

RESOLUTION NO. R-91- 1466

RESOLUTION APPROVING ZONING PETITION NO. 84-152(C)  
SPECIAL EXCEPTION PETITION OF MILTON LAVERNIA

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. 84-152(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 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. 84-152(C), the petition of MILTON LAVERNIA, LESSEE AND AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR THE BOCA DEL MAR PUD TO INCLUDE A CHILD DAY CARE CENTER (85 CHILDREN) WITHIN THE COMMERCIAL TRACT, (TRACT 77) on a parcel of land lying in Tract 77 of BOCA DEL MAR No. 8, as recorded in Plat Book 30, Pages 238-240 as in Section 34, Township 47 South, Range 42 East, and being located on the N SIDE OF VIA DE SONRISA DEL SUR, S SIDE OF SW 18TH ST., in the AR Zoning District, was approved on July 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.

R91 1466

2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
3. Development of the site is limited to the uses and site design shown on the site plans approved by the Board of County Commissioners (Exhibits No. 132 & 133). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval.

B. DAY CARE

1. Total gross floor area of the day care center shall be limited to a maximum of 3,975 square feet.
2. The day care center shall be limited to a maximum of 85 students.
3. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 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.
4. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center (except adjacent to the east face of the building) and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center.
5. The five (5) drop-off stalls shall be a minimum of twelve (12) feet wide by twenty (20) feet in length. These stalls shall be marked with above-grade signage indicating "15-minute parking only" and shall be located at the day care center entrance.
6. No school buses or vehicles over 25 feet in length shall be permitted to pick up or deliver children to or from the day care center.
7. Any mechanical equipment in the day care center area shall be screened from view on all sides to a height of six feet or the height of the equipment.
8. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the day care center site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.
9. Hours of operation for the day care center shall commence no earlier than 7:00 a.m.
10. No outdoor playground activity shall occur prior to 9:00 a.m. on weekdays or prior to 10:00 a.m. on weekends.
11. The playground shall be sodded and landscaped with no hard surfaces except for an interior bike path.

C. DUMPSTER

1. No dumpsters shall be located within 50 feet of the day care center outdoor play area.

D. 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.

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. 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 center at the time of the Building Permit presently is \$6,545.00 (119 trips X \$55.00 per trip).

F. IRRIGATION QUALITY WATER

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

G. RECYCLE SOLID WASTE

1. The property owner(s)/lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

H. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

R91 1466.

- 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 Roberts moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 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

R91 14661