

RESOLUTION NO. R-2002- 1251

RESOLUTION APPROVING ZONING PETITION CA2001-067
CLASS A CONDITIONAL USE
PETITION OF GATOR LEASING
BY LAND DESIGN SOUTH, AGENT
(GATOR LEASING)

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

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

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

WHEREAS, Zoning Petition CA2001-067 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2002; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 CA2001-067, the petition of Gator Leasing, by Land Design South, agent, for a Class A Conditional Use to allow truck rental with accessory wholesale fuel in the Light Industrial Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	Aye
Carol A. Roberts, Vice Chair	Absent
Karen T. Marcus	Aye
Mary McCarty	Aye
Burt Aaronson	Aye
Tony Masilotti	Absent
Addie L. Greene	Aye

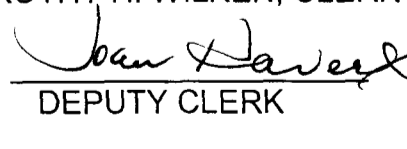
The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

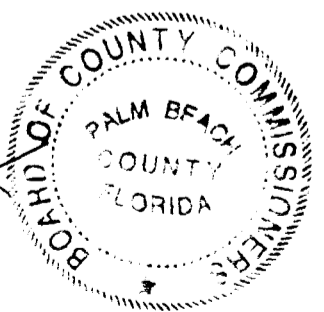


EXHIBIT A
LEGAL DESCRIPTION

PARCEL "F" **PLAT NO. 1** OF **CENTRAL INDUSTRIAL PARK**, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

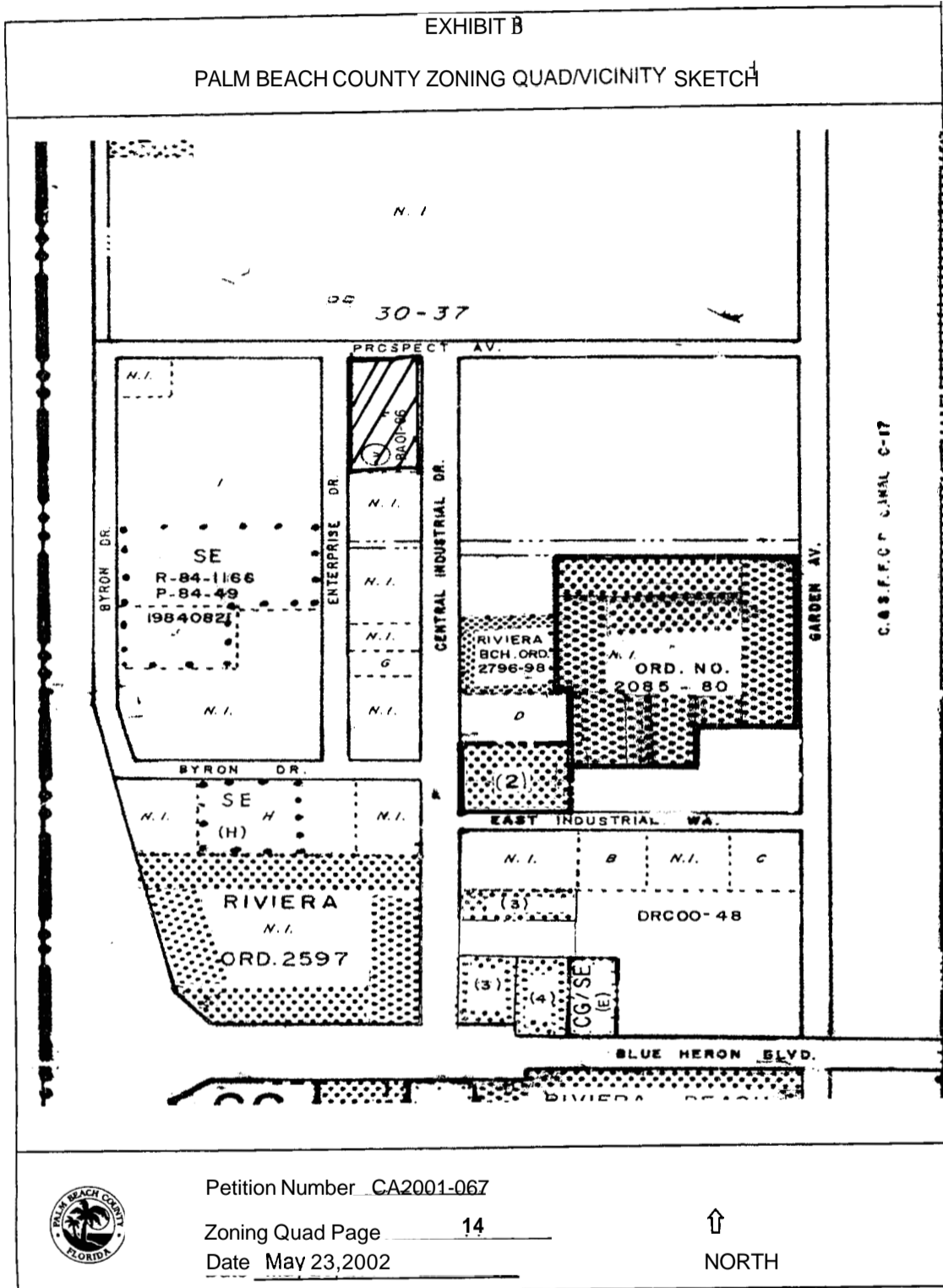


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 8, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

B. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF – Health)
2. Any toxic or hazardous waste, which may be generated at this site, shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH/CODE ENF – Health)
3. The owner, occupant or tenant of this facility shall participate in an oil-recycling program, which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH/CODE ENF – Health)

C. LANDSCAPING – STANDARD

1. All trees to be planted in right-of-way buffers shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for any canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)

D. LANDSCAPING – INTERIOR

1. The petitioner shall provide a minimum of one (1) interior landscape island for every twelve (12) parking space interval designated as customer/service, display and employee parking spaces, with exception to the display area located along the south property line. (DRC: ZONING – Zoning)

2. Foundation plantings shall be required along a minimum of eighty-five (85) percent of the north seventy-five (75) feet of the east and west sides of the existing facility. (DRC: ZONING – Zoning)
3. Landscape focal points shall be provided on the east and west ends of the proposed truck rental office, to include the following:
 - a. One (1) specimen tree, canopy tree or cluster of three (3) palms or pines;
 - b. One (1) twenty-four (24) inch high shrub for each two (2) linear feet of curbing, to be planted at a minimum height of eighteen (18) inches;
 - c. One (1) thirty-six (36) inch high shrub for each four (4) linear feet of curbing, to be planted at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)
4. One (1) flowering tree shall be installed in each terminal island at the northeast, southeast, northwest and southwest corners of the subject site in addition to terminal island planting requirements. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for a twenty-five (25) foot corner clip. This additional right of way shall be free of all encumbrances and encroachments. The Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING – Eng)
2. The Property owner shall construct non-mountable concrete curbing on the east and west side of the median on Central Industrial Drive from the projects south property line north to the first median opening approximately 210 feet north of the projects south property line.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring – Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
3. All vehicular use areas and parking areas shall be paved prior to issuance of the first certificate of occupancy. (CO: BLDG – Engineering)

F. LANDSCAPING ALONG THE EAST PROPERTY LINE (CENTRAL INDUSTRIAL DRIVE FRONTAGE)

1. Landscaping along the east property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip along the east property line. No easement encroachment or width reduction shall be permitted;

- b. A six (6) foot high chain link fence. If any portion of the existing fence is relocated or replaced, black or green vinyl coated fencing shall be used;
- c. Vines on the exterior side of the required fence, to be maintained at all times to screen the fencing material;
- d. One (1) seventy-two (72) inch high shrub for each two (2) linear feet of property line, spaced a minimum of twenty-four (24) inches on center, to be planted at a minimum height of forty-eight (48) inches.
- e. One (1) canopy tree for each thirty (30) linear feet of property line; and
- f. One (1) cluster of palms or pines for each forty (40) linear feet of property line. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (PROSPECT AVENUE AND ENTERPRISE DRIVE FRONTAGES)

- 1. Landscaping along the north and west property lines shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip along the north and west property lines. No easement encroachment or width reductions shall be permitted;
 - b. A six (6) foot high chain link fence. If any portion of the existing fence is relocated or replaced, black or green vinyl coated fencing shall be used;
 - c. Vines on the exterior side of the required fence, to be maintained at all times to screen the fencing material;
 - d. One (1) seventy-two (72) inch high shrub for each two (2) linear feet of property line, spaced a minimum of twenty-four (24) inches on center, to be planted at a minimum height of forty-eight (48) inches.
 - e. One (1) canopy tree for each thirty (30) linear feet of property line; and
 - f. One (1) cluster of palms or pines for each forty (40) linear feet of property line. (CO: LANDSCAPE – Zoning)

H. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
- 2. All outdoor lighting shall be extinguished no later than 7:30:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
- 3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning)

I. SIGNS

- 1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet;
 - b. Maximum sign face area: one-hundred eighty (180) square feet;
 - c. Maximum number of signs: one (1);
 - d. Style: pylon or monument style; and,
 - e. Location: corner of Central Industrial Drive and Propect Avenue; and

- f. Signs shall be limited to site identification only. (CO: BLDG – Zoning)
2. Wall signage shall be limited to the east and west facades of the building and site identification only. (CO: BLDG – Zoning)
3. No signage shall be permitted on the wholesale fuel canopy. (CO: BLDG – Zoning)

J. USE LIMITATION

1. Wholesale fuel sales shall be limited to individuals and companies leasing trucks owned by the company operating the subject site; or, companies that have a service and maintenance contract with the company operating the subject site. Fuel sales to the general public shall be prohibited. (ONGOING: CODE ENF – Zoning)
2. Hours of all business operations shall be limited to Monday through Saturday from 6:00 a.m. to 12:00 a.m. (ONGOING: ZONING/CODE ENF – Zoning)
3. Vehicles shall be parked or displayed only in the areas designated on the site plan dated April 8, 2002 for parking and display. A maximum of fifty-one (51) lease trucks shall be displayed on site at any time. (ONGOING: CODE ENF - Zoning)
4. No advertising flags, foreign flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted. (ONGOING: CODE ENF – Zoning)
5. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
6. Outdoor repair activities shall be limited to an area extending no more than twenty (20) feet from existing indoor truck work bays. (ONGOING: CODE ENF – Zoning)
7. When this facility is not open, the parking area shall be locked and gated. (ONGOING: CODE ENF – Zoning)
8. All parking spaces required for employee and customer parking shall be identified by appropriate signage and separated from display and inventory/storage spaces. (DRCIONGOING: ZONING/CODE ENF – Zoning)

K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING – Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user

- of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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