

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



**ZONING COMMISSION VARIANCE
STAFF REPORT
February 05, 2015**

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2014- 01621 (NAPLETON'S NORTH PALM AUTO PARK)	V.1.-V.4 3.B.1.A Overlays & Zoning Districts, Overlays, General, Boundaries	Building A (East Showroom) South Facade. Maximum 1 Wall Sign	Relocate 4 signs and add 1 new sign South Façade, total of 5 Wall Signs	Increase of +4 Wall Signs Building A
	V.5 -V.6 3.B.1.A Overlays & Zoning Districts, Overlays, General, Boundaries	Building B (West Showroom) South Facade- Maximum 1 Wall Sign	Relocate 1 sign and add 1 sign. South Facade- total of 3 Wall Signs	Increase of +2 Wall Signs for Building B
SITUS ADDRESS:	3701 Northlake Blvd West Palm Beach 33403 3703 Northlake Blvd West Palm Beach 33403			
AGENT NAME & ADDRESS:	Rebecca Miller Sparfka Miller Permitting and Land Development LLC 285 SE Verada Ave Port Saint Lucie FL 34983			
OWNER NAME & ADDRESS:	3701 Northlake Blvd Lake Park FL 33403			
PCN:	00-43-42-18-00-000-7080			
ZONING DISTRICT:	General Commercial (CG)			
BCC DISTRICT:	01			
PROJECT MANAGER:	Joyce Lawrence, Site Planner II Carrie Rechenmacher, Senior Site Planner			
LEGAL AD:	ZV-2014-01621 Title: Resolution approving a Type II Variance application of Napletons North Palm Auto Park Inc by Miller Permitting and Land Development LLC, Agent. Request: to allow an increase in the number of wall signs. General Location: Northwest corner of Silverthorne Drive and Northlake Boulevard (NAPLETON'S NORTH PALM AUTO PARK) (1984-00015)			
LAND USE:	CH/8	S/T/R: 18-42-43		
CONTROL #:	1984-00015			
LOT AREA:	7.35 acres			
LOT DIMENSIONS:	573.56 feet width/frontage by 558.61 feet depth			
CONFORMITY OF LOT:	Yes	CONFORMITY OF ELEMENT:	Non-conforming	

TYPE OF ELEMENT:	Wall Signs	ELEMENT SIZE:	See Analysis below
BUILDING PERMIT #:	B-2013-006631-0000 Building A- front facade	NOTICE OF VIOLATION:	N/A
CONSTRUCTION STATUS:	Existing 3 structures 67,704 square feet (sq. ft.) total		
APPLICANT REQUEST:	To allow an increase in the number of wall signs.		

STAFF RECOMMENDATION: Staff recommends **denial** of the request, based upon the following application of the standards enumerated in Article 2, Section 2.B.3.E of the Palm Beach County Unified Land Development Code (ULDC), which an applicant must meet before the Zoning Commission who may authorize a variance.

If the Zoning Commission approves the Variance, Staff suggests it be subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): At the January 9, 2015 ZC hearing this item was postponed to the February 05, 2015 ZC Hearing in order for the Applicant to present proposed Overlay amendments to the Northlake Boulevard Overlay (NBOZ) Task Force. The ZC voted approval of the postponement request with a vote of 7-0.

NORTHLAKE BOULEVARD OVERLAY (NBOZ) TASK FORCE MEETING:

The NBOZ Task Force with representatives, from the Village of North Palm Beach, the City of Palm Beach Gardens, Palm Beach County, and the Town of Lake Park, convened a special meeting on January 20, 2015 to discuss the NBOZ regulations and the Applicant's proposal to provide an allowance for automotive dealership signage regulations. The Task Force, in general, did not object to the variance and Staff recommended Conditions, which require the site to come in compliance with the NBOZ guidelines by July 5, 2016, or as amended in the Unified Land Development Code (ULDC).

At the Task Force meeting Larry Smith, Esquire representing the Applicant, provided a brief history of the Overlay and the reason for proposed changes for auto dealership signage. Patrick Cunningham from Redd and Associates, who drafted the guidelines in 2002, presented after Mr. Smith with an overview of the proposed changes and other suggestions for modifications to the guidelines. There were many questions from the Task Force representatives regarding inconsistencies of the proposed draft changes. No decisions were made at that time and further discussions and meetings would be required. Also, the timing of the changes did not allow any type of Staff discussion or thorough review of the proposed NBOZ amendments. Therefore, Staff must enforce the ULDC current regulations and so are not changing the recommendation of denial.

PUBLIC COMMENT SUMMARY: At the time of publication Staff had received 1 contact from the public, in opposition to the request. No comments were provided.

PROJECT HISTORY

Application No.	Request	Resolution	Approval Date
Control No. 1977-140	Special Exception Approval to allow a Commercial, New & Used Automobile Sale, Rental and Repair Facility at Lot	Resolution 1977-1407	Nov, 17, 1977
Control No. 1984-00015	Special Exception Approval to allow a Large Scale Community Shopping Center in excess of 50,000 square feet (sq. ft.) of total floor area Including a Planned Commercial Development.	Resolution 1985-0246	Feb, 19, 1985
Control No. 1984-00015	Special Exception to Amend the Site Plan by deleting the Large Scale Community Shopping Center in excess of 50,000 sq. ft. of total floor area including a Planned Commercial Development approved under Zoning Petition No. 84-15(A) to	Resolution 1985-1435	July 25, 1985

	allow a Commercial New and Used Automobile and Truck Sales, Repair and Rental Facility and Lot		
Control No. 1984-00015	Development Order Amendment to add square footage and four display spaces to the Site Plan.	Resolution 1996-0646	May 23, 1996

Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Medium Residential 5 (MR-R)
 Zoning District: Multi-Family Residential (Medium Density) District (RM)
 Supporting: Multi-Family Residential and Duplexes- 2 unit Townhouses

SOUTH:

FLU Designation: Commercial High
 Zoning District: General Commercial (CG)
 Supporting: Auto Dealerships (Schumacher, 1985-000125) (Wallace Lincoln, Control 1987-00041)

EAST:

FLU Designation: Commercial High with an underlying HR-8
 Zoning District: General Commercial (CG) with a Special Exception for a Planned Commercial Development
 Supporting: Office Buildings (Bippus, 1984-00048)

WEST: Located within City of Palm Beach Gardens

FLU Designation: Commercial
 Zoning District: General Commercial (CG)
 Supporting: Type 1 Restaurant

WEST: Located within the unincorporated Palm Beach County

FLU Designation: High Residential 12 (HR12)
 Zoning District: High Residential
 Supporting: Multifamily Residential

STAFF SUMMARY

Proposed is a Type II Variance for the Napleton’s North Palm Beach Auto Park. The 7.35-acre site was last approved May 23, 1996, by the Board of County Commissioners (BCC) to allow additional square footage and display spaces for the Vehicle Sales facility. The Applicant is requesting Variances from the Wall Mounted signage requirements of the Northlake Boulevard Overlay (NBOZ) and Design Guidelines, as referenced in the Unified Land Development Code (ULDC) Article 3.B.8, and more specifically described as Article 5-6.D Business Signs, Permissible Size, height, location and number of signs, of Table 5-6 of the NBOZ guidelines.

The NBOZ Design Guidelines allow 1 sign per business per street frontage with a maximum of 2 signs per business. The existing wall signage is non-conforming to the current requirements of the NBOZ. The Applicant is proposing to renovate the buildings on site and to relocate existing signs and add new signs for signage facing the Northlake Boulevard frontage which is the front or South facade.

For Building A (East Showroom facade) the request is to relocate 4 signs and add 1 new sign for a total of 5 signs which is a variance from the NBOZ guidelines of 4 signs for Building A. For Building B (West Showroom facade) the Applicant is proposing to relocate 2 existing signs and add 1 new sign for a total of 3 signs which is a variance from the NBOZ guidelines of 2 signs for Building B.

A total of 282 parking spaces will be provided and access to the site will remain from Northlake Boulevard (2) and Silverthorne Drive (1) and Sunrise Drive (2).



NAPLETON NORTH PALM AUTO SITE BUILDINGS A & B (Outlined in Yellow) AND USED CAR OFFICE (CENTER) & SERVICE CENTER REAR



BUILDING A (EAST) VARIANCE OF 4 SIGNS

For Building A (East Showroom facade) the request is to relocate 4 signs and add 1 new sign for a total of 5 signs (+4): a variance of 4 signs for Building A.



BUILDING B (WEST) VARIANCE OF 2 SIGNS

For Building B (West Showroom facade) the Applicant is proposing to relocate 2 existing signs and add 1 new sign for a total of 3 signs (+2): a variance of 2 signs for Building B

FINDINGS OF FACT:

The subject site is located in the NBOZ. The provisions of the NBOZ, apply to and include all properties along Northlake Boulevard from Military Trail to U.S. Highway One for one property depth north and south of Northlake Boulevard, and the street intersection properties at U.S. Highway One and at Military Trail.

The ULDC states that the NBOZ District serves to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF) – an intergovernmental task force created by Interlocal agreement composed of two representatives each from Palm Beach County, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens.

Pursuant to ULDC Article 3 Overlays, the development must comply with the NBOZ guidelines, as well as the ULDC depending on which regulation is more restrictive. The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to review development or redevelopment within the Overlay District. Additionally, the Guidelines require a deadline to comply with signage and landscaping requirements in order to ensure the amortization of non-conformities. for the NBOZ have been extended to July 5, 2016.

Article 8.C of the ULDC also requires that a nonconforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with the Code. The Applicant’s proposal does not exceed the total allowed square footage for wall signage but is exceeding the quantity of signs permitted pursuant to the NBOZ guidelines.

Staff has added a Condition of Approval that all signage must comply with the established deadline, unless amended, including this variance request if approved by the Zoning Commission. All non-conforming signage and landscaping on this site must conform with the Design Guideline by the compliance date of July 5, 2016. Staff has analyzed the request and determined that the proposed variances will only be valid until July 5, 2016.

ANALYSIS OF ARTICLE 2, SECTION 2.B.3.E VARIANCE STANDARDS

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:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:

No. V1-V6. No special conditions or circumstances exist that are peculiar to the parcel of land and not to other developments within the same Zoning District.

All sign and wall signage provisions are specific and consistent for the entire Northlake corridor. All the other businesses along this corridor are either in compliance or must come in compliance with these provisions. Article 3.B.8, of the ULDC has extended the compliance date for the NBOZ Design Guidelines to July 5, 2016.

In the event of a conflict between the NBOZ and other applicable regulations such as the ULDC, the more restrictive regulation shall prevail. In this case the NBOZ is the most restrictive in the limitation in the number of wall signs. Pursuant to Article 5, Table 5-6, the NBOZ Design Guidelines allows 1 sign per business per street frontage with a maximum of 2 signs per business.

ULDC Table 8.G.1.A, Wall Sign Standards, allows 1 square foot of sign face area for each linear foot of the building wall frontage to which the sign is attached. ULDC Article 8.C. also requires that a nonconforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with the Code.

For Building A, the Applicant is proposing the modification and relocation of four existing signs and the addition of one new sign on the front or south façade. The Applicant states the signage is required to represent three car-brands housed within this building and to allow the business name Napleton's. Building A front façade total length is 163 linear feet, and the allowable sign area is 163 sq. ft. The applicant is proposing 162.82 sq. ft. of sign area distributed among the five signs. The sign face area or square footage per linear foot is in compliance with the ULDC and the NBOZ. The Applicant is not exceeding the total allowed square footage but is exceeding the quantity of signs permitted pursuant to the NBOZ Guidelines.

For Building B, the Applicant is proposing the modification and relocation of two existing signs and the addition of one new sign on the front façade. Building B front façade total length is 163 linear feet and the allowable sign area is 163 sq. ft. The applicant is proposing 155.96 sq. ft. of sign area distributed among the three signs. The Applicant states in the Justification Statement that as part of their tenant contract, each of the auto brands must be prominently displayed. The two existing signs on Building B are to be modified and relocated and, as a result, they will no longer be vested and will become out of compliance with the NBOZ guidelines.

There is no special condition since typically someone shopping for a new or used car has done research and knows where they are going to comparative shop. The photos in this report indicate the site is clearly visible from the Northlake Boulevard corridor and brands of cars can be easily distinguished and identified. In addition the used car building and the service building also have wall signage that were not included in the Master Sign Program since the Applicant at this time is not proposing any changes to these signs.

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

No. V1-V6. This variance request is a result of the actions by the Applicant as there are alternative design options. The wall signage can be designed to comply with Code requirements by constructing a sign that meets the maximum amount of signage and with a little creativity could address the various car brands. The site has 5 freestanding signs that are adjacent to the Northlake Boulevard Frontage which are also nonconforming. However these signs are not subject of any variances and are currently legal non-conforming for at least 4 of the signs. An existing sign could be modified to promote a multi-tenant venue.

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:

No. V1-V6. Granting this variance would confer a special privilege not allowed by the Code and not available to other parcels of land and buildings/tenant spaces within this same zoning district. There are alternative sign options that can comply with Code requirements that meet the maximum of one sign and that would also allow larger sign instead of many smaller signs. The Applicant's Justification Statement contests that these many signs are needed to address car branding.

The Overlay Task Force has been trying since 2002 to bring the properties along this corridor into compliance. The NBOZ Guidelines provide criteria by which to review development or redevelopment within the Overlay and to unify commercial development along the corridor to provide a positive collective identity for the corridor.

The Applicant had an opportunity to explore other options but insists on adding more signs. The site currently has an excessive amount of signage, directional, freestanding and wall mounted signs. In addition a large amount of cars for sale are located directly adjacent to the south property line. Any person driving by or stopped at the traffic light can view the merchandise while sitting in their own vehicle. Furthermore, the NBOZ Task Force indicates the majority of the parcels on this corridor are in compliance with the Design Guidelines. The Applicant has indicated they intend to amend the Overlay Guidelines to allow special standards that address car dealerships. However, there has been no proposal submitted other than to request more signs for this particular dealership.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

No. V1-V6. The literal interpretation of the code would not create an unnecessary and undue hardship on the Applicant as there are alternative site design options. Enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would not work an unnecessary and undue hardship. The property could easily comply to the signage requirements without a negative impact to the site or loss of sales area or retail square footage. Other Property Owners within the same district are subject to, and have abided with the same standards as the Applicant. The remaining parcels that are in the unincorporated sections must come in compliance but July 2016. Therefore there is no deprivation of rights by the Applicant.

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

No. V1-V6. The granting of the variance is not the minimum variance necessary to make reasonable use of the parcel of land. The variance request is a result of the actions by the applicant as there are alternative design options. The signage can be designed to comply with Code requirements.

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

No. V1-V6. The granting of the variance will not be 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:

No. V1-V6. The granting of the variance will not be injurious to the area involved yet would be detrimental as the purpose and intent of Code is to establish consistent standards for the placement and use of signs and other advertising. The consistency in the standards is especially significant when trying to coordinate with an intergovernmental task force created by Interlocal agreement and composed of 3 other municipalities as well as the County.

ZONING COMMISSION CONDITIONS

EXHIBIT C

Type II Variance - Standalone

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Master Sign Program for Wall Signage Building A and B dated November 24, 2014. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Program. (ONGOING: ZONING - Zoning)
2. This Variance is approved for a maximum wall sign area of 163 square feet and a maximum of five signs for Building A and a maximum 160 square feet and a maximum of three signs for Building B. Any change to this maximum signage shall require reconsideration of the Variance by the Zoning Commission. (BLDGPMT/ONGOING: BUILDING DIVISION - 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 Master Sign Plan to the Building Division. (ONGOING: ZONING - Zoning)
4. The Development Order for this non-concurrent Variance shall be valid until July 5, 2016. All signs including those addressed by this Variance approval must comply with the Northlake Boulevard Overlay Zone (NBOZ) and the Unified Land Development Code (ULDC) requirements and timelines, unless amended. (BLDGPMT/DATE: MONITORING - Zoning)
5. 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)
6. 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

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

Figure 1 Zoning Map

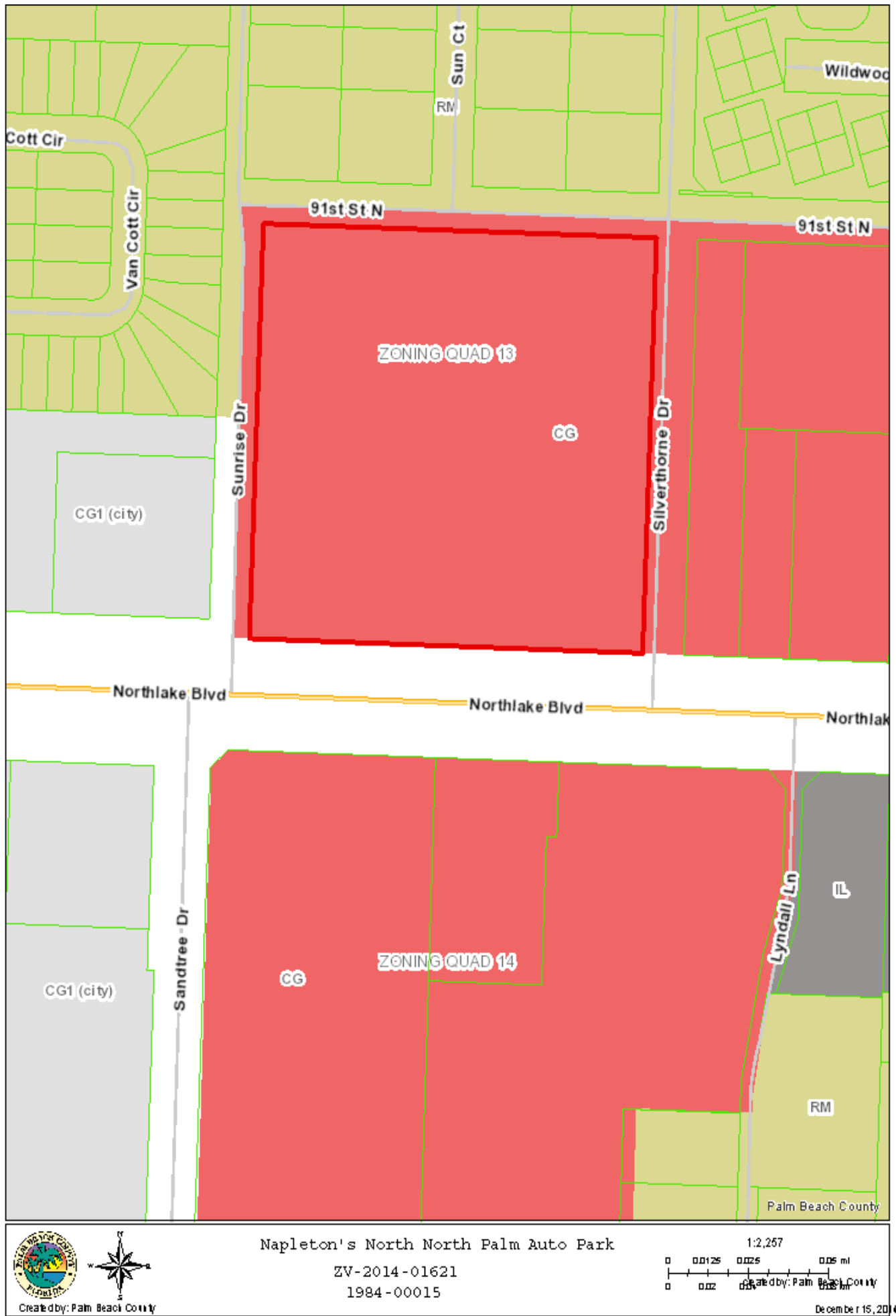


Figure 2 Aerial

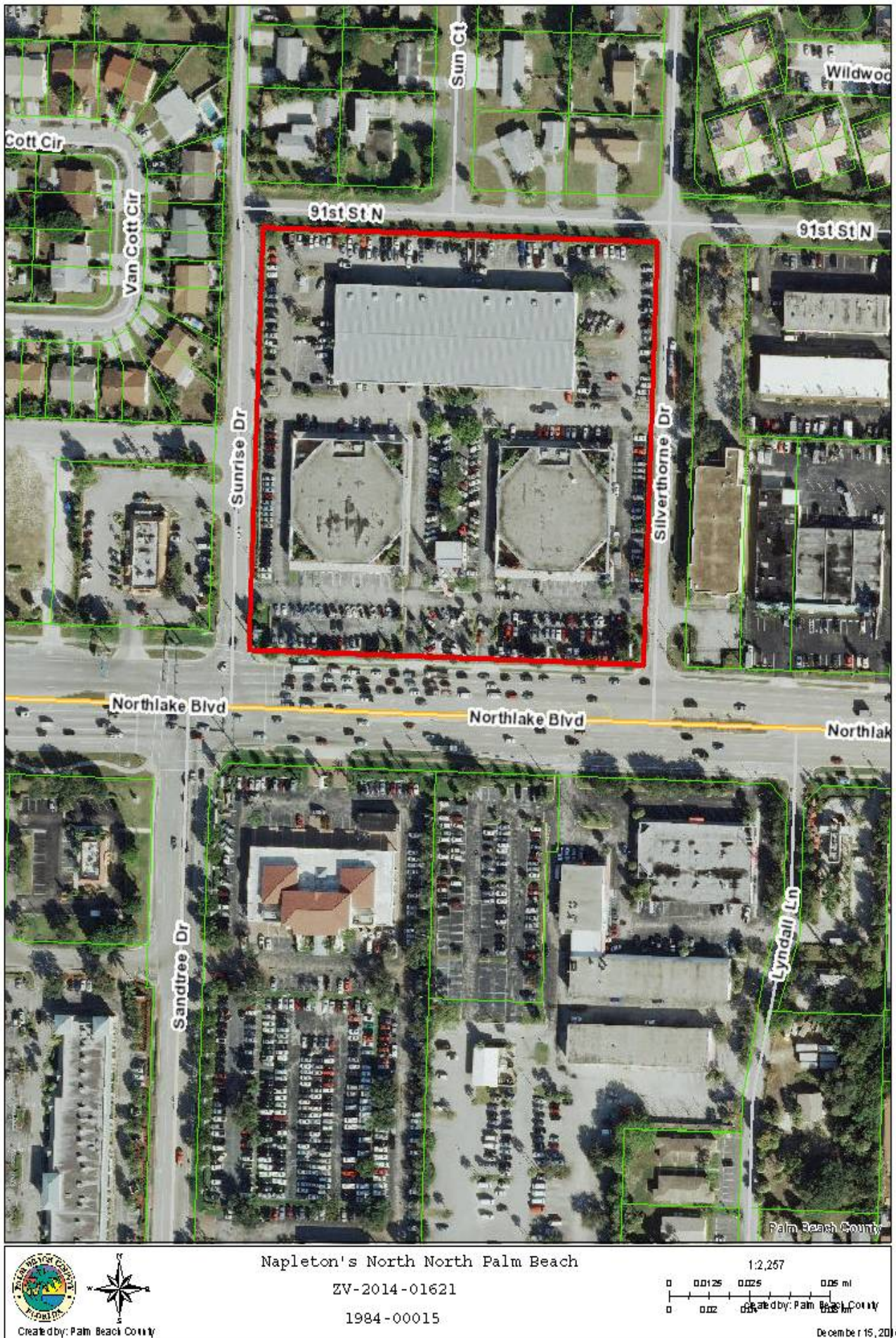
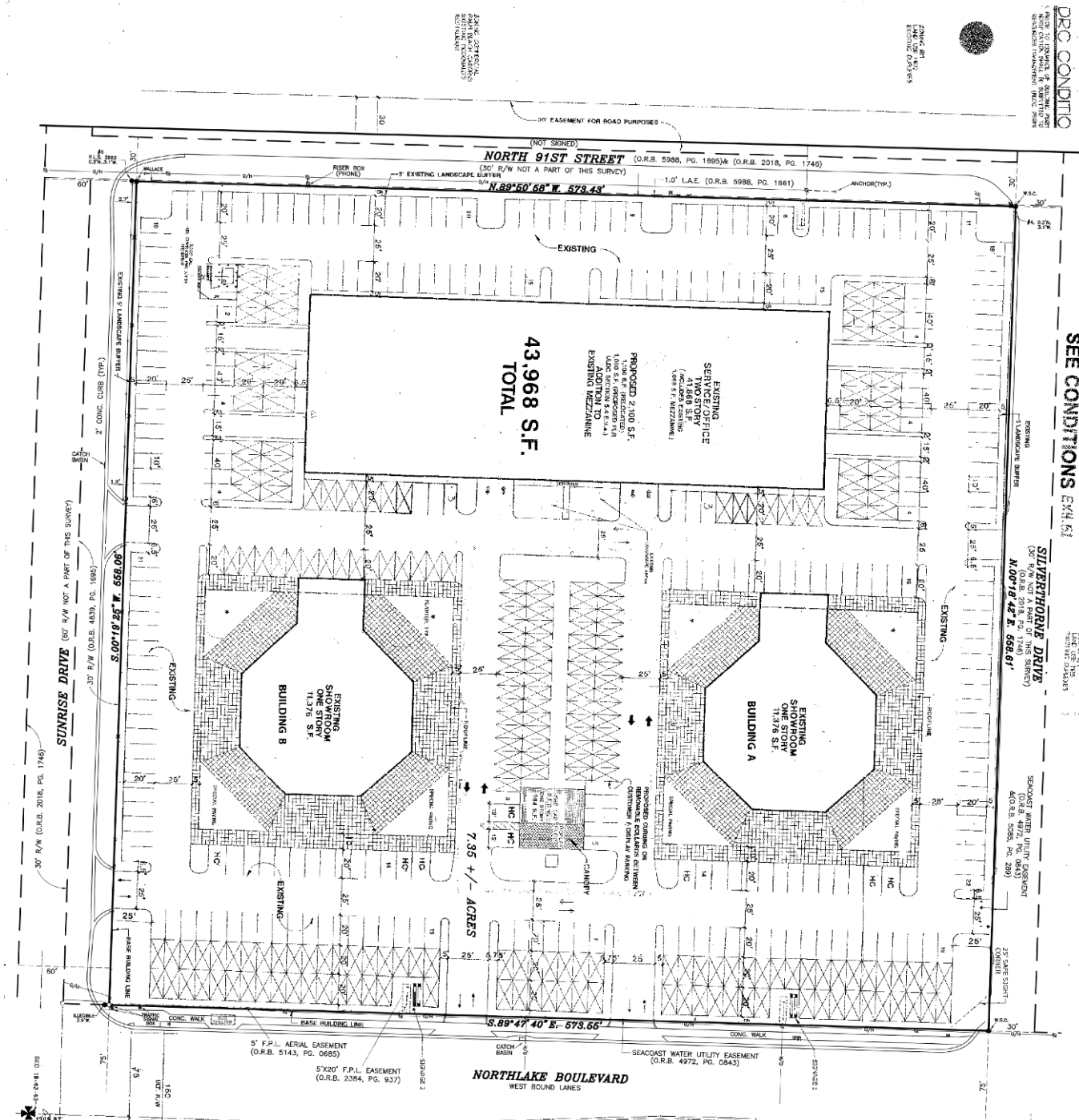


Figure 3 Preliminary Site Plan dated November 25, 2014



This project Petition # 2014-152 is subject to review pursuant to the Northlake Boulevard Overlay Zoning District (NBOZ) Design Guidelines. All permit, development order and occupational license applications are subject to review and compliance with NBOZ guidelines.

NORTHLAKE BLVD.
(IDED BOOK 912, PAGE 313)



DRO AMENDMENTS

ZONING STAMP

PROPOSED EXPANSION ONLY

Demotes Realignment

Display Space

Kilday & Associates
Landscape Architecture/Planners
3200 Palm Beach Lakes Blvd., Suite 100
Palm Beach, FL 33480
(561) 593-5533 • Fax (561) 593-2592

NON-CONFORMING

EXISTING

PROPOSED

REARDED (PRESENT USE)

PROPOSED

NOTE: 273 SPACES ARE ALLOCATED FOR BEARER FOR DISPLAY (IN ADDITION TO THE 282 SPACES)

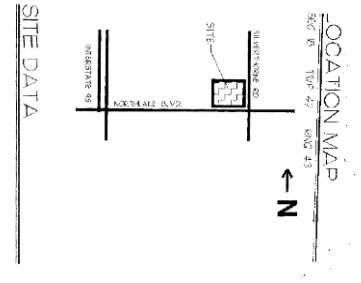
1. THE AREA, AND UP TO 10% THEREOF, IS SET ASIDE FOR THE CONSTRUCTION OF THE PROPOSED EXPANSION. THE BEARER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PALM BEACH AND THE STATE OF FLORIDA AND SHALL BE RESPONSIBLE FOR THE COSTS OF SUCH PERMITS AND APPROVALS.

SITE DATA

NAME: NAPLETON'S NORTH PALM AUTO PARK
APPLICATION NO.: ZV-2014-01621
CONTROL NO.: CA1984-15C

TOTAL LOT AREA: 63,254 S.F.
NET LOT AREA: 52,924 S.F.
GROSS FLOOR AREA: 223,935 S.F.
EXISTING FLOOR AREA: 171,750 S.F.
PROPOSED FLOOR AREA: 46,185 S.F.
TOTAL FLOOR AREA: 217,935 S.F.
FLOOR AREA/LOT AREA RATIO: 0.35

INCLUDES CANYON FOR VEHICULAR PROTECTION (MAY) 289 SF
PARKING PROVIDED: 282 SPACES
HANDICAPPED PARKING PROVIDED: 8 SPACES
EXISTING FLOOR AREA: 171,750 S.F.
EXISTING FLOOR AREA: 171,750 S.F.
PROPOSED FLOOR AREA: 46,185 S.F.
TOTAL FLOOR AREA: 217,935 S.F.



SITE PLAN

APPROVED

DATE

BY

FOR

NAPLETON'S NORTH PALM AUTO PARK
FORMERLY KNOWN AS MORSE AUTO PARK
PALM BEACH COUNTY, FLORIDA

urban design studio

Landscape Architecture
3200 Palm Beach Lakes Blvd., Suite 100
Palm Beach, Florida 33480
(561) 593-5533

Site Office
300 East Ocean Boulevard
Suite 100
Palm Beach, Florida 33480
(561) 593-0622

Figure 4 Preliminary Master Sign Program- dated November 24, 2014 Wall Signage Building A- Page 1

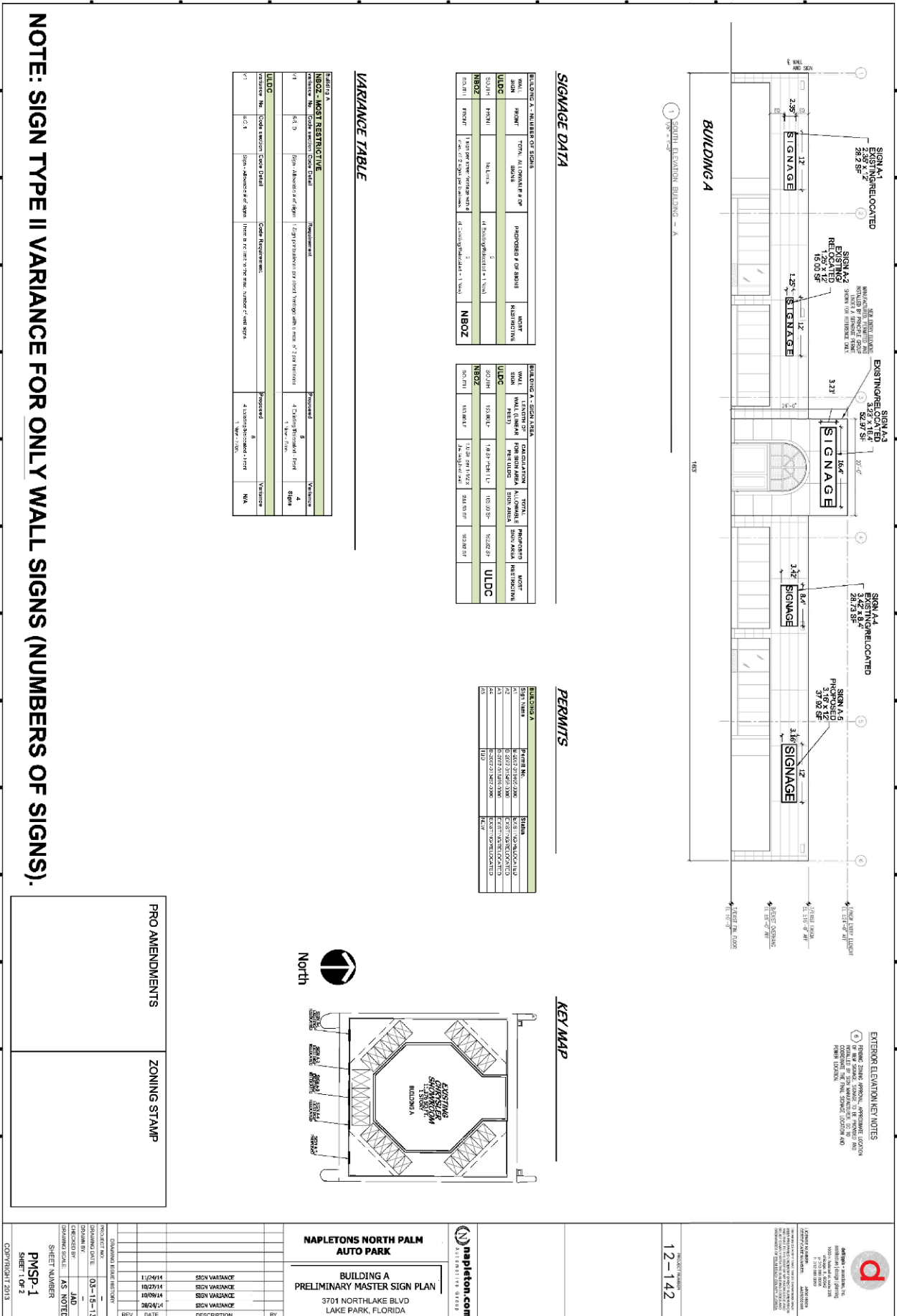


Figure 5 Preliminary Master Sign Program- dated November 24, 2014 Wall Signage Building B- Page 2

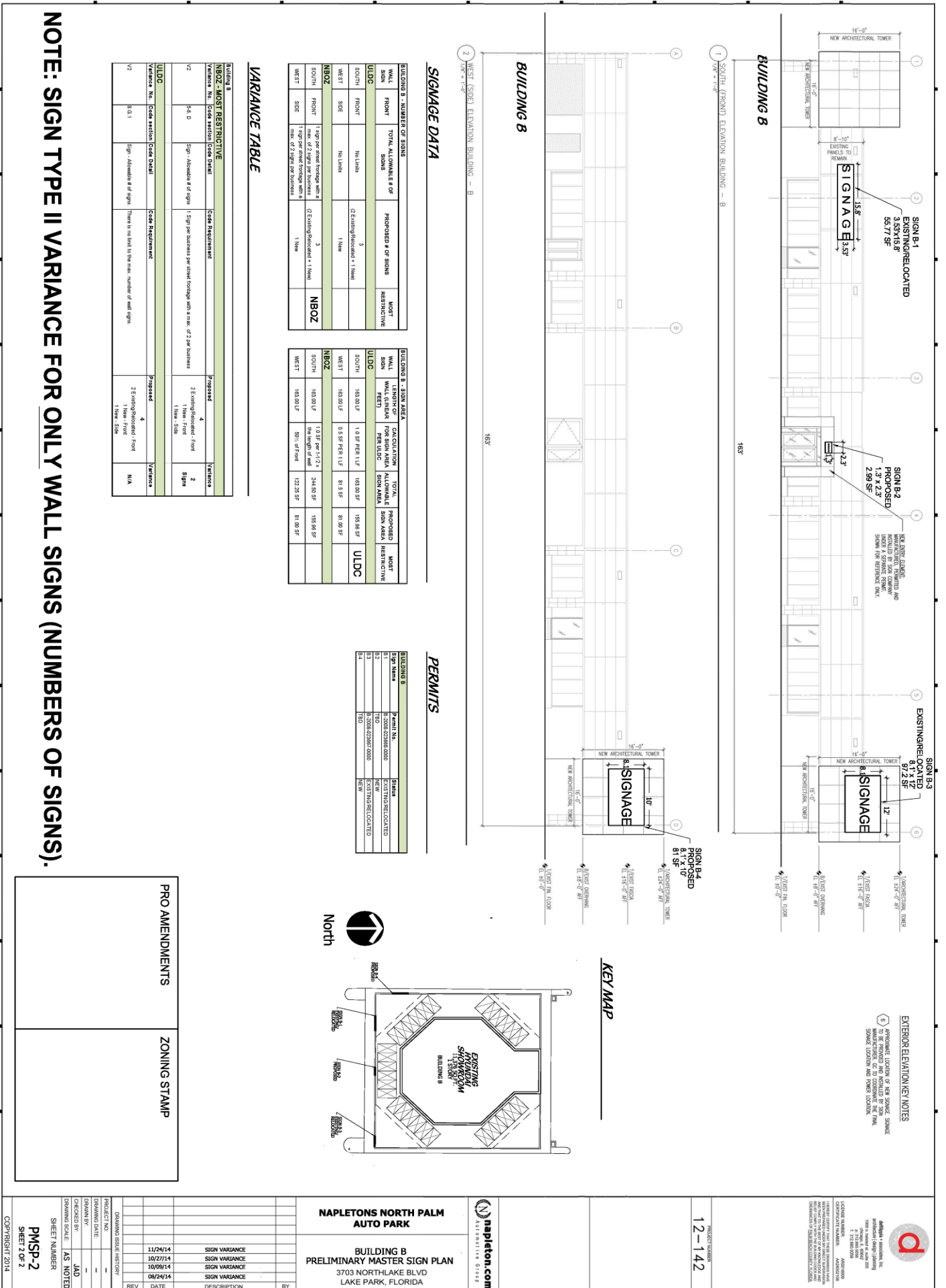


Figure 6 Approved Site Plan dated September 17, 1997

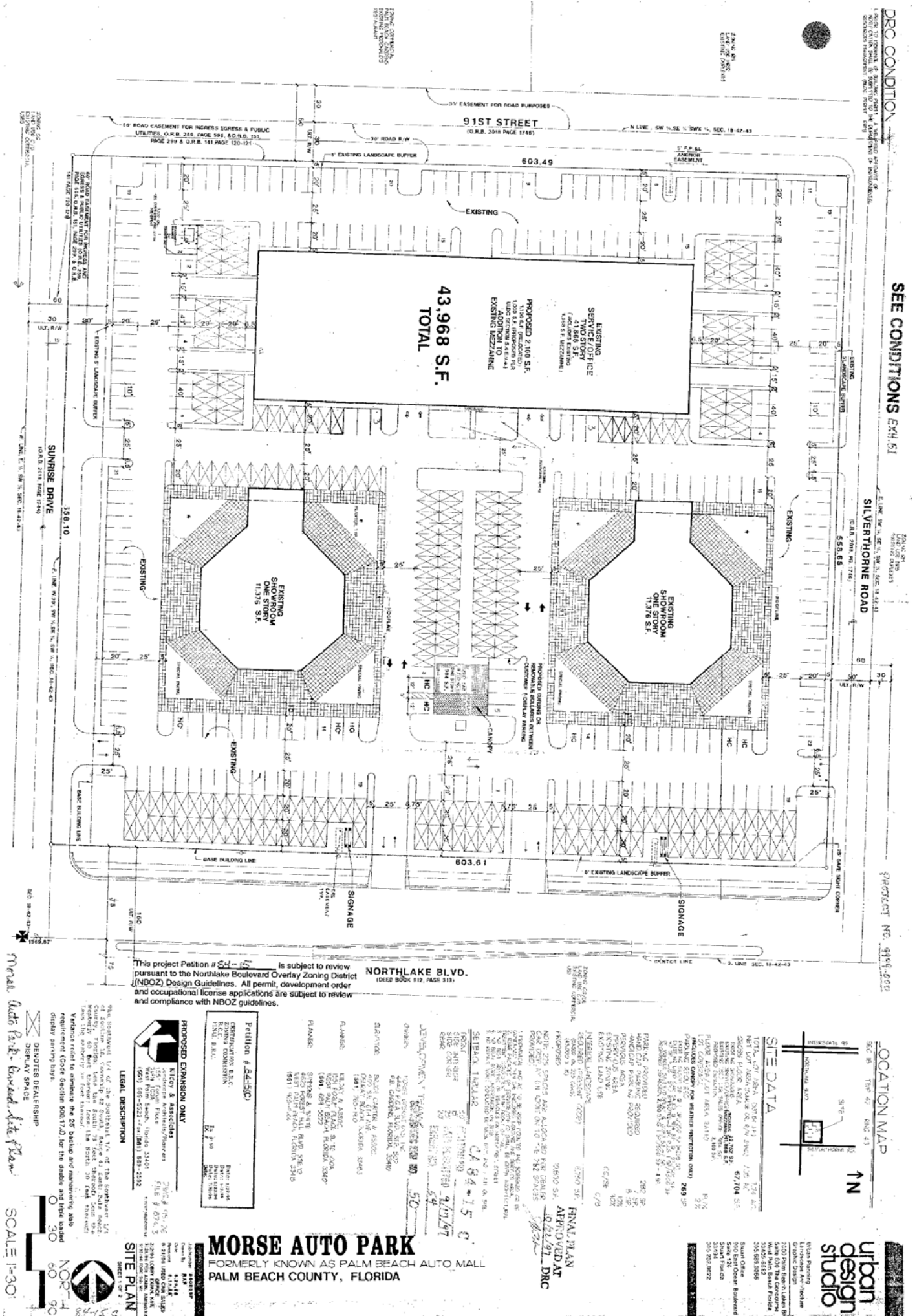


Figure 7 Photos of Existing Wall Signage

BUILDING A (EAST) SOUTH FRONTAGE FACING NORTHLAKE BOULEVARD

CHRYSLER SHOWROOM BUILDING



BUILDING B (WEST) SOUTH FRONTAGE FACING NORTHLAKE BOULEVARD

HYUNDAI SHOWROOM BUILDING



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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 Edward F. Napleton, 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] President of Napleton's North Palm Auto Park [position - e.g., president, partner, trustee] of Napleton's North Palm Auto Park [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 3701 Northlake Blvd. Lake Park, FL 33403
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
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.



Edward F. Napleton, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15th day of August, 2014, by Edward F. Napleton, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.




Notary Public

michele Parker
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4-6-18

EXHIBIT "A"
PROPERTY

Legal Description:

The Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 42 South, Range 43 East, Palm Beach County, Florida; Less the South 75 feet thereof; Less the Westerly 60 feet thereof; Less the North 30 feet thereof; Less the Easterly 30 feet thereof.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
Napleton's North Palm Auto Park, Inc.	3701 Northlake Blvd, Lake Park, FL 33403	50%
North Palm Hyundai, LLC	3701 Northlake Blvd, Lake Park, FL 33403	50%

Exhibit E: Applicants Justification Statement dated November 21, 2014



285 SE Verada Avenue
Port Saint Lucie, Florida 34983
Office: 772-343-0336 • Cell: 772-418-1384
www.millerpermitting.com

NAPLETON'S NORTH PALM AUTO PARK

Type II Sign Variance

Justification Statement

August 20, 2014

Revised September 24, 2014

Revised October 9, 2014

Revised November 24, 2014

INTRODUCTION

Napleton's North Palm Auto Park, Inc., the "Applicants" (a.k.a. Morse Auto Park) is seeking two (2) Type II Variances to allow for an increase on the number of signs on Building A (East Showroom) and Building B (West Showroom). As part of this application, the applicant is proposing to relocate and modify a total of six (6) existing signs and add a total of three (3) new signs to the above-mentioned buildings. This application consists of 2 Variances, one (1) for Building A and one (1) for Building B. No other signs with vested use such as pole signs or monument signs are included with this request. The property is located on the north side of Northlake Blvd, approximately .1 mile east of the I-95 interchange in unincorporated Palm Beach County, Florida. The existing and proposed signs are located within the Napleton complex of showroom buildings that comprise 2 of 4 buildings on the site with a combined square footage of 22,752 SF.

The subject site's future land use designation is Commercial CH/8, and it possesses a General Commercial (GC) zoning district designation and is located within the Northlake Boulevard Overlay Zoning district (NBOZ). The subject site received zoning entitlements to operate as an Automobile Dealership since the late 1970s. A complete list of all entitlements is provided herein:

Resolution 1971-0084	Boundary Modification
Resolution 1972-0045	Boundary Modification

Resolution 1977-1407	Special Exception Approval to allow a Commercial, New & Used Automobile Sale, Rental and Repair Facility at Lot
Resolution 1978-1425	Special Exception to allow Public Recreation Facilities, Amusements, Attractions, and Exhibits, Including a Waterslide and Miniature Golf Course.
Resolution 1985-0246	Special Exception Approval to allow a Large Scale Community Shopping Center in excess of 50,000 square feet of total floor area Including a Planned Commercial Development.
Resolution 1985-1435	Special Exception to Amend the Site Plan by deleting the Large Scale Community Shopping Center in excess of 50,000 square feet of total floor area including a Planned Commercial Development approved under Zoning Petition No. 84-15(A) to allow a Commercial New and Used Automobile and Truck Sales, Repair and Rental Facility and Lot
Resolution 1996-0646	Development Order Amendment to add square footage and four display spaces to the Site Plan.

SURROUNDING LAND USES AND ZONING

The following table presents the future land uses and zoning designations and current uses for the surrounding properties.

DIRECTION	FLU	ZONING
North	MR-5 Medium Residential 5DU/AC	RM Multi-Family Residential
South	CH Commercial High	CG General Commercial
East	CH Commercial High	CG General Commercial
West	HR-12 High Residential 12DU/AC	RM Multi-Family Residential

GENERAL PROJECT DESCRIPTION

The applicant/agent has met with the County Staff to determine the best path going forward in order to show good faith to the community, the NBOZ Task Force, and to stakeholders that the Auto Park is comprised of which includes multiple brand tenants. Much like a multi-tenant center that allows for signage over each tenant bay, Napleton's Auto Park is a multi-tenant, multi-building Auto-mall and should be afforded the same consideration in our view by County Zoning Staff, the NBOZ and the County BCC. We

(myself, CEO and CFO of the Napleton Group) have also attended a NBOZ Task Force meeting on 4/29/14 towards gaining clear insight into the appropriate process and connectivity to the future plans of the NBOZ. We feel our requests are reasonable and fair considering our business model and our competition in the area and what currently exists in other dealerships surrounding our location.

REQUEST

Per the NBOZ section 1-3.C.1. the most restrictive code shall prevail. Based on the proposed signs modifications and additions, this application is subject to the NBOZ Code to address the allowable number of signs and to the Unified Land Development Code (ULDC) to address the allowable face sign area. Following is a detailed explanation for Variance No. 1 on Building A and Variance No. 2 Building B requests.

VARIANCE No. 1 – BUILDING A

The applicant is proposing the modification and relocation of four (4) existing signs and the addition of one (1) new sign on the front façade (south). As stated in the NBOZ Code Section 5-6D of Article 5, 1 sign per business per street frontage is allowed. Per this section of the Code, Building A is allowed to have one (1) sign on the front façade. Currently, this building possesses four (4) non-conforming/permitted/vested signs on the front façade which represents three (3) car-brands housed within this building and the business name 'Napeton' (See below for Sign Permits table and Exhibit 1). The applicant is proposing to add one (1) car-brand (RAM) to the front façade, and, in order to do so, the four (4) existing signs need to be modified and relocated from their current size and location and, as a result, they will no longer be vested and will become out of compliance. **The variance request is to allow for multiple signs on a single façade.** Per the ULDC Table 8.G.1.A , 1.0 square foot per 1 linear foot of the wall to which the sign is attached is allowed for sign area. Building A front façade total length is 163 LF and the allowable sign area is 163 SF. The applicant is proposing 162.82 SF of sign area distributed among the five (5) signs (See Sign Area table below). **The sign area shall fully comply with this section of the code.**

As part of our Tenant Contract, each of our brands must be displayed prominently. We are asking for redesign of these existing elements as the branding has changed over the years along with the Owner's name being added to a decorative arch over the entry that serves as a directional component as well as exposure for the owner. The contracts with

the Applicant require the Applicant to allow for signage that is consistent with their newest federally trademarked logos and image along with their individual brands so as to have equal exposure. This condition exists for these types of large multi-tenant centers that house multiple brands within multiple buildings. Other examples of similar signage configuration exist in close proximity to this site and throughout Palm Beach County. This variance request reflects a sincere business need for each tenant and the owner of the Auto-park.

THE APPLICANT REQUEST 1 TYPE II VARIANCE TO ALLOW 4 SIGNS ON BUILDING A FRONT FACADE.

VARIANCE TABLE

BUILDING A					
NBOZ - MOST RESTRICTIVE					
variance No.	Code section	Code Detail	Requirement	Proposed	Variance
V1	5-6. D	Sign - Allowable # of signs	1 Sign per business per street frontage with a max. of 2 per business	5 4 Existing/Relocated - Front 1 New - Front	4 Signs
ULDC					
variance No.	Code section	Code Detail	Code Requirement	Proposed	Variance
V1	8.G.1	Sign - Allowable # of signs.	There is no limit to the max. number of wall signs.	5 4 Existing/Relocated - Front 1 New - Front	N/A

SIGN PERMITS

BUILDING A		
Sign Name	Permit No.	Status
A1	B-2007-013495-0000	EXISTING/RELOCATED
A2	B-2007-013498-0000	EXISTING/RELOCATED
A3	B-2007-013499-0000	EXISTING/RELOCATED
A4	B-2007-013497-0000	EXISTING/RELOCATED
A5	TBD	PROPOSED

SIGN AREA

BUILDING A - SIGN AREA					
WALL SIGN	LENGTH OF WALL (LINEAR FEET)	CALCULATION FOR SIGN AREA PER ULDC	TOTAL ALLOWABLE SIGN AREA	PROPOSED SIGN AREA	MOST RESTRICTIVE

ULDC					
SOUTH	163.00 LF	1.0 SF PER 1 LF	163.00 SF	162.82 SF	ULDC
NBOZ					
SOUTH	163.00 LF	1.0 SF per 1-1/2 x the length of wall	244.50 SF	162.82 SF	

VARIANCE No. 2 - BUILDING B

The applicant is proposing the modification and relocation of two (2) existing signs and the addition of one (1) new sign on the front façade (south) and one (1) new sign on the side façade (west). As stated in the NBOZ Code Section 5-6D of Article 5, 1 sign per business per street frontage is allowed. Per this section of the Code, Building B is allowed to have one (1) sign on the front façade and one (1) sign on the side (west) façade. Currently, this building possesses two (2) non-conforming/permitted/vested signs on the front façade which, represents one (1) car-brand housed under this building and the business name 'Napleton' (See below for Sign Permits table and Exhibit 2). This building only housed the Hyundai brand and due to contractual obligations, the applicant is proposing to modify and relocate the existing two (2) signs and add one (1) sign to the front façade, and one (1) sign to the side façade (west). The two (2) existing signs need to be modified and relocated from their current size and location and, as a result, they will no longer be vested and will become out of compliance. **The variance request is to allow for multiple signs on a single façade.** Per the ULDC Table 8.G.1.A , 1.0 square foot to one side and 0.5 square foot along the remaining sides per 1 linear foot of the wall to which the sign is attached is allowed for sign area. Building B front façade total length is 163 LF and the allowable sign area is 163 SF. The applicant is proposing 155.96 SF of sign area distributed among the three (3) signs (See Sign Area table below). Building B side façade (west) total length is 163 LF and the allowable sign area is 81.5 SF. The applicant is proposing 81 SF of sign area. **The sign area shall fully comply with this section of the code.**

We seek to make design changes consistent with Hyundai's federally trademarked brand (as demonstrated in the new Napleton Hyundai on Okeechobee Rd/N Congress in West Palm Beach, FL). It is a very distinctive and high-end approach. The new sign elevation greatly improves the appearance of the principal facade facing Northlake Blvd. Upon approval of the Variance, we currently hold a permit for improvements to the building and site that will total over a \$4 million investment from the Applicant that is a

substantial stake in remaining in this location. Also, contractual obligations with Hyundai require the Applicant to properly reflect their federally trademarked branding and signage.

THE APPLICANT REQUEST A SECOND TYPE II VARIANCE TO ALLOW 2 SIGNS ON BUILDING B FRONT FACADE.

VARIANCE

BUILDING B					
NBOZ - MOST RESTRICTIVE					
VARIANCE NO.	CODE SECTION	CODE DETAIL	CODE REQUIREMENT	PROPOSED	VARIANCE
V2	5-6. D	Sign - Allowable # of signs	1 Sign per business per street frontage with a max. of 2 per business	<p style="text-align: center;">4</p> 2 Existing/Relocated - Front 1 New - Front 1 New - Side	<p style="text-align: center;">2</p> Signs
ULDC					
VARIANCE NO.	CODE SECTION	CODE DETAIL	CODE REQUIREMENT	PROPOSED	VARIANCE
V2	8.G.1	Sign - Allowable # of signs.	There is no limit to the max. number of wall signs.	<p style="text-align: center;">4</p> 2 Existing/Relocated - Front 1 New - Front 1 New - Side	N/A

SIGN PERMITS

BUILDING B		
SIGN NAME	PERMIT NO.	STATUS
B1	B-2008-023668-0000	EXISTING/RELOCATED
B2	TBD	PROPOSED
B3	B-2008-023667-0000	EXISTING/RELOCATED
B4	TBD	PROPOSED

SIGN AREA

BUILDING B - SIGN AREA					
WALL SIGN	LENGTH OF WALL (LINEAR FEET)	CALCULATION FOR SIGN AREA PER ULDC	TOTAL ALLOWABLE SIGN AREA	PROPOSED SIGN AREA	MOST RESTRICTIVE
ULDC					
SOUTH	163.00 LF	1.0 SF PER 1 LF	163.00 SF	155.96 SF	ULDC
WEST	163.00 LF	0.5 SF PER 1 LF	81.5 SF	81.00 SF	
NBOZ					
SOUTH	163.00 LF	1.0 SF per 1-1/2 x the	244.50 SF	155.96 SF	

		length of wall			
WEST	163.00 LF	50% of Front	122.25 SF	81.00 SF	

CONSISTENCY WITH THE CODE

Per the ULDC Chapter 8. Section G. 1 - There is no limit on the maximum number of wall signs provided that the total size of all such signs does not exceed the total maximum signage area permitted for wall signs. As presented in the above variance tables, the proposed modification and new signs comply with the section of the code.

Per the NBOZ Article V Signage – Table 5-6 Permitted Business Signs, only one (1) sign is allowed on each business street frontage with a maximum of two (2) signs total. The applicant has more than one sign on the front façade (facing Northlake Boulevard) due to the presence of tenants within each building. Principal Business/Development signage and tenant signage allow the general public ease of identification and increased safety for persons attempting to access the site and to specific tenants located within the “auto park”.

Per the ULDC Article 2.B.3.E, Type II Variance requires a statement of special reason or the basis for the variance required. This section of the Code stated that in order to authorize a variance, the Zoning Commission shall and must find that the seven (7) standards below have been met.

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: **VARIANCE No. 1 – BUILDING A:** This building is a multi-tenant building that requires separate signage for each tenant that occupies the building. Other multi-tenant plazas are allowed principal business/development identification signage and tenant signage for each tenant within the building. Four tenant signs are required for this building for each existing tenant. This use is located in a commercial area with similar uses and signage requirements. The variance ensures that this use is granted the same privileges as these other adjacent businesses.

VARIANCE No. 2 – BUILDING B: This building possesses one tenant that requires separate signage for its occupancy. The principal/development identification signage provides this building with instant recognition that this building is part of the “auto park”. This use is located in a commercial area with similar uses and signage requirements. The variance ensures that this use is granted the same privileges as these other adjacent businesses.

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

Response: **VARIANCE No. 1 – BUILDING A:** This facility has always operated as a multi-tenant “Auto Park” that houses a variety of vehicle brands. The request for tenant signage for each tenant brand located throughout the “auto park” is an existing condition that the signage code does not adequately address. The inability of the Code to sufficiently provide clear and readily identifiable signage for each tenant is not a condition that has arisen from the actions of the Applicant.

VARIANCE No. 2 – BUILDING B: For consistency purposes, the Hyundai tenant within this building requires the same signage as all other tenants within the “auto park”. The inability of the Code to sufficiently provide clear and readily identifiable signage for each tenant is not a condition that has arisen 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, buildings or structures in the same zoning district:

Response: **VARIANCE No. 1 – BUILDING A:** No special privileges shall be conferred upon the Applicant due to the numerous examples of other plaza and multi-tenant properties possessing multiple signs on a single façade to allow for each separate tenant adequate identification to the passing public, for reasons of

safety and ease of access. Further, other similar uses have multiple signs on their principal façade facing Northlake Blvd.

VARIANCE No. 2 – BUILDING B: No special privileges shall be conferred upon the Applicant due to the numerous examples of other plaza and multi-tenant properties possessing multiple signs on a single façade to allow for each separate tenant adequate identification to the passing public, for reasons of safety and ease of access. Further, other similar uses have multiple signs on their principal façade facing Northlake Blvd.

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: **VARIANCE No. 1 – BUILDING A:** Literal interpretation and enforcement of the terms and provisions of the multiple prevailing Codes will work an unnecessary and undue hardship for the operation and success of the tenants and the “auto park”. Appropriate signage is necessary for any business to ensure the public attempting to access the use can conveniently identify the location of the business and safely navigate to it. Removing tenant signage will provide an unfair advantage to other similar businesses that currently have multiple tenant signage for their competing brands.

VARIANCE No. 2 – BUILDING B: Literal interpretation and enforcement of the terms and provisions of the multiple prevailing Codes will work an unnecessary and undue hardship for the operation and success of the tenants and the “auto park”. Appropriate signage is necessary for any business to ensure the public attempting to access the use can conveniently identify the location of the business and safely navigate to it. Removing tenant signage will provide an unfair advantage to other similar businesses that currently have multiple tenant signage for their competing brands.

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

Response: **VARIANCE No. 1 – BUILDING A:** Granting of the variance is the minimum variance that will make possible the reasonable identification of the tenants that occupy the building. The size of the signage is in compliance with all code requirements and due to the physical layout of the site, the signage is appropriately sized and scaled to the façade(s) in which they are proposed.

VARIANCE No. 2 – BUILDING B: Granting of the variance is the minimum variance that will make possible the reasonable identification of the tenants that occupy the building. The size of the signage is in compliance with all code requirements and due to the physical layout of the site, the signage is appropriately sized and scaled to the façade(s) in which they are proposed.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code:

Response: **VARIANCE No. 1 – BUILDING A:** Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the applicable Codes, (ULDC and NBOZ Overlay), as large facilities such as “auto parks” require a heightened level of signage consideration as the product is relatively large and requires large properties and/or buildings to effectively operate. Signage for such facilities is not typical of other multitenant businesses that do not require significant area to operate. Further, this property is surrounded on four (4) sides by rights-of-ways, effectively creating four frontages. The applicant is seeking signage relief on the principal frontage to ensure off-site impacts are limited to this façade. Additionally, the proposals are consistent with the purpose and interest of the NBOZ that “is to encourage improvement, enhancement, renovation and/or development.”

VARIANCE No. 2 – BUILDING B: Granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the applicable Codes, (ULDC and NBOZ Overlay), as large facilities such as “auto parks” require a heightened level of signage consideration as the product is relatively large and requires large properties and/or buildings to effectively operate. Signage for such facilities is not typical of other multitenant businesses that do not require significant area to operate. Further, this property is surrounded on four (4) sides by rights-of-ways, effectively creating four frontages. The applicant is seeking signage relief on the principal frontage to ensure off-site impacts are limited to this façade. Additionally, the proposals are consistent with the purpose and interest of the NBOZ that “is to encourage improvement, enhancement, renovation and/or development.”

7. The granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Response: **VARIANCE No. 1 – BUILDING A:** Granting of the variance will not be injurious to the area or otherwise be detrimental to the public welfare as the property and the proposed signage are located within a commercial district and provide necessary identification to the general public of the location of this specific use and the multiple tenants/brands located within the facility. The applicant is seeking signage relief on the principal frontage to ensure off-site impacts are limited to this façade.

VARIANCE No. 2 – BUILDING B: Granting of the variance will not be injurious to the area or otherwise be detrimental to the public welfare as the property and the proposed signage are located within a commercial district and provide necessary identification to the general public of the location of this specific use and the multiple tenants/brands located within the facility. The applicant is seeking signage relief on the principal frontage to ensure off-site impacts are limited to this façade.

CONCLUSION

This request is consistent with the previously approved signage granted by the Zoning Department historically in this location and the surrounding competition. The Owners simply want to make improvements to the quality and appearance of the existing signage that is consistent with their branding requirements and vendor contracts that allows for customer traffic to flow well though the site by demarcating the entrances to the showrooms. Napleton's North Palm Auto Park contributes greatly to Palm Beach County's economic impact in addition to the local community. We ask that staff and the Commissions consider the Applicant's 200+ local jobs, tax contributions and their being an upstanding member of this business community while considering our Variance requests.