpole with a flag a maximum dimension of 450 square feet, and allows 3 flags per parcel. The Code specifies the flag to be 30% of the pole height, which is a maximum of 15 feet and the length of the flag to be 2 times the height (15’ x 2 = 30 feet) thereby allowing a 450 (15 x 30) square foot flag. The applicant is proposing an 80-foot in height flag with a potential for a 1,152 square foot flag. (24’ x 2 = 48’ 24’ x 48’ = 1,152 square feet). A flag of this height and size would be inappropriate and not consistent with the character of the area. Flag regulations are addressed in the ULDC Article 8, the Section of the ULDC that addresses signage. An oversize flag identifies and landmarks a site and a giant flag would only serve the purpose of identifying the site for commercial purposes and as such serves the same purpose as a sign or other landmark. In addition Florida Statutes require an American flag to be lit at night so the giant flag would serve as a 24 hour advertisement feature for the subject property. A flag of this size and scale would be a violation of the sign code.

The Code provides adequate opportunity for a flag by allowing three 50-foot high flagpoles with a flag area of 450 feet. If the applicant chose to provide 3 flags then the total flag area allowed would be 1350 square feet. Two flags are currently on site in front of the main dealership that are far less than these maximum standards. The applicant states this is a war memorial that never received a building permit from the previous owner. Staff has recommended a condition to obtain a building permit for these 2 flags. (Var. Cond. 4)

SIGNAGE

The subject site has 3 signs, 2 of which exceed current Code requirements as they predated the current 2003 ULDC. Sign C is adjacent to the Florida Turnpike and is 20 foot in height and has 210 feet of sign face area. Article 8 of the ULDC allows a maximum of one square foot of sign face area per each linear foot of frontage with a maximum of 3 signs per frontage and a maximum of 200 square feet of sign face area per sign. Sign C is located on the Turnpike and since the Turnpike does not comply with Code standards of frontage is therefore categorized as a legal nonconforming sign. When this sign was permitted by condition of approval the staff agreed to allow this sign in lieu of another sign on Okeechobee Boulevard. The applicant was granted a special privilege by being allowed to have this sign in this location in lieu of another sign on Okeechobee Boulevard.

Sign B is located on Okeechobee Boulevard and is 25 feet in height and has 257 square feet of sign face area. The sign condition was amended to reflect the current Code requiring a reduction in sign face area and sign height to 15 feet and maximum sign face area of 200 square feet if the sign were ever replaced. This sign has an excess of 10 feet in height from the maximum Code requirement and excess of 57 square feet of sign face area. Staff therefore denied any requests for an additional sign on Okeechobee Boulevard. In response the applicant is now attempting to obtain a giant flag to provide a landmark for the site to avoid the signage requirements. The third sign, Sign A and Entry sign meets code requirements and is only 6 feet in height and 34 square feet of sign face area.

STAFF SUMMARY

Staff is recommending **denial** of the request, based upon the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission may authorize a Variance.

The applicant is claiming a hardship due to the size, scale and location of the project. The Arrigo property consists of a commercial MUPD encompassing over 44.71 acres approved, and featuring a full service car dealership. The property is roughly triangular in shape and flanked by three major roadways: the Florida Turnpike, a Jog Road overpass, and Okeechobee Boulevard. Staff maintains that due to the scale and configuration of these adjacent roadways, the site is extremely visible and has sufficient signage that exceed Code signage limitations, due to their approval dates preceding current code.

The project location is an existing situation that has been well established on this parcel for a number of years and does not represent a hardship in comparison to a majority of the parcels in the subject area. In fact this site is an extremely good commercial location and highly visible. Granting of the variance would convey additional rights to this property owner that may not be enjoyed by other non-residential developments with similar site constraints.

The applicant freely admits the use of the giant flag would be to provide a means to identify the site and hence serves the purpose of a sign or landmark. Article 8.G of the ULDC allows a 50-foot tall flag pole with a flag a maximum dimension of 450 square feet, and allows 3 flags per parcel. This is sufficient to identify the site and demonstrate the applicant's patriotism. The Code allows the flag to be 30% of the pole height, which is 15 feet and length equal to 2 times the height thereby allowing a 450 square foot flag. The applicant is proposing an 80-foot in height flag with a potential for a 1,152 square foot flag. In addition Florida Statutes require an American flag to be lit at night so the giant flag would serve as a 24 hour advertisement feature for the subject property. A flag of this height and size would be totally inappropriate and not consistent with the character of the area. The applicant has not demonstrated special conditions and circumstances that are peculiar to this parcel of land to warrant such a request.

Special circumstances and conditions do not result from the actions of the applicant as the configuration and location of the property is inherent to the site, and is not a result of the actions of the applicant. The applicant maintains that the major roadways that exist

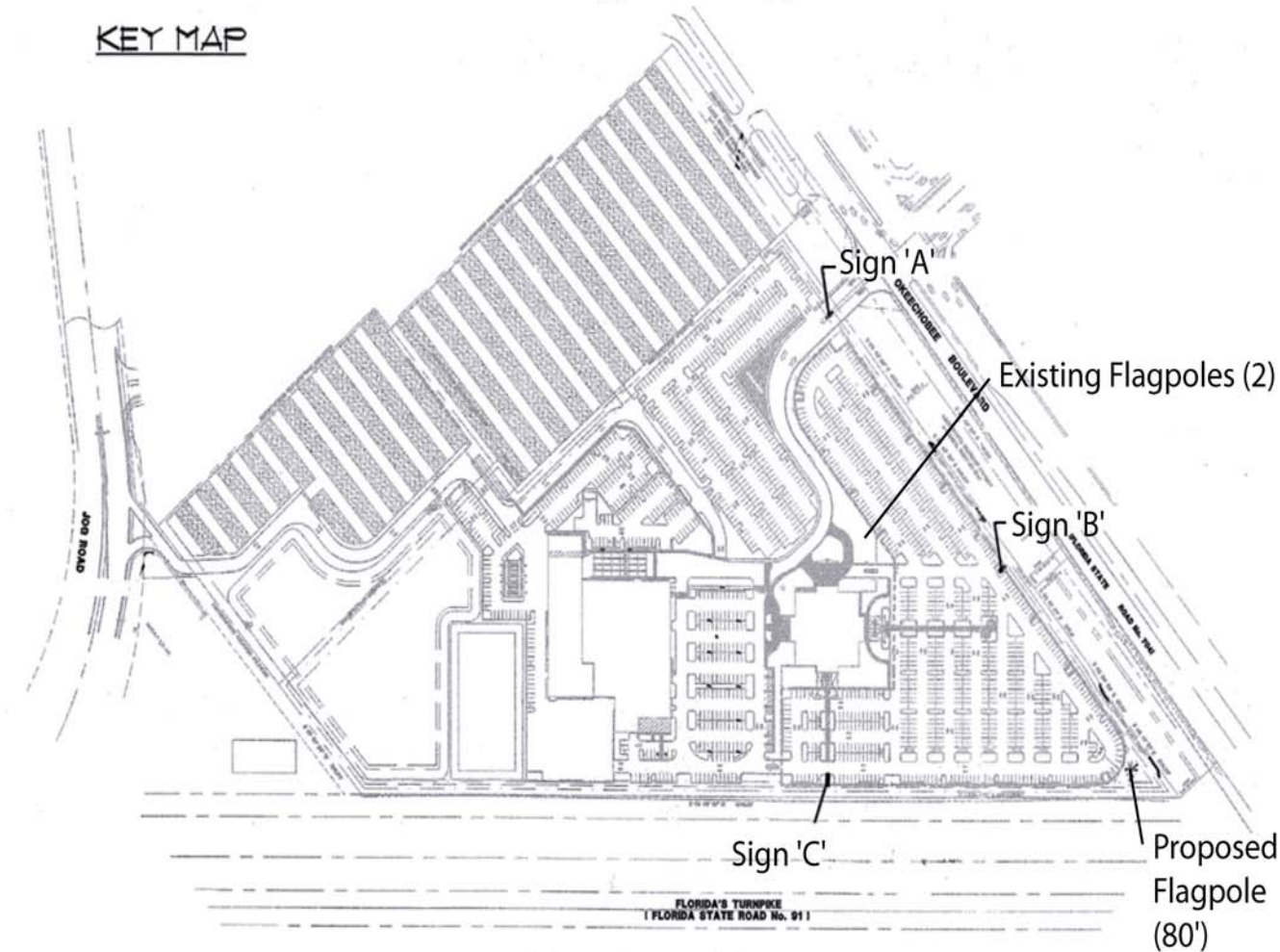
surrounding the property, and their configuration have long created a problem in terms of site visibility due to the traffic speed and traffic congestion in the area. The applicant states that signage restrictions for the site have created little opportunity to alleviate the financial hardship. The applicant anticipates that the display of a larger flag will give the site recognition in terms of location, acting both as a way-finding landmark as well as a display of the nation's flag. If the Zoning Commission allows a flag exceeding Code requirements then staff has provided a condition allowing some deviation from the ULDC but not for a flag as large as the applicant is requesting. (See Flag Condition 3.)



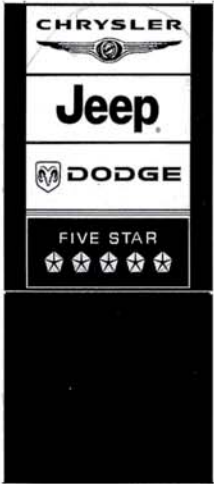


Arrigo Dodge

KEY MAP



Sign A
 6' High
 34 s.f. sign face area



Sign B
 25' High
 250 s.f. sign face area



Sign C
 20' High
 206 s.f. sign face area



The applicant has clearly indicated that the requested flagpole is for identification of the site and hence serves a similar purpose as site signage. The applicant may locate 3 flags on the property meeting the Code requirements of a 50-foot tall flagpole with a flag a maximum dimension of 450 square foot. ULDC regulations for flags are contained in Article 8 the Sign Code and are specified as follows:

Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C-12, Flag and Flagpole Standards.

Table 8.G.3.C-12 - Flag and Flagpole Standards

Flags	
Maximum Number	3 flags per parcel
Maximum Ratio of Length to Height	2 to 1
Freestanding Flagpoles	
Maximum Flagpole Height	50 feet
Maximum Flag Height	30 percent of total flagpole height.
Minimum Setback	110% of pole height.
Wall Mounted or Suspended Flagpoles	
Maximum Height	15 feet above the highest point of the building or structure
Maximum Flag Size	6 feet by 10 feet
[Rod. 2005 - 002]	

Furthermore a giant flag is not consistent with and in conflict with 3 criteria of Purpose and Intent of Article 8.A.1.A. Signage, as follows:

2. Aesthetics

Preserve the beauty and the unique character of PBC, protect PBC from visual blight, and provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of PBC;

3. Land Values

Protect property values by assuring compatibility with surrounding land uses; and

5. Compatibility

Make signs compatible with the overall design objectives of the Plan and the Managed Growth Tier System (MGTS); ensure signs are compatible with the character of adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to, facilities in the community.

A giant flag would not be consistent with community appearance, compatible with surrounding land use or character of adjacent architecture and neighborhoods. The applicant is proposing an 80-foot in height flag with a potential for a 1,152 square foot flag. A flag of this height and size would be totally inappropriate and not consistent with the character of the area and the applicant has not demonstrated special conditions and circumstances that are peculiar to this parcel of land to warrant this request.

STAFF RECOMMENDATIONS

Denial, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

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ANALYSIS OF ARTICLE 2, SECTION 2.D.3.G.2 VARIANCE STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

No. The Arrigo property consists of a commercial MUPD encompassing over 29 acres, and is now approved for 44.71 acres, and features a full service car dealership. The property is roughly triangular in shape and flanked by three major roadways: the Florida Turnpike, a Jog Road overpass, and Okeechobee Boulevard. Due to the scale and configuration of these adjacent roadways, the applicant states the site has limited visibility which is a critical factor for a car dealership and that this limited visibility is further impacted by the stringent signage conditions that were placed on the property.

Staff does not recognize this as a unique circumstance in relation to the scale and location of the property as the site has sufficient signage including signs on the buildings and freestanding signs which exceeds current Code requirements. Signage conditions and existing signage have already been established for this facility. On Okeechobee Boulevard, a 25-foot high, 257 square foot sign and a six-foot high sign with 60 square feet, and a 20-foot high sign 206 square feet of sign face area sign adjacent to the Florida Turnpike 20 are currently existing and permitted by Condition of Approval and building permits. The location of the dealership could be recognized as a benefit as the large scale of 41 acres, surrounded by 3 roadways provides outstanding visibility and is a benefit not typically employed by a single commercial entity. The site has many cars on display and is the only car dealership on the Okeechobee and FL Turnpike intersection.

The applicant freely admits the use of the giant flag would be to provide a means to identify the site and hence serves the purpose of a sign or landmark. Article 8.G of the ULDC allows a 50-foot tall flag pole with a flag a maximum dimension of 450 square feet, and allows 3 signs per parcel. This is sufficient to identify the site and demonstrate the applicant's patriotism. The Code allows the flag to be 30% of the pole height, which is 15 feet with the flag 2 times the height thereby allowing a 450 square foot flag. The applicant is proposing an 80-foot in height flag with a potential for a 1,152 square foot flag. A flag of this height and size would be totally inappropriate and not consistent with the character of the area and the applicant has not demonstrated special conditions and circumstances that are peculiar to this parcel of land to warrant such a request.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

No. Special circumstances and conditions do result from the actions of the applicant as the configuration and location of the property is inherent to the site, and is a result of the actions of the applicant. The applicant maintains that the major roadways that exist surrounding the property, and their configuration have long created a problem in terms of site visibility due to the traffic speed and traffic congestion in the area. The applicant states that signage restrictions for the site have created little opportunity to alleviate the financial hardship. It is anticipated that the display of a giant flag will give the site recognition in terms of location, acting both as a way-finding landmark as well as a display of the nation's flag.

The subject site however currently has signage that exceeds Code and is sufficiently identified. The location of the dealership could be recognized as a benefit as the large scale of 41 acres, surrounded by 3 roadways provides outstanding visibility and is a benefit not typically employed by a single commercial entity. The site has many cars on display and is the only car dealership on the Okeechobee and FL Turnpike intersection.

The applicant has clearly indicated that the requested flagpole is for identification of the site and hence serves a similar purpose as the site signage. The code allows three 50-foot high 450 square foot flags. A 450 foot flag is twice the size and 50 feet in height is 3 times the height allowed for a freestanding sign and, the Code allows 3 flags at this size. The applicant is proposing an 80-foot in height flag with a potential for a 1,152

square foot flag. A flag of this height and size would be inappropriate and not consistent with the character of the area. In addition Florida Statutes require an American flag to be lit at night so the giant flag would serve as a 24 hour advertisement feature for the subject property.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

No. The granting of the variance would confer upon the applicant a special privilege denied to other parcels of land. All properties in Palm Beach County are permitted by code to display a maximum of 3 flags per parcel. The code furthermore places appropriate regulations regarding the ultimate scale and location of the flag in terms of height, setback, and size of flag. The variance requested is intended to permit the flag that is inappropriately scaled to the subject property in terms of the size and use of the site and would not be consistent with other parcels of land in the County. In addition Florida Statutes require an American flag to be lit at night so the giant flag would serve as a 24 hour advertisement feature for the subject property.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

No. Literal interpretation of the terms of the code would not work an unnecessary and undue hardship on the applicant. The code provisions provide a single set of regulations regarding flagpole size and location, applicable to all parcels in the County. The maintains the use of the giant flag would be to provide a means to identify the site and acknowledges that this would be so out of scale and character with other parcels in and would thus serve the purpose of landmark sign. Article 8.G.3.C. of the ULDC allows a 50-foot tall flag pole with a with a flag a maximum dimension of 450 square feet, and allows 3 flags per parcel. This is sufficient to identify the site and demonstrate the applicant's patriotism. The applicant is proposing an 80-foot in height flag with a potential for a 1,152 square foot flag. A flag of this height and size would not be appropriate and inconsistent with the character of the area. In addition the subject site has 3 signs 2 of which exceed current Code requirements as to size and location and now would be considered legal nonconforming signs. Denial of this request would not deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district or apply an unnecessary and undue hardship.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

No. Grant of the variance is the not the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. Staff does not support this request as previously indicated since the Code allows 3 flag poles with 50 feet in height and 450 feet of flag area. The applicant has ground mounted signs above code requirements as well as several building mounted signs.

Through various application processes the sign conditions have remained as the existing sign are now considered legal nonconforming signs. If the signs are replaced they would have to be reduced in size to meet minimum Code requirements. The applicant, has sufficient signage to operate a successful business and as a dealership for American vehicles, the applicant may locate 3 flags on the property meeting the Code requirements of a 50-foot tall flag pole with a flag a maximum dimension of 450 square foot.

The applicant contends that under the current code regulations regarding flagpole height, in conjunction with the site configuration, there was no location on the property where adequate visibility of the flag could be generated. The applicant determined the best location for the giant flag would be on the southwest corner of Okeechobee and Turnpike intersection where a flag could be publicly displayed, consistent with the scale

and nature of the site. A flag may be placed in this location by Code although staff does not agree the flag size should exceed Code requirements. This variance request for height will not require any additional variances in terms of setbacks or configuration, as the size of the property is more than adequate to comply with those requirements.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

No. The granting of this variance would not be in keeping with the purposes, goals, objectives and policies of the Comprehensive Plan and the Code. Nothing within these documents prohibits the appropriate display of a U.S. flag on commercial property. Granting of the variance however would not negatively impact the health, safety or welfare of the citizens of the County.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

No. The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. On Okeechobee Boulevard, a 25-foot high, 257 square foot sign and a six-foot high sign with 60 square feet are currently existing and permitted by Condition of Approval and building permits. Adjacent to the Florida Turnpike is a sign 20 foot in height with 210 feet of sign face area. In addition the applicant may locate 3 flags on the property meeting the Code requirements of a 50-foot tall flag pole with a flag a maximum dimension of 450 square foot and therefore are not denied an appropriate display of the U.S. flag as an important civic mechanism.

CONDITIONS OF APPROVAL

ZONING

1. The property owner shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting Result Letter and a copy of the site plan and survey presented to the staff, simultaneously with the building permit application. (ONGOING-BLDG PERMIT: BLDG)
2. The Development Order for this non-concurrent variance shall be valid for a period of one year from the date of the Zoning Hearing. The property owner must secure a building permit or commence development to vest the variance pursuant to ULDC Table 2.E.3-B-1. (DATE: MONITORING - Zoning)
3. The flagpole fronting on Okeechobee Boulevard shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - sixty-five (65) feet;
 - b. maximum flag area - five hundred (500) square feet;
 - c. maximum number of flags - one (1);
 - e. location - southwest corner of Okeechobee Boulevard and the Florida Turnpike; and,
 - f. flag shall be limited to an American Flag only. (BLDG PERMIT: BLDG - Zoning)

DISCLOSURE FORM

PALM BEACH COUNTY - ZONING DIVISION

FORM # 02

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
James J. Arrigo, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ Individual or ☒ President [position—
e.g., president, partner, trustee] of Arrigo Enterprises, Inc. [name and type of
entity—e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.

2. Affiant's address is: 6500 Okeechobee Blvd.,
West Palm Beach, FL 33411

3. Attached hereto as Exhibit "B" is a complete listing of the names and
addresses of every person or entity having a five percent or greater interest in the
Property. Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant to
Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm
Beach County policy, and will be relied upon by Palm Beach County in its review of
application for Comprehensive Plan amendment or Development Order approval
affecting the Property. Affiant further acknowledges that he or she is authorized to
execute this Disclosure of Ownership Interests on behalf of any and all individuals or
entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this
disclosure to reflect any changes to ownership interests in the Property that may occur
before the date of final public hearing on the application for Comprehensive Plan
amendment or Development Order approval.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

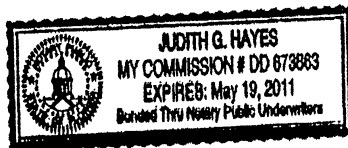
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

James J. Arrigo, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 30 day of July, 2007, by _____ ☐ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.



Judith G. Hayes
Notary Public
Judith G. Hayes
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTIONS:

PARCEL 1:

THE EAST ONE-HALF OF THE WEST ONE-HALF OF TRACT 1, BLOCK 4, "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE EAST ONE-HALF OF TRACT 27, LESS THE NORTH 38 FEET THEREOF, BLOCK 1, THE PALM BEACH FARMS CO. PLAT NO. 9, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

THAT PORTION OF THE NORTH 15 FEET OF THAT CERTAIN 30-FOOT-WIDE PLATTED ROADWAY LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF THE PLAT OF PALM BEACH PLAZA MUPD ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 87, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE EAST RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON SAID PLAT, AS SAID ROADWAY IS SHOWN LYING SOUTH OF TRACT 1 AND NORTH OF TRACT 5, BLOCK 4, "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THE SAME BEING PORTIONS OF TRACT 5 OF BLOCK 4, AS WELL AS A PORTION OF THE 30-FOOT-WIDE RIGHT-OF-WAY ABUTTING THE NORTHERLY BOUNDARY THEREOF, IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BOTH AS SHOWN ON THE PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 5 OF BLOCK 4 IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 42 EAST AS SHOWN ON SAID

PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 3"; THENCE N89°03'03" E ALONG THE NORTHERLY LINE OF SAID TRACT 5 OF BLOCK 4 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 30-FOOT-WIDE ROAD RIGHT-OF-WAY FOR 390.44 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THOSE CERTAIN UNRECORDED RIGHT-OF-WAY MAPS ENTITLED "COUNTY OF PALM BEACH STATE OF FLORIDA BOARD OF COUNTY COMMISSIONERS PROJECT NO. 84225 JOG ROAD WALLIS ROAD TO OKEECHOBEE BOULEVARD" PREPARED BY GREENHORNE & OMARA, INC., FOR THE PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS DEPARTMENT DATED NOVEMBER 5, 1990 (HEREINAFTER, THE "JOG ROAD RIGHT-OF-WAY MAPS"), WITH SAID POINT OF INTERSECTION ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; FROM SAID POINT OF BEGINNING, THENCE N48°27'59" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THE JOG ROAD RIGHT-OF-WAY MAPS FOR 22.21 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF SAID 30-FOOT-WIDE ROAD RIGHT-OF-WAY; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD, N89°03'03" E ALONG SAID CENTERLINE OF THE 30-FOOT-WIDE ROAD RIGHT-OF-WAY FOR 152.07 FEET; THENCE DEPARTING SAID CENTERLINE OF THE 30-FOOT-WIDE ROAD RIGHT-OF-WAY, S38°58'06" W FOR 103.50 FEET TO A POINT OF NON-TANGENT INTERSECTION WITH SAID EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON SAID JOG ROAD RIGHT-OF-WAY MAPS, WITH SAID EASTERLY RIGHT-OF-WAY LINE BEING THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND WITH SAID POINT OF NON-TANGENT INTERSECTION BEARING N43°46'09" E FROM THE CENTER OF SAID CURVE; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THE JOG ROAD RIGHT-OF-WAY MAPS AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 903.68 FEET AND A CENTRAL ANGLE OF 02°14'08" FOR 35.26 FEET TO THE POINT OF TANGENCY; THENCE N48°27'59" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS SHOWN ON THE JOG ROAD RIGHT-OF-WAY MAPS FOR 59.32 FEET TO THE POINT OF BEGINNING.

PARCEL 7:

THAT PORTION OF THE NORTH 15 FEET OF THAT CERTAIN 30-FOOT-WIDE PLATTED ROADWAY LYING BETWEEN THE SOUTHERLY EXTENSIONS OF THE WEST BOUNDARY LINE AND OF THE EAST BOUNDARY LINE OF THE EAST 1/2 OF THE WEST 1/2 OF TRACT 1, BLOCK 4, "THE PALM BEACH FARMS CO. PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SAID ROADWAY IS SHOWN LYING SOUTH OF TRACT 1 AND NORTH OF TRACT 5, BLOCK 4, OF SAID PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 3".

PARCEL 8:

THAT CERTAIN 30-FOOT-WIDE ROAD RIGHT-OF-WAY LYING NORTH OF PARCEL 1 HEREOF BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE WEST BOUNDARY LINE OF SAID PARCEL 1, BOUNDED ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF PARCEL 1, AND BOUNDED ON THE NORTH BY THE SOUTH BOUNDARY LINE OF PARCEL 2 HEREOF; SAID ROAD RIGHT-OF-WAY AS SHOWN ON THE PLAT OF "THE PALM BEACH FARMS CO. PLAT NO. 9," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THE NORTH 15 FEET OF THE SAID 30-FOOT-WIDE ROAD RIGHT-OF-WAY LYING SOUTH OF AND ABUTTING THE EAST 68.67 FEET OF SAID PARCEL 2, BOUNDED ON THE WEST BY THE NORTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF SAID PARCEL 1, AND BOUNDED ON THE EAST BY THE WEST BOUNDARY LINE OF THE PLAT OF "AUTONATION OF PALM BEACH," ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 83, PAGE 92, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 9:

ALL OF THE PLAT OF "AUTONATION OF PALM BEACH," ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 83, PAGE 92, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THAT PORTION OF SAID PLAT CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY THAT CERTAIN SPECIAL WARRANTY DEED DATED SEPTEMBER 26, 2002, RECORDED NOVEMBER 18, 2002, IN OFFICIAL RECORDS BOOK 14405, PAGE 1617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE RESERVATION OF THE RIGHT OF INGRESS AND EGRESS CONTAINED IN THAT CERTAIN DEED RECORDED IN OFFICIAL RECORDS BOOK 2279, PAGE 1407, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	Percentage of Interest
James J. Arrigo	6500 Okeechobee Blvd., WPB FL 33411	100%

JUSTIFICATION STATEMENT



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Arrigo Dodge MUPD / Flagpole Variance Request Request and Justification Statement

November 20, 2007

REQUEST

This request is for a Type II Variance from the regulations contained in ULDC Table 8.G.3.C-12, regarding Maximum Flagpole Height. The request is to permit a flagpole 80' in height, in lieu of the 50' maximum height permitted (a variance of 30').

PROJECT HISTORY

The Arrigo Dodge MUPD has been the site of numerous approvals and amendments. Most recently, a Development Order Amendment to add land area and rezone the additional land to MUPD was approved by the Board of County Commissioners on September 24, 2007. A copy of the approving resolutions, amending the site conditions, is included herewith.

The final site plan for the September approval is still in the process of being fully designed and developed. In the interim, the applicant seeks approval to place a flagpole on the existing site. If this variance is approved, the applicant would seek an Administrative Amendment to locate the flagpole on the current approved plans. Once the new site plan with the added acreage is submitted, the flagpole location would then be included on that revised plan.

PROJECT SITE and JUSTIFICATION

The Arrigo property is comprised of over 29 acres, configured in a roughly triangular shape. The property is bounded by three major roadways, the Florida Turnpike, a Jog Road overpass and Okeechobee Boulevard. The property conforms to the stringent County land development regulations, and is further burdened by significant conditions, including extensive landscaping and signage restrictions. While the applicant continues to conform to the approved plans, it nonetheless continues to seek methods to adequately and appropriately reveal the site's location.

As an American car dealership, a U.S. Flag is an important and appropriate symbolic display. During initial review, it became clear that locating a flagpole on the site in a manner that would achieve adequate visibility, while conforming to the County's code requirements, was virtually impossible. The scale of the property and the configuration of the surrounding right of ways, is constrained by the fact that the ULDC only provides a single standard for flagpole height and location. The height limitation is the same for a single family home on a quarter-acre lot as it is for a large industrial or commercial site. In this instance, the scale and unique configuration of the property make a larger flagpole entirely appropriate and even necessary for adequate public display.

The ULDC provides a required setback for flagpoles as 110% of the pole's height. Thus our request for an 80-foot pole will require 88-foot setbacks. This standard will be easily met on the site, due to its scale, as shown on the submitted plans. Also, the size of the flag per the code is a function of the pole height, and again the applicant will comply with that regulation.

SUBMITTAL DOCUMENTATION

The submittal enclosed herein contains copies of the current approved site plan, on file with the County, with the proposed flag location shown and highlighted. As stated above, this change would be made to the current plans through an Administrative Amendment, if the variance is approved.

The latest survey for the property is also submitted herewith. This survey includes the adjacent property that was the subject of the recent DOA, and at that time was extensively reviewed through the DRO process. The survey represents the entire ownership by the applicant, but again, this application is intended to only represent an amendment to the portion contained within the existing approved site plan.

Based on this information, and the documentation contained within this application, the applicant requests approval of a Type II variance for flagpole height.

WPB 381737843v2 11/19/2007 Justification Statement