

RESOLUTION NO. R-2001- 1864

RESOLUTION APPROVING ZONING PETITION CA1977-168(A)
CLASS A CONDITIONAL USE
PETITION OF COPART OF CONNECTICUT
BY LEE WORSHAM AND KIM GLAS-CASTRO, AGENT
(COPART)

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 CA1977-168(A) was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2001; 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 CA1977-168(A), the petition of Copart of Connecticut, by Lee Worsham and Kim Glas-Castro, agent, for a Class A Conditional Use to allow a salvage yard in the General Industrial (IG) 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 October 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

Filed with the Clerk of the Board of County Commissioners on 25 day of October, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

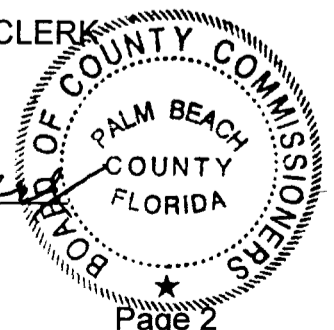


EXHIBIT A
LEGAL DESCRIPTION

THE EASTERLY 238.75 FEET OF TRACT 6, BLOCK 6, OF THE PALM BEACH FARMS CO. PLAT #3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTHERLY 38 FEET THEREOF, DESCRIBED AS FOLLOWS:

LESS-OUT THE NORTHERLY 38 FEET OF THE EASTERLY 238.75 FEET OF TRACT 6, BLOCK 6, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE WEST 166.31 FEET OF THE EAST 405.06 FEET OF THE SOUTH 92.00 FEET OF THE NORTH 130.00 FEET OF TRACT 6, BLOCK 6, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

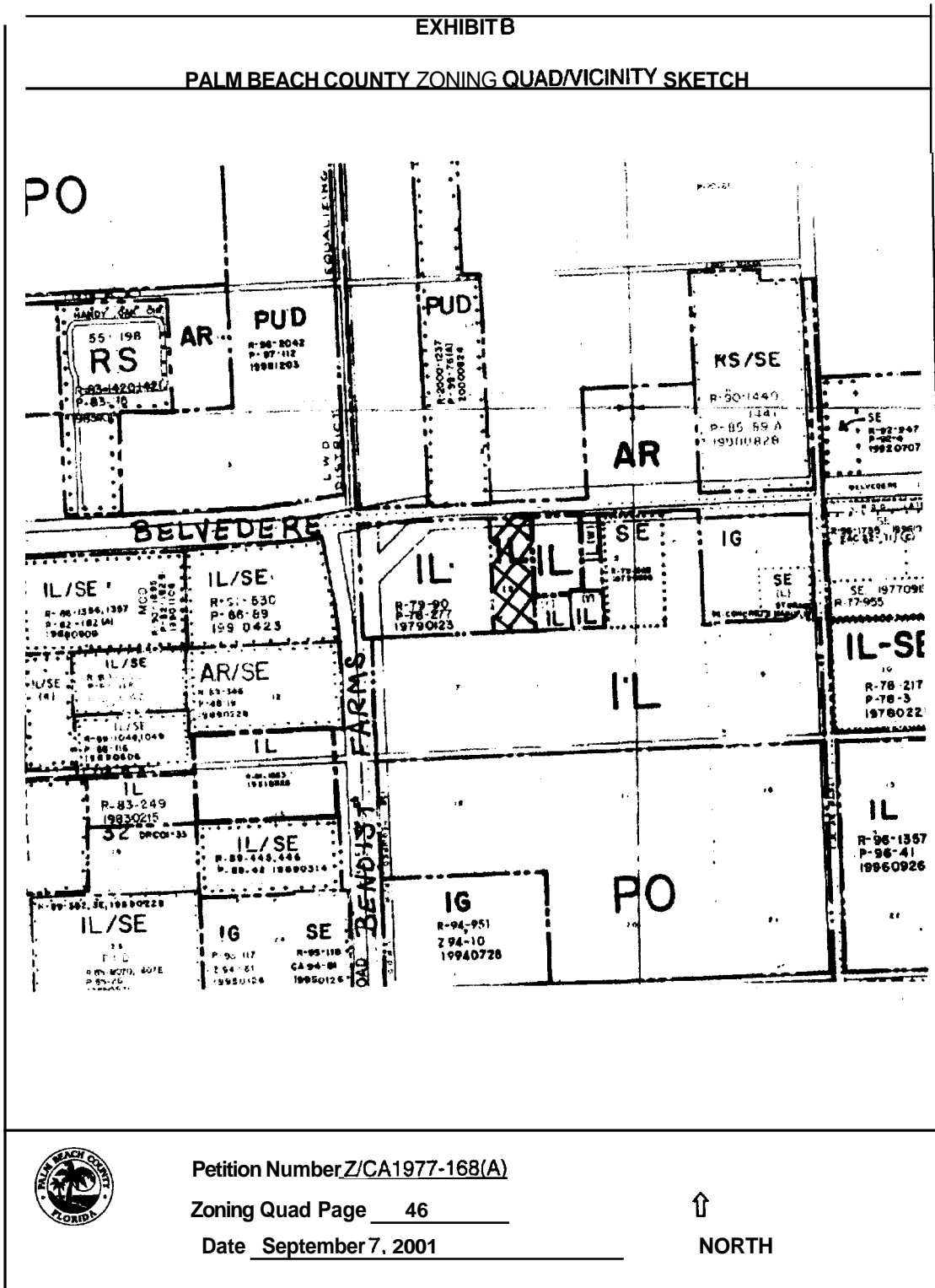


EXHIBIT C

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 August 22, 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. The proposed buildings on site shall be designed and constructed to be generally consistent with the facade elevations July 10, 2001. Deviations from these elevations may be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG-Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations, for all buildings, to the Zoning Division-Architectural Review Section for review and approval. The buildings shall be designed to be consistent with the Architectural Design Guidelines adopted by the Board of County Commissioners on July 24, 2001. (DRC: BLDG PERMIT-Zoning)
3. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty (30) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
4. All ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. ACCESS

1. Access from Belvedere Road shall be limited to the shared driveway with the existing Towing/storage facility to the west. (CO/ONGOING: BLDG - Zoning/CODE ENF)
2. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record a cross access agreement with the existing Towing/storage facility to the west in a form acceptable to the County Attorney. (DRC: ZONING - Co Att)

D. BUILDING AND SITE DESIGN

1. The minimum setback for all structures adjacent to the north property line shall be one-hundred and fifty-five (155) feet. (DRC: ZONING)
2. The maximum height for the 2,000 sq. ft. vehicle inspection area shall not exceed twenty (20) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All roof or ground air conditioning and mechanical equipment including satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

4. No barbed or razor wire shall be permitted on the site. (CO/ONGOING: BLDG -Zoning/CODE ENF)
5. Petitioner shall install a solid wall or fence a minimum eight (8) feet high from the northeast and northwest corners of the office building to the east and west property lines to screen the open vehicle storage area. This solid wall or fence shall be approximately parallel to the north building facade and also include solid screening for the proposed 24' wide rolling gate. The existing chain link fence in the proposed customer and employee parking area shall be removed. (BLDG PERMIT:BLDG - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a 12 foot access easement to the adjacent property owner to the east and south. The length of this access easement shall be sufficient to cure the existing encroachment. This easement shall then align with the existing LWDD crossing over the L-3 canal as shown on the property owner's site plan dated October 10, 2001. 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. (BLDG. PERMIT: MONITORING-Eng)
2. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS
 - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road Right-of-Way. Landscaping shall consist of:
 - Concrete median cut out strips
 - Median LandscapingAs part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and median plantings are permitted, the Landscape Material within the roadway median shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng)
 - B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING-Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first Building Permit. (BLDG PERMIT: ENGINEERING-Eng)

F. HEALTH

- 1. No vehicle maintenance including oil changing or repair will take place at this site. (ONGOING: CODE ENF/HEALTH)
- 2. 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: HEALTHICODE ENF)
- 3. 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: HEALTHICODE ENFORCEMENT)
- 4. All necessary precautions will be implemented to prevent any vehicle fluids from leaking on to the ground. (ONGOING: HEALTHICODE ENF)

G. LANDSCAPING - STANDARDS

- 1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffers shall meet the following minimum standards at 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 required to be planted on site by this approval shall be booted native palms and 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) (CO: LANDSCAPE - Zoning)
- 3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows, unless specified herein:

eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches – medium shrub; and,
forty-eight (48) to sixty (60) inches – large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the required number or location for canopy trees. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING AND BUFFERING ALONG THE NORTH PROPERTY LINE (BELVEDERE ROAD FRONTAGE)

1. Landscaping and buffering along the north property line shall include:
 - a. a minimum twelve (12) foot wide landscape buffer;
 - b. a three (3) foot high continuous berm measured from top of curb subject to approval from LWDD for the grassed berm encroachment;
 - c. one (1) canopy tree planted for each thirty (30) linear feet of frontage;
 - d. one (1) palm or pine tree for each twenty (20) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each two (2) linear feet of the frontage with a minimum height of twenty-four (24) inches at installation; and,
 - f. one (1) large/medium shrub for each four (4) linear feet of the frontage with a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

I. LANDSCAPING ALONG THE EAST, WEST AND SOUTH PROPERTY LINES (ABUTTING INDUSTRIAL)

1. Landscaping and buffering along the east, west and south property lines shall include:
 - a. a minimum five (5) foot wide landscape buffer strip.
 - b. one (1) canopy tree planted for each thirty (30) linear feet of property line;
 - c. one (1) small shrub planted two (2) feet on center with a minimum height of twenty-four (24) inches at installation; and,
 - d. one (1) large/medium shrub for each four (4) linear feet of property line with a minimum height of thirty (30) inches at installation and to be maintained at a minimum height of seventy-two (72) inches in height. (CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

1. Foundation planting shall be provided along all facades of the overall structure to consist of the following:
 - a. the minimum width of the required landscape areas shall be ten (10) feet;
 - b. the length of the required landscaped areas shall be no less than seventy-five (75) percent of the total length of overall façade dimension of the structure; and,
 - c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. Landscaped divider median shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. One tree and appropriate ground cover shall be planted twenty (20) feet on center. (DRC / CO: ZONING / LANDSCAPE)
3. Landscaping along the north side of the eight (8) feet high open vehicle storage area solid screen wall or fence shall include:
 - a. a minimum fifteen (15) foot wide landscape area;
 - b. a two (2) foot high continuous berm measured from top of curb;

- c. one (1) canopy tree planted for each twenty (20) linear feet of wall;
- d. one (1) palm or pine tree for each fifteen (15) linear feet of wall;
- e. one (1) small shrub for each two (2) linear feet of wall with a minimum height of twenty-four (**24**) inches at installation; and,
- f. one (1) large/medium shrub for each four (**4**) linear feet of wall with a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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-five (25) feet in height, measured from finished grade, as defined by the ULDC, to highest point. (CO: BLDG - 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)

L. PARKING AND INVENTORY

- 1. All salvage vehicles available for inspection and wholesale sales shall be located on the south side of the eight (8) feet high solid screen wall or fence. (ONGOING: CODE ENF)
- 2. All spaces designated for customer and employee parking shall be located on the north side of the eight (8) feet high solid screen wall or fence. (ONGOING: CODE ENF)

M. SIGNS

- 1. Freestanding point of purchase signs fronting on Belvedere Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – eight (8) feet;
 - b. maximum sign face area per side - 60 square feet;
 - c. maximum number of signs - one (1); and
 - d. style - monument style only. (CO/BLDG PERMIT:BLDG - Zoning)
- 2. Wall sign shall be limited to the north façade of the building with a maximum thirty (30) square feet sign face area. (CO/BLDG PERMIT:BLDG - Zoning)

N. USE LIMITATIONS

- 1. Vehicle sales shall be limited to automobiles only to persons in the wholesale industry qualified to purchase a salvage title vehicle. (ONGOING: CODE ENF - Zoning)
- 2. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
- 3. Overnight storage or parking of vehicles on the north side of the eight (8) feet high solid screen wall or fence shall not be permitted. (ONGOING: CODE ENF-Zoning)
- 4. Outdoor speakers or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

5. Outdoor storage of disassembled vehicles or parts shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
6. No dismantling or crushing of vehicles, or selling of individual vehicle parts shall be permitted on the site. (ONGOING: CODE ENF - Zoning)
7. No vehicle transport or deliveries shall be allowed on site, prior to 7:00 a.m. nor continue later than 7:00 p.m. Monday thru Friday. (ONGOING: CODE ENF - Zoning)
8. A maximum of one auction per week shall be permitted. (ONGOING: CODE ENF - Zoning)

O. 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. (MONITORING)