

RESOLUTION NO. R-89-1261

RESOLUTION APPROVING ZONING PETITION NO. 89-12
SPECIAL EXCEPTION PETITION OF ERNEST R. AND ELIZABETH P. GILMER

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. 89-12 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 10, 1989; 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. 89-12 the petition of ERNEST R. AND ELIZABETH P. GILMER, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM OF 200 CHILDREN) on a parcel of land lying on Tract 53, Subdivision of Section 19, Township 45 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 7, Page 19, less the South 260.00 feet thereof and less the West 145.49 feet thereof, being located on the south side of Old boynton Road, approximately .5 mile west of Congress Avenue (SR 807), in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee certification the petitioner shall redesign the drop-off area to provide:
 - a. Required drop-off spaces; minimum dimension of 12 feet X 20 feet (typ) or a 100 foot stacking lane with safe access to the building that satisfy the explicit criteria set forth by the Zoning

Division's policy memo regarding day-care drop-off area; and,

- b. One (1) fifteen (15) foot wide by-pass lane, thus reducing vehicular congestion adjacent to the drop-off area.
 - c. A five (5) foot wide painted median between the drop-off area and the by-pass lane.
 - d. Adequate queuing at each entrance to control traffic movement in a safe, orderly fashion. This shall consist of signage and pavement marking showing the direction of traffic flow.
2. The petitioner shall provide Alternative Landscape Strip No. 3 along the perimeter of the outdoor play area with additional landscape buffering along the east, south and west property lanes abutting residential zoned property. The additional buffering shall include a solid six (6) foot high wooden fence and twelve (12) foot high native canopy trees planted twenty (20) feet on center.
 3. The Day Care Center shall be limited to a maximum of 200 children.
 4. Security lighting shall be shielded low intensity and directed away from adjacent properties and streets, shining only on the subject site.
 5. Outdoor loudspeaker system shall be permitted between the hours of 3:00 p.m. and 6:00 p.m. The outdoor play area shall not be used after 6:00 p.m.
 6. No dumpster pick-up will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
 7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 9. 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.

10. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Old Boynton Road, 40 feet from centerline and Knuth Road thirty (30) feet from centerline, free of all encumbrances and encroachments. Property owner 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.
11. Petitioner shall revise the Site Plan to eliminate the proposed entrance/exit located 80 feet west of Knuth Road and provide for a new entrance/exit onto Knuth Road subject to approval by the County Engineer. Should this road be realigned prior to site plan approval this condition shall not apply for additional right-of-way for Knuth Road.
12. The property owner shall fund a pro rate share in the cost of construction for newly aligned Knuth Road. Funding shall be based upon total ADTs of the proposed project. Funds shall be made available within thirty (30) days notice by either the City of Boynton Beach or the County Engineer's Office.
13. The petitioner 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 \$17,092.00 (638 trips X \$26.79 per trip).
14. In the event the County Engineer requires an entrance/exit onto Knuth Road, the petitioner shall redesign the site plan to satisfy all landscape requirements.
15. 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 Howard 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, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 10, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

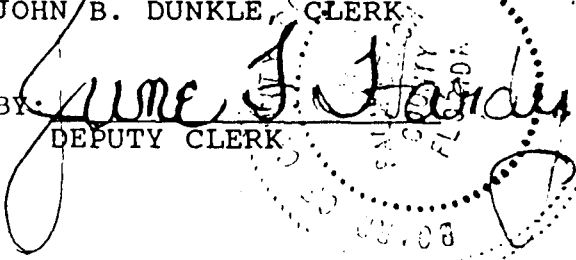
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK