

RESOLUTION NO. R-90-530

RESOLUTION APPROVING ZONING PETITION NO. 89-66
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. 89-66 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 89-66, the petition of SARRIA AND CABRERA ENTERPRISES, INC., by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM 240 CHILDREN) on a parcel land being a part of Section 34, Township 40 South, Range 42 East, more particularly described as follows: Commencing at the Southwest corner of said Section 34; thence South 89 Degrees 15' 51" East, along the South line of said Section 34, a distance of 1198.51 feet to the Point of Beginning; thence continuing South 89 Degrees 15' 51" East, a distance of 140.00 feet; thence North 00 Degrees 10' 03" West, a distance of 517.00 feet; thence North 89 Degrees 15' 51" West, a distance of 140.00 feet; thence South 00 Degrees 10' 03" East, a distance of 517.00 feet to the Point of Beginning; Less the South 50.00 feet thereof for road right-of-way, being located on the north side of Church Street, approximately .2 mile east of Limestone Creek Road, in an RTS-Residential Transitional Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal the site development plan shall be amended to satisfy all

minimum property development regulations and land development requirements.

2. Use of the site shall be limited to a Day Care Center supporting 240 children. If a petition is initiated to modify the use of the subject property, then the parcel shall be rezoned to a Zoning District consistent with the 1989 Comprehensive Plan, as it may be amended.
3. The petitioner shall provide a six (6) foot high wooden fence along the property lines where the outdoor play area is adjacent to residentially zoned property (north, west).
4. All native vegetation shall be preserved to the greatest extent possible, All sabal palms and slash pines, two (2) inches to six (6) inches diameter at breast height, shall be relocated to landscape areas on site.
5. Prior to any clearing operation, the petitioner shall be required to coordinate a site visit with the Zoning Division, to locate preservation areas and verify conditions of approval.
6. All slash pines and sabal palms shall be preserved within the outdoor play area. All native vegetation shall be preserved along the perimeter of the site.
7. Alternative Perimeter Landscape No. 3 shall be provided along the north and west property lines, supplemented with additional landscape buffering. The landscape buffering shall include a mixture of relocated Slash pines that are (2) to six (6) inches in diameter at breast height and Sabal palms from within the site.
8. A thirty-six (36) inch high hedge shall be provided within the fifteen (15) foot landscape strip along Church Street to supplement the relocated native overstory vegetation.
9. No outdoor loudspeaker system shall be permitted on site.
10. All site lighting shall be a maximum of twelve (12) feet high, low intensity, shielded and directed away from surrounding residences and right-of-way.
11. All trash receptacle shall be located away from the residential areas and completely screened by a six (6) foot high solid wood fence and landscaped.
12. No off premise signs shall be permitted on site.
13. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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.

16. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Church Street, 50 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.

17. The Property owner shall:

- a. Pipe the existing open ditch which runs through this property and the adjacent ditch along the south property line subject to approval by the County Engineer; and,
- b. Re-construction of any pedestrian pathways along the site which may be damaged by this petitioner.

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

18. 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 \$22,450.00 which may be phased according to Condition No. 19. (838 trips X \$26.79 per trip).

19. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:

- a. Building Permits for more than 2,900 square feet shall not be issued until construction has begun for Central Boulevard as a 4 lane median section from Indiantown Road to the River Walk development entrance plus the appropriate paved tapers.

20. The site shall be limited to one access point along the western half of the property onto Church Street or a safe vehicular design acceptable to the Palm Beach County Engineering Department and the Palm Beach County School Board.
21. 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 Phillips moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990,

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

