

RESOLUTION APPROVING ZONING PETITION EAC84-152(D)  
REQUESTED (R) USE  
PETITION OF SHOPPES ON 18TH STREET, INC.

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 Unified 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **EAC84-152(D)** was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; 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 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Unified 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 Unified 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 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 EAC84-152(D), the petition of Shoppes on 18th Street, Inc., for a REQUESTED USE allowing a fitness center in the Agricultural Residential (AR) 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 January 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of January, 1995.

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

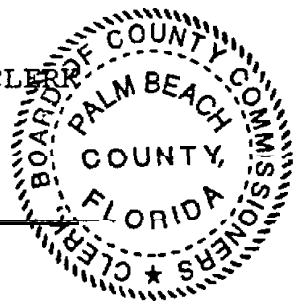


EXHIBIT A  
LEGAL DESCRIPTION

**THE SHOPPES AT VILLAGE POINTE**

Legal Description

**TRACT 77, "BOCA DEL MAR NO. 8"**, according to the **Plat** thereof, as recorded in Plat Book 30, Pages 238 through 240 of the Public Records of **Palm** Beach County, Florida

Said lands lying in Palm Beach County, Florida.

Subject to Easements, Restrictions, Reservations, 'Covenants, and Rights-of-Way of Record.



EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. Condition A.1, Petition 84-152(C) of Resolution R-91-1466, which currently states:

The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-288 and R-91-1466, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines **previously** established by Section 5.8 of the ULDC, unless expressly modified. (MONITORING)

Note : Resolution R-87-1111 [Petition **84-752(A)**] and Resolution R-88-1539 [Petition **84-152(B)**] are request specific to other parcels not a subject of this petition. Conditions of approval contained in Resolution R-87-1111 and R-88-1539, therefore, are not consolidated herein. (MONITORING)

2. -Condition A.2, Petition 84-152(C) of Resolution R-91-1466, which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

Is hereby deleted. [REASON: code requirement]

3. Condition A.3, Petition 84-152(C) of Resolution R-91-1466, which currently states:

Development of the site is limited to the uses and site design shown on the site plans approved by the Board of County Commissioners (Exhibits No. 132 & 133). **Any** modifications must be approved by the Board of **Ccounty** Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.

Is hereby deleted. [REASON: no longer required]

B. DAY CARE

1. Total gross floor area of the day care center shall be limited to a maximum of 3,975 square feet. (**Previcusly** Condition B.1, Petition 84-152(C) of Resolution F-91-1466) (ZONING)
2. The day care center shall be limited to a maximum of 85 students. (Previously Condition B.2, Petition **84-152(C)** of Resolution R-91-1466) (ZONING)

3. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. (Previously Condition B.3, Petition 84-152(C) of Resolution R-91-1466) (ZONING)
4. Landscaping along the perimeter of the outdoor **activity** area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on **center** (except adjacent to the east face of the building) and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. (Previously Condition B.4, Petition 84-152(C) of Resolution R-91-1466) (**ZONING**)
5. The five (5) drop-off stalls shall be a minimum of **twelve** (12) feet wide by twenty (20) feet in length. These stalls shall be marked with above-grade **signage** indicating "**15-minute parking only**" and shall be located at the day care center entrance. (Previously Condition B.5, Petition 84-152(C) of Resolution R-91-1466) (**ZONING**)
6. No school buses or vehicles over 25 feet in length shall be permitted to pick up or deliver children to or from the day care center. (Previously Condition B.6, Petition 84-152(C) of Resolution R-91-1466) (ZONING)
7. Any mechanical equipment in the day care center area shall be screened from view on all sides to a **height** of six feet or the height of the equipment. (Previously Condition B.7, Petition 84-152(C) of Resolution ~~R-91-~~1466) (ZONING)
8. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the day care **center** site plan to reflect conformance to minimum Landscape Code requirements and all **landscape/vegetation** preservation conditions of approval. (Previously Condition B.8, Petition 84-152(C) of **Resolution R-91-1466**) (ZONING)
9. Hours of operation for the day care center shall **commence** no earlier than 7:00 a.m. (Previously Condition B.9, Petition 84-152(C) of Resolution R-91-1466) (**ZONING**)
10. No outdoor playground activity shall occur prior to 9:00 a.m. on weekdays or prior to 10:00 a.m. on weekends. (Previously Condition B.10, Petition 84-152(C) of Resolution R-91-1466) (ZONING)
11. The playground shall be sodded and landscaped with no hard surfaces except for an interior bike path. (Previously Condition B.11, Petition 84-152(C) of Resolution R-91-1466) (ZONING)

C. DUMPSTER

1. No dumpsters shall be located within 50 feet of the day care center outdoor play area. (Previously Condition C.1, Petition 84-152(C) of Resolution R-91-1466) (ZONING/BUILDING)

D. HEALTH

1. Sewer service is available to the property. **Therefore**, no septic tank shall be permitted on the site. (Previously Condition D.1, Petition 84-152(C) of Resolution R-91-1466) (HEALTH)

2. Water service is available to the property. **Therefore**, no well shall be permitted on the site to provide potable water. Previously Condition D.2 Petition 84-152(C) of Resolution R-91-1466) (HEALTH)

E. ENGINEERING

1. 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 on-site 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. Previously Condition E.1 Petition **84-152(C)** of Resolution R-91-1466) may be deleted: Reason code enforcement (ENGINEERING)
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 the proposed day care center at the time of the Building Permit **presently** is **\$6,545.00** (119 trips X \$55.00 per trip). Previously Condition E.2 Petition 84-152(C) of Resolution R-91-1466) (IMPACT FEE COORDINATOR)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available **within** 500 feet of the property, the petitioner shall connect **to** the system. The cost for connection shall be borne **by** the property owner. Previously Condition F.1 **Petition** 84-152(C) of Resolution R-91-1466) (UTILITY)

G. RECYCLE SOLID WASTE

1. The property **owner(s)/lessees** shall participate in a recycling program when available in the area. **Material** to be recycled shall include, but not be limited to, **paper**, plastic, metal and glass products. Previously Condition G.1 Petition 84-152(C) of Resolution R-91-1466) (SWA)

H. COMPLIANCE

1. Condition G.1 Petition 84-152(C) of Resolution R-91-1466, which currently states:

As provided in Zoning Code **Sections** 400.2 and 412.6, failure to comply with **any** of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on **any** building; or structure; or the denial or revocation of **any** permit or approval for **any** **developer-owner, commercial-owner**, lessee, or user of the **subject** property; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform **with** updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to state:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on **any** building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of **any** departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land , Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)