

RESOLUTION NO. R-95- 1723

RESOLUTION APPROVING ZONING PETITION DOA88-104 (A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF LIFETRON, INC.  
BY KIERAN KILDAY, KILDAY & ASSOCIATES, INC., AGENT

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA88-104 (A) was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1995; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment **is** consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA88-104(A) the petition of Lifetron, Inc. by Kieran Kilday, agent, for a Development Order Amendment (DOA) to delete Conditions 1, 2, 3, 4, 7, 8, 9, and 10, of Resolution R-89-1026, add square footage, and add access, to a previously approved planned development on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on December 4, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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


The Chair thereupon declared that the resolution was duly passed and adopted this December 4, 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

DEC 6 1995

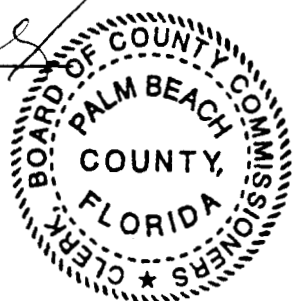


EXHIBIT A  
LEGAL DESCRIPTION

THE SOUTH 327 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 44 SOUTH, RANGE 43 EAST, LESS THE WEST 40 FEET THEREOF FOR ROAD RIGHT OF WAY FOR 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, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND:

A PARCEL OF LAND LYING IN 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, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF KIRK ROAD WITH THE CENTERLINE ~~OF~~ FOREST HILL BOULEVARD; THENCE, SOUTH 88°13'30" EAST, ALONG THE CENTERLINE OF FOREST HILL BOULEVARD, A DISTANCE OF 331.14 FEET; THENCE, NORTH 01°28'54" WEST, A DISTANCE OF 60.10 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FOREST HILL BOULEVARD, AS NOW LAID OUT AND IN USE, AND THE POINT OF BEGINNING;

THENCE, NORTH 88°13'30" WEST, ALONG SAID RIGHT OF WAY LINE AND ALONG A LINE PARALLEL WITH AND 60.00 FEET NORTHERLY ~~OF~~, AS MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF FOREST HILL BOULEVARD, A DISTANCE OF 267.46 FEET; THENCE, NORTH 44°51'12" WEST CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 34.34 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY RIGHT OF WAY LINE OF KIRK ROAD, AS NOW LAID OUT AND IN USE; THENCE, NORTH 01°28'54" WEST, ALONG **SAID** EASTERLY RIGHT OF WAY LINE AND ALONG **A** LINE PARALLEL WITH AND 40.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE CENTERLINE ~~OF~~ KIRK ROAD, A DISTANCE OF 12.02 FEET; THENCE, SOUTH 44°51'12" EAST, A DISTANCE OF 34.34 FEET; THENCE, SOUTH 88°13'30" EAST, ALONG A LINE PARALLEL WITH AND 72.00 FEET NORTHERLY OF, **AS** MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF FOREST HILL BOULEVARD, A DISTANCE OF 267.46 FEET; THENCE, SOUTH 01°28'54" EAST, A DISTANCE ~~OF~~ 12.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.70 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

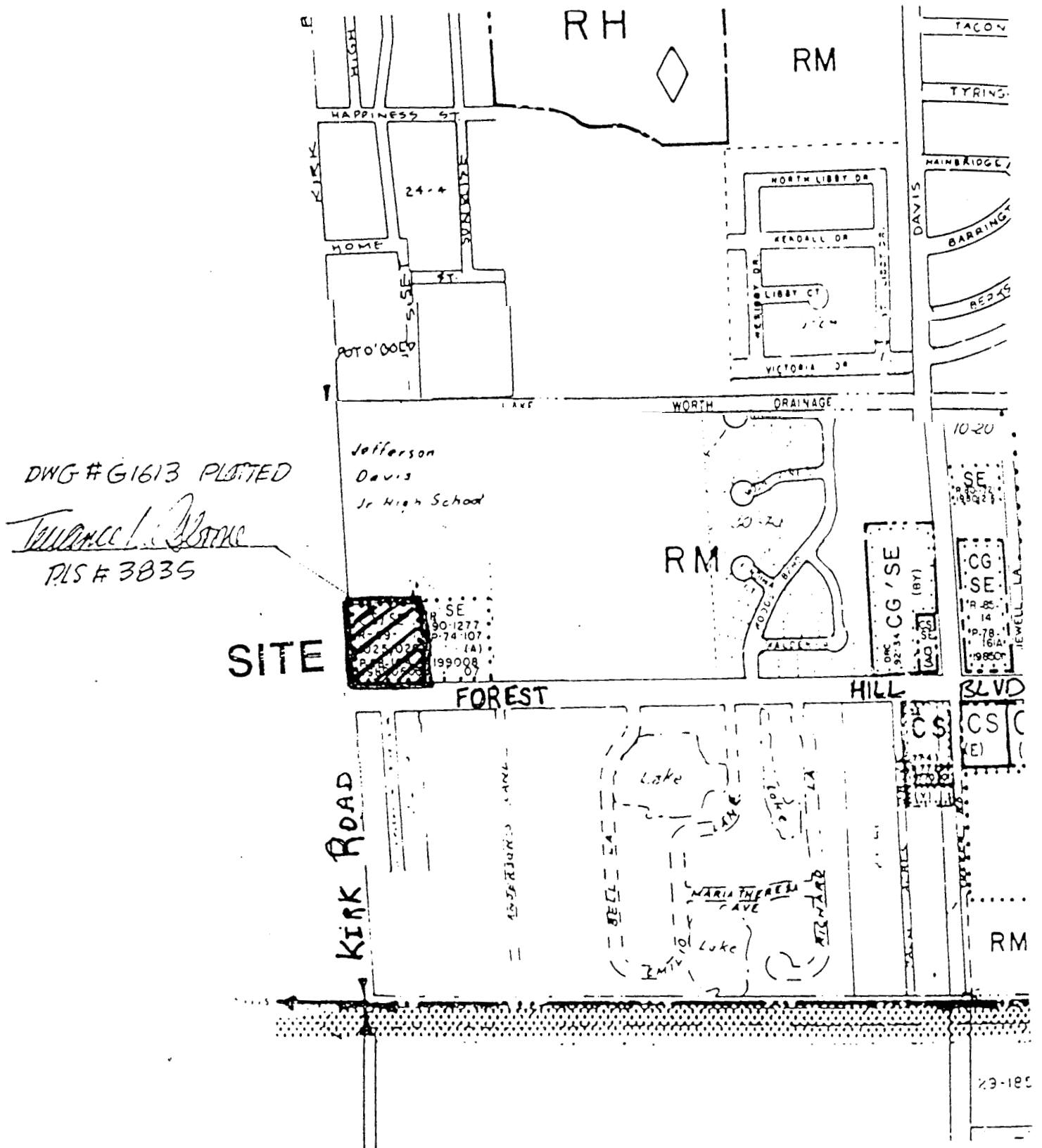


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

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. (Previously Condition 1 of Resolution R-89-1026, Petition 88-104).

2. Condition 2 of Resolution R-89-1026, Petition 88-104, which currently states:

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.

Is hereby deleted: [REASON: Site plan has been amended to reflect these conditions. Condition a.- f. are Code requirements.]

3. Condition 3. of Resolution R-89-1026, Petition 88-104, which currently states:

The site plan shall indicate that future development in the southern portion of the site is subject to future Board of County Commissioners' approval.

Is hereby deleted: [REASON: Current Board of County Commissioner approval is for the southern portion of the property.]

4. Condition 4. of Resolution R-89-1026, Petition 88-104, which currently states:

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).

Is hereby deleted: [REASON: Requirement superseded by new condition.]

5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 5. of Resolution R-89-1026, Petition 88-104).

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. (Previously Condition 6. of Resolution R-89-1026, Petition 88-104).

7. Condition 7. of Resolution R-89-1026, Petition 88-104, which currently states:

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.

[NOTE: Right-of-way has been conveyed.]

8. Condition 8. of Resolution R-89-1026, Petition 88-104, which currently states:

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).

Is hereby deleted: [REASON: Requirement superseded by new condition.]

9. Condition 9. of Resolution R-89-1026, Petition 88-104, which currently states:

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.

[NOTE: Referenced funds have been paid.]

10. Condition 10. of Resolution R-89-1026, Petition 88-104, which currently states:

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.

[NOTE: Requirement superseded by new condition.]

11. Prior to issuance of the first certificate of occupancy for new construction, the six (6) foot high opaque concrete wall along the north and east property line shall be given a finished architectural treatment which is compatible and harmonious with the abutting development. (CO: BUILDING-Zoning)

C. LANDSCAPING - STANDARD

1. All trees required to be planted on site by this approval along Forest Hill Boulevard and Kirk Road shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: ZONING)

D. *SIGNS*

1. The freestanding point of purchase sign fronting Forest Hill Boulevard, adjacent to the driveway entrance to the site, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 90 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (BLDG PERMIT: BUILDING-Zoning)
2. The freestanding point of purchase sign at the intersection of Forest Hill Boulevard and Kirk Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen feet (15) feet;
  - b. Maximum sign face area per side - 130 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - pylon or monument style. (BLDG PERMIT: BUILDING-Zoning)
3. Freestanding point of purchase signs shall not be permitted along Kirk Road. Directional signage fronting Kirk Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - twenty-four (24) square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and
  - e. Location - adjacent to driveway entrance. (BLDG PERMIT: BUILDING-Zoning)

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, Zoning Petition 88-104 (A), which is to be paid at the time of issuance of the first Building Permit presently is \$26,345.00 (479 additional trips X \$55.00 per trip). (BLDG PERMIT: IMPACT FEE COORDINATOR)

F. HEALTH

1. Application and engineering plans to upgrade the existing onsite sewage treatment disposal system (OSTDS), in accordance with chapter D-6 FA and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan certification. (DRC: HEALTH)

G. COMPLIANCE

1. Condition 11 of Resolution R-89-1026, Petition 88-104, which currently 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 violations of the Palm Beach County Zoning Code.**

Is hereby amended to state:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or



- e. Imposition **of** entitlement density **or** intensity.

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