

RESOLUTION NO. R-89- 907

RESOLUTION APPROVING ZONING PETITION NO. 88-64
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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-64, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 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. 88-64, the petition of SARRIA AND CABRERA ENTERPRISES, INC., by Robert Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (CHILD), on a parcel of land lying in Lots 24 through 30, inclusive, Replat of Bergantino Estates as recorded in Plat Book 23, Page 193 in Section 12, Township 445, Range 42E, located at the southwest corner of the intersection of Park Avenue and Seton Avenue, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following amended conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. The drop-off area locate adjacent to the main entrance and designed not to conflict with other traffic utilizing the site;
 - b. A six (6) foot high solid wood fence around the outdoor activity area:

- c. A ten (10) foot wide landscape strip along the perimeter of all vehicular use areas. This landscape strip shall be supplemented with ten (10) foot to twelve (12) foot high native canopy trees, spaced twenty (20) on center and a native hedge, 36 inches high, spaced 24 inches on center;
 - d. The required twenty (20) foot distance between all parking stalls and the eastern property line;
 - e. Required terminal islands;
 - f. Required trees in terminal islands; -
 - g. The number of employees;
 - h. A listing to indicate all excluded areas of the indoor usable floor area;
 - i. Required handicap access;
 - j. Clear backup distance for all parking stalls; and
 - k. Trash receptacle.
2. The petitioner shall upgrade the landscaping around the outdoor activity area by installing ten (10) foot to twelve (12) foot high native canopy trees spaced a maximum of twenty (20) feet on center.
 3. Use of the site shall be limited to a Day Care Center supporting a maximum of 230 children.
 4. The petitioner shall install adequate signage at both entrances that clearly indicates "one way traffic only" at the northern entrance and "do not enter" at the southern entrance. The pavement shall be clearly marked indicating the limits of the drop-off area and one way traffic flow.
 5. No outdoor loudspeaker system shall be permitted on site.
 6. All site lightins shall be a maximum of fifteen (15) feet high, low intensity, shielded and directed away from surrounding residences and right-of-way.
 7. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and located away from the outdoor play area.
 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. 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. The property owner shall construct:
 - a. Left turn lane south approach on Seton Avenue at Summit Boulevard
 - b. Left turn lane north approach on Seton Avenue at Chukkers Avenue plus appropriate paved tapers

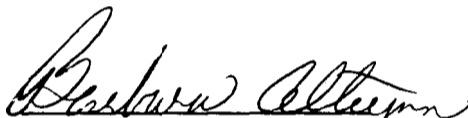
all concurrent with onsite paving and drainage improvements. This construction shall include curb and gutter if required by the County Engineer and shall include appropriate canal crossing cross section as determined by the Lake Worth Drainage District and County Engineer. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
12. 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 \$19,262.00 (719 trips X \$26.79 per trip).
13. 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.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day Of May, 1989 confirming action of June 23, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

