

RESOLUTION NO. **R-89-** 1638

RESOLUTION APPROVING ZONING PETITION NO. **89-27**
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. **89-27** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on **May 25, 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. **89-27** the petition of SARRIA AND CABRERA ENTERPRISES, INC., by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM **115** CHILDREN) on a parcel of land lying on Parcel **1**: The North **160.00** feet of a part of Tract **62**, Block **5**, Palm Beach Farms Company Plat No. **3**, Plat Book **2**, pages **45-54**: Starting at a point on the West line of said Tract **62** where it intersects the North right-of-way line of State Road **80**, thence running East on the North right-of-way line of State Road **80**, a distance of **125.11** feet to a point in a line which is parallel to and **125.00** feet East of, measured at right angles, the West line of said Tract **62**, thence run Northerly along said line, parallel to the West line of Tract **62**, a distance of **317.00** feet; thence run West parallel to the North right-of-way line of State Road **80**, a distance of **125.11** feet to the West line of said Tract **62**, thence run South along the West line of Tract **62**, a distance of **317.00** feet to the Point of Beginning; Parcel **2**: The North **160.00** feet of a portion of Tract **62**, Block **5**, Palm Beach Farms Company Plat No. **3**, Plat Book **2**, pages **45-54**; Beginning at a point in the North right-of-way line of State Road **80**, Road Plat Book **2**, pages **13-18**, where said right-of-way line intersects the West line of said Tract **62**; thence run Easterly on the North right-of-way line of State Road **80**, a

distance of **243.11** feet to the Point of Beginning, which point is the Southwest corner of a tract of land conveyed in Deed Book **1098**, page **675**; thence run Northerly on Syrman's West line and its Northerly extension to a point in a line parallel to and **577.31** feet South of the North line of said Tract **62**; thence run Westerly on said parallel line **128.00** feet to a point in a line parallel to and **125.00** feet East of the West line of said Tract **62**, which point is in the Easterly boundary line of a Tract of land conveyed in Official Record **Book 48**, page **451**, to John **F.** Daley, et ux; thence run Southerly, a distance of **322.29** feet along Daley's Easterly line to a point in the Northerly line of State Road **80**; thence run Easterly a distance of **128.00** feet along the North right-of-way line of State Road **80** to the Point of Beginning, being located on the east side of First Street (62nd Drive North), approximately **150** feet north of Southern Boulevard (**SR 809**) in a RS-Single Family Residential Zoning District, was approved on May **25, 1989**, as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Location of all areas of preservation;
 - b. **A** minimum amount of usable floor area of **1,500** square feet for the first forty (**40**) children plus thirty-five (**35**) square feet for each additional child; and,
 - c. **A** minimum number of parking space based on one (**1**) space per staff, five (**5**) transient spaces and five (**5**) drop-off spaces measuring twelve (**12**) feet by twenty (**20**) feet.
2. All native trees within the outdoor activity area, shall be preserved to the greatest extent possible. All other native vegetation on site shall be preserved to the greatest extent possible.
3. Prior to the commencement of vegetation clearing, a preclearing inspection shall be required.
4. There shall be no outdoor loudspeaker system permitted on site.
5. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent lots and rights-of-way.
6. Off premise signs shall not be permitted on site.
7. 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).
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 1st Road, 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. The Property owner shall construct:
 - a. a left turn lane, north approach on 1st Street at Southern Boulevard. This construction shall include curb and gutter if determined by the County Engineer: and,
 - b. First Road from the project's north property line **to** Southern Boulevard minimum **2-10** foot travel lanes local street standards.

All concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.

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 \$11,814.00 (441 trips X \$26.79 per trip).
13. Use of the site shall be limited to a day care center with 115 students.
14. The petitioner shall install a six (6) foot fence around the outdoor activity area. The fence shall be solid along the north and east property line. A solid hedge shall be planted around the interior perimeter of the fence. The hedge height shall be maintained at a minimum height of **4.5** feet.
15. Prior to Site Plan Review approval, the site plan shall be amended to indicate location **of** the dumpster on site. The dumpster shall be screened with a **six (6)** foot fence and twenty-four (24) inch hedge.

16. 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 Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

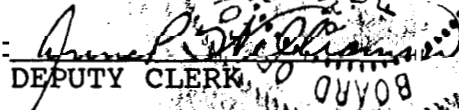
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

