

RESOLUTION NO. R-90-861

RESOLUTION APPROVING ZONING PETITION NO. **89-133**
SPECIAL EXCEPTION PETITION OF R.T. ASSOCIATES
BY ROBERT A. BENTZ, AGENT

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. **89-133** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December **28, 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. **89-133**, the petition of R.T. ASSOCIATES, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM **137** CHILDREN) on a parcel of land lying in that part of Tract One, Block Twenty-two, Palm Beach Farm Company Plat No. **3**, less the South **220.00** feet thereof, and less existing right-of-way. Lying North of a parcel in the Northwest **1/4** of Section **22**, Township **44** South, Range **42** East, being a part of Tract One, and a part of the road right-of-way lying East, Plat Book **2**, pages **45** through **54**, inclusive; Commencing at the North **1/4** corner of said Section **22**; thence South **03** Degrees **05'03"** West, along the East line of said Northwest **1/4** and along the centerline of Jog Road, a distance of **827.82** feet to the centerline intersection of 10th Avenue North; thence North **88** Degrees **10'45"** West, along the Westerly prolongation of the centerline of 10th Avenue North, a distance of **40.01** feet to a point on the Westerly right-of-way line of Jog Road and the POINT OF BEGINNING. Thence South **03** Degrees **05'03"** West, along said Westerly right-of-way line, a distance of **79.51** feet; thence North **42** Degrees **28'51"** West, a distance of **35.70** feet; thence North **88** Degrees **02'45"** West, along a line **54.00** feet South of, as measured at right angles to, the Westerly prolongation of the centerline of said 10th Avenue North, a distance of **391.42** feet to the West line of

said Tract One; thence North 01 Degrees 25'30" East, along said West line, a distance of 108.00 feet; thence South 88 Degrees 02'45" East, along a line 54.00 feet North of, as measured at right angles to, the Westerly prolongation of the centerline of said 10th Avenue North, a distance of 395.53 feet; thence North 47 Degrees 31'09 East, a distance of 35.01 feet to said Westerly right-of-way line of Jog Road; thence South 03 Degrees 05'03" West, along said right-of-way line, a distance of 78.52 feet to the POINT OF BEGINNING. The bearings as referred to herein are based on an assumed North 90 Degrees 00'00" East along the North line of said Tract 1, and being located on the West side of Jog Road, bounded on the North by 30th Street South, and bounded on the South by 10th Avenue North Extension, in a CG-General Commercial Zoning District, was approved on December 28, 1989 as advertised, subject to the following conditions:

1. Prior to the site plan review submittal, the site plan shall be amended to indicate:
 - a. A chain link fence, a minimum of six feet (6') tall, adjacent to the canal right of way.
 - b. A six feet (6') chainlink fence with a minimum of a thirty-six (36") inch ficus hedge or acceptable plant alternative enclosing the outdoor activity area.
 - c. The perimeter landscape strips along Jog Road and 10th Avenue North shall be supplemented with twelve feet (12') tall canopy trees placed at twenty-five feet (25') on center and a continuous hedge thirty-six inch (36") tall. Also, Landscape Alternative #3 shall be installed along the north and west property line supplemented with twelve (12) foot native canopy trees twenty feet (20') feet on center.
 - d. Existing Slash Pines and Sabal Palms shall be incorporated into the project design to the greatest extent.
 - e. Where incorporation is not possible, the Sabal Palms shall be relocated to the perimeter landscape strips.
 - f. Prior to the commencement of the vegetation clearing, a pre-clearing inspection shall be required.
2. Use of the site shall be limited to a day care center for a maximum of 137 children.
3. No outdoor loud speaker system shall be permitted on site.
4. All site lighting shall be a maximum of 15' high, low intensity, shielded and directed away from surrounding residences.
5. The trash receptacle shall be completely screened by a six foot (6') high solid wood fence.
6. No off-premise signs shall be permitted on site.
7. All drop-off parking stalls shall be connected to the

building with a four foot (4') wide sidewalk.

8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
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. Prior to July 1, 1990 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 the new 10th Avenue, 54.5 feet from centerline and Jog Road, 76 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 Developer 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 \$20,130.00 (366 trips X \$55.00 per trip).
13. The petitioner shall voluntarily annex into the City of Greenacres within 90 days of receiving a Certificate of Occupancy for the daycare center.
14. 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
Karen T. Marcus	-- AYE
Carol Roberts	-- AYE
Ron Howard	-- AYE
Carole Phillips	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990,

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS:

JOHN B. DUNKLE, CLERK

BY: *Paulas Otter*
COUNTY ATTORNEY

BY: *Paul H. Brown*
DEPUTY CLERK