

RESOLUTION NO. R-93- 247

RESOLUTION APPROVING ZONING PETITION CA92-49  
CLASS A CONDITIONAL USE  
PETITION OF WEST END ASSOCIATES

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA92-49 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with all requirements of Article 5, Section 5.4 (Conditional Uses) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Class A Conditional Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA92-49, the petition of WEST END ASSOCIATES BY GEORGE T. KELLY, AGENT for a CLASS A CONDITIONAL USE allowing a DAYCARE, GENERAL in the Multi-Family Residential (High Density) (RH) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

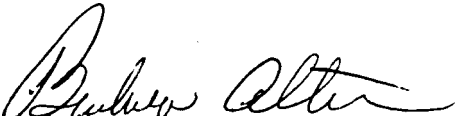
Mary McCarty, Chair	-- Absent
Burt Aaronson	-- Aye
Ken Foster	-- Aye
Maude Ford Lee	-- Absent
Karen T. Marcus	-- Aye
Warren Newell	-- Aye
Carol A. Roberts	-- Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of February, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

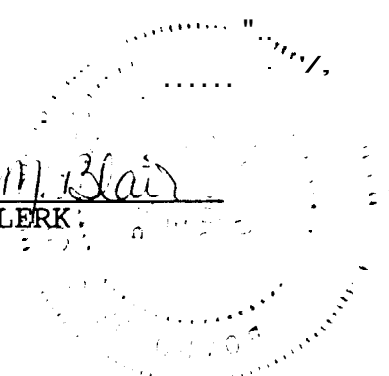
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

**Lots 16, 17 and 18, of ORANGE TERRACE, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 23, page 118;**

**Also all that certain parcel of land situate, lying and being in the County of Palm Beach and State of Florida, more particularly described as follows:**

**Beginning at the point of intersection of the center line of State Highway No. 4 (U.S. Highway No. 1) with the South line of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 4, Township 42 South, Range 43 East, Palm Beach County, Florida, and run thence Northeast along the center line of said highway 2850 feet to the point of beginning; thence continue along the center line of said highway 100 feet; thence West along a line parallel to the South line of said quarter section to the West line of said quarter section; thence South along the West line of said quarter section to the intersection of a line from the point of beginning and parallel to the South line of said quarter section; thence East along said line parallel to the South line of said quarter section to the point of beginning; LESS the West 1000 feet thereof.**

EXHIBIT B  
VICINITY SKETCH

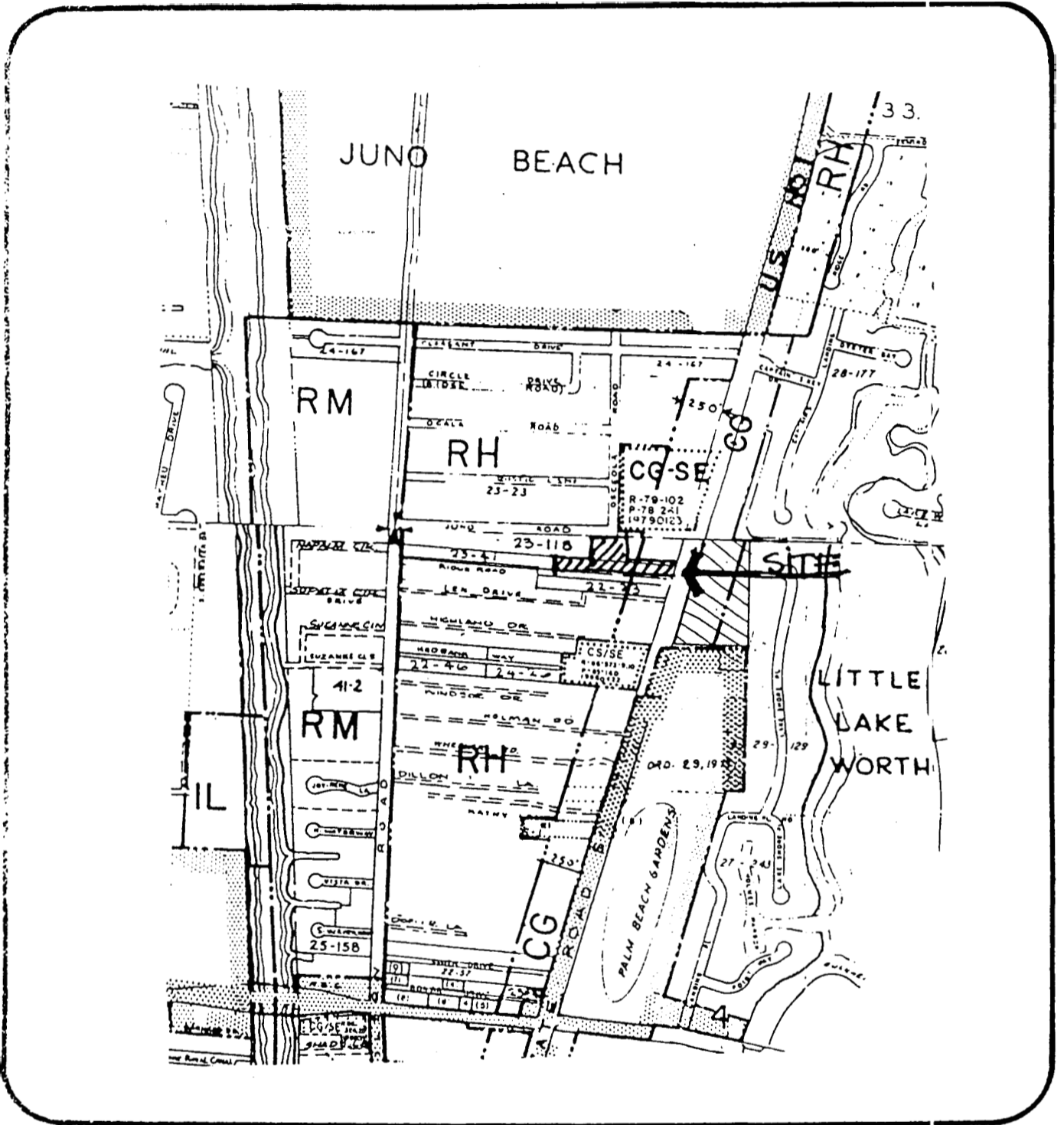


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. The petitioner shall obtain site plan certification from the Development Review Committee of the site plan approved by the Board of County Commissioners on or before May 30, 1993. There shall be no administrative time extensions to this condition. (ZONING)
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. 28). All previous approvals are extinguished. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 4.4 (Development Review Committee) of the Palm Beach county Land Development Code or required by the conditions of approval contained herein. (ZONING)

B. ANNEXATION

1. The property owner shall voluntarily annex into the Town of Juno Beach at such time the subject property becomes contiguous to the Town or is the subject of an annexation proposal by the Town. (PLANNING)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 9,630 square feet (7,000 square feet day care facility, 1,000 square feet unenclosed porch, a 630 square foot unenclosed drive through canopy and a 1,000 square foot detached garage. (BUILDING-Zoning)
2. The day care center shall be limited to a maximum of one hundred fifty (150) children. (CODE ENFORCEMENT / BUILDING)
3. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
4. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure. (BUILDING)
5. No outdoor loudspeaker system audible off site shall be permitted. (CODE ENFORCEMENT)
6. No business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. (CODE ENFORCEMENT)
7. Prior to site plan certification by the Development Review Committee, the petitioner shall provide the Zoning Division with detail information and receive approval of the grading of the subject property abutting residential land uses. (ZONING)

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 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 \$20,350.00 (370 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet.
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)
2. The property owner shall maintain the required hedge around the entire perimeter of the outdoor play area at a minimum height of forty-eight (48) inches within two years of installation. Hedge material such as max myrtle or coco plum shall be acceptable. (ZONING)

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

H. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. All lighting fixtures shall not exceed fifteen (15) feet in height. (BUILDING)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

I. RECYCLE SOLID WASTE

1. The property owner and/or lessee 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. (SWA)

2. The petitioner shall participate in a recycling program for paper, plastic, metal and glass products **when** available in the area. (SWA)

**J. SIGNS**

1. Point of purchase signs fronting on U.S. 1 and Junc Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade - ten (10) feet;
  - b. Maximum sign face area per side - 100 square feet;
  - c. Maximum number of signs - one (1) per frontage. (BUILDING)
2. No signs shall encroach into the perimeter landscape buffers or vegetation preservation areas. (BUILDING/ZONING/ERM)