

**City Plan Board Modified Conditions  
With  
Applicant's proposal**

**69PDV-07PB**

**Condition 1.**

**Plan Board Condition**

At least one building should be placed at the intersection of 39<sup>th</sup> and Main and should frame that intersection in accordance with the comprehensive plan and the central corridor requirements. Other buildings should be removed from the wetland and relocated to realize the least possible negative impacts to both the environmental aspects and the residential development to the west and north. Buildings should have a strong architectural orientation towards Northwest 39<sup>th</sup> Avenue and North Main Street.

**Applicant Proposal**

Delete Condition 1 based on the following reasons:

[Wetlands avoidance was not required under Code Section 30-302.1(d), due to low ecological value of wetland function for the affected site wetlands. Also, placement of building at Main and 39<sup>th</sup> would result in elimination of "Town Center" design concept, as clustered building location is integral to "Town Center" design concept. The "New Urbanism" design concept (street-oriented building location) suggested by staff is not considered viable at this location or for car dealerships, generally. The corner location, in any event, is not large enough for a functional car dealership building. Comprehensive plan requires a "modest build-to line", which is being provided by Applicant, particularly relative to other area dealerships. Car dealerships are exempt from "central corridors" requirements]

**Condition 2.**

**Plan Board Condition**

Unless the development can demonstrate full compliance with the avoidance and minimization requirements of the environmental regulations, the primary intent of the development should be to move proposed buildings closer to the street edge and out of the wetland areas. The PD Layout plan should be amended to reflect reasonable compliance with the build-to line requirements.

**Condition 2 cont.**

**Applicant Proposal**

Delete condition 2 based on the following: [Applicant has demonstrated full compliance with Code wetlands avoidance / minimization requirements. Plan Board recommended approval of Applicant's wetland mitigation plan. (See Condition 5 below) Building closer to street edge destroys the Applicant's Town Center design concept and is not appropriate for car dealerships in this location. No other dealerships on Main Street have been required to locate close to the street.]

**Condition 3.**

**Plan Board Condition**

~~The alternative fuels station shall be placed on the southern portion of the site on an area of upland as opposed to an area close to or within a wetland area. The fueling station should be screened from the public right-of-way, as opposed to its current location of being one of the most prominent features visible from the public right-of-way. The final placement on the south side will be north of the existing Northwest 39<sup>th</sup> Avenue developments and will be adequately screened. That location will also provide a more efficient and less circuitous route to the facility. The City Plan reviewing board shall determine the final location and the merits of whether the use should be allowed during the Wellfield Special Use Permit and/or development plan review.~~

**Applicant Proposal**

Agreed

**Condition 4.**

**Plan Board Condition**

The development shall comply with the concurrency requirements of the Comprehensive Plan and shall demonstrate compliance during development plan review.

**Applicant Proposal**

Agreed

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**Condition 5.**

**Plan Board Condition**

~~Subject to meeting the environmental elements of the code, the development should propose a PD Layout plan that minimizes encroachment into the wetlands and environmentally sensitive areas of the site.~~ The development shall provide mitigation for the unavoidable loss of 4.04 acres of wetlands as follows, prior to development plan approval:

- i. Funding in the amount of \$100,000 for the enhancement of +/- 49.0 acres at the Prairie Creek Basin property, including hydrologic restoration, re-establishing a historic connection, instituting a fire management regime, and vegetative restoration by removing planted pines and replanting with long-leaf pines and native ground-cover species. Such funding may also be used to complete the land acquisition associated with this property; or
- ii. Such other comparable mitigation as may be approved by the City.

**Applicant Proposal**

**Agreed. Modified slightly after the Plan Board Hearing:**

The development shall provide mitigation for the unavoidable loss of a minimum of 4.04 acres of wetlands as follows, prior to development plan approval:

- i. Funding in the amount of \$100,000 for the enhancement of +/- 49.0 acres at the Prairie Creek Basin property, including hydrologic restoration, re-establishing a historic connection, instituting a fire management regime, and vegetative restoration by removing planted pines and replanting with long-leaf pines and native ground-cover species. Such funding may also be used to complete the land acquisition associated with this property; or
- ii. Such other comparable mitigation as may be approved by the City.
- iii. Such other mitigation as may be required by other regulatory agencies.

**Condition 6.**

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**Plan Board Condition**

Buildings shall have an orientation with pedestrian access towards 39<sup>th</sup> Avenue and North Main Street.

**Applicant Proposal**

Buildings shall have pedestrian access from 39<sup>th</sup> Avenue and North Main Street. [Buildings are proposed to be oriented to the other buildings within the Town Center concept, as discussed above.]

**Condition 7.**

**Plan Board Condition**

The alternative fuels fueling area shall be clearly identified with a circulation and access pattern that separates general public access from automobile storage and other internal circulation.

**Applicant Proposal**

Agreed

**Condition 8.**

**Plan Board Condition**

Allowable uses within the development shall be those listed on page 27 and 28 of the Planned Development application. Machine and body work shall not be permitted, except in completely enclosed building.

**Applicant Proposal**

Agreed

## Condition 9.

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### Plan Board Condition

- i. All buildings on the site shall have a design and architectural pattern that is compatible with each other and is representative of the overall architectural development intended along the central corridors. The elevations presented in the application as General Architectural Theme shall serve as a guide. Color tones shall be consistent with the City Advisory Color Guidelines and reflect the general color tones in the area. The amount of glazing and percentage of materials shall be required per the proposal. The finished material shall be consistent with materials used within the general neighborhood and shall be determined by the reviewing board during development plan review.
- ii. The areas referenced as aluminum storefront on the elevations refers to the framing and shall not be used as the type of finished materials.
- iii. A building located at the corner of Northwest 39<sup>th</sup> avenue and North Main Street shall be designed to include an entry feature and façade along both streets and windows shall be provided in accordance with the central corridor requirements for glazing. Architectural relief shall be provided along both the east and south sides of any building placed at the intersection of North Main and Northwest 39<sup>th</sup> Avenue.

### Applicant Proposal

- i. All buildings on the site shall have a design and architectural pattern that is compatible with each other and is representative of the overall architectural development intended along the central corridors. The elevations presented in the application as General Architectural Theme shall serve as a guide. Color tones shall be consistent with the City Advisory Color Guidelines and reflect the general color tones in the area. The amount of glazing and percentage of materials shall be required per the proposal. The finished material shall be consistent with materials used within the general neighborhood and shall be determined by the reviewing board during development plan review.
- ii. ~~The areas referenced as aluminum storefront on the elevations refers to the framing and shall not be used as the type of finished materials.~~  
**[Aluminum finish is a Mercedes "brand" material.]**
- iii. ~~A building located at the corner of Northwest 39<sup>th</sup> avenue and North Main Street shall be designed to include an entry feature and façade along both streets and windows shall be provided in accordance with the central corridor requirements for glazing. Architectural relief shall be provided along both the east and south sides of the building placed nearest to the intersection of North Main Street and Northwest 39<sup>th</sup> Avenue.~~ **[As discussed, a building at the intersection of Main and 39<sup>th</sup> is not appropriate under the Applicant's design**

**Deleted:** include an entry feature and façade along both streets and windows shall be provided in accordance with the central corridor requirements for glazing.

concept, nor for a car dealership at this location, and the location is not large enough for a functional dealership building. Car dealerships are exempted from the Central Corridor standards]

### Condition 10.

#### Plan Board Condition

Except as listed below, external buffers for the development are as shown on the PD Layout Plan:

- i. A 50 foot wide buffer with a masonry wall shall be constructed along the north boundary of the subject property to provide screening and buffering for the residential developments.
- ii. A 100 foot wide buffer including the ditch shall be created between proposed development and the residential to the west.
- iii. Fencing provided for security purposes along the west side of the property shall be placed on the east side of any landscaped buffer. The type and exact location shall be determined by the reviewing body during development plan review.
- iv. The stormwater basin shall be designed to serve a dual purpose as a passive recreation and stormwater facility.
- v. The development shall landscape the ditch area and maintain it in perpetuity. The amount and type of landscaping shall be determined by the reviewing body during development plan review.
- vi. Ditch and landscape maintenance access shall be provided and maintained by the development in perpetuity.
- vii. There shall be no outdoor public address / loud speaker system used on the site.

**Condition 10 cont.**

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- i. A 25 foot wide buffer with a 6 foot (6'), 100% opaque vinyl fence shall be constructed along the north boundary of the subject property to provide screening and buffering for the residential developments. [The site plan additionally provides a 90 foot building setback from residential to the north, plus increased landscaping, which provide an enhanced buffer.]
- ii. A 75 foot wide buffer, including the ditch, shall be created between proposed development and the residential to the west. [The site plan additionally provides a 100 foot building setback from residential to the west, plus increased landscaping.]
- vi. Fencing shall be provided for security purposes along the west side of the property and may include vinyl clad chain link fencing.[To place a fence "east" of the landscaped buffer would create a "dead zone" that would be difficult to secure and maintain. Applicant requires a perimeter security fence for its dealership.]
- vii. The stormwater basin shall be designed to provide for a passive recreation facility.
- viii. The development shall landscape the ditch area without compromising drainage function and maintain it in perpetuity. The amount and type of landscaping shall be determined by the reviewing body during development plan review.
- viii. Ditch and landscape maintenance access shall be provided and maintained by the development in perpetuity.
- ix. There shall be no outdoor public address / loud speaker system used on the site.

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Deleted: foot

**Condition 11.**

Plan Board Condition

All lighting must be in accordance with the City's Land Development Code. Lighting shall address intensity, glare, spillage, and safety needs.

Applicant Proposal

Agreed

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**Condition 12.**

**Plan Board Condition**

There shall be no elevated display of vehicles above the height of the street buffer hedge, which is generally four feet.

**Applicant Proposal**

Agreed

**Condition 13.**

**Plan Board Condition**

The development shall comply with the city's noise ordinance. ~~as well as the "Plainly Audible" requirement. Compliance with the noise ordinance should be convincingly demonstrated.~~ A study from a professional sound engineer shall be provided to establishing compliance and to indicate where design measures have been employed to eliminate noise intrusion.

**Applicant Proposal**

The development shall comply with the city's noise ordinance. A study from a professional sound engineer shall be provided in the event of a violation to establish compliance and to indicate where design measures have been employed to eliminate noise intrusion. **[This site is designated in the comprehensive plan for, and the area currently supports numerous, car dealerships. No noise studies have been required for other area dealerships. Dealerships are not inherently excessive noise producing uses. In addition, by condition, repair activities will be indoors, loudspeakers have been eliminated, and extensive perimeter buffering and landscaping are being provided. Consequently, there is no need for a noise study, except in the event of a violation.]**

**Condition 14.**

**Plan Board Condition**

Wall mounted and free-standing signs shall be in accordance with the Land Development Regulations. No electronic signage shall be allowed.

**Applicant Proposal**

Agreed



**Condition 15.**

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**Plan Board Condition**

With respect to the north boundary of the development, except as otherwise indicated, landscaping in accordance with the buffer matrix for single-family/commercial shall at a minimum be provided within the area between the proposed development and existing driveway and the fence.

**Applicant Proposal**

Agreed

**Condition 16.**

**Plan Board Condition**

Landscaping materials shall meet code requirements as to quality and shall at a minimum include 30-65 gallon trees as determined by the city arborist.

**Applicant Proposal**

Agreed

**Condition 17.**

**Plan Board Condition**

The maximum allowable square footage on the subject property shall be 150,000 square feet.

**Applicant Proposal**

Agreed

**Condition 18.**

**Plan Board Condition**

The development shall maintain a minimum of 20% of the site in open space.

**Applicant Proposal**

Agreed

**Condition 19.**

**Plan Board Condition**

Since the development contains a fueling facility, connectivity to developments to the south shall be provided. The final location and configuration shall be determined by the reviewing body during development plan review.

**Applicant Proposal**

Delete condition 19 for the following reasons:

**[The alternative fueling facility is not anticipated to receive high-volume traffic. The entrance to the fueling facility is to be from Main Street only, via the project entrance road. No functional connection would exist between the car dealership/fuel facility and the rear of an adjoining retail strip center and its miscellaneous uses. Dealership security would be compromised by allowing such access. Also, there would be no requirement for the retail center to provide public access.]**

**Deleted:** Since the development contains a fueling facility, connectivity to developments to the south shall be provided. The final location and configuration shall be determined by the reviewing body during development plan review.

**Condition 20.**

**Plan Board Condition**

Design, placement and configuration of the limited access connectivity point/s shall be determined during development plan review by the departments having jurisdiction.

**Applicant Proposal**

Design, placement and configuration of the limited access connectivity point/s shall be determined during development plan review by the departments having jurisdiction, provided the primary entrance shall be aligned with the entrance to the dealership on the opposite side of Main Street. [Applicant wishes to preserve the proposed primary driveway alignment to coincide with the dealership on opposite side of Main Street, notwithstanding development plan review.]

**Condition 21**

**Plan Board Condition**

During development review, the city shall analyze the proposed development in terms of its traffic impact on the existing roadway and traffic signalization patterns. The petitioner/developer shall be required to conduct a traffic engineering study and to make improvements commensurate with the potential impacts of the development on the roadway system and related traffic signalization system.

**Condition 21cont.**

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**Applicant Proposal**

During development review, the city shall analyze the proposed development in terms of its impact on the existing roadway and traffic signalization patterns. The petitioner/developer shall be required to conduct a traffic engineering study and to make improvements commensurate with the potential impacts of the development on the roadway system and related traffic signalization system. [This change attempts to distinguish road/signalization impacts from "concurrency" impacts, which have been addressed in Condition 4.]

**Condition 22.**

**Plan Board Condition**

Parking shall be subject to the requirements of the land development code. No parking shall be allowed within the public right-of-way, this shall include trucks loading and loading. The applicant shall place signs directing all loading and unloading to designated areas. The location and other details of those directional signs shall be determined during development plan review.

**Applicant Proposal**

Agreed

**Conditions 23.**

**Plan Board Condition**

Sidewalks shall be provided along Northeast 2<sup>nd</sup> Way fronting the subject property; the sidewalk shall extend to Northeast 39<sup>th</sup> Avenue.

**Applicant Proposal**

Agreed

**Conditions 24.**

**Plan Board Condition**

~~Sidewalks shall also be provided to connect the adjacent developments to the south.~~

The City Plan Board shall be the reviewing board for the development plan and architectural design associated with this PD.

**Applicant Proposal**

Agreed

**Conditions 25.**

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**Plan Board Condition**

In areas adjoining the property where existing sidewalks are deficient or deteriorated, the development shall provide sidewalks to meet code requirements.

**Applicant Proposal**

Agreed

**Condition 26.**

**Plan Board Condition**

The unified control of the PD and all conditions shall be binding on all future owners.

**Applicant Proposal**

Agreed

**Condition 27.**

**Plan Board Condition**

Phase lines must be shown on the PD Layout Plan and a time limit provided for each phase. Prior to issuance of a certificate of occupancy for a particular phase, all infrastructure and accessory facilities related to finalization of a particular phase must be in place and approved by Development Services.

**Applicant Proposal**

Agreed

**Condition 28.**

**Plan Board Condition**

The Planned Development shall be valid for a period of five (5) years from the effective date of the ordinance approving the PD. A building permit must be issued prior to expiration date. The City Commission may grant an extension of time for a period of one year, only if the request is submitted in writing to the Commission at least one month prior to the 5-year expiration date. If the original approval period expires with no action being taken, the development order approved by the Planned Development Zoning Ordinance shall be void and of no further force and effect. The City has the option to designate other appropriate zoning consistent with the Comprehensive Plan. The petitioner shall revise their PD Plan Report to reflect the development time limits.

**Applicant Proposal**

Agreed

**Condition 29.**

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**Plan Board Condition**

Application for a building permit must be filed within one year of obtaining a final development order. Construction must commence no later than one year after obtaining a final development order or one year after receiving a building permit, whichever is the later.

**Applicant Proposal**

Agreed

**Condition 30.**

**Plan Board Condition**

Any required bonding will be addressed during development plan review and shall be determined by the reviewing body.

**Condition 31.**

**Plan Board Condition**

The alternative fuels learning center building shall be constructed in accordance with "LEED" energy efficiency standards adopted as of the date of the approval of the PD zoning.

**Applicant Proposal**

The southerly-most dealership building and alternative fuels learning center building shall be constructed in accordance with "LEED" energy efficiency standards adopted as of the date of the approval of the PD zoning.

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**Condition 32.**

**Plan Board Condition**

A maximum of two (2) vehicular access roadways shall be allowed on Main Street.

**Applicant Proposal**

Agreed

**Condition 33.**

**Plan Board Condition**

A maximum of three (3) fueling pumps, six (6) fueling stations for dispensing of alternative fuels to the public shall be permitted, subject to obtaining all applicable permits and approvals.

**Applicant Proposal**

Agreed

**Condition 34**

**Plan Board Condition**

This development is located in Zone B of the Transportation Concurrency Exception Area and must meet all relevant Concurrency Management Element Policy 1.1.4, 1.1.5, and 1.1.6 standards. Modifications required due to site related impacts do not qualify for TCEA standards.

**Applicant Proposal**

Agreed

**Condition 35**

**Plan Board Condition**

This development must sign a TCEA Zone B Agreement for the provision of the required Concurrency Management Element Policy 1.1.6 standards (at a minimum for Phase 1) prior to second reading of the PD Ordinance. Please contact Onelia Lazzari to provide information for the preparation of the TCEA Zone B Agreement prior to 2<sup>nd</sup> Reading of the PD Ordinance for this development

**Applicant Proposal**

Agreed

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**Condition 36**

**Plan Board Condition**

If the developer wishes to sign a TCEA Zone B Agreement for the Phase 1 of the development only, a condition of approval is that the development shall sign a TCEA Zone B Agreement for provision of the required standards for Phase 2 prior to a final development order being issued for Phase 2 (related to the trip generation for Phase 2).

**Applicant Proposal**

Agreed

**Condition 37**

**Plan Board Condition**

If more than 6 fueling positions are added at the site, the developer shall provide revised trip generation for the added trips and shall be responsible for signing a revised TCEA Zone B Agreement for the additional trip impacts from the added fueling positions.

**Applicant Proposal**

Agreed

**Condition 38**

**Plan Board Condition**

The development must submit an Application for a Certificate of Final Concurrence at the development plan application stage.

**Applicant Proposal**

Agreed