

RESOLUTION NO. R-92-58

RESOLUTION APPROVING ZONING PETITION NO. 86-77(D)
SPECIAL EXCEPTION & MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF SARRIA 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. 86-77(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on September 26, 1991; 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 the 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, Chapter 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. 86-77(D), the petition of SARRIA ENTERPRISES, INC., BY ROBERT BENTZ, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A DAY CARE CENTER (MAXIMUM 320 CHILDREN) TO DECREASE LAND AREA AND A MODIFICATION OF COMMISSION REQUIREMENTS ON RESOLUTION NO. R-87-116, CONDITION NO. 1 D (FENCING REQUIREMENT) on a parcel of land BEING A PART OF LOTS 7 & 8, PLAT OF HAVERHILL ACRES, IN PLAT BOOK 20, PAGE 75, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 25.0 FEET TO THE EXISTING RIGHT OF WY OF HAVERHILL ROAD AND THE POINT OF BEGINNING; THENCE S 0 48'09" W, ALONG SAID RIGHT OF WAY LING, A DISTANCE OF 197.8 FEET; THENCE WEST, A DISTANCE OF 290.0 FEET; THENCE N 0 48'09" E, A DISTANCE OF 55.0 FEET; THENCE WEST, A DISTANCE OF 80.0 FEET; THENCE N 0 47'50" E, A DISTANCE OF 142.8 FEET TO THE NORTH LINE OF SAID LOT 7; THENCE EAST, ALONG SAID NORTH LINE, A DISTANCE OF 370.01 FEET TO THE POINT OF BEGINNING, and being located ON THE W SIDE OF HAVERHILL RD., APPROX. .3 MILE N OF BELVEDERE RD., IN THE RH ZONING DISTRICT, was approved on September 26, 1991, as advertised, subject to the following conditions:

NOTE: All previous conditions of approval have been consolidated and carried forward with this petition unless expressly modified herein. All conditions shall apply to the entire property unless specifically stated otherwise.

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 59). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E) 2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.

B. ANNEXATION

1. The property owner shall voluntarily annex into the Town of Haverhill at such time the subject property becomes contiguous to the Town of Haverhill or is the subject of an annexation proposal by the Town of Haverhill.

C. DAY CARE

1. The day care center shall be restricted to a maximum of 320 students. (Previously Condition 5 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).
2. Prior to certification the site plan shall be amended to provide a convenient drop-off area adjacent to the structure to provide adequate vehicular circulation on site and a safe access to the center. (Previously Condition 2 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).
3. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area.
4. No portable playground equipment greater than three feet in height is permitted in the utility easement along the north property line. No fixed playground equipment of any type is permitted in the utility easement.
5. No storage or placement of any material, refuse, equipment or debris shall be permitted in the rear of the facility.
6. Bus parking is only permitted in striped and marked stalls appropriately sized for the bus. Buses may only be parked temporarily for the purpose of loading and unloading students.
7. No vehicular repairs shall be permitted on site.

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
 - a. Be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure constructed of brick, concrete, concrete block, or other decorative masonry, or comparable wood or steel, consistent with the architectural character of the development or principal building. The open end of the enclosure shall have an obscuring, opaque gate.
 - b. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty-six (36) inch high shrub and hedge material planted twenty-four (24) inches on center. This provision shall not apply to litter containers provided for the convenience of pedestrians.

E. ENGINEERING

1. The development shall retain on site 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition with the County Engineer's approval. (Previously Condition 3 of Resolution No. R-87-116, Zoning Petition No. 86-77).
2. 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 \$21,111.00 (788 trips x \$26.79 per trip). (Previously Condition 4 of Resolution No. R-87-116, Zoning Petition No. 86-77).
3. The property owner shall construct a left turn lane south approach on Haverhill Road at the project's entrance road. This construction shall include curb and gutter on Haverhill Road and adjustments to any drainage structures plus the appropriate tapers all concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (Previously Condition 6 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).
4. 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 the proposed 120 student expansion presently is \$10,528.00 (393 trips x \$26.79 per trip). (Previously Condition 7 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).

F. HEALTH

1. Condition No. 2 of Resolution No. R-87-116, Zoning Petition No. 86-77, which currently states:

"Sewer and/or water service has been confirmed by the Utility company responsible for serving the area. Therefore, septic tank and/ or well shall not be approved for the subject **property.**"

shall be deleted.

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 8 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 9 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).

G. IRRIGATION UUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

H. LANDSCAPING

1. The petitioner shall install additional landscape buffering along the western and southern property line. This buffer shall consist of ten (10) foot to twelve (12) foot high native canopy trees planted twenty (20) feet on center. (Previously Condition 3 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).
2. Preserve the slash pines and cabbage palms, incorporating them into the proposed perimeter buffers and open spaces. (Previously Condition 4 of Resolution No. R-89-903, Zoning Petition No. 86-77(A)).

I. LIGHTING

1. All outdoor lighting shall be directed away from neighboring properties. (Previously Condition 6 of Resolution No. R-87-116, Zoning Petition No. 86-77).

J. MODIFICATION

1. Condition No. 1 of Resolution No. R-87-116; Zoning Petition No. 86-77, which currently states:

"Prior to site plan certification, the site plan shall be amended to reflect the following:

- a) required perimeter landscape buffer
- b) required and proposed number of trees
- c) no signs encroaching either the required five (5) foot setback of landscape strip.

d) a **"solid"** fence or wall around the outdoor play area

e) ultimate right-of-way width for Haverhill Road."

Shall be amended to state:

"Prior to site plan certification, the site plan shall be amended to reflect the following:

a) Required perimeter landscape buffer.

b) Required and proposed number of trees.

c) **No** signs encroaching either the required five (5) foot setback of landscape strip.

d) A solid fence or wall shall be provided around the outdoor play area, except that where the play area abuts the parking lot to the south, a six foot minimum height chain link fence may be substituted.

e) Ultimate right-of-way width for Haverhill Road."

2. Prior to site plan certification, all previously approved parking areas shall be paved and striped.

K. SIGNS

1. **No** lighted on premises signs shall be erected on the site. (Previously Condition 5 of Resolution No. R-87-116, Zoning Petition No. 86-77).

2. Any new or replacement signs shall comply with the following:

a. Maximum sign height: Ten (10) feet.

b. Maximum total sign face area: 100 square feet.

c. Maximum number of signs: One (1) monument type.

L. UNITY OF TITLE

1. Simultaneously with submittal of the site plan to the Site Plan Review Committee, the petitioner shall submit a Unity of Title for the deleted parcel, tying it to the property south of the day care center, in a form acceptable to the County Attorney's Office. Prior to site plan certification, petitioner shall record the Unity of Title in the public record in a form acceptable to the County Attorney's Office.

M. COMPLIANCE

1. Condition No. 1 of Resolution No. R-89-903, Zoning Petition No. 86-77(A), which currently states:

"The developer shall comply with all previous conditions of approval, unless expressly modified herein,"

is hereby deleted.

2. Condition **No.** 10 of Resolution **No.** R-89-903, Zoning Petition **No.** 86-77(A), which currently states:

Failure to comply with the conditions herein 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.

is hereby deleted.

3. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The addition or modification of conditions, possibly including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - c. Citation of the property owner for violation of the Zoning Code.
4. Other actions as permitted in Chapter 120, Section 380.11 or Section 380.06, Florida Statutes.
5. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	aye
Carole Phillips	--	aye
Carol A. Roberts	--	aye
Carol J. Elmquist	--	aye
Mary McCarty	--	aye
Ken Foster	--	absent
Maude Ford Lee	--	aye

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of January, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

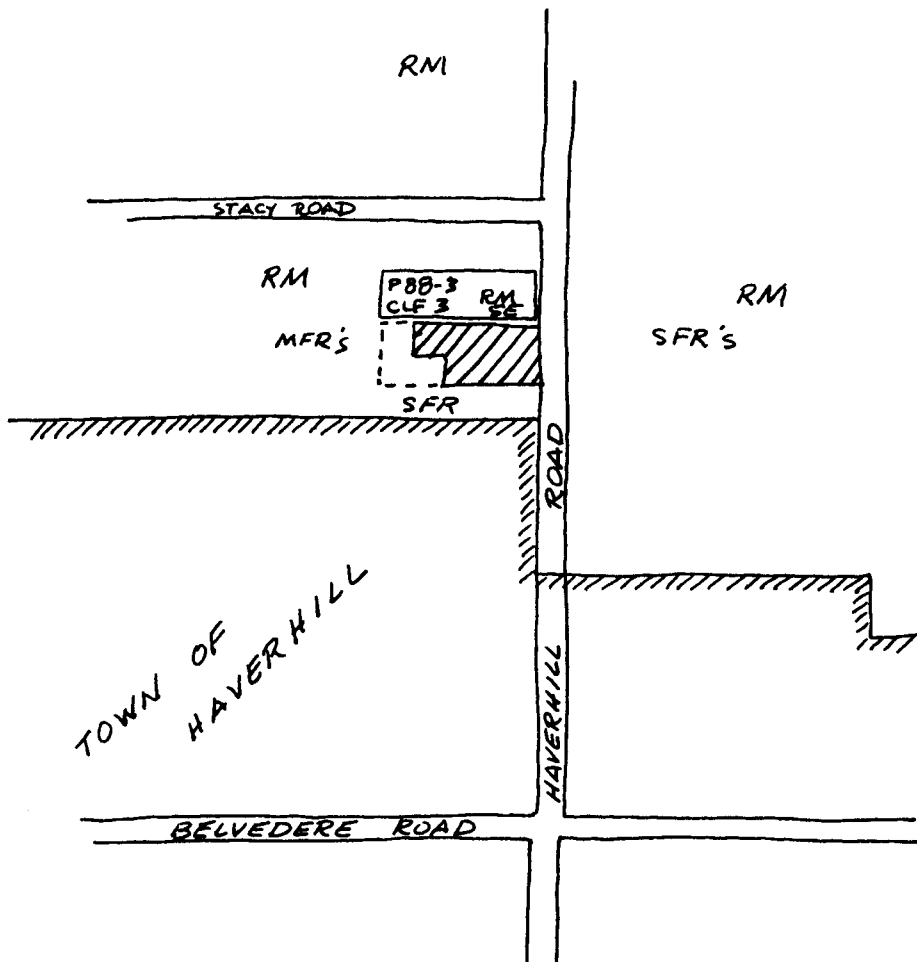
BY:


DEPUTY 'CLERK'

Sec. 26 Twp. 43 Rng. 42
Quadrant Sheet: 31
Aerial Page:

*Approved
9/20/91*

Vicinity Sketch



Request :

A SPECIAL EXCEPTION to amend the site plan for a Day Care Center (maximum 20 children) to reduce land area with a concurrent MODIFICATION OF COMMISSION REQUIREMENTS for Condition No. 1.d., Resolution No. R-87-116, Petition No. 87-116, a fence requirement.

PETITION NO: 86-77(D)

BCC DISTRICT: