

RESOLUTION NO. R-2001- 0597

RESOLUTION APPROVING ZONING PETITION DOA97-003(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF ALDRICH TOOL RENTAL  
BY LEE STARKEY, AGENT  
(ALDRICH TOOL 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 DOA97-003(A) was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2001; 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 DOA97-003(A), the petition of Aldrich Tool Rental, by Lee Starkey, agent, for a Development Order Amendment (DOA) to add land area and reconfigure site plan 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 April 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 26, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

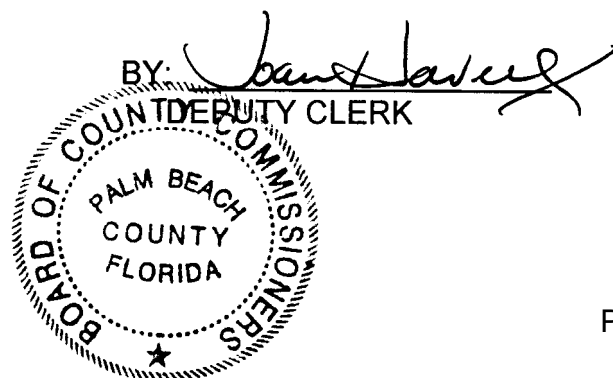


EXHIBIT A  
LEGAL DESCRIPTION

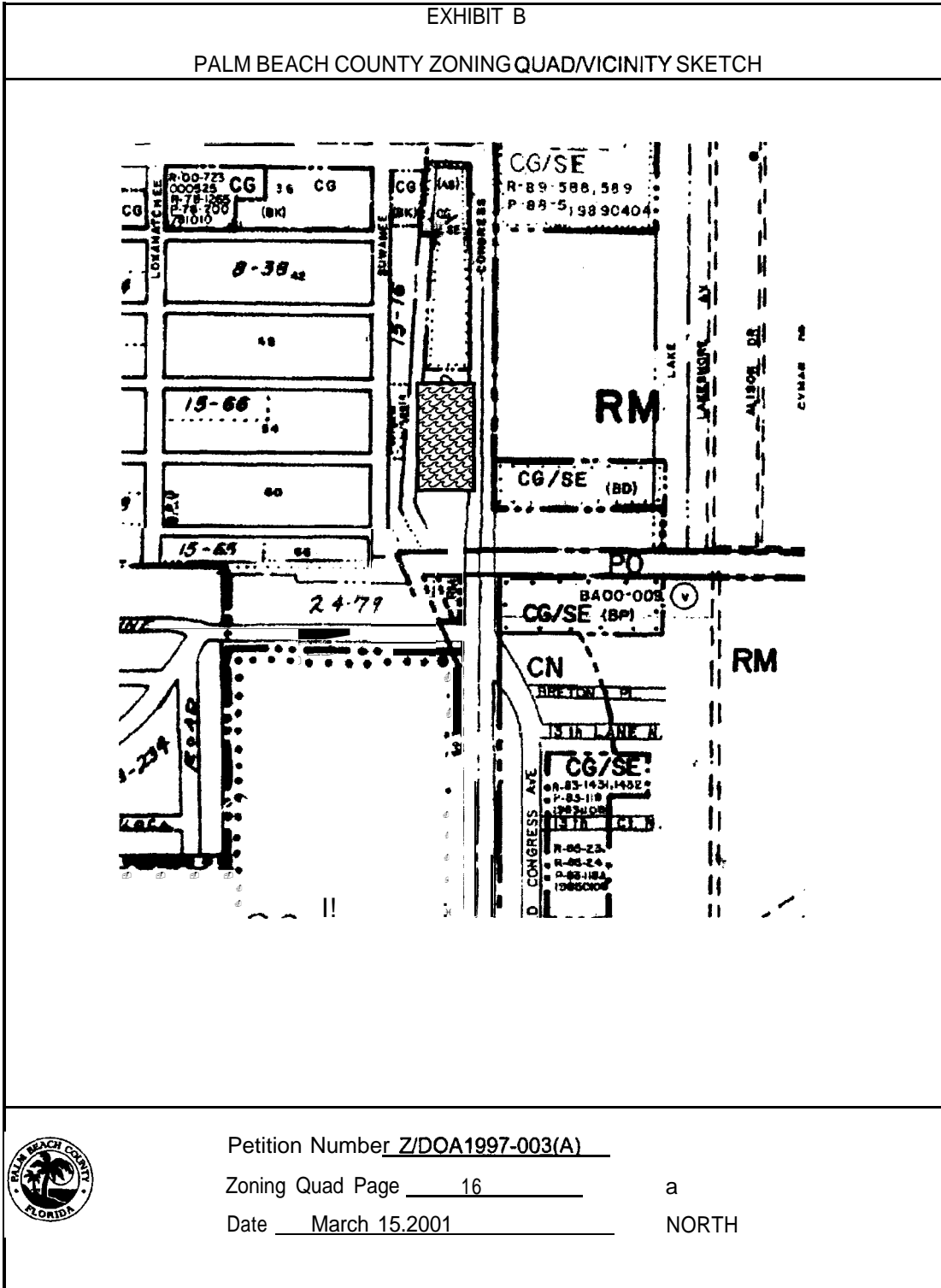
Lot 21, Meerdink's Little Ranches according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 4, Page 50, less the East 15 feet thereof conveyed to the County of Palm Beach for right of way of Congress Avenue in OR Book 1742, Page 1663, Public Records of Palm Beach County Florida. Subject to a utility easement over and upon the west 20 feet of the east 35 feet of said Lot 21

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

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

EXHIBIT B

VICINITY SKETCH



Petition Number Z/DOA1997-003(A)

Zoning Quad Page 16 a

Date March 15, 2001 NORTH

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 previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-524 (Petition 97-003) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 1 of Resolution R-97-524, Petition **Z/COZ97-03** which currently states:

**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.**

Is hereby amended to read:

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 March 1, 2001. 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) (Previously Condition B.1 of Resolution R-97-524, Petition **Z/COZ97-03**)
2. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier.** (CO: BLDG - Zoning) (Previously Condition B.2 of Resolution R-97-524, Petition **Z/COZ97-03**)
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) (Previously Condition B.3 of Resolution R-97-524, Petition **Z/COZ97-03**)

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) (Previously Condition C. 1 of Resolution R-97-524, Petition Z/COZ97-03)
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) (Previously Condition C.2 of Resolution R-97-524, Petition Z/COZ97-03)
3. **The two security gates shall remain locked during the hours the business is not open.** (ONGOING: CODE ENF) (Previously Condition C.3 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition D.I of Resolution R-97-524, Petition Z/COZ97-03)

E. ENGINEERING

1. **The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.** (ENG) (Previously Condition E. 1 of Resolution R-97-524, Petition Z/COZ97-03)
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 "Corner Clips" where appropriate at intersections as determined by the County Engineer.** (DATE / BLDG PERMIT: MONITORING / Eng) (Previously Condition E.2 of Resolution R-97-524, Petition Z/COZ97-03) Note: Completed
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) (Previously Condition E.3.a of Resolution R-97-524, Petition Z/COZ97-03) Note: Completed

- b. **The plat or plat waiver shall be recorded prior to the issuance of any Certificate of Occupancy.** (CO: MONITORING - Eng) (Previously Condition E.3.b of Resolution R-97-524, Petition Z/COZ97-03) Note: Completed
4. Prior to October 1, 2001, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Ave, 60 feet from centerline along the project's frontage which was added to this zoning petition 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE: MONITORING-Eng)
  5. Prior to October 1, 2001, the property owner shall convey to Palm Beach County a temporary roadway construction easement along the Congress Avenue frontage which was added to this zoning petition, Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (DATE: MONITORING-Eng)
  6. Prior to the issuance of the required drainage approval from the Land Development Division, the property owner shall amend the plat waiver to incorporate this additional property into the original plat waiver subject to the approval of the County Engineer. (DATE: MONITORING-Eng)
  7. Prior to October 1, 2002, the property owner shall participate in the **Westgate** CRA Median Landscape program of Congress Avenue. Funding for this program by the property owner shall be in accordance with an adopted Board of County Commission Policy in accordance with Resolution No. 2000-2 of the Westgate/Belvedere Homes CRA dated April 10, 2000. This property owner shall contribute \$2,750 toward the North Congress Avenue median improvement program. (100 additional feet of frontage X \$27.50 per foot). (DATE: 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) (Previously Condition F. 1 of Resolution R-97-524, Petition Z/COZ97-03)
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) (Previously Condition F.2 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition G.I of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition H. 1 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition 1.1 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition J.I of Resolution R-97-524, Petition Z/COZ97-03)
2. **All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previously Condition J.2 of Resolution R-97-524, Petition Z/COZ97-03)
3. **All outdoor lighting fixtures shall be setback a minimum fifty (50) feet from the north, south and west property lines.** (CO: BLDG - Zoning) (Previously Condition J.3 of Resolution R-97-524, Petition Z/COZ97-03)
4. **All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only.** (ONGOING: CODE ENF) (Previously Condition J.4 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition K. 1 of Resolution R-97-524, Petition Z/COZ97-03)

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) (Previously Condition L.I of Resolution R-97-524, Petition Z/COZ97-03)
2. **Wall signage shall be limited to the east facade of the building.** (BLDG PERMIT: BLDG -Zoning) (Previously Condition L.2 of Resolution R-97-524, Petition Z/COZ97-03)

M. USE LIMITATIONS

- I. Condition M.I of Resolution R-97-524, Petition Z/COZ97-03 which currently states:  
  
**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)

Is hereby amended to read:

The site shall be limited to a tool rental facility. Another use as permitted by the Zoning Division, may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (REVISED TRAFFIC STUDY: MONITORING-Eng)

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) (Previously Condition M.2 of Resolution R-97-524, Petition Z/COZ97-03)
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) (Previously Condition M.3 of Resolution R-97-524, Petition Z/COZ97-03)
4. Inventory and equipment shall not exceed or be visible above the eight (8) foot high screen wall. (ONGOING: CODE ENF)

N. 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; 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 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) (Previously Condition N.I of Resolution R-97-524, Petition Z/COZ97-03)**