

231-111

RESOLUTION NO. R-98- 564

RESOLUTION APPROVING ZONING PETITION DOA75-68(R)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CHEVRON USA PRODUCTS CO.  
BY DAVID FELTON, AGENT  
(LOGGERS RUN PUD - CHEVRON)

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 DOA75-68(R) was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; 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 DOA75-68(R), the petition of Chevron USA Products Co., by David Felton, agent, for a Development Order Amendment (DOA) to redesign site plan, add building square footage (+500) ~~and one~~ additional pump island for a Convenience store with gas sales (requested use) ~~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 March 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
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 April 23, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

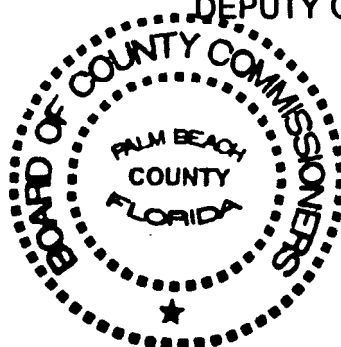


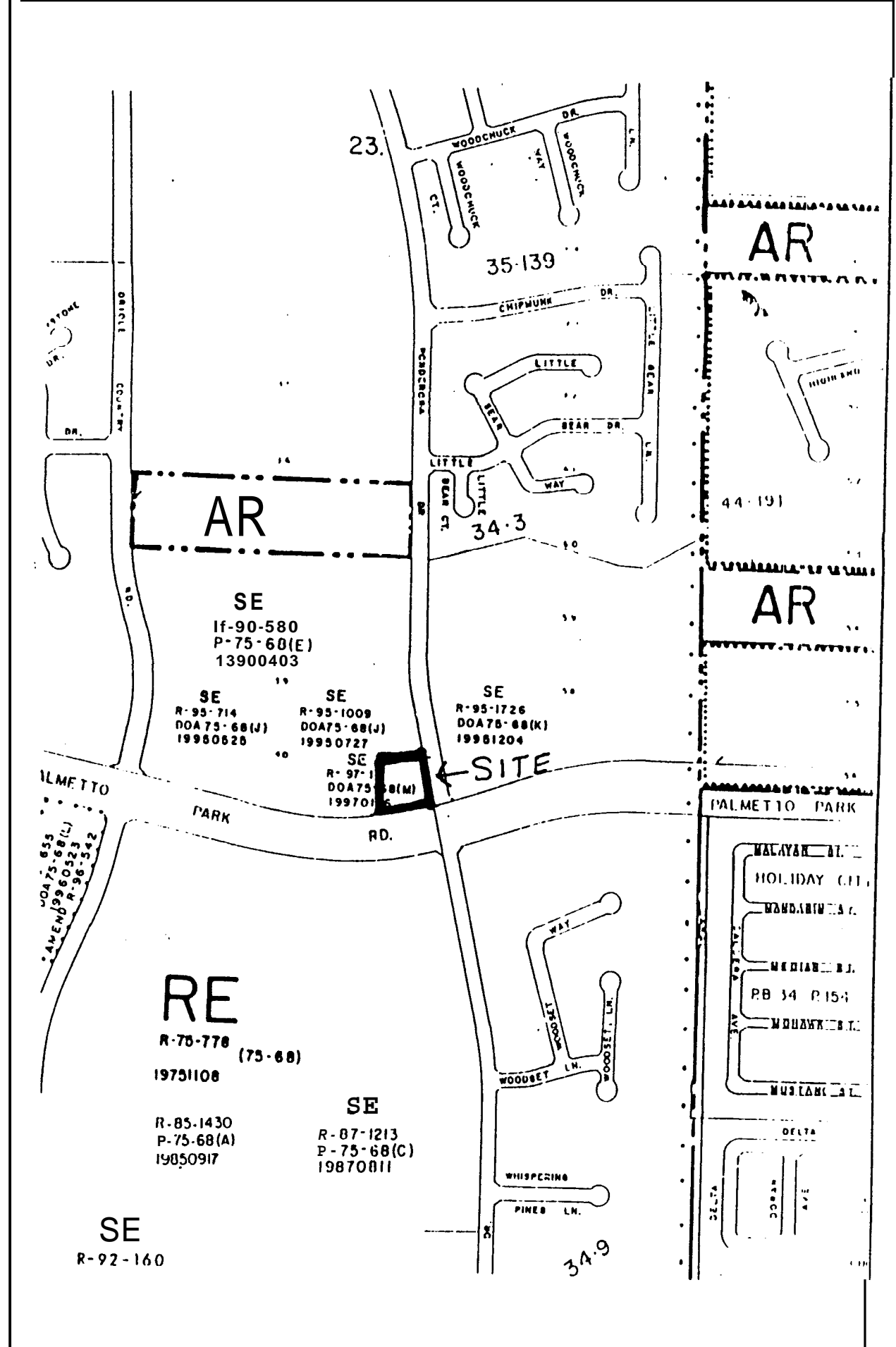
EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND BEING KNOWN AS PARCEL "B", "LOGGER'S RUN COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44 PAGE 32, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SITE AREA = 47,495 SQUARE FEET  
TOTAL ACREAGE = 1.09 ACRES  
SECTION 23 & 26, TOWNSHIP 47S, RANGE 41E

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 75-68 R

Zoning Quad Page \_\_\_\_\_

Date: May 21, 1997



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

**NOTE:** 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, R-95-1726, R-96-655, R-97-142, R-97-521** and **R-97-1078** remain in full *effect*. The conditions listed below apply only to the commercial outparcel known as Parcel B (P.B. 44 , PG 32) of Loggers Run Commercial Plat.

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 November 6 , 1997. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color (earth tones and pastel **colors**), material, fenestration and roof treatment, shall be provided on all sides of the building and canopy. (BLDG PERMIT: BLDG-Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall be one story and not exceed twenty (20) feet. (BLDG PERMIT: BLDG-Zoning)
2. ~~A~~ air conditioning and mechanical equipment 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)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, 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 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)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

- 1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Palmetto Park Road to Palm Beach County. 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) (Control No. 0275-013)
- 2. The Property owner shall complete the construction of non-mountable curbing within the existing median of Palmetto Park Road from the adjacent shopping center entrance to the east to Ponderosa Road. (Control No. 0275-013)
  - A) 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.
  - B) 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)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- 3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
  - A. Prior to issuance of a building permit, the property owner shall apply to ~~the~~ Palm Beach County Engineering and Public Works Department for a permit to landscape ~~the~~ adjacent ~~median~~ of Palmetto Park Road right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall ~~be~~ responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall ~~be~~ consistent with the 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.) (Control No. 0275-013)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING-Eng) (Control No. 0275-013)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (CO: MONITORING-Eng.) (Control No. 0275-013)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (PALMETTO PARK ROAD)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide landscape buffer strip with a maximum five foot overlap into the existing utility easement;
  - b. An undulating berm, with an average height of two (2) feet, measured from the top of the curb
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. 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. (DRC/CO: ZONING/LANDSCAPE)
- 2. Prior to final site plan certification, the site plan shall be amended to indicate twenty-five (25) foot visibility triangles for the southern turnout on Palmetto Park Road to limit the size, location and type of plant material. (DRC/LANDSCAPE: ZONING)

G. LANDSCAPING ALONG EAST PROPERTY LINE (PONDEROSA DRIVE)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip with a maximum five foot overlap into the existing utility easement;
  - b. An undulating berm, with an average height of two (2) feet, measured from the top of the curb
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
  - e. 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. (ONGOING/CO: ZONING/LANDSCAPE)

2. Prior to final site plan certification, ~~the~~ site plan shall be amended to indicate twenty-five (25) foot visibility triangles for the eastern turnout on Ponderosa Drive to limit the size, location and type of plant material. (DRC/LANDSCAPE: ZONING)

#### H. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. 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)

#### I. PARKING

1. No overnight parking of any vehicle or trucks shall be permitted. (ONGOING: CODE ENF)

#### J. SIGNS

1. Freestanding point of purchase sign 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 - 65 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only.
  - e. Location - southeast corner of the property. (CO: BLDG)
2. Exterior or window neon lighting shall not **be** permitted. (BLDG PERMIT: BLDG-Zoning)
3. No advertising flags, pennants, banners, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)

#### K. USE LIMITATIONS

1. Total gross floor area shall be limited to a maximum **2,619 sq.ft.** Convenience store. (DRC: ZONING)
2. The storage of Rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
3. Deliveries **and/or** unloading **activities** shall **be** prohibited thirty (30) minutes **before** and after peak **school/pedestrian** crossing periods. (ONGOING: CODE ENF-Zoning)
4. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)



5. Retail business activity shall not be allowed on site, including deliveries, prior to 6:00 a.m. nor continue later than 11:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

**I. 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; 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 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)