

23/47/41

RESOLUTION APPROVING ZONING PETITION EAC75-68(O)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF NOBLE MANAGEMENT CO., INC.  
BY ROBERT BASEHART, AGENT  
(LOGGERS RUN PUD)

**FILE COPY**

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 EAC75-68(O) was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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 EAC75-68(O), the petition of Noble Management Co., Inc., by Robert Basehart, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to relocate approved square footage and amend previous approval from restaurant, fast food to general retail ~~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 January 6, 1997, **subject** to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Lee 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:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
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 January 30, 1997.

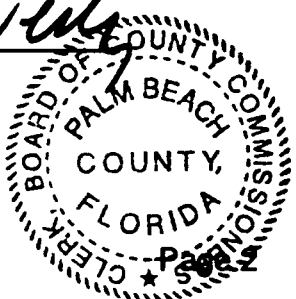
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



Petition EAC75-68(O)  
Project No. 0275-307

**EXHIBIT A**  
**LEGAL DESCRIPTION**

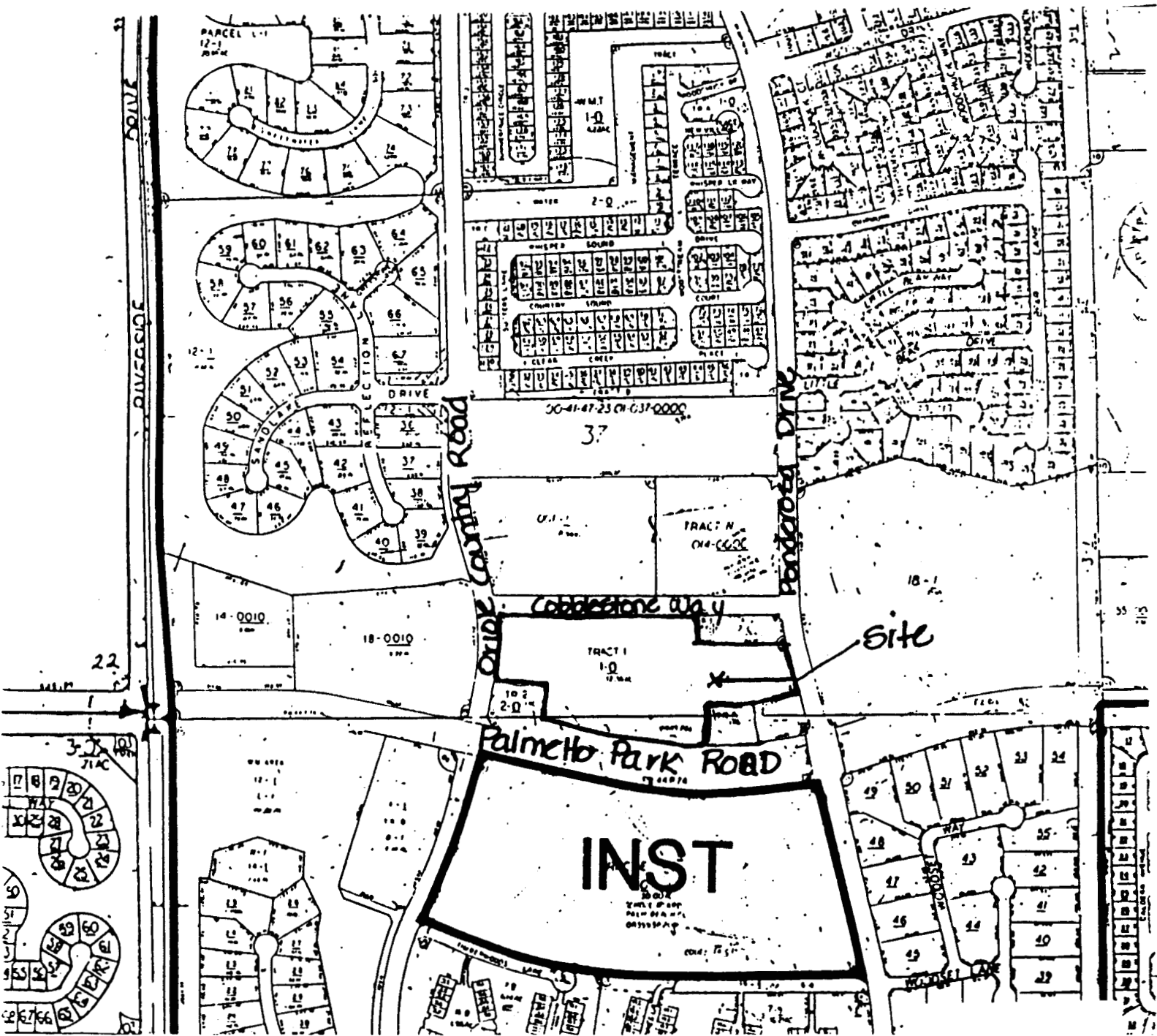
**LEGAL DESCRIPTION**

**ALL OF TRACT 1, LOGGERS' RUN COMMERCIAL REPLAT,  
according to the Plat 49, Page 56, of the Public Records of Palm  
Beach County, Florida.**

**Subject site located in Sections 23 & 26, Township 47, Range 41.**

EXHIBIT B

VICINITY SKETCH



## 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-75-778, R-85-1430, R-86-453, R-87-1199, R-94-1309, R-94-1477, R-95-714, R-95-1009 and R-95-1726** have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and time frames unless expressly modified. (MONITORING)
2. 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 November 20, 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. BUILDING AND SITE DESIGN

1. Prior to Site Plan approval the property owner shall indicate **interior** access from the shopping center to all the "not included parcels", no additional access points other than those shown on the Master Plan will be permitted. (Previously Condition B.1 of Resolution R-95-1726, Petition 75-68(K). (ZONING)
2. The petitioner shall relocate all dumpsters a minimum of seventy five **(75)** feet from the outdoor activity area. (Previously Condition B.2 of Resolution R-95-1726, Petition 75-68(K). (ZONING/BLDG)
3. The adjacent retail bay to the south of the proposed day care shall not be used for any business primarily engaged in the sale or use of flammable materials, for example, restaurants and paint sales. **This** condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail **business.**(Previously Condition B.3 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)
4. Prior to occupancy of the day care center the facility shall be **modified to** meet all applicable building and life safety codes. (Previously Condition B.4 of Resolution R-95-1726, Petition 75-68(K). (BLDG)
5. Prior to final site plan certification one **(1)** landscape island shall be provided along both the northern and the western parking areas (designated for the day care center). (Previously Condition B.5 of Resolution R-95-1726, Petition 75-68(K). (BUILDING/ZONING)

**C. CIVIC**

1. Developer shall dedicate to Palm Beach County, the conservation area within the development as it relates to the Land Use Plan for Palm Beach County. (Previously Condition C.1 of Resolution R-95-1726, Petition 75-68(K). (PREM)
2. Developer shall deed to the Board of County Commissioners of Palm Beach County, Florida, thirty-six (36) acres to be used for schools, parks, recreation centers, fire station, police station and/or libraries. (Previously Condition C.2 of Resolution R-95-1726, Petition 75-68(K). (PREM)
3. The Developer shall construct an on-site utility facility if it becomes legally possible. The facility shall be conveyed to Palm Beach County for maintenance and operation. (Previously Condition C.3 of Resolution R-95-1009, Petition 75-68(K). (PREM)
4. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code Section 500.21 (Planned Unit Developments). (Previously Condition C.4 of Resolution R-95-1726, Petition 75-68(K). (ZONING)

**D. DAY CARE (Montessori Academy-Northeast corner of Pod M)**

1. The day care center shall be limited to a maximum of 7,571 square feet and 150 children. (Previously Condition D.1 of Resolution R-95-1726, Petition 75-68(K) (BLDG/HEALTH-Zoning)

**E. ENGINEERING**

1. Developers shall construct four (4) lanes between the project and State Road No. 7 in the following manner:
  - a) Two (2) lanes concurrent with the first plat,
  - b) Two (2) lanes prior to platting more than forty (40) percent of the total units.
  - c) The exact alignment and engineering plans for the roads shall conform to Palm Beach County Standards and shall be subject to the approval of the County Engineer.
  - d) The above construction shall be along the following corridors: Palmetto Park Road, Glades Road or Hillsboro Boulevard. (Previously Condition E.1 of Resolution R-95-1726, Petition 75-68(K). (ENG) [Note: This condition is in compliance.]
2. Developer shall construct intersection improvements and signalization at the intersection of the aforesaid access roads and State Road No. 7, as warranted. (Previously Condition E.2 of Resolution R-95-1726, Petition 75-68(K). (ENG)

3. The property owner shall convey for the ultimate right-of-way of:
  - a) Glades Road **120** feet total right-of-way. [Note: Complied with]
  - b) Palmetto Park Road **200** feet of right-of-way. [Note: **Complied** with]
  - c) Sixty **(60)** foot half right-of-way for Riverside Drive. [Note: Complied with]
  - d) Four hundred twenty-six **(426)** foot right-of-way for University Expressway. [Note: Complied with]
  - e) Sixty **(60)** foot half right-of-way for Hillsboro Boulevard from State Road **No. 7** to the development.
  - f) The developer shall provide a **3'** high mulched berm **along** the south side of Glades Road through Logger's Run.

All within **90** days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of First Building Permit. (Previously Condition **E.3** of Resolution **R-95-1726**, Petition **75-68(K)**). (ENG)

[Note: Land Development records indicated that **3a, 3b, 3d & 3e** have been complied with. Condition **3c** may be deleted **as** this intersection will not require expansion.]

4. The ownership and maintenance of all canals and lakes shall be retained by and be the responsibility of the development's **property** owners association, unless transferred to **a** drainage district. (Previously Condition E.4 of Resolution R-95-1726, Petition 7548(K). (ENG)
5. Developer shall obtain approval of all drainage specifications from the Central and South Florida Flood Control District. (Previously Condition **E.5** of Resolution **R-95-1726**, Petition **75-68(K)**). (ENG)
6. Prior to site plan certification, the Master Plan will be revised to **reflect the** proposed amendments. In addition, the Master Plan site data shall reflect proposed and existing development dwelling unit **counts**. (Previously Condition E.6 of Resolution R-95-1726, Petition 7548(K). (ZONING)
7. Prior to site plan certification of the Master Plan the property owner shall identify the access locations **to** the site per the County Engineers approval. (Previously Condition E.7 of Resolution No. **R-95-1726**, Petition **No. 75-68(K)**). (ENG)
8. The property owner shall construct turn lanes at **the** project's **entrance(s)** per **the** County Engineer's approval concurrent with **onsite** paving and drainage improvements pursuant to **a** paving and drainage permit issued from the office **of** the County Engineer. (Previously Condition **E.8** of Resolution **R-95-1726**, Petition **75-68(K)**). (ENG)

9. 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 presently is **\$2,545.00 (95 trips x \$26.79 per trip)** for the proposed Church. (Previously Condition E.9 of Resolution R-95-1726, Petition 75-68(K). (IMPACT FEE COORD)
10. The petitioner shall present a notarized Affidavit of Disclosure **at** the Zoning Authority meeting. (Previously Condition E.10 of Resolution R-95-1726, Petition 75-68(K). (CO ATTY)
11. 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 day care expansion project to be paid at the time of issuance of the Building Permit presently is **\$2,970 (54 trips X \$55.00 per trip)**. (Previously Condition E.11 of Resolution R-95-1726, Petition 75-68(K). (IMPACT FEE COORD)
12. 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 75-68(J), to be paid at the time of issuance of the first building permit for the use, presently is **\$5,445 (99 additional trips X \$55.00 per trip)**. (Previously Condition E.12 of Resolution R-95-1726, Petition 75-68(K). (IMPACT FEE COORD)
13. 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 75-68(K), which is to be paid at the time of issuance of the first Building Permit presently is **\$13,915.00 (253 additional trips X \$55.00 per trip)**. (Previously Condition E.13 of Resolution R-95-1726, Petition 75-68(K)(IMPACT FEE COORD)

F. DAY CARE

1. The day care center shall be limited to a maximum of eighty (80) students and 3,600 square feet of usable building area. (Previously Condition F.1 of Resolution R-95-1726, Petition 75-68(K). (BLDG/HEALTH-Zoning)
2. The perimeter of the outdoor activity area shall be fenced with a solid six (6) foot tall visually opaque fence. Architecturally maintained compatible with the shopping center (painted stained). Signage shall be affixed to the fence indicating no trespassing or loitering. (Previously Condition F.2 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)
3. Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with HRS requirements. (Previously Condition F.3 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)



4. Travel in front of the center and drop-off area shall be limited to one-way (south to north). "One-way" and "Do Not Enter" signs shall be appropriately installed. (Previously Condition F.4 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)
5. Maximum speed in front of the facility shall be limited to 5 mph with appropriate signage installed. (Previously Condition F.5 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)
6. Pavement in front of the facility shall be striped yellow and marked with caution signs. (Previously Condition F.6 of Resolution R-95-1726, Petition 75-68(K). (BLDG -Zoning)
7. Sufficient asphalt pavement located in the interior (along the eastern side) of the expanded play area shall be removed and replaced or covered with material suitable for a play area, subject to approval by the Palm Beach County Public Health Unit. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan for the day care to indicate the extent of asphalt pavement to be removed or covered and material to be used. (Previously Condition F.7 of Resolution R-95-1726, Petition 75-68(K). (ZONING/HEALTH-Bldg)
8. **Bollards** shall be installed every ten (10) feet on center in the landscape strip around the outdoor play area, adjacent to all vehicular use areas. (Previously Condition F.8 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)
9. Landscaping around the north and east exterior perimeters of the outdoor activity area shall be upgraded to include twenty-four (24) inch high shrub material planted twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previously Condition F.9 of Resolution R-95-1726, Petition 75-68(K). (BLDG-Zoning)

G. HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (Previously Condition G.1 of Resolution R-95-1726, Petition 75-68(K). (HEALTH)
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition G.2 of Resolution R-95-1726, Petition 75-68(K). (HEALTH)
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-1. (Previously Condition G.3 of Resolution R-95-1726, Petition 75-68(K). (HEALTH)
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECRU. (Previously Condition G.4 of Resolution R-95-1726, Petition 75-68(K). (HEALTH)

5. The petitioner **will** be required to connect to public water and **sewer prior** to issuance of a certificate of occupancy. (Previously Condition G.5 of Resolution R-95-1726, Petition 75-68(K) (HEALTH))
6. Architectural plans must be submitted to the Environmental **Health** Section, Palm Beach County Public Health Unit, in accordance with chapter **10D-24** FAC prior to issuance of a building permit. (Previously Condition G.6 of Resolution R-95-1726, Petition 75-68(K)(HEALTH))

H. RECYCLE SOLID WASTE

1. The property owner and lessee's shall participate in a recycling program when available in the area. Material **to** be recycled **shall** include, but not **be** limited to, paper, plastic, metal and glass **products**. (Previously Condition H.1 of Resolution R-95-1726, Petition 75-68(K). (SWA))

I. SIGNS (OUTPARCELS ONLY IN COMMERCIAL POD)

1. Freestanding point of **purchase** signs **for the** outparcels fronting on Palmetto Park Road in the commercial pod 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) each; and
  - d. Style - monument style only. (CO: BLDG)

J. USE LIMITATION (CHURCH)

1. The church **or** place of worship within the commercial pod **shall** be limited to a maximum of **120** seats. (Previously Condition I.1 of Resolution R-95-1726, Petition 75-68(K). (CODE ENF))

K. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any **time** may result in:
  - a. The denial **or** revocation of a building permit; the **issuance** of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building **or** structure; **or** the denial **or** revocation of any permit **or** approval **for** any developer; owner, commercial-owner, lessee, **or** user of the **subject** property; **and/or**
  - b. The revocation of the Conditional Use and **any/or** zoning **which** was approved concurrently with the Conditional Use;
  - c. A requirement of the development to conform with **updated** standards of development, applicable 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;
  - 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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition J.1 of Resolution R-95-1726, Petition 75-68(K). (MONITORING)