

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



Application No.:	PDD/R2006-017
Control No.:	2005-641
Applicant:	Florida Auto Auction of Orlando JMC IV Real Estate Company Palm Beach Newspapers Inc
Owners:	Florida Auto Auction of Orlando JMC IV Real Estate Company Palm Beach Newspapers Inc
Agent:	Kilday & Associates, Inc. - Collene Walter
Telephone No.:	(561) 689-5522
Project Manager:	Kristin Tetsworth, Senior Site Planner and Terri Johnson, Intern

Location: Approximately 600 feet south of Belvedere Road on the east side of Sansbury's Way (**West Palm Beach Auto Auction MUPD**).

Title: Official Zoning Map Amendment to a Planned Development District. **Request:** Rezoning from the Agricultural Residential (AR), the Light Industrial (IL) and the Public Ownership (PO) Zoning Districts to the Multiple Use Planned Development (MUPD) District. **Title:** Requested Use. **Request:** To allow an expansion of an existing auto auction and auto paint and body shop.

APPLICATION SUMMARY: Proposed is the rezoning of 71.947 acres of land from the Agricultural Residential (AR), the Light Industrial (IL) and the Public Ownership (PO) Zoning Districts to the Multiple Use Planned Development (MUPD) District to allow for the expansion of an existing auto auction and the development of a new auto paint and body shop. The applicant is proposing to add 76,550 square feet of building area for a total of 137,756 sq. ft. The proposed building square footage will be added to the existing main auction building (14,177 sq. ft.); a new security building (9,200 sq. ft.); two auction lanes for a total of eight lanes; and a new paint and body shop building (52,213sq.ft.). In addition to the rezoning and proposed building square footage increase for the auto auction, the property owner is requesting approval of a requested use for an auto paint and body shop. There is an application, Palms West Industrial Park II, which will be heard concurrently with this request. On January 19, 2006, the Board of Adjustment approved three variances to allow deviation from perimeter and interior landscaping regulations, as well as required pervious surface area and tree quantities. A total of 286 dealer and employee outdoor parking spaces are provided on site. Access to the site will remain the same with three access points on Sansbury's Way, and one access on Benoist Farms Road. The applicant is also requesting an abandonment of the Special Exception to allow a Planned Industrial Park Development granted under R-1987-1121-A.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has determined that the requests are consistent with the site's Industrial (IND) FLU designation as assigned by the Palm Beach County

Comprehensive Plan. This site is located in the Urban/Suburban Tier as well as the future annexation areas of City of West Palm Beach and the Town of Haverhill. See comments from the Planning Division for additional information.

o Compatibility with Surrounding Land Uses

To the north of the site are lands approved for a Multiple Use Planned Development (MUPD) District, that is currently under construction of a commercial center known as Shoppes of Belvedere. Also to the north lies the Palms West Industrial Park which includes contractor storage yards and warehouse space. To the south are lands previously approved for light industrial and a manufacturing facility known as Palm Beach Post MUPD. To the east are properties approved for industrial uses including the Recycling Center of Palm Beach. To the south of the site across Sansbury’s Way, (80-foot R-O-W), is the South Florida Fairgrounds and a field station for the South Florida Water Management District. Subject to the recommended conditions of approval, staff anticipates no adverse impacts to the surrounding properties from the requests.

o Traffic

The Traffic Division indicates that the request will generate 1895 trips per day. The previous approval for this site produced 1480 trips per day creating a net increase of 415 trips per day.

o Landscape/Buffering

On January 19, 2006 the Board of Adjustment approved, with conditions, a variance (BA2005-1705) eliminating compatibility buffers and required landscape material along a section of the north property line and along the access road connecting to Benoist Farms Road; to allow a reduction of the quantity of interior landscape islands, divider medians and required landscaping; and to allow a reduction of the required pervious surface area and required landscape.

A 10-foot right-of-way buffer will be provided along the north property line with the exception of the property line covered under said variance, (BA2005-1705). A 10-foot wide landscape buffer will be provided along the south property line abutting properties with MUPD zoning. A 10-foot wide buffer will be provided along the majority of the east property line, with a 5-foot landscape buffer along approximately 360 feet closest to the ROW leading to Benoist Farms Road. The proposed site plan indicates a 20-foot wide right-of-way landscape buffer along the west property line fronting Sansbury’s Way.

o Signs

Proposed sign changes include one freestanding monument style sign with a maximum height of 15-feet and a maximum area of 200 square feet. Code allows a maximum of three signs with a 5-foot setback and applicable plantings per ULDC Article 7.D.11.D. Staff has no objection to the proposed sign height but recommends reducing the sign face area by 100 square feet for a maximum of 100 square feet, (Sign Condition 1).

o Board of Adjustment – Variance

Prior to submittal of an application for the requested zoning, the property owner obtained variance relief from the Board of Adjustment to address the following:

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BA-2005- 01705	7.F.1.B Landscape Compatible Buffers	5 feet compatibility buffer along 255 feet of the north property line and 911 feet along both sides of the access road to Benoist Farms RD; 1 canopy tree per 25 linear feet and 1shrub per 2	To waive the requirement for the compatibility buffer, canopy trees, and shrubs along a 255 foot section of the north property line and 911 feet along	No compatibility buffer, canopy trees, and shrubs along a 255 foot section of the north property line and 911 feet along both sides of the access road to Benoist Farms

	<p>7.G.2.B.1.a Interior landscape islands</p> <p>7.C.3 U/S Tier Side Facade Foundation Planting</p>	<p>feet (equates to 84 trees and 1054 shrubs)</p> <p>Interior landscape islands are required at one per ten parking spaces (317) and divider medians are required between every third row of parking (16)</p> <p>Minimum tree quantities for a non-residential lot is 1 per 2,000 square feet (1,390 trees); required pervious surface area for overall lot is 30 percent</p>	<p>both sides of the access road to Benoist Farms RD</p> <p>To allow fewer interior islands (132) and fewer divider medians (6)</p> <p>To allow fewer tree quantities (1,043); to allow a reduction in the pervious surface area to 17%</p>	<p>RD (equates to 84 trees and 1054 shrubs)</p> <p>(185) fewer interior islands and (10) fewer divider medians</p> <p>To allow 347 fewer trees; to allow a reduction in the pervious surface area by 13%</p>
ADDRESS OF PROPERTY:	770 Sansbury's Way , West Palm Beach, FL - 33411			

o Existing Auto Auction

Currently the ULDC does not directly address the specific use of auto auction. The ULDC does address Auctions, Outdoor, found in the Use Matrix Table 4.A.3.A-1. This use has been vested on this site via a Planned Industrial Development (PID) approval (R-87-1121).

o Architectural Review

The proposed development is subject to ULDC Article 5.C. Architectural Guidelines. Staff recommends that architectural elevations be submitted for review and approval at time of submittal for final Development Review Officer (DRO) approval of the site plan. (Architectural Review Condition 1)

o **May 4, 2006 Zoning Commission (ZC) Hearing**

At the May 4, 2006 Zoning Commission (ZC) Hearing, the agent for the applicant reviewed the history on this site. The site holds original approvals for a Special Exception for a Planned Industrial Development (PID) that supports the existing auto auction. This use expanded over time starting in 1983 through 2001, and included Special Exceptions in 1985 and 1991. The current ULDC language does not specifically address this type of use. This application will not only allow the existing facility to be expanded, it will also provide the necessary resolutions and conditions of approval to be in compliance with the current ULDC requirements. The ZC voted to recommend approval 6-0.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-27-05-007-0090 00-42-43-27-05-007-0143 00-42-43-27-05-007-0160 00-42-43-27-05-007-0131 00-42-43-27-05-007-0141 00-42-43-27-05-007-0142 00-42-43-27-05-007-0144 00-42-43-27-05-007-0220 00-42-43-32-06-000-0020	Same
Land Use Designation:	Commercial Recreation, with an underlying IND (CR/IND) Industrial (IND)	Same

Zoning District:	Agricultural Residential District (AR) Light Industrial/Special Exception (IL/SE) Public Ownership District (PO)	Multiple Use Planned Development (MUPD) District
Tier:	U/S	Same
Use:	Auction, Outdoor	Auction, Outdoor Auto Paint and Body Shop
Acreage:	53 acres	71.94 acres (+5.78 acres, +10 acres, +3.16 acres R-O-W)
Access:	Sansbury's Way	Same

CODE ENFORCEMENT: N/A

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no letters from the public.

RECOMMENDATION: Staff recommends approval of the request subject to twenty-seven (27) conditions of approval as indicated in Exhibit C.

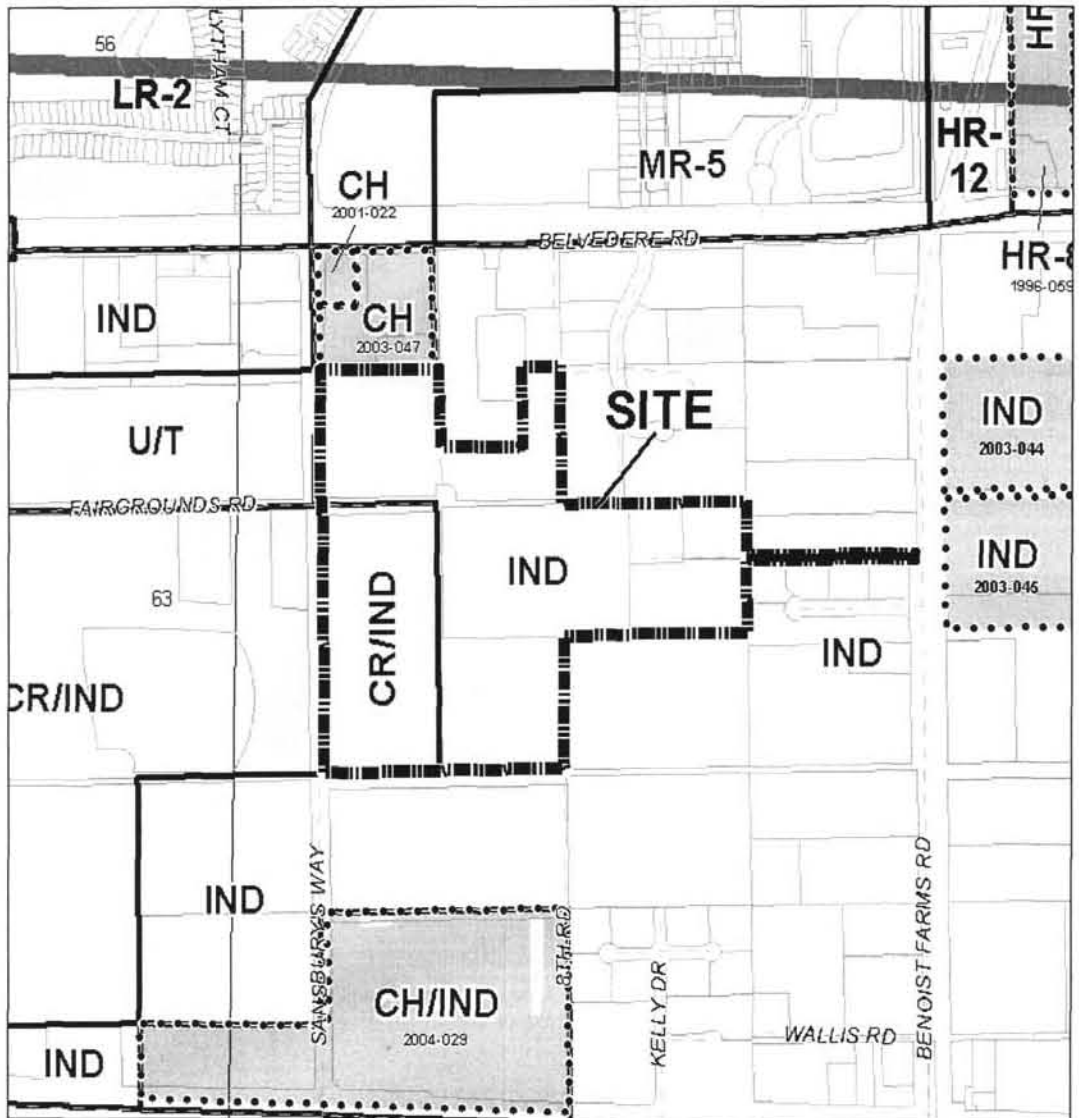
ACTION BY THE ZONING COMMISSION: May 4, 2006: ZC approved 6-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District from the Agricultural Residential, the Light Industrial and the Public Ownership Zoning Districts to the Multiple Use Planned Development District.

MOTION: To adopt a resolution approving a Requested Use to allow an expansion to an existing auto auction and a new auto paint and body shop.

MOTION: To adopt a resolution approving the abandonment of the Special Exception to allow a Planned Industrial Development granted under R-1987-1121-A.

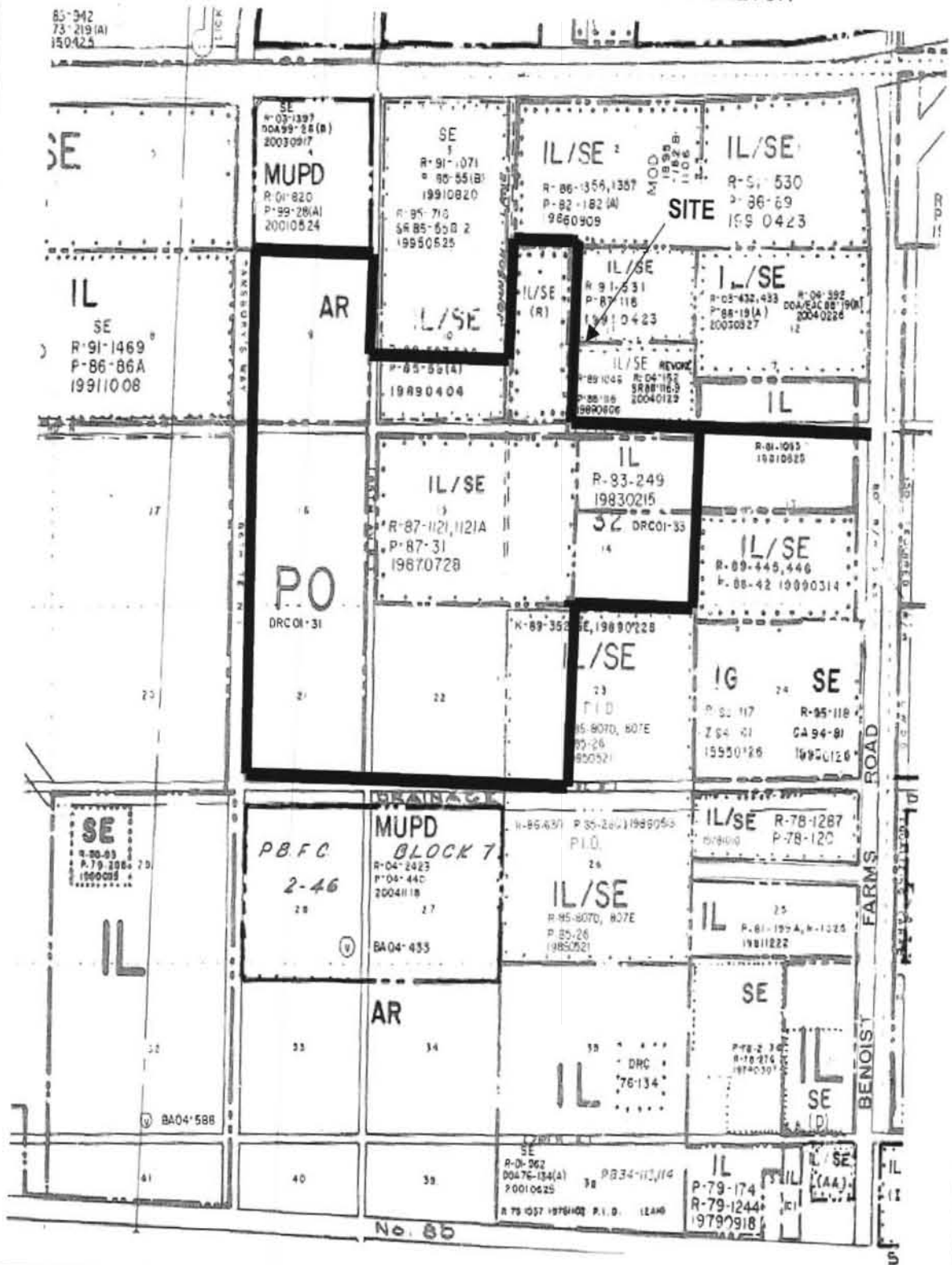
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>PDD/R2006-017</u>
Control Number:	<u>2005-641</u>
Land Use Atlas Page:	<u>63</u>
Date:	<u>3/31/06</u>



PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

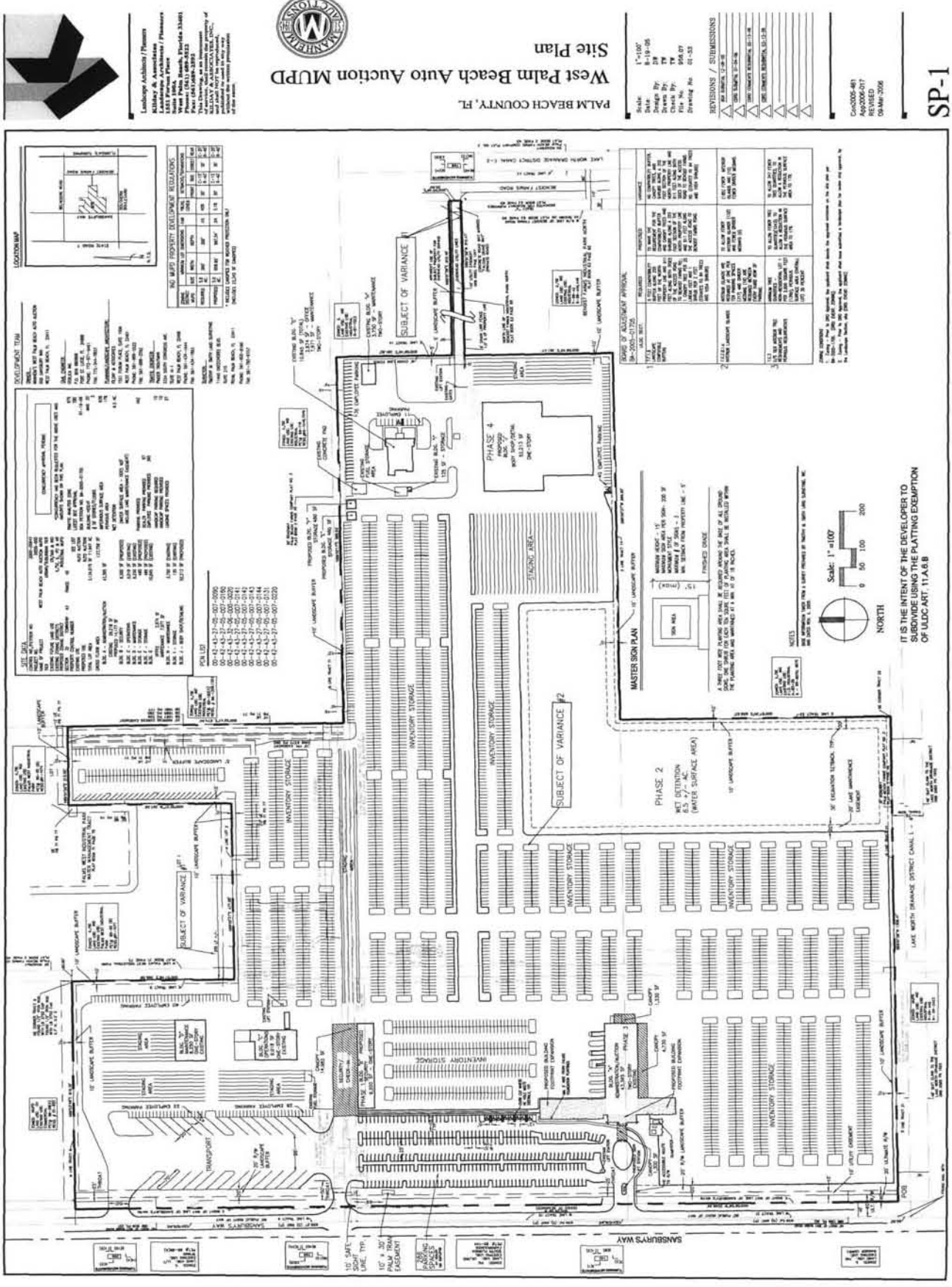


Application No. 2006-017
 Zoning Quad 46
 Date May 4, 2006



**AERIAL PHOTOGRAPH NOT INCLUDED
IN ELECTRONIC STAFF REPORT**

SITE PLAN DATED MARCH 9, 2006



Landscape Architects / Planners
Landscape Architecture
1885 Palm Beach
West Palm Beach, Florida 33411
Phone: (561) 838-3333
Fax: (561) 838-3333
 The undersigned hereby certifies that the undersigned is a duly licensed professional engineer, architect, landscape architect, or other professional as required by the applicable laws and regulations of the State of Florida.



West Palm Beach Auto Auction MUPP
Site Plan

Scale:	1"=100'
Drawn By:	TR
Checked By:	TR
Date:	03/09/06
Project No.:	05193-000
Sheet No.:	01-53

REVISIONS / SUBMISSIONS	
NO.	DATE
1	03/09/06
2	03/09/06
3	03/09/06
4	03/09/06
5	03/09/06
6	03/09/06
7	03/09/06
8	03/09/06
9	03/09/06
10	03/09/06

SP-1

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Industrial (IND) and Commercial Recreation (CR).

Underlying Land Use: Industrial (IND) on CR portion

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for rezoning from Agricultural Residential (AR), Light Industrial (IL) and Public Ownership (PO) to Multiple Use Planned Development (MUPD), and determined the development proposal is appropriate for this parcel's IND and CR/IND FLU designation. The proposed request is also consistent with the maximum Floor Area Ratio (FAR) of .45 for a site with an Industrial FLU designation. This 71.947 acre site could develop a maximum of 1,410,305 square feet at the .45 FAR ($71.947 \times 43,560 \times .45 = 1,410,305$ square feet maximum). The site plan indicates a FAR of approximately .04 or 137,756 square feet for this site.

The applicant's site plan was reviewed for consistency with policies from the Future Land Use Element (FLUE) and Transportation Element (TE) that encourage vehicular and pedestrian interconnectivity both within and between sites including FLUE Policy 4.3-g, TE Policy 1.9-j, TE Policy 1.9-l, and TE Policy 1.9-m. In addition, TE Policy 1.9-q states, "The County shall require, where feasible, pedestrian and bicycle linkages between non-residential land uses". Pursuant to these policies, staff considered the feasibility of vehicular, pedestrian and bicycle connections to the adjacent sites. Due to existing right-of-ways, a canal and security concerns, these policies were considered impractical for this request. In regard to pedestrian connectivity within the site (per the intent of the above policies), prior to Development Review Officer (DRO) certification of the site plan, staff encouraged the applicant to consider revising the site plan to provide sidewalk connections between the buildings and parking areas in order to encourage safe pedestrian circulation within the site. Staff also recommended including a gazebo or other outdoor seating area for employee use within the expanse of parking. However, the applicant opted not to include additional sidewalks or seating area citing a lack of available space as the parking is existing, and that the parking is for short term inventory storage and not for public use. Given the existing use and how the site functions with the use, staff determined that the certified site plan is not inconsistent with the above policies that promote pedestrian interconnectivity within the site.

TIER: The subject property is in the Urban-Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the City of West Palm Beach and the Town of Haverhill. As part of the public hearing notice process, Zoning Staff has notified these municipalities of the request.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the Village of Royal Palm Beach. As part of the public hearing notice process, Zoning Staff has notified these municipalities of the request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is not located within the boundaries of any special overlays, plans or study areas.

FINDINGS: The request is consistent with the land use designation and intensity provisions of the Comprehensive Plan.

ENGINEERING COMMENTS:

Total traffic expected from this project is 1895 trips/day. Total traffic from the previous approval was 1480 trips/day. Net increase is expected to be 415 trips/day.

Total traffic expected from this project:

- 2874 square feet office;
- 11,721 square feet warehouse;
- one auction facility

is 1480 trips/day.

Previously approved project traffic:

- 2874 square feet office;
- 11,721 square feet warehouse;
- traffic equivalent of 2 auction facilities

c. Required Engineering Related Permits:

- 1) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.
- 2) The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Sansbury Way.

TRAFFIC:	Sansbury's Way
SEGMENT:	Project entrance to Southern Boulevard
PRESENT:	5444
HISTORICAL	
GROWTH TRAFFIC: -	
OTHER DEVELOPMENT	
TRAFFIC: -	
FROM PETITION:	additional 166 trips per day
TOTAL:	5610
PRESENT CAPACITY AT	
LEVEL OF SERVICE "D":	15400
PRESENT LANEAGE:	2 lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

Water is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II.

Wastewater service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is currently improved and contains scattered Cabbage palm and live oak. The native vegetation will be relocated from the areas of proposed improvements.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

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

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

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No educational impact created by this project.

PARKS AND RECREATION: This is a commercial application and Parks and Recreation U.L.D.C standards do not apply.

CONCURRENCY: Concurrency has been approved for 137,756 square feet.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 71.97 acre site, approximately 659 feet in width and a depth of 2,299 feet and accessible via three ingress/egress off Sansbury's Way. The site currently supports an automobile auction.

ADJACENT LAND USE AND ZONING:

North	FLU Designation:	Commercial High (CH)
	Zoning District:	Multiple Use Planned Development (MUPD)
	Supporting:	Commercial Use
	FLU Designation:	Industrial (IND)
	Zoning District:	Light Industrial /Special Exception (IL/SE)
	Supporting:	Palms West Industrial Park
	FLU Designation:	Industrial (IND)
	Zoning District:	Light Industrial/Special Exception (IL/SE)
	Supporting:	Leelan West PIPD Industrial Park
South	FLU Designation:	Industrial (IND)
	Zoning District:	Multiple Use Planned Development (MUPD)
	Supporting:	Newspaper Production
	FLU Designation:	Industrial (IND)
	Zoning District:	Light Industrial /Special Exception (IL/SE)
	Supporting:	PID Industrial
East	FLU Designation:	Industrial (IND)
	Zoning District:	Light Industrial/Special Exception (IL/SE)
	Supporting:	Recycling Center of Palm Beach

West	FLU Designation:	Utilities and Transportation (U/T)
	Zoning District:	Light Industrial (IL)
	Supporting:	South Florida Water Management District
	FLU Designation:	Commercial Recreation/Industrial (CR/IND)
	Zoning District:	Public Ownership (PO)
	Supporting:	South Florida Fairgrounds
	FLU Designation:	Industrial (IND)
	Zoning District:	Light Industrial (IL)
	Supporting:	Ranger Construction

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and all applicable section of the ULDC.

PROJECT HISTORY

On February 15, 1983 the Board of County Commissioners approved Zoning Petition 1983-087 for a rezoning from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District (Resolution R-83-249).

On May 7, 1985 the Board of County Commissioners adopted a Special Exception for the 18-acre parcel used primarily for the auction activities via Zoning Petition 1985-017 approving a Planned Industrial Park Development (Resolution R-85-719).

On July 28, 1987 the Board of County Commissioners approved Zoning Petition 1987-031 for a rezoning from Agricultural Residential (AR) to Light Industrial (IL) along with a Special Exception to allow a Planned Industrial Park Development on what is known as the Merrit parcel (Resolutions R-87-1121 and R-87-1121A).

FINDINGS:

1. **Consistent with Comprehensive Plan.** The requests are consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities, and intensities of use.
2. **Supplementary Use Standards.** The requests are in compliance with all relevant and appropriate portions of ULDC Article 4.B., Supplementary Use Regulations.
3. **Compatibility.** As proposed and subject to conditions of approval, the current requests present no incompatibilities as defined in the ULDC. Any incompatibility issues beyond ULDC considerations have been addressed by conditions of approval.
4. **Design Minimizes Adverse Impact.** As proposed and subject to conditions, the requests minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. **Adequate Public Facilities.** The proposed requested use has been previously approved for concurrency and complies with Article 2.F, CONCURRENCY (Adequate Public Facilities);
6. **Design Minimizes Environmental Impact.** The site is predominately void of native vegetation, therefore the current requested use will have no adverse effects on the environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. **Development Patterns.** The proposed development is consistent with the surrounding uses and will result in logical, timely and orderly development patterns.
 8. **Other Standards.** The proposed requested use(s) complies with all standards imposed on it by all other applicable provisions of the Code for use, layout, function, and general development characteristics.
 9. **Consistency with Neighborhood Plans.** N/A
 10. **Changed Circumstances.** To the northeast are 5.78 acres currently used for vehicle storage. Upon approval of the Palms West Industrial Park's application (PDD/DOA2006-019), the applicant is proposing to add this land area and rezone to a Multiple Use Planned Development (MUPD) District. An additional 137,756 square feet of building area is proposed for an auto paint or body shop, add-on to the main auction building, and a new security building.
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EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval
- Exhibit D: Accident History Report
- Exhibit E: Board of Adjustment Letter Dated January 19, 2006

EXHIBIT C

CONDITIONS OF APPROVALS

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated March 9, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed auto paint and body shop, auction building and security building shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height of the buildings shall be thirty-five feet, excluding architectural features which shall not exceed a maximum height of forty (40) feet and shall be generally consistent with the elevations prepared by Don D. Walter, Architect and dated December 30, 2005. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of proposed buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)
4. At time of issuance of the certificate of occupancy (CO) for the expansions to Building A, existing Buildings C and D will be painted a color consistent with the color of Building A. (CO: ARCH REVIEW-Zoning)

ENGINEERING

1. Prior to August 1, 2006 the property owner shall convey a temporary roadway construction easement along Sansbury Way to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(DATE: MONITORING-Eng)
2. The Property owner shall construct a left turn lane south approach on Benoist Farms Road at Falcon Crane Way.
 - A. This construction shall completed prior to June 1, 2007. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B. Permits required by Palm Beach County for this construction shall be obtained prior March 1, 2007. (DATE: Monitoring-Eng)
 - C. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (DATE: MONITORING-Eng)

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

- The property owner shall convey to Palm Beach County Land Development Division by warranty deed for:

- a. Benoist Farms Road, 80 feet west of the ultimate west right of line of the LWDD E2 Canal.
 - b. 25-foot Corner Clip at the northeast and southeast corners of the intersection of Sansbury Way and Fairgrounds Road.
 - c. Sansbury Way, 60 feet from centerline
 - d. All right of way shall be dedicated prior to August 1, 2006. Right of way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. (DATE: MONITORING-Eng)
4. Prior to August 1, 2006, the property owner shall convey a roadway construction easement as follows:
- a. Falcon Crane Way at Benoist Farms Road
 - b. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (DATE: MONITORING-Eng)
5. The property owner shall fund any required utility relocation costs associated with the Benoist Farms left turn lane construction required in the condition above. Limits of the required utility relocation shall be from the north right of way of McAllistor Way, north, to the end of the construction limits. Palm Beach County also has required turn lane construction on Benoist Farms Road at McAllistor Way. Palm Beach County will be responsible for Utility relocation costs along Benoist Farms Road from the north right of way of McAllistor Way south to the end of Palm Beach County construction limits. (ONGOING:ENG-Eng)
6. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule: No Building Permits for the site may be issued after May 25, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the

Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

ZONING - LANDSCAPING

1. All landscaping shall be designed, installed and maintained in accordance with the landscape design concepts, including buffer widths, as shown on Kilday & Associates, Inc. Conceptual Landscape Plans dated January 04, 2006. (BLDG PERMIT: LANDSCAPE-Zoning)
2. Prior to Development Review Officer (DRO) approval, the applicant shall have submitted a Landscape Plan for review and approval by the Landscape Section. The plan shall be generally consistent with the Conceptual Landscape Plans prepared by Kilday & Associates, Inc. and dated January 04, 2006 and the Variance Exhibit submitted with the Board of Adjustment petition BA 2005-01705. (DRO:LANDSCAPE-Zoning)
3. A minimum of sixty-five (65) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
4. All canopy trees to be planted in the inventory storage areas shall be native and meet the following minimum standards at installation:
 - a. tree height: Sixteen (16) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
6. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING – LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF SANSBURY'S WAY)

1. In addition to the proposed landscaping and code requirements, landscaping along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;

- b. a minimum tree height: Sixteen (16) feet; and,
- c. one (1) palm or pine for each for each twenty (25) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)
2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG-Eng)

SIGNS

1. Freestanding signs fronting on Sansbury's Way shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point fifteen (15) in height;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs: one (1) for this road frontage;
 - d. style - monument style only;
 - e. location - within fifty (50) feet of the southern access point on Sansbury's Way; and,
 - f. sign shall be limited to identification of tenant only. (BLDG PERMIT: BLDG - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; 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 ULDC 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 a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

EXHIBIT D

ACCIDENT HISTORY REPORT

**One Year
Accident History Report
Zoning Petition**

Petition No. 2006-017
Project Name WEST PALM BEACH AUTO AUCTION
Intersection BELVEDERE AND SANSBURY'S WAY

Total Number of Accidents /Year 2 (06/01/04 – 05/31/05)

Breakdown of Accidents:

Rear End	<u>1</u>
Head On	<u> </u>
Right Angle	<u> </u>
Left Turn	<u>1</u>
Side Swipe	<u> </u>
Backing Up	<u> </u>
Fixed Object	<u> </u>
Ped./Bicycle	<u> </u>
Other	<u> </u>

Total Daily Volume Through Intersection	<u>30,343</u>
Project Daily Traffic Using Intersection	<u>239</u>
Project Daily Traffic as % of Total	<u>.78%</u>
Intersection Ranking by Number of Accidents	<u>N/A – 04</u>
Intersection Ranking by Rate of Accidents	<u>N/A – 04</u>

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One Year Accident History Report Zoning Petition

Petition No. 2006-017

Project Name WEST PALM BEACH AUTO AUCTION

Intersection SOUTHERN BOULEVARD AND SANSBURY'S WAY

Total Number of Accidents /Year 1 (06/01/04 – 05/31/05)

Breakdown of Accidents:

<i>Rear End</i>	_____
<i>Head On</i>	_____
<i>Right Angle</i>	_____
<i>Left Turn</i>	<u>1</u>
<i>Side Swipe</i>	_____
<i>Backing Up</i>	_____
<i>Fixed Object</i>	_____
<i>Ped./Bicycle</i>	_____
<i>Other</i>	_____

<i>Total Daily Volume Through Intersection</i>	<u>38,206</u>
<i>Project Daily Traffic Using Intersection</i>	<u>478</u>
<i>Project Daily Traffic as % of Total</i>	<u>1.25%</u>
<i>Intersection Ranking by Number of Accidents</i>	<u>N/A – 04</u>
<i>Intersection Ranking by Rate of Accidents</i>	<u>N/A – 04</u>

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EXHIBIT E

BOARD OF ADJUSTMENT LETTER
DATED JANUARY 19, 2006



January 19, 2006

Ms. Collene Walter
Kilday & Associates, Inc.
1551 Forum Pl, Ste 100A
West Palm Beach FL, 33401-

Department of Planning,
Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5003
www.pbcgov.com/pzb

Re: Approval of Petition Number BA-2005- 01705
PCN 00-42-43-27-05-007-0090

Dear Ms. Walter:

Please be advised that the Palm Beach County Board of Adjustment, at their **January 19, 2006** Public Hearing, Approved With Conditions the following variance(s):

To allow the elimination of compatibility buffers and the required landscape material along a section of the N property line and along the access road; to allow a reduction of the quantity of interior landscape islands and driver medians and required landscaping; and to allow a reduction of the required pervious surface area and required landscape.

**Palm Beach County
Board of County
Commissioners**

- Tony Masilotti, Chairman
- Addie L. Greene, Vice Chairperson
- Karen T. Marcus
- Jeff Koons
- Warren H. Newell
- Mary McCarty
- Burt Aaronson

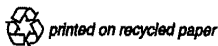
County Administrator

Robert Weisman

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BA-2005-01705	7.F.1.B Landscape Compatible Buffers	5 feet compatibility buffer along 255 feet of the north property line and 911 feet along both sides of the access road to Benoist Farms RD; 1 canopy tree per 25 linear feet and 1 shrub per 2 feet (equates to 84 trees and 1054 shrubs)	To waive the requirement for the compatibility buffer, canopy trees, and shrubs along a 255 foot section of the north property line and 911 feet along both sides of the access road to Benoist Farms RD	No compatibility buffer, canopy trees, and shrubs along a 255 foot section of the north property line and 911 feet along both sides of the access road to Benoist Farms RD (equates to 84 trees and 1054 shrubs)
	7.G.2.B.1.a Interior landscape islands	Interior landscape islands are required at one per ten parking spaces (317) and divider medians are required between every third row of parking (16)	To allow fewer interior islands (132) and fewer divider medians (6)	(185) fewer interior islands and (10) fewer divider medians
	7.C.3 U/S Tier Side Facade Foundation Planting	Minimum tree quantities for a non-residential lot is 1 per 2,000 square feet (1,390 trees); required pervious surface area for overall lot is 30 percent	To allow fewer tree quantities (1,043); to allow a reduction in the pervious surface area to 17%	To allow 347 fewer trees; to allow a reduction in the pervious surface area by 13%
ADDRESS OF PROPERTY:	770 Sansbury's Way , West Palm Beach, FL - 33411			

"An Equal Opportunity
Affirmative Action Employer"

The above variance(s) was granted subject to the following conditions:





DEVELOPMENT ORDER

The Development Order for this particular variance shall lapse on 1/19/2008, two years from the approval date (DATE: MONITORING-ZONING).

ZONING CONDITIONS

1. Zoning - Prior to DRO Approval, the applicant shall denote the approved variances on the site plan per BA-2005-1705. (DRO: EVENT: ZONING)
2. Zoning - Prior to DRO Approval, the applicant shall have submitted a landscape plan for review and approval, by the Landscape Section. (DRO: EVENT: ZONING)

Pursuant to Article 2.B.3.G.2, Time Limitation of the Unified Land Development Code, the approved variance automatically expires One Year from the public hearing date, as noted above, if building construction has not been initiated in accordance with the plans for which the variance was granted. Upon written request, an extension of time for the variance or any condition thereof may be granted only by the Board of Adjustment, with or without conditions, for a period up to but not to exceed twenty-four (24) months if good cause is demonstrated. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Zoning Director or County Engineer, whichever is appropriate, no later than twenty (20) working days prior to the date the development order or condition is to expire.

Please submit this letter and your approved and/or certified Site Plan to the Building Division when applying for a building permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon MacGillis".

Jon MacGillis, ASLA
Zoning Director

JM/FAS/as

cc: Florida Auto Auction of Orlando, Owner
JMC-IV Real Estate Company, Owner
Zoning Petition File BA-2005- 01705
Result Letter File