

RESOLUTION NO. **R-89-723**

RESOLUTION APPROVING ZONING PETITION NO. **88-78**
SPECIAL EXCEPTION PETITION OF CANDACE ROBERTSON,
JOSEPH F. WEISS JR., AND GREGORY WEISS

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 Ordinance No. **73-2** have been satisfied; and

WHEREAS, Petition No. **88-78** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July **28, 1988**; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **88-78** the petition of CANDACE ROBERTSON, JOSEPH F. WEISS JR., AND GREGORY WEISS, by Douglas Cowan, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (CHILD) on a parcel of land lying at the Southwest $1\frac{1}{4}$ of the Southwest $1\frac{1}{4}$ of the Southwest $1\frac{1}{4}$ of the Southeast $1\frac{1}{4}$ of Section **35**, Township **44** South, Range **42** East, being located on the northeast corner of the intersection of Lantana West Road (SR **812**) and Cadillac Drive in a RT-Residential Transitional Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification of the site plan, the required handicapped space shall be clearly labelled.
2. The petitioner shall preserve and incorporate the mature slash pines located along Lantana Road and

Cadillac Drive in the perimeter landscape buffers **and** open space.

3. Use of the site shall be limited to a Day Care Center supporting a maximum of **150** children.
4. The petitioner shall relocate the fence along the south end of the outdoor play area, approximately thirty (30) feet to the north. This shall restrict the play area **to** the side and rear **of** the proposed structure.
5. **No** outdoor loudspeaker system shall be permitted **on** site.
6. **All** site lighting shall be a maximum of fifteen feet high, low intensity, shielded and directed away from surrounding residences and right-of-way.
7. The petitioner shall relocate the proposed sign out of the required landscape strip along Cadillac Drive.
8. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. 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 onsite 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.
11. Within **90** days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Cadillac Drive, **a** total of **50** feet on an alignment approved by the County Engineer. Petitioner 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.

12. The property owner shall construct Cadillac Drive to local street standards including valley gutter from Lantana Road north to the project's entrance road. If required by the County Engineer this construction shall also include guard rails to meet Florida Department of Transportation Greenbook standards concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
13. Project shall not be permitted access onto Lantana Road until the 4 laning of the subject roadway has been completed adjacent to the site, currently scheduled in 1989.
14. 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 presently is \$13,341.00 (498 trips X \$26.79 per trip).
15. The petitioner shall convey to the Lake Worth Drainage District the east 28.42 feet of the west 70 feet of the southwest 1/4 of the southwest 1/4 of the southwest 1/4 of Section 35, Township 44 south, Range 42 East for the required right-of-way for Equalizing Canal No. 3, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project. Lake Worth Drainage District may at its option accept a right-of-way less than that described above subject to approval by the Lake Worth Drainage District Governing Board.
16. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
 - a) No more than 65 students shall be permitted to enroll in the day care center until construction has begun for Lantana Road as a 4 lane section plus the appropriate paved tapers. Verification shall be submitted on a monthly basis to the Traffic Division of the attendance of the day care facility.

17. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Elmquist moved for approval of the petition. The motion was seconded by Commissioner Watt and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :

Barbara A. Thomas
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June L. Lohrey
DEPUTY CLERK

