

RESOLUTION NO R-92-161f

RESOLUTION AMENDING RESOLUTION NO R-90-580
RESOLUTION APPROVING ZONING PETITION OF FLORIDA LOGGERS, INC
PETITION NO 75-68(E)

WHEREAS, FLORIDA LOGGERS, INC , by Gary M Brandenburg, Agent, petitioned the Palm Beach County Planning Commission and the Board of County Commissioners sitting as the zoning authority, on October 5 1989, and October 26, 1989, respectively, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR LOGGERS RUN PLANNED UNIT DEVELOPMENT TO INCLUDE A DAY CARE CENTER (MAXIMUM 54 CHILDREN) WITHIN TRACT "M"

WHEREAS, Resolution No R-90-580, adopted April 3, 1990 confirming the action of the Board of County Commissioners sitting as the zoning authority on October 26, 1989, inadvertently contained an incorrect set of conditions and

WHEREAS, the conditions of approval of Resolution No R-90-580 currently read as follows are deleted

- 1 ~~At the time of application for a building permit the petitioner shall submit a landscape plan which~~
 - a Provides a minimum of one (1) eight (8) foot tall native canopy tree for each 20 linear feet of perimeter (north, east, and west)
 - b Provides a minimum of one (1) drought tolerant shrub for each two (2) linear feet of perimeter (north, east, and west) A mixture of twenty-four (24) inch tall plants shall be used consisting of wax myrtle coca plum saw palmetto or other acceptable alternatives
 - c Provide along Boynton Beach Boulevard a minimum of one (1) twelve (12) foot tall native canopy tree for each twenty (20) linear feet of property line, a minimum of a thirty-six (36) inch tall continuous hedge, and one (1) native palm tree for each forty (40) linear feet of property line excepting the well enclosure area
- 2 Xeriscape principles shall be used in plant material selection, installation and maintenance
- 3 Sewer service is available to the property Therefore, no septic tank shall be permitted on the site
- 4 Water service is available to the property Therefore, no well shall be permitted on the site to provide potable water
- 5 The City of Boynton Beach agrees to comply with the provisions of the Wellfield Protection Ordinance Any activities which involve the use, storage, handling or production of Regulated Substances shall be located outside Zone 1 A Zone 2 permit will be required
- 6 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.

- 7 The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
- 8 Prior to February 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 60 feet from centerline of construction (as identified in Palm Beach County's construction plans for Boynton Beach Boulevard) 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.
- 9 The Property owner shall convey to Palm Beach County prior to February 1 1990 adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from the 1.9 acres of Boynton Beach Boulevard along the property frontage. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
- 10 The property owner shall convey to the Lake Worth Drainage District an easement over the west 30 feet of Parcel 16 for the required right-of-way for Equalizing Canal No 3 by Quit Claim Deed or an Easement Deed in the form provided by said District prior to February 1 1990.
- 11 No off premise signs shall be permitted on site.

WHEREAS the conditions of said zoning resolution should have read and are hereby substituted

- 1 The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
- 2 The center shall be limited to a maximum of fifty-four (54) students and a minimum of 1 990 square feet of usable building area.
- 3 The perimeter of the outdoor activity area shall be fenced with a solid six (6) foot tall visually opaque

fence. Architecturally maintained compatible with the shopping center (painted/stained) Signage shall be affixed to the fence indicating no trespassing or loitering

- 4 Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with HRS requirements
- 5 Travel in front of the center and drop-off area shall be limited to one-way (south to north) "One-way" and "Do Not Enter" signs shall be appropriately installed
- 6 Maximum speed in front of the facility shall be limited to 5 mph with appropriate signage installed
- 7 Pavement in front of the facility shall be striped yellow and marked with caution signs
- 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 Prior to Site Plan approval the property owner shall indicate interior access from the shopping center to all the "not included parcels", no additional access points other than those shown on the Master Plan will be permitted
- 11 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 day care center presently is \$1 540 00 (28 trips X \$55 00 per trip)
- 12 The petitioner shall relocate all dumpsters a minimum of one hundred (100) feet from the outdoor activity area
- 13 The adjacent retail by to the south of the proposed day care shall not be used for any business primarily engaged in the sale or use of flammable materials for example restaurants and paint sales This condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail business
- 14 Prior to occupancy of the day care center the facility shall be modified to meet all applicable building and life safety codes
- 15 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

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that

- 1 The foregoing recitals are hereby affirmed and ratified
- 2 The conditions of Resolution No R-90-580 are hereby corrected

The foregoing resolution was offered by Commissioner Elmquist, who moved its adoption. The motion was seconded by Commissioner Roberts and upon being put to a vote the vote was as follows

Karen T Marcus	Chair	--	Aye
Carol Roberts		--	Aye
Carol J Elmquist		--	Aye
Mary McCarty		--	Aye
Carole Phillips		--	Absent
Ken Foster		--	Aye
Maude Ford Lee		--	Aye

The Chairman thereupon declared the resolution duly passed and adopted this 27 th day of October, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T BAUER CLERK


County Attorney

BY 
Deputy Clerk