

RESOLUTION NO. R- 89-1026

RESOLUTION APPROVING ZONING PETITION NO. **88-104**  
SPECIAL EXCEPTION PETITION OF LIFETRON, INC.

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements as provided for in Chapter **402.5** of the Palm Beach County Zoning Code Ordinance No. **73-2** have been satisfied; and

WHEREAS, Petition No. **88-104** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September **26, 1988**; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE **IT** RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **88-104** the petition of LIFETRON, INC., by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED OFFICE BUSINESS **PARK** (THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR AN ADULT DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. **81-77**) on a parcel of land lying South **327** feet of the West **1/2** of the Southwest **1/4** of the Northwest **1/4** of the Southwest **1/4** of Section **7**, Township **44** South, Range **43 East**, less the West **40** feet thereof for road Right-of-way of Kirk Road and less the South **60** feet thereof, as more particularly described in that certain deed from Mary **H.** Spangler, to the State of Florida for the use and benefit of the State of Florida Department of Transportation, dated November **1, 1978** and recorded in Official Records Book **2988**, Page **1879**, being located on the northeast corner of the intersection of Forest Hill Boulevard and Kirk Road in a CS-Specialized Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Resolution No. R-81-755 (Special Exception to Allow An Adult Daycare Center for Zoning Petition No. 81-77) is hereby repealed in its entirety.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The removal or relocation of the existing shed to satisfy property development regulations:
  - b. Label and dimension the required perimeter buffers along the east and north property lines:
  - c. Label and dimension the required landscape strips along the west and south property lines:
  - d. Minimum tree requirements for terminal parking islands:
  - e. Indication of the minimum two-way access width of twenty-five (25) feet or more required at the entrance to a street:
  - f. Label and dimension the required loading berth:
  - g. Label and dimension a minimum of two handicapped parking spaces; and
  - h. Removal or relocation of the existing sidewalks which are located within the required landscape strips.
3. The site plan shall indicate that future development in the southern portion of the site is subject to future Board of County Commissioners' approval.
4. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained

in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

7. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Forest Hill Boulevard, 72 feet from centerline free of all encumbrances and encroachments. Petitioner 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
8. 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 \$2,036.00 (76 new trips X \$26.79 per trip).
9. In addition the petitioner shall contribute the amount of \$204.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$204.00 shall be paid prior to the issuance of the first building permit.
10. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$204.00 shall be credited toward the increased Fair Share Fee.
11. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Wilken moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 26, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

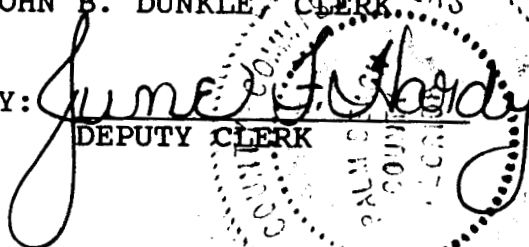
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

