

RESOLUTION NO. R-94- 502

RESOLUTION APPROVING ZONING PETITION DOA80-103(F)  
REQUESTED (R) USE  
PETITION OF LIFECARE ACQUISITIONS CORP.

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 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition DOA80-103(F) was presented to the Board of County Commissioners at a public hearing conducted on April 28, 1994; 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 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan. b
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, of the Palm Beach County 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 DOA80-103(F), the petition of Lifecare Acquisitions Corp. for a REQUESTED USE allowing a day care center, general, in the General Commercial (CG) 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 April 28, 1994, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Mary <b>McCarty</b> , Chair	--	Absent
Burt <b>Aaronson</b>	--	Aye
Ken Foster	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of April, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Altier*  
COUNTY ATTORNEY

BY: *Jim M. Blair*  
DEPUTY CLERK

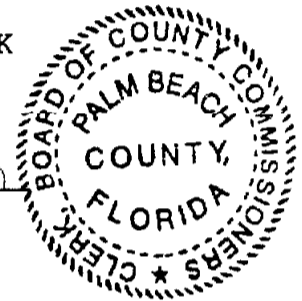


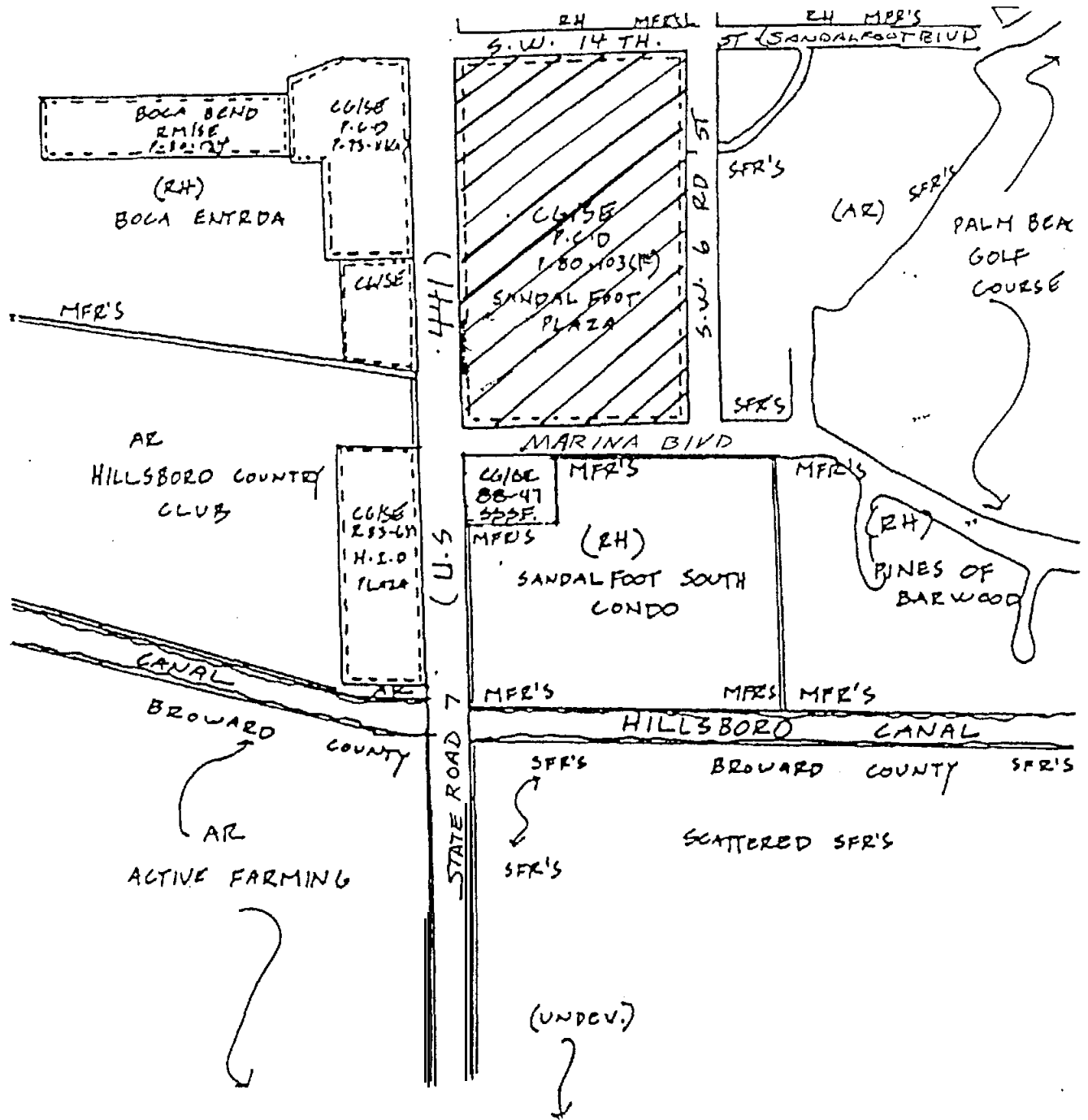
EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION: LOTS 2,7, AND 8 OF SANDALFOOT PLAZA  
ACCORDING TO THE PLAT THEREOF, RECORDED  
IN PLAT BOOK 48 AT PAGES 187 OF THE  
PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA  
CONTAINING 19.22 ACRES MORE OR LESS

*80-103(F)*

DEC 15 1993

EXHIBIT B  
VICINITY SKETCH



R94 502

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions (shown in BOLD) have been consolidated as indicated below.

A. GENERAL

1. Petitioner shall comply with all previous conditions **of** approval unless expressly modified herein. Previously Condition No. 6. of Resolution R-87-225, Petition 80-103(A). (MONITORING)
2. Condition No. 1. of Resolution R-88-1212, Petition 80-103(B) which states:  
  
The developer shall comply with all previous conditions of approval unless expressly modified herein. Previous  
  
Is hereby deleted [Reason: Duplicate condition]
3. Previous Condition No. 1. of Resolution **R89-333**, Petition 80-103(C) which states:  
  
The developer shall comply with all previous conditions unless expressly modified herein.  
  
Is hereby deleted [Reason: Duplicate condition]
4. Previous Condition No. 1. of Resolution R-89-910, Petition 80-103(D) which states:  
  
The developer shall comply with all previous conditions unless expressly modified herein.  
  
Is hereby deleted [Reason: Duplicate condition]
5. Previous Condition No. 1. of Resolution R-89-1444, Petition 80-103(E) which states:  
  
The developer shall comply with all previous conditions of approval unless expressly modified herein.  
  
Is hereby deleted [Reason: Duplicate condition]
6. Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site. Previously Condition No. 4. of Resolution R-89-333, Petition 80-103(C). (COUNTY ATTORNEY)
7. Simultaneously with submittal to the Site Plan Review committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center. Previously Condition No. 5. of Resolution R-89-333, Petition 80-103(C). (COUNTY ATTORNEY/ENGINEERING)

B. SITE DESIGN

1. To ensure vehicles do not enter the outdoor play area. **one** petitioner shall, prior to certification of a final site plan by the DRC, amend the site plan to indicate a solid concrete wall or bollards, with a minimum height of three (3) feet, between the outdoor play area and the adjacent access isle. The wall and/or bollards shall be installed prior to the issuance of the Certificate of Occupancy **(C.O.)** for the **day** care center. (ZONING/BUILDING)

2. The day care facility shall be limited to 175 students.  
(ZONING)
3. **Prior** to site plan certification, the site plan **shall** be amended to **indicate** the following:
  - a. square foot **coverage** of the canopy in the site data tabular.
  - b. A total interior landscape requirement in the site data tabular based on the **number** of parking spaces and the **specialized** vehicular use area. Previously Condition No. 2. of Resolution R-88-1212, Petition 80-103(B).  
(ZONING)
4. Prior to site plan certification, the site plan shall be amended to reflect the (1) loading space. Previously Condition No. 1. of Resolution R-87-225, **Petition 80-103(A)**. (ZONING)
5. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Clearly **define five (5) car stacking** distance, which does not interfere with traffic utilizing the site.
  - b. **Access dimensions to be labeled.**
  - c. Identify and label area between **parking** adjacent to structure and eastern **property** line. **Previously** Condition No. 2. of Resolution R-89-333, **Petition 80-103(C)**. (ZONING)
6. No outside storage of **disassembled vehicles or parts** thereof **shall be permitted on site.** **Previously** Condition No. 3. of Resolution R-89-333, **Petition 80-103(C)**. (CODE ENFORCEMENT)
7. No off-premise signs shall be permitted on the **site.** **Previously** Condition No. 15. of Resolution R-89,-333, **Petition 80-103(C)**. (CODE ENFORCEMENT)
8. Trees planted in perimeter landscape strips **shall be a** minimum of ten (10) to twelve (12) feet upon **planting.** **Previously** Condition No. 16. of Resolution R-89,-333, **Petition 80-103(C)**. (ZONING)
9. Maximum height of free standing signs on the site **shall** be twenty-five (25) feet. **Previously** Condition No, 17. of Resolution R-89-333, **Petition 80-103(C)**. (BUILDING/ZONING)
10. Prior to site plan certification, the site **plan shall** be amended to indicate the following:
  - a. A clearly defined **five (5) car stacking distance** with by pass lane which does not conflict or interfere with other traffic utilizing the **site;**
  - b. Clearly **labelled** access dimensions;
  - c. Required perimeter landscape Strips;
  - d. Required transfer of interior landscaping from **specialized** vehicular use areas to the **perimeter** of the site: and

- e. A clear back up distance for all parking stalls. Previously Condition No. 2. of Resolution R-89-910, Petition 80-103(D). (ZONING)
11. The petitioner shall relocate all Parking Stalls which conflict with:
- a. Traffic entering the site at the northeast corner; and
  - b. Traffic exiting to the one-way drive in a easterly direction. Previously Condition No. 3. of Resolution R-89-910, Petition 80-103 (D). (ENGINEERING/ZONING)
12. Previous Condition No. 4. of Resolution R-89-910, Petition 80-103(D) which states:
- The site shall be redesigned and building square footage reduced as necessary to accommodate the minimum requirement of the Zoning Code and Condition Nos. 2 and 3 above.
- Is hereby deleted [Reason: Required by Code]
13. The petitioner shall relocate the dumpster to an alternative location that allows for the realignment of the west to east one-way drive around the stacking area. Previously Condition No. 12. of Resolution R-89-910, Petition 80-103(D). (ZONING)
- d 14. No retail sales shall be allowed on site, except ancillary to the proposed auto service uses. Previously Condition No. 13. of Resolution R-89-910, Petition 80-103(D). (ZONING) [NOTE: Auto service station only]
15. Previous Condition No. 14. of Resolution R-89-910, Petition 80-103(D) which states:
- No off-premise signs shall be permitted on the site.
- Is hereby deleted. [Reason duplicate condition]
16. Prior to certification, the site plan shall be amended to indicate the following:
- a. A twenty (20) foot wide by seventy (70) foot long landsaape area north of the 2,100 square foot car wash. A paved access area for loading and periodic maintenance is allowed;
  - b. Seven (7) foot wide sidewalk along the eastern facade as indicated on Exhibit 141;
  - c. Thirty (30) foot dimension between the westernmost parking spaces and the five (5) foot wide sidewalk;
  - d. Location of vacuum stations associated with the car wash;
  - e. Directional signage and pavement striping for all stacking areas:
  - f. Required handicap spaces adjacent to the seven (7) foot wide sidewalk;
  - g. Pavement markings identifying the six (6) easternmost parking spaces as "car wash only" detail areas for drying, polishing, waxing, etc.; and,

- h. Thirty-four (34) foot dimension between the car wash and easternmost parking spaces:
  - i. Pedestrian access to the parcel to the south by providing a minimum four (4) foot sidewalk through the landscape strips connecting the front of the building: and,
  - j. All perimeter landscape strips shall be upgraded with mahogany trees twelve (12) feet in height spaced twenty (20) feet on center with a hedge thirty-six (36) inches in height and spaced **twenty-four (24) inches** on center. Also **trees** in terminal parking islands shall be upgraded to a minimum of twelve (12) feet in height at the time of installation. All landscaping shall be maintained in a viable healthy condition. Previously Condition No. 2. of Resolution R-89-1444, Petition 80-103(E). (ZONING)
17. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site plan for the Sandalfoot Planned Commercial Development. Revised tabular data for all building square footage, required parking and landscaping shall be keyed to the respective outparcels and the overall center. This tabular data shall be subject to final approval by the Zoning Division. Previously Condition No. 3. of Resolution R-89-1444, Petition 80-103(E). (ZONING)
18. Use of the subject sub parcel shall be limited to:
- a. 2,100 square foot car wash;
  - b. 1,440 square foot oil/lube facility: and,
  - c. 2,880 square feet of retail and/or consumer uses as outlined in the traffic report and approved by the County Engineer. Previously Condition No. 4. of Resolution R-89-1444, Petition 80-103(E). (ZONING)  
[Note: Auto service station only]
19. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, **rights-of-way** or interior drives. Previously Condition No. 5. of Resolution R-89-1444, Petition 80-103(E). (CODE ENFORCEMENT)
20. No outside storage of disassembled vehicles or parts thereof shall be permitted on site. Previously Condition No. 6. of Resolution R-89-1444, Petition 80-103(E). (CODE ENFORCEMENT)
21. The western facade of the buildings shall be given architectural treatment consistent with the front facade. Previously Condition No. 15. of Resolution R-89-1444, Petition 80-103(E). (ZONING/BUILDING)
22. Prior to site plan certification, the petitioner shall submit a master **signage** program to consist of uniform color and character in keeping with the architecture character of the building. Previously Condition No. 16. of Resolution R-89-1444, Petition 80-103(E). (ZONING)



23. No advertising flags, foreign flags, pennants, **banners**, streamers, balloons, signs upon any vehicles, **prices** or vehicle stock numbers or other information as **required** to be posted on such vehicles by law other than upon a sticker affixed to a building, or similar objects, gimmicks, or advertising designed to attract the **public's** attention off-site shall be displayed outdoors, **upon** any buildings, vehicles or wall, other than inside a **window** as may be permitted by the sign Code. Previously Condition No. 17. of Resolution R-89-1444, **Petition** 80-103(E). (CODE ENFORCEMENT)

C. ENVIRONMENTAL

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to Site Plan certification. **(ERM)**
2. Petitioner shall comply with the design requirements of the proposed wellfield protection ordinance applicable to wellfield protection Zone Two. Previously Condition No. 7. of Resolution R-87-225, Petition 80-103(A). (ERM)
3. Petitioner shall **have** a water recycling system for the carwash facility. Previously Condition No. 8. of Resolution R-87-225, Petition 80-103(A). (ERM)

4. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation **(FDER)** and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. Previously Condition No. 3. of Resolution R-88-1212, Petition 80-103(B). (ERM)

5. Previous Condition No. 9. of Resolution R-89-910, Petition 80-103(D) which states:

Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation **(FDER)** and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.

Is hereby deleted [Reason: Duplicate condition]

6. Previous Condition No. 7. of Resolution R-89-1444, Petition 80-103(E) which states:

Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited **unless** adequate pretreatment facilities approved by the **Florida** Department of Environmental Regulation **(FDER)** and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent,

Is hereby deleted [Reason: Duplicate condition]

7. Previous Condition No. 6. of Resolution R-89-333, ~~Petition 80-103(C)~~ which states:

Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited **unless** adequate pretreatment facilities approved by the **Florida** Department of Environmental Regulation **(FDER)** and **Agency** responsible for sewage works are constructed and **used** by project tenants or owners generating such effluent,,

Is hereby deleted [Reason: Duplicate condition]

8. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. Previously Condition No. 10. of Resolution R-89-1444, Petition **80-103 (E) . (ERM/SWA)**
9. There is a potential for restricted materials to be stored **onsite** including petroleum products and solvents. An Affidavit of Notification must be executed **and** the petitioner shall perform all necessary preventative measures to reduce the chances of contamination **of** the wellfield. It is recommended that double walled tanks and piping be included as part of those measures. Previously Condition No. 11. of Resolution R-89-1444, **Petition 80-103(E) . (ERM)**

D. HEALTH

1. Since sewer service is available to the property, **septic** tank shall not be approved **for** use on said **property**. Previously condition No. 4. of Resolution R-88,-1212, Petition **80-103(B) . (HEALTH)**
2. Since water service is available to the property, a well shall not be approved for use on said **property**. Previously Condition No. 5. of Resolution R-88.-1212, Petition 80-103(B) (HEALTH)
3. Previous Condition No. 7. of Resolution **R-89-333**, Petition 80-103(C) which states:  
  
Because sewer service is available to the **property**, septic tank shall not be approved for use on said property.  
  
Is hereby deleted: [Reason: Duplicate condition]
4. Previous Condition No. 8. of Resolution R-851-333, Petition 80-103(C) which states:  
  
Because water service is available to the property, a well shall not be approved for potable water use.  
  
Is hereby deleted: [Reason: Duplicate condition]
5. Previous Condition No. 10. of Resolution R-85-910, Petition 80-103(D) which states:  
  
Sewer service is available to the property. **Therefore**, no septic tank shall be permitted on the site.  
  
Is hereby deleted: [Reason: Duplicate condition]
6. Previous Condition No. 11. of Resolution R-89-910, Petition 80-103(D) which states:  
  
Water service is available to the property. **Therefore**, no well shall be permitted on the site to provide **potable** water.  
  
Is hereby deleted: [Reason: Duplicate condition]
7. Previous Condition No. 8. of Resolution R-89-1444, Petition 80-103(E) which states:  
  
Sewer service is available to the property. **Therefore**, no septic **tank** shall be permitted on the site.  
  
Is hereby deleted: [Reason: Duplicate condition]

R94 502 J

8. Previous Condition No. 9. of Resolution R-89-1444, Petition 80-103(E) which states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted: [Reason: Duplicate condition]

E. ENGINEERING

1. 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 as a day care use to be paid at the time of the Building Permit presently is \$17,270 (314 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. 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 \$27,031.00 (1,009 trips x \$26.79 per trip). Previously Condition No. 3. of Resolution R-87-225, Petition 80-103(A). (IMPACT FEE COORDINATOR).
3. If the "Fair Share Contribution for Road Improvtments Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$6,758.00 shall be credited toward the increased Fair Share Fee. Previously Condition No. 5. of Resolution R-87-225, Petition 80-103(A). (IMPACT FEE COORDINATOR).
4. Based on the Traffia Performance standards (Category "B"), the developer shall aontribute an additional \$6,758.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$33,789.00 to be paid prior to the issuance of the first building permit or prior to certification of the Raster Plan, or prior to October 1, 1987 whichever shall first caaur. Previously Condition No. 6. of Resolution R-88-1212, Petition 80-103(B). (IMPACT FEE COORDINATOR).
5. 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 \$12,163.00 (454 trips X \$26.79 per trip). Previously Condition No. 12. of Resolution R-89-333, Petition 80-103(C). (IMPACT FEE COORDINATOR).
6. 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 the proposed 6,420 square feet addition presently is \$7,903.00 (295 trips x \$26.79 per trip). Previously Condition No. 8. of Resolution R-89-910, Petition 80-103(D). (IMPACT FEE COORDINATOR).
7. The petitioner 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 \$13,342.00 (498 trips x \$26.79 per trip). Previously Condition No. 14. of Resolution R-89-1444, Petition 80-103(E). (IMPACT FEE COORDINATOR).

R94 502 J

a. The developer shall retain 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** three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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**. Previously Condition No. 9. of Resolution R-89-333, Petition 80-103(C). (ENGINEERING)

9. Previous Condition No. 5. of Resolution R-89-910, Petition 80-103(D) which states:

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. 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.

Is hereby deleted. [Reason: Duplicate condition]

10. Previous Condition No. 2. of Resolution R-85-225, Petition 80-103(A) which states:

The development shall retain the stormwater runoff in accordance with all applicable agency **requirements** in effect at the time of permit application, but as a minimum, the development shall retain **onsite 85%** of the stormwater runoff generated by a three (3) **year-one** hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained **in** an acceptable condition per the County Engineer's approval.

Is hereby deleted. [Reason: Duplicate condition]

11. Previous Condition No. 12. of Resolution R-89-1444, Petition 80-103(E) which states:

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.

Is hereby deleted. [Reason: Duplicate condition]

R94 502

12. The developer shall design the drainage system **such** that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the **proposed** site. Previously Condition No. 7. of Resolution R-88-1212, Petition 80-103(R). (ENGINEERING)
13. Previous Condition No. 10. of Resolution R-85-333, Petition **80-103(C)** which states:
- The developer shall design the drainage system **such**, that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
- Is hereby deleted. [Reason: Duplicate condition]
14. Previous Condition No. 7. of Resolution R-89-910, Petition 80-103(D) which states:
- The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste **from** the proposed site.
- Is hereby deleted. [Reason: Duplicate condition]
15. Previous Condition No. 13. of Resolution R-89-1444, Petition 80-103(E) which states:
- The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from **stormwater** runoff from the remainder of the site.
- Is hereby deleted. [Reason: Duplicate condition]
16. 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 **S.W.** 19th Street, 60 feet from centerline free of all encumbrances and **encroachments**. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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**. Previously Condition No. 6. of Resolution R-89-910, Petition 80-103(D). (ENGINEERING)
17. Previous Condition No. 11. of Resolution R-89-333, Petition 80-103(C) which states:
- The property owner shall convey to Palm Beach **County** by road right-of-way warranty deed for S.W. 19th **Street** (S.W. 18th Street) 60 feet **from** centerline free of all encumbrances and encroachments. Petitioner shall **provide** Palm Beach County with sufficient **documentation** acceptable to the Land Acquisition Division to **ensure** that the property is free of all encumbrances and **encroachments**.
- Is hereby deleted. [Reason: Duplicate condition]
18. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet **in** width, lying east **of** and parallel and/or concentric with the existing east **top of** bank for the required right-of-way for **Equalizing** Canal No. 1, by Quit Claim Deed or an **Easement** Deed in the form provided by the District within ninety (90) days **of** the approval **of** the Resolution approving this **project**. Previously Condition No. 13. of Resolution R-89-333, Petition **80-103(C)**. (ENGINEERING)

F. MONITORING

1. 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. Previously Condition No. 14. of Resolution R-89-333, Petition 80-103(C). (MONITORING)

2. Previous Condition No. 15. of Resolution R-89-910, Petition 80-103(D) which states:

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 violation of the Palm Beach County Zoning Code.

Is hereby deleted. [Reason: Duplicate condition]

3. Previous Condition No. 18. of Resolution R-89-1444, Petition 80-103(E) which states:

Failure to comply with any conditions of approval 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.

Is hereby deleted. [Reason: Duplicate condition]

R94 502 1

Mary McCarty, Chair  
Ken Foster, Vice Chair  
Karen T. Marcus  
Carol A. Roberts  
Warren H. Newell  
Burt Aaronson  
Maude Ford Lee

Robert Weisman

Department of Planning, Zoning & Building

Kristin K. Garrison, Executive Director



33.

Petition No.: **CA80-103 (F)**  
Petitioner: **Lifecare** Acquisitions Corp.  
**Owner:** Schmier & Feunning  
Agent: **Octavio** Lima  
Telephone: 305-776-5626  
Project Manager: Joseph Verdone, Site Planner II

Property Location: Northeast corner of State Road 7 (US441) and Marina Boulevard,, west of **Edgewood** Parkway, south of Sandalfoot Boulevard (Sandalfoot **Plaza**).

Request: Development Order Amendment (DOA) to allow a day care center (requested use).

PETITION SUMMARY:

Proposed is the addition of a day care center with 175 student; to an existing shopping center. The proposed site **improvements** include the addition of a 12,225 square foot outdoor play area and ten (10) **12'x 20'** drop off spaces. The day care center will be within an existing structure and only interior renovations will be required.

ISSUES SUMMARY:

The petitioner has redesigned the site plan to reflect the required drop off area directly adjacent to the day care facility to **avoid** children crossing internal access isles within the shopping center. Staff has recommended a condition of approval that requires the petitioner to install a concrete wall and/or bollards between the outdoor play area and an adjacent access drive to prevent **potential** vehicular pedestrian conflicts.

Twenty (20) parking spaces will be removed from the rear of the center creating a space for the required outdoor play area. The removal of the twenty parking spaces does not reduce the **number** of provided parking spaces below the minimum requirements of the **UDC**.

The shopping center is developed and landscape buffers are in place. No additional perimeter buffering is required. The site does not directly abut residential **or** incompatible **developments**. However, buffering around the perimeter of the outdoor play area will be required.

The existing traffic generation of the shopping center will increase by 1050 trips. **The engineering** and Public Works Department has determined that no adverse impact from the increase is expected.

R94 502 1

**TABULAR DATA**

	<b>EXISTING</b>	<b>PROPOSED</b>
Property Control Number (s)	00-42-47-30-34- 000-0060	same
Land Use Designation:	Commercial (C/8)	same
Zoning District:	General Commercial (CG)	same
Use:	Planned Commercial Development (PCD)	same + Day Care Center (175 children)
Total Acreage:	35 acres	same
Total Floor Area:	145,454 square feet	same
Total outdoor Play Area:	NA	12,225 square feet
Parking:	593 sp. required 728 sp. provided	625 sp. required 708 sp. provided
Access :	SR7, Edgewood Parkway, Sandalford Blvd.	same

**RECOMMENDATION:**

Staff recommends approval of this petition, subject to 68 conditions as indicated in Exhibit C.

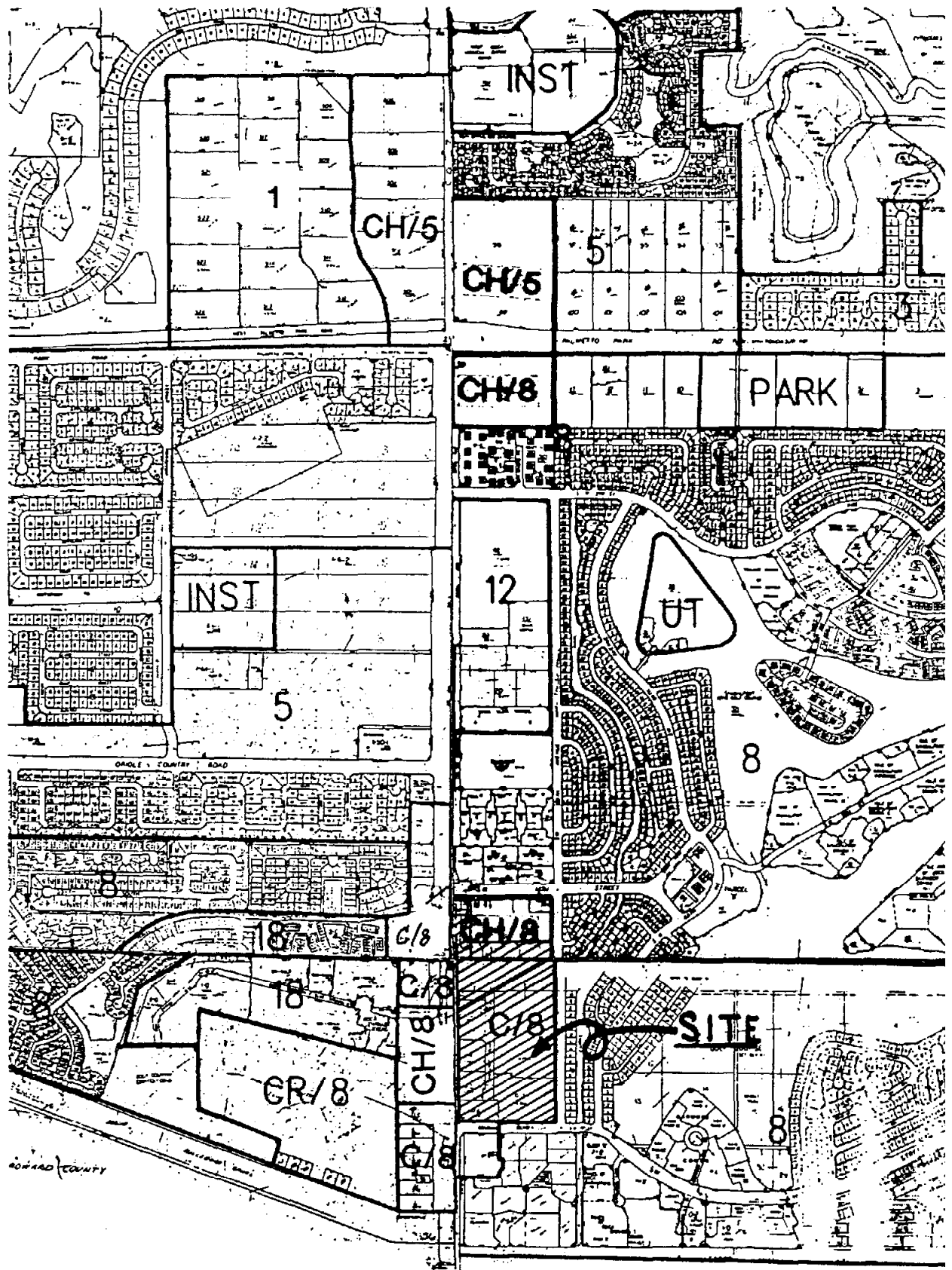
**ACTION BY THE ZONING COMMISSION:**

April 7, 1994: Motion to recommend approval, subject to conditions as amended, carried 7-0.

R94 502



# Site Location and Land Use

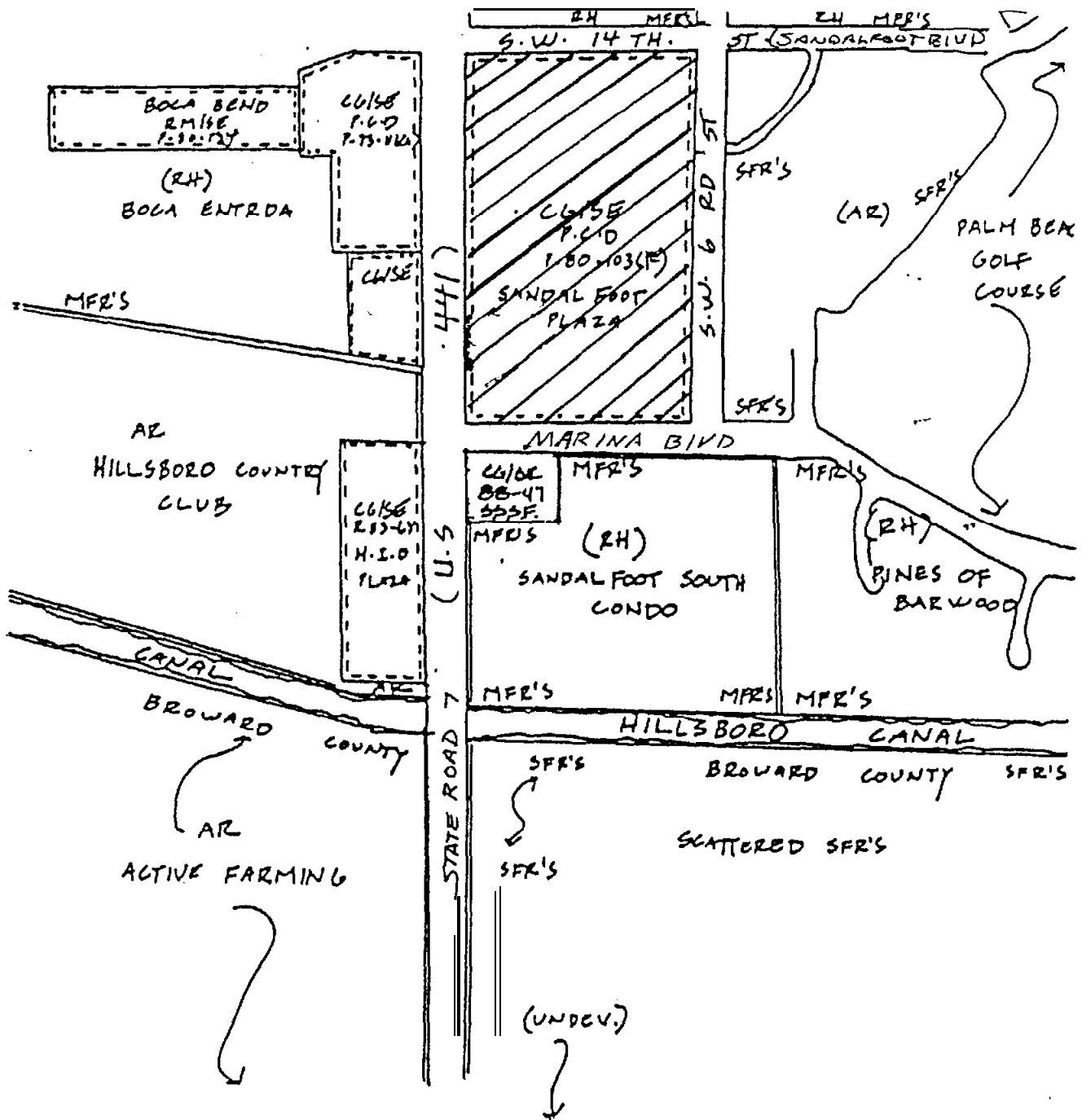


Petition Number: 80-103  
 Land Use Atlas: 113, 114, 116, 117  
 Date: 3-23-94



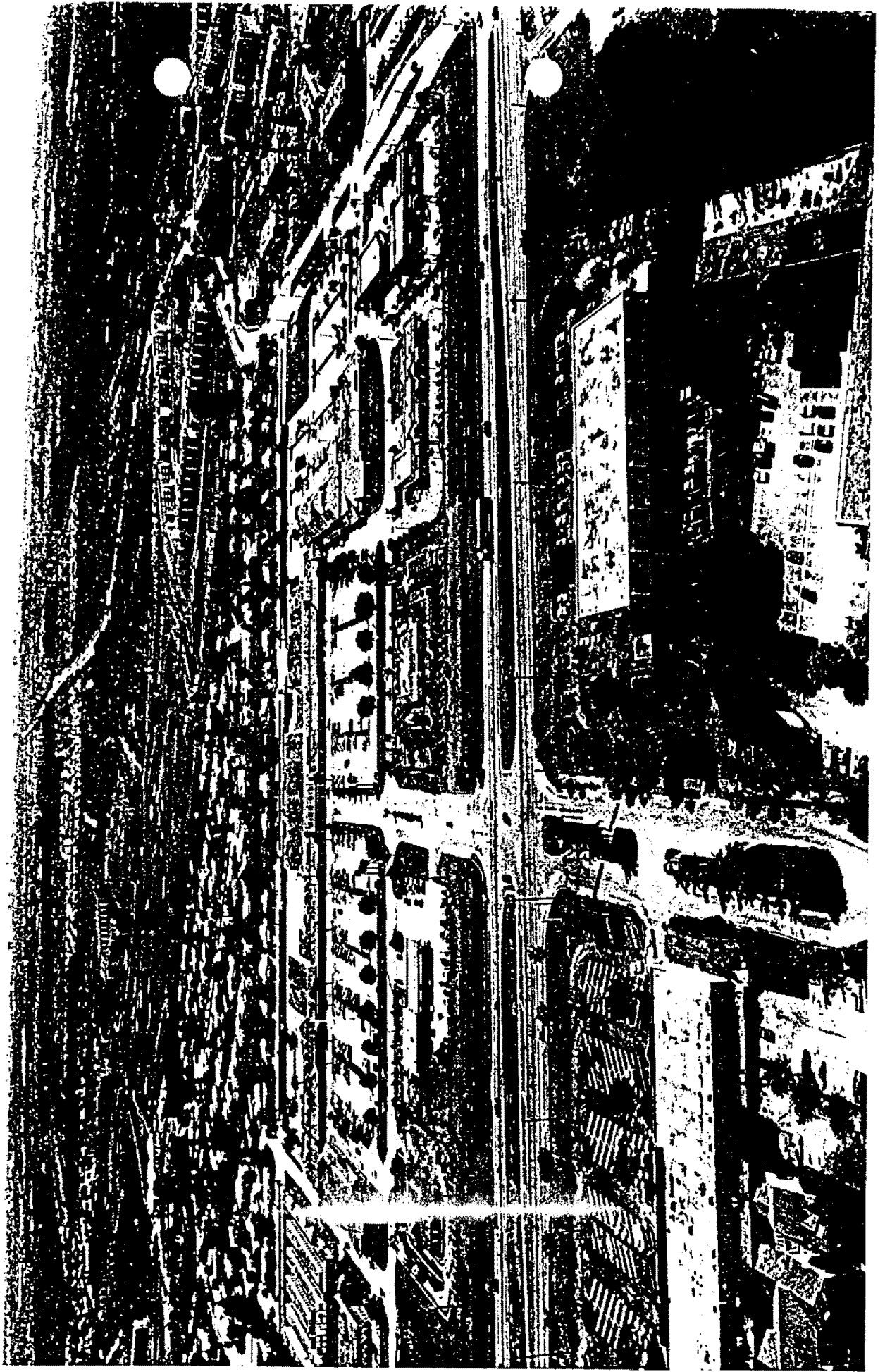
R 9 4 502

EXHIBIT B  
(LOCATION SKETCH)



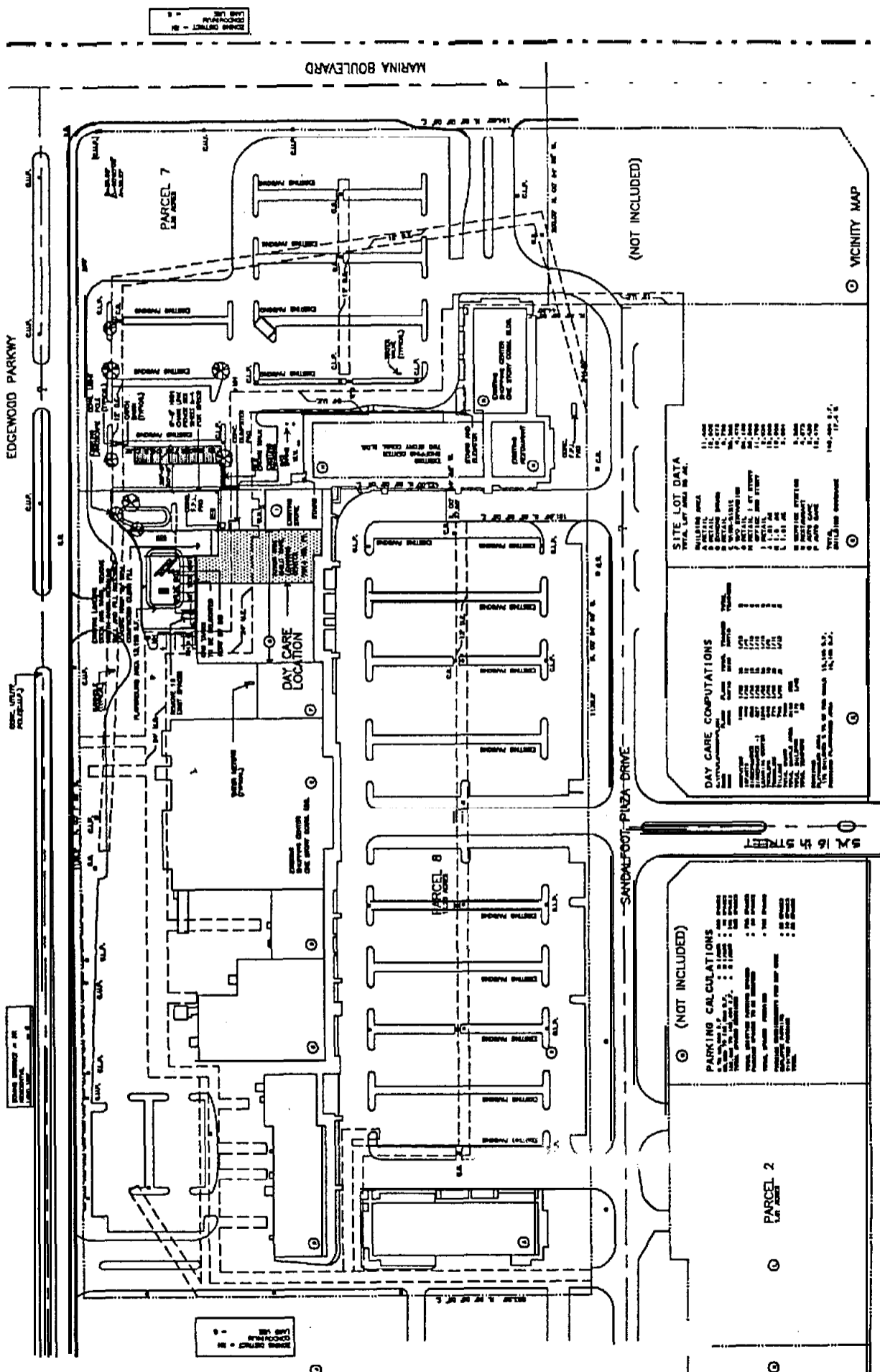
R.94 5021

EASTERN VIEW



R94 502

193



(NOT INCLUDED)

**PARKING CALCULATIONS**

1. 1000 sq. ft. of parking space = 10 cars  
 2. 2000 sq. ft. of parking space = 20 cars  
 3. 3000 sq. ft. of parking space = 30 cars  
 4. 4000 sq. ft. of parking space = 40 cars  
 5. 5000 sq. ft. of parking space = 50 cars  
 6. 6000 sq. ft. of parking space = 60 cars  
 7. 7000 sq. ft. of parking space = 70 cars  
 8. 8000 sq. ft. of parking space = 80 cars  
 9. 9000 sq. ft. of parking space = 90 cars  
 10. 10,000 sq. ft. of parking space = 100 cars

**DAY CARE COMPUTATIONS**

1. 100 sq. ft. of space = 10 children  
 2. 200 sq. ft. of space = 20 children  
 3. 300 sq. ft. of space = 30 children  
 4. 400 sq. ft. of space = 40 children  
 5. 500 sq. ft. of space = 50 children  
 6. 600 sq. ft. of space = 60 children  
 7. 700 sq. ft. of space = 70 children  
 8. 800 sq. ft. of space = 80 children  
 9. 900 sq. ft. of space = 90 children  
 10. 1000 sq. ft. of space = 100 children

**SITE LOT DATA**

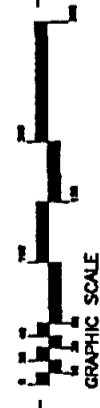
TOTAL LOT AREA: 11,400 sq. ft.

1. 11,400 sq. ft. (100%)  
 2. 11,400 sq. ft. (100%)  
 3. 11,400 sq. ft. (100%)  
 4. 11,400 sq. ft. (100%)  
 5. 11,400 sq. ft. (100%)  
 6. 11,400 sq. ft. (100%)  
 7. 11,400 sq. ft. (100%)  
 8. 11,400 sq. ft. (100%)  
 9. 11,400 sq. ft. (100%)  
 10. 11,400 sq. ft. (100%)

LEGAL DESCRIPTION

ALL RIGHTS RESERVED  
 NO PART OF THIS DOCUMENT  
 MAY BE REPRODUCED OR  
 TRANSMITTED IN ANY FORM  
 OR BY ANY MEANS, ELECTRONIC  
 OR MECHANICAL, INCLUDING  
 PHOTOCOPYING, RECORDING,  
 OR BY ANY INFORMATION  
 STORAGE AND RETRIEVAL  
 SYSTEM, WITHOUT PERMISSION  
 IN WRITING FROM THE  
 AUTHOR.

STATE ROAD No. 7



SITE PLAN

(NOT INCLUDED)

(NOT INCLUDED)

30-1031 DEC 15 1993

R94 502

194

STAFF REVIEW AND ANALYSIS

PLANNING COMMENTS:

LAND USE PLAN DESIGNATION: Commercial High (CH)

Underlying Land Use: High Residential-a (HR8)

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The **Planning** Division staff has reviewed the petition and determined that the development proposal and zoning can be appropriate to this parcel's commercial future land use designation. According to the Palm Beach County Comprehensive Plan, Commercial High uses include a wide variety of service establishments, to **serve** an area greater than the adjacent residential areas (**53-LU**). A day care facility, of this size, can be considered a **service** provided to a community-wide area, thereby qualifying **as** an appropriate use in this shopping center.

COMPATIBILITY WITH SURROUNDING LAND USES: The proposed **use** of the site is compatible with the surrounding land uses.

URBAN SERVICE AREA: The subject property is in the **Urban** Service Area.

FUTURE ANNEXATION AREAS: The subject site is not **within** the City of **Boca Raton** future annexation area.

SPECIAL OVERLAY DISTRICT: None

FINDINGS: The Planning Division has reviewed the **application** and concludes that:

1. This proposal is compatible with the goals, **policies** and objectives of the Palm Beach County Comprehensive **Plan**; and
2. The proposed rezoning is consistent with the Palm **Beach** County Comprehensive Plan.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

- a. Additional traffic from the Day Care is an additional 1050 trips/day.
- c. Required Engineering Related Permits:
  - 1) The property owner shall obtain an **onsite** Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

<u>TRAFFIC:</u>	<u>SR 7</u>	<u>SW 18th</u>
		<u>Street</u>
SEGMENT:	Palmetto Park	SR 7 -
	Road - SW	Lyons Road
		18th
		Street
		t
PRESENT:	30325	10014
HISTORICAL		
GROWTH TRAFFIC:		
OTHER DEVELOPMENT		
TRAFFIC:	--	--
FROM PETITION:	420	315
TOTAL:	30745	10329

PRESENT CAPACITY AT LEVEL OF SERVICE "D": .	46300	30200
PRESENT LANEAGE:	6 lane	4 lane
EXISTING LEVEL OF SERVICE:	--	--
PROPOSED LEVEL OF SERVICE:	--	--

---

PALM BEACH COUNTY HEALTH UNIT COMMENTS:

SEWER: 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-I.

WATER: 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 ECR-II.

---

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: This property has been previously cleared and only landscape vegetation exists on the site. A 25% set-aside preserve will not be required.

WELLFIELD PROTECTION ZONE: The property is located within a Wellfield Protection Zone # 3. An Affidavit of Notification must be submitted to the Department of Environmental Resources Management prior to Site Plan certification.

SURFACE WATER AND IRRIGATION CONSERVATION CONCERNS: All new installations of automatic irrigation systems shall be equipped with a water sensing device which will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3.

ENVIRONMENTAL IMPACTS: No significant environmental impacts are anticipated.

FINDINGS: The Environmental Resource Management Department has reviewed the application and found the proposed amendment does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

---

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: None anticipated.

PARKS AND RECREATION: None anticipated.

CONCURRENCY: This site has a concurrency reservation for 7,614 sq. ft. existing within shopping center to include day care center (175 students - infants to 5 yrs.). The certificate for case number 93-12-14-001-C expires March 21, 1995.

FINDING: The Concurrency Section has reviewed the application and has found the proposed amendment to be in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

ZONING EVALUATION:

SITE FACTORS: A 19.22 acres site 1130.5 feet wide with an average depth of 740.0 feet access is by SR7, Edgewood Parkway, and Sandalfoot Boulevard. The site currently supports a Planned Commercial Development (Sandalfoot Plaza).

ADJACENT ZONING AND EXISTING USES:

NORTH: Comprehensive Plan: High Residential (HR8)  
Zoning District: Multi-Family Residential High Density (RH) in part and Multi-Family Residential (Medium Density) (RM) in part  
Supporting: Condo

FAST: Comprehensive Plan: High Residential (HR8)  
Zoning District: Agricultural Residential (AR)  
supporting: Condos, Mobile homes

SOUTH: Comprehensive Plan: High Residential (MR8)  
Zoning District: General Commercial (CG)/SE in part and Multi-Family Residential (High Density) (RH) in part  
Supporting: Condo

WEST: Comprehensive Plan: Commercial (C)  
Zoning District: General Commercial (CG)  
Supporting: Commercial Plaza

SURROUNDING LAND USES: The subject site is located within an existing shopping center that is surrounded on the north, east and south by residential developments separated by roads and State Road 7 to the west.

ZONING REQUIREMENTS: With the conditions of approval, the requested use meets the standards indicated in Section 5.1 of the ULDC. The proposed use is consistent with the requirements of Section 6.8 of the ULDC. Pursuant to Section 5.6 of the ULDC, a final site plan is required to be reviewed and certified by the Development Review Committee (DRC, in order to ensure that the proposed development complies with the ULDC and conditions of approval. The site plan will be reviewed by the DRC for compliance with all applicable sections of the ULDC and conditions of approval.

PROJECT DESIGN\ANALYSIS: The proposed use is located in the rear of the existing shopping center. The center consists of ten (10) structures of which one is free standing with vehicular access on four sides. The total square footage for the center is 145,454 square feet. The petitioner has provided a drop off area that is separated from the primary parking area and is directly adjacent to the pedestrian access (sidewalk) to the day care facility. In addition, a 12,225 square foot outdoor play area has been provided adjacent to the rear access isle of the center. Staff has requested that the access isle and play area be separated by a concrete wall. The day care facility will be located within an existing structure, no other site improvements are proposed.

FINDINGS: The Zoning Division has reviewed the application and found the request to:

Be consistent with the ULDC and with the stated purpose and intent of the ULDC;

R94 502

Be compatible as defined in the ULDC and generally consistent with existing uses and zones surrounding the subject **land**, and is the appropriate zoning district for the land; and,

Result in a logical and orderly development pattern.

---

EXHIBITS

Exhibit A: Legal Description (not included)

Exhibit B: Location Sketch

Exhibit **C**: Conditions of Approval

R94 502



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions (shown in BOLD) have been consolidated as indicated below.

A. GENERAL

1. **Petitioner shall comply with all previous conditions of approval unless expressly modified herein.** Previously Condition No. 6. of Resolution R-87-225, Petitioner 88-139(A). (MONITORING)

2. Condition No. 1. of Resolution R-88-1212, Petitioner 88-139(B) which states:

**The developer shall comply with all previous conditions of approval unless expressly modified herein. Previous**

Is hereby deleted [Reason: Duplicate condition]

3. Previous Condition No. 1. of Resolution R89-333, Petitioner 88-139(C) which states:

The developer shall comply with **all previous conditions** unless expressly modified herein.

Is hereby deleted [Reason: Duplicate condition]

4. Previous Condition No. 1. of Resolution R-89-910, Petitioner 88-139(D) which states:

**The developer shall comply with all previous conditions unless expressly modified herein.**

Is hereby deleted [Reason: Duplicate condition]

5. Previous Condition No. 1. of Resolution R-89-1444, Petitioner 88-139(E) which states:

**The developer shall comply with all previous conditions of approval unless expressly modified herein.**

Is hereby deleted [Reason: Duplicate condition]

6. **Prior to site plan certification, the petitioner shall record a Unity of Title agreement covering the entire site.** Previously Condition No. 4. of Resolution R-89-333, Petitioner 88-139(C). (COUNTY ATTORNEY)

7. **Simultaneously with submittal to the Site Plan Review Committee, the petitioner shall submit, in duplicate, an executed cross access agreement with the overall shopping center.** Previously Condition No. 5. of Resolution R-89-333, Petitioner 88-139(C). (COUNTY ATTORNEY/ENGINEERING)

B. SITE DESIGN

1. To ensure vehicles do not enter the outdoor play area, the petitioner shall, prior to certification of a final site plan by the DRC, **amend the site plan to indicate a solid concrete wall or bollards, with a minimum height of three (3) feet, between the outdoor play area and the adjacent access isle. The wall and/or bollards shall be installed prior to the issuance of the Certificate of Occupancy (C.O.) for the day care center.** (ZONING/BUILDING)

2. The day care facility shall be limited to 175 **students.** (ZONING)

R94 502

3. **Prior to** Site plan certification, the site plan shall be amended to indicate the following:
  - a. **Square** foot **coverage** of the canopy in the site data tabular.
  - b. **A** total interior landscape requirement **in** the site data tabular based on the **number** of parking spaces and the specialized vehicular use area. **Previously** Condition No. 2. of Resolution R-88-1212, Petition **88-139(B)**. (ZONING)
4. Prior to site plan certification, the site plan **shall** be amended to reflect the (1) loading space. **Previously** Condition No. 1. of Resolution R-87-225, Petition 88-139(A). (ZONING)
5. Prior to site plan certification, the site plan **shall** be amended to indicate the following:
  - a. Clearly define five (5) car stacking distance **which** does not interfere with traffic utilizing the site.
  - b. **Access** dimensions to be labeled.
  - c. Identify and label area between parking **adjacent** to structure and eastern property line. **Previously** Condition No. 2. of Resolution R-89-333, Petition **88-139(C)**. (ZONING)
6. No outside storage of disassembled vehicles or parts thereof shall be permitted on site. **Previously** Condition No. 3. of Resolution R-89-333, Petition 88-139(C). (CODE ENFORCEMENT)
7. No off-premise signs shall be permitted on the site. **Previously** Condition No. 15. of Resolution R-89-333, Petition 88-139(C). (CODE ENFORCEMENT)
8. Trees planted in perimeter landscape strips shall be a minimum of ten (10) to twelve (12) feet upon planting. **Previously** Condition No. 16. of Resolution R-89-333, Petition 88-139(C). (ZONING)
9. Maximum height of free standing signs on the site **shall** be twenty-five (25) feet. **Previously** Condition No. 17. of Resolution R-89-333, Petition **88-139(C)**. (BUILDING/ZONING)
10. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. A clearly defined five (5) car stacking **distance** with by pass lane which does not conflict or interfere with other traffic utilizing the **site**;
  - b. Clearly **labelled** access dimensions:
  - c. Required perimeter landscape strips:
  - d. **Required transfer of interior landscaping** from specialized vehicular use areas to the **perimeter** of the site: and
  - e. A clear back up distance for all parking **stalls**. **Previously** Condition No. 2. of Resolution R-89-10, Petition 88-139(D). (ZONING)
11. The petitioner shall relocate all parking stalls **which** conflict with:
  - a. Traffic entering the site at the northeast **corner**; and

R94

502

Page 200

- b. Traffic exiting to the one-way drive in a easterly direction. Previously Condition No. 3, of Resolution R-89-910, Petition 88-133 (D). (ENGINEERING/ZONING)
12. Previous Condition No. 4. of Resolution R-89-910, Petition 88-139(D) which states:
- The site shall be redesigned and building square footage reduced as necessary to accommodate the minimum requirement of the Zoning **Code** and Condition Nos. 2 and 3 above.
- Is hereby deleted [Reason: Required by Code]
13. The petitioner shall relocate the dumpster to an alternative location that allows for the **realignment** of the west to east one-way drive around the stacking **area**. Previously Condition No. 12. of Resolution R-89-910, Petition 88-139(D). (ZONING)
- d** 14. **No** retail sales shall be allowed on site, **except** ancillary to the proposed auto service uses. **Previously** Condition No. 13. of Resolution R-89-910, **Petition** 88-139(D). (ZONING) [NOTE: Auto service station only]
15. Previous Condition No. 14. of Resolution R-89 -910, Petition 88-139(D) which states:
- No off-premise signs shall be permitted on the **site**.
- Is hereby deleted. [Reason duplicate condition]
16. Prior to certification, the site plan shall be amended to indicate the following:
- a. **A** twenty (20) foot wide by seventy (70) foot long landscape area north of the 2,100 square foot car wash. A paved access area for loading and **periodic** maintenance is allowed;
  - b. Seven (7) foot wide sidewalk along the **eastern** facade as indicated on Exhibit 141;
  - c. Thirty (30) foot dimension between the **westernmost** parking spaces and the five (5) foot wide **sidewalk**;
  - d. Location of vacuum stations associated with **the** car wash;
  - e. Directional **signage** and pavement striping for all stacking areas;
  - f. Required handicap spaces adjacent to the **seven** (7) foot wide sidewalk;
  - g. Pavement markings identifying the six- **(6)** easternmost parking spaces as **"car wash only"** detail areas for drying, polishing, waxing, **etc.**; and,
  - h. Thirty-four (34) foot **dimension between the** car wash and easternmost **parking** spaces;
  - i. Pedestrian access to the parcel to the south by providing a minimum four (4) foot sidewalk **through** the landscape strips connecting the front of the building; and,

R94 502

- j. All perimeter landscape strips shall be upgraded with mahogany trees twelve (12) feet in height spaced twenty (20) feet on center with a **ledge** thirty-six (36) inches in height and spaced **twenty-four** (24) inches on center. Also trees in **terminal** parking islands shall be upgraded to a **minimum** of twelve (12) feet in height at the **time** of installation. All landscaping shall be **maintained** in a viable healthy condition. **Previously** Condition No. 2. of Resolution R-89-1444, **Petition** 88-139(E). (ZONING)
17. Concurrent with Site Plan submittal, the petitioner shall submit a current, legible overall master site plan, for the Sandalfoot Planned Commercial Development. **Revised** tabular data for all building square footage, **required** parking and landscaping shall be keyed to the **respective** outparcels and the overall center. This tabular data shall be subject to final approval by the **Zoning** Division. **Previously** Condition No. 3. of Resolution R-89-1444, **Petition** 88-139(E). (ZONING)
- 1a. use of the subject sub parcel shall be limited to:
- a. 2,100 square foot car wash:
- b. 1,440 square foot oil/lube facility; and,
- c. 2,880 square feet of retail and/or consumer **uses** as outlined in the traffic report and approved **by** the County Engineer. **Previously** Condition No. 4. of Resolution R-89-1444, **Petition** 88-139(E). (ZONING)  
[Note: Auto service station only]
19. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No **parking** of vehicles is to be allowed in landscaped areas, **rights-of-way** or interior drives. **Previously** Condition No. 5. of Resolution R-89-1444, **Petition** 88-139(E). (CODE ENFORCEMENT)
20. No outside storage **of** disassembled vehicles or **parts** thereof shall be permitted on site. **Previously** Condition No. 6. of Resolution R-89-1444, **Petition** 88-139(E). (CODE ENFORCEMENT)
21. The western facade of the buildings shall be **given** architectural treatment consistent with the front **facade**. **Previously** Condition No. 15. of Resolution R-89-1444, **Petition** 88-139(E). (ZONING/BUILDING)
22. Prior to site plan certification, the petitioner shall submit a master **signage** program to consist of **uniform** color and character in keeping with the **architecture** character of the building. **Previously** Condition No. 16. Of Resolution R-89-1444, **Petition** 88-139(E). (ZONING)
23. No advertising flags, foreign ~~flags~~ **streamers**, balloons, signs upon any vehicles, **prices** or vehicle stock numbers or other information as **required** to be posted on such vehicles by law other than upon a sticker affixed to a building, or similar objects, gimmicks, or advertising designed to attract the **public's** attention off-site shall be displayed outdoors, upon any buildings, vehicles or wall, other than inside a **window** as may be permitted by the Sign code. **Previously** Condition No. 17. of Resolution R-89-1444, **Petition** 88-139(E). (CODE ENFORCEMENT)

R94 502

C. ENVIRONMENTAL

1. A Wellfield Affidavit of Notification shall be **submitted** to the Department of Environmental Resources **Management** prior to Site Plan certification. (ERM)
2. Petitioner shall comply with the design **requirements** of the proposed wellfield protection ordinance **applicable** to wellfield protection Zone Two. Previously Condition No. 7. of Resolution R-87-225, Petition 88-139(A). (ERM)
3. Petitioner shall have a water recycling system for the carwash facility. Previously Condition No. 8. of Resolution R-87-225, Petition 88-139(A). (ERM)
4. Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and **used** by project tenants or owners generating such effluent. Previously Condition No. 3. of Resolution R-88-1212, Petition 88-139(B). (ERM)
5. Previous Condition No. 9. of Resolution R-89-910, Petition 88-139(D) which states:  
  
Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the **Florida** Department of Environmental Regulation (**FDER**) and **Agency** responsible for sewage works are constructed and used by project tenants or owners generating such effluent.  
  
Is hereby deleted [Reason: Duplicate condition]
6. Previous Condition No. 7. of Resolution R-89-1444, Petition 88-139(E) which states:  
  
Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited **unless** adequate pretreatment facilities approved by the **Florida** Department of Environmental Regulation (FDER) and **Agency** responsible for sewage works are constructed and **used** by project tenants or owners generating such effluent  
  
Is hereby deleted [Reason: Duplicate condition]
7. Previous Condition No. 6. of Resolution R-89-333, Petition 88-139(C) which states:  
  
Generation and disposal of hazardous effluent into sanitary sewerage system shall be prohibited **unless** adequate pretreatment facilities approved by the **Florida** Department of Environmental Regulation (FDER) and **Agency** responsible for sewage works are constructed and **used** by project tenants or owners generating such effluent,  
  
Is hereby deleted [Reason: Duplicate condition]
8. The owner, occupant or tenant of the facility Shall participate in an oil recycling program which **insures** proper re-use or disposal of **waste oil**. Previously Condition No. 10. of Resolution R-89-1444, Petition **88-139 (E)**. (ERM/SWA)
9. There is a potential for restricted materials to be stored **onsite** including petroleum products and solvents. An Affidavit of Notification must be executed and the petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the wellfield. It is **recommended** that double walled **tanks** and piping be included as part of those measures. Previously Condition No. 11. of Resolution R-89-1444, Petition 88-139(E). (ERM)

D. HEALTH

1. **Since sewer service is available to the property, septic tank shall not be approved for use on said property.** Previously Condition No. 4. of Resolution R-88-1212, Petition 88-139(B). (HEALTH)

2. **Since water service is available to the property, a well shall not be approved for use on said property.** Previously Condition No. 5. of Resolution R-88-1212, Petition 88-139(B) (HEALTH)

3. Previous Condition No. 7. of Resolution R-89-333, Petition 88-139(C) which states:

**Because sewer service is available to the property, septic tank shall not be approved for use on said property.**

Is hereby deleted: [Reason: Duplicate condition]

4. Previous Condition No. 8. of Resolution R-89-333, Petition 88-139(C) which states:

**Because water service is available to the property, a well shall not be approved for potable water use.**

Is hereby deleted: [Reason: Duplicate condition]

5. Previous Condition No. 10. of Resolution R-89-910, Petition 88-139(D) which states:

**Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.**

Is hereby deleted: [Reason: Duplicate condition]

6. Previous Condition No. 11. of Resolution R-89-910, Petition 88-139(D) which states:

**Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.**

Is hereby deleted: [Reason: Duplicate condition]

7. Previous Condition No. 8. of Resolution R-89-1444, Petition 88-139(E) which states:

**Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.**

Is hereby deleted: [Reason: Duplicate condition]

8. Previous Condition No. 9. of Resolution R-89-1144, Petition 88-139(E) which states:

**Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.**

Is hereby deleted: [Reason: Duplicate condition]

E. ENGINEERING

1. 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 at the time of the Building Permit presently is \$57,750 (1050 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

2. 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 **\$27,031.00** (1,009 trips x \$26.79 per trip). Previously Condition No. 3. of Resolution R-87-225, Petition 88-139(A). (IMPACT FEE COORDINATOR).
3. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$6,758.00** shall be credited toward the increased Fair Share Fee. Previously Condition No. 5. of Resolution R-87-225, Petition 88-139(A). (IMPACT FEE COORDINATOR).
4. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional **\$6,758.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **\$33,789.00** to be paid prior to the issuance of the first building permit or prior to certification of the Master Plan, or prior to October 1, 1987 whichever shall first occur. Previously Condition No. 6. of Resolution R-88-1212, Petition 88-139(B). (IMPACT FEE COORDINATOR).
5. 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 **\$12,163.00** (454 trips X \$26.79 per trip). Previously Condition No. 12. of Resolution R-89-333, Petition 88-139(C). (IMPACT FEE COORDINATOR).
6. 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 the proposed 6,420 square feet addition presently is **\$7,903.00** (295 trips X \$26.79 per trip). Previously Condition No. 8. of Resolution R-89-910, Petition 88-139(D). (IMPACT FEE COORDINATOR).
7. The petitioner 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 **\$13,342.00** (498 trips X \$26.79 per trip). Previously Condition No. 14. of Resolution R-89-1444, Petition 88-139(E). (IMPACT FEE COORDINATOR).
8. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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. Previously Condition No. 9. of Resolution R-89-333, Petition 88-139(C). (ENGINEERING)

R 94 502

9. Previous Condition No. 5. of Resolution R-89.910, Petition **88-139(D)** which states:

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. 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**.

Is hereby deleted. [Reason: Duplicate condition]

10. Previous Condition No. 2. of Resolution R-87-225, Petition 88-139(A) which states:

The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.

Is hereby deleted. [Reason: Duplicate condition]

11. Previous Condition No. 12. of Resolution R-89-1444, Petition 88-139(E) which states:

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.

Is hereby deleted. [Reason: Duplicate condition]

12. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. Previously Condition No. 7. of Resolution R-38-1212, Petition 88-139(B). (**ENGINEERING**)

13. Previous Condition No. 10. of Resolution R-89-333, Petition 88-139(C) which states:

The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

Is hereby deleted. [Reason: Duplicate condition]



14. Previous Condition No. 7. of Resolution R-89-910, Petition 88-139(D) which states:

The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.

Is hereby deleted. [Reason: Duplicate condition:

15. Previous Condition No. 13. of Resolution R-89-1444, Petition 88-139(E) which states:

The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.

Is hereby deleted. [Reason: Duplicate condition]

16. 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 S.W. 19th Street, 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. Previously Condition No. 6. of Resolution R-89-,310, Petition 88-139(D). (ENGINEERING)

17. Previous Condition No. 11. of Resolution R-89-333, Petition 88-139(C) which states:

The property owner shall convey to Palm Beach County by road right-of-way warranty deed for S.W. 19th Street (S.W. 18th street) 60 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.

Is hereby deleted. [Reason: Duplicate condition]

18. The petitioner shall convey to the Lake Worth Drainage District an easement 20 feet in width, lying east of and parallel and/or concentric with the existing east top of bank for the required right-of-way for Equalizing Canal No. 1, by Quit Claim Deed or an Easement Deed in the form provided by the District within ninety (90) days of the approval of the Resolution approving this project. Previously Condition No. 13. of Resolution R-89-233, Petition 88-139(C). (ENGINEERING)

F. MONITORING

1. 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. Previously Condition No. 14. of Resolution R-89-333, Petition 88-139(C). (MONITORING)

R94 502

2. Previous Condition No. 15. of Resolution R-89-910, Petition 88-139(D) which states:

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 violation of the Palm Beach County Zoning Code.

Is hereby deleted. [Reason: Duplicate condition

3. Previous Condition No. 18. of Resolution R-89-1.444, Petition 88-139(E) which states:

Failure to comply with any conditions of **approval** 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.

Is hereby deleted. [Reason: Duplicate condition]

R94 502