

RESOLUTION NO. R-90- 813

RESOLUTION APPROVING ZONING PETITION NO. 83-28(B)
SPECIAL EXCEPTION PETITION OF THE BABCOCK COMPANY

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 have been satisfied; and

WHEREAS, Petition No. 83-28(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 83-28(B), the petition of THE BABCOCK COMPANY, BY DAVID L. CARPENTER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT TO PERMIT A CHILD DAY CARE CENTER (MAXIMUM 80 CHILDREN) WITHIN THE COMMERCIAL TRACT on a parcel of land lying in the "Commercial Area", according to Plat No. 4 Westwood Gardens (a P.U.D.), as recorded in Plat Book 54, Pages 135 through 138. Section 35, Township 41 South, Range 42 East, being located on the South side of Hood Road, approximately .5 mile West of Military Trail (SR 809), in a RS-Single Family Residential Zoning District, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be revised to reflect:
 - A. Five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty feet (20) long (per policy memorandum, daycare centers, July 21, 1989).
 - B. A four (4) foot wide walkway running in front of

the dropoff spaces, connecting to daycare entrance.

- C. A five (5) foot wide landscape buffer along the southern property line with twelve (12) foot native canopy trees, twenty (20) feet on center and a six (6) foot solid wooden fence. The fence shall be placed along the southern edge of this five (5) foot buffer.
2. Hours of operation for this facility shall be limited to 6:00 A.M. to 8:00 P.M.
3. Site lighting for this facility shall be no greater than twelve (12) feet in height and directed away from surrounding residences.
4. This facility shall be limited to a maximum of eighty (80) children.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. 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.
8. 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 facility presently is \$770.00 (14 trips X \$55.00 per trip).
9. 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.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Richard A. O'Neil
COUNTY ATTORNEY

BY:

Harold L. ...
DEPUTY CLERK