

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 22-71 (SPM, AAR) AN APPLICATION BY CENTERPOINT INTEGRATED SOLUTIONS, LLC. AND ADOPTION OF RESOLUTION 23-28 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN AND ARCHITECTURAL APPROVAL IN ORDER TO CONSTRUCT A STANDALONE BUILDING WHICH WILL BE UTILIZED FOR A VEHICLE AUCTION USE, FOR A PROPERTY LOCATED AT 10501 SOUTHERN BOULEVARD; BY MICHAEL CARR OF LANGAN ENGINEERING.

Issue:

The applicant, CenterPoint Integrated Solutions, LLC, is requesting Site Plan Modification and Architectural Approval to construct a second phase of development on the site which includes construction of a new second standalone building which will be utilized for vehicle auction use within the General Commercial (CG) Zoning District, for a property located at 10501 Southern Boulevard.

The Applicant is also seeking Architectural approval for the building architecture, color, materials and Landscape Plan.

The Planning & Zoning Commission considered this item on August 14, 2023 and recommended Denial by a vote of 3 to 2, with Commissioner Lauren McClellan and Alternate #1 Kara Dery dissenting.

Recommended Action:

Staff is recommending Denial of Application No. 22-71 (SPM, AAR) and Resolution No. 23-28.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	9-21-2023	Action



Village of Royal Palm Beach - Staff Report

General Data:

Project Name: Carmax

Application: 22-71 (SPM, AAR) (Res. 23-28)

Owner: CarMax Auto Superstores, Inc.
12800 Tuckahoe Creek Parkway
Richmond, VA 2323

Agent: John Thatcher
CenterPoint Integrated Solutions, LLC
1626 Cole Boulevard, Suite 125
Lakewood, CO 80401

Request: Site Plan Modification and Architectural Approval in order to construct a standalone building which will be utilized for a vehicle auction use, for a property located at 10501 Southern Boulevard.

Location: 10501 Southern Boulevard

Recommendation: Approval

Hearings: Planning & Zoning Commission: August 14, 2023
Village Council: September 21, 2023

II. Site Data:

Site Area: 13.47 acres

Property Control Numbers: 72-42-43-27-05-009-0082

Existing Land Use: "New and used vehicle sales"

Proposed Land Use: "New and used vehicle sales" and "Vehicle auction"

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning

Dir.	Existing:	FLUM:	Zoning:
North	Bella Terra	Single Family (SF)	Planned Unit Development (PUD)
South	Acme Ranches	Residential (LR-2, PBC)	Agricultural Residential (AR/PBC)
East	Village Shoppes on 441	Commercial (COM)	General Commercial (CG)
West	Al Packer Ford West	Commercial (COM)	General Commercial (CG)

Directly below is an illustration showing the location of the Site:



III. Intent of Petition:

The applicant, CenterPoint Integrated Solutions, LLC, is requesting Site Plan Modification and Architectural Approval to construct a second phase of development on the site which includes construction of a new second standalone building which will be utilized for vehicle auction use within the General Commercial (CG) Zoning District, for a property located at 10501 Southern Boulevard.

The Applicant is also seeking Architectural approval for the building architecture, color, materials and Landscape Plan.

IV. History:

The subject property is located at 10501 Southern Boulevard. The property was annexed into the Village Boundaries along with numerous other properties on July 6, 1988 through the adoption of Ordinance No. 284 by the Village Council. This is the last remaining undeveloped parcel of the former Rubin Property. The property was given a Village Land Use Designation of Commercial on October 15, 1998 through the adoption of Ordinance No. 536 by Village Council. The property was subsequently rezoned, to Commercial General (CG) through the adoption of Ordinance No. 575 by Village Council on November 4, 1999. On May 17, 2023, Village Council Approved Resolution No. 17-30 to permit two (2) Special Exception Uses and Architectural Approval for a 6,846 square foot “New and used vehicle sales” establishment, with an ancillary “Vehicle auction”.

V. Analysis:

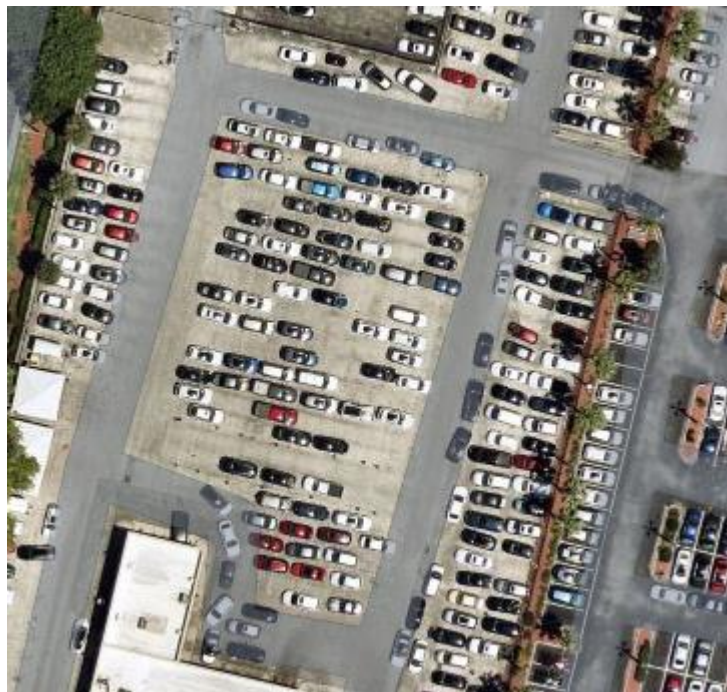
The applicant, CenterPoint Integrated Solutions, LLC, is requesting Site Plan Modification and Architectural Approval to construct a second phase of development on the site which includes construction of a new 4,216 square foot standalone building which will be utilized for vehicle auction use within the General Commercial (CG) Zoning District, for a property located at 10501 Southern Boulevard.

Access to the site will be provided from two (2) full access points off of 105th Avenue North. In addition, there will be a cross access connection with the shopping center to the east of the subject site. The purpose of this Site Plan Modification is to construct a 2.6-acre asphalted area to accommodate a "Vehicle Auction" and storage of the auction vehicles. Please refer to **Attachment C** for an illustration of the Site Plan.

The Applicant is requesting Architectural Approval for the auction building's architecture. The Applicant has provided Elevation Drawings of the building with color and material samples and a proposed Landscape Plan for the Commission's review. Please refer to **Attachment E** for an illustration of the building's architecture.

The Applicant is also seeking Architectural Approval for the Landscape Plan along with Landscape Waivers which appear on the agenda under separate Agenda Items. Please refer to **Attachment D** for an illustration of the Landscape Plan.

Village Staff is not in support of the proposed Site Plan and Landscape Plan. The Applicant is proposing a 2.6 acre paved parking area that will serve as a storage area for the auction vehicles. This area will be void of any striping or terminal landscape islands. Directly below is an aerial photograph of the storage area for auction vehicles at the CarMax location in Boynton Beach.



Village Staff feels as though striping and landscape terminal islands are essential in promoting a safe and well-organized parking area. Creating parking stalls with the use of striping promotes a predicable parking pattern and also defines drive aisles for pedestrians and vehicles navigating to, around and through these areas. Without an established parking pattern with appropriate striping and terminal landscape islands, Village Staff feels as though the Site Plan and the Landscape Plan do not meet certain sections of Village Code designed to promote predictability and enhance pedestrian and vehicular safety to, around, and through such parking fields. The following are Village Code Sections which aren't being met by the application as currently proposed:

- Section 23-49 *Off-Street Parking Requirement*, subpart (b) *Location and Design Requirements*, subpart (2) *Pedestrian Access* states that "a. All properties **shall** provide safe, adequate and direct pedestrian access between a building, structure, or use (vehicle auction area) and its associated parking area."

Village Staff contends that without a well striped parking area along with defined vehicular drive aisles, the Site Plan cannot demonstrate that a safe, adequate and direct pedestrian access is being provided to, around and through the vehicle auction area.

- Section 23-49 *Off-Street Parking Requirement*, subpart (b) *Location and Design Requirements*, subpart (3) *Internal circulation* states that "c. Internal circulation areas **shall** be designed so as to not interfere with or pose a hazard to any parking spaces, loading spaces, or pedestrian movements."

Village Staff contends that without a well striped parking area along with defined vehicular drive aisles, the Site Plan cannot demonstrate that the internal circulation areas do not interfere with or pose a hazard to pedestrian movements to, through, and around the vehicle auction area.

- Section 2-75.28 subpart (c) *Landscape and Site Treatment* outlines the review criteria for Landscape Plans which are as follows:
 1. Where existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed.
 2. Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance.
 3. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and provide shade.
 4. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices, wherever possible.
 5. Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.
 6. Screening of service yards and other places which tend to be unsightly, shall be accomplished by the use of walls, fencing, planting, or combinations of these. Screening shall be effective in winter and summer.

7. In areas where general planting will not prosper, other materials such as fences, walls and paving of wood, brick, stone, rocks and gravel shall be used.
8. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting should be shielded, and restrained in design. Excessive brightness, flashing lights, and brilliant colors should be avoided.

Village Staff contends that the proposed 2.6 acre asphalt parking field does not meet the review criteria for Landscape Plans in that the proposed parking field is void of any landscaping which does not promote an inviting and stable appearance (criterion #2); is void of any landscaping to provide shade (criterion #3); and is void of trees and shrubs in paved areas (criterion #5).

Directly below is an illustration of a Site Plan that has been designed with coordination between the Applicant and Village Staff which accomplished the Applicants needs for a vehicle storage and was designed in a manner that meets Village Code and promotes predictability and enhanced pedestrian and vehicular safety to, around, and through such parking fields. Illustrated directly below is the inventory storage area approved as part of the site plan approval for United Auto.



In reviewing this petition, Village Staff also considered conformity with Chapter 26 of the Village's Code of Ordinances. Specifically, the proposed project meets the requirements for the General Commercial (CG) Zoning District; Specifically, the proposed site meets the requirements as follows:

1. Parcel Size: The 13.47 acre-site exceeds the minimum parcel size of 40,000 square feet.
2. Parcel Frontage: The proposed Site Plan has a frontage of 1,006.51 feet, thus exceeding the minimum frontage of 150 feet along a major roadway.
3. Setbacks: All proposed structures meet the required setbacks for the General Commercial (CG) Zoning District.
4. Pervious Area: The site provides 40.9% of the site as pervious area and thus, exceeds the minimum pervious area of 25%.
5. Parking Requirements: The proposed site plan requires 80 parking spaces and 172 parking spaces have been provided. The site plan exceeds the minimum parking requirements of the Village Code.
6. Landscape Areas: The Landscape Plan does not meet all of the landscape requirements of the Village Code. The Applicant is requesting the elimination of the landscape islands within the vehicle parking area of the "Vehicle Auction" area through a separate Landscape Waiver application.
7. Maximum Building Height: The proposed service building is 28 feet in height which is below the maximum height of 32 feet permitted in the General Commercial (CG) Zoning District.

Overall, the proposed Site Plan, Special Exception and Architecture meet all of the Village's requirements for this type of use in the General Commercial (CG) Zoning District with the exceptions noted above. Village Staff believes that without a well striped parking area along with defined vehicular drive aisles, the Site Plan cannot demonstrate that a safe, adequate and direct pedestrian access is being provided nor demonstrate that internal circulation areas do not interfere with or pose a hazard to pedestrian movements to, through, and around the vehicle auction area, therefor Staff is recommending Denial of this application.

VI. Disposition Options:

Recommend: Approval of the application;
Denial of the application.

VII. Staff Recommendation:

Staff is recommending Denial of Application No. 22-71 (SPM, AAR) and Resolution No. 23-28.

VIII. Hearing History:

Planning and Zoning Commission:

The Planning & Zoning Commission considered this item on August 14, 2023 and recommended Denial by a vote of 3 to 2, with Commissioner Lauren McClellan and Alternate #1 Kara Dery dissenting.

Attachment A
Legal Description
Carmax
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

LEGAL DESCRIPTION:

PARCEL A

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 36, RUN (BEARINGS CITED HEREIN ARE IN A MERIDIAN ASSUMING S 01°33'58"W ALONG THE EAST LINE OF THE SAID NORTHEAST QUARTER (NE 1/4) OF SECTION 36) S 01°33'58"W, ALONG THE SAID EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, A DISTANCE OF 118.14 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE NORTH 44.00 FEET OF TRACT 1, BLOCK 9 OF THE PLAT ENTITLED, THE PALM BEACH FARMS CO. PLAT NO. 3, AS SAME IS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N 88°20'17" W, ALONG THE SAID EASTERLY PROLONGATION AND ALONG THE SAID SOUTH LINE OF THE NORTH 44.00 FEET OF TRACT 1, A DISTANCE OF 108.29 FEET MORE OR LESS, TO A POINT IN THE WEST LINE OF THAT RIGHT-OF-WAY PARCEL DESCRIBED IN DEED BOOK 849 AT PAGES 322 AND 323, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING AND THE MOST NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; AND FROM SAID POINT OF BEGINNING RUN, BY THE FOLLOWING DENOTED COURSES, S 01°49'53" W, ALONG THE SAID WESTERLY LINE OF THE PARCEL DESCRIBED IN DEED BOOK 849 AT PAGES 322 AND 323, A DISTANCE OF 979.23 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF TRACT 1; THENCE S 89°00'38" W, ALONG THE SAID SOUTH LINE OF TRACT 1, A DISTANCE OF 87.01 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7 AS SAME IS DESCRIBED IN A DEED RECORDED IN OFFICIAL RECORDS BOOK 5352 AT PAGE 1899 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 01°33'58" W, ALONG THE JUST DESCRIBED NORTHERLY PROLONGATION, A DISTANCE OF 50.05 FEET MORE OR LESS, TO A POINT IN THE NORTH LINE OF TRACT 5, SAID BLOCK 9; THENCE CONTINUE S 01°33'58" W, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7, A DISTANCE OF 1323.28 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID TRACT 5, THENCE S 89°03'33" W, ALONG THE SAID SOUTH LINE OF TRACT 5 AND ALONG THE SOUTH LINES OF TRACT 4 AND OF TRACT 3, ALL IN SAID BLOCK 9, A DISTANCE OF 1457.02 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY PROLONGATION OF THE EAST LINE OF TRACT 8 OF SAID BLOCK 9; THENCE S 00°42'13" W, ALONG THE JUST DESCRIBED PROLONGATION AND ALONG THE SAID EAST LINE OF TRACT 8, A DISTANCE OF 78.00 FEET, MORE OR LESS TO A POINT IN THE SOUTH LINE OF THE NORTH 48 FEET OF SAID TRACT 8; THENCE CONTINUE S 00°42'13" E, ALONG THE SAID EAST LINE OF TRACT 8, A DISTANCE OF 511.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°42'13" E, A DISTANCE OF 700.00 FEET, TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS DESCRIBED IN A DEED RECORDED IN OFFICIAL RECORDS BOOK 5352 AT PAGE 1897 AND 1898, THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT IN A 11422.16 FOOT RADIUS CURVE, CONCAVE NORTHERLY AND WHOSE RADIAL LINE PASSING

THROUGH SAID POINT BEARS N 00°12'04" E; THENCE WESTERLY ALONG THE JUST DESCRIBED NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND ALONG THE ARC OF THE JUST DESCRIBED CURVE, THROUGH A CENTRAL ANGLE OF 01°19'12", AN ARC DISTANCE OF 263.15 FEET TO A POINT OF TANGENCY, THENCE N 88°28'44" W, CONTINUING ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, A DISTANCE OF 743.55 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID TRACT 8; THENCE N 01°35'50" E, ALONG SAID TRACT LINE, A DISTANCE OF 680.00 FEET: THENCE S 89°47'46" E, DEPARTING SAID TRACT LINE, A DISTANCE OF 978.86 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

THAT PART OF TRACT 8, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34'07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93120-2543; THENCE NORTH 88°39'54" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 488.921 METERS (1,604.07 FEET); THENCE NORTH 01°20'06" EAST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE A DISTANCE OF 35.666 METERS (117.01 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD), SAID POINT ALSO BEING THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A CHORD BEARING OF NORTH 89°07'47" WEST; THENCE WESTERLY ALONG SAID EXISTING RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 3,481.481 METERS (11,422.16 FEET), THROUGH A CENTRAL ANGLE OF 01°19'24", AN ARC DISTANCE OF 80.419 METERS (263.84 FEET) TO THE END OF SAID CURVE; THENCE NORTH 88°28'05" WEST CONTINUING ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 166.783 METERS (547.19 FEET); THENCE NORTH 88°28'14" WEST CONTINUING ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 59.736 METERS (195.98 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT OF WAY LINE FOR 105TH AVENUE; THENCE NORTH 01°35'55" EAST, A DISTANCE OF 207.261 METERS (679.99 FEET); THENCE SOUTH 89° 47'30"EAST; A DISTANCE OF 15.503 METERS (50.86 FEET); THENCE SOUTH 01°29'19" WEST, A DISTANCE OF 164.086 METERS (538.34 FEET); THENCE SOUTH 88°28'07" EAST A DISTANCE OF 25.479 METERS (83.59 FEET); THENCE NORTH 89°07'35" EAST, A DISTANCE OF 214.555 METERS (703.92 FEET) TO A POINT ON A CURVE CONCAVE TO THE NORTH, HAVING A CHORD BEARING OF NORTH 88°48'56" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 4,545.000 METERS (14,911.39 FEET), THROUGH A CENTRAL ANGLE OF 00°37'17", AN ARC DISTANCE OF 49.299 METERS (161.74 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE END OF SAID CURVE; THENCE SOUTH 00°34'07" EAST ALONG SAID EAST LINE, A DISTANCE OF 53.980 METERS (177.10 FEET) TO THE POINT OF BEGINNING.

CONTAINING 500296.77± SQUARE FEET OR 11.49± ACRES

PARCEL B

THAT PART OF TRACT 8, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH. RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34'07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2294981, SECTION 93120-2543; THENCE NORTH 88°39'54" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 489.941 METERS (1,607.41 FEET) THENCE NORTH 01°20'06" EAST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 66.350 METERS (217.68 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE FOR THE NEXT FIVE (5) COURSES CONTINUE ALONG SAID NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE; (1) SOUTH 84°59'54" WEST, A DISTANCE OF 19.758 METERS (64.82 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 85°51'37" WEST; THENCE (2) WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,738.000 METERS (5,702.09 FEET), THROUGH A CENTRAL ANGLE OF 01°43'25", AN ARC DISTANCE OF 52.287 METERS (171.54 FEET) TO A POINT ON A COMPOUND CURVE, CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 89°07'33" WEST; THENCE (3) WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2,206.475 METERS (7,239.08 FEET), THROUGH A CENTRAL ANGLE OF 04°48'27", AN ARC DISTANCE OF 185.133 METERS (607.39 FEET) TO THE END OF SAID CURVE; THENCE (4) NORTH 88°28'14" WEST, A DISTANCE OF 30.347 METERS (99.56 FEET) THENCE (5) NORTH 43°29'28" WEST, A DISTANCE OF 4.244 METERS (13.92 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT OF WAY LINE FOR 105TH AVENUE; THENCE NORTH 01°29'19" EAST ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE AND SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 24.109 METERS (79.10 FEET) TO A POINT ON THE VACATED NORTHERLY EXISTING RIGHT OF WAY LINE AND VACATED LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD); THENCE FOR THE NEXT THREE (3) COURSES CONTINUE ALONG SAID VACATED NORTHERLY EXISTING RIGHT OF WAY LINE AND VACATED LIMITED ACCESS RIGHT OF WAY LINE; (1) SOUTH 88°28'07" EAST, A DISTANCE OF 25.479 METERS (83.59 FEET); THENCE (2) NORTH 89°07'35" EAST, A DISTANCE OF 214.555 METERS (703.92 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF NORTH 88°48'56" EAST; THENCE (3) EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 4,545.000 METERS (14,911.39 FEET), THROUGH A CENTRAL ANGLE OF 00°37'17", AN ARC DISTANCE OF 49.299 METERS (161.74 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8, THE NORTHERLY EXISTING LIMITED ACCESS LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD) AND THE END OF SAID CURVE; THENCE SOUTH 00°34'07" EAST ALONG SAID EAST LINE AND EXISTING LIMITED ACCESS LINE, A DISTANCE OF 23.280 METERS (76.38 FEET) TO THE POINT OF BEGINNING.

SUBJECT TO A PERPETUAL EASEMENT FOR MAINTENANCE, DRAINAGE AND ACCESS PURPOSES IN, OVER UNDER, UPON AND THROUGH THE ABOVE DESCRIBED LAND. ALSO SUBJECT TO ALL RIGHTS OF ACCESS, INGRESS AND EGRESS, BETWEEN THE GRANTEE'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ALONG THE FOLLOWING DESCRIBED LINE:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34' 07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2294981, SECTION 93120-2543; THENCE NORTH 88° 39' 54" WEST ALONG SAID BASELINE SURVEY, A DISTANCE OF 489.941 METERS (1,607.41 FEET); THENCE NORTH 01°20'06" EAST ALONG A LINE AT RIGHT ANGLE TO THE LAST DESCRIBED

COURSE, A DISTANCE OF 66.350 METERS (217.68 FEET); TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE BEGINNING OF THE RELOCATED LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON SAID MAP; THENCE SOUTH 84° 59' 54" WEST, A DISTANCE OF 19.758 METERS (64.82 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 85° 51' 37" WEST; THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,738.000 METERS (5,702.09 FEET) THROUGH A CENTRAL ANGLE OF 01° 43' 25" , AN ARC DISTANCE OF 52.287 METERS (171.54 FEET) TO A POINT ON A COMPOUND CURVE, CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 89° 07' 33" WEST; THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2, 206.475 METERS (7,239.08 FEET), THROUGH A CENTRAL ANGLE OF 04° 48' 27", AN ARC DISTANCE OF 185.133 METERS (607.39 FEET) TO THE END OF SAID CURVE; THENCE NORTH 88° 28' 14" WEST, A DISTANCE OF 30.347 METERS (99.56 FEET); THENCE NORTH 43° 29' 28" WEST, A DISTANCE OF 4.244 METERS (13.92 FEET); THENCE NORTH 01° 29' 19" EAST, A DISTANCE OF 24.109 METERS (79.10 FEET) TO THE END OF SAID RELOCATED LIMITED ACCESS RIGHT OF WAY LINE.

CONTAINING 86498.55± SQ. FT. OR 1.99± ACRES

TOTAL AREA 586,795± SQ. FT. OR 13.47± ACRES

Attachment B
Conditions of Approval
Carmax
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

1. Development Order:

This development order constitutes approval for:

Site Plan Modification and Architectural Approval to construct a second phase of development on the site which includes construction of a new second standalone building which will be utilized for "Vehicle Auction Use".

This constitutes the only approval granted by this resolution. Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. No automobiles or other type of inventory may be parked or stored for any length of time on any part of the site except as shown on the approved site plan as parking spaces or inventory spaces.
- C. All bollards shall be painted either dark green or black, and may not incorporate the use of chains between the bollards.
- D. There shall be no storage of vehicles waiting to be repaired in any areas of the site not specifically designated and approved for outdoor storage on the site plan.
- E. The applicant shall revise all plans to incorporate all conditions of approval prior to final Site Plan Sign-off.
- F. There shall be no vehicle display structure or equipment that elevates or rotates vehicles installed or located on site.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.

- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape plan review and inspection fee of three percent (3%) of the certified cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

4. Landscaping Conditions:

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and water's edge.

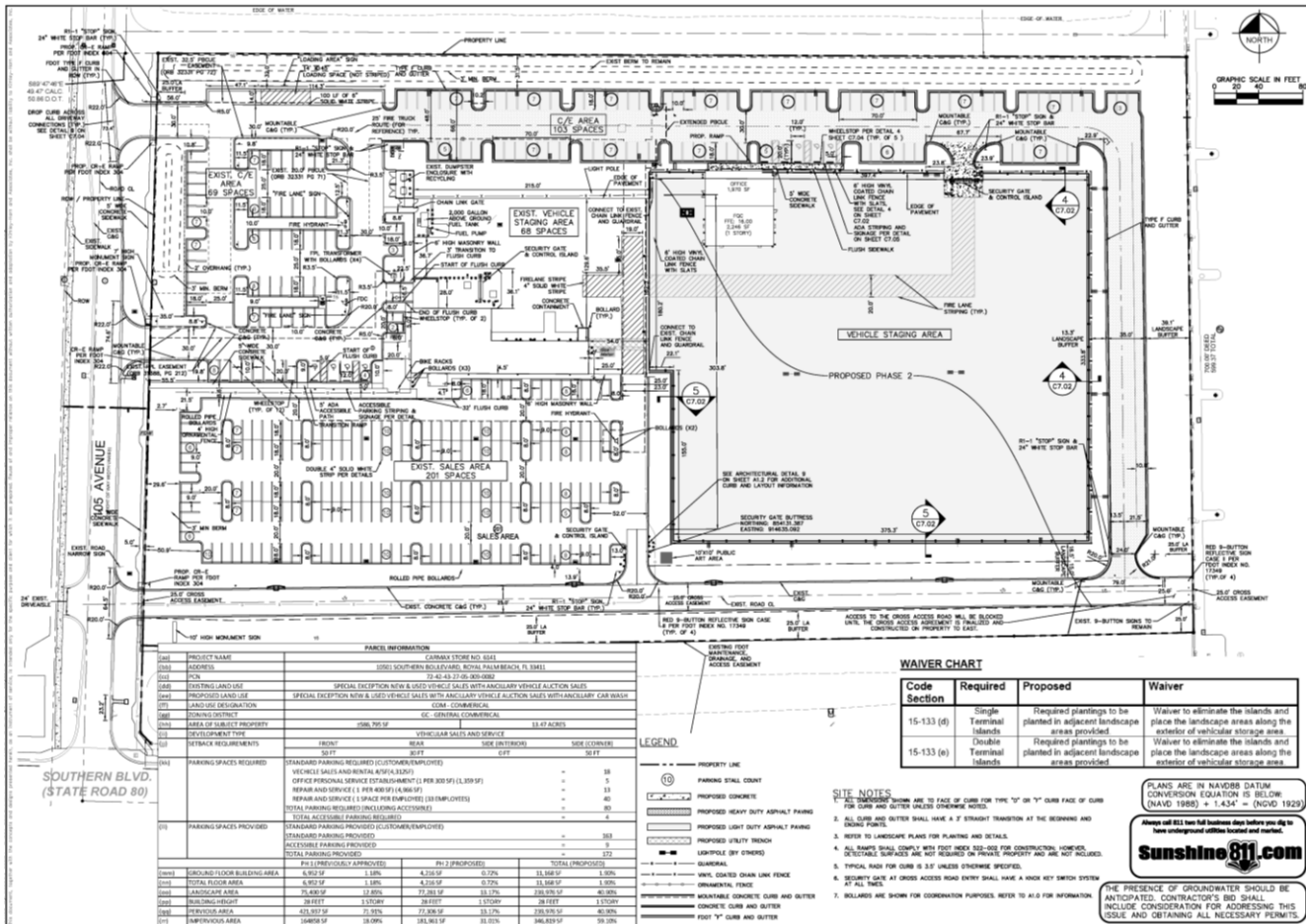
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- H. The practice of “hat racking” defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree’s crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

5. Planning and Zoning Commission:

- A. All recommendations of the Planning and Zoning Commission shall be adhered to.

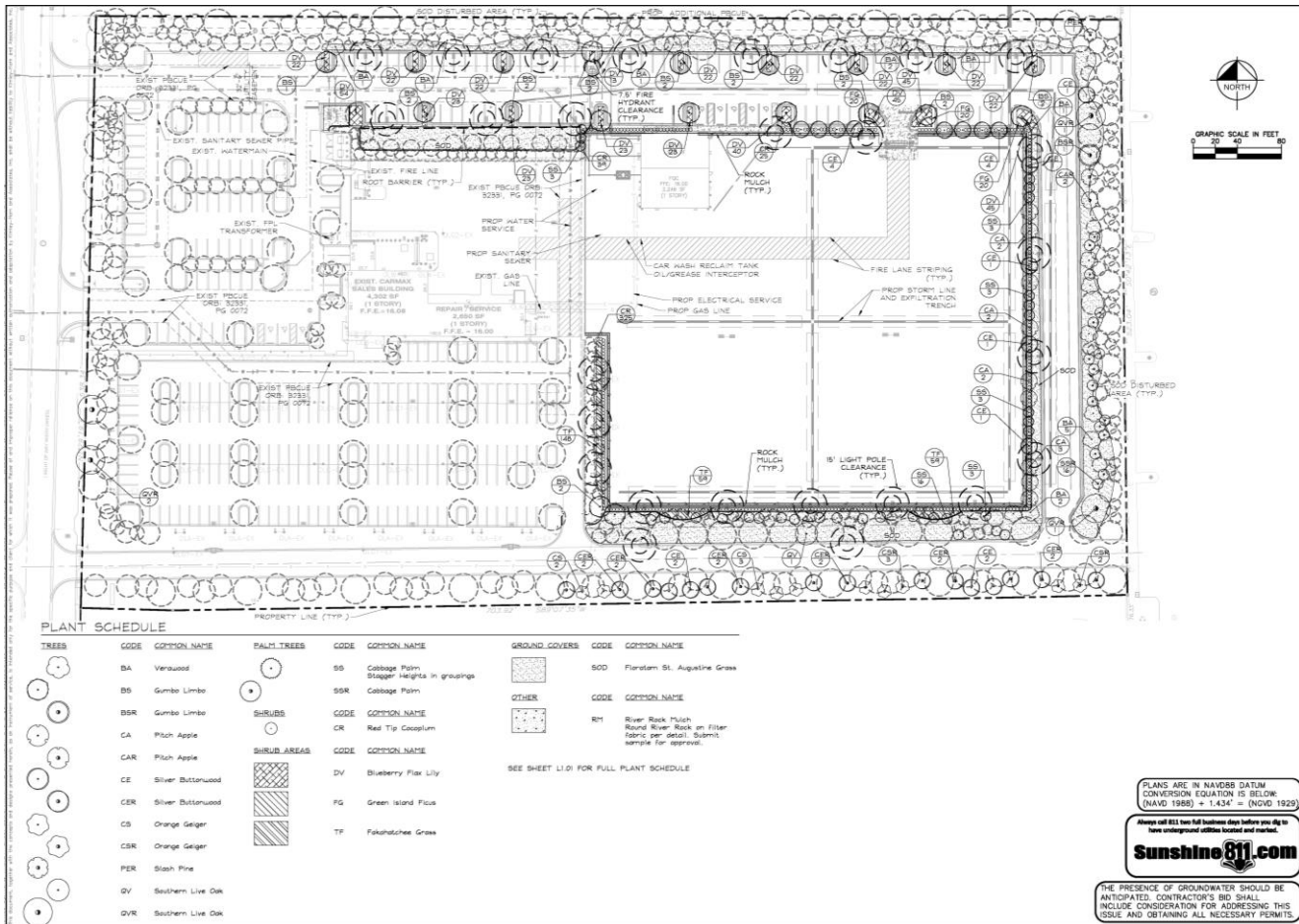
Attachment C **Site Plan** **Carmax** **Application No. 22-71 (SPM, AAR)** **Resolution No. 23-28**

Directly below is an illustration of the proposed Site Plan.



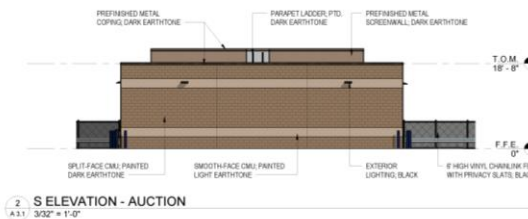
Attachment D
Site Plan
Carmax
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

Directly below is an illustration of the proposed Landscape Plan.



Attachment E
Architecture
Carmax
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

Directly below is an illustration of the proposed Architecture.



RESOLUTION NO. 23-28

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 22-71 (SPM, AAR) – THE APPLICATION OF CENTERPOINT INTEGRATED SOLUTIONS, LLC - PERTAINING TO A SITE PLAN MODIFICATION AND ARCHITECTURAL APPROVAL TO CONSTRUCT A STANDALONE BUILDING WHICH WILL BE UTILIZED FOR A VEHICLE AUCTION USE WITHIN THE GENERAL COMMERCIAL ZONING DISTRICT FOR A PROPERTY LOCATED AT 10501 SOUTHERN BOULEVARD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach, Florida (“Village”), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

WHEREAS, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

WHEREAS, Application No. 22-71 (SPM, AAR) was presented to the Village Council at its public hearing conducted on September 21, 2023; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

WHEREAS, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT APPLICATION NO. 22-71 (SPM, AAR), THE APPLICATION OF CENTERPOINT INTEGRATED SOLUTIONS, LLC, ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions and site plan depiction:

PLEASE SEE EXHIBIT “B” and “C” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 21st day of September, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Carmax @ 10501 Southern Boulevard
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

LEGAL DESCRIPTION:

PARCEL A

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 36, RUN (BEARINGS CITED HEREIN ARE IN A MERIDIAN ASSUMING S 01°33'58"W ALONG THE EAST LINE OF THE SAID NORTHEAST QUARTER (NE 1/4) OF SECTION 36) S 01°33'58"W, ALONG THE SAID EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, A DISTANCE OF 118.14 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE NORTH 44.00 FEET OF TRACT 1, BLOCK 9 OF THE PLAT ENTITLED, THE PALM BEACH FARMS CO. PLAT NO. 3, AS SAME IS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N 88°20'17" W, ALONG THE SAID EASTERLY PROLONGATION AND ALONG THE SAID SOUTH LINE OF THE NORTH 44.00 FEET OF TRACT 1, A DISTANCE OF 108.29 FEET MORE OR LESS, TO A POINT IN THE WEST LINE OF THAT RIGHT-OF-WAY PARCEL DESCRIBED IN DEED BOOK 849 AT PAGES 322 AND 323, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING AND THE MOST NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; AND FROM SAID POINT OF BEGINNING RUN, BY THE FOLLOWING DENOTED COURSES, S 01°49'53" W, ALONG THE SAID WESTERLY LINE OF THE PARCEL DESCRIBED IN DEED BOOK 849 AT PAGES 322 AND 323, A DISTANCE OF 979.23 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF TRACT 1; THENCE S 89°00'38" W, ALONG THE SAID SOUTH LINE OF TRACT 1, A DISTANCE OF 87.01 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7 AS SAME IS DESCRIBED IN A DEED RECORDED IN OFFICIAL RECORDS BOOK 5352 AT PAGE 1899 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 01°33'58" W, ALONG THE JUST DESCRIBED NORTHERLY PROLONGATION, A DISTANCE OF 50.05 FEET MORE OR LESS, TO A POINT IN THE NORTH LINE OF TRACT 5, SAID BLOCK 9; THENCE CONTINUE S 01°33'58" W, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7, A DISTANCE OF 1323.28 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID TRACT 5, THENCE S 89°03'33" W, ALONG THE SAID SOUTH LINE OF TRACT 5 AND ALONG THE SOUTH LINES OF TRACT 4 AND OF TRACT 3, ALL IN SAID BLOCK 9, A DISTANCE OF 1457.02 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY PROLONGATION OF THE EAST LINE OF TRACT 8 OF SAID BLOCK 9; THENCE S 00°42'13" W, ALONG THE JUST DESCRIBED PROLONGATION AND ALONG THE SAID EAST LINE OF TRACT 8, A DISTANCE OF 78.00 FEET, MORE OR LESS TO A POINT IN THE SOUTH LINE OF THE NORTH 48 FEET OF SAID TRACT 8; THENCE CONTINUE S 00°42'13" E, ALONG THE SAID EAST LINE OF TRACT 8, A DISTANCE OF 511.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00°42'13" E, A DISTANCE OF 700.00 FEET, TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF

STATE ROAD 80, AS SAID NORTHERLY RIGHT-OF-WAY LINE IS DESCRIBED IN A DEED RECORDED IN OFFICIAL RECORDS BOOK 5352 AT PAGE 1897 AND 1898, THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT IN A 11422.16 FOOT RADIUS CURVE, CONCAVE NORTHERLY AND WHOSE RADIAL LINE PASSING THROUGH SAID POINT BEARS N 00°12'04" E; THENCE WESTERLY ALONG THE JUST DESCRIBED NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80 AND ALONG THE ARC OF THE JUST DESCRIBED CURVE, THROUGH A CENTRAL ANGLE OF 01°19'12", AN ARC DISTANCE OF 263.15 FEET TO A POINT OF TANGENCY, THENCE N 88°28'44" W, CONTINUING ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, A DISTANCE OF 743.55 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID TRACT 8; THENCE N 01°35'50" E, ALONG SAID TRACT LINE, A DISTANCE OF 680.00 FEET; THENCE S 89°47'46" E, DEPARTING SAID TRACT LINE, A DISTANCE OF 978.86 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

THAT PART OF TRACT 8, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34'07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93120-2543; THENCE NORTH 88°39'54" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 488.921 METERS (1,604.07 FEET); THENCE NORTH 01°20'06" EAST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE A DISTANCE OF 35.666 METERS (117.01 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD), SAID POINT ALSO BEING THE POINT OF BEGINNING AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTH, HAVING A CHORD BEARING OF NORTH 89°07'47" WEST; THENCE WESTERLY ALONG SAID EXISTING RIGHT OF WAY LINE AND SAID CURVE, HAVING A RADIUS OF 3,481.481 METERS (11,422.16 FEET), THROUGH A CENTRAL ANGLE OF 01°19'24", AN ARC DISTANCE OF 80.419 METERS (263.84 FEET) TO THE END OF SAID CURVE; THENCE NORTH 88°28'05" WEST CONTINUING ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 166.783 METERS (547.19 FEET); THENCE NORTH 88°28'14" WEST CONTINUING ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 59.736 METERS (195.98 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT OF WAY LINE FOR 105TH AVENUE; THENCE NORTH 01°35'55" EAST, A DISTANCE OF 207.261 METERS (679.99 FEET); THENCE SOUTH 89° 47'30" EAST; A DISTANCE OF 15.503 METERS (50.86 FEET); THENCE SOUTH 01°29'19" WEST, A DISTANCE OF 164.086 METERS (538.34 FEET); THENCE SOUTH 88°28'07" EAST A DISTANCE OF 25.479 METERS (83.59 FEET); THENCE NORTH 89°07'35" EAST, A DISTANCE OF 214.555 METERS (703.92 FEET) TO A POINT ON A CURVE CONCAVE TO THE NORTH, HAVING A CHORD BEARING OF NORTH 88°48'56" EAST; THENCE EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 4,545.000 METERS (14,911.39 FEET), THROUGH A CENTRAL ANGLE OF 00°37'17", AN ARC DISTANCE OF 49.299 METERS (161.74 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE END OF SAID CURVE; THENCE SOUTH 00°34'07" EAST ALONG SAID EAST LINE, A

DISTANCE OF 53.980 METERS (177.10 FEET) TO THE POINT OF BEGINNING.

CONTAINING 500296.77± SQUARE FEET OR 11.49± ACRES

PARCEL B

THAT PART OF TRACT 8, BLOCK 9, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34'07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2294981, SECTION 93120-2543; THENCE NORTH 88°39'54" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 489.941 METERS (1,607.41 FEET) THENCE NORTH 01°20'06" EAST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 66.350 METERS (217.68 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE FOR THE NEXT FIVE (5) COURSES CONTINUE ALONG SAID NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE; (1) SOUTH 84°59'54" WEST, A DISTANCE OF 19.758 METERS (64.82 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 85°51'37" WEST; THENCE (2) WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,738.000 METERS (5,702.09 FEET), THROUGH A CENTRAL ANGLE OF 01°43'25", AN ARC DISTANCE OF 52.287 METERS (171.54 FEET) TO A POINT ON A COMPOUND CURVE, CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 89°07'33" WEST; THENCE (3) WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2,206.475 METERS (7,239.08 FEET), THROUGH A CENTRAL ANGLE OF 04°48'27", AN ARC DISTANCE OF 185.133 METERS (607.39 FEET) TO THE END OF SAID CURVE; THENCE (4) NORTH 88°28'14" WEST, A DISTANCE OF 30.347 METERS (99.56 FEET) THENCE (5) NORTH 43°29'28" WEST, A DISTANCE OF 4.244 METERS (13.92 FEET) TO A POINT ON THE EASTERLY EXISTING RIGHT OF WAY LINE FOR 105TH AVENUE; THENCE NORTH 01°29'19" EAST ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE AND SAID LIMITED ACCESS RIGHT OF WAY LINE, A DISTANCE OF 24.109 METERS (79.10 FEET) TO A POINT ON THE VACATED NORTHERLY EXISTING RIGHT OF WAY LINE AND VACATED LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD); THENCE FOR THE NEXT THREE (3) COURSES CONTINUE ALONG SAID VACATED NORTHERLY EXISTING RIGHT OF WAY LINE AND VACATED LIMITED ACCESS RIGHT OF WAY LINE; (1) SOUTH 88°28'07" EAST, A DISTANCE OF 25.479 METERS (83.59 FEET); THENCE (2) NORTH 89°07'35" EAST, A DISTANCE OF 214.555 METERS (703.92 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF NORTH 88°48'56" EAST; THENCE (3) EASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 4,545.000 METERS (14,911.39 FEET), THROUGH A CENTRAL ANGLE OF 00°37'17", AN ARC DISTANCE OF 49.299 METERS (161.74 FEET) TO A POINT ON THE EAST LINE OF SAID TRACT 8, THE NORTHERLY EXISTING LIMITED ACCESS LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD) AND THE END OF SAID CURVE; THENCE SOUTH 00°34'07" EAST ALONG SAID EAST LINE AND EXISTING LIMITED ACCESS LINE, A DISTANCE OF 23.280 METERS (76.38 FEET) TO THE POINT OF BEGINNING.

SUBJECT TO A PERPETUAL EASEMENT FOR MAINTENANCE, DRAINAGE AND ACCESS PURPOSES IN, OVER UNDER, UPON AND THROUGH THE ABOVE DESCRIBED LAND. ALSO SUBJECT TO ALL RIGHTS OF ACCESS, INGRESS AND EGRESS, BETWEEN THE GRANTEE'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ALONG THE FOLLOWING DESCRIBED LINE:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISK IN CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE NORTH 01°34' 07" EAST ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 433.957 METERS (1,423.74 FEET) TO A POINT ON THE BASELINE SURVEY FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR ITEM/SEGMENT NO. 2294981, SECTION 93120-2543; THENCE NORTH 88° 39' 54" WEST ALONG SAID BASELINE SURVEY, A DISTANCE OF 489.941 METERS (1,607.41 FEET); THENCE NORTH 01°20'06" EAST ALONG A LINE AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 66.350 METERS (217.68 FEET); TO A POINT ON THE EAST LINE OF SAID TRACT 8 AND THE BEGINNING OF THE RELOCATED LIMITED ACCESS RIGHT OF WAY LINE FOR SAID STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON SAID MAP; THENCE SOUTH 84° 59' 54" WEST, A DISTANCE OF 19.758 METERS (64.82 FEET) TO A POINT ON A CURVE CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 85° 51' 37" WEST; THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1,738.000 METERS (5,702.09 FEET) THROUGH A CENTRAL ANGLE OF 01°43 '25 " , AN ARC DISTANCE OF 52.287 METERS (171.54 FEET) TO A POINT ON A COMPOUND CURVE, CONCAVE NORTHERLY, HAVING A CHORD BEARING OF SOUTH 89° 07' 33" WEST; THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2, 206.475 METERS (7,239.08 FEET), THROUGH A CENTRAL ANGLE OF 04° 48' 27", AN ARC DISTANCE OF 185.133 METERS (607.39 FEET) TO THE END OF SAID CURVE; THENCE NORTH 88° 28' 14" WEST, A DISTANCE OF 30.347 METERS (99.56 FEET); THENCE NORTH 43° 29' 28" WEST, A DISTANCE OF 4.244 METERS (13.92 FEET); THENCE NORTH 01° 29' 19" EAST, A DISTANCE OF 24.109 METERS (79.10 FEET) TO THE END OF SAID RELOCATED LIMITED ACCESS RIGHT OF WAY LINE.

CONTAINING 86498.55± SQ. FT. OR 1.99± ACRES

TOTAL AREA 586,795± SQ. FT. OR 13.47± ACRES

Exhibit B
Conditions of Approval
Carmax @ 10501 Southern Boulevard
Application No. 22-71 (SPM, AAR)
Resolution No. 23-28

1. Development Order:

This development order constitutes approval for:

Site Plan Modification and Architectural Approval to construct a second phase of development on the site which includes construction of a new second standalone building which will be utilized for "Vehicle Auction Use".

This constitutes the only approval granted by this resolution. Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. No automobiles or other type of inventory may be parked or stored for any length of time on any part of the site except as shown on the approved site plan as parking spaces or inventory spaces.
- C. All bollards shall be painted either dark green or black, and may not incorporate the use of chains between the bollards.
- D. There shall be no storage of vehicles waiting to be repaired in any areas of the site not specifically designated and approved for outdoor storage on the site plan.
- E. The applicant shall revise all plans to incorporate all conditions of approval prior to final Site Plan Sign-off.
- F. There shall be no vehicle display structure or equipment that elevates or rotates vehicles installed or located on site.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to

change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.

- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape plan review and inspection fee of three percent (3%) of the certified cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

4. Landscaping Conditions:

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and water's edge.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- H. The practice of "hat racking" defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree's crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- I. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

5. Planning and Zoning Commission:

- A. All recommendations of the Planning and Zoning Commission shall be adhered to.

Directly below is an illustration of the Site Plan.

