

FILE COPY

RESOLUTION APPROVING ZONING PETITION Z/COZ97-03
OFFICIAL ZONING MAP AMENDMENT (REZONING)
WITH A CONDITIONAL OVERLAY ZONE (COZ)
PETITION OF ALDRICH TOOL RENTAL, INC.
BY ANNA COTTRELL, AGENT
(ALDRICH)

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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z/COZ97-03 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20, as amended; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z/COZ97-03, the petition of Aldrich Tool Rental, Inc. by Anna Cottrell, agent, for an Official Zoning Map Amendment (Z) from Residential High (RH) to General Commercial (CG) Zoning District with a CONDITIONAL OVERLAY ZONE (COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 1997, subject to the conditions of the CONDITIONAL OVERLAY ZONE (COZ) described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 1997.

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

DESCRIPTION

Lot 22, less the East 15 feet thereof for Road Right-of-way, MEERDINK'S LITTLE RANCHES, according to the Plat recorded in Plat Book 4, page 50, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

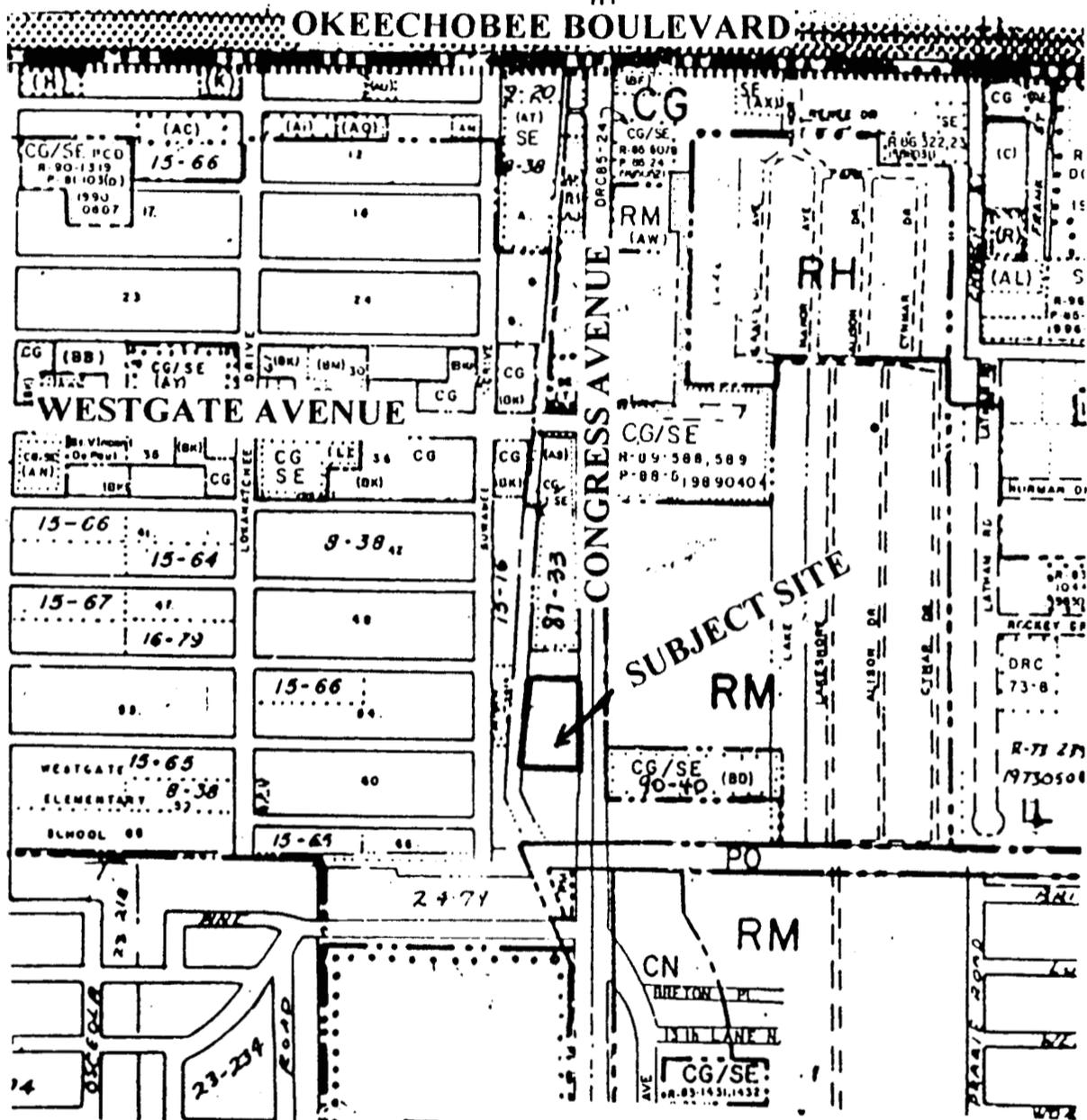
ALSO

Lots 23 and 24, less the East 15 feet thereof for Road Right-of-way, MEERDINK'S LITTLE RANCHES, according to the Plat recorded in Plat Book 4, page 50, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

NOTE: THE ABOVE DESCRIBED PARCELS LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. CONTAINING 60,750 SQUARE FEET OR 1.3946 ACRES, MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 97-03
Zoning Quad Page _____
Date: Jan 22, 1997



EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL OVERLAY ZONE

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 February **28**, 1997. **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. ARCHITECTURAL CONTROL

1. Similar architectural treatment shall be provided on all sides of the building and the perimeter eight (8) foot high concrete block screen wall. (BLDG PERMIT: BLDG-Zoning)
2. **All** air **conditioning** and mechanical equipment **shall** be screened from view on all sides by a visually opaque barrier. (CO: BLDG - Zoning)
3. All storage areas shall be completely screened from view along the north, south, west property lines and from Congress Avenue. (BLDG PERMIT: MONITORING - Bldg/ Zoning)

C. BUILDING AND SITE DESIGN

1. **A** maximum of **7810** square feet enclosed building floor area shall be permitted **on** the property. Accessory covered storage shall be limited to a maximum **of** 5917 square feet. (DRC: ZONING)
2. The maximum height for the proposed one story building shall not exceed twenty (20) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. **The** two security gates shall remain locked during the hours the business is not open. (ONGOING: CODE ENF)

D. 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 responsible for sewage works are constructed and used by tenants or owners generating such effluent. (ONGOING: HEALTH/ CODE ENF)

E. ENGINEERING

1. The Developer shall design the drainage system such that drainage from those areas **with** may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENG)

2. Prior to May 1, 1998 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Avenue, 60 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Comer Clips" where appropriate at intersections as determined by the County Engineer. (DATE / BLDG PERMIT: MONITORING / Eng)
3. The Developer shall submit a plat or a plat waiver (to be determined by the County Engineer) for this property in accordance with provisions of Article 8 of the Unified Land Development Code.
 - a. The plat or plat waiver for the property shall be submitted prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)
 - b. The plat or plat waiver shall be recorded prior to the issuance of any Certificate of Occupancy. (CO: MONITORING - Eng)

F. LANDSCAPING - STANDARDS

1. All trees to be planted on site shall 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.
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms to be planted on site shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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.
 - d. A group of three (3) palms shall not be substituted for a tree location. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG EAST PROPERTY LINE (CONGRESS AVENUE)

1. Landscaping and buffering along the east property line shall consist of the following:
 - a. minimum fifteen (15) feet wide landscape buffer strip;
 - b. continuous berm with an average height of two (2) feet measured from the top of curb;
 - c. one (1) tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center;

- d. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm and maintained at a minimum height of twenty four **(24)** inches in height;
- e. credit may be given for existing or relocated native vegetation provided it meets current ULDC requirements. (DRC / ONGOING: ERM/ LANDSCAPE/ CODE ENF - Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE

- 1. Landscaping and buffering along the west property line shall include:
 - a. ~~Six~~ **(6)** foot high wood fence from the north and south property lines to the eight **(8)** foot high concrete block screen wall.
 - b. ~~fourteen~~ **(14)** foot high native tree planted twenty **(20)** feet on center on the outside of the fence;
 - c. ~~one~~ **(1)** palm or pine tree for each thirty (30) linear feet on the outside of the fence with a maximum spacing of eighty (80) feet on center; and
 - d. Forty-eight **(48)** inch high thorny shrub or hedge material hedge planted twenty four **(24)** inches on center on the outside of the fence and maintained at a minimum height of seventy-two (72) inches. (DRC/CO: ONGOING/ LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. Foundation landscape areas **shall** be provided on the east facades of the proposed building and **screen** wall. The minimum width for the foundation landscape areas shall be five (5) feet and no less than fifty (50) percent of the total length of the building's eastern facade and screen wall facing Congress Avenue. The required foundation landscaping shall consist of a minimum of one (1) tree or palm every 20 feet on center with appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

J. 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 fixtures shall be setback a minimum fifty (50) feet from the north, south and west property lines. (CO: BLDG - Zoning)
- 4. ~~All~~ outdoor lighting shall be extinguished **no** later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

K. PARKING

- 1. Overnight storage or parking of vehicles or trucks shall not be permitted on site, except within the designated loading area. (ONGOING: CODE ENF)

L. SIGNAGE

- 1. Freestanding point of purchase signage on Congress Avenue shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Wall signage shall **be** limited to the east facade of the building. (BLDG PERMIT: BLDG - Zoning)

M. USE LIMITATIONS

1. **The** site shall be limited to the uses and maximum square footages indicated on the site plan dated February 28, 1997 or other permitted uses that generate comparable or less traffic. (DRC: TRAFFIC / ZONING)
2. **Hours** of operation shall **be** limited from 7:00 a.m. to 7:00 p.m on weekdays **and** Saturdays. (ONGOING: CODE ENF - Zoning)
3. Open storage or placement of any inventory for display purposes shall not **be** permitted outside ~~the~~ eight (**8**)foot screen wall. (ONGOING: CODE ENF - Zoning)

N. 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 noncompliance, 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 majority vote of ~~the~~ Code Enforcement Board 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. (MONITORING)