

RESOLUTION APPROVING ZONING PETITION DOA74-123(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FRED KELLER, TRUSTEE

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

NHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA74-123(A) was presented to the Board of County Commissioners at a public hearing conducted on March 25, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the Palm Beach County Comprehensive Plan.
2. This proposal is consistent with the requirements of the Palm Beach County Land Development Code and all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA74-123(A), the petition of FRED KELLER, TRUSTEE, BY: DENNIS P. KOEHLER, AGENT for a DEVELOPMENT ORDER AMENDMENT in the LIGHT INDUSTRIAL (IL) Zoning District, to allow an Auction, Outdoor facility for vehicles only in a previously approved Planned Industrial Development (PID) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on March 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 25 day of March, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

A parcel of land in Palm Beach County, Florida, more particularly described as follows: That part of the East Half of Tract 41, Block 6, less the West 132 feet thereof, as shown on the Plat of Palm Beach Farms Company Plat Number 3, according to the plat thereof recorded in Plat Book 2, Page 46, Public Records of Palm Beach County, Florida, lying northerly from the northerly right of way line of State Road No. 80, as recorded in Road Plat Book 2, Page 15, Public Records of Palm Beach County, Florida, Less and Except therefrom the following described parcel:

Beginning at the northeast corner of Tract 41, Block 6, Palm Beach Farms Company Plat No. 3, according to the Plat thereof recorded in Plat Book 2, Page 46, Public Records of Palm Beach County, Florida; thence southerly along the easterly line of said Tract 41, a distance of 279.5 feet; thence westerly a distance of 363.0 feet, more or less, to a point lying 132 feet easterly of the westerly line of the East half of said Tract 41; thence northerly along a line parallel to said westerly line, a distance of 279.5 feet, more or less, to a point in the northerly line of said Tract 41; thence easterly along said northerly line of Tract 41, a distance of 363.0, more or less, to the point of beginning. Containing 1.93 acres, more or less.

EXHIBIT B
VICINITY SKETCH

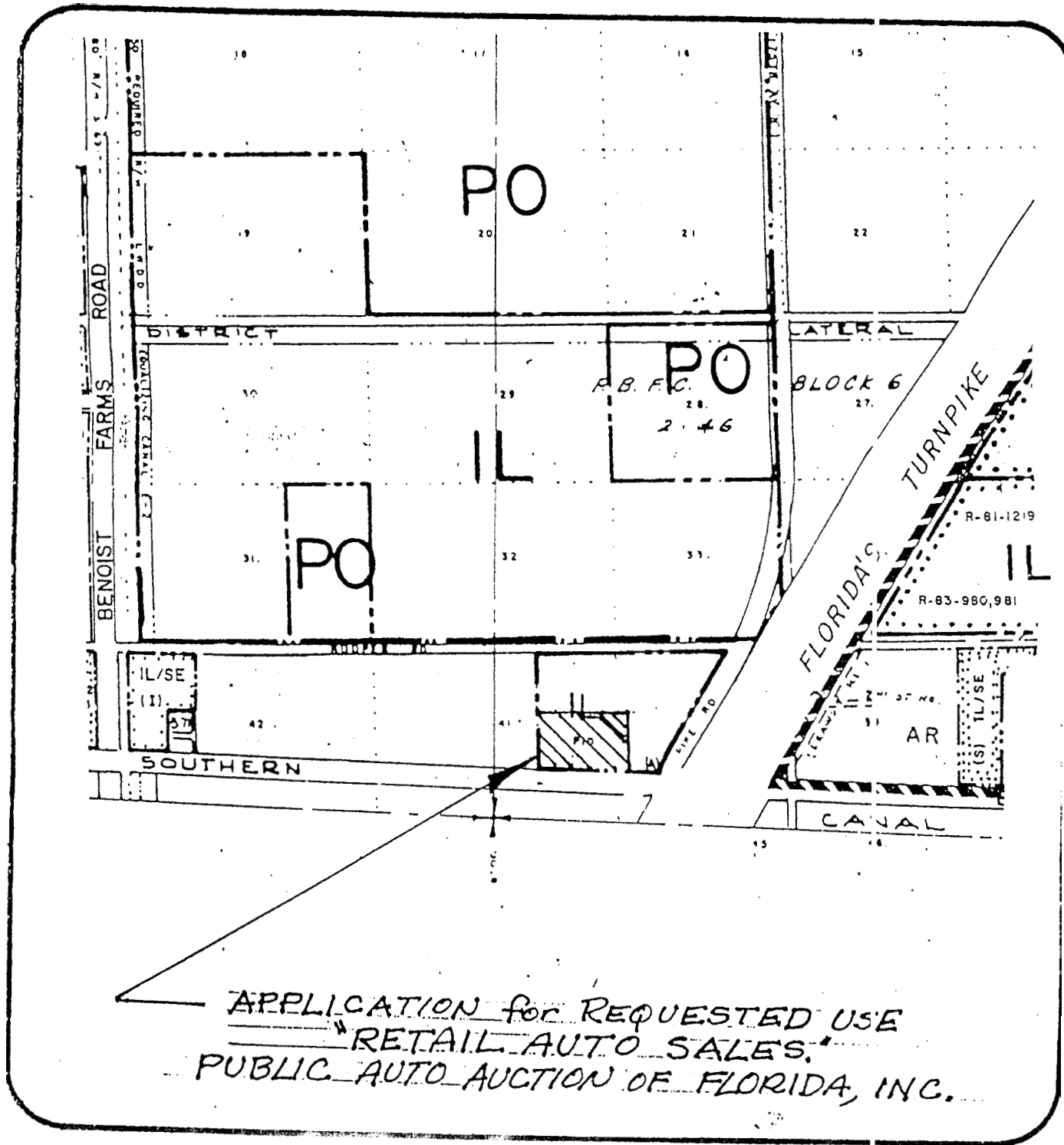


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines in Palm Beach County Land Development Code Section 5.8 (Compliance), as amended, unless expressly modified herein. (MONITORING)
2. Prior to February 14, 1995, the petitioner shall remove all existing billboards from the site and provide documentation to the Zoning Division that the billboards have been removed. (MONITORING/ZONING)

B. USE LIMITATIONS

1. The subject property shall be limited to the maximum display of one hundred eleven (111) vehicles for sale at any time. (CODE ENFORCEMENT)
2. The subject property shall be limited to two thousand one hundred sixty (2160) square feet of office and sale building area. (CODE ENFORCEMENT)
3. Vehicle Auctions shall be limited to a maximum of two (2) vehicle auctions within any seven day period. In addition no more than one (1) evening vehicle auction shall be permitted within the same seven (7) day period. (*Note: This condition dose not limit site access or office activities*) (CODE ENFORCEMENT)
4. The evening vehicle auction shall be limited to the hours of 7:00 P.M. to 10:00 P.M. (CODE ENFORCEMENT)
5. The hours of operations for the auto auction facility shall be limited to 10:00 A.M. to 4:00 P.M.. for day time auctions, and 7:00 P.M. to 10:00 P.M. for evening auctions (CODE ENFORCEMENT)
6. The hours of operation, excluding the auto auction are limited to 8:00 A.M. to 8:00 P.M.. (CODE ENFCRCEMENT)
7. There shall be no outdoor loud speaker system that is audible from the exterior of the site. (CODE ENFORCEMENT)
8. Outdoor lighting shall not exceed twenty (20) feet in height measured from finished grade to the highest point. (BUILDING)
9. The customer parking areas shall be clearly delineated from the sales vehicle parking area. (CODE ENFORCEMENT)
10. There shall be no loading or unloading of vehicles on site by truck, and/or equipment which carry more than two (2) vehicles. (CODE ENFORCEMENT)
11. The site shall be limited to the auctioning of motor vehicles only. (CODE ENFORCEMENT)
12. There shall be no storage or auctioning of inoperable vehicles on site. (CODE ENFORCEMENT)

C. LANDSCAPING AND BUFFERING

1. Prior to the issuance of the first Building Permit or lay **1, 1993**, whichever *occurs* first, the applicant shall submit a site plan that meets the requirements of Section 7.3, **of** the Palm Beach County Unified Land Development Code. The applicant may submit to the Zoning Division for approval an Alternative Landscape Betterment Plan that utilizes palms and other relocatable vegetation. A: a minimum three (3) palms trees with eight **(8)** feet of clear trunk shall be required for each required shade tree. (ZONING)

D. HEALTH

1. The application and engineering plans to construct a non community drinking water supply system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
2. The application and engineering plans to construct an on-site wastewater disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
3. The application for an on-site sewage disposal system operating permit must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
4. No automotive repair, maintenance and/or car washing will be allowed on-site until such time as the property **is** connected **to** public sewer. (HEALTH)

E. ENGINEERING

1. Prior to **January 1, 1994**, or prior to the issuance of the first building permit whichever shall first occur, the property owner shall reserve to Palm Beach County **Land Development Division** the ultimate right-of-way for Southern Boulevard, 220 feet north of the existing south right-of-way line along the project's entire frontage, free of all encumbrances and encroachments. Developer 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. Right-of-way reservation shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. In addition the property owner shall execute an appropriate removal agreements acceptable to the County Engineer and Attorney. (MONITORING/BUILDING - Engineering - County Attorney).
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" **a**; it presently exists **or** as it may from time to time be amended. The Fair Share Fee **for this** project at the time **of** the Building Permit presently **is** \$13,915.00 (253 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
3. Prior to site plan certification by the Development Review Committee, the petitioner **shall** obtain a Base Building Line Waiver from the County Engineer. (ENGINEERING)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING-ERM)