

RESOLUTION NO. R-89-1151

RESOLUTION APPROVING ZONING PETITION NO. 85-49(A)  
SPECIAL EXCEPTION PETITION OF LANTANA WEST PLAZA ASSOCIATES, LTD.

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. 85-49(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 30, 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. 85-49(A) the petition of LANTANA WEST PLAZA ASSOCIATES, LTD., by Anna Cottrell, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT (PETITION NO. 85-49) TO INCLUDE A DAY CARE CENTER (MAXIMUM 150 CHILDREN) 'on a parcel of land lying at: Tract 1: A parcel of land as designated by "NOT INCLUDED" on the Plat of KOKOMO TRAILER SUBDIVISION as recorded in Plat Book 25, page 127, said parcel being bounded on the North by the Northerly boundary of said KOKOMO TRAILER SUBDIVISION extended Easterly on the West by Apache Drive, on the South by Kokomo Drive, and on the East by Military Trail (State Road 809), all as shown on said plat of KOKOMO TRAILER SUBDIVISION, said parcel of land being more particularly described as follows: Commence at the South 1/4 corner of Section 36, Township 44 South, Range 42 East, thence run North 02 degrees 11' 24" East along the East line of the Southwest 1/4 of said Section 36, a distance of 1108.64 feet to a point of intersection with the Easterly extension of the Northerly boundary of said KOKOMO TRAILER SUBDIVISION; thence run North 87 degrees 42' 08" West along the Easterly extension of the Northerly boundary of said KOKOMO TRAILER SUBDIVISION a distance

of 49.72 feet to a point on the Westerly Right-of-way line of said Military Trail, said point being the Point of Beginning Of the following described parcel of land thence continue North 87 degrees 42' 08" West along the last mentioned course a distance of 163.90 feet to a point on the Easterly Right-of-way line of said Apache Drive said point being a Northeast corner of said KOKOMO TRAILER SUBDIVISION thence run South 02 degrees 19' 21" West along the Easterly Right-of-way line of said Apache Drive and along an Easterly boundary of said KOKOMO TRAILER SUBDIVISION a distance of 95.34 feet to a point on the Northerly Right-of-way line of said Kokomo Drive, thence run South 87 degrees 40' 39" East along the Northerly Right-of-way line of said KOKOMO TRAILER SUBDIVISION, a distance of 166.99 feet to a point on the Westerly Right-of-way line of said Military Trail said Right-of-way line being the arc of a curve concave to the East and having a radius of 2914.93 feet; thence run Northwardly along the Westerly Right-of-Way line of said Military Trail and along the *arc* of said curve to the right having for its elements a radius of 2914.93 feet, a central angle of 01 degree 52' 34" and a chord bearing of North 00 degrees 27' 53" East an arc distance of 95.45 feet to the Point of Beginning, less the Right-of-way deeded to Palm Beach County by Official Record. Tract 2-A: A part of that portion of a parcel of land as designated by "NOT INCLUDED" on the Plat of KOKOMO TRAILER SUBDIVISION as recorded in Plat Book 25, page 127, of the public records of Palm Beach County, Florida, lying West of the East line of the Southwest 1/4 of Section 36, Township 44 South, Range 42 East, Palm Beach County, Florida, and being bounded on the North by Kokomo Drive, on the West by Apache Drive, and bounded partially on the East by Military Trail (State Road 809) all as shown on Plat of KOKOMO TRAILER SUBDIVISION said parcel of land being more particularly described as follows: Commence at the South 1/4 corner of said Section 36, thence run North 02 degrees 11' 24" East, on an assumed bearing, along the East line of the Southwest 1/4 of said Section 36, a distance of 297.42 feet to the Point of Beginning; thence North 87 degrees 40' 39" West, parallel with the Right-of-way of Kokomo Drive as shown on said plat, a distance of 215.50 feet to an intersection with the East Right-of-Way line of said Apache Drive ; thence North 02 degrees 19' 21" East along the Easterly Right-of-way line of said Apache Drive and along an Easterly boundary of said KOKOMO TRAILER SUBDIVISION a distance of 675.19 feet to a point on the Southerly Right-of-way line of said Kokomo Drive; thence run South 87 degrees 40' 39" East along the Southerly Right-of-way line of said Kokomo Drive and along a boundary line of said KOKOMO TRAILER SUBDIVISION a distance of 169.21 feet to a point on the Westerly Right-of-way line of said Military Trail, said Right-of-way line being the arc of a curve concave to the East and having a radius of 2914.93 feet thence run Southeastwardly along the Westerly Right-of-way line of said Military Trail and along the arc of said curve to the left, having for its elements a radius of 2914.93 feet, a central angle of 07 degrees 10' 36" and a chord bearing of 8.4 degrees 10' 57" East, an arc distance of 365.11 feet to a point of intersection with the East line of the Southwest 1/4 of said Section 36, thence run South 02 degrees 11' 24" West along the East line of the Southwest 1/4 of said Section 36, a distance of 313.18 feet to the Point of Beginning, less the Right-of-way deed to Palm Beach County by Official Record Book 4716, page 595, located on the west side of Military Trail (SR 809) on the north and south sides of

Kokomo Drive, and bounded on the west by Apache Drive, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The petition shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The six (6) foot fence or wall around the play area.
3. The petitioner shall designate the three (3) parking spaces located behind the proposed day-care drop-off spaces, as employee parking.
4. The petitioner shall plant a 36 inch ficus hedge around the entire perimeter of the play area.
5. The day care shall be limited to a maximum of 150 children.
6. No outdoor loudspeaker system shall be permitted on site.
7. All site lighting shall be of low intensity, shielded and directed away from surrounding residential property and right-of-way.
8. Off premise signs shall not be permitted on site.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. Condition No. 4 of Petition No. 85-49, Resolution No. R-85-967, which presently states:

"4. The developer shall be permitted a maximum of 15,500 square feet of retail commercial, until Military Trail has been four (4) laned from Melaleuca Lane to Lantana Road."

is hereby amended to read as follows:

"In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to the following phasing schedule: Except for the day care use

- a) No more than 11,000 square feet of retail commercial until construction has begun for the widening of Military Trail as a 4 lane section

from Lantana Road to Melaleuca Lane plus the appropriate paved tapers."

12. Failure to comply with any conditions of approval 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 Roberts moved for approval of the petition. The motion was seconded by Commissioner Phillips and upon being put to a vote, the vote was as follows:

|                   |    |        |
|-------------------|----|--------|
| Carol J. Elmquist | -- | Aye    |
| Karen T. Marcus   | -- | Absent |
| Carol Roberts     | -- | Aye    |
| Ron Howard        | -- | Absent |
| Carole Phillips   | -- | Aye    |

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 30, 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

