

RESOLUTION NO. R-89-1157

RESOLUTION APPROVING ZONING PETITION NO. 83-149(A)
SPECIAL EXCEPTION PETITION OF JOSEPH A. PALERMO AND
MAURICE EPSTEIN, TRUSTEES

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. 83-149(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 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. 83-149(A) the petition of JOSEPH A. PALERMO AND MAURICE EPSTEIN, TRUSTEES, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR SAUSALITO GROVES PLANNED UNIT DEVELOPMENT (PETITION NO. 83-149) TO (1) RELOCATE A CHILD DAY CARE CENTER FROM TRACT A TO TRACT B, AND (2) ADD ACCESS ONTO N.W. 22ND AVENUE on a parcel of land lying on Tract "B" of the Plat of Sausalito Groves PUD as recorded in Plat Book 60 at Pages 44 and 45, and lying in Section 13, Township 45 South, Range 42 East, being located on the north side of NW. 22nd Avenue and bounded on the east by Lawrence Road and on the north by Lake Worth Drainage District Lateral Canal No. 21, in a RM-Multiple Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all conditions of previous approval unless expressly modified herein.

2. Prior to certification, the master plan shall be amended to indicate the following:
 - a. Deletion of the note "Day Care Center" in the 1.13 acre recreation site located in the central portion of *the* planned unit development;
 - b. Revised open space tabular information that is cross referenced to Section 500.21.J, subsections 1 through 11. The petitioner shall clearly indicate on the master plan how the open space calculations have been derived.
3. Prior to site plan certification for the day care center, the site plan shall be amended to indicate the following:
 - a. All existing easements;
 - b. Required drop-off area that satisfies the criteria set forth by the Zoning Division;
 - c. All existing native vegetation to be preserved;
 - d. The location of all indoor play areas for all proposed structures. These areas shall be clearly delineated and cross referenced to a tabular index that indicates the minimum requirements; and
 - e. Ten (10) to Twelve (12) foot native canopy trees spaced twenty (20) feet on center along the northern and western property lines, supplemented with a continuous twenty-four (24) inch high hedge spaced a maximum of two (2) feet on center; and
 - f. Relocation of the handicap parking stall so abuts the five (5) foot wide sidewalk surrounding the facility.
4. The petitioner shall install a six (6) foot high solid masonry or wood barrier along the northern and western property lines.
5. Vehicle parking shall be limited to the parking spaces designated on *the* approved site plan. No parking of vehicles is to be permitted in landscape areas, rights-of-way or interior drives.
6. The petitioner shall remove all prohibited species from the subject parcel prior to the issuance of a Certificate of Occupancy for the day care facility,
7. No outdoor loudspeaker system shall be allowed on-site.
8. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent residences and shall not exceed fifteen (15) feet in height.

9. The developer shall preserve existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way and building pods. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Site Plan Review Committee certification. These preservation areas shall received appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
10. Concurrent with Site Plan Review Committee Meeting submittal the petitioner shall submit additional information relative to the vegetation removal application. Photos of the subject site (day care parcel) shall be keyed into a reduced copy of the revised informational site plan.
11. Prior to Site Plan Review Committee certification for the day care parcel, the petitioner shall redesign the site to provide one of the following:
 - a. Required drop off spaces that satisfy the explicit criteria set forth by the Zoning Division's policy memo regarding day care drop-off areas; or
 - b. Provide adequate on site circulation which shall include a 100 foot long drop-off area with adequate by-pass dimensions. The layout of a 360 degree turn around area will not be permitted to serve as a primary method of providing adequate circulation throughout the site.

The redesign of the site may result in a 1) reduction in square footage; and 2) elimination of required parking spaces which will subsequently affect the permit for the number of teachers and students on site.

12. Off premise signs shall not be permitted on the site.
13. No dumpster pickup shall be allowed between the hours of 10:00 p.m. and 10:00 a.m.
14. Use of the site shall be limited to a child day care center with hours of operation limited to 6:00 a.m. to 7:00 p.m., Monday through Saturday.
15. A maximum of one access point shall be permitted from Lawrence Road.
16. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

17. Water service is available to the property, Therefore, no well shall be permitted on the site to provide potable water.
18. The petitioner shall:
 - a) Extend the proposed left turn lane, north approach on Lawrence Road at N.W. 22nd Avenue to provide for a left turn lane, south approach on Lawrence Road at the project's entrance road:
 - b) Construct a right turn lane, north approach on Lawrence Road at the project's entrance road:
 - c) Construct a left turn lane, west approach on N.W. 22nd Avenue at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto N.W. 22nd Avenue and Lawrence Road. This turn lane shall be constructed with the current construction by Palm Beach County for N.W. 22nd Avenue from Military Trail to Lawrence Road. This property owner shall be responsible for any and all change orders.
19. The petitioner 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.
20. 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.
21. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
22. The petitioner shall provide a speed barrier within the northwest portion of the parking area. This speed barrier shall be orientated in a north to south direction.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

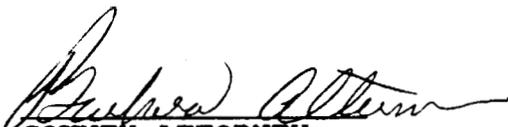
The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY :


DEPUTY CLERK

