

RESOLUTION R-96-655

RESOLUTION AMENDING RESOLUTION R-96-542
RESOLUTION APPROVING ZONING PETITION OF HALVORSEN DEVELOPMENT
PETITION DOA75-68(L)
LOGGERS RUN COMMERCIAL POD (TRACT D1)

WHEREAS, Halvorsen Development, petitioned the Palm Beach County Board of County Commissioners on March 28, 1996 for Development Order Amendment; and

WHEREAS, Resolution R-96-542, adopted on April 25, 1996 confirming the action of the Board of County Commissioners inadvertently contained errors in Exhibit C; and

WHEREAS, Exhibit C of Resolution R-96-542 should have read as shown on attached Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-96-542 is hereby replaced.

Commissioner Lee moved for the approval of the Resolution.

The motion was seconded by commissioner Aaronson, 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	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted on May 23, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Benjamin Otter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

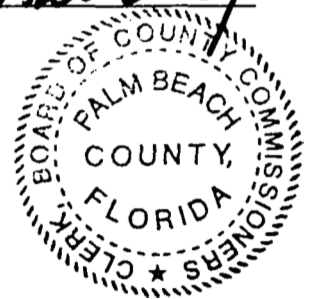


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval and time frames as contained in Resolutions R-75-778, R-85-1430, R-86-453, R-87-1199, R-94-1309, R-94-1477, R-95-714 and R-95-1009 remain in full effect. The conditions listed below apply only to the commercial parcel designated as Tract D-1 on the Loggers Run Master Plan.

A. USE LIMITATIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated March 28, 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. (DRC: ZONING)
2. Total gross floor area shall be limited to a maximum of 39,687 square feet. Expansion shall be limited to five per cent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)
3. Business hours open to the public shall be limited from 7:00 a.m. to 10:00 p.m. daily.
4. Delivery or unloading activities shall be prohibited between the hours of 7:00 p.m. to 9:00 a.m.. (ONGOING: CODE ENF)
5. To ensure consistency with the site plan dated March 28, 1996, presented to the Board of County Commissioners, no more than ten (10) percent of the total approved square footage or other area indicated as being covered by structures shall be relocated to portions of the site not previously covered. (DRC: ZONING)
6. The attached retail space shall not be used for a restaurant or provide takeout/delivery of prepared foods or foods for on-site consumption. (ONGOING: CODE ENF - Zoning)

B. ACCESS

1. Vehicular access to the site shall be limited to:
 - a. One access (right in/right out only) located in the northwest corner of the property;
 - b. One access centrally located on the west side of Oriole Country Road opposite the existing access for Loggers Run Middle School; and
 - c. One access (right-in only) located in the southeast corner of the property. This access to be used by delivery trucks only. (DRC: ZONING)

C. ARCHITECTURAL CONTROL

1. The building shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

3. The architectural design of the building shall create an overall unified image, utilizing, but not limited to, the items specified below.
 - a. Common elements such as consistent forms, colors, architectural details and landscape materials.
 - b. **Roof** and/or trim color shall be coordinated with base colors. Gutters and down spouts shall be integrated into the architectural design of the building. (BLDG PERMIT: BLDG - Zoning)
4. All air conditioning and mechanical equipment shall be screened from view and not visible from any property line. Screening shall consist of a visually opaque barrier consistent with the color, character and architectural style of the principal structure. (CO: BLDG - Zoning)
5. Exterior storage and loading areas shall **be** screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning)
6. Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between the building and signage. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: CO ATT)

D. BUILDING AND SITE DESIGN

1. The site shall be limited to one (1) structure only. (DRC: ZONING)
2. The minimum setback for the building shall be seventy five (75) feet from the south property line and forty five (45) feet from the west property line. (DRC: ZONING)
3. The maximum height for the building including parapet, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
4. Openings shall not be permitted on the east and west facades of the building, except required emergency exits. (BLDG PERMIT: BLDG)
5. Prior to final Development Review Committee (DRC) certification, the petitioner shall abandon or obtain removal agreements for proposed improvements within the existing utility easements along the north, east and south property lines. (DRC: ZONING)
6. Prior to final DRC certification, the site plan shall be amended to include effective screening of all loading areas from adjacent rights-of-way and residential areas. (DRC: ZONING)

E. ENGINEERING

1. The Property owner shall construct:
 - a. left turn lane, south approach and a right turn lane, north approach on Oriole Country **Road** at the project's north entrance.

- b. The property owner of Parcel D shall construct non-mountable curbing on both sides of existing median of Palmetto Park Road from Oriole Country Road west to Riverside Drive. Palm Beach County shall fund **50** percent of the cost of construction of median from a point **100** feet west of the project's entrance to Riverside Drive subject to the approval by the County Engineer.
- c. 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. 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)
- d. All construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

2. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Dept. for a permit to landscape all adjacent median(s) of all abutting rights-of-way. Petitioner shall install landscaping consistent with the proposed Loggers Run Homeowner's Association landscape program for Palmetto Park Road. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Engineering and Public Works Dept. March **1994** 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: BLDG - Eng)
- B. **All** required median landscaping, including an irrigation system shall be installed at the property owners sole expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees. 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 on or before the issuance of a Certificate of Occupancy. (CO: BLDG - Eng)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: BLDG - Eng)

- 3. The project's south entrance onto Oriole Country Road shall be designed for use by delivery trucks only. This entrance shall not be used for any vehicles exiting the site. (DRC/ONGOING: CODE ENF - Zoning)

4. The final site plan shall provide for a minimum **40** foot pavement radii at the Palmetto Park Road turnout. (DRC: ENG)

F. **DUMPSTERS**

1. Prior to issuance of a Certificate of Occupancy (co), the petitioner shall construct an eight (**8**) foot high opaque concrete dumpster enclosure. The height of the dumpster enclosure shall be measured from the elevation of the asphalt adjacent to and outside the enclosed area. (CO: BLDG - Zoning)
2. Dumpster/trash removal shall be prohibited between the hours of 7:00 p.m. to **9:00** a.m.. (ONGOING: CODE ENF - Zoning)

G. **LANDSCAPING**

1. All trees required to be planted shall be native evergreen 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)

H. **LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING PALMETTO PARK ROAD)**

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum forty (**40**) foot wide landscape buffer strip.
 - b. A continuous five (**5**) foot high berm with the height of berm measured from the top of curb.
 - c. One (**1**) canopy tree for each twenty (**20**) linear feet of perimeter property line with a maximum spacing of thirty (**30**) feet on center.

- d. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms or pine trees may supersede the requirement for a canopy tree in that location.
- e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip.
 - b. A continuous three (3) foot high berm with the height of berm measured from the top of curb. (CO/DRC: LANDSCAPE - Zoning)
- 2. The petitioner shall install a six (6) foot high concrete wall on the plateau of the berm. The required wall shall be setback a minimum ten (10) foot from the property line. (CO/DRC: LANDSCAPE - Zoning)
- 3. The following landscape requirements shall be installed alternating on the interior and exterior side of the required wall:
 - a. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
 - b. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms or pine trees may supersede the requirement for a canopy tree in that location. (CO/DRC: LANDSCAPE - Zoning)
- 4. The petitioner shall install on the exterior side of the required wall a thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO/DRC: LANDSCAPE-Zoning)
- 5. The petitioner shall install on the interior side of the required wall a twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO/DRC: LANDSCAPE-Zoning)

J. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING ORIOLE COUNTRY ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip.

- b. Continuous three (3) foot high berm with the height of berm measured from the top of curb.
- c. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
- d. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms or pine trees may supersede the requirement for a canopy tree in that location.
- e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty-six (36) inches. (CO/DRC: LANDSCAPE - Zoning)

K. LANDSCAPING ALONG WEST PROPERTY LINE

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip. (CO/DRC: LANDSCAPE - Zoning)
- 2. The petitioner shall install an eight (8) foot high concrete wall or six (6) foot high concrete wall with minimum two (2) foot berm a distance of three hundred thirty (330) feet from the southwest corner of the property:
 - a. The height of the wall may be increased to be consistent with the wall on the south property line.
 - b. The wall shall have a decorative precast finish. (CO/DRC: LANDSCAPE-Zoning)
- 3. The petitioner shall install a four (4) foot high green vinyl coated chain link fence a distance of three hundred and four (304) feet along the balance of the west property line from the end of the concrete wall to approximately twenty five (25) feet south of the northern property line.
- 4. The following landscape requirements shall be installed alternating on the interior and exterior side of the required wall/fence:
 - a. One (1) canopy tree for each twenty (20) linear feet of perimeter property line with a maximum spacing of thirty (30) feet on center.
 - b. One (1) palm or pine tree for each thirty (30) linear feet perimeter property line with a maximum spacing of eighty (80) feet between clusters. A grouping of three or more palms or pine trees may supersede the requirement for a canopy tree in that location. (CO/DRC: LANDSCAPE - Zoning)
- 5. The petitioner shall install on the exterior side of the required wall/fence a thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches. (CO/DRC: LANDSCAPE-Zoning)

6. The petitioner shall install on the interior side of the required wall/fence a twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO/DRC: LANDSCAPE-Zoning)

L. **LANDSCAPING - INTERIOR**

1. One interior landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. The minimum width of all landscape islands shall be ten (10) feet. Two (2) trees and appropriate ground cover shall be planted in each island. (CO/DRC: LANDSCAPE - Zoning)
3. Landscaping shall be provided along the north, west and southwest facades of the principal structure and meet the following minimum standards:
 - a. The minimum width of this foundation planting shall be ten (10) feet.
 - b. The petitioner shall install one tree for each thirty (30) linear feet of adjacent building facade with a maximum spacing of forty (40) feet on center.
 - c. The petitioner shall install one palm for each twenty (20) linear feet of adjacent building facade with a maximum spacing of fifty (50) feet between palm clusters.
 - d. The petitioner shall provide appropriate ground cover and shrub material in the foundation planting areas. (CO: LANDSCAPE)

M. **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 thirty (30) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. Petitioner shall install high pressure sodium street lights at all entrances. The street lights shall be a minimum 22,000 lumens/200 watt bulb and consistent with the street lighting style along Palmetto Park Road. (CO: BLDG - Zoning)

N. **MASS TRANSIT**

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. (DRC: ZONING - School Board)

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus Stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (ONGOING/DRC: ZONING - School Board / Eng / Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until March 28, 1997. (DATE: MONITORING - Eng)

O. **PARKING**

1. All delivery and loading areas shall be located in the rear of the building. Screening shall consist of a depressed truckwell and an enclosed truck loading dock platform. The loading dock platform shall be constructed in a manner consistent with the color, character and architectural style of the principle structure. (20: BLDG - Zoning)
2. No overnight parking of any vehicle or trucks shall be permitted. (ONGOING: CODE ENF)
3. The parking spaces along the west property line shall be changed to angled parking with a one way drive to the north. Appropriate stop signs and do not enter signs shall be provided. (DRC: BLDG - Zoning)

P. **SIGNAGE**

1. Proposed signage on Palmetto Park frontage shall be directional signage only and limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - four (4) feet;
 - b. Maximum sign face area per side - ten (10) square feet;
 - c. Maximum number of signs - One (1);
 - d. Located a maximum ten (10) feet from drive;
 - e. Monument style only. (BLDG PERMIT: BLDG - Zoning)
2. Proposed directional signage on Oriole Country Road shall be limited as follows:
 - a. Maximum sign height, measured from top of curb to highest point - four (4) feet;
 - b. Maximum sign face area per side - ten (10) square feet;

- c. Maximum number of signs - two (2);
- d. Located maximum ten (10) feet from drive;
- e. Southeast drive shall be designated as an entrance only for delivery vehicles;
- f. Monument style only. (BLDG PERMIT: BLDG - Zoning)

Q. SCHOOL BOARD

1. Petitioner shall fund protected left turn lanes signal modification at the intersection of Palmetto Park Road and Oriole County Road, and the appropriate pavement turn lane (on Oriole Country Road) pavement markings as required by the Palm Beach County Traffic Engineering Department criteria. (CO: MONITORING - Eng)
2. Petitioner will provide a safe pedestrian access at the entrance to the development from Palmetto Park Road. The safe pedestrian access will be provided by the provision of a stop sign from the access onto Palmetto Park Road from the proposed development. Petitioner will also provide a stop bar associated with this stop sign. Petitioner will provide pavement ripples in advance of the stop bar exit for additional pedestrian safety. Petitioner will also stripe the cross walk to assist in providing a safe pedestrian path at this development access point. (CO: MONITORING - Eng)
3. The property owner shall fund the installation of school flashers on Oriole Country Road and Palmetto Park Road at Loggers Run Middle School if warranted, as determined by the County Engineer. If flashers are warranted within three (3) years of Board of County Commissioner public hearing (March 28, 1996), the property owner shall complete all funding for the installation of these traffic control devices within 30 days written notice by the County. (ONGOING: SCHOOL BOARD - Eng)
4. Petitioner will construct a sidewalk along the west right-of-way of Oriole Country Road. Petitioner will connect to the existing sidewalk along the south side of Palmetto Park Road, (west side) going south along the development frontage of Oriole County Road. (CO: MONITORING-Eng)
5. Petitioner shall pay for the "school" pavement markings and associated school signage on Oriole Country Road at a north and south location of the subject development, per Palm Beach County Traffic Engineering standards. (CO: MONITORING - Eng)
6. Petitioner shall provide payment to the School Board for the construction of a sidewalk extension from the east side of Oriole Country Road that will provide a safe student pedestrian sidewalk connected to the existing sidewalk along the school bus loop at Loggers Run Middle School. (CO: MONITORING - Eng)
7. Petitioner shall provide payment to the School Board for the installation of a four (4) foot high, vinyl coated chain link fence at Logger's Run Middle School along the east side of Oriole Country Road from the bus loop entrance north to the Palmetto Park Road intersection including a gate at the bus loop entrance. This fence will help to control and prevent the attractive nuisance of student crossing at a mid block location from the school center to the proposed development. Petitioner shall install a 24" shrub or hedge material no more than 24" on center at installation along the interior side of the fence. (CO: LANDSCAPE-Zoning).

R. 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)