

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

ZONING COMMISSION VARIANCE

Application No.: ZV-2019-00671
Application Name: **Manheim Palm Beach MUPD**
Control No./Name: 2005-00641 / (West Palm Beach Auto Auction)
Applicants: JMC IV Real Estate Company, LLC
 Manheim Remarketing, INC
Owners: JMC IV Real Estate Company, LLC
 Manheim Remarketing, INC
Agents: Urban Design Kilday Studios - Collene Walter
 Urban Design Kilday Studios - Alessandria Palmer
Telephone No.: (561) 366-1100
Project Manager: Travis Goodson, Site Planner II

TITLE: a Type 2 Variance **REQUEST:** to eliminate outdoor lighting, and security lighting for parking lots.

APPLICATION SUMMARY: Proposed are two Type 2 Variances for the Manheim Palm Beach Multiple Use Planned Development (MUPD). The 91.59-acre MUPD was approved by the Board of County Commissioners (BCC) on May 25, 2006, for an Official Zoning Map Amendment to a Planned Development District and for Requested Uses to allow an expansion to an existing auto auction and a new auto paint and body shop. The site was last approved by the BCC on May 24, 2018 for a Development Order Amendment (DOA) to reconfigure the Site Plan; and, to modify Conditions of Approval (All Petitions and Engineering).

The Applicant is requesting to eliminate the requirement for outdoor lighting and security lighting for two parking lots. These areas include an interior employee-only parking lot located on the 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. No other modifications are proposed to the Site Plan, and access will remain from Sansburys Way (4), along with an emergency access point from Benoist Farms Road.

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ordinance 2003-067, Supplement No. 25.

TYPE 2 VARIANCE SUMMARY:

APPLICATION NO.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
ZV-2019-00671	Art. 5.E.4.E.2, Applicability	All outdoor lighting shall be subject to the requirements of Table 5.E.4.D-15 and 5.E.4.D-16, unless exempted or permitted to deviate as described herein.	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, as further indicated on the Preliminary Site Plan.	To eliminate outdoor lighting

	Art. 5.E.4.E.4.C.3, Security Lighting and Time Restrictions	Security lighting shall be required for all ...parking lots and access to ...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
--	---	--	--	--------------------------------

SITE DATA:

Location/Address:	600 Sansburys Way, West Palm Beach, Florida 33411
PCN:	00-42-43-32-16-001-0010, 0020, 00-42-43-32-16-002-0010, 0020, 00-42-43-16-003-0000, 00-42-43-32-16-004-0000
Zoning District:	Multiple Use Planned Development (MUPD)
Future Land Use:	Commercial Recreation, with an underlying Industrial (CR/IND) and Industrial (IND)
Total Acreage:	91.598 acres
Construction Status:	Employee parking lot completed Dealer-only grass parking lot under construction

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
Petition 1973-00195	Rezoning a portion of the site from Agricultural (AG) Zoning District to Light Industrial (IL) Zoning District and the further Special Exception (SE) to allow a Planned Industrial Development (PID).	R-1973-0712	October 25, 1973
Petition 1982-00087	To allow a rezoning of a portion of the site from the Agricultural Residential (AR) Zoning District to the IL Zoning District.	R-1983-0249	December 30, 1982
Petition 1985-00055	To allow a rezoning of a portion of the site from the AR Zoning District to the IL Zoning District.	R-1985-1094	May 23, 1985
Petition 1985-00055	A SE to allow a PID over a portion of the site.	R-1985-1095	May 23, 1985
Petition 1984-00144	A rezoning from the AR Zoning District to the Public Ownership (PO) Zoning District.	R-1986-0234	December 2, 1985
Petition 1987-00031	The Auto Auction use was vested with BCC approval of Resolutions A to rezone a portion of the site from the AR Zoning District to the IL Zoning District.	R-1987-1121	March 27, 1987
	SE to allow a PIPD with a condition of approval limiting the site to automobile storage only	R-1987-1121-A	March 27, 1987

Petition 1985- 00055(A)	To allow a rezoning from the IL and AR Zoning Districts to the IL Zoning District.	R-1989-0597	January 6, 1988
Petition 1985- 00055(A)	To allow a SE to amend and expand the Site Plan for a PID, previously approved under Zoning Petition No. on May 23,1985 (Resolution No.R-85-1095), to 1) increase the land area by approximately 9.4 acres; and 2) increase the building square footage, and 3) redesign the site.	R-1989-0598	January 6, 1988
Petition 1985- 00055(B)	To amend the conditions of approval of Resolution No. R-91-1071, the SE of West Palm Beach Auto Auction, Petition No. 85-55(B), which amend the site plan for a PID to include open storage (automobiles).	R-1995-0718	May 25, 1995
ZV/DOA 2008-01698	A Type II Variance to eliminate terminal islands, interior islands, divider medians, interior trees, and interior shrubs in the vehicle storage area; allow a reduction in pervious area, allow a barbed wire fence within the setback, and allow parking spaces beyond 600 feet from a building entrance.	ZR-2009-013	March 5, 2009
ZV/DOA 2008-01698 DOA 2010-00961	DOA to add land area and sq. ft., reconfigure the site plan, restart the commencement clock, delete conditions of approval contained within R-2004-2423, and modify a condition of approval (Engineering)	R-2009-0486	March 30, 2009
ZV/DOA 2008-01698	DOA to reconfigure the site plan and add sq. ft. in the MUPD Zoning District.	R-2010-0961	June 24, 2010
ZV/DOA 2015-02172 ZV/DOA 2015-02172	Type II Variances to eliminate terminal and interior islands, divider medians and interior trees and shrubs; and to allow parking spaces beyond the 600 feet of a public entrance of the building which it is intended to serve.	ZR-2016-006	March 3, 2016
	DOA to reconfigure the Site Plan; reduce sq. ft.; relocate access points; eliminate public access to Benoist Farms Road; modify/delete Conditions of Approval (Signs, Architectural Review, Engineering, Landscape, Site Design, and Utilities); and to restart the date of commencement of the development.	R-2016-0211	February 25, 2016
CRB 2016-00526	Corrective Resolution for R-2016-0211	R-2016-0542	May 6, 2016
ZV/DOA- 2017-02178	Type II Variance to eliminate landscape islands and divider medians in the parking lot and automotive storage areas; and, to allow parking spaces beyond the 600 feet of a public entrance of the building which it is intended to serve	ZR-2018-013	May 3, 2018
	DOA to reconfigure the Site Plan; and, to modify Conditions of Approval (All Petitions and Engineering)	R-2018-0802	May 24, 2018

SURROUNDING LAND USES:

NORTH:

FLU Designation: Industrial (IND)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Industrial (Palms West Industrial Park, Control No. 1985-00055)

SOUTH:

FLU Designation: Industrial (IND)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Shoppes at Southern Palms, Control No. 2007-00018)

EAST:

FLU Designation: Industrial (IND)
Zoning District: Light Industrial/Special Exception (IL/SE)
Supporting: Industrial

WEST:

FLU Designation: Commercial Recreation, with an underlying IND (CR/IND)
Zoning District: Public Ownership District (PO)
Supporting: Public (South Florida Fairgrounds, Control No1985-00144)

FLU Designation: Industrial (IND)
Zoning District: Light Industrial District (IL)
Supporting: Industrial (Ranger Construction, Control No 1979-00288)

FLU Designation: Utilities and Transportation (U/T)
Zoning District: Light Industrial District (IL)
Supporting: Utility (SFWMD, Control No 1986-00086)

FINDINGS:

Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under ULDC Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district:***

V1/V2 YES. The Manheim Palm Beach Auto Auction is the sole use of the subject MUPD. The Applicant indicates that auctions are held during the daytime hours, six times per month. These auctions are open to vehicle dealers on an invitation-only basis, and are not open to the general public. No business activities are conducted during the nighttime hours. The Applicant indicates that the 162-space excess employee parking lot and 400-space grassed dealer parking lot, specific to this variance request, are only necessary during the established daytime operating hours on one of the six auction days. No vehicle storage or overnight use will occur on these lots, as there are already dedicated vehicle storage areas on site. Further, the auto auction site has incorporated enhanced security features not typically found in an MUPD, such as perimeter fencing and vehicular guardrails.

In addition to the aforementioned, Staff is recommending Conditions of Approval that tie the variance to the uses and locations of the parking lots as indicated on the Preliminary Site Plan. As the auto auction use has a demonstrated history of daytime-only operations where these two parking areas will not be used at any time during nighttime hours, in conjunction with the enhanced security features, a unique circumstance exists that would allow for the proposed variances.

- b. ***Special circumstances and conditions do not result from the actions of the Applicant:***

V1/V2 YES. The existing auto auction is not a use typically found in an MUPD. The use is not open to the general public, nor do current Code requirements for outdoor lighting provide flexibility for this type of facility in practicality based on its specialized operations, a condition which is unique to this site.

Special circumstances exist with regard to the use of the excess employee and grassed dealer only parking lots. These parking lots are only necessary during daytime auction events to accommodate additional employees and registered dealer customers. The lots are not applicable outside of the six monthly daytime auction events and are not used during the nighttime hours.

c. *Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

V1/V2 YES. The auto auction is unique in its function and operations as compared to other uses and MUPDs. The site is not open to the general public, and auction attendees must be registered vehicle dealers. As the auctions are only held during daytime hours six times per month, the excess employee lot and grassed dealer lot are not utilized outside auction days or during nighttime hours. As the two areas requesting the variance will not be utilized at any time during nighttime hours as defined by the ULDC, the granting of these variances will not confer any special privilege otherwise denied since the auto auction use of this MUPD is unlike anything else.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

V1/V2 YES. Literal interpretation and enforcement of this Code would require the Applicant to provide outdoor lighting and security lighting on both the excess employee parking lot and grassed dealer parking lot, compliant with Article 5.E.4.E, Outdoor Lighting. As the existing auto auction use is not open to the public, conducts business only during the daytime, and access to the subject parking lots is restricted and secured, requiring the Applicant to provide lighting for these parking lots not used during the nighttime hours would work an unnecessary and undue hardship.

e. *Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:*

V1/V2 YES. The granting of these variances will allow the Property Owner to continue to operate business activities and provide functional parking for both employees and dealer customers without disruption, and preclude the undue hardship of retrofitting the subject parking lots to provide for unnecessary lighting.

f. *Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:*

V1/V2 YES. As stated in ULDC Art. 5.E.4.E.1, Purpose and Intent [of Outdoor Lighting] is to, “preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems...” The auto auction conducts business six times per month during established daytime hours. The subject parking lots are not utilized during nighttime hours, and no vehicles will be parked in these areas overnight. Granting the variances will not be in conflict with the stated purposes, goals, objectives and policies of this Code.

g. *Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

V1/V2 YES. The site is encompassed by nonresidential uses on all sides, and is not open to the general public. Given the nature of the business, the perimeter of the auto auction site is secured with fencing and, in some locations, vehicular guardrails. The subject parking lots are not in use during the nighttime hours, and the perimeter of the auto auction site is secured with fencing and, in some locations, have additional security features such as vehicular guardrails. As a result, the absence of lighting on these parking areas will not be injurious to the area or otherwise detrimental to the public welfare.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request.

ZONING COMMISSION CONDITIONS

Exhibit C: 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 the Development Permit.

Figure 1 - Land Use Map

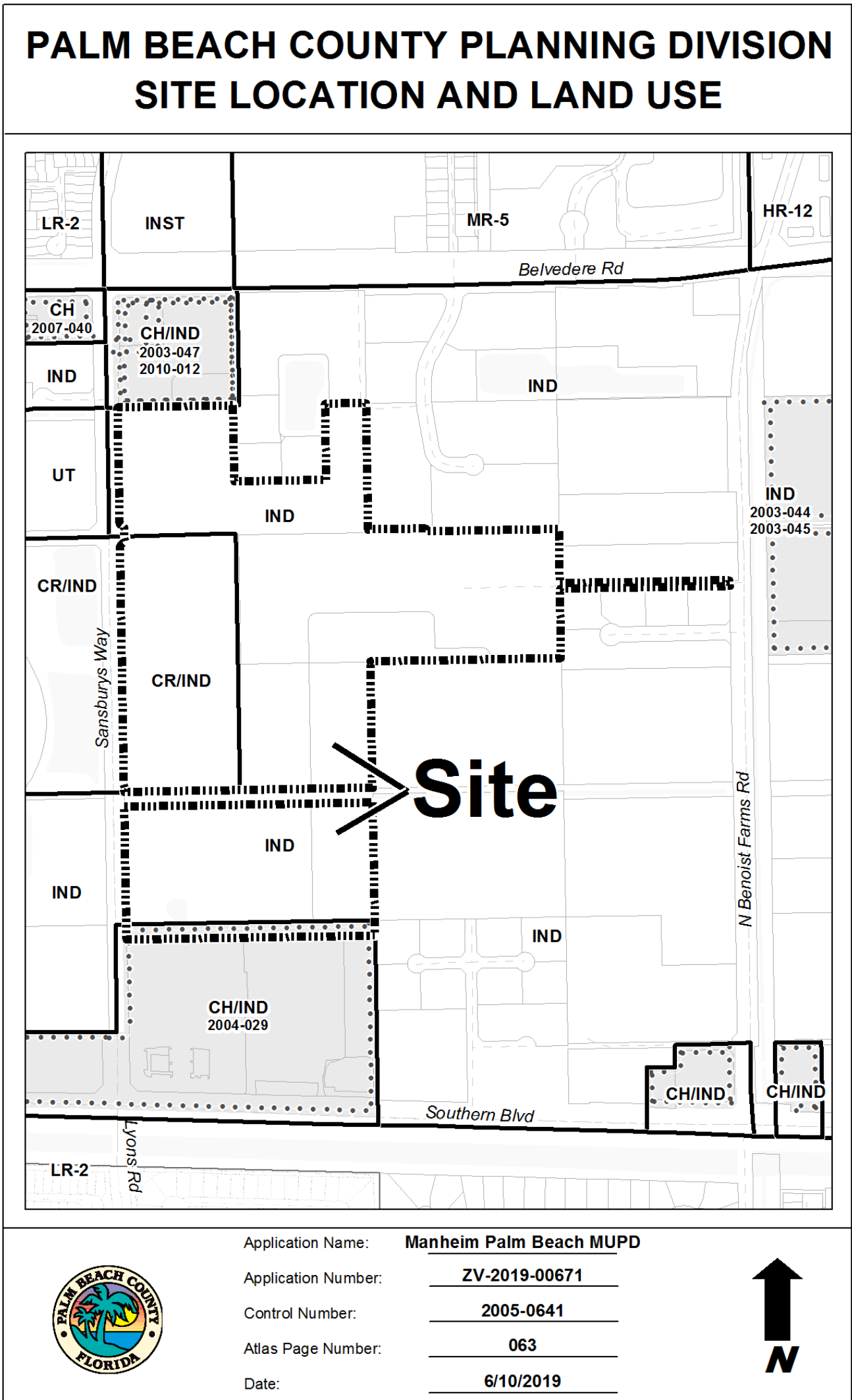


Figure 2 - Zoning Map

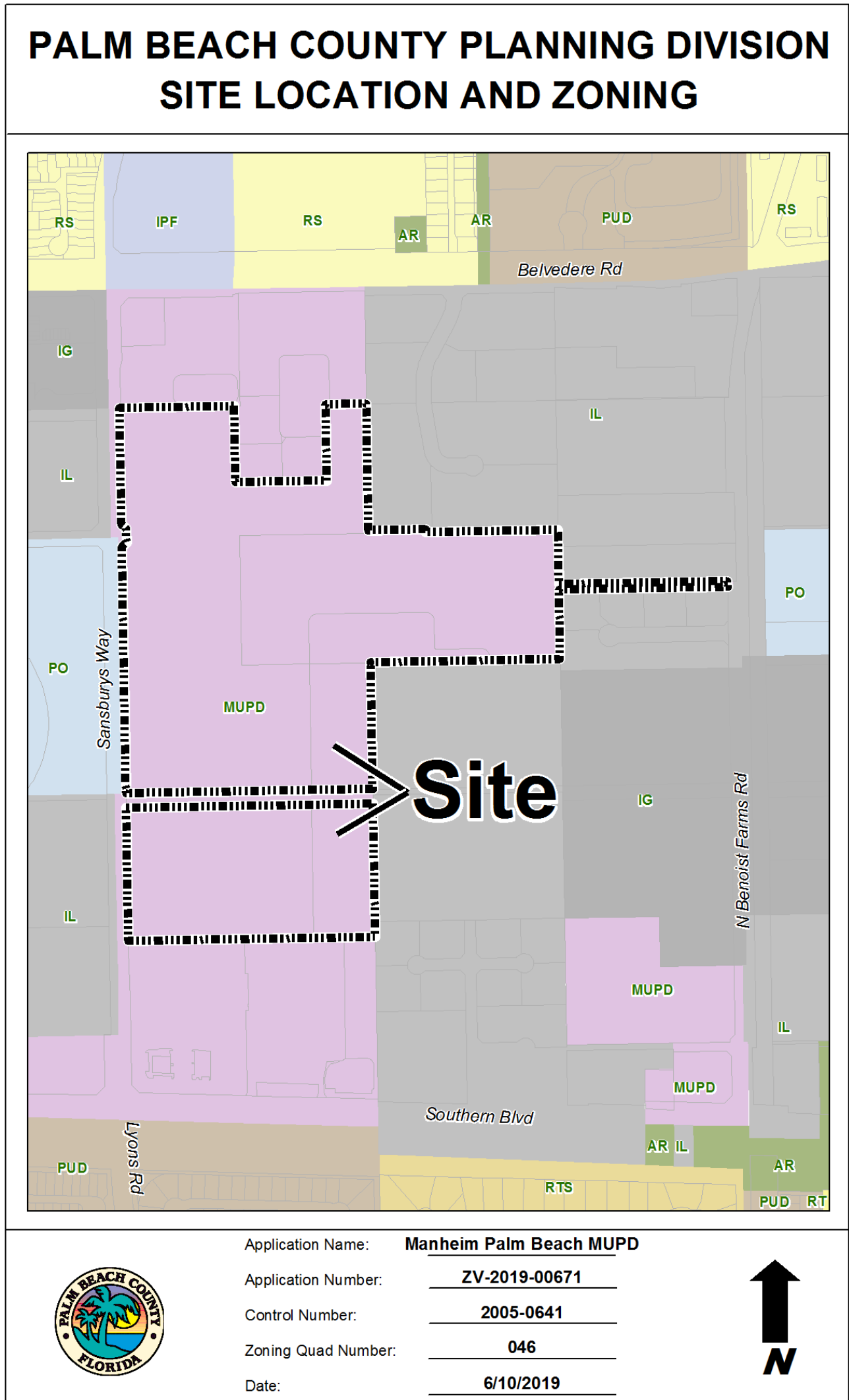


Figure 3 - Aerial Map

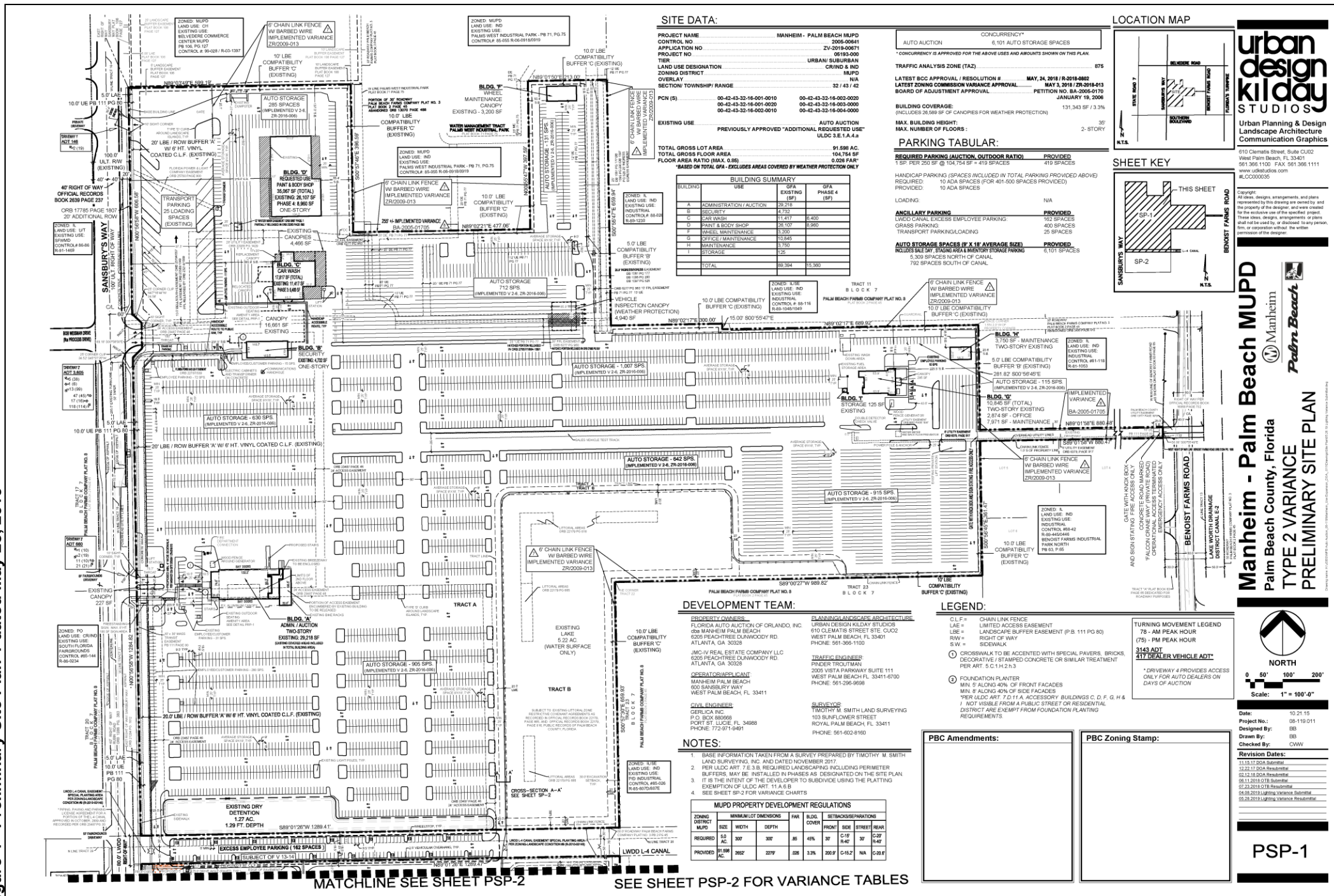
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: **Manheim Palm Beach MUPD**
Application Number: **ZV-2019-00671**
Control Number: **2005-0641**
Atlas Page Number: **063**
Date: **6/10/2019**



Figure 4 - Preliminary Site Plan 1 dated May 28, 2019



SITE DATA:

PROJECT NAME: MANHEIM - PALM BEACH MUPD
 CONTROL NO: 2008-0081
 APPLICATION NO: ZV 2019-00671
 PROJECT NO: 06193-000
 TIER: URBAN/SUBURBAN
 LAND USE DESIGNATION: CRIND & IND
 ZONING DISTRICT: I/MUPD
 OVERLAY: N/A
 SECTION/TOWNSHIP/RANGE: 32 / 43 / 42
 PCN (S): 00-42-43-32-16-001-0010 00-42-43-32-16-002-0020
 00-42-43-32-16-003-0000 00-42-43-32-16-003-0000
 00-42-43-32-16-002-0010 00-42-43-32-16-004-0000
 EXISTING USE: PREVIOUSLY APPROVED "ADDITIONAL REQUESTED USE" ULDG 3.E.1.A.4
 TOTAL GROSS LOT AREA: 91,588 AC
 TOTAL GROSS FLOOR AREA: 104,754 SF
 FLOOR AREA RATIO (MAX. 0.8): 0.028 FAF
 *BASED ON TOTAL GFA - EXCLUDES AREAS COVERED BY WEATHER PROTECTION ONLY

BUILDING SUMMARY

BUILDING	USE	GFA EXISTING (SF)	GFA PHASE 4 (SF)
A	ADMINISTRATION / AUCTION	29,217	
B	SECURITY	4,732	
C	CAR WASH	11,417	6,400
D	PAINT & BODY SHOP	29,107	3,900
E	WHEEL MAINTENANCE	3,300	
F	OFFICE MAINTENANCE	10,849	
G	MAINTENANCE	1,750	
H	STORAGE	125	
TOTAL		99,394	15,300

CONCURRENCY*
 6,101 AUTO STORAGE SPACES
 *CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN.
TRAFFIC ANALYSIS ZONE (TAZ): 875
LATEST BCC APPROVAL / RESOLUTION #: MAY 24, 2018 / R-2018-0882
LATEST ZONING COMMISSION VARIANCE APPROVAL #: MAY 2, 2019 / ZR-2019-013
BOARD OF ADJUSTMENT APPROVAL #: PETITION NO. BA-2005-0170
JANUARY 19, 2006
BUILDING COVERAGE: (INCLUDES 30.5% SF OF CANOPIES FOR WEATHER PROTECTION) 131,343 SF / 3.3%
MAX. BUILDING HEIGHT: 30'
MAX. NUMBER OF FLOORS: 2-STORY

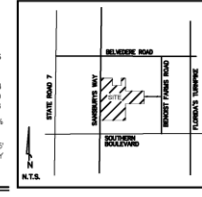
PARKING TABULAR:

REQUIRED PARKING (AUCTION, OUTDOOR RATIO) PROVIDED:
 1 SP. PER 500 SF @ 104,754 SF = 419 SPACES 419 SPACES
HANDICAP PARKING (SPACES INCLUDED IN TOTAL PARKING PROVIDED ABOVE):
 REQUIRED: 10 ADA SPACES (FOR 401-500 SPACES PROVIDED)
 PROVIDED: 10 ADA SPACES

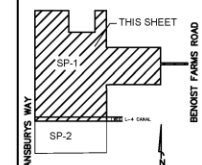
ANCILLARY PARKING PROVIDED:
 LWLD CANAL EXCESS EMPLOYEE PARKING: 162 SPACES
 GRASS PARKING: 402 SPACES
 TRANSPORT PARKING/LOADING: 25 SPACES

AUTO STORAGE SPACES (X 1' X 1' AVERAGE SIZE) PROVIDED:
 INCLUDES SLEDEY STAGING AREA & INVENTORY STORAGE PARKING: 6,101 SPACES
 5,308 SPACES NORTH OF CANAL
 792 SPACES SOUTH OF CANAL

LOCATION MAP



SHEET KEY



DEVELOPMENT TEAM:

PROPERTY OWNERS:
 FLORIDA AUTO AUCTION OF ORLANDO, INC.
 400 MANHEIM PALM BEACH
 8205 PEACHTREE DUNWOODY RD
 ATLANTA, GA 30309

JMC-IV REAL ESTATE COMPANY LLC
 8205 PEACHTREE DUNWOODY RD
 ATLANTA, GA 30309

OPERATOR/APPLICANT:
 MANHEIM PALM BEACH
 600 SANSBURY WAY
 WEST PALM BEACH, FL 33411

CIVIL ENGINEER:
 GERLICH INC.
 P.O. BOX 860068
 PORT ST. LUCIE, FL 34988
 PHONE: 772-971-9491

PLANNING/LANDSCAPE ARCHITECTURE:
 URBAN DESIGN KILDAY STUDIO
 610 CLEMATIS STREET STE. CLO2
 WEST PALM BEACH, FL 33401
 PHONE: 561-396-1100

TRAFFIC ENGINEER:
 PRICER TRICOTIUM
 2005 VISTA PARKWAY SUITE 111
 WEST PALM BEACH, FL 33411-6700
 PHONE: 561-296-9699

SURVEYOR:
 TIMOTHY M. SMITH LAND SURVEYING
 103 SUNFLOWER STREET
 ROYAL PALM BEACH, FL 33411
 PHONE: 561-602-8160

NOTES:

1. BASE INFORMATION TAKEN FROM A SURVEY PREPARED BY TIMOTHY M. SMITH LAND SURVEYING, INC. AND DATED NOVEMBER 2017.
2. PER ULDG ART. 7.E.3.B, REQUIRED LANDSCAPING INCLUDING PERIMETER BUFFERS, MAY BE INSTALLED IN PHASES AS DESIGNATED ON THE SITE PLAN.
3. IT IS THE INTENT OF THE DEVELOPER TO SUBDIVIDE USING THE PLATTING EXEMPTION OF ULDG ART. 11.A.6.B.
4. SEE SHEET SP-2 FOR VARIANCE CHARTS.

MUPD PROPERTY DEVELOPMENT REGULATIONS

ZONING DISTRICT	MINIMUM LOT DIMENSIONS	FAR	BLDG. COVER	SETBACKS/SEPARATIONS				
MUPD	SIZE	WIDTH	DEPTH	FRONT	SIDE	STREET	REAR	
REQUIRED	5.0 AC	300'	300'	35'	45%	3'	C-1F R-4F 30'	C-2F R-4F
PROVIDED	0.596 AC	362'	229'	08'	3.3%	20.9'	015.2'	NA C-20F

PBC Amendments:

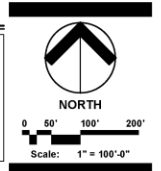
CLF = CHAIN LINK FENCE
 LAE = LIMITED ACCESS EASEMENT
 LAE = LANDSCAPE BUFFER EASEMENT (P.B. 111 PG. 80)
 ROW = RIGHT OF WAY
 S.W. = SIDEWALK
 C = CROSSWALK TO BE ACCENTED WITH SPECIAL PAVERS, BRICKS, DECORATIVE / STAMPED CONCRETE OR SIMILAR TREATMENT PER ART. 5.C.1.H.2.H.3
 F = FOUNDATION PLANTER
 MIN. B ALONG 40% OF FRONT FACADES
 MIN. B ALONG 40% OF SIDE FACADES
 *PER ULDG ART. 7.D.11.A. ACCESSORY BUILDINGS C, D, F, G, H & I, NOT MOBILE FROM A PUBLIC STREET OR RESIDENTIAL DISTRICT ARE EXEMPT FROM FOUNDATION PLANTING REQUIREMENTS

PBC Zoning Stamp:

TURNING MOVEMENT LEGEND
 78' - AM PEAK HOUR
 (75) - PM PEAK HOUR
 3143 ADT
 417 DEALER VEHICLE ADT
 *DRIVEWAY 4 PROVIDES ACCESS ONLY FOR AUTO DEALERS ON DAYS OF AUCTION

Urban design kilday STUDIOS
 Urban Planning & Design
 Landscape Architecture
 Communication Graphics
 610 Clematis Street, Suite CLO2
 West Palm Beach, FL 33401
 561-396-1100 FAX 561-396-1111
 www.urbandesign.com
 ILC0000303

Manheim - Palm Beach MUPD
 Palm Beach County, Florida
TYPE 2 VARIANCE
PRELIMINARY SITE PLAN
 Manheim
 Palm Beach



Date: 10/21/15
 Project No.: 08-119-011
 Designed By: BB
 Drawn By: BS
 Checked By: CWW

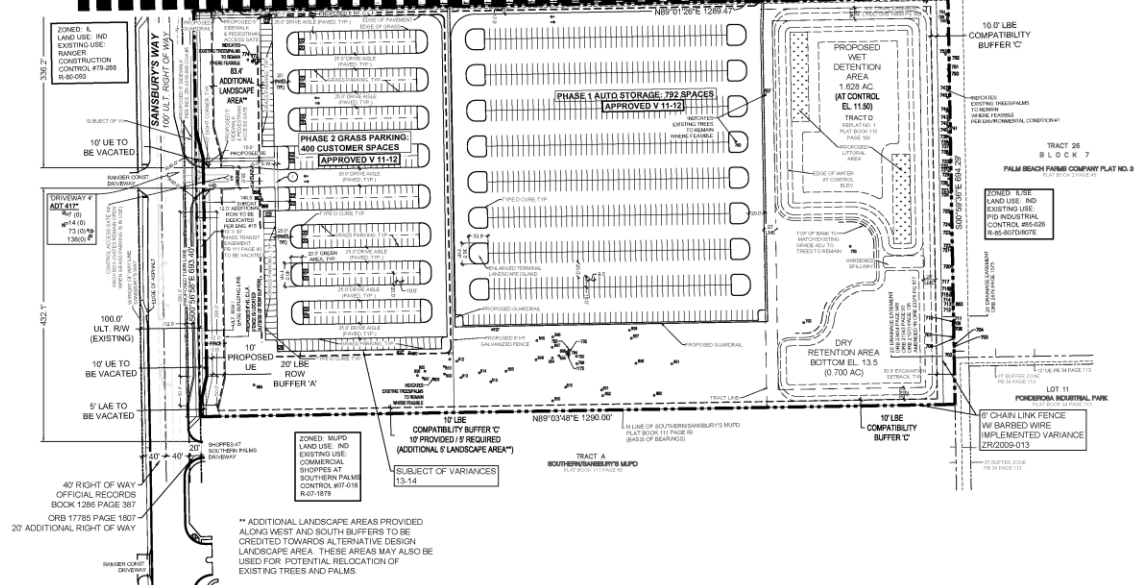
Revision Dates:

11.19.17 ADA Revisions
12.22.17 ADA Revisions
02.14.18 ADA Revisions
08.11.2018 OTR Revisions
02.23.2019 OTR Revisions
04.09.2019 Lighting Variance Submittal
05.29.2019 Lighting Variance Revisions

PSP-1

Figure 4 - Preliminary Site Plan 2 dated May 28, 2019

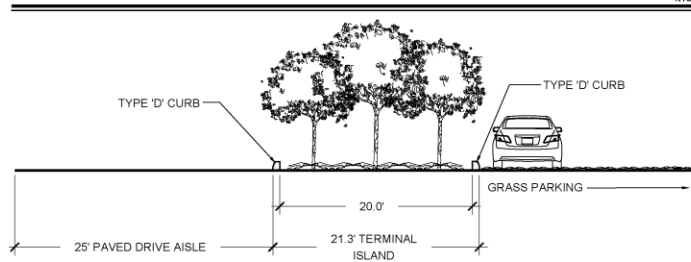
MATCHLINE SEE SHEET PSP-1



PHASE	USES	EXPECTED YEARS OF PHASE	S.F.	BUILDING COVERAGE	PARKING SPACES	ACRES / % OF LAND AREA
EXISTING	AUTO AUCTION	EXISTING	89,394	21,640	EMPLOYEE / CUSTOMER 419 SPACES AUTO STORAGE, 538 SPACES TRANSPORT / LOADING, 26 SPACES	71.054 AC / 7.8%
EXISTING	EXCESS EMPLOYEE PARKING	EXISTING	0	0	160 SPACES	LWDD L-4 CANAL ROW (NOT INCLUDED IN GROSS LAND AREA)
EXISTING	VEHICLE INSPECTION CANOPY	2016-2018	0	4,940	0	LOCATED IN EXISTING DEVELOPED LAND AREA NORTH OF CANAL
1	AUTO STORAGE	2018-2021	0	0	792 GRASS SPACES	13.636 AC / 1.5%
2	GRASS PARKING	2021-2024	0	0	400 GRASS SPACES	6.909 AC / 0.7%
3	BLDG C CAR WASH EXPANSION	2024-2027	6,400	0	0	LOCATED IN EXISTING DEVELOPED LAND AREA NORTH OF CANAL
4	BLDG D PAINT & BODY SHOP EXPANSION	2024-2027	6,900	0	0	LOCATED IN EXISTING DEVELOPED LAND AREA NORTH OF CANAL
TOTALS			104,754	26,586		91.566 AC / 100%

TIME LIMITATIONS FOR EACH PHASE WILL BE IN CONFORMANCE WITH ULDC ART. 2.E
DEVELOPER HAS THE OPTION TO ACCELERATE PHASES OF CONSTRUCTION.

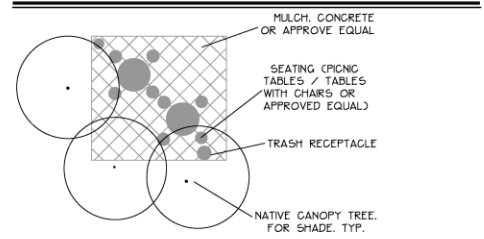
**GRASS PARKING
CUSTOMER SPACES - TERMINAL ISLAND DETAIL**



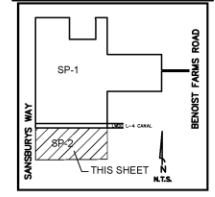
ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V1	3.E.1.C.2.h.6	All parking spaces shall be located within 600 feet of a public entrance of the building which they are intended to serve.	To allow 400 grassed parking spaces to be located beyond 600 feet of a public entrance of the building which they are intended to serve.	To allow 400 grassed parking spaces to be located beyond 600 feet of a public entrance of the building which they are intended to serve.
V11	7.G.2.B.1.a	Interior landscape islands are required at one island per ten parking spaces.	To eliminate the interior island requirements in the grass parking and auto storage areas south of the LWDD canal ROW.	To eliminate the interior island requirements in the grass parking and auto storage areas south of the LWDD canal ROW.
V12	7.G.2.C	Divider medians are required between every third row of parking.	To eliminate the divider median requirements in the grass parking and auto storage areas south of the LWDD canal ROW.	To eliminate the divider median requirements in the grass parking and auto storage areas south of the LWDD canal ROW.

ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V13	5.E.4.E.2	All outdoor lighting shall be subject to the requirements of Table 5.E.4.D-15 and 5.E.4.D-16, unless exempted or permitted to deviate as described herein.	To allow for dealer and employee parking areas only used during daytime hours to not provide outdoor lighting.	To eliminate the outdoor lighting for certain parking areas on site.
V14	5.E.4.E.4.c.3	Security lighting shall be required for all ... to parking lots.	To allow for dealer and employee parking areas only used during daytime hours to not provide security lighting.	To eliminate the security lighting for certain parking areas on site.

PEDESTRIAN AMENITY DETAIL - 2 required - EXISTING AT BUILDINGS A AND C



SHEET KEY



APPROVED TYPE II VARIANCES - ZR-2016-006 / FEBRUARY 4, 2016 - IMPLEMENTED APPLICABLE NORTH OF THE LWDD L-4 CANAL

ITEM	ULDC SECT.	REQUIRED	PROPOSED	VARIANCE
V2	Table 7.C.3.1 MINIMUM TIER REQUIREMENTS	Minimum tree requirements - Non-residential Lot 1 tree per 2,000 square feet	To eliminate the tree quantities requirements in all of the auto storage and parking areas except for the excess employee parking.	To eliminate the tree quantities requirements in all of the auto storage and parking areas except for the excess employee parking.
V3	Table 7.C.3.1 MINIMUM TIER REQUIREMENTS	Minimum medium shrub requirements - Non-residential Lot 3 shrubs per 2,000 square feet	To eliminate the shrub quantities requirements in all of the auto storage and parking areas except for the excess employee parking.	To eliminate the shrub quantities requirements in all of the auto storage and parking areas except for the excess employee parking.
V4	7.G.2.A TERMINAL LANDSCAPE ISLANDS	Each row of parking in excess of three spaces, or four spaces in industrial zoning districts, shall be terminated by a landscape island.	To eliminate the terminal island requirements in all of the parking areas except for the excess employee parking and grass parking areas.	To eliminate the terminal island requirements in all of the parking areas except for the excess employee parking and grass parking areas.
V5	7.G.2.B.1.a INTERIOR LANDSCAPE ISLANDS	Interior landscape islands are required at one per ten parking spaces.	To eliminate the interior island requirements in all of the auto storage and parking areas except for the excess employee parking area.	To eliminate the interior island requirements in all of the auto storage and parking areas except for the excess employee parking area.
V6	7.G.2.C DIVIDER MEDIAN	Divider medians are required between every third row of parking.	To eliminate the divider median requirements in all of the auto storage and parking areas except for the excess employee parking area.	To eliminate the divider median requirements in all of the auto storage and parking areas except for the excess employee parking area.

APPROVED TYPE II VARIANCE - ZR-2009-013 / MARCH 5, 2009 - IMPLEMENTED

ITEM	ULDC SECT.	REQUIRED	PROPOSED	VARIANCE
V7	5.B.1.A.2.c.2.c. BARBED WIRE FENCE	Non-residential - barbed wire shall not be permitted within the required setback, and shall not be visible from any residential district or road ROW	To allow a barbed wire fence within the interior property setback and visible from SANSBURY Way ROW.	To allow a barbed wire fence within the interior property setback.

APPROVED TYPE II VARIANCE - BA-2005-01705 / JANUARY 19, 2006 - IMPLEMENTED

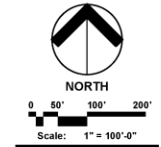
ITEM	ULDC SECT.	REQUIRED	PROPOSED	VARIANCE
V8	7.F.B. LANDSCAPE COMPATIBLE BUFFERS	5 FEET COMPATIBILITY BUFFER ALONG 255 FEET OF THE NORTH PROPERTY LINE AND 911 FEET ALONG BOTH SIDES OF THE ACCESS ROAD TO BENIST FARMS RD. 1 CANOPY TREE PER 25 LINEAR FEET AND 1 SHRUB PER 2 FEET (EQUATES TO 84 TREES AND 1054 SHRUBS)	TO WAIVE THE REQUIREMENT FOR THE COMPATIBILITY BUFFER AND CANOPY TREES AND SHRUBS ALONG A 255 FOOT SECTION OF THE NORTH PROPERTY LINE AND 911 FEET ALONG THE ACCESS ROAD TO BENIST FARMS ROAD.	NO COMPATIBILITY BUFFER, CANOPY TREES, AND SHRUBS ALONG A 255 FOOT SECTION OF THE NORTH PROPERTY LINE AND 911 FEET BOTH SIDES OF THE ACCESS ROAD TO BENIST FARMS RD (EQUATES TO 84 TREES AND 1054 SHRUBS)

PBC Amendments:

PBC Zoning Stamp:

Urban design kilday STUDIOS
Urban Planning & Design
Landscape Architecture
Communication Graphics
610 Clematis Street, Suite C102
West Palm Beach, FL 33411
561.366.1100 FAX: 561.366.1111
www.urbandesign.com
#UC000006

Manheim - Palm Beach MUPD
Palm Beach County, Florida
TYPE 2 VARIANCE
PRELIMINARY SITE PLAN



Date: 10.21.15
Project No.: 06-119.011
Designed By: EB
Drawn By: EB
Checked By: CWW
Revision Dates:
11.15.17 DCA Submittal
12.01.17 DCA Resubmittal
02.18.2018 Resubmittal
08.11.2018 DCA Resubmittal
07.23.2018 DCA Resubmittal
04.08.2018 Lighting Variance Submittal
05.28.2018 Lighting Variance Resubmittal

PSP-2

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Mark F. Bowser, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or []President & Director _____ [position - e.g., president, partner, trustee] of Manheim Remarketing Inc [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 6205 Peachtree Dunwoody Road
Atlanta, GA 30328

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.


4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

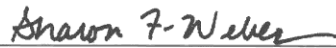
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Mark F. Bowser, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 25th day of March, 2019, by Mark F. Bowser, [✓] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public



Sharon F. Weber

(Print Notary Name)

NOTARY PUBLIC

State of Georgia at Large

My Commission Expires: 6/8/2021

EXHIBIT "A"

PROPERTY

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 POSTION 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"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Manheim Remarketing, Inc. is the owner of this property and there are no shareholders with more than

5% ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared John Mendicino, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Vice President _____ [position - e.g., president, partner, trustee] of JMC-IV Real Estate Company LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 6205 Peachtree Dunwoody Road
Atlanta, GA 30328

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



John Mendicino, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 25th day of March, 2019, by John Mendicino, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Sharon F. Weber

Notary Public

Sharon F. Weber

(Print Notary Name)

NOTARY PUBLIC
State of Georgia Florida at Large
My Commission Expires: 6/8/2021

EXHIBIT "A"

PROPERTY

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 POSTION 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"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
JMC-IV Real Estate Company, LLC	6205-A Peachtree Dunwoody Rd Atlanta, GA 30328

Exhibit E – Applicant’s Justification Statement

**JUSTIFICATION STATEMENT
 MANHEIM PALM BEACH MUPD
 CONTROL No.
 APPLICATION No.
 TYPE 2 VARIANCES
 April 8, 2019
 Revised May 28, 2019**



**Urban Planning and Design
 Landscape Architecture
 Communication Graphics**

Request

On behalf of the property owners, Manheim Remarketing Inc., and JMC-IV Real Estate Company, Urban Design Kilday Studios respectfully requests approval of two Type 2 Variances for Manheim Palm Beach MUPD.

Proposed Variances

CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Art. 5.E.4.E.2	All outdoor lighting shall be subject to the requirements of Table 5.E.4.D-15 and 5.E.4.D-16, unless exempted or permitted to deviate as described herein.	To allow for dealer and employee parking areas only used during daytime hours to not provide outdoor lighting.	To eliminate the requirement for outdoor lighting for certain parking areas on site.
Art. 5.E.4.E.4.c.3)	Security lighting shall be required for all ...parking lots and access to ...parking lots.	To allow for dealer and employee parking areas only used during daytime hours to not provide security lighting.	To eliminate the requirement for security lighting for certain parking areas on site.

Project Description

The existing Manheim Palm Beach MUPD is approximately 91.59 acres in size. The site supports an existing Auto Auction, auto storage areas and accessory facilities. The site is generally located approximately 600 feet south of Belvedere Road, north of Southern Boulevard, east of Sansbury’s Way, and west of Benoist Farms Road in unincorporated Palm Beach County. The property is within the Urban/Suburban Tier. The Future Land Use (FLU) designation for the majority of the property is Industrial (IND) on the County’s Future Land Use Atlas maps and the 18 acre portion of the site where the Auto Auction building exists is designated Commercial Recreation/Industrial (CR/IND). The existing IND/MUPD zoning is consistent with the existing IND FLU designation.

Adjacent to the north of the site is a Multiple Use Planned Development (MUPD) known as Belvedere Commerce Center and the Palms West Industrial Park PID. Adjacent to the east of

File No. 08-119.011

Manheim Palm Beach
 Type 2 Variances Justification Statement
 Page 1

May 28, 2019

the site is an industrial development. To the south of the site is an existing MUPD, the Shoppes at Southern Palms. Adjacent to the west of the site is Ranger Construction, South Florida Fairgrounds, and the South Florida Water Management Field Operations Facility. Access to the site is currently provided from Sansbury's Way.

The Zoning History for this project is provided later in the Justification Statement.

TYPE 2 VARIANCE REQUESTS

The two site lighting variance requests apply to two areas of the site:

- Existing 162 excess employee parking spaces constructed in 2016
- Proposed 400 grassed dealer parking space under construction

Manheim Palm Beach (fka West Palm Beach Auto Auction) has been located on this site for over forty years. Manheim Palm Beach is a viable and successful dealer purchase-only auto auction business that contributes greatly to the local and state economy, and provides 74 full-time jobs and 90 part-time jobs to residents of Palm Beach County. Manheim Palm Beach hosts on average six (6) auctions each month, with over 9,000 vehicles offered for sale each month. Many dealers come in from out of town for these auctions, some from as far away as California, and spend money on lodging, food and entertainment while in the area. These contributions are valuable and important to the local economy. Regular auctions are held once a week, and a "high end" vehicle auction is held twice a month. These auctions are not open to the general public.

The auto auction is a unique use relative to the ULDC. In fact, for many years this type of use was not specifically identified in the ULDC. Due to the unique nature of the use and its programming and operational needs, variances have historically been requested and granted as Manheim Palm Beach has expanded its facilities.

The nature of this type of business requires a significant amount of vehicle storage that will ultimately allow auto auction employees to maneuver vehicles from the storage areas of the site to the auction lanes. There are employee and customer parking areas provided per code on site in proximity to the main auction building. Employee parking is also provided elsewhere on site adjacent to accessory buildings. However, on auction days, there is a need for additional customer (dealer) and employee parking to accommodate the dealers who attend the auction, and to relocate customer and employee parking to open up space around the main auction building to stage the vehicles being sold.

One hundred sixty-two (162) excess employee parking spaces, primarily used on auction days, were constructed in 2016 on the LWDD L-4 Canal per the approved Parking, Paving and Piping License Agreement with LWDD recorded in ORB 23487, page 30. As part of the building plan review for construction of these spaces, Zoning questioned why site lighting was not proposed. The Auction responded in writing on 2/2/16 that these spaces would only be used during the day time, and lighting was not needed. Zoning staff accepted this response and signed off on the permit application on 2/8/16. Building issued Permit #B-2015-026997-0000 and the employee

parking was constructed and accepted without site lighting. Copies of this information is included with this application to support the variance request.

Four hundred (400) additional grass customer (dealer) parking were approved on the western portion of the parcel south of the LWDD L-4 Canal in 2018. These grass parking spaces serve auction customers up to six (6) days per month during their weekly auctions, and for their high-line auction that occurs twice (2) per month. Additional auto storage was approved on the eastern portion of this parcel. A permit for construction of the grass parking and auto storage areas was submitted and issued, PR#2018-038469-0000. The construction drawings indicated lighting within the auto storage area but not within the grass parking area as the grassed parking area will only be used by the auto auction during the day and only on auction days. The Zoning Division commented on the permit that lighting was needed for the grass parking area. As reference above, a similar building permit comment was entered by the Zoning Division regarding the need for site lighting for the employee parking lot. A similar response as was offered in 2016 for the employee parking area was provided from the property owner, however the Zoning Director determined that site and security lighting is required per code, and that Zoning staff had signed off on the 2015 permit application in error. Copies of this recent information is also included with this application to support the variance requests.

This variance request is to eliminate site and security lighting in the grass parking area. It also addresses the existing employee parking lot to correct the Staff oversight made during permitting in 2015. The Applicant believes the intent of Unified Land Development Code (ULDC) Art. 5.E.4. E.1 Outdoor Lighting Purpose and Intent, which states in part "It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use *[emphasis added]* and enjoyment of any and all property through the use of appropriate lighting practices and systems..." infers that site lighting is only necessary where there is a nighttime use of the parking areas. The existing employee parking, and the proposed grassed parking area will only be used during the daytime, and up to six (6) times per month for dealer parking during regularly scheduled daytime auctions. None of these auctions occur at night or after dark.

The entire site is fenced and secured. Daily access by employees, vendors, customers and visitors is facilitated through the main security building fronting Sansbury's Way located opposite Weisman Way. The grass parking area will be fenced separately and gated when not in use. Access to this area is only from Sansbury's Way via a dedicated driveway that only serves this parking area. The public is prohibited from entering the grass parking area at any time, and dealers may only access this site on auction days. Employees will not be accessing the grassed parking area when there is no auction activity, therefore there is no safety concerns for employee use. The existing employee parking area serves the purpose of providing employee parking on auction days to free up area near the auction building. Any employee parking in the employee parking area will be doing so during the day when auctions occur. Therefore, there is not safety concerns for employee use of this area.

Historically, there are times throughout the year where the South Florida Fair seeks a Special Permit from Zoning to park on the auto auction property to support events at the Fair. In conjunction with issuance of those Special Permits, the Zoning Division imposes a condition requiring that any night time parking be lighted. The South Florida Fair provides temporary

lighting to meet this requirement. The South Florida Fair's potential future use of this site for parking has no bearing on this variance request as they provide for their own entitlement approval, lighting and security.

VARIANCE STANDARDS

The Palm Beach County Unified Land Development Code, Article 2.B.3, requires a statement of special reason or that the basis for the variance required be provided. An application for the variance shall be written demonstrating all of the following to qualify for a variance:

- 1.) Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

Special conditions and circumstances exist that are peculiar to this parcel of land, which are not applicable to other parcels of land in the same zoning district. Manheim Auto Auction is not a common use, nor is it a "multiple use" even though it has a MUPD zoning designation. This site is not open to the public. It stores and sells automobiles at wholesale, and only to auto dealers on an invitation-only basis. Six (6) times per month auto auctions are held that require the use of the excess employee parking lot and the grass dealer parking area. On auction days, when the excess employee parking and grass parking lots would be used, they would only be utilized during daytime hours.

Art. 5.E.4. E.1 Outdoor Lighting Purpose and Intent states in part "It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use *[emphasis added]* and enjoyment of any and all property through the use of appropriate lighting practices and systems..." This code reference speaks to providing lighting for uses that operate at night. Outdoor site lighting is typically provided for uses that offer hours of operation during nighttime hours and to members of the public, such as retail centers, big box stores, and other similar commercial/retail users typically found in the MUPD zoning district. The existing auto auction use is not similar in nature to these other uses allowed in the same zoning district such as commercial shopping centers, office parks, or hospitals. The ULDC does not provide for an exemption from lighting for uses or portions of a site that are not utilized at nighttime, creating a special circumstance for this site.

Special conditions that are also peculiar to this parcel of land include the security needs of the operation. The site perimeter is completely secured to prevent access and minimize possible vehicle theft. With a secured perimeter, there are limited points of access for vehicles and pedestrians. Pedestrian access to the auction building must be from outside of the secured perimeter so that customers are not walking through the vehicle storage areas for both security reasons and for their own safety. The grass dealer parking lot would be gated and locked when not in use so no one can access it. There is ample employee parking provided on site in much closer proximity to the existing buildings and facilities where the employees work. These spaces are typically utilized by employees, and it is only on auction days when the employees park in the excess employee parking area to create staging for the vehicles to be auctioned.

2.) Special circumstances and conditions do not result from the actions of the applicant:

The special circumstances and conditions are not the result of the applicant, but rather the result of this circumstance and condition not being clearly defined or considered in the ULDC. The ULDC does not provide for an exemption from lighting for uses or portions of a site that are not utilized at nighttime. There is no public access to the entire site without authorization, and limited hours of operation when customers (dealers) visit the facility for auctions. The granting of these variances for the excess employee and grass parking areas would allow proper function and use, occasionally throughout the month, of these parking areas during daytime hours. As the auto auction use is not open to the public and the code required minimum levels of illumination for nighttime use are not applicable to this type of facility in practicality based on its operation, this is a special condition which is unique to this site and its use, and is not a result of actions of the applicant.

Additionally, this condition of eliminating site lighting within parking areas not used at nighttime was previously discussed, accepted and permitted in 2016 for the excess employee parking lot without the need for a variance. Zoning Staff has now determined that a variance is required for the grassed dealer parking and the previously approved excess employee parking, without any change in action by the applicant.

3.) Granting the variance shall not confer upon the applicant any special privilege denied by the Comprehensive Plan and this Code to other parcels of land, buildings, or structures, in the same district:

These requests do not confer any special privilege to this applicant as opposed to any other property owner. If another property owner demonstrated the same or similar conditions on a property as the subject property with the same type of use, and adequate support for the required variance criteria provided, the variances would also be granted. The Auto Auction is unique in its function and operations compared to other MUPDs such as commercial shopping center or office parks that are typically open to the public and offer lawful nighttime access and uses to the public, and must provide for a minimum level of lighting for liability reasons. This site stores a lot of vehicles and is not open to the public – auction attendees are dealers who have to register and check in to attend. The auctions that are held six (6) times each month require the use of the excess employee and grassed dealer parking lots only during daytime hours

Additionally, this condition was previously permitted for the excess employee parking lot in 2016 without the need for a variance. No special privilege is being conferred upon the applicant as it was previously determined by Zoning Staff that site lighting was not required to meet the purpose and intent of the Code due to the unique use of the parking area during day time hours on a limited basis only as described above. Zoning Staff has now determined that a variance is required.

4.) Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:

File No. 08-119.011

Manheim Palm Beach
Type 2 Variances Justification Statement
Page 5

May 28, 2019

Literal interpretation of the ULDC requirement would create an unnecessary and undue hardship for the applicant if these variances are not approved. The purpose and intent of 'Outdoor Lighting' in the Code is to preserve, protect, and enhance the legal nighttime use and enjoyment of any and all property. The use of the parking lots that are the subject of the requested variances will be limited to six (6) times per month and only during daytime hours. Therefore, a legal nighttime use does not exist in these areas, and the literal enforcement of the provisions of the Code to light the subject parking lots to accommodate occasional daytime use is an unnecessary and undue hardship upon the applicant. Security lighting is also not necessary as access to the parking areas is restricted. The grass parking area is completely secured and gated, with the separate access to Sansbury's Way only opened when an auction is occurring. No vehicle storage will occur in the grass parking area and employees will not have any reason to access this area during nighttime hours.

Additionally, this condition was permitted for the excess employee parking lot in 2016 without the need for a variance, and this lot exists and is utilized today without any negative ramifications. At the time that the prior permit was issued, Zoning Staff rendered an interpretation that lighting was not required as the use of the parking area was not a nighttime use. The applicant relied on this interpretation when designing the grass parking area as the conditions of use are the same. However, Zoning Staff has now determined that a variance is required for the approved grass dealer parking and the existing excess employee parking. Therefore, requiring additional improvements within the existing parking lot to install lighting that County Staff has previously deemed unnecessary, is an unnecessary and undue hardship upon the applicant.

5.) Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

This variance request is the minimum necessary to make reasonable use of the land. The employee and customer parking areas in proximity to the existing buildings and facilities that are utilized for day-to-day operations have code required site lighting for nighttime and security purposes. Employees on site at nighttime only access the areas that are lit. The excess employee and grassed dealer parking areas will only be operational during the day up to six (6) days per month when auctions are held. The requested variances are the minimum variance to make possible the reasonable use of the two subject parking lots during their limited hours of operation. The grass dealer parking area is completely secured when not in use, and there is no reason for employees to access it. The excess employee parking area is remote from buildings and other facilities, and would not be attractive to employees for daily parking as there are more convenient spaces that are lit available for their use closer to the areas in which they work. It is only for auction days that employee parking is displaced to allow for the staging of vehicles for that day's auction.

Therefore, these variances are the minimum that will allow for Manheim to continue to operate auctions and provide functional parking for employees and customers without retrofitting an existing parking lot to install lighting, and adding lighting into a project already permitted and under construction.

6.) Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

As demonstrated above, these variances are consistent with the purposes, goals, objectives, and policies of the Plan and the Code. The Purpose and Intent of 'Outdoor Lighting' in the Code as stated in Art. 5.E.4. E.1 is to preserve, protect, and enhance the legal nighttime use and enjoyment of any and all property. The site itself is not open to the general public, and the entire perimeter is secured. The excess employee and grass dealer parking areas will only be used approximately six (6) times a month, and only during daytime hours. Therefore, a nighttime use does not exist within these areas. Furthermore, outside of the occasional use during auctions, the grass dealer parking lot will remain gated and locked. The excess employee parking is exactly what it is called – it is excess parking for employees. Required employee parking is provided elsewhere on site per the code and is lit. This excess parking was recently constructed to allow for better functionality and operations on site on auction day.

As aforementioned, this auto auction has been in existence for many years and is a unique use relative to the ULDC. In fact, for many years this type of use was not specifically identified in the ULDC. Due to the unique nature of the use and its functional and operational needs, variances have historically been requested and granted to deviate from several code requirements as Manheim Palm Beach has expanded its facilities over the years. The Outdoor Lighting provisions have been reviewed as part of past permits issued in 2008 and 2016, and were previously determined by Zoning Staff to not be applicable to parking areas only used during day time hours, which is consistent with the purpose and intent of the code to provide lighting for "nighttime activities". Lighting for nighttime activities elsewhere on site where there are employees, and the potential for customers and visitors, is provided for those who may be there after dark. As there is controlled access to the entire property, any nighttime activity is monitored. Therefore, granting the requested variances will be consistent with the purpose and intent of the Code.

7.) Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Granting these variances will not be injurious to the area involved or detrimental to the public welfare. The site and its auctions are not open to the public. Anyone coming on site has to clear security and their activities are monitored. The auctions are held only six (6) times per month so the employees and customers (dealers) are only utilizing the parking areas that are the subject of this variance on a limited basis, and only during daytime hours. Any lighting provided for these lots would only add to potential light pollution, and serve no functional use to on-site activities.

The site is completely surrounded by non-residential uses that include industrial equipment and other vehicle storage yards, and back of house commercial. No residential uses are located in the area. The site perimeter is completely secured to prevent any possible vehicle theft. With a secured perimeter there are limited points of access for vehicles and pedestrians. Pedestrian access to the auction building must be from outside of the secured perimeter so that customers are not walking through the vehicle storage areas for both security reasons and for their own

safety. When not in use, the grass parking area is secured and locked. There is no reason for employees to access this area when it is not in use. Although not internally secured, the existing excess employee parking area is remote from where employees who typically park on a non-auction day. Existing employee parking is provided elsewhere on site and is lit.

Therefore, approving these variances will not be injurious to the area involved or detrimental to the public welfare, including the general public, customers or employees. The site is not open to the public. Auctions are held a limited number of times per month during the daytime hours. When customers (dealers) come on auction days, the grass parking area is open for their use. A sidewalk along Sansbury's Way outside of the fence provides access to the main auction building. Customers exit the same way, and once the auction is complete, the grass parking lot is closed and locked, with no opportunity for access. On auction days, employees park in the more remote excess parking area during the auction activities. If they do not want to walk, golf carts are available to shuttle them to their destination.

History

Prior to the MUPD approval granted in 2006, the West Palm Beach Auto Auction operated on individual parcels, each with a separate approval and/or site plan:

- The BCC approved Resolution R-73-712 on November 6, 1973 to rezone a portion of the site from the Agricultural (AG) Zoning District to the Light Industrial (IL) Zoning District and the further Special Exception (SE) to allow a Planned Industrial Development (PID).
- The BCC approved Resolutions R-85-1094 and R-85-1095 on July 23, 1985 to rezone a portion of the site from the Agricultural Residential (AR) Zoning District to the IL Zoning District and a SE to allow a PID.
- The BCC approved Resolutions R-89-597 and R-89-598 on April 4, 1989 to rezone a portion of the site from the IL and AR Zoning Districts in part to the IL Zoning District and to amend the SE for the PID to add land area and expand the site plan.
- The BCC approved Resolution R-86-234 on February 25, 1986 to rezone a portion of the site from the AR Zoning District to the Public Ownership (PO) Zoning District.
- The BCC approved Resolution R-83-249 on February 15, 1983 to rezone a portion of the site from the AR Zoning District to the IL Zoning District.

The Auto Auction use was vested on July 28, 1987 with BCC approval of Resolutions R-87-1121 and R-87-1121-A to rezone a portion of the site from the AR Zoning District to the IL Zoning District and a SE to allow a PID with a condition of approval limiting the site to automobile storage only.

On August 20, 1991 the BCC approved Resolution R-91-1071 for a SE to amend a portion of the site to include open storage (Automobiles).

On May 25, 1995, the BCC approved Resolution R-95-718 to amend the conditions of approval for a portion of the site.

On January 19, 2006 the Board of Adjustment approved BA-2005-1705 for several variance requests. The variances allowed for the elimination of compatibility buffers along a section of the

north property line and along the Falcon Crane Way access road; a reduction of the quantity of interior landscape islands and divider medians, reduction of the quantity of the interior trees required; and a reduction of the required pervious surface area. The variances were used and remain vested.

On May 25, 2006, the BCC approved Resolutions R-2006-915 and R-2006-916 to rezone the then approximately 71.1-acre site from the AR, IL, and PO Zoning Districts to the MUPD Zoning District, and approved Requested Uses to allow the expansion of the existing auto auction and to allow a new auto paint and body shop. As stated in the BCC Staff Report on May 25, 2006, the use was approved and vested on this site via Resolution R-87-1121 which approved the use as an "additional requested use" not specifically addressed in the ULDC as allowed at that time. The Requested Use for the Auto Auction addressed the uniqueness of the Auto Auction use in regards to Unified Land Development Code (ULDC) use type classifications and was located on the Commercial Recreation, with an underlying Industrial (CR/IND) parcel. The Auto Paint and Body Shop was indicated in the eastern portion of the site. Abandonment of an adjacent Palm Beach Farms ROW and Fairgrounds Road was approved by the Palm Beach County Board of County Commission on November 21, 2006 and incorporated into the site plan and plat. Certain improvements, including construction of the Buildings B, C and D, and expansion of auto storage areas were completed.

Based on the 2006 approvals, the existing auto storage areas were reconfigured and expanded in 2009 in the +71 acre portion of the project north of the canal pursuant to the Final Site Plan in effect at the time, Exhibit #12, and in compliance with On-Site Drainage Review #DR20824-0308 issued in conjunction with PR#07-036257/B#08-017032. As a result of the review of past lighting permits, it has been determined that an electrical permit #E-08-004746 was issued for the site lighting improvements on the +71 acre. Point by Point Lighting Calculation plans were submitted with the permit application to show compliance with the lighting code in effect at that time. The permit was issued, inspected and closed out. As part of the review of this application and the information and plans for the building permit issued in 2009, a question arose as to how the lighting code was applied at that time. Although the same provisions of the lighting code were in place, it appears that the Building Dept. may have interpreted these requirements differently than they are being interpreted today as the Building Dept, who conducted the review for electrical permits and site lighting at that time, approved the detailed plans as revised and resubmitted. This issue is currently under review, and based on the meeting held on April 16, 2019 with the Executive Director of PZB and Zoning Staff, a photometric plan of the existing lighting conditions is being prepared by the application. Copies of this permit information is included for historical reference.

On March 30, 2009, the BCC approved Resolution R-2009-486 for a DOA to add approximately 20 acres (former Palm Beach Post site), restart the commencement clock, delete conditions of approval contained within R2004-2423, and modify a condition of approval (Engineering), add square footage, reconfigure the site plan and relocate the Auto Auction Requested Use to the added parcel on the southern portion of the site pursuant to ULDC Article 3.E.1.A.4.a, Additional Requested Uses, which states, previously approved Additional Requested Uses shall remain conforming uses and may be modified or expanded subject to a DOA approval. Concurrent variances approved by the Zoning Commission (ZC) on March 5, 2009 via Resolution ZR-2009-

013 to eliminate terminal islands, interior islands, divider medians, interior trees, and interior shrubs in the vehicle storage area; allow a reduction in pervious area; allow a barbed wire fence within the setback; and allow parking spaces beyond 600 feet from a building entrance including six (6) variances from ULDC Article 7 Landscaping remain vested.

On June 24, 2010, the BCC approved Resolution R-2010-0961 for a DOA to reconfigure the site plan and add square footage as part of the resolution of Code Enforcement Case No. C-2009-05260021. This approval addressed expansions made to existing buildings that were not permitted. Building permits were also obtained to resolve the code enforcement action. The number of storage spaces was also increased to 8,635 spaces.

On November 9, 2010 the expanded boundary of the MUPD was re-platted in PB113, pages 193-198.

On February 1, 2013 an Administrative Time Extension was approved to extend the dates for Commencement of Development to June 24, 2015 and compliance with Engineering Condition 6 to December 31, 2015. On May 26, 2015 a subsequent time extension for Commencement of Development was issued extending the date to June 24, 2016.

A time extension had been filed under the provision of SB 2156. This extension is based on the declaration of a State of Emergency by the Governor. Due to Tropical Storm Erika, Executive Order 15-173 was issued on 8/28/15, and created an extension period of 60 days plus 6 months. A request for this extension has been sent to the Monitoring Section/Planning Division.

On February 25, 2016 the BCC approved R-2016-0211 for a DOA to reconfigure the site plan; reduce square footage; relocate access points; eliminate public access to Benoist Farms Road; modify/delete Conditions of Approval; and to restart the date of commencement of the development. Corrective Resolution, R-2016-0542, was approved on April 28th, 2016 to correct a condition of approval, Parking 1 of Exhibit C of Resolution R-2016-0211. Concurrent variances approved by the Zoning Commission (ZC) on February 4, 2016 via Resolution ZR-2016-006 to eliminate terminal islands, interior islands, divider medians, interior trees and shrubs; and to allow parking spaces beyond 600 feet from a public entrance of the building which it is intended to serve, including six (6) variances from ULDC Article 7 Landscaping remain vested.

Three additional time extensions were filed in 2017 under the provision of State Bill 2156. These extensions were based on the declaration of a State of Emergency by the Governor. Due to Algae Blooms, Executive Order 16-156 was issued on 06/30/16, and created an extension period of 180 days plus 6 months. Due to the Zika Virus, Executive Order 16-149 was issued on 06/23/16, and created an extension period of 180 days plus 6 months. Due to Hurricane Matthew, Executive Order 16-230 and 16-274 was issued on 10/03/16, and created an extension period of 303 days. A request for these three extensions had been sent to the Monitoring Section/Planning Division and approved March 28, 2017.

On May 24, 2018 the BCC approved Resolution No. R-2018-0802 approving a Development Order Amendment to reconfigure the site plan and increase the number of auto storage spaces. Concurrent variances approved by the Zoning Commission (ZC) on May 3, 2018 via Resolution

ZR-2018-013 to eliminate terminal islands, interior islands, divider medians, interior trees and shrubs; and to allow parking spaces beyond 600 feet from a public entrance of the building which it is intended to serve. Six (6) variances previously approved and/or implemented remain vested. Grass parking was approved by the DRO for the dealer parking spaces located in the southern parcel based on their limited use. The current Final Site Plan is Exhibit #22 approved Sept. 24, 2018.

On behalf of the Applicant / Property Owner, Urban Design Kilday Studios requests your consideration of these Type 2 Variance applications. Project Managers at Urban Design Kilday Studios are Collene Walter and Alessandra Palmer. They can be reached at 561-366-1100.

H:\JOBSWPB Auto Auction_08-119\Manheim_Use Expansion_DOA_011\Documents\Submitted Documents\2019-05-28 Lighting Type 2 Variance Resubmission\Justification Statement.doc

File No. 08-119.011

Manheim Palm Beach
Type 2 Variances Justification Statement
Page 11

May 28, 2019

This page left blank intentionally