

RESOLUTION NO. R- 89-951

RESOLUTION APPROVING ZONING PETITION NO. 88-56  
SPECIAL EXCEPTION PETITION OF  
SARREA AND CABRERA ENTERPRISES, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-56 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 27, 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. 88-56 the petition of SARREA AND CABRERA ENTERPRISES, INC., by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHILD DAY CARE CENTER on a parcel of land lying on the South 209.52 feet of the following described parcel:

A Parcel of land in Section 2, Township 43 South, Range 42 East, more particularly described as follows:

Commencing at the Northeast corner of the replat of Gramercy Park, Unit Two, as recorded in Plat Book 27, Page 178; thence on an assumed bearing of due East, along the Easterly Prolongation of the North line of said replat, a distance of 140.45 feet to the East line of said Section 2; thence North 3 degrees 27' 08" East along the said Section line, a distance of 200.00 feet to the Point of Beginning; thence continue North 3 degrees 27' 08" East, a distance of 491.33 feet to a point in a line 50 feet South of and parallel with the North line of said Section 2; thence North 89 degrees 59' 07" West, along said parallel line, a distance of 288.00 feet; thence due South, a distance of 490.45

feet: thence due East, a distance of **258.43 feet to the Point of Beginning.**

Excepting therefrom the Right-of-way for **Haverhill Road as now laid out and in use.** Subject to easements for ingress-egress, and Public Utilities over the West 20 feet **and the South 20 feet** thereof, being located on the west side of **Haverhill Road,** approximately 350 feet north of Eadie Place in a **RS-Single** Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Redesign the drop-off area adjacent to the building to provide continuous traffic circulation and back-up distance:
  - b. Elimination **of** four spaces near the proposed building entrance and relocation of the handicap spaces to accommodate the drop-off area: and
  - c. Removal of the general note on the site plan that the site plan is conceptual.
2. Outdoor lighting used to illuminate the premise shall be shielded, low intensity and directed away from the adjacent properties and streets, shining only on the subject site.
3. The petitioner shall preserve the slash pines and coco plum hedge located within the perimeter buffers and outdoor activity area.
4. The day-care shall be limited to a total of **165** children.
5. **A** six foot solid fence shall be constructed along the western and southern property line.
6. Prior to site plan certification, the petitioner shall either:
  - a. Abandon the **20** foot ingress-egress easement along the southern and western property line, **or:**
  - b. Redesign the site, with corresponding decrease in building area and play area square footage as applicable, to accommodate the tree planting, fence installation and setbacks.
  - c. Provide confirmation from the appropriate agency to allow installation of a fence and landscaping in the **20** foot ingress-egress and utility easement along the eastern and southern property lines shall be submitted.
7. 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. 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.

8. 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 Haverhill Road, 55 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division 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.
9. The property owner shall construct a left turn lane, south approach and a right turn lane, north approach on Haverhill Road at the project's entrance road concurrent with onsite paving and drainage improvements. Palm Beach County may, at its option, request funds for these turn lanes to be used in the 5-lane construction of Haverhill Road by others. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
10. 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 \$13,984.00 (522 trips X \$26.79 per trip).
11. Sewer service is available to the property. Therefore, **no** septic tank shall be permitted **on** the site.
12. Water service is available to the property. Therefore, **no** well shall be permitted **on** the site to provide potable water.
13. **No** off-premise signs shall be permitted **on** the site.
14. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 27, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

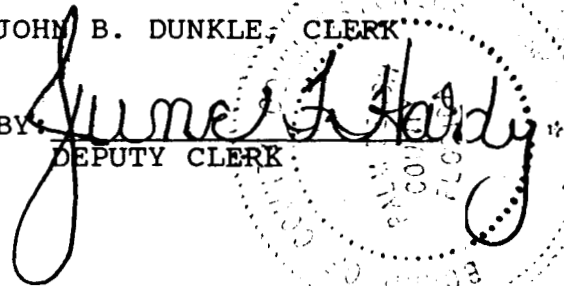
BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK