

RESOLUTION NO. R-96-1004

RESOLUTION APPROVING ZONING PETITION DOA85-157(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF RYDER TRUCK RENTAL, INC.
BY LAWRENCE S. COHAN, AGENT
(RYDER TRUCK RENTAL)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA85-157(A) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; and

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

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

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA85-157(A), the petition of Ryder Truck Rental, Inc., by Lawrence S. Cohan, agent, for a Development Order Amendment (DOA) to add land area (+1.44 acres); redesign the site plan; and add building square footage (+7,851) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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


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

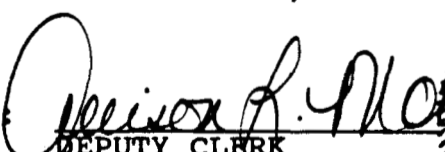
The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL 1

Lot 3, SMITHVIEW, according to the plat thereof, recorded in Plat Book 23, at Page 112, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH PARCEL 2

Lot 4, SMITHVIEW, according to the plat thereof, recorded in Plat Book 23, at Page 112, of the Public Records of Palm Beach County, Florida.

ALSO TOGETHER WITH PARCEL 3

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

The East 144.42 feet of the West 194.42 feet of the South 76.20 feet of the North 556.20 feet of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of said Section 29, LESS the Westerly 5 feet thereof.

ALSO TOGETHER WITH PARCEL 4

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning 50 feet East of the East line of MADRID PARK, according to the plat thereof recorded in Plat Book 13, page 78, of the Public Records of Palm Beach County, Florida, and 556.2 feet South of the North line of said Section 29; thence run South 97 feet; thence run East 144.42 feet; thence run North 97 feet; thence run West 144.42 feet, to the Point of Beginning; LESS the Westerly 5 feet thereof.

ALSO TOGETHER WITH PARCEL 5

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Beginning 793.76 feet South of the North line of said Section 29 and 50 feet East of the East line of said MADRID PARK; thence run East 204.42 feet; thence run North 110.53 feet; thence run West 60 feet; thence run North 31 feet; thence run West 144.42 feet; thence run South 141.53 feet to the Point of Beginning.

EXHIBIT A
LEGAL DESCRIPTION

ALSO TOGETHER WITH PARCEL 6

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northwest corner of said Section 29; thence on an assumed bearing of Due East, along the North line of said Section 29, a distance of 1400.19 feet to a point in the Northerly extension of the East right of way of Church Street; thence South 00'-30'-30" West along said Right of Way a distance of 976.30 feet, more or less to a point in the North Right of Way line of Okeechobee Road Bypass; thence South 89'-55'-15" East along said Right of Way line a distance of **204.42** feet to the Point of Beginning; thence continue South 89'-55'-15" East along said Right of Way line a distance of 300 feet; thence North 00'-30'-30" East, a distance of 206.75 feet in a line 85.53 feet South of and parallel with the North line of Tract 39, Unrecorded Plat of Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, prepared by George W. Carr, R.L.S. No. 140, dated April 1939; thence West, along said parallel line a distance of 300 feet; thence South 00'-30'-30" West, a distance of 206.64 feet, more or less to the Point of Beginning.

ALSO TOGETHER WITH PARCEL 7

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, described as follows:

Commencing at the Southeast corner of Lot 4, as shown upon the plat of SMITHVIEW, recorded in Plat **Book** 23, Page 112, Palm Beach County Records; thence Southerly along a line which would be the West line of Frank Street as shown on said plat of SMITHVIEW, **if** extended southward, a distance **of** 85.53 feet *more* or less to the intersection of said line with the South line of that certain parcel as conveyed by deed dated January 26, 1951 from Frank L. Smith and Wilma Marie Smith, his wife, to Virgil Lee Smith; recorded in Deed Book 931, page 380, Palm Beach county Records; thence Easterly along the said South line , a distance of 300.16 feet more or less to the Southwest corner of that certain parcel of land conveyed by John W. Shirk and Fanny E. Shirk, his wife, and F. **Theo** Brown and Florence T. Brown, his wife, to R. W. Farmer Supply Company, Inc. by deed dated May 11, 1967, and recorded May 12, 1967 in Official Record Book 1526, page 87; thence run Northerly along the West line of said R. W. Farmer Supply Company, Inc. parcel, a distance of 85.53 feet **to** the Northwest corner of said parcel; thence run Westerly 300.16 feet, more or less to the Point of Beginning:

AND ALSO TOGETHER WITH PARCEL 8

A parcel of land located in Section 29, Township 43 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

EXHIBIT A
LEGAL DESCRIPTION

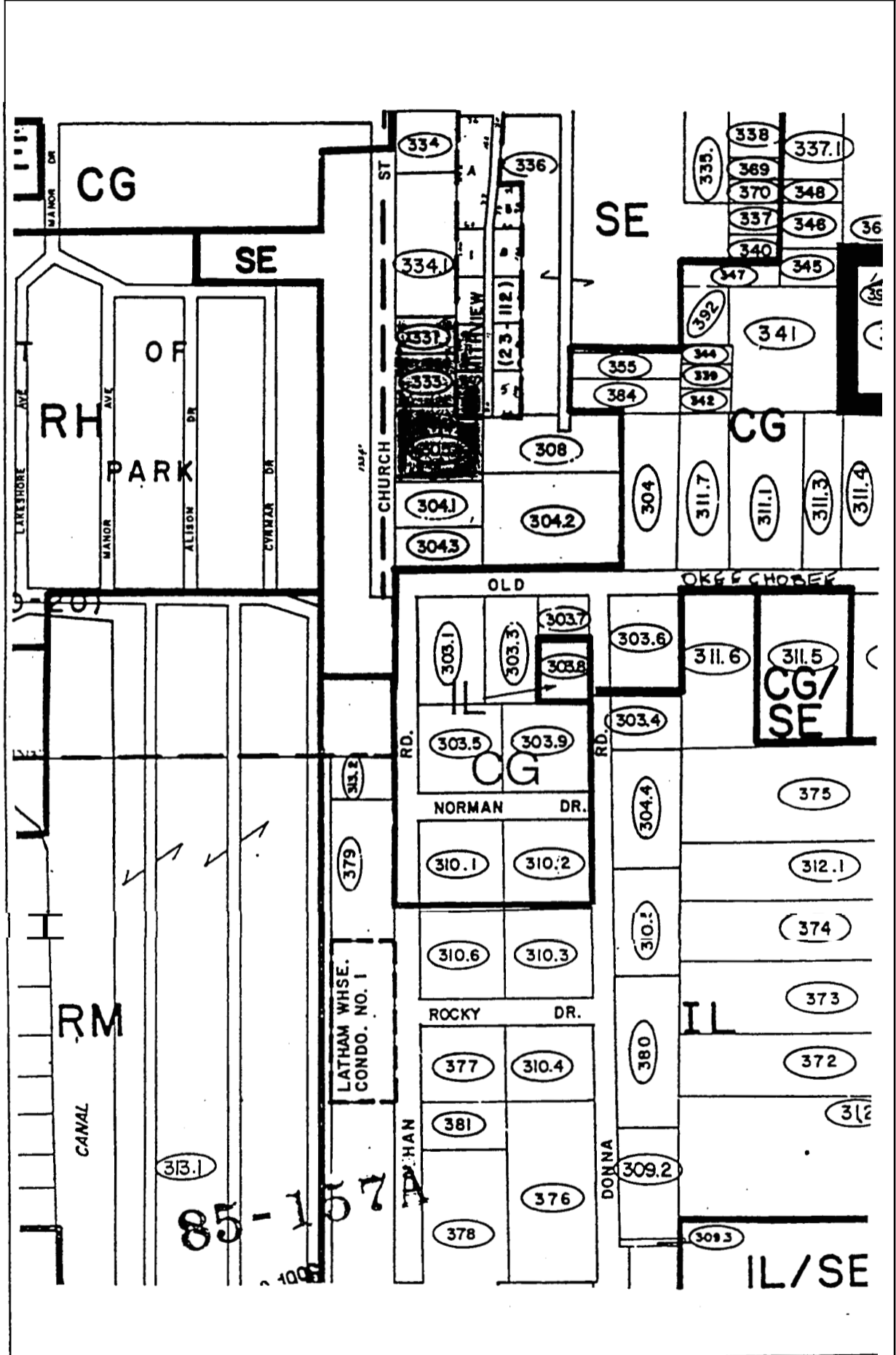
Commencing at the Northwest corner of said Section 29; thence on an assumed bearing of Due East, along the North line of said Section 29, a distance of 1400.19 feet to a point in the Northerly extension of the East right of way of Church Street; thence South 00°-30'-30" West along said Right of Way a distance of 884.76 feet to the Point of Beginning; thence continue South 00°-30'-30" West, a distance of 91.54 feet, more or less to a point in the North Right of Way line of Okeechobee Road Bypass; thence South 89°-55'-15" East along said Right of way line a distance of 204.42 feet; thence North 00°-30'-30" East a distance of 91.83 feet; thence Due West a distance of 204.42 feet to the Point of Beginning. **Also** excepting therefrom a Parcel of land in the Southwest corner thereof being bounded on the South by the North Right of Way line of said Okeechobee Road Bypass; on the West by the East Right of Way line of Church Street; on the North and East by a curve having a radius of 25 feet and concave to the Northeast as further described in Official Record Book 1213, page 542, Public Records of Palm Beach County, Florida.

SUBJECT TO easements, reservations, restrictions and rights of way of record.

Containing: 3.894 Acres, more or less

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 85-157 A

Zoning Quad Page _____

Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previously approved conditions of approval applicable to the subject property, as contained in Resolution R-86-573-8 (Petition 85-157), are hereby repealed. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated April 26,1996). 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)

B. USE LIMITATIONS

1. Use of the site shall be limited to truck/trailer leasing, vehicular storage, fueling, washing and limited maintenance of rental vehicles. (ONGOING: CODE ENF - Zoning)
2. The facility shall provide services only to those company vehicles which are leased or rented to commercial or consumer customers. This facility shall not be open to the public except for rental vehicle purposes. (ONGOING: CODE ENF - Zoning)
3. There shall be no outdoor repair or maintenance of rental vehicles. (ONGOING: CODE ENF - Zoning)
4. Storage of disassembled vehicles, parts, refuse, equipment or debris shall not be permitted outside of the buildings. (ONGOING: CODE ENF - Zoning))
5. 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)

C. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH)
2. The automated truck wash facility shall utilize a water recycling system. Wastewater resulting from the truck wash which cannot be recycled shall be properly handled and disposed of. (BLDG PERMIT: HEALTH)
3. The owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of any waste oil. (ONGOING: HEALTH)

4. Any toxic or hazardous waste which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 62-730 FAC. (ONGOING: HEALTH)

D. SIGNS

1. Point of purchase and/or freestanding signs on Old Okeechobee Road and Church Street shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - Fifteen (15) feet;
 - b. maximum sign face area per side - 100 square feet;
 - c. maximum number of signs - two (2); and
 - d. style - pylon style only. (CO: BLDG)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Church Street, 30 feet from centerline prior to the issuance of the first Building Permit for the property added to the original Zoning Petition 85-157 (A). Right of way conveyance shall be along the project's entire frontage and shall be free of all encumbrance;; and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG. PERMIT: MONITORING/Eng.).
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 85-157 (A), to be paid at the time of issuance of the Building Permit presently is \$6,655 (121 additional trips X \$55.00 per trip). (BLDG PERMIT: Fair Share Fee Coordinator)

F. LANDSCAPING

1. All trees required to be planted shall be native species and meet the following minimum standards at time of installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius; at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted shall be native species and meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet grey wood.
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet.

- c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
- G. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (OLD OKEECHOBEE BOULEVARD AND CHURCH STREET FRONTAGE)
- 1. Landscaping and buffering along the west and south frontage property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) tree for each twenty (20) feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - c. one (1) palm for each twenty-five (25) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters; and
 - d. twenty-four (24) inch high native shrub or ledge material, spaced no more than twenty four (24) inches on center at installation.
 - e. hedge material to be located on the exterior side of all proposed perimeter fencing or wall and maintained at a minimum height of sixty (60) inches.
 - f. hedge material not adjacent to proposed perimeter fencing or wall to be maintained at a minimum height of forty-eight (48) inches. (DRC/CO/ONGOING: CODE ENF/LANDSCAPE - Zoning)
- H. LANDSCAPING ALONG PERIMETER PROPERTY LINES NOT ADJACENT TO OLD OKEECHOBEE BOULEVARD AND CHURCH STREET
- 1. Landscaping and buffering along the perimeter property lines not adjacent to Old Okeechobee Boulevard and Church Street frontages shall include:
 - a. A minimum five (5) foot wide landscape buffer strip;
 - b. one (1) tree for each twenty (20) feet of property line with a maximum spacing of twenty-five (25) feet on center;
 - c. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and
 - d. twenty-four (24) inch high native shrub or hedge material, spaced no more than twenty four (24) inches on center at installation.
 - e. hedge material to be located on the exterior side of all proposed perimeter fencing or wall and maintained at a minimum height of sixty (60) inches.
 - f. hedge material not adjacent to proposed perimeter fencing or wall to be maintained at a minimum height of forty-eight (48) inches. (DRC/CO/ONGOING: CODE ENF/LANDSCAPE - Zoning)
- I. LIGHTING
- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

J. PARKING

1. The customer and employee parking spaces shall be designated with appropriate signage. (DRC/ONGOING: CODE ENF-Zoning)
2. Vehicles shall be parked only in the areas designated on the certified site plan for customer, employee, truck/tractor and trailer spaces. (ONGOING: CODE ENF - Zoning)
3. A maximum of 85 parking spaces shall be used for truck/trailer parking and 18 parking spaces for trailer storage. (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 outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)
5. When this facility is not open, the rental parking area shall be locked and gated. The gate shall be installed a minimum of twenty (20) feet from the property line. (ONGOING: CODE ENF)

K. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

L. COMPLIANCE

1. 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; 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.

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.
(MONITORING)