

RESOLUTION NO. R-89-1259

RESOLUTION APPROVING ZONING PETITION NO. **86-32(G)**  
SPECIAL EXCEPTION PETITION OF GLEN AND SANDRA **KAHN**

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. 86-32(G) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 9, 1989; 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. 86-32(G) the petition of GLEN AND SANDRA KAHN, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR WELLINGTON PLANNED UNIT DEVELOPMENT (PETITION NO. 86-32(F) TO INCLUDE A DAY CARE CENTER (MAXIMUM 125 CHILDREN) on a parcel of land lying on Lot 2, Block 46, Paddock Park No. 2 of Wellington, recorded in Plat Book 41, Pages 99-101, in Section 4, Township 44 South, Range 41 East, being located on the south side of Wellington Trace, approximately 325 feet east of Draft Horse Lane (Wellington Planned Unit Development is bounded on the north by Southern Boulevard (SR 80), on the south by the C-23 Canal, on the east by U. S. 441 (SR 7), and on the west by the C-1 Canal), in the AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate:
  - a. Relocation of the handicap stall to an area adjacent to the structure.

- b. Ultimate Right-of-way dimension for Wellington Trace.
  - c. Adjacent canal right-of-way located to the east and south.
  - d. Perimeter landscape alternative number 3 along the west property line.
  - e. Required number of minimum trees in landscape tabular data.
  - f. Directional Signage.
  - g. **Minimum twenty-five (25) foot wide access dimension.**
  - h. The dumpster located along the eastern property line to the easternmost stall in the northerly parking string.
  - i. Minimum landscape requirements and conditions along the eastern property line.
  - j. Relocation of the handicapped stall to a more appropriate location, which will permit ease of entry into the facility.
2. Prior to site plan certification, the petitioner shall amend the site plan to indicate an extended median to define a separation between the by-pass zone and the covered drop-off area. The median strip shall extend from the northern edge of the canopy in an east to west direction for approximately sixty (60) feet.
  3. Prior to site plan certification, the petitioner shall amend the site plan to include a solid six (6) foot high fence around the perimeter of the site on the west, south, east sides. Required landscaping shall be planted on the exterior of the fence. Landscaping shall include ten (10) foot high native canopy trees twenty (20) feet on center and a thirty-six (36) inch high hedge.
  4. Use of the site shall be limited to a day care center with a maximum 125 children between the ages of three (3) months and five (5) years: and a minimum of 5% of the children accommodated shall be handicapped individuals (determined to be handicapped by a licensed professional). Handicapped children and adolescents may be accommodated at the facility in the after-care program.
  5. Security lighting shall be shielded, low intensity and directed away from adjacent properties and

streets, shining only on the site and shall not exceed six (6) feet in height.

6. No outdoor loudspeaker system shall be permitted on-site.
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. Prior to site plan review submittal, the petitioner shall amend the site plan to indicate the location of the 4,475 square feet of indoor activity area. The petitioner shall also indicate in a tabular form the spatial requirements for all offices, supply rooms, mechanical rooms, lavatories, hallways, foyers etc. If the total square footage of these accessory functions exceeds 525 square feet, a subsequent reduction in the student population shall be indicated to support these additional spatial needs.
9. No dumpster pick-up shall be permitted between the hours of 8:00 p.m. and 8:00 a.m.
10. No landscaping shall be planted within the twelve (12) foot utility easement. All landscaping shall be installed outside of this easement.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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.

14. The Property owner shall construct a left turn lane, east approach on Wellington Trace at the project's entrance concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
15. 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. The Fair Share Fee for this project presently is \$11,225.00 (419 trips X \$26.79 per trip).
16. A six foot fence shall be installed around the entire perimeter of the outdoor play area. The fence shall be installed on the northern and western edge of the twenty-five (25) foot maintenance easement on the eastern and southern property line.
17. Hours of operation shall be limited to 6:30 a.m. to 6:30 p.m., Monday through Friday, and no holiday or weekend operation shall be permitted.
18. No signage shall be permitted on the site.
19. No fences shall be permitted in the front yard setback area.
20. The roof shall be spanish tile.
21. 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.

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

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

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 9, 1989.

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