

RESOLUTION NO. R- 89-1061

RESOLUTION APPROVING ZONING PETITION NO. 77-76(A)  
SPECIAL EXCEPTION PETITION OF RONALD E. AND MADELINE J. REEVES

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. 77-76(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 77-76(A) the petition of RONALD E. AND MADELINE J. REEVES, by John A. Potrekus, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A DAY CARE CENTER (CHILD) PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-76 TO INCREASE THE BUILDING SQUARE FOOTAGE (TO ALLOW A MAXIMUM OF 86 CHILDREN AND 7 EMPLOYEES) on a parcel of land commencing at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 18, Township 44 South, Range 43 East: thence South, a distance of 567 feet to a point: thence East, a distance of 40 feet to the Point of Beginning; thence South, a distance of 109.6 feet to a point: thence East, a distance of 194 feet to a point; thence North 109.6 feet to a point; thence West 194 feet to the Point of Beginning, being located on the northeast corner of the intersection of Kirk Road and Dale Road, in a RM-Multiple Family Residential Zoning

District (Medium Density), was approved as advertised, subject to the following conditions:

1. petitioner shall comply with all conditions of previous approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Required 15 foot side interior setback:
  - b. Required drop-off area that meets the criteria set forth by the Zoning Division:
  - c. Required landscape strips along all property lines;
  - d. Native canopy trees spaced twenty (20) feet on center along all property lines, supplemented with a continuous 24 inch high hedge spaced a maximum of two feet on center:
  - e. All existing slash pines located on site; and
  - f. All existing easements.
3. The petitioner shall install a six (6) foot high solid wood fence along the northern and eastern property lines.
4. Prior to Site Plan Review Committee, the petitioner shall indicate on the site plan the location of all indoor play areas for all existing and proposed structures. These areas shall be clearly delineated and cross referenced to a tabular index that indicates the minimum requirements.
5. Use of the site shall be limited to a child day care center limited to 86 students and 7 teachers.
6. No outdoor loudspeaker system shall be allowed on-site.
7. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-ways, or interior drives.
8. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent residences and shall not exceed twenty (20) feet in height.

9. 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).
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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.
12. 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 Kirk Road, 40 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.
13. The property owner shall fund 100% of the cost in the construction of Dale Road along the project's frontage. Construction of Dale Road is presently included in Palm Beach County's Street Improvement Program.
14. 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 \$1,206.00 (45 trips X \$26.79 per trip).
15. In addition the petitioner shall contribute the amount of \$209.00 as established in Article V Section 3

(Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$209.00 shall be paid prior to the issuance of the first Building Permit.

16. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$209.00 shall be credited toward the increased Fair Share Fee.
17. Access shall be provided onto Dale Road as approved by the County Engineering Department.
18. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 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