

RESOLUTION NO. R-91-1071

RESOLUTION APPROVING ZONING PETITION NO. 85-55(B)  
SPECIAL EXCEPTION PETITION OF WEST PALM BEACH AUTO AUCTION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 85-55(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 31, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-55(B), the petition of **WEST PALM BEACH AUTO AUCTION, INC.**, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PID TO INCLUDE OPEN STORAGE (AUTOMOBILES) on a parcel of land lying in Tracts 3 and 10, Block 7, PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, Pages 45 - 54, inclusive, Section 32, Township 43 south, Range 42 East; **LESS** the North 70.00 feet thereof and SUBJECT TO an easement for ingress and egress over the East 25.00 feet thereof, and being located ON THE **S.** SIDE OF BELVEDERE RD., APPROXIMATELY 600 FT. E. OF SANSBURY'S WAY, BOUND ON THE **S.** BY FAIRGROUNDS **RD.** N. IN THE IL ZONING DISTRICT, was approved on May 31, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions **of** approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.

3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

B. CONCURRENCY

1. Prior to submittal of the site plan to the Site Plan Review Committee, the petitioner shall amend Concurrency Case No. 90-11-15-012E to reduce capacity to the approved square footage of non-residential use.

C. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification.
2. Secondary containment for stored Regulated Substances - fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff shall provide guidance on appropriate protective measures.
3. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

2. The Property owner shall construct:
  - a. Fairgrounds Road from the project's entrance onto Fairgrounds Road to Sansbury Way minimum 2-10 foot travel lanes local street standards including appropriate drainage.
  - b. Abandon the existing 30 north/south road right-of-way. Should this be abandoned, then no entrances shall be permitted onto this road. If this road is not abandoned, then the property owner shall construct the existing 30 foot north/south Palm Beach Farms right of way from Fairgrounds Road to Belvedere Road minimum 2-10 foot travel lanes local street standards including appropriate drainage.
  - c. If determined by the County Engineer, the property owner shall fund the construction of a left turn lane, east approach on Belvedere Road at Johnson Lane. Funding shall be completed prior to November 1, 1991 or prior to plat recordation whichever shall first occur.

All concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

3. Prior to November 1, 1991 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Belvedere Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Belvedere Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation within said easements shall become the property of Palm Beach County.
4. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended.
5. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.

**F. HEALTH**

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and **Agency** responsible for sewage works are constructed and used by project tenants or owners generating such effluents,.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore!, no well shall be permitted on the site to provide potable water.
4. No portion of this project is to be approved on well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.

**G. SITE DESIGN**

1. Unloading of vehicles shall occur only within the outdoor storage area and not on streets or neighboring property.
2. An area equivalent to at least **15%** of the land area indicated as "outdoor storage" on the site plan shall be added **to** the landscape buffer in an area acceptable to the Zoning Division.

**H. USE LIMITATIONS**

1. Use of the outdoor storage facility shall be limited to the storage of new and used cars and trucks only, including transport vehicles. All vehicles shall **be** in operable condition.
2. When this facility is not open, the parking area shall be locked and gated.
3. No outdoor speaker or public address systems which are audible off-site shall be permitted.
4. No outside storage of disassembled vehicles, **or parts** thereof, shall be permitted on site.
5. Vehicles shall not be tested off-site on residential streets.
6. There shall be no outdoor repair of vehicles.
7. **No** vehicle shall be stored with its hood or trunk **open**, nor elevated off the ground in any way. Vehicles shall only be stored in the approved outdoor storage **area** designated on the certified site plan.
- a. No advertising flags, foreign flags, pennants, banners, streamers, balloons, signs upon any vehicles, prices or vehicle stock numbers or other information except that required to be posted on such vehicles by law.

9. No objects, gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors, or upon any building, vehicle or wall, other than inside a window except as may be permitted by the Sign Code.

I. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS **BOARD** OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK