

25/40/42

Revoked!

RESOLUTION NO. R-91-263

RESOLUTION APPROVING ZONING PETITION NO. 90-42
SPECIAL EXCEPTION PETITION OF
GEORGE V. AND FLORENCE E. ANDREUCCI
BY WILLIAM M. WINKEL, 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. 90-42 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 27, 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. 90-42, the petition of GEORGE V. AND FLORENCE E. ANDREUCCI, BY WILLIAM M. WINKEL, AGENT, for a SPECIAL EXCEPTION FOR A DAY CARE CENTER (MAXIMUM 45 CHILDREN) on a parcel of land lying in Section 25, Township 40 South, Range 42 East. Starting from a point 420.00 feet east of the northwest corner of the northeast 1/4 of said section 25, running 100.00 feet east; thence 200.00 feet south; thence west 100.00 feet; thence north 200.00 feet to the Point of Beginning and being located on the south side County Line Road, approximately .3 mile west of Seabrook Road, in a RS-Single Family Residential Zoning District, was approved on September 27, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved

by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).

B. ADVERTISING

1. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

C. ANNEXATION

1. The property owner shall voluntarily annex the subject property into the Village of Tequesta at such time the property becomes contiguous to the Village boundaries.

D. DAY CARE

1. The day care center shall be limited to a maximum of 45 students and a total of 2,750 square feet in area. However, total building square footage, including the existing structure, shall not exceed the 2,500 square feet presently approved in the Concurrency Reservation until such time as the petitioner acquires a Concurrency Reservation for an additional 145 square feet.
2. The outdoor recreation area shall be surrounded by a six foot (6') high continuous wooden fence or solid wall along the perimeter of the property.
3. No outdoor loudspeaker system audible off site shall be operated on the site.
4. All buildings, structures and day care facilities shall be physically designed to conform to and be compatible with the general architectural character of a single family residence.

E. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind a CBS enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring opaque gate.

F. ENGINEERING

- El. 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 on site 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.

- E2. Prior to March 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for County Line Road, 40 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.
- E3. 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 at the time of the Building Permit presently is \$10,120 (184 trips X \$55.00 per trip).

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

LANDSCAPE

1. Landscaping shall be upgraded along the perimeter of the property to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center and a thirty-six (36) inch tall continuous opaque hedge along the north, east and west perimeters with the exception of the areas adjacent to the outdoor recreation area.
 - b. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include minimum twelve (12) foot tall native canopy trees placed fifteen (15) feet on center and a thirty-six (36) inch continuous opaque hedge. All landscaping shall be planted on the exterior of the six foot (6') wooden fence or wall.
2. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred fifty (750) square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area.
3. All trees shall be planted in compliance with HRS requirements.

I. LIGHTING

1. outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

J. PRESERVATION

1. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. All oak trees on the site shall either be preserved or relocated into the landscape areas. Clearing of vegetation shall be limited to the building pad areas, retention areas and vehicular use areas. The areas of preservation 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.
2. Prior to Site Plan Review Committee, the petitioner shall submit a Vegetation Preservation Report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit.
3. Prior to Site Plan Review the petitioner shall program a pre-clearing inspection with the Zoning Department to verify and locate the preservation and relocation of the oak trees.

K. RECYCLE SOLID WASTE

1. 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.

L. SIGNS

1. Signs shall be limited as follows:
 - a. only one sign shall be permitted.
 - b. Maximum sign height - six (6) feet.
 - c. Maximum sign area - thirty-five (35) square feet.
 - d. Prior to Site Plan Review Committee approval, a Master Sign Program shall be submitted, which specifies: sign location, sign size, and unified graphics and color.
2. No off-premise signs shall be permitted on site.
3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supercede the sign related conditions of approval.

M. COMPLIANCE

1. 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 Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarthy	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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