## RESOLUTION NO. R-89-1317

## RESOLUTION APPROVING ZONING PETITION NO. 89-23 SPECIAL EXCEPTION PETITION OF SARRIA 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 have been satisfied: and

WHEREAS, Petition No. **89-23** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **30, 1989:** and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No.89-23 the petition of SARRIA AND CABRERA ENTERPRISES, INC., by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM 100 CHILDREN) on a parcel of land lying on Lots 15-20, Block 18, Floral Park, Section 5, Township 45 South, Range 43 East, according to the Plat thereof as recorded in Plat Book 23, Pages 129 and 130, being located on the southeast corner of the intersection of Somerset Road and Congress Avenue (SR 807) in a RS-Single Family Residential Zoning District, was approved on March 30, 1989, as advertised, subject to the following conditions:

- 1. prior to site plan certification, the petitioner shall redesign the drop-off area to provide:
  - a. Required drop-off space, minimum dimension of 12 feet by 20 feet (typ) or a 100 foot stacking lane

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with safe access to the building that satisfy the explicit criteria set forth by the Zoning Division's Health Department policy memo regarding day care drop-off area; and

- **b.** 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 upgrade Alternative Landscape No. 3 along:
  - a. The east property line adjacent to the parking lot using a combination of a three (3) foot high berm with a three (3) foot high continuous hedge and twelve (12) foot high native canopy trees planted twenty (20) feet on center. The landscape shall be installed on the outside of the fence as required in 2.b. below.
  - b. The east and south property line with a six (6) foot high solid wooden fence and twelve (12) foot high native canopy trees planted twenty (20) feet on center. The fence shall be continuously maintained in a neat, orderly and opaque condition.
- 3. The required Landscape Alternative No. 3 shall be relocated south of five (5) foot easement.
- 4. Prior to site plan certification, the site plan shall be amended to indicate:
  - a. The relocation of the proposed sign out of the required fifteen (15) foot landscape strip.
  - b. Creation of safe sight triangles at each access point.
  - c. Dimensioning of all required setbacks for the RS-Single Family Residential District.
  - d. The number of proposed staff.
- The day care center shall be limited to a maximum of 100 children.
- 6. Security lighting shall be shielded, low intensity, and directed away from adjacent properties and streets, shining only on the subject site.
- 7. No outdoor loudspeaker system shall be permitted on site.
- 8. The dumpster area shall be screened and located away from residential areas.

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- 9. 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.
- 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 Land Development Division by road right-of-way warranty deed for Congress Avenue, 60 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.
- 12. 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 \$8,010.00 (299 trips X \$26.79 per trip).
- 13. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title or Unity of Control, as appropriate, on the subject property subject to approval by the County Attorney.
- 14. The property owner shall construct a right turn lane, south approach, on Congress Avenue at the project's entrance road. Construction shall include curb and gutter where appropriate as determined by the County Engineer.
- 15. Prior to site plan certification, a revised site plan shall be submitted illustrating the play area to be

located out of any portion of the drainfield or unobstructed area.

- 16. The petitioner shall install a six (6) foot high fence along the perimeter of the parking lot with gates which lock at the accessways.
- 17. Any fencing installed adjacent to the parking area within required landscape strips shall be installed on the interior side **of** the landscape strip.
- 18. Access to the site shall be from Congress Avenue only, no access to the site shall be permitted onto Somerset Road.
- 18. 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 <u>Marcus</u> moved for adoption of the Resolution.

The motion was seconded by the Commissioner <u>Howard</u> and, upon being put to a vote, the vote was as follows:

| Carol J. Elmquist, Chair |   | Aye           |
|--------------------------|---|---------------|
| Karen T. Marcus          |   | Ауе           |
| Carol Roberts            | - | Aye           |
| Ron Howard               |   | Ave           |
| Carole Phillips          |   | Aye<br>Absent |

The Chair thereupon declared the resolution was duly passed and adopted this <u>11th</u> day  $\circ f$  <u>July</u>, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY JOHN B. DUNKLES BY DEPUTY CLERK 1 Section (11)

Petition No. 89-23