

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

**Application No.:** ABN/SV/ZV/CB/Z/DOA/CA-2014-00462  
**Application Name:** PBIa Parcel G  
**Control No.:** 2000-00056  
**Applicant:** Palm Auto Plaza, LLC - R Whitfield Ramonat  
**Owners:** Palm Beach County  
**Agent:** Jon E Schmidt & Associates - Josh Nichols  
**Telephone No.:** (561) 684-6141  
**Project Manager:** Donna Adelsperger, Site Planner I and  
 Wendy Hernandez, Zoning Manager

TITLE: a Development Order Abandonment for a Class B Conditional Use REQUEST: to abandon Resolution ZR-2008-056. TITLE: a Subdivision Variance REQUEST: to allow access from a 50 foot access easement. TITLE: a Type II Variance REQUEST: to allow frontage and access from a 50-foot easement; allow mountable curbing; increase the percentage of palms; increase in sign height; and to allow signage where there is no frontage. TITLE: a Class B Conditional Use REQUEST: to allow Vehicle Sales and Rental. TITLE: an Official Zoning Map Amendment REQUEST: to allow a rezoning from the Urban Center (UC) Zoning District to the Public Ownership (PO) Zoning District. TITLE: a Class A Conditional Use REQUEST: to allow General Repair and Maintenance.

**APPLICATION SUMMARY:** Proposed are a Subdivision Variance, six Type II Variances, a Development Order Abandonment (ABN), a Class B Conditional Use (CB), an Official Zoning Map Amendment (Z), and a Class A Conditional Use (CA) for the Palm Beach International Airport (PBIa) Parcel G development. A portion of the parcel was originally approved by the Board of County Commissioners on January 4, 2001 for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Public Ownership (PO) Zoning District and most recently on August 26, 2010 for a portion of the site a rezoning from the Light Industrial Zoning District (IL) to the Urban Center (UC) Zoning District. During the review of the application the Development Order Amendment request was withdrawn.

The Applicant is requesting a Subdivision Variance to allow access through a 50-foot access easement; six Type II Variances to allow frontage and access from a 50-foot access easement, allow mountable curbing, increase the percentage of palms, increase in sign height; and to allow signage where there is no frontage; ABN of the approval granted under ZR-2008-056; a CB to allow Vehicle Sales and Rental; a rezoning from the UC to the PO Zoning District on 1.76-acres; and, a CA to allow General Repair and Maintenance on 14.42 acres of land. The Preliminary Site Plan indicates a total of 89,633 square feet (sq. ft.) to be constructed in two phases, a total of 801 parking spaces, and two ingress/egress points to a 50-foot access easement.

During the review and analysis of the request the Development Order Amendment request was withdrawn as it was not required.

**SITE DATA:**

Location:	Approximately 0.8 miles north of the intersection of Congress Avenue (Ave) and Gun Club Road (PBIa Parcel G)
Property Control Number(s)	00-43-44-05-00-003-0030; 00-43-44-05-00-003-0040 00-43-44-05-05-000-0130; 00-43-44-05-05-000-0181
Existing Land Use Designation:	Urban Center (UC) and Utilities and Transportation (UT)
Proposed Land Use Designation:	Utilities and Transportation (UT)
Existing Zoning District:	Public Ownership District (PO) and Urban Center (UC)
Proposed Zoning District:	Public Ownership District (PO)
Acreage:	14.42 acres
Tier:	Urban/Suburban (U/S)
Overlay District:	Airport Zoning Overlay
Neighborhood Plan:	N/A
CCRT Area:	Ranch House - Homewood Area
Municipalities within 1 Mile	Cloud Lake, Glen Ridge, Palm Springs, West Palm Beach
Future Annexation Area	Glen Ridge, Lake Clarke Shores, West Palm Beach

**RECOMMENDATION:** Staff recommends approval of the requests subject to 4 Condition of Approval as indicated in Exhibit C-1; 9 Conditions of Approval as indicated in Exhibit C-2; 10 Conditions of Approval as indicated in Exhibit C-3; 15 Conditions of Approval as indicated in Exhibit C-4, and 1 Condition of Approval as indicated in Exhibit C-5.

**ACTION BY THE ZONING COMMISSION (ZC):** On August 7, 2014, this item was on the Consent Agenda. Staff and the Agent provided a brief presentation. An adjacent Property Owner, Mr. Harholdt, and Mayor Alice McLane and Michelle Suiter, Town Manager, of The Town of Glen Ridge, spoke in opposition to the project with concerns of the additional traffic, noise, and light from across the canal. The Mayor and Town Manager also stated that they did not receive a copy of the courtesy notice and requested time to review the proposed project. After a brief discussion, the item was postponed to the September 4, 2014 to allow time for Staff and the Agent to meet with the adjacent Property Owner and the Town.

On September 4, 2014, this item was on the Agenda, to postpone until October 2, 2014, to allow additional time for Staff, the Agent, and the Town to meet to further address any issues or concerns.

**MEETINGS WITH THE TOWN OF GLEN RIDGE**

On August 21, 2014, Vice Mayor Burdick, County Staff, and Mayor and Town Manager of The Town of Glen Ridge met to discuss concerns the Town had regarding the proposed project, impacts on the Town, and their need for additional time to review the requests.

On September 2, 2014, the Agent, County Staff, and the Town of Glen Ridge met to discuss the project and the Town's concerns. The Agent provided a summary of the project and update on what they had done since the August 7<sup>th</sup> hearing. The Agent agreed to provide additional landscaping along the northeast corner of the property that is adjacent to the Town's limits. The Agent sent the proposed conceptual landscape plan to Zoning Staff and the Town for review and incorporation into the Development Order (Figure 10 Landscape Buffer).

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff has received 1 letter in opposition, 1 email in support, 2 phone calls indicating concerns with traffic, noise, testing driving of vehicles, and 3 phone calls indicating no concerns with the project at this time.

**MUNICIPALITY NOTIFICATION:** On August 7, 2014 and on August 21, 2014, a courtesy notice letter was sent regular US mail to the Municipalities within 1 mile and those cities that include the site within their Future Annexation Area. In addition, a follow up email was sent to the City of West Palm Beach and the Town of Lake Clarke Shores to obtain comments. The chart below indicates who Staff spoke with and their concerns, if any, with the proposed project.

<b>Municipality within 1 mile or Future Annexation Area</b>	<b>Letter and email</b>	<b>Contact person and date</b>	<b>Concerns</b>
Town of Cloud Lake	Letter	Town Clerk Dorothy Gravelin on August 21, 2014	Concerns with Traffic and test driving of vehicles on side roads
Town of Glen Ridge	Letter and meetings	Mayor, Town Manager and Town Attorney August 21, 2014 and September 2, 2014	Traffic, noise, light, test driving of vehicles
Village of Palm Springs	Letter	Village Manager Richard Reade on August 21, 2014	Village has no concerns at this time
City of West Palm Beach	Letter and email	Planning and Zoning Administrator Angella Vann on August 21 and 22, 2014	City has no objections at this time
Town of Lake Clarke Shores	Letter and Email	Town Clerk Mary Pinkerman on August 21, 2014 and September 2, 2014; Town Administrator Daniel Clark on September 3, 2014	Town has no concerns at this time

**PROJECT HISTORY:**

Parcel	Control/ Application Nos.	Resolution and Request	Approval Date
12.66 acres	Control 1979-00121	Resolution R-1979-930, was a Development Order denying a request for a rezoning from Residential Single Family (RS) Zoning District to Residential Multiple family high density (RH) Zoning District	July 24, 1979
	Control 1987-00011	Resolutions R-1989-01383 and R-1989-01384 are Development Orders approving a rezoning from the RH and RS to General Commercial (CG) Zoning District and a Special Exception for a Planned Commercial Development;	July 25, 1989
		R-1990-0348 Development Order modified the site plan and deleted land area.	Feb 27, 1990
		R-1994-1079 Development Order approved a rezoning from the CG Zoning District to the Community Commercial (CC) Zoning District	August 25, 1994
	Control 1998-00089	R-1999-0707;R-1999-1147; DOA to delete land area	January 4, 2001
	Control 2000-00056	Official Zoning Map Amendment rezoning from MUPD to PO (R-2001-002)	January 4, 2001
1.76 acres	Control 2004-00550 (ZV/Z/CB-2008-00305)	Type II Variance to allow a reduction in width of a Compatibility Buffer and number of shrubs in a Right-of-Way Buffer (ZR-2008-055)	July 3, 2008
		Class B to allow Vehicle Sales and Rental (heavy equipment sales and rental) (ZR-2008-056)	July 3, 2008
		Official Zoning Map Amendment to IL with a COZ (R-2008-1379)	August 28, 2008
	Control 2010-00113 (Z-2010-00667)	Official Zoning Map Amendment rezoning from IL to UC (R-2010-1344)	August 26, 2010

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Utilities and Transportation (U/T)  
 Zoning District: Public Ownership District (PO)  
 Supporting: Regional Airport (Palm Beach Internation Airport)

**NORTH EAST**

FLU Designation: Other (Town of Glen Ridge - Residential Low Density)  
 Zoning District: Other (Town of Glen Ridge - Residential 1)  
 Supporting: Single family residence

**SOUTH:**

FLU Designation: Commercial Low, with an underlying IND (CL/IND)  
 Zoning District: Multiple Use Planned Development District (MUPD)  
 Supporting: Repair and Maintenance (CHS Properties, Control No 1998-00089)

**EAST:**

FLU Designation: Urban Center (UC)  
 Zoning District: Urban Center (UC)  
 Supporting: School Bus Compound (PBC School Bus Compound, Control No 1989-00096)

WEST:

FLU Designation: Utilities and Transportation (U/T)

Zoning District: Public Ownership District (PO)

Supporting: Vacant

WEST:

FLU Designation: Utilities and Transportation (U/T)

Zoning District: Multi-Family Residential (High Density) District (RH)

Supporting: Vacant

**SUBDIVISION VARIANCE SUMMARY**

Pursuant to ULDC 11.E.2.A.2, Minimum Legal Access Requirement is required of a suitable classification to provide said property with legal access consistent with the standards set forth in Table 11.E.2.A-2. Legal access to the proposed project is required by an 80 foot right-of-way and proposed access to the project site is via a 50 foot easement. A Subdivision Variance is requested to allow the commercial project access onto a 50 foot easement, pursuant to Table 11.E.2.A-2 *Chart of Minor Streets*.

The project proposes access from a 50-foot easement granted by the adjacent CHS MUPD. This access easement is aligned with the curb cut at Congress Ave. The site will not be granted an additional curb cut from Congress Ave due to the proximity to the Southern Boulevard/Congress Avenue interchange and the Runway Protection Zone (RPZ). This access easement was granted specifically to support the subject property and assist in trip capture and cross access.

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Chart of Minor Streets	Arterial or Collector	access from a 50-foot platted access easement	to allow access from a 50-foot platted access easement

**FINDINGS:**

Subdivision Concurrent Variance Standards:

When considering a Development Order application for a Subdivision Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the Unified Land Development Code (ULDC). The Standards and Staff Analyses are as indicated below. A Subdivision Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

Engineering Staff recommends **approval** of the Subdivision Variance subject to the Conditions of Approval as indicated in Exhibit C-1. The following analysis has been provided by the Engineering Staff:

- 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:**

**Applicant’s Response:** 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 district. Furthermore, the subject property currently does not have access from an arterial or collector roadway since the adjacent MUPD has been required to provide a 50-foot access easement in the form of a spine road which serves the subject property in addition to the CHS MUPD. This access easement was put in place to accommodate the future development on the subject property. An additional curb cut will not be supported by FDOT due to the proximity to the Southern Boulevard on-ramp in relation to the current entrance. In addition, Federal Aviation Administration (FAA) would not likely support an additional access drive within the RPZ since access is already provided along the 50-foot access easement.

**Staff Response: Yes.** Special circumstances do exist that are peculiar to this parcel of land including the existing platted 50 foot private access street and that no additional access points to Congress Avenue/Australian Avenue will be permitted in this area for alternative access.

**2. Special circumstances and conditions do not result from the actions of the Applicant:**

**Applicant's Response:** There are special circumstances and conditions that apply that are not a result of actions by the Applicant. Furthermore, special conditions and circumstances exist that are not the result of actions by the Applicant. The subject property currently does not have access from an arterial or collector roadway since the adjacent MUPD has been required to provide a 50' access easement in the form of a spine road which serves the subject property in addition to the CHS MUPD. An additional curb cut will not be supported by FDOT due to the proximity to the Southern Boulevard on-ramp and the existence of the current entrance. In addition, FAA would not likely support an additional access drive within the RPZ since access is already provided along the 50' access easement. These circumstances are in place as a result of the FAA RPZ zone regulations. Typically a parcel with over 900 feet of frontage would have access from this frontage, however, the various constraints from the state (FDOT) and federal (FAA) level prohibit development of an additional access point.

**Staff Response: Yes.** The special circumstances that exist are not a result from the actions of the Applicant.

**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, structures or buildings in the same zoning district:**

**Applicant's Response:** Granting the variance will not confer and special privilege upon the Applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district. Furthermore, the requested variance is specific to the existing circumstances surrounding the subject property regarding the FAA's RPZ (building restrictions and setback from Congress Ave.), proximity to the Southern Boulevard/Congress Avenue interchange, and existing 50' access easement. These factors have resulted in special conditions that are site specific and would not confer any special privilege upon the Applicant. Typically a parcel with over 900 feet of frontage would have access from this frontage, however, the various constraints from the state (FDOT) and federal (FAA) level prohibit development of an additional access point.

**Staff Response: Yes.** Variances to this table of the ULDC have been previously granted for commercial uses so a special privilege will not be conferred upon the Applicant by granting of this variance.

**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:**

**Applicant's Response:** 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. Furthermore, the County has already identified access to the subject parcel via a 50' access easement that will utilize the existing entry shared by the CHS MUPD. The literal interpretation of the ULDC would render the site undevelopable for access and frontage code provisions. If a standard zoning district were applied to the subject site it would not be able to provide the Code required frontage. The purpose of the access easement is specifically to serve the subject site since additional curb cuts along Congress Avenue will not be supported. The Applicant is proposing a reasonable use of the property and the proposed development exceeds the property development regulations.

**Staff Response: Yes.** Literal interpretation of the code would prevent commercial development on this parcel of land.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**Applicant's Response:** Granting these variances are the minimum needed for the reasonable use of the property as a vehicle sales and rental facility including general repair and maintenance. Furthermore, the request represents the minimum variance required to make reasonable use of the property in terms of legal access to the site. The subject property maintains in excess of 900 feet of frontage along Congress Avenue, however, the access is gained through a 50' access easement.

**Staff Response: Yes.** Grant of this variance is the minimum subdivision variance required for the proposed commercial development.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**Applicant's Response:** Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC. Furthermore, the variances requested are consistent with the Comprehensive Plan and the ULDC in that the MUPD adjacent to the south of the subject property was required to grant a 50' access easement which would provide legal access to the properties surrounding the easement. The intent of the Comprehensive Plan is to encourage trip capture and reduce curb cuts on major arterial and collector roadways. Congress Avenue will not be permitted to include a curb cut along the frontage of the property due to FAA regulations within the RPZ as well as the proximity of the site to the interchange. The ULDC and Comprehensive Plan promote cross access to adjacent properties. This cross access is accomplished via the 50' access easement which is located within the spine road bisecting the CHS MUPD.

**Staff Response: Yes.** Granting of this variance will be consistent with the intent of the comprehensive plan and code which is to provide suitable access to all types of development.

7. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**Applicant's Response:** Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare. Furthermore, use of the existing access will not pose any impact due to the fact that the access point will not change and vehicles are currently utilizing this very same access point without injury. The project's traffic impacts will be evaluated to ensure consistency with County/State TPS performance standards.

**Staff Response: Yes.** Grant of this variance will not be injurious to the area involved as the access easement proposed to be utilized by the new development is already being utilized by adjacent commercial developments.

**TYPE II VARIANCE SUMMARY**

The Applicant is request a total of six Type II Variances to allow a reduction in frontage, access from an easement, allow mountable curbing, increase the percentage of palms, increase in sign height; and to allow signage where there is no frontage.

ULDC Article	Required	Proposed	Variance
3.E.1.C.2.a.1 PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street	200-feet of frontage	150-feet of frontage on a 50-foot access easement	to allow 150-feet of frontage on a 50-foot access easement
3.E.1.C.2.a.2 PDDs shall have legal access on an arterial or collector street	Arterial or Collector	50-foot access easement	to allow from an access easement

7.F.2.A Palms	Palms plated in groups of 3 or more may be counted as one required canopy tree up to a maximum of 25% of all trees required in each buffer	3 or more palms to be counted as a canopy tree up to 35 percent of all trees for Congress Avenue and the west property line	increase of 10 percent in Palms for Canopy trees in Right-of-Way buffer for Congress Avenue and the west property line
7.G.2.E.1 Landscape Protection Measures Curbing	Minimum 6-inch non-mountable FDOT Type D or Type F curb	Minimum 6-inch mountable curb	Eliminate the non-mountable curb and allow mountable curb excluding customer parking area
8.G.2.A Table 8.G.2.A-8 Freestanding Signs: Maximum Heights	15-feet for Sign A Phase I	25-feet for Sign A Phase I	increase of 10-feet for Sign A Phase I
8.G.2.A-7 Freestanding Sign Standards	3 signs for frontage greater than 301 feet	3 signs where no frontage	to allow 3 signs where no frontage

**V1: Minimum Frontage and V2: Access** – The subject parcel is within the PO Zoning District and the AZO. Pursuant to Article 3.B.2 Overlays – AZO, the regulations for specific uses are determined by the Use Regulations and their corresponding Zoning District, as well as the Development Review Procedures (Article 3.B.2.B.5). The Preliminary Site Plan indicates 89,663 sq. ft. and therefore requires the development to meet the property development regulations of a MUPD.

MUPD's are required to have frontage and access from a collector or arterial road way. Due to the site constraints and inability to get approval for new access from Congress Avenue, they propose access from a 50 foot easement.

**V3: Landscape Protection Measures** – The Applicant is requesting to include FDOT Type “E” mountable curbing throughout the vehicular parking on the site. The entrance drives will utilize the FDOT Type “D” non-mountable curbing. This request is required due to the number of vehicles moving about the site. The mountable curbing will protect new, used, and serviced vehicles from damage when on-site.

**V4: Percentage of Palms in Buffers** – The subject property is encumbered by a Runway Protection Zone (RPZ) in which development is limited to dry retention and open space, all structures and parking are prohibited within this area. The RPZ extends into the subject site and requires the development to be built along the perimeter of the RPZ and set back from Congress Ave. The location of the development within this zone restricts the types of trees and the heights of the plant material. The Applicant requests an increase in the percent of groups of palms (3 or more) to be counted as a canopy tree. The Applicant has stated that they propose to plant Foxtail Palms to continue a similar specimen type as seen on the Trump property further south on Congress.

**V5: Freestanding Sign Height** –The request is to increase the sign height of one sign (Sign A-Phase 1) from 15 feet to 25-feet for a ground mounted freestanding sign along Congress Avenue. Due to the elevation difference of Congress Avenue to the subject parcel and ground mounted sign would not be visible from the road.

**V6: Maximum Number of Freestanding Signs** – The ULDC only allows freestanding sign to be placed along streets which have access. Because access is not allowed to Congress Ave for this site signs would therefore not be permitted. The Applicant is requesting that 3 ground mounted freestanding signs be allowed along Congress Avenue, one in Phase 1 and two in Phase 2.

**FINDINGS:**

Type II Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

Staff recommends **approval** of the six variances subject to the Conditions of approval as indicated in Exhibit C-2.

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:**

**V1 and V2 Frontage and Access: Yes.** Special conditions and circumstances do exist that are peculiar to this parcel of land that are not applicable to other parcels of land in the same Zoning District. The subject property is encumbered by the RPZ and in very close proximity to the Southern Boulevard/Congress Ave interchange. Because of the development's location new access point is not allowed due to its proximity to the intersection, it is unable to comply with the MUPD frontage and access requirements as described in the AZO and Zoning District regulations. .

**V3: Landscape Protection Measures: Yes.** The subject property is the intended to be utilized as a vehicle sales and rental facility along with repair and maintenance, and as such, the majority of the site is reserved for inventory and service parking. The Applicant has stated that in order to avoid damage and to protect the integrity of the vehicles, a modified curb is required within this area of the development. The proposed site is different from others as the customers are restricted from driving through a majority of the site so the probability of harm caused to the landscaping is greatly reduced.

**V4: Percentage of Palms in Buffers: Yes.** The subject property is encumbered by the RPZ which prohibits structural development within its boundaries and limits the heights of plant materials within close proximity of the airport. Other properties within the same zoning district do not have the same conditions due to the site's proximity to the airport.

**V5: Freestanding Sign Height: Yes.** The FAA and RPZ have restrictions that prohibit structural development within its boundaries and as such Parking lots and signage are included in this prohibition. This variance is related to Variance 6 in such that the site would be limited to one sign at the northernmost corner of the property due to the RPZ. Because of the restricted location out of the RPZ and the elevation difference of the development and Congress Avenue special conditions exist not applicable to other parcels of land.

**V6: Maximum Number of Freestanding Signs: Yes.** Because of the site's location at the interchange of Southern and Congress Avenues, no new access points are allowed onto Congress Avenue. As a result of no access, the ULDC does not allow ground mounted freestanding signs. Because Congress is an major thoroughfare in the County signage would be a reasonable request. The Applicant is requesting to be allowed the three signs along the Congress Ave right of way. One sign would be constructed in Phase 1, outside the RPZ, and the two in Phase 2, when and if the RPZ is modified or is removed from the subject site.

2. **Special circumstances and conditions do not result from the actions of the Applicant:**

**V1/V2: Yes.** The Special circumstances and conditions are not a result from the actions of the Applicant. The RPZ is regulated by the FAA, and neither the Property Owner nor the Applicant, have the authority to dictate where this RPZ is located.

**V3: Yes.** The ULDC provides for two types of curbing, both of which could have a detrimental effect in terms of damage to new vehicles. The extent of the variance is limited to the vehicular parking areas only and where the customers are not permitted to drive.



**V4: Yes.** The ULDC allows for a maximum of 25% of the trees within the right-of-way buffers to be palms. Due to the required setback per FAA and RPZ regulations the variance request to allow groups of 3 or more palms to be counted toward 35% of the canopy trees along Congress and the west property line.

**V5 and V6: Yes.** The Applicant had no control over the construction of the elevated roadway or the limitation on new access points onto Congress Avenue. This variance would allow the Applicant to locate Sign A at the elevated roadway for Southern Boulevard and Congress Interchange and been seen. In doing so an increase in sign height, within in Phase I only, would be necessary to provide visibility to the sign. The two signs proposed under Phase II would meet ULDC

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, structures or buildings in the same zoning district:**

Approval of the variances will not grant the Applicant any special privilege denied to other parcels of land, buildings, or structures in the same Zoning District. The variance approval process is available to all, and individual requests may be approved by the Zoning Commission (ZC) based on the project specific criteria.

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:**

**V1 through V6: Yes.** Literal Interpretation and enforcement of the provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land and would work an unnecessary and undue hardship as the Applicant would not be able to develop the site with the proposed vehicle sales and rental, and repair and maintenance uses.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**Yes V1 through V6.** The grant of these Variances are the minimum variances that will make reasonable use of the parcel of land due to the existing RPZ and the close proximity to the Southern Boulevard and Congress Avenue interchange.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**Yes V1- through V6.** The granting of this variance is consistent with the purposes, goals and objectives of the plan and the code. The ULDC and Comprehensive Plan promote cross access to adjacent properties which is accomplished via the 50-foot access easement located within the spine road for the CHS MUPD. Also, similar properties in the vicinity have incorporated palms within the ROW buffer along Congress Ave. and provide a positive character to the corridor. Furthermore, the Code supports proper identification of a site. The variances requested are consistent with the purposes, goals and objectives of the plan and the code.

7. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**Yes V1 through V6:** The granting of these variances will not be injurious to the area or detrimental to the public welfare.

## **FINDINGS:**

### Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below.

An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

**PLANNING DIVISION COMMENTS:**

Current Future Land Use (FLU) Designation: The sites are located within the Urban Suburban Tier and have Urban Center (UC) and Transportation and Utilities Facilities (UT) Land Use designation.

Proposed Future Land Use: The northeast portion of the site, is subject to a Small Scale Future Land Use Atlas Amendment known as PBI Parcel G-3 (SCA 2014-009). The Amendment is to change 3 parcels totaling 1.76 acres from a Future Land Use Designation from the Urban Center (UC) to Utilities and Transportation (UT) Future Land Use Designation. Thus allowing the overall 14.417 acre site to be consistent with the existing and proposed Public Ownership (PO) Zoning District.

Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use. This request is consistent with the proposed Small Scale Land Use amendment, if adopted.

Per the Future Land Use Regulation section of the Comprehensive Plan, for the UT FLU designation, "Airports and related facilities include, but are not limited to, airport and aircraft operations and maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, and offices. County owned or operated airports may include additional allowable uses, provided such uses are included in ULDC Article 3, Airport Zoning Overlay (AZO) and on the Airport Master Plans." The proposed uses are included in the AZO. Furthermore, on July 1, 2014, the PBI Airport Master Plan was updated by the BCC to include those parcels subject to the Small Scale Land Use Amendment.

Intensity: The maximum Floor Area Ratio (FAR) of .45 is allowed for a Utility & Transportation Land Use designation in the Urban/Suburban Tier. The maximum square footage that would be allowed for the site equals 282,602.034 square feet (14.417 acres x 43,560 square feet x .45 FAR = 282,602.034 square feet maximum ). The Applicant's request for 89,633 square feet equates to an FAR of approximately 0.14 (89,633 proposed built square footage / 627,889 total square footage of the site. = 0.1427 built FAR).

Land Use Amendments: The 3 parcels 00-43-44-05-00-003-0030, 00-43-44-05-00-003-0040 and 00-43-44-05-05-000-018 of the Small Scale Amendment known as PBI Parcel G-3 (SCA 2014-009) that is requesting to change the existing Urban Center (UC) Land Use to a Utility Transportation (UT) Land Use Designation and would allow the overall site to have a uniform Future Land Use. The Amendment at his time is scheduled to be heard by the Planning Commission on July 11, 2014 and heard before the BCC on August 28, 2014. The Staff recommendation is for approval.

Previously, various portions of the site have been the subject of to County Initiated Future Land Use Atlas amendments, inclusive of Ordinance No. 2009-036 that changed 0.33 acres on Grace Drive from CL/IND to UT, a County Initiated Ordinance No. 2008-056 that changed 114.64 acres from multiple Future Land Uses to an Urban Infill (UI) FLU designation, and a County Initiated Ordinance No. 2008-057 that changed multiple properties with multiple FLU designations to UT.

Special Overlay District/ Neighborhood Plan/Planning Study Area: The subject site is located within the boundaries of the Revitalization, Redevelopment, and Infill Overlay (RRIO), Urban Redevelopment Area (URA), Primary Redevelopment Area (PRA), and the Ranch House/Homewood CCRT Area.

Future Land Use Element Policy 1.2.2-h requires interconnectivity between complimentary neighboring land uses within the URA. As this project is located off an unnamed roadway and features shared vehicular and pedestrian access with the CHS MUPD (98-089) to the south and west, and this unnamed road affords access to both Congress/Australian and Ranch House Road, the intent of this Policy is met. Furthermore, given the need for secured access at this site (for inventory

control) and the adjacent School Board Bus Depot site to the east (for student safety), this precludes the need for additional shared access and/or interconnectivity.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The PO Zoning District is established to accommodate the development of public buildings and facilities for government owned and operated lands. The PO Zoning District is consistent with all FLU designations of the Comprehensive Plan and allows the Vehicle Sales and Rental, and Repair and Maintenance uses subject to Class B and Class A Conditional Use approvals. The proposed rezoning to the Public Ownership (PO) Zoning District is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of the Code.

Pursuant to ULDC Article 3, Table 3.B.2.B, the site is being reviewed as a Planned Development District and as such has requested Variances from the frontage dimension requirement; access to arterial or collector; elimination of Type D curbing within the vehicle storage area; increase in palms along the right-of-ways; increase in sign height for one sign, and to allow signs where there is no frontage.

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The site is surrounded by properties that are currently zoned PO, MUPD and UC, both of which are commercial in nature and the approved and existing uses on the surrounding properties are compatible with the proposed use and zoning on the subject property. The zoning designation to the north is PO as well and supports the Southern Boulevard/Congress interchange and further north is Palm Beach International Airport (PBIA). There are no foreseeable compatibility issues that would result from the change in zoning. Therefore, the PO district is an appropriate zoning district for the land.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

#### ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been developed.

WELLFIELD PROTECTION ZONE: The property is not located with a Well field Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non storm water discharge or the maintenance or use of a connection that results in a non storm water discharge to the storm water system is prohibited pursuant to Palm Beach County Storm water Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

Conclusion: The site will be developed as Vehicle Sales and Rental, and Repair and Maintenance uses and currently supports no significant native vegetation or other environmental features. Accordingly, this rezoning request will not have an adverse effects on the natural environment.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed uses will result in a logical, orderly and timely development pattern as the surrounding properties are already partially developed with commercial and industrial uses. Due to the location of the RPZ the site is not suited for residential development so the most logical development would be that of a commercial or industrial nature.

6. **Adequate Public Facilities** – *The proposed amendment complies with Art.2.F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

Previously approved traffic from this project (PBIA Mater Plan) was 38,947 trips per day, 2,974 trips in the PM peak hour. Additional traffic expected from the proposed project is 811 trips per day, 24 trips in the PM peak hour, for grand total impact of 39,758 daily and 2,998 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project (Parcel G) has an insignificant impact on the surrounding roadway network.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Congress Ave from Southern Blvd to Gun Club Rd

Existing count: Northbound=1,349, Southbound=1,933

Background growth: Northbound=451, Southbound=337

Project Trips: Northbound=77, Southbound=52

Total Traffic: Northbound=1,877, Southbound=2,322

Present laneage: 6LD

Assured laneage: 6LD

LOS "D" capacity: 2,940 (directional)

Projected level of service: LOS D or better

DRAINAGE:

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

PLATTING:

Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: Concurrency has been approved for a total of 89,633 square feet consisting of 39,789 for vehicle sales and rental and 17,459 square feet of repair and maintenance to be developed in two phases. The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facilities Standards).

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The subject 1.759-acre parcels of land have an existing zoning designation of UC, and are located within the URA, Priority Redevelopment Area. The subject properties are owned by the Department of Airports and most recently have been incorporated into the PBIA Airport Master Plan by the BCC.

The existing zoning designation does not fit into the development pattern of the surrounding properties nor does the subject property have the ability to support a mix of residential, office, and commercial uses as prescribed by the UC zoning district. All properties under ownership of PBIA and shown on the Airport Master Plan must be zoned to the PO Zoning District.

Conclusion: Staff has evaluated the Applicant's justification and responses for Standards 1-7 of Article 2.B.1.B for an Official Zoning Map Amendment, and has determined that the need of the requested change balanced the potential impacts generated by the request..

## **FINDINGS:**

### Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

See also Planning analysis under the Rezoning Standards above. The proposed uses are consistent with the purposes, goals, objectives, and policies of the Plan.

1. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

Article 3.B.2.A Overlays - Airport Zoning Overlay (AZO) establishes additional regulations and approval requirements for proposed uses within this Overlay. The uses are defined as being airport or non-airport related. The Applicant is proposing a Vehicle Sales and Rental facility (Class B Conditional Use) and a Repair and Maintenance facility (Class A Conditional Use), both non-airport related uses.

The AZO requires that the proposed uses to follow the General Commercial Property Development Regulations (PDRs). The proposed uses are in excess of 50,000 sq.ft., therefore, the ULDC requires the project be reviewed as a MUPD. The proposed site plan including the Vehicle Sales and Rental and General Repair and Maintenance uses comply with the layout, function, general development characteristics of an MUPD. The Applicant acknowledges the following use restrictions: 1) Vehicle testing is prohibited in residential areas; 2) No outdoor speaker will be audible off-site; 3) Car wash facility must use a water recycling system; 4) Inventory vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area; 5) Inventory vehicles shall not be elevated in whole or part, or stored or displayed on-site except those intended for sale, rental or lease and that are in safe operating and running condition; and 7) No outdoor repair or storage of disassembled vehicles or parts is permitted.

Because the site is being reviewed as a Planned Development District variances are concurrently requested from the frontage dimension requirement; access to arterial or collector; elimination of Type D curbing within the vehicle storage area; increase in palms along the Right-of-Ways; increase in sign height for Sign A; and, to allow signs where there is no frontage.

Parking: The Applicant proposes to provide parking in two phases of the development. In Phase one the site plan indicates 649 spaces, of which 141 are required. If the RPZ is amended on the site, the

Applicant proposes to use that area in Phase 2 as additional parking and will have an overall of 801 spaces.

Landscaping: The proposed landscaping along the north property line, is described as a twenty foot right of way buffer and includes a variance to increase the percentage of palms for canopy trees and is contingent up on the approval by the ZC. The southern and eastern property lines are depicted on the site plan as five foot compatibility buffers. A 15 foot right of way buffer is provided along the western property line and also includes a variance to increase the percentage of palms for canopy trees. Staff recommends a Condition of Approval that the buffer details for the Northern and western property lines be added to the regulating plan in accordance with the Variance approval.

Following the meeting on September 2, 2014 the Applicant submitted a Landscape Buffer detail for the northeast property line adjacent to the C-51 Canal, to show the required landscaping and how that area would be screened from the properties to the north across the canal (Figure 10). A Type II Incompatibility Buffer, 15-feet in width is required along this portion of the site. The buffer requires a minimum landscape barrier of 6-feet in height. The Applicant is proposing a 3 foot berm with a 6 foot chain link fence and a 36 inch hedge on the plateau of the berm. Staff has included this requirement as a Condition of Approval contained in Exhibit C-3 and C-4.

Architectural Review: The Applicant acknowledges the Zoning Commission's request to provide Preliminary Architectural Elevations for review during the ZC/BCC approval process; however, they have requested that the elevations be submitted at time of Final Site Plan approval. Staff has included a Condition of Approval within Exhibit C for compliance prior to final approval by the DRO.

2. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The Vehicle Sales and Rental, and General Repair and Maintenance uses are compatible and consistent with the uses and character of the surrounding land uses. The property to the east supports the Palm Beach County (PBC) School District Bus Depot which includes vehicle (bus) storage, and repair and maintenance. The properties to the south are approved as a commercial MUPD consisting of a convenience store with gas sales; two Type I Restaurants; retail space; office and warehouse uses. The proposed uses are consistent with the commercial and vehicular nature of the surrounding/approved uses.

3. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed structures are setback from the frontage a distance of over 200 feet. This setback reduces the visual impact from the roadway and also anchors the proposed uses to the rear of the site which is adjacent to the School District bus transportation facility. The site design places the repair and maintenance to the rear of the showroom thus eliminating views of the use from the right-of-way and adjacent properties.

4. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

#### ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been developed.

WELLFIELD PROTECTION ZONE: The property is not located with a Well field Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non storm water discharge or the maintenance or use of a connection that

results in a non storm water discharge to the storm water system is prohibited pursuant to Palm Beach County Storm water Pollution Prevention Ordinance No. 93-15.

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

The proposed Conditional Uses will relocate and preserve much of the existing vegetation remaining on the site. The northeast portion of the site (nearest to the C-51 canal) is to be utilized as dry retention for the remainder of the development and helps to maintain a more natural storm water management program. The subject property does not contain any wetlands or wildlife habitat.

**Conclusion:** The site will be developed as Vehicle Sales and Rental, and Repair and Maintenance uses and supports no significant native vegetation or other environmental features. Accordingly, the Conditional Use requests will not result in significant adverse effects on the natural environment.

5. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed uses will result in a logical, orderly and timely development pattern as the surrounding properties are already partially developed with commercial and industrial uses. Due to the location of the RPZ the site is not suited for residential development so the most logical development would be that of a commercial or industrial nature.

6. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art.2.F, Concurrency.*

**ENGINEERING COMMENTS:**

**TRAFFIC IMPACTS**

Previously approved traffic from this project (PBIA Mater Plan) was 38,947 trips per day, 2,974 trips in the PM peak hour. Additional traffic expected from the proposed project is 811 trips per day, 24 trips in the PM peak hour, for grand total impact of 39,758 daily and 2,998 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project (Parcel G) has an insignificant impact on the surrounding roadway network.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Segment: Congress Ave from Southern Blvd to Gun Club Rd

Existing count: Northbound=1,349, Southbound=1,933

Background growth: Northbound=451, Southbound=337

Project Trips: Northbound=77, Southbound=52

Total Traffic: Northbound=1,877, Southbound=2,322

Present laneage: 6LD

Assured laneage: 6LD

LOS "D" capacity: 2,940 (directional)

Projected level of service: LOS D or better

**DRAINAGE:**

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

**PLATTING:**

Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code.

**PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis**

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: Concurrency has been approved for 39,789 of vehicle sales and rental and 17,459 sq.ft. of repair and maintenance for a total of 89,633 sq.ft., to be developed in two phases. The proposed Conditional Uses comply with Article 2.F of the ULDC, Concurrency (Adequate Public Facilities Standards).

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The subject parcel is owned by Department of Airports who released an RFP to lease the subject property. The Applicant was awarded the RFP and has worked closely with Department of Airports in developing the proposed application. The site is located directly under a flight path and is no longer suitable for residential uses; therefore, the proposed development of commercial uses is a result of and demonstrates changed conditions and circumstances of the subject property. The proposed uses are listed as AZO Class A and Class B Conditional Uses.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, Staff is recommending approval of the proposed Conditional Uses. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C-3 and C-4.



## CONDITIONS OF APPROVAL

Exhibit C-1

### Subdivision Variance

#### ENGINEERING

1. Prior to final site plan approval by the Development Review Officer (DRO), the Property Owner shall provide legal documentation subject to approval by the County Engineer and County Attorney, confirming that legal access to the development site is available across Tract 'A' of CHS Properties, MUPD as recorded in Plat Book 104, Page 174. (DRO: MONITORING - Engineering)

#### VARIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

**Type II Variance - Concurrent**

**ALL PETITIONS**

1. The approved Site Plan is dated June 12, 2014. 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)

**LANDSCAPE - GENERAL**

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall revise the Regulating Plan to incorporate the landscape details for the north and west property lines consistent with the variance approval. (DRO: LANDSCAPE - Zoning)

**SIGNS**

1. Ground Mounted Freestanding signs fronting on Congress Avenue shall be limited as follows:
- a. Sign A: maximum sign height - twenty-five (25) feet, measured from finished grade to highest point and maximum sign area two hundred (200) square feet;
  - b. Sign B and C: maximum sign face area per side - two hundred (200) sq. ft.;
  - c. maximum number: three (3); and,
  - d. style: monument style only. (BLDGPM: BUILDING DIVISION - Zoning)

**VARIANCE**

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ABN/SV/ZV/ZV/CB/Z/CA-2014-462. (ONGOING: ZONING - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer (DRO), the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO: ZONING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: ZONING - Zoning)
4. In Granting this Approval, the Zoning Commission 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)
5. 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; 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.

**Conditional Use Class B - Concurrent**

**ALL PETITIONS**

1. The approved Site Plan is dated June 12, 2014. 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 (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Prior to the removal of the Runway Protection Zone, the Department of Airports shall notify in writing the Town of Glen Ridge Town Manager, informing them of the proposed modification to Phase II of the Site Plan. (ONGOING: DEPARTMENT OF AIRPORTS - Department of Airports)

3. Prior to the issuance of a Building Permit for Phase II, Monitoring shall provide written notice to the Town of Glen Ridge Town Manager, informing them of the commencement of development of Phase II. (MONITORING: BUILDING/ZONING - Zoning)

4. Prior to Final Site Plan by the Development Review Officer (DRO) approval the fifteen (15)-foot Drainage Easement along the C-51 Canal shall indicate future abandonment of the easement. (DRO: ZONING - Zoning)

5. Prior to the issuance of a building permit the 15-foot Drainage easement along the C-51 is to be abandoned. (BLDG PERMIT: ZONING - Eng)

**ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

**LANDSCAPE - PRIMETER**

1. LANDSCAPING ALONG THE NORTHEAST PROPERTY LINE (ABUTTING C-51 CANAL)

In addition to the Code requirements, the landscape buffer along the northeast property line, abutting the C-51 Canal, shall be revised to indicate the following:

- a. a minimum fifteen (15) foot wide Type II Incompatibility Buffer, with required plant material;
- b. a continuous three (3) foot high berm;
- c. thirty-six (36) inch high shrubs to be planted on the plateau of the berm;
- d. six (6) foot high vinyl coated chain link fence to be located on the berm; and
- e. No width reduction shall be permitted. (BLDG PERMIT: LANDSCAPE - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Zoning Commission 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; 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.

**Conditional Use Class A**

**ALL PETITIONS**

1. The approved Site Plan is dated June 12, 2014. 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 (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Prior to the removal of the Runway Protection Zone, the Department of Airports shall notify in writing the Town of Glen Ridge Town Manager, informing them of the proposed modification to Phase II of the Site Plan. (ONGOING: DEPARTMENT OF AIRPORTS - Department of Airports)

3. Prior to the issuance of a Building Permit for Phase II, Monitoring shall provide written notice to the Town of Glen Ridge Town Manager, informing them of the commencement of development of Phase II. (MONITORING: BUILDING/ZONING - Zoning)

4. Prior to Final Site Plan by the Development Review Officer (DRO) approval the fifteen (15)-foot Drainage Easement along the C-51 Canal shall indicate future abandonment of the easement. (DRO: ZONING - Zoning)

5. Prior to the issuance of a building permit the 15-foot Drainage easement along the C-51 is to be abandoned. (BLDG PERMIT: ZONING - Eng)

**ARCHITECTURAL REVIEW**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

**ENGINEERING**

1. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG/PMT: MONITORING - Engineering)

2. Prior to recordation of the first plat, the Property Owner shall abandon all existing rights of way within the limits of the property and easements in conflict with structures. (PLAT: MONITORING - Engineering)

3. 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. (BLDG/PMT/DATE: MONITORING - Engineering)

4. The Property Owner shall reconfigure the median nose on Congress Ave (south leg) at the easement access road to allow for left turning movements.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. The Property Owner shall construct a divisional median/island at the easement access driveway of at least 4 feet wide, as required by the FDOT driveway pre-approval letter dated April 10, 2014. This should be shown on the final site plan and approved at the final DRO. (DRO: MONITORING - Engineering)

### **LANDSCAPE - PRIMETER**

#### **1. LANDSCAPING ALONG THE NORTHEAST PROPERTY LINE (ABUTTING C-51 CANAL)**

In addition to the Code requirements, the landscape buffer along the northeast property line, abutting the C-51 Canal, shall be revised to indicate the following:

- a. a minimum fifteen (15) foot wide Type II Incompatibility Buffer , with required plant material;
- b. a continuous three (3) foot high berm;
- c. thirty-six (36) inch high shrubs to be planted on the plateau of the berm;
- d. six (6) foot high vinyl coated chain link fence to be located on the berm; and
- e. No width reduction shall be permitted. (BLDG PERMIT: LANDSCAPE - Zoning)

### **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.

Exhibit C-5  
**Official Zoning Map Amendment**

**DISCLOSURE**

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



Figure 1 Future Land Use Map

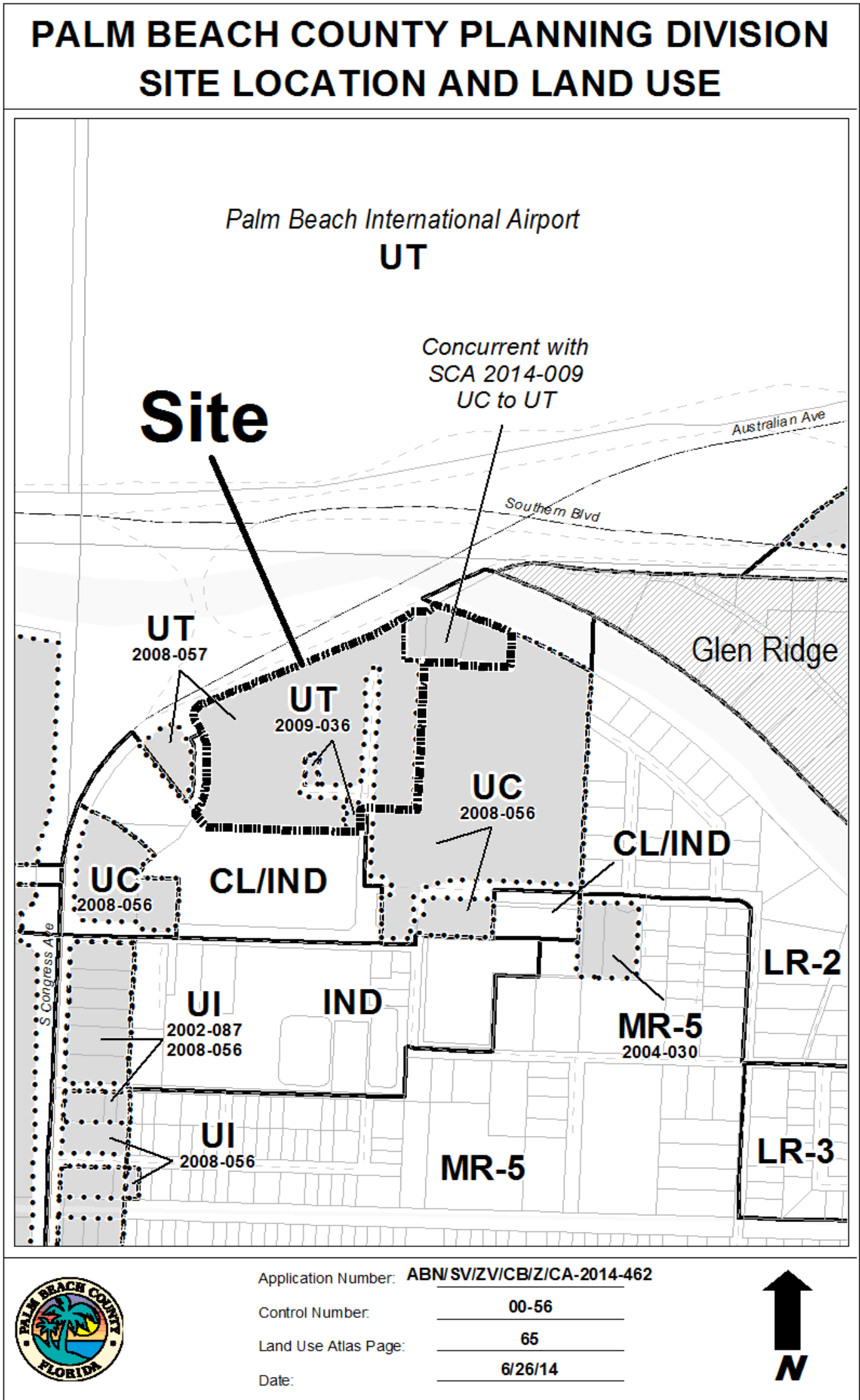
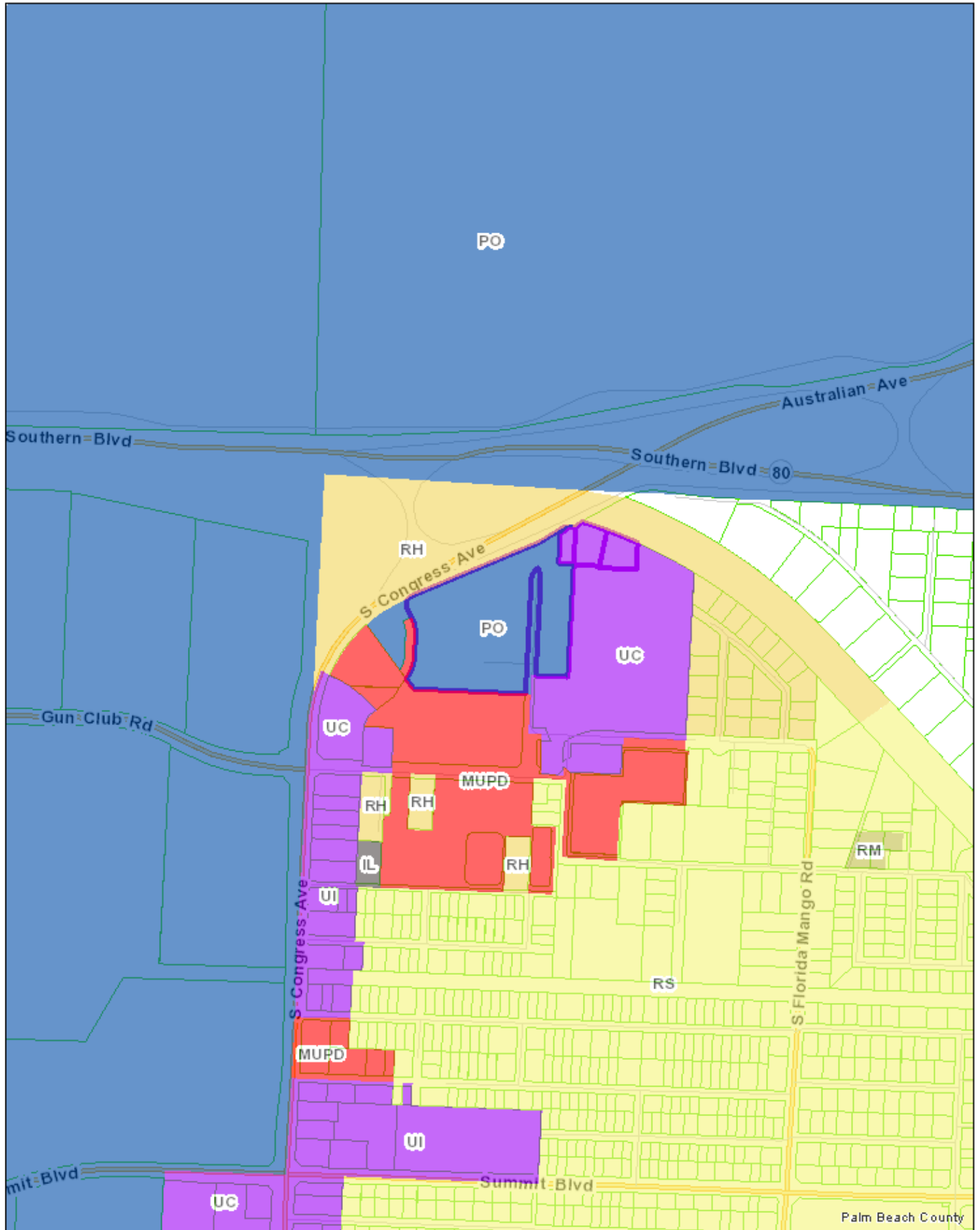


Exhibit 2 Zoning Quad





Created by: Palm Beach County

ABN/SV/ZV/CB/Z/DOA/CA-2014-00462  
 2000-00056  
 PBIA Parcel G

1:9,028  
 0 0.05 0.1 0.2 mi  
 0 0.075 0.15 0.3 mi  
 Created by: Palm Beach County  
 July 3, 2014

Exhibit 3 Aerial

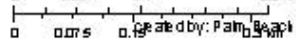


Created by: Palm Beach County

ABN/SV/ZV/CB/Z/DOA/CA-2014-00462  
 2000-00056  
 PBI A Parcel G

1:9,028



Created by: Palm Beach County  
 July 3, 2014

Exhibit 4 Palm Beach International Airport Master Plan dated February 2008

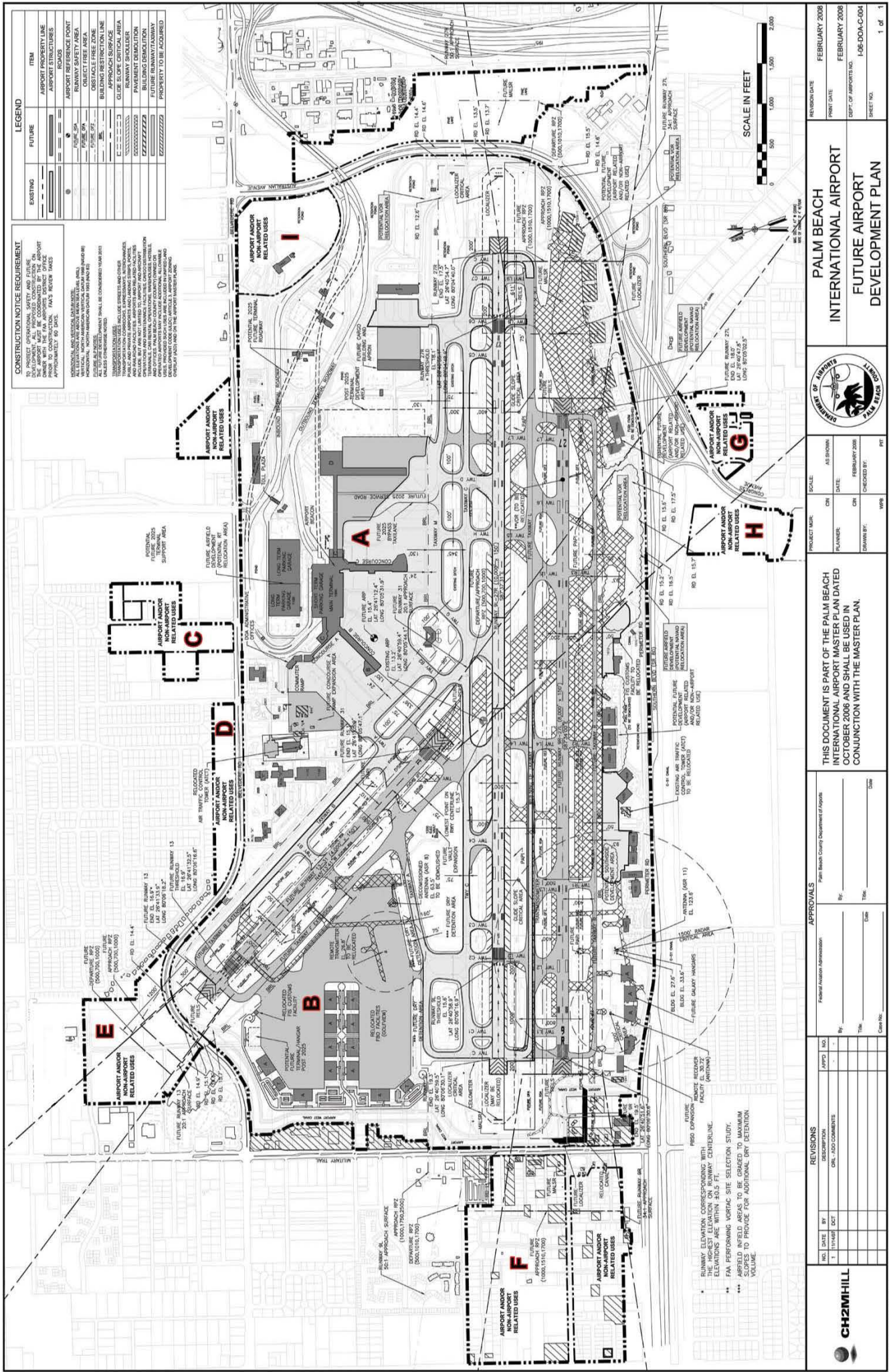


Figure 5 Preliminary Site Plan 1- Phase I dated June 12, 2014

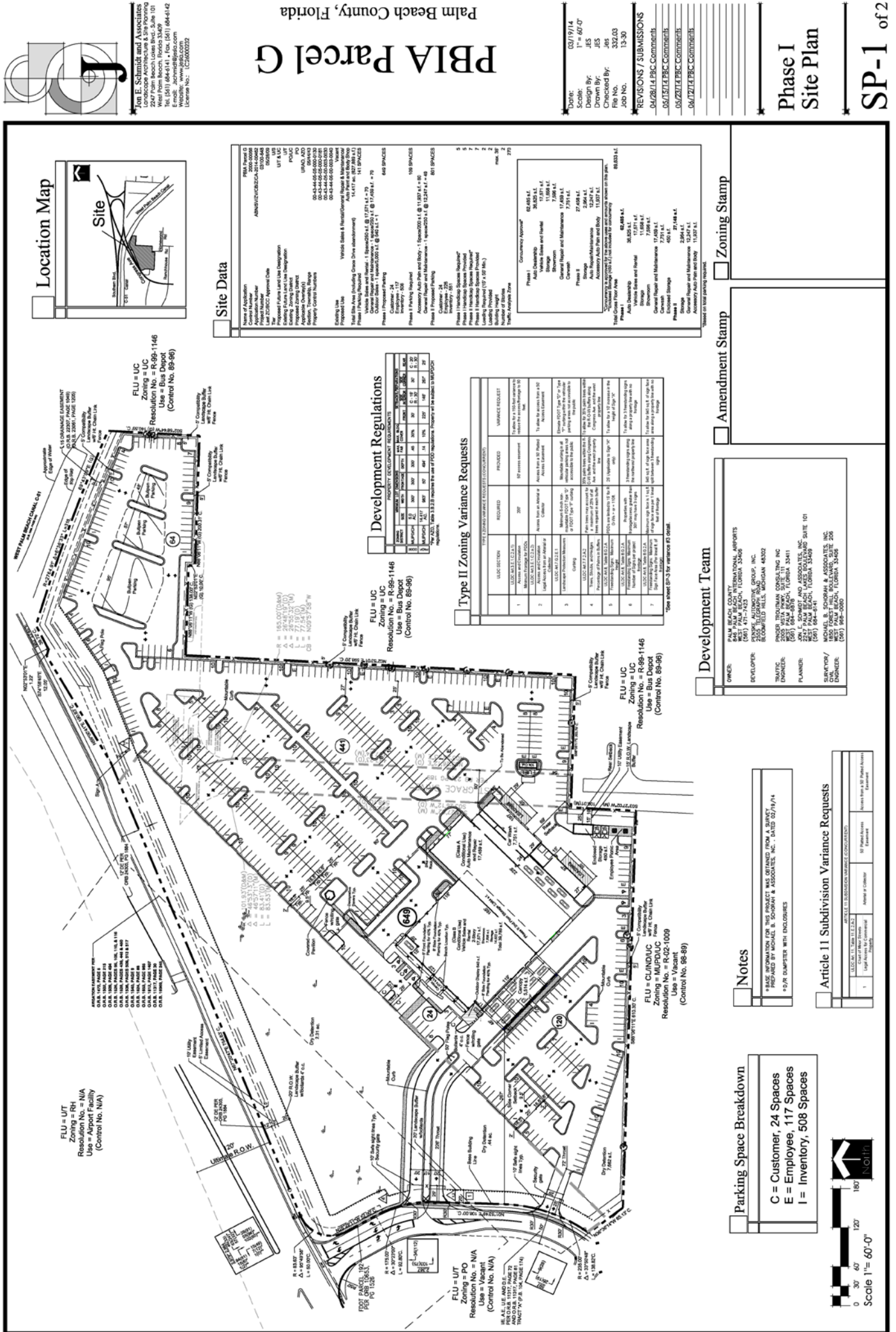
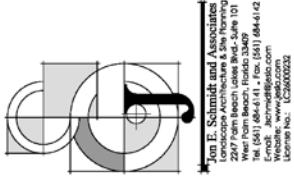




Figure 7 Preliminary Regulating Plan dated June 12, 2014



**Jim E. Schmidt and Associates, Inc.**  
 2207 Palm Beach Lakes Blvd., Suite 103  
 West Palm Beach, Florida 33409  
 Tel: (561) 884-4141 • Fax: (561) 684-6142  
 Website: www.jesai.com  
 License No.: LC26000252

# PBIA Parcel G

Palm Beach County, Florida

Date: 03/17/14  
 Scale: N.T.S.  
 Design By: JES  
 Drawn By: JES  
 Checked By: JHR  
 File No. 330.03  
 Job No. 15-50

REVISIONS / SUBMISSIONS  
 04/28/14 PRC Comments  
 05/15/14 PRC Comments  
 05/23/14 PRC Comments

## Regulating Plan

RP-1 of 1

### Compatibility Buffer (South, East)

Length Shrubs 48" o.c. 36" Ht. min.  
 Min. 12" Ht. Native Canopy  
 Trees per 25' L.F.  
 5' Compatibility Buffer  
 12" Ht. Canopy  
 Trees per 25' L.F.  
 Large Shrubs 48" o.c.  
 36" Ht. min.  
 Property Line  
 Property Boundary

**\*\* FPL CONFLICTS MUST COMPLY WITH REQUIRED GUIDELINES**

### Inventory Spaces Adjacent to Greenspace

### Parking and Striping

### Dumpster Detail

### Bike Rack Detail

### Pedestrian Walkways

1 CANOPY  
 TREE 25' L.F.  
 of Pedestrian Walkways  
 1 - 12' shade tree per 25' of pathway  
 475 S.F. 25' = 19 trees required.

### Bench Detail

One Bench Per 200' of Pedestrian Path Required  
 475/200 = 2 Bench Locations

### Landscaping

### Wall Sign Detail

**Wall Sign**  
 Front View  
 Notes:  
 • Max. Ht. 30'  
 • Max. 24" Ht. Letters  
 • Max. 1.0 s.f. per l.f. of building facade  
 • Facade Length = 123 l.f.  
 • Max. s.f. = 123 s.f.

### Sign Detail "A"

Notes:  
 • Max. Ht. 30'  
 • Max. 24" Ht. Letters  
 • Max. 1.0 s.f. per l.f. of building facade  
 • Max. Area (Per Face) = 123 s.f.  
 • 2' Foundation Paving

### Sign Detail "B & C"

Notes:  
 • Max. Ht. 30'  
 • Max. 24" Ht. Letters  
 • Max. 1.0 s.f. per l.f. of building facade  
 • Max. Area (Per Face) = 123 s.f.  
 • 2' Foundation Paving

### Mountable Curb Variance

### Amendment Stamp

### Zoning Stamp

### 20' R.O.W. Landscape Buffer (North, West)

1 Min. 12' CT Foxtail Palm, Max 35% Palms  
 Boliards 4' o.c.  
 1 Min. 12' Ht. Tree per 25' L.F.  
 Large Shrubs 48" o.c. 36" Ht. min.  
 Medium Shrubs 48" o.c. 24" Ht. min.  
 Small Shrubs 24" o.c. 18" Ht. min.  
 Ground Cover 6" o.c. 6" Ht. min.  
 Property Line  
 R.O.W. Buffer  
 20' R.O.W. Buffer

**\*THE MAXIMUM 35% PALM IS REFERENCED IN VARIANCE REQUEST #4**  
**\*\* FPL CONFLICTS MUST COMPLY WITH REQUIRED GUIDELINES**

### 20' R.O.W. Landscape Buffer (North, West)

Notes:  
 • Max. Ht. 30'  
 • Max. 24" Ht. Letters  
 • Max. 1.0 s.f. per l.f. of building facade  
 • Max. Area (Per Face) = 123 s.f.  
 • 2' Foundation Paving

### Mountable Curb Detail

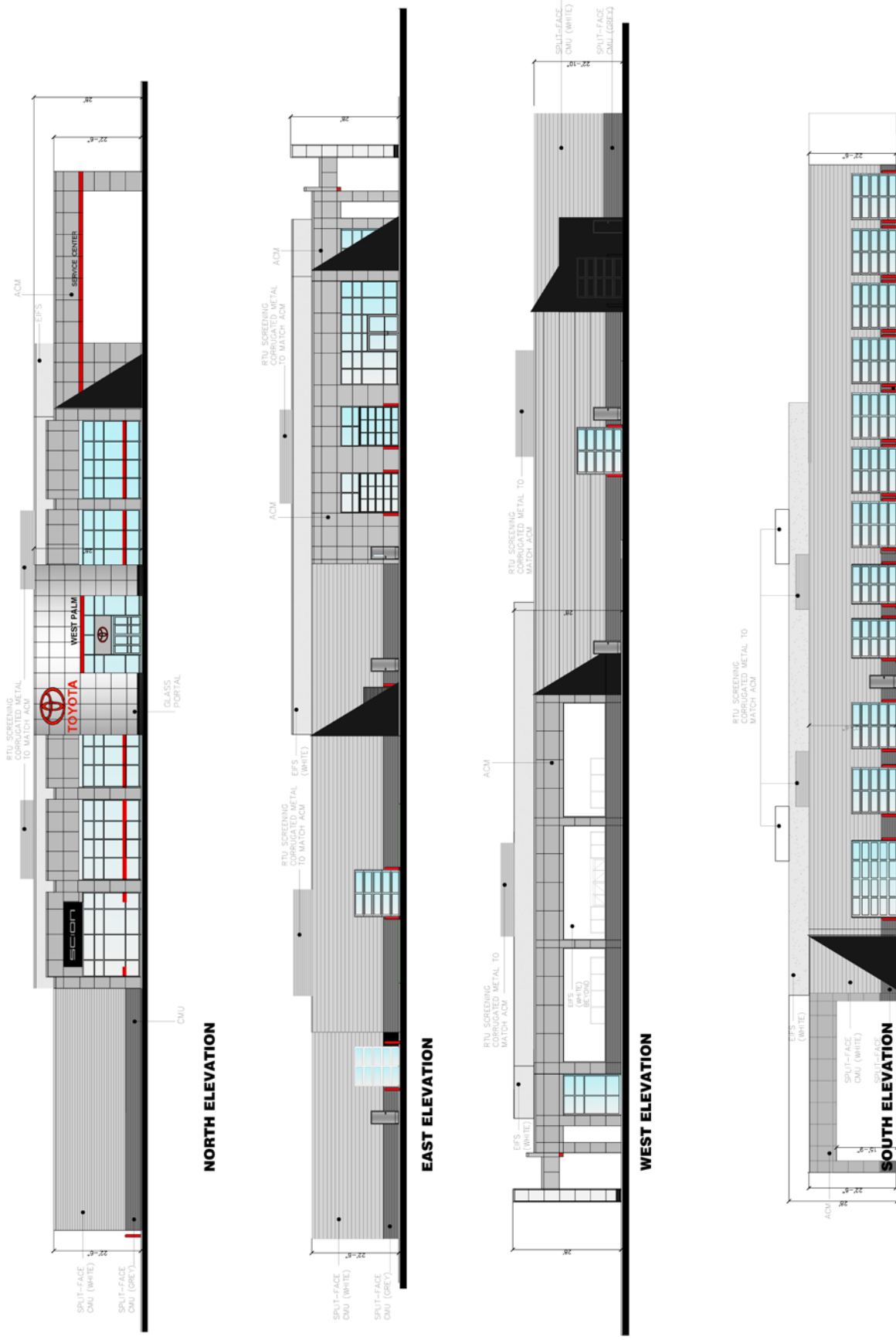
### Picnic Table Detail

Notes:  
 • Max. Ht. 30'  
 • Max. 24" Ht. Letters  
 • Max. 1.0 s.f. per l.f. of building facade  
 • Max. Area (Per Face) = 123 s.f.  
 • 2' Foundation Paving

### Gazebo Detail

### Mountable Curb Detail

Figure 8 Preliminary Elevations dated March 19, 2014



WEST PALM BEACH, FL  
9/24/2013 3:00 PM

PALM BEACH TOYOTA (AIRPORT) - ELEVATIONS

**Penske**  
Automotive

0' 16'  
DRAWING SCALE: 1/16" = 1'-0"

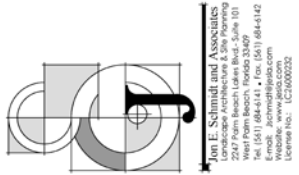
Z:\PROJECTS\Palm Beach Toyota\Revision\Design Documents\2014-0301\Types\PSM.dwg

LAST SAVED: 3/19/14 12:47 PM





Figure 10 Landscape Buffer Exhibit (adjacent to C-51 Canal) dated September 18, 2014



# Palm Beach Toyota Relocation

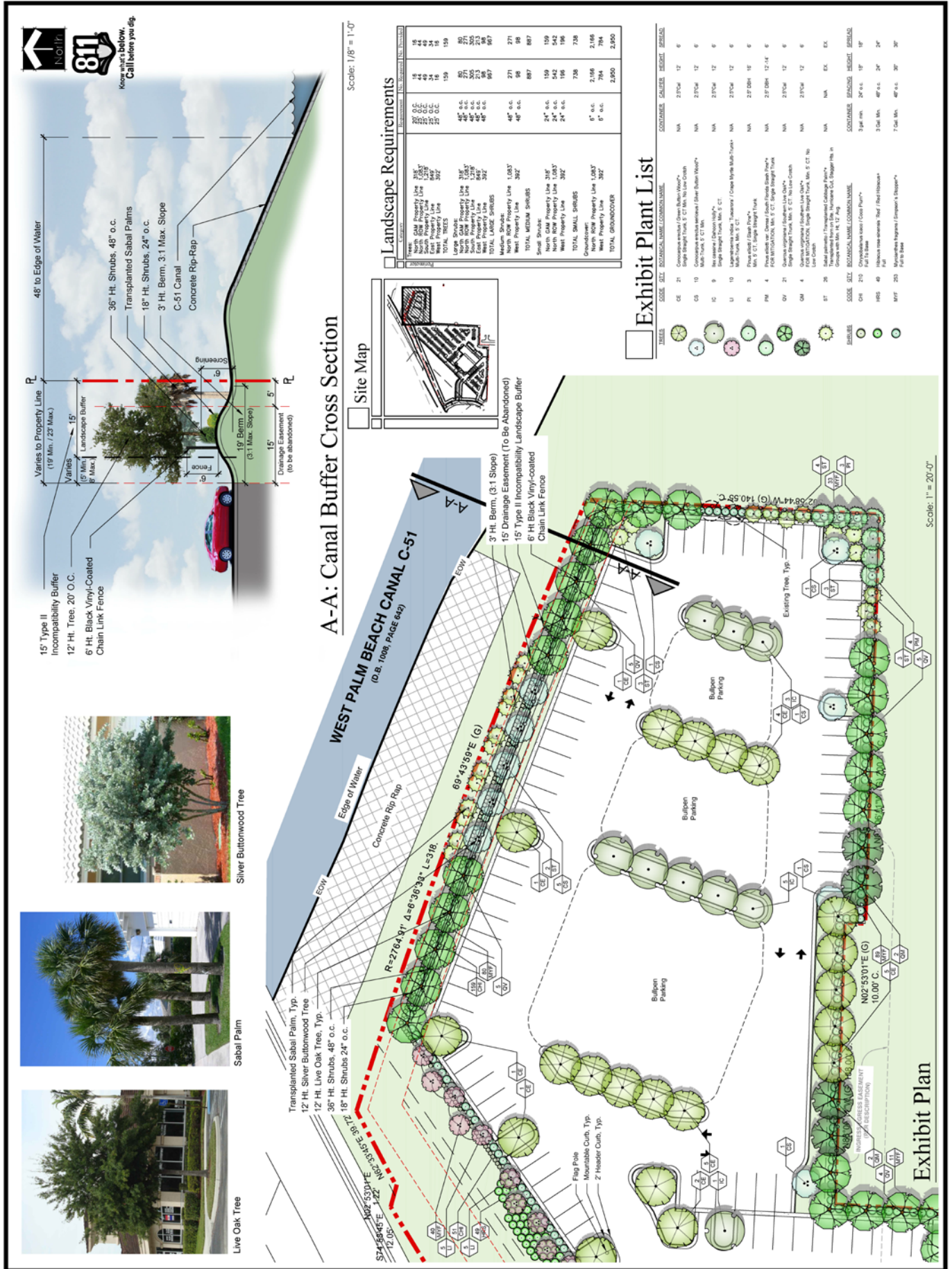
Palm Beach County, Florida

Date: 09/03/14  
 Scale: As Noted  
 Design By: MLD  
 Drawn By: BMC  
 Checked By: JMS  
 File No.: 332.03  
 Job No.: 13-30

REVISIONS / SUBMISSIONS  
 02/18/14 Buffer Revision

Landscape  
Buffer  
Exhibit

BE-1 of 1



**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

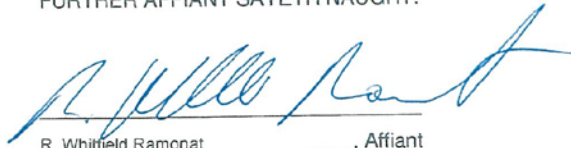
**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared R. Whitfield Ramonat, 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 [X] Chairman \_\_\_\_\_ [position—e.g., president, partner, trustee] of Palm Auto Plaza, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: \_\_\_\_\_  
2555 Telegraph Rd.  
Bloomfield Hills, MI 48302
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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
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.



R. Whitfield Ramonat, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 3rd day of March, 2014, by R. Whitfield Ramonat, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.



Notary Public

Deirdre Thomas

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 03/27/18

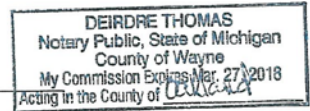


Exhibit "A"

Overall Legal Description (including abandonment of East Grace Drive)

LEGAL DESCRIPTION:

LEASE PARCEL G-2

A PARCEL OF LAND BEING ALL OF PARCEL G-2 OF THE AFFIDAVIT OF WAIVER (PLAT WAIVER) AS RECORDED IN OFFICIAL RECORD BOOK 24356, PAGE 1657 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH:

PARCEL 1

A PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 3, IN SECTION 5; RUN THENCE NORTHERLY ALONG THE LINE BETWEEN GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF LOT 18, OF MORRISON HOMES, A SUBDIVISION RECORDED IN PLAT BOOK 23, PAGE 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING 23.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 18 AND BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN EASTERLY, ANGLING 90°59'12" FROM SOUTH TO EAST, ON THE EASTERLY EXTENSION OF A LINE AT A LINE 23.11 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF LOT 18 A DISTANCE OF 138.00 FEET; THENCE RUN NORTHEASTERLY ANGLING 100°47'31" FROM WEST TO NORTHEAST, A DISTANCE 194.05 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE WEST PALM BEACH CANAL, WHICH R/W LINE IS A CURVE, CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 2764.91 FEET; THENCE RUN WESTERLY ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°40'22" A DISTANCE OF 177.24 FEET TO THE INTERSECTION OF THE WEST LINE OF GOVERNMENT LOT 3 AFORESAID; THENCE RUN SOUTHERLY ON SAID GOVERNMENT LOT LINE A DISTANCE OF 239.97 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2

A PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 3, IN SAID SECTION 5; RUN THENCE NORTHERLY ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF LOT 18, OF THE NORTH SECTION OF MORRISON HOMES, A SUBDIVISION IN GOVERNMENT LOT 4, OF SAID SECTION 5, RECORDED IN PLAT BOOK 23, PAGE 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING 23.11 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 18; THENCE RUN EASTERLY ON A LINE PARALLEL TO AND 23.11 FEET NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 18, ANGLING 90°59'12" FROM SOUTH TO EAST; A DISTANCE OF 138.00 FEET TO A POINT WHICH IS THE SOUTHEAST CORNER OF LAND DEEDED TO RAY BEVINS, AND ESTABLISHED BY SURVEY MADE BY JOHN P. DAVIS & ASSOCIATES, INC., DATED DEC. 4, 1970, THIS SAID POINT BEING ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN SOUTHERLY, PARALLEL TO SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 10.00 FEET; THENCE RUN EASTERLY ON A LINE PARALLEL TO AND 13.11 FEET NORTH OF THE AFORESAID EASTERLY EXTENSION TO THE SOUTH LINE OF LOT 18, MORRISON HOMES, A DISTANCE OF 200.31 FEET; THENCE, RUN NORTHERLY ANGLING 91°04'55" FROM WEST TO NORTH, A DISTANCE OF 140.55 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SAID WEST PALM BEACH CANAL RIGHT-OF-WAY LINE BEING A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 2764.91 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVING RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°40'04", A DISTANCE OF 177.00 FEET TO THE NORTHEAST CORNER OF THE AFORESAID RAY BEVINS PROPERTY, THENCE RUN SOUTH-SOUTHWESTERLY ON THE EASTERLY LINE OF SAID BEVINS PROPERTY A DISTANCE OF 194.05 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT IN COMMON FOR PERPETUAL INGRESS AND EGRESS OVER AND UPON A STRIP OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 18, OF SAID NORTH SECTION OF MORRISON HOMES WITH THE EASTERLY RIGHT-OF-WAY LINE OF GRACE DRIVE, A ROAD IN SAID SUBDIVISION; RUN THENCE

EASTERLY ALONG SAID SOUTH LINE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 341.20 FEET TO THE BEGINNING OF A CURVE (P.C.), CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 13.11 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°59'12", A DISTANCE OF 20.82 FEET TO A POINT ON THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL OF LAND; THENCE RUN WESTERLY ON SAID SOUTHERLY LINE A DISTANCE OF 43.11 FEET TO THE SOUTHWEST CORNER OF SAID ABOVE DESCRIBED PARCEL; THENCE RUN NORTHERLY ANGLING 89°00'48", FROM EAST TO NORTH, A DISTANCE OF 10.00 FEET; THENCE RUN WESTERLY ON A LINE PARALLEL TO AND 23.11 FEET NORTH OF SAID EASTERLY EXTENSION OF SAID SOUTH LINE OF LOT 18, A DISTANCE OF 324.91 FEET TO SAID EASTERLY RIGHT-WAY LINE OF GRACE DRIVE.

AND

PARCEL 3

A PARCEL OF LAND IN GOVERNMENT LOT 4, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING A PORTION OF LOT 18, OF MORRISON HOMES, A SUBDIVISION RECORDED IN PLAT BOOK 23, PAGE 189, PALM BEACH COUNTY PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 4, IN SECTION 5; RUN THENCE NORTHERLY ALONG THE LINE BETWEEN GOVERNMENT LOTS 3 AND 4 A DISTANCE OF 911.24 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, MORRISON HOMES, WHICH POINT IS 23.11 FEET NORTH OF THE SAID SOUTHEAST CORNER THEREOF, AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTHERLY ON THE SAME COURSE A DISTANCE OF 201.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 18; THENCE RUN WESTERLY ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 18.73 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE RUN SOUTHWESTERLY ALONG THE NORTHWEST LINE OF SAID LOT 18, A DISTANCE OF 51.06 FEET; THENCE RUN SOUTHERLY, DEFLECTING 40°15'30" TOWARD THE EAST, A DISTANCE OF 165.92 FEET TO A POINT IN A LINE PARALLEL TO AND 23.11 FEET NORTH OF THE SOUTH LINE OF SAID LOT 18; THENCE RUN EASTERLY ON SAID PARALLEL LINE A DISTANCE OF 62.94 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT IN COMMON FOR INGRESS AND EGRESS OVER THE SOUTHERLY 23.11 FEET OF SAID LOT 18, MORRISON HOMES.

LESS AND EXCEPT:

PARCEL NO. 103

THAT PARCEL OF LAND IN GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5, THENCE SOUTH 87°54'31" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5, A DISTANCE OF 1356.14 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID WEST LINE BEING THE SAME AS THE NORTHERLY PROJECTION OF THE EAST LINE OF MORRISON HOMES, AS RECORDED IN PLAT BOOK 23, PAGE 189 AND 190, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 02°53'36" WEST ALONG SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 183.17 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE C-51 WEST PALM BEACH CANAL SAID POINT BEING THE NORTHEAST CORNER OF SAID MORRISON HOMES PLAT AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°53'36" WEST ALONG SAID WEST LINE OF GOVERNMENT LOT 3, A DISTANCE OF 28.42 FEET; THENCE NORTH 62°30'53" EAST, A DISTANCE OF 39.77 FEET TO A NON-TANGENT POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID C-51 WEST PALM BEACH CANAL, THROUGH WHICH A RADIAL LINE BEARS SOUTH 16°52'05" WEST; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A CHORD BEARING OF NORTH 73°29'52" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 2764.91 FEET, THROUGH A CENTRAL ANGLE OF 00°43'53", AN ARC DISTANCE OF 35.30 FEET TO THE END OF SAID CURVE AND TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 13.787 ACRES OR 600,547 SQUARE FEET MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED PORTION OF EAST GRACE DRIVE TO BE ABANDONED:

A PARCEL OF LAND BEING A PORTION OF EAST GRACE DRIVE AS SHOWN ON THE PLAT OF MORRISON HOMES, NORTH SECTION, RECORDED IN PLAT BOOK 23, PAGE 189 AND 190, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 28A AS SHOWN ON SAID PLAT OF MORRISON HOMES, NORTH SECTION; THENCE NORTH 02°53'01" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID EAST GRACE DRIVE, A DISTANCE OF 497.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 165.00 FEET AND A CENTRAL ANGLE OF 26°48'23"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 77.20 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 40°13'42" EAST), HAVING A RADIUS OF 101.93 FEET AND A CENTRAL ANGLE OF 46°53'17"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE BEING THE SOUTHEAST LIMIT OF NORTH GRACE DRIVE RIGHT-OF-WAY AS ABANDONED PER OFFICIAL RECORD BOOK 10959, PAGE 1706, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 83.41 FEET TO A POINT OF TANGENCY, SAID POINT BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID EAST GRACE DRIVE; THENCE SOUTH 02°53'01" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF EAST GRACE DRIVE, A DISTANCE OF 498.09 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 28A; THENCE SOUTH 88°06'11" EAST ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF LOT 28A, A DISTANCE OF 50.01 FEET TO THE THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 27,432 SQUARE FEET OR 0.630 ACRES MORE OR LESS.

TOTAL COMBINED LAND AREA = 14.417 ACRES MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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
Palm Auto Plaza, LLC is 100% owned by Penske Automotive Group, Inc., 2555 Telegraph Rd., Bloomfield Hills, MI 48302	
See attached Exhibit "C" for all entities and individuals holding a 5% or greater interest in Penske Automotive Group, Inc.	



Exhibit C

**SECURITY OWNERSHIP OF CERTAIN  
BENEFICIAL OWNERS AND MANAGEMENT**

The following table sets forth information with respect to the beneficial ownership of our common stock as of March 12, 2013 by (1) each person known to us to own more than five percent of our common stock, (2) each of our directors, (3) each of our named executive officers and (4) all of our directors and executive officers as a group.

“Beneficial ownership” is determined in accordance with the rules of the SEC and includes voting and investment power with respect to shares, including shares of restricted but unvested stock. The percentage of ownership is based on 90,302,508 shares of our common stock outstanding on March 12, 2013. Unless otherwise indicated in a footnote, each person identified in the table below has sole voting and dispositive power with respect to the common stock beneficially owned by that person and none of the shares are pledged as security.

Name of Beneficial Owner	Economic Ownership(1)	Beneficial Ownership(2)	Percent
<b>Principal Stockholders</b>			
Penske Corporation(3) . . . . .	30,763,812	30,763,812	34.1%
2555 Telegraph Road, Bloomfield Hills, MI 48302-0954			
Mitsui(4) . . . . .	15,559,217	15,559,217	17.2%
2-1, Ohtemachi 1-chome, Chiyoda-ku, Tokyo, Japan			
Fidelity Management and Research Company(5) . . . . .	6,951,956	6,951,956	7.7%
82 Devonshire St., Boston Massachusetts 02109			
<b>Current Directors and Nominees</b>			
John D. Barr . . . . .	37,819	17,000	*
Michael R. Eisenson . . . . .	71,444	71,444	*
Robert H. Kurnick, Jr.(6) . . . . .	85,036	85,036	*
William J. Lovejoy . . . . .	60,311	16,000	*
Kimberly J. McWaters . . . . .	31,207	22,924	*
Yoshimi Namba . . . . .	0	0	*
Lucio A. Noto . . . . .	68,598	44,674	*
Roger S. Penske(7) . . . . .	32,008,046	32,008,046	35.4%
Richard J. Peters(8) . . . . .	62,760	62,760	*
Sandra A. Pierce . . . . .	0	0	*
Ronald G. Steinhart . . . . .	44,500	44,500	*
H. Brian Thompson . . . . .	66,652	66,652	*
<b>Officers Who Are Not Directors</b>			
David K. Jones(9) . . . . .	33,375	33,375	*
Calvin C. Sharp(10) . . . . .	30,842	30,842	*
Shanè M. Spradlin(11) . . . . .	47,861	47,861	
All directors and named executive officers as a group (15 persons)(12) . . . . .	32,597,691	32,500,354	36.0%

\* Less than 1%

- (1) Economic Ownership is defined as "Beneficial Ownership" (see footnote 2), plus the amount of deferred stock units held by certain non-employee directors in connection with their director compensation.
- (2) Pursuant to the regulations of the SEC, shares are deemed to be "beneficially owned" by a person if such person has the right to acquire such shares within 60 days or directly or indirectly has or shares the power to vote or dispose of such shares.
- (3) Penske Corporation is the beneficial owner of 30,426,594 shares of common stock, of which it has shared power to vote and dispose together with a wholly owned subsidiary. Penske Corporation also has shared voting power over 337,218 shares under voting agreements. All of the shares deemed owned by Penske Corporation are pledged under a loan facility. Penske Corporation also has the right to vote the shares owned by the Mitsui entities (see note 4) under certain circumstances discussed under "Certain Relationships and Related Party Transactions." If these shares were deemed to be beneficially owned by Penske Corporation, its beneficial ownership would be 46,323,029 shares or 51.3%.
- (4) Represents 3,111,444 shares held by Mitsui & Co., (U.S.A.), Inc. and 12,447,773 shares held by Mitsui & Co., Ltd.
- (5) As reported on Schedule 13G as of 12/31/12 and filed with the SEC on February 14, 2013.
- (6) Includes 76,753 shares of restricted stock.
- (7) Includes the 30,763,812 shares deemed to be beneficially owned by Penske Corporation, as to all of which shares Mr. Penske may be deemed to have shared voting and dispositive power. Mr. Penske is the Chairman and Chief Executive Officer of Penske Corporation. Mr. Penske disclaims beneficial ownership of the shares beneficially owned by Penske Corporation, except to the extent of his pecuniary interest therein. Penske Corporation also has the right to vote the shares owned by the Mitsui entities (see note 4) under certain circumstances discussed under "Certain Relationships and Related Party Transactions." If these shares were deemed to be beneficially owned by Mr. Penske, his beneficial ownership would be 47,567,263 shares or 52.7%. These figures include 505,319 shares of restricted stock.
- (8) Mr. Peters has shared voting power with respect to 50,000 of these shares.
- (9) Includes 32,050 shares of restricted stock
- (10) Includes 16,729 shares of restricted stock.
- (11) Includes 30,009 shares of restricted stock.
- (12) Includes 660,860 shares of restricted stock.

#### RELATED PARTY TRANSACTIONS

Our Board of Directors has adopted a written policy with respect to the approval of related party transactions. Under the policy, related party transactions valued over \$5,000 must be approved by a majority of either the members of our Audit Committee or our disinterested Board members. Our Audit Committee approves all individual related party transactions valued below \$1 million, all multiple-payment transactions valued below \$5 million (such as a lease), and any transaction substantially similar to a prior year's transaction (regardless of amount). Our Board, by a vote of the disinterested directors, reviews and approves all other related party transactions. At each regularly scheduled meeting, our Audit Committee reviews any proposed new related party transactions for approval and reviews the status of previously approved transactions. Each of the transactions noted below was approved by our Board of Directors or Audit Committee pursuant to this policy.

**Exhibit E Applicants Justification Statement**

PBIA Parcel G  
 Original Submittal: March 19, 2014, Resubmittal May 15, 2014  
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Protection Zone (RPZ) was placed over the western portion of the property. The RPZ limits development within these boundaries to avoid interference with the runway approach. The RPZ has been identified on the proposed site plan and development has been limited to the proposed Phase I design with the exception of the right-of-way buffer. In the event that the RPZ is shifted beyond the property boundaries a phase II plan has been provided to develop the west portion of the site. A portion of the subject property was once part of the CHS MUPD adjacent to the south until the PBIA rezoned the property to the PO district via Resolution R-2001-002.

The PBIA released an RFP to solicit proposals for the long term lease and build out of the subject property. The applicant was the winning proposer and has since entered into a lease agreement with PBIA. The northeast portion of the site (comprised of three parcels and subject to a concurrent FLUA) was previously rezoned to Light Industrial along with a Conditional Overlay Zone approval for heavy vehicle sales and rental through Resolution R-2008-1379. These parcels were later subject to a blanket rezoning by the County on August 26, 2010 via Resolution R-2010-1344 to rezone the properties to the Urban Center district. When the properties were rezoned to the UC district, the previous Conditional Overlay Zone became null and void.

The subject site has also undergone a formal Pre-Application review by Palm Beach County Zoning under Application 2013-03122. A copy of the Pre-Application DRO response letter is included with the package.

**Request 1: Article 11 Subdivision Variance Request**

Article 11 of the ULDC requires commercial properties to access via an arterial or collector roadway. The proposed project gains access from a 50' access easement granted by the adjacent CHS MUPD. This access easement is aligned with the curb cut along Congress Ave. The site will not be granted an additional curb cut from Congress Ave due to the proximity to the Southern/Congress interchange and the RPZ. This access easement was granted specifically to support the subject property and assist in trip capture and cross access.

SUBDIVISION VARIANCE REQUEST				
	ULDC SECTION	REQUIRED	PROVIDED	VARIANCE REQUEST
1	ULDC Art. 11, Table 11.E.2.A-2	Arterial or Collector	50' Platted Access Easement	Access from a 50' Platted Access Easement
	Chart of Minor Streets Legal Access for Commercial Property			

SUBDIVISION VARIANCE SEVEN (7) STANDARDS
<p>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:</p> <p>RESPONSE: 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 district. Furthermore, the subject property currently does not have access from an arterial or collector roadway since the adjacent MUPD has been required to provide a 50' access easement in the form of a spine road which serves the subject property in addition to the CHS MUPD. This access easement was put in place to accommodate the future development on the subject property. An additional curb cut will not be supported by FDOT due to the proximity to the Southern Boulevard on-ramp in relation to the current entrance. In addition, FAA would not likely</p>

support an additional access drive within the RPZ since access is already provided along the 50' access easement.

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

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the applicant. Furthermore, special conditions and circumstances exist that are not the result of actions by the applicant. The subject property currently does not have access from an arterial or collector roadway since the adjacent MUPD has been required to provide a 50' access easement in the form of a spine road which serves the subject property in addition to the CHS MUPD. An additional curb cut will not be supported by FDOT due to the proximity to the Southern Boulevard on-ramp and the existence of the current entrance. In addition, FAA would not likely support an additional access drive within the RPZ since access is already provided along the 50' access easement. These circumstances are in place as a result of the FAA RPZ zone regulations. Typically a parcel with over 900 feet of frontage would have access from this frontage, however, the various constraints from the state (FDOT) and federal (FAA) level prohibit development of an additional access point.

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:

RESPONSE: Granting the variance will not confer and special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district. Furthermore, the requested variance is specific to the existing circumstances surrounding the subject property regarding the FAA's RPZ (building restrictions and setback from Congress Ave.), proximity to the Southern Boulevard/Congress Avenue interchange, and existing 50' access easement. These factors have resulted in special conditions that are site specific and would not confer any special privilege upon the applicant. Typically a parcel with over 900 feet of frontage would have access from this frontage, however, the various constraints from the state (FDOT) and federal (FAA) level prohibit development of an additional access point.

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:

RESPONSE: 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. Furthermore, the County has already identified access to the subject parcel via a 50' access easement that will utilize the existing entry shared by the CHS MUPD. The literal interpretation of the ULDC would render the site undevelopable for access and frontage code provisions. If a standard zoning district were applied to the subject site it would not be able to provide the Code required frontage. The purpose of the access easement is specifically to serve the subject site since additional curb cuts along Congress Avenue will not be supported. The applicant is proposing a reasonable use of the property and the proposed development exceeds the property development regulations.

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

STRUCTURE:
<p>RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property as a vehicle sales and rental facility including general repair and maintenance. Furthermore, the request represents the minimum variance required to make reasonable use of the property in terms of legal access to the site. The subject property maintains in excess of 900 feet of frontage along Congress Avenue, however, the access is gained through a 50' access easement.</p>
<p>6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:</p> <p>RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC. Furthermore, the variances requested are consistent with the Comprehensive Plan and the ULDC in that the MUPD adjacent to the south of the subject property was required to grant a 50' access easement which would provide legal access to the properties surrounding the easement. The intent of the Comprehensive Plan is to encourage trip capture and reduce curb cuts on major arterial and collector roadways. Congress Avenue will not be permitted to include a curb cut along the frontage of the property due to FAA regulations within the RPZ as well as the proximity of the site to the interchange. The ULDC and Comprehensive Plan promote cross access to adjacent properties. This cross access is accomplished via the 50' access easement which is located within the spine road bisecting the CHS MUPD.</p>
<p>7. THE GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:</p> <p>RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare. Furthermore, use of the existing access will not pose any impact due to the fact that the access point will not change and vehicles are currently utilizing this very same access point without injury. The project's traffic impacts will be evaluated to ensure consistency with County/State TPS performance standards.</p>

**Request 2: Type II Concurrent Zoning Variances**

The applicant (Penske Automotive Group) respectfully requests consideration of seven (7) Type II Concurrent Zoning Variances. These variances include the reduction of frontage and access from an arterial or collector in addition to a subdivision variance for access, increasing the freestanding sign height, substituting curbing within the site, increase in palms utilized in the right-of-way buffers, and to allow freestanding signs along the northwest property line.

TYPE II ZONING VARIANCE REQUESTS				
	ULDC SECTION	REQUIRED	PROVIDED	VARIANCE REQUEST
1	ULDC Art.3.E.1.C.2.a.1) Access and Circulation Minimum Frontage for PDDs	200'	50' access easement	To allow for a 150-foot variance to reduce the access/frontage to 50 feet.
2	ULDC Art.3.E.1.C.2.a.2)	Access from an	Access from a 50'	To allow for access

	Access and Circulation Legal Access from an Arterial or Collector	Arterial or Collector	Platted Access Easement	from a 50' Access Easement
3	ULDC Art.7.G.2.E.1	Minimum 6-inch non-mountable FDOT Type "D" or FDOT Type "F" curbing	Mountable curbing in all vehicular parking areas not accessible to the public	Eliminate Type "D" and Type "F" curbing from all vehicular parking areas not accessible to the public
	Landscape Protection Measures Curbing			
4	ULDC Art.7.F.2.A.2	Palm trees may account for a maximum of 25% of all trees required in each buffer	35% palm trees within the R-O-W buffers along Congress Ave. and the west property line	To allow for 35% palm trees within the R-O-W buffers along Congress Ave. and the west property line
	Trees, Shrubs, and Hedges Percentage of Palms in Buffers			
5	ULDC Art.8, Table 8.G.2.A	PDDs are limited to 15' for R-O-Ws > or = 110ft.	25' (Applicable to Sign "A" only)	To allow for a 10' increase in the height of Sign "A" freestanding sign
	Freestanding Signs: Maximum Height			
6	ULDC Art. 8, Table 8.G.2.A	Properties with frontage/access greater than 301' may have 3 signs	3 freestanding signs along the northwest property line	To allow for 3 freestanding signs along a property line with no frontage
	Freestanding Signs: Maximum Number of Signs per project frontage			
7	ULDC Art. 8, Table 8.G.2.A	Maximum sign face is 1 sq.ft. of sign face area per 1 lineal feet of frontage	945 sq.ft. of sign face area split between 3 freestanding signs	To allow for 945 sq.ft. of sign face area along a property line with no frontage
	Freestanding Signs: Maximum Sign Face Area (Per lineal ft. of frontage)			

Per Unified Land Development Code (ULDC) Art.2.B.3.E, Standards, applications for Type II Variances must take the following standards into consideration:

VIII. VARIANCE INFORMATION:

Per ULDC Article 2.B.3, requires a statement of special reason or the basis for the variance required. Article 2.A.3.E states that in order to authorize a variance, the Zoning Commission shall and must find that the conditions enumerated have been met. The Seven Standards below are one of factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

General Statement of Variance.

- V1:** Minimum Frontage for PDDs – The subject property is located just south of the Congress Ave. and Southern Boulevard interchange. The property maintains in excess of 900 feet of property frontage along Congress Ave, however, access is gained through an access easement which serves the subject property and the CHS MUPD. The site was previously part of the CHS MUPD in which the MUPD has been provided access from Congress Ave. via a 50-foot access easement. The property was later removed from the MUPD and rezoned to Public Ownership (PO) at the time it was purchased by PBIA. Since the subject property is no longer part of the MUPD and will not be granted a separate curb cut along Congress Avenue the site is without access other than the 50-foot Access Easement which was required as part of the MUPD approval. The ULDC requires 200 feet of frontage/access and the applicant is requesting a 150-foot variance to allow commercial development on the site. This site lies within the PO zoning district and pursuant to ULDC Article 3, Table 3.B.2.B, the proposed uses on the site would be subject to the General Commercial Property Development Regulations (PDRs), which only requires 50' of frontage. The property will be utilized by one business and should not be considered an MUPD, however, the proposed square footage exceeds the 50,000 s.f. threshold requiring review as a PDD.
- V2:** Access from an Arterial or Collector – This variance request is related to V1 in that the subject site has in excess of 900 feet of frontage along Congress Avenue, however, the site will not be permitted to create an additional curb cut for stand-alone access rather the adjacent MUPD has granted a 50-foot access easement which provides access to the MUPD pods as well as the subject property.
- V3:** Landscape Protection Measures – The applicant is requesting to include FDOT Type “E” mountable curbing throughout the vehicular parking on the site. The entrance drives will utilize the FDOT Type “D” non-mountable curbing. This request is required due to the number of vehicles moving about the site. The mountable curbing will protect new, used, serviced vehicles from damage when on-site.
- V4:** Percentage of Palms in Buffers – The subject property is encumbered by a Runway Protection Zone (RPZ) in which development is limited to dry retention and open space, all structures and parking are prohibited within this area. The RPZ extends into the subject site and requires the development to be built along the perimeter of the RPZ and set back from Congress Ave. a distance in excess of 300 feet. The proposed use on the site is vehicle sales and rental which requires site visibility in order to adequately run the business. The applicant would request additional palms in lieu of canopy trees to preserve this site visibility. The applicant proposes 14' grey wood Foxtail Palms to be installed for 35% of the required trees within the ROW buffer along Congress Avenue and the west property line where the project gains access. These palms are more than double the required height of 6' grey wood as required by code. Additionally, the palm theme mimics the palms along the Trump property and sets up a dramatic entrance to the corridor.
- V5:** Freestanding Sign Height – The purpose of this request relates back to V3, in regards to the RPZ area which prohibits signage. Phase I development is limited to one freestanding sign along the Congress Avenue frontage. The request is to increase the sign height to 25' for Sign “A” proposed within Phase I. The proposed signs in Phase II will both meet current ULDC requirements.
- V6:** Maximum Number of Freestanding Signs – This request relates to the three proposed freestanding signs along Australian Avenue. The subject property has in excess of 900 feet of property line abutting Australian Avenue, however, the property does not have access directly on Australian. That said, the ULDC defines frontage as having access from the same property line. Due to the RPZ and the location of the property in relation to the Southern Boulevard interchange FDOT will not grant an access point directly on Australian Ave.
- V7:** Maximum Sign Face Area - V6 and V7 for the fact that the property does not have frontage

along the northwest property line which abuts Australian Ave. The property has in excess of 900 feet of adjacency with Australian Avenue and this is the area in which the proposed signs would be constructed along with the ULDC permitted 945 sq.ft. of sign face area.

TYPE II VARIANCE SEVEN (7) 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:

RESPONSE: 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 district.

Furthermore,

**V1:** A portion of the subject property was previously a part of the CHS MUPD adjacent to the south which gains its access and maintains adequate frontage along Congress Avenue. At the time the property was removed from the MUPD and rezoned to PO, the subject property was still given the right to access the 50' access easement. The ULDC requires 200' of frontage along a roadway in which the property gains its access. This property has in excess of 900 feet of frontage, however, due to the property's proximity to the Southern Boulevard/Congress Ave. interchange an additional access point will not be granted. This portion of the property along the frontage also lies within the Runway Protection Zone (RPZ). The RPZ is regulated by the FAA and very limited development may occur within this area.

**V2:** The subject property currently does not have access from an arterial or collector roadway since the adjacent MUPD has been required to provide a 50' access easement in the form of a spine road which serves the subject property in addition to the CHS MUPD. An additional curb cut will likely not be supported by FDOT due to the proximity to the Southern Boulevard on-ramp and the existence of the current entrance. In addition, FAA would not likely support an additional access drive within the RPZ since access is already provided along the 50' access easement.

**V3:** Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district such as the intended use of the site and the nature of the business operations. The subject site will be utilized as a vehicle sales and rental facility along with repair and maintenance. The majority of the site is reserved for inventory and service parking. In order to protect the integrity of the vehicles and to avoid damage a modified curb is required. The proposed use is different from others within the same district in that customers are restricted from driving through a majority of the site so the probability of harm caused to the landscaping is greatly reduced since the site will primarily be drivable by employees only.

**V4:** Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district such as the distance in which the proposed use must be setback from the frontage due to special conditions stemming from FAA Runway Protection Zone (RPZ) restrictions. The RPZ prohibits structural development within its boundaries. Parking lots and signage are included in this prohibition. That said, the nearest structure is setback over 300 feet from the Right-of-Way buffer creating a visibility concern for the proposed use. Other similar properties with commercial development opportunity do not have the RPZ restrictions which inhibit clear view of the use near the right-of-way. The Trump International Golf Club has installed a similar landscape scheme along the Congress Avenue right-of-way and this proposal would be in keeping with the adjacent/nearby properties.

**V5:** Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district such as the distance in which the



proposed use must be setback from the frontage due to special conditions stemming from FAA Runway Protection Zone (RPZ) restrictions. The RPZ prohibits structural development within its boundaries. Parking lots and signage are included in this prohibition. That said, the site is limited to one sign at the northernmost corner of the property due to the RPZ. In addition, the location of the proposed sign is also adjacent to the interchange at Congress and Southern which includes an elevation change in which a code prescribed sign would be overlooked from the roadway. The applicant feels these special conditions require a variance to increase the sign height by 10' to improve sign visibility as this will be the only freestanding sign within phase I of the development. Phase II would allow for two additional signs, however, Phase II will only be developed if the RPZ is shifted to the northwest and outside of the subject property boundaries.

**V6/V7:** Special conditions and circumstances exist that are peculiar to the subject parcel of land that are not applicable to other parcels of land in the same district such as the distance in which the proposed use must be setback from the frontage due to special conditions stemming from FAA Runway Protection Zone (RPZ) restrictions and the proximity of the property to the Southern Boulevard Interchange. The portion of Australian Avenue which abuts the property is under FDOT jurisdiction and a new access point on Australian Ave. will not be granted. IN addition, a new access point is restricted due to the presence of the RPZ which limits construction within its boundaries. That said the site does not have access on the property line adjacent to Australian Ave., however, this property line would be the equivalent of a standard frontage for a property of this size and configuration. The applicant is not asking for an increase in sign area or the number of signs that would be above and beyond ULDC prescribed regulations.

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

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

**V1/V2:** The RPZ is regulated by the FAA and the property owner and applicant do not have the authority to dictate where this RPZ is located nor the authority to dictate the build-out of this portion of the property. The access to the site has already been determined through previous approvals when the property was part of the CHS MUPD. The County required a spine road that would support the subject property as well as the CHS properties. Access can no longer be gained from Congress Avenue due to the proximity to the Southern Boulevard and Congress Avenue interchange and the development restrictions within the RPZ.

**V3:** The site will be utilized for vehicle sales and rental and repair and maintenance. The ULDC provides for two types of curbing, both of which can have detrimental effects on vehicles in terms of causing damage. The purpose of the variance is to avoid damaging customer vehicles while within the vehicular parking areas. Customers are not permitted to drive throughout the majority of site, thus avoiding the concern of damage to landscaping.

**V4:** Special conditions and circumstances that are peculiar to the subject parcel of land that are not a result of the actions of the applicant relate to the distance in which the proposed use must be setback from the frontage due to special conditions stemming from FAA Runway Protection Zone (RPZ) restrictions. The ULDC allows for a maximum of 25% of the trees within the right-of-way buffers to be palms. Due to the required setback per FAA regulations the variance request to allow 35% palms only within the right-of-way buffers allows for a more unobstructed view of the inventory which is setback more than 300 feet from the right-of-way.

**V5:** The RPZ prohibits structural development within its boundaries including but not limited to parking areas, buildings, and freestanding signage. That said, the site limited to one sign at the northernmost corner due to the RPZ. In addition, the roadway is elevated at the Southern Boulevard and Congress Interchange which also happens to be the only permitted location for the

freestanding sign. This elevated roadway condition is not the result of actions by the applicant nor is the limitation on placement of the sign on the site. The applicant feels this special condition requires a variance to increase the sign height by 10' to improve sign visibility as this will be the only freestanding sign within phase I of the development. Phase II would allow for two additional signs, however, Phase II will only be developed if the RPZ is shifted to the northwest and outside of the subject property boundaries.

**V6/V7:** The existing conditions and circumstances that are peculiar to the subject parcel of land that are not a result of the actions of the applicant as they relate to the fact that the project's property line which abuts Australian Ave. will not be permitted an access point which doesn't allow this property line to be considered as frontage. In addition, the area in which two of the three signs will be located is within the RPZ which prohibits signage or any other similar structures. Both of these existing circumstances are not a result of actions by the applicant.

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:

RESPONSE: Granting the variance will not confer and special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

**V1/V2/V4/V5/V6/V7:** The requested variance is specific to the existing circumstances surrounding the subject property regarding the FAA's RPZ (building restrictions and setback from Congress Ave.), proximity to the Southern Boulevard/Congress Avenue interchange, and existing 50' access easement. These factors have resulted in special conditions that are site specific and would not confer any special privilege upon the applicant.

**V3:** The proposed variance is specific to the proposed use as vehicle sales and rental. The purpose of the modified curbing is to protect the new/used inventory as well as customer vehicles as they move about the site. The proposed curbing is use specific and in areas where customers are not permitted. Site with the same zoning district are likely frequented by the public and therefore, the need for protective curbing is required.

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:

RESPONSE: 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.

Furthermore,

**V1/V2:** The County has already identified access to the subject parcel via a 50' access easement that will utilize the existing entry shared by the CHS MUPD. The literal interpretation of the ULDC would render the site undevelopable for access and frontage code provisions. If a standard zoning district were applied to the subject site it would not be able to provide the Code required frontage. The purpose of the access easement is specifically to serve the subject site since additional curb cuts along Congress Avenue will not be supported. The applicant is proposing a reasonable use of the property and the proposed development exceeds the property

development regulations.

**V3:** The literal interpretation of the Code would require the interior of the site to include FDOT Type "D" curbing. This type of curbing is meant for publically accessible vehicular areas. The purpose of this request is to protect the customer (customer vehicles in for service) and inventory vehicles from damage as they move about the site. Many of these vehicles have custom wheels and lower profile tires which can easily be damaged by the standard Type "D" curb. The site will maintain Type "D" curbing in those areas which will be accessible by the public. The literal interpretation of the Code would create a hardship and potentially impact the operations of the site in terms of the safe and efficient movement of vehicles throughout the site. The proposed curb type will only be incorporated on the internal landscape islands and will not be utilized on the perimeter parking areas.

**V4:** The literal interpretation of the Code would require canopy trees within the right-of-way buffers thus reducing the visibility of the display area which is vital to the business model of the proposed use on the site. Similar uses in the same zoning district would be permitted to locate the parking area adjacent to the landscape buffer for display purposes. In addition, the proposed property is located near the Trump International Golf Course which has created a landscape view corridor of Royal Palms. The applicant is proposing to compliment this landscape theme to accent the adjacent Trump property and serve as an entry way as you cross over Southern Boulevard on Congress Ave. The proposed use of the site is reasonable and exceeds the applicable property development regulations. The literal interpretation of the Code would not allow the same benefits enjoyed by other similar properties in the same zoning district in terms of site visibility, and consistency with the landscape corridor created on the west side of Congress Avenue.

**V5:** The literal interpretation of the Code due to the required setback of the structures and vehicle display areas would prohibit the same site visibility to a similar site in the same zoning district, therefore, the sign height is required to be increased to ensure visibility of the sign and business. The applicant is not guaranteed that the RPZ will ever be lifted from the site. If the RPZ is to remain, the property will be limited to the Phase I design and permitted one sign on along 900 feet of frontage. Other properties in the same zoning district are permitted three signs along the frontage, this would be acceptable, however, the applicant due to FAA restrictions is only permitted to construct one freestanding sign. Other vehicle sales and rental facilities and large scale commercial properties support 30' freestanding signs. The ULDC has been amended to reduce the maximum allowable sign height by half.

**V6/V7:** Sites with similar property frontage (954') would be permitted to construct three freestanding signs. The only difference in this case is that the property doesn't have an access drive along the subject property line. As stated previously FDOT and the FAA's RPZ restrictions prohibit access along the subject property's northwest property line. The applicant is not requesting anything above and beyond what the ULDC permits for a similar property with the same amount of frontage on an arterial roadway.

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

RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property as a vehicle sales and rental facility including general repair and maintenance.

Furthermore,

**V1/V2:** The request represents the minimum variance required to make reasonable use of the property in terms of legal access to the site. The subject property maintains in excess of 900 feet of frontage along Congress Avenue, however, the access is gained through a 50' access easement.

**V3:** This variance is the minimum required to adequately protect the customer and inventory vehicles without compromising the safety of the landscape material within the customer parking locations. Only those areas accessible by employees for vehicle display and service vehicles shall be designed with the modified curbing.

**V4:** This variance will allow for the minimum necessary to provide adequate site visibility and a complimentary view corridor along Congress Avenue. The requested variance is the minimum required to allow vehicles passing by the site to see into the site over 300 feet to the inventory and the proposed structure. The proposed variance is applicable only to the right-of-way buffers and will not be incorporated throughout the interior of the site. This variance is the minimum required to be consistent with other right-of-way buffers on public land such as the adjacent Trump International Golf Course.

**V5:** This variance is the minimum variance necessary to provide adequate signage for patrons of the business as the structures and display areas are setback in excess of 300 feet. The one proposed sign in Phase I will be the only freestanding sign on the property until the RPZ is shifted outside of the property boundaries. The RPZ relocation timeline is unknown so this variance to increase the freestanding signs to 25' for a property which extends over 900 feet along Congress Avenue will provide adequate signage necessary to operate the business. If Phase II build out is not feasible due to the RPZ, the site will be left with the ability to erect one 15 foot freestanding sign for 900 feet of frontage.

**V6/V7:** This variance is the minimum variance necessary to provide for the code permitted signage along the northwest property line. The property currently does not have access/frontage along Australian Avenue, therefore, to obtain signage along this property line the applicant has requested the minimum variance of signage along a property line which does not have frontage.

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

RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

**V1/V2:** The variances requested are consistent with the Comprehensive Plan and the ULDC in that the MUPD adjacent to the south of the subject property was required to grant a 50' access easement which would provide legal access to the properties surrounding the easement. The intent of the Comprehensive Plan is to encourage trip capture and reduce curb cuts on major arterial and collector roadways. Congress Avenue will not be permitted to include a curb cut along the frontage of the property due to FAA regulations within the RPZ as well as the proximity of the site to the interchange. The ULDC and Comprehensive Plan promote cross access to adjacent properties. This cross access is accomplished via the 50' access easement which is located within the spine road bisecting the CHS MUPD.

**V3:** This variance is consistent with the ULDC by providing standard FDOT Type "D" curbing throughout all of the publically accessible areas of the site.

**V4:** This variance request is consistent with the ULDC and similar properties which have incorporated palms within the ROW buffer along Congress Ave. The Comprehensive Plan and the ULDC encourage view corridors which maintain a consistent look. This property would complement the dramatic entrance created south of Southern on the west side of Congress.

**V5:** The granting of this variance would be consistent with the Comprehensive Plan and the ULDC. The surrounding properties which will have a view of the proposed signage are utilities

and transportation in nature along with airport facilities to the northeast. The subject property is to be constructed with the building being setback a distance of over 300', therefore, the increased height is crucial for patrons to be able to discern the type of business. This site is zoned as PO and pursuant to the ULDC Article 3, Table 3.B.2.B, the proposed uses on the site the property would typically apply the General Commercial Property Development Regulations (PDRs). Under a standard zoning district the sign height is permitted to be 20', therefore, the requested variance is consistent with the intent of the ULDC resulting in a 5' increase over the sign height permitted in a standard zoning district.

**V6/V7:** The granting of this variance is consistent with the goals, objectives, and policies of the comprehensive plan, and this Code by the fact that the applicant is not asking for a variance from the number of signs or the sign face area but simply to allow for signage on a property line which does not have access/frontage, however, this property line has over 954' of adjacency with Australian Avenue which is an arterial roadway. The intent of the Code is to prohibit signage along property lines that are not visible from or positioned along a right of way.

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

RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

**V1/V2:** The subject property was provided a 50' access easement. The vested 130,000 s.f. of office allocated to the property would utilize this same access point. The applicant is not asking for an additional access point or a reduced frontage to create a substandard access. The applicant is simply requesting to access from the FDOT and County approved 50' access easement.

**V3/V4:** The curbing type and landscaping modification will not be injurious to the area involved or detrimental to the public welfare. The curbing request is only applicable to those areas not accessible to the public. The addition of palms within the right-of-way buffers will have no greater impact than the right-of-way buffers located along the Trump International Golf Course frontage.

**V5/V6/V7:** The proposed sign variance will not negatively impact the surrounding properties as the sign location is directly adjacent to the Southern Boulevard and Congress Ave. overpass. There are no residential properties which will have a line of sight to see the proposed sign. Similar properties positioned along an arterial roadway would be permitted to construct the Code permitted number of signs with the Code permitted sign face area. Granting the variance will not be injurious to the surrounding community or detrimental to public welfare.

**Request 3: Rezoning Request Standards:**

The applicant is requesting to rezone approximately 1.759 acres (of the overall 13.787 acres) of land from the Urban Center (UC) zoning district to the Public Ownership (PO) zoning district. A companion application for a small scale future land use amendment was submitted to the Planning Division on February 7, 2014. The balance of the property was rezoned to PO via Resolution 2001-002.

1. Consistency with the Plan – The proposed amendment is consistent with the Plan.

**Response:**

- **Policy 2.1-h:** *The proposed amendment directly furthers the intent of this policy by combining the subject parcels with PBIA Parcel G, which would have otherwise created piecemeal development.*