

RESOLUTION NO. R-90- 855

RESOLUTION APPROVING ZONING PETITION NO. **89-130**
SPECIAL EXCEPTION PETITION OF JAMES AND JAN NORRISH
BY KIERAN J. KILDAY, AGENT

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. 89-130 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 28, 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. 89-130, the petition of JAMES AND JAN NORRISH, BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM 99 CHILDREN) on a parcel of land lying in Parcel 19: The East 200.00 feet of the West 425.00 feet of the North 221.00 feet of the South 281.00 feet of the Southwest 1/4 of the Northwest 1/4 of Section 35, Township 40 South, Range 42 East recorded in Official Record Book 2057, Pages 1386 and 1387. Subject to an easement for road purposes over and across the South 60.00 feet thereof; TOGETHER WITH an easement for road purposes over and across the South 60.00 feet of the West 825.00 feet of the Southwest 1/4 of the Northwest 1/4 of Section 35; Subject to an easement for public utilities over the North 6.00 feet of the parcels described herein, and being located on the North side of Roebuck Road, approximately .1 mile West of Loxahatchee River Road in a RTS-Residential Transitional Suburban Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the site plan shall be amended to indicate:

- a. Alternative landscape strip number 3 shall be provided along the north, east and west property lines. This buffer shall include ten (10) foot canopy trees, twenty (20) feet on center. All native vegetation in this strip shall be preserved. When existing vegetation does not provide a 36" landscape barrier, additional native materials shall be provided to achieve this requirement.
 - b. All native vegetation shall be preserved within the required fifteen (15) foot landscape buffer.
2. A tree survey shall be submitted with the Site Plan Review Committee application. This survey shall be prepared at the same scale as the site plan.
3. No vegetation removal permit shall be issued until a site inspection has taken place. At the time of inspection, areas of clearing shall be delineated and protective barriers in place.
4. The day care center shall be limited to a maximum of 5,150 square feet in building area, 25 feet in height and a maximum total student population of 99.
5. Security lighting shall be low intensity and directed away from adjacent residential properties with reflective shields.
6. No loud speaker system shall be permitted on site.
7. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and located away from the outdoor play area.
8. Off-premise signs shall not be permitted on site.
9. Hours of operation shall be limited from 6:00 a.m. to 9:00 p.m., Monday through **Saturday**.
10. Point of Purchase signage shall be limited to one (1) 30 square foot, ten (10) foot tall monument type sign.
11. A plan to address the on-site Gopher Tortoise population shall be submitted to the Dept. of Environmental Resources Management for approval prior to site plan certification.
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. Prior to July 1, 1990 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County **Land** Development Division by road right-of-way warranty deed for Roebuck Road, 60 feet from centerline free of all encumbrances and encroachments. Property owner 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.
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 \$16,500.00 (300 trips X \$55.00 per trip).
17. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
18. Play area shall be enclosed with a six (6) foot tall chainlink fence.
19. 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: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK