

RESOLUTION NO. R-89- 356

RESOLUTION APPROVING ZONING PETITION NO. 88-25
SPECIAL EXCEPTION PETITION OF LITTLE PEOPLE'S CORPORATION

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-25, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 1988; and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-25, the petition of LITTLE PEOPLE'S CORPORATION, by David L. Carpenter, Agent, for a SPECIAL EXCEPTION TO PERMIT 1) A PRIVATE EDUCATIONAL INSTITUTION INCLUDING 2) A DAY CARE CENTER on a parcel of land lying in a parcel of land in Section 33, Township 44 South, Range 43 East, beginning at a point on the West Boundary of Section 33, Township 44 South, Range 43 East, which is 660.00 feet North of the Southwest corner of Section 33, thence in a northerly direction along the West Boundary of Section 33 for a distance of 151.82 feet to a point; thence in an Easterly direction parallel to the North line of the Southwest 1/4 of the Southwest 1/4 of Section 33 for a distance of 463.30 feet to a point on the East Boundary of the Lake Worth Drainage District; thence in a Southerly direction along the East Boundary of the Lake Worth Drainage District for a distance of 149.69 feet to a point; thence in a westerly direction parallel to the South Boundary of Section 33, for a distance of 457.07 feet to the POINT OF BEGINNING. LESS the West 30.00 feet thereof for Road Right-of-Way, located on the East side of Highridge Road,

approximately .1 mile North of Lantana West Road, in a RS-Single Family Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. Correct back-up distance for all parking spaces
 - b. A minimum of sixteen (16) parking spaces
 - c. Deletion of the "off road stacking area"
 - d. Label access dimensions
2. The operating hours of the facility shall be limited to 7:00 A.M. to 7:00 P.M.
3. Maximum occupancy shall be limited to 125 children in the day care center, 54 children in the grade school, and 11 employees.
4. The petitioner shall install a six (6) foot solid wooden fence along the north and east property lines, supplemented with landscaping meeting the requirements of perimeter landscape strip alternative number three. The fence shall be continually maintained in a good condition.
5. 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).
6. Because water service is available to the property, a well shall not be approved for potable water use.
7. The developer shall retain 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 be restricted in the discharge of stormwater runoff such that post development discharge is less than or equal to pre-development discharge. 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.
8. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for High Ridge, 40 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the

Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.

- 9 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 \$4,126.00 (154 trips X \$26.79 per trip).
10. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
11. The petitioner shall construct a five (5) foot wide landscape strip where the parking area abuts the southern property line which shall contain native canopy trees spaced thirty (30) feet on center and supplemented with a continuous six (6) foot high CBS wall. There shall be no vehicle encroachment into this area.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Adams and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Lubat
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK