

RESOLUTION NO. R-91- 987

RESOLUTION APPROVING ZONING PETITION NO. 87-49(B)
SPECIAL EXCEPTION PETITION OF VANDERGRIFT-WILLIAMS FARMS, INC.

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. 87-49(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 25, 1991; 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 the 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, Chapter 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. 87-49(B), the petition of VANDERGRIFT-WILLIAMS FARMS, INC., BY GEORGE GENTILE, AGENT, for a SPECIAL EXCEPTION FOR A DAY CARE CENTER (MAXIMUM 62 CHILDREN) for a parcel of land lying on the Northwest 1/4 of the Southeast 1/4 of Section 29, Township 42 South, Range 37 East; AND, NOTE: East Beach Water Control District claims prescriptive rights over the West 44.00 feet of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 42 South, Range 37 East, for Canal and Maintenance Easements, and being located ON THE E. SIDE OF SR 15, APPROXIMATELY .2 MILE N. OF MORGAN RD. E., IN THE AR ZONING DISTRICT, was approved on April 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. Prior to site plan certification, 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. DAY CARE

1. The day care center shall be limited to a maximum of sixty-two (62) students and a minimum of 2,170 square feet of net building area.
2. The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty (20) feet long.
3. The site plan shall be amended to reflect a four (4) foot wide paved walkway running in front of the drop-off spaces and connecting to the day care entrance.
4. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred and 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 and in compliance with HRS requirements.
5. The outdoor play area shall have a twenty-four (24) inch minimum height hedge planted twenty-four (24) inches on center and twelve (12) foot tall native canopy trees planted thirty (30) feet on center on the outside of the required fence.

C. DUMPSTER

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

D. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

E. ENGINEERING

1. 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.

2. Prior to September 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 State Road 15, 60 feet from centerline free of all encumbrances and encroachments. Developer 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.

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

G. LANDSCAPE

1. Landscaping shall be upgraded along the north and west property lines, from the northwest corner measured to a distance of 300 feet from the corner in each direction, to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
 - b. A hedge, wall, fence, berm or combination thereof presenting a visually opaque barrier a minimum of six (6) feet in height.
2. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained in accordance with Arbor Society Standards.
3. All plant material shall be fully irrigated and maintained in a healthy viable condition.

H. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum of twenty (20) feet in height, low intensity, shielded and directed away from adjacent properties and streets.

I. 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.

J. SIGN

1. Signs fronting on State Road 15 shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - fifty (50) square feet.
 - c. Maximum number of signs - one (1).
2. No off-premise signs shall be permitted on site.
3. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code.

K. SITE DESIGN

1. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area or be screened by a visually opaque landscape barrier the height of the equipment.

L. USE LIMITATION

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives.
2. Use of the site shall be limited to a day care center and permitted AR zoning uses only.

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 Elmquist 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:


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

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK