

RESOLUTION NO. R- 89-1040

RESOLUTION APPROVING ZONING PETITION NO. 86-32(F)  
SPECIAL EXCEPTION PETITION OF MARTIN AND ELIZABETH FOY

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

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

WHEREAS, Petition No. 86-32(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 23, 1988; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-32(F) the petition of MARTIN AND ELIZABETH FOY, by Mark S. Gawlas, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN OF WELLINGTON PLANNED UNIT DEVELOPMENT TO PERMIT A DAY CARE CENTER (MAXIMUM 125 CHILDREN, 15 STAFF), on a parcel of land lying on Lots 25, 26 and 27, Block 46, Sugar Pond Manor of Wellington, PUD, as in Section 9, Township 44 South, Range 41 East, Plat Book 30, Pages 20 through 32, inclusive, being located on the northeast corner of the intersection of Hyacinth Place and Wellington Trace, approximately .2 mile east of Lake Worth Road (SR 802), bounded on the north by Sunflower Court, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a) Required drop-off area with adequate stacking and bypass lane;

- b) Six foot high wooden fence around the entire outdoor play area;
  - c) Required perimeter landscape strips which shall include: canopy trees thirty (30) feet on center around the entire perimeter of the site, hedge material twenty-four (24) inches high spaced twenty-four (24) inches on center;
  - d) Required perimeter dimension along Hyacinth Place;
  - e) Dimensions for all required back-up distances; and
  - f) Directional signage.
  - g) The relocation of the 5,000 square foot day care center to accommodate access from Wellington Trace; and,
  - h) Deletion of access off Sunflower Court.
2. Security lighting shall be low intensity and directed away from adjacent properties and streets, shining only on the site and shall not exceed twenty (20) feet in height.
  3. Use of the site shall be limited to a child day care center supporting a maximum of 125 children and 15 staff members.
  4. No outdoor loudspeaker system shall be permitted on-site.
  5. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and located away from the outdoor play area.
  6. The developer shall preserve existing vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pods. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Site Plan Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36. of the Zoning Code during the site development and construction phase.
  7. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow some flexibility in the elimination of parking stalls and subsequent relocation of interior landscape islands which will allow for the preservation of native plant material.
    - a. Prior to Site Plan Review Committee, the petitioner

shall amend the site plan to indicate the location of all preserved vegetation.

9. Prior to Site Plan Review Committee, the petitioner shall amend the site plan to indicate the location of the 4,375 square feet of indoor activity area. The petitioner shall also indicate in a tabular form the spatial requirements for all offices, supply rooms, mechanical rooms, lavatories, hallways, foyers, etc. If the total square footage of these accessory functions exceeds 625 square feet, a subsequent reduction in the student population shall be indicated to support these additional spatial needs.
10. Prior to Site Plan Review Committee approval, the petitioner shall secure the necessary releases from the appropriate utilities to allow for the installation of landscaping in the 12 foot wide easement located around the perimeter of the site.
11. No dumpster pick-up will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. 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.
15. The property owner shall construct a left turn lane, west approach on Wellington Trace at Hyacinth Place concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
16. 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 \$11,225.00 (419 trips X \$26.79 per trip).

17. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 23, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

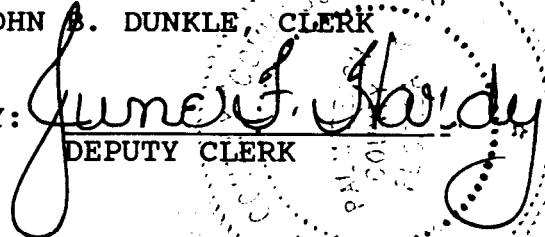
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK

