

RESOLUTION NO. R-90- 1431

RESOLUTION APPROVING ZONING PETITION NO. 79-134(A)
SPECIAL EXCEPTION PETITION OF
FLORIDA CHILDCARE PROPERTIES, I, L.C.

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. 79-134(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; 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. 79-134(A), the petition of FLORIDA CHILDCARE PROPERTIES I, L.C., BY LEE STARKEY, for a SPECIAL EXCEPTION to AMEND THE SITE PLAN FOR A DAY CARE CENTER; INCREASE THE CAPACITY TO 134 CHILDREN, on a parcel of land being a portion of Tract 57, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, No. 2, recorded in Plat Book 1, Page 102. Commencing at the Southeast corner of Section 25, Township 47 South, Range 41 East; thence Northerly along the East line of said Section 25, a distance of 330.00 feet; thence Westerly along a line which forms an angle of 89 degrees 32'26" to the left, with a prolongation of last described course, a distance of 1652.32 feet to a point on the North line of said Tract 57 and the POINT OF BEGINNING; thence Southerly along a line which forms an angle of 90 degrees 34'00" to the left with a prolongation of last described course, a distance of 315.17 feet to a point on the South line of said Tract 57; thence Westerly along the South line of said Tract 57 which forms an included angle of 89 degrees 26'30" with last described course, a distance of 188.21 feet; thence Northerly along a line which forms an included angle of 90 degrees 33'30" with last described course, a distance of 315.19 feet to a point on the North line of said Tract 57; thence Easterly along the North line of said Tract 57, a distance of 138.21 feet to the POINT OF BEGINNING and being located on the south side of 229th Place, bound on the South by 230th Street south, approximately .3 Mile West of U.S. 441 in the RM-MULTIPLE FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY) was approved on May 2, 1990, as advertised, subject to the following conditions:

1. Prior to Site Plan Review submittal, the site plan shall indicate the following:
 - a. The dimensions of the perimeter landscape strips on east and west sides of the parking (minimum 5 foot).
 - b. The exit driveway (minimum 15').
 - c. Landscaping on all sides shall be upgraded to include canopy trees a minimum of twelve (12) feet high and spaced twenty (20) feet on center.
 - d. The landscape strip along Sandalfoot Boulevard West shall include a native hedge, thirty-six (36) inches high, spaced twenty-four (24) inches on center and an additional palm tree, a minimum of twelve (12) feet high, spaced thirty (30) feet on center. The hedge and trees shall be installed on the exterior side of the proposed wooden fence.
 - e. The lot coverage shall be included in the tabular data on the site plan.
 - f. The parking information in the tabular data shall be revised to reflect a total of twenty (20) parking spaces.
 - g. A sidewalk, minimum four (4) feet wide, shall be provided joining the two buildings as well as the building with the adjacent parking stalls.
 - h. The trash receptacle shall be provided on **the** site, completely screened by a 6 foot high solid wood fence.
 - i. Landscaping within the outdoor activity area shall be placed on the interior side **of** the required fence.
2. Use of the site shall be limited to 134 children only.
3. The petitioner shall install adequate signage at both entrances and on the site that clearly indicates the direction of traffic flow.
4. **No** outdoor loudspeaker system shall be permitted **on** site.
5. **All** site lighting shall be a maximum of twelve (12) feet high, low intensity, shielded and directed away from surrounding residences.
6. There shall be no outdoor recreation activity after 7:00 p.m.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
- a. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.

10. 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 \$11,220.00 (204 trips X **\$55.00** per trip).
11. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.
12. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. 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; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard 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 28th day of August, 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