

RESOLUTION NO. R-91- 1480

RESOLUTION APPROVING ZONING PETITION NO. 91-35
SPECIAL EXCEPTION PETITION OF IN THE PINES, 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. 91-35 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. 91-35, the petition of IN THE PINES, INC., BY GEORGE G. GENTILE, AGENT., for a SPECIAL EXCEPTION TO ALLOW A DAY CARE CENTER (65 CHILDREN) WITHIN AN EXISTING MIGRANT LABOR CAMP on a parcel of land lying in Tract 9, THE PALM BEACH FARMS CO, Plat No. 1 of Section 30, Township 46 South, Range 42 East, as recorded in Plat Book 2, Pages 26 through 28; subject to an easement of Lake Worth Drainage District, Record Book 5785, Pages 1359 and 1360, more particularly described as follows: The north 35.00 feet of Tract 9, Block 30, according to the Plat of THE PALM BEACH FARMS COMPANY PLAT NO. 1, as recorded in Plat Book 2, Pages 26 through 28; the north line of said Tract 9 and the north line of Section 30, Township 46 South, Range 42 East, are the same line, and being located on the W SIDE OF HALF-MILE RD., APPROX. 1.0 MILE S OF ATLANTIC AVE., in the AR Zoning District, was approved on July 25, 1991, as advertised, subject to the following conditions:

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A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan for the day care center shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
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 (Exhibit No. 3). 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. PAY CARE

1. The day care center shall be limited to a maximum of 65 students.
2. Total gross floor area for the day care center shall be limited to a maximum of 4,712 square feet.
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 and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center.
5. The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty (20) feet in length.
6. The site plan shall be amended to reflect a four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance.

C. DUMPSTER

1. No dumpsters shall be permitted within fifty (50) feet of the day care center.

D. HEALTH

1. Potable water supply shall be provided by the existing on site community water supply system.
2. Sewage treatment and disposal shall be provided by the existing on site sewage treatment plant.

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 this project at the time of the Building Permit presently is \$7,700.00 (140 additional trips X \$55.00 per trip).
3. The property owner shall convey to the Lake Worth Drainage District the South 5 feet of the North 40 feet of Tract 9, Block 30 for the required right-of-way for Lateral Canal No. 36, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to December 31, 1991.
4. Use of the site shall be limited to 65 children. A minimum of 33 of these 65 shall be residents living at the R.C.M.A. Facility. A Restrictive Covenant will be recorded by the owner to enforce this limitation.

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~~ petitioner 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. SIGNS

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

2. 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 supersede all sign-related conditions of approval.

I. 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:
 - 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


DEPUTY CLERK

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