

RESOLUTION NO. ZR-2019- 025

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-00671
CONTROL NO. 2005-00641
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF JMC IV Real Estate Company, Manheim Remarketing INC
BY Urban Design Kilday Studios, AGENT
(MANHEIM PALM BEACH MUPD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC) Ordinance 2003-067, Supplement 25 is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC Ordinance 2003-067, Supplement 25 have been satisfied;

WHEREAS, Zoning Application ZV-2019-00671 was presented to the Zoning Commission at a public hearing conducted on August 1, 2019;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2019-00671, the Application of Jmc Iv Real Estate Company, Manheim Remarketing Inc, by Urban Design Kilday Studios, Agent, for a Type 2 Variance to eliminate outdoor lighting, and security lighting for parking lots, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on August 1, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.


The motion was seconded by Commissioner Kern and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Robert Currie	- Yes
Philip L. Barlage	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on August 1, 2019.

This resolution is effective when filed with the Palm Beach County Zoning Division on August 1, 2019.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

TRACTS A, B, C AND D, OF WEST PALM BEACH AUTO AUCTION, M.U.P.D.,
REPLAT NO. 1, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN
PLAT BOOK 113, PAGES 193 THROUGH 197, LESS THAT PORTION CONVEYED
TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA AS RECORDED IN OFFICIAL RECORDS BOOK 21294, PAGE 1606 AND
OFFICIAL RECORDS BOOK 21294, PAGE 1612, OF THE PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA.

CONTAINING 91.598 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

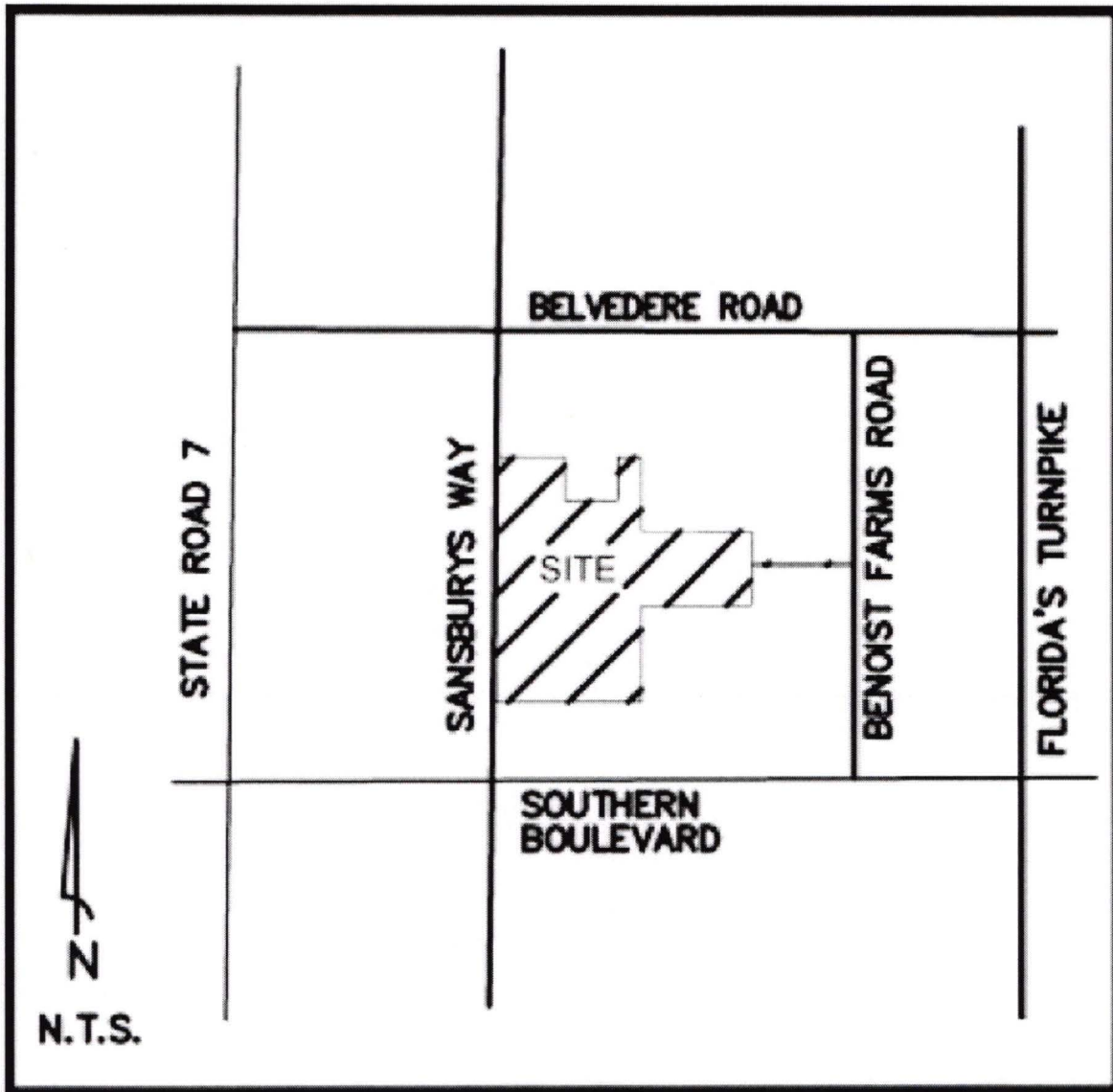


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

VARIANCE

1. Prior to Final Approval by the Development Review Officer, the approved Variances and any associated Conditions of Approval shall be shown on the Site Plan. (DRO: ZONING - Zoning)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Control No. 2005-00641. (DRO: ZONING - Zoning)
3. This Variance is approved for the interior employee-only parking lot located on Lake Worth Drainage District (LWDD) Canal L-4, and a grassed dealer-only parking lot adjacent to Sansburys Way south of the L-4 Canal, as further indicated on the Preliminary Site Plan dated May 28, 2019. Any change to the use(s) of the parking lots shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission 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; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
5.E.4.E.2, Applicability	All outdoor lighting shall be subject to the requirements of Table 5.E.4.E - Illumination Levels and Table 5.E.4.E - Maximum Permitted Luminaire Height.	To eliminate outdoor lighting for a 162-space employee parking lot (1.7 acres) located on LWDD L-4 Canal, and a 400-space dealer only parking lot (6.9 acres) located adjacent to Sansburys Way south of LWDD L-4 Canal, further indicated on the Preliminary Site Plan.	To eliminate outdoor lighting
5.E.4.E.4.c.3, Security lighting shall be required for all	Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots.	To eliminate security lighting for a 162-space employee parking lot (1.7 acres) located on LWDD L-4 Canal, and a 400-space dealer only parking lot (6.9 acres) located adjacent to Sansburys Way south of LWDD L-4 Canal, as further indicated on the Preliminary Site Plan.	To eliminate security lighting