

ORIGINAL

RESOLUTION NO. R-89-2221

RESOLUTION APPROVING ZONING PETITION NO. 86-9(A)
SPECIAL EXCEPTION PETITION OF
CROWN DIVERSIFIED INDUSTRIES, 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 have been satisfied; and

WHEREAS, Petition No. 86-9(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

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

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-9(A) the petition of CROWN DIVERSIFIED INDUSTRIES, INC., by Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR COMMERCE PARK EAST TO INCLUDE (1) A DAY CARE CENTER (MAXIMUM 120 CHILDREN), (2) AN AUTO SERVICE STATION (NO MAJOR REPAIRS), AND (3) A CAR WASH on a parcel of land lying ON that part of Section 23, Township 44 South, Range 41 East: Beginning at the Northeast corner of said Section 23; thence North 89 degrees 37' 49" West along the North line of said Section, a distance of 1374.29 feet; thence South 01 degree 13' 12" West, a distance of 2627.75 feet; thence South 89 degrees 17' 20" East, a distance of 1374.36 feet, more or less, to the East line of said Section 23; thence North 01 degree 13' 12" East along the East line of said Section 23, a distance of 2635.93 feet, to the Point of Beginning (for purposes of this description the North line of Section 23 is an assumed bearing of North 89 degrees 37' 49" West), being located on the south side of Pierson Road, approximately .97 mile west of US 441 (SR 7), in the PIPD-Planned Industrial Park Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review Submittal, the site plan for the day care shall be amended to indicate:
 - a. A minimum internal usable floor area of 4,300 square feet to support 120 children;
 - b. The maximum number of children allowed to be 120;
 - c. A minimum of five (5) transient spaces, twelve (12) feet wide and twenty (20) feet long located adjacent to the main entrance;
 - d. The transient spaces being double striped and designated with an above-grade sign or pavement marking indicating drop-off use only;
 - e. A minimum four (4) foot wide sidewalk extending along the front of the transient spaces connecting with the main entrance; and,
 - f. The following buffer requirements along the north property line:
 1. A six (6) foot high concrete block and stucco wall running along the northerly edge of the outdoor activity area; and,
 2. Native canopy trees a minimum of twelve (12) feet in height with a minimum six (6) foot spread, spaced twenty (20) feet on center.
3. Use of lot 33 shall be limited to a Day Care Center supporting a maximum of 120 children.
4. Off-premise signs shall not be permitted on the site.
5. The use of Lot 24 shall be limited to an unmanned, credit card operated, gasoline sales facility and truck wash.
6. Prior to Site Plan Certification, the petitioner shall submit a "Letter of Consent" from Florida Power and Light approving the use and site design for each lot along the eastern boundary of the P.I.P.D. transversed by a Florida Power and Light easement.
7. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

8. Sewer service is available to the property. Therefore, no septic tank shall be permitted to 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 owner, occupant or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of waste oil.
11. The petitioner shall participate in the funding program for the paving of Pierson Road, to be detailed in an agreement between the, Acme Improvement District and the applicant, prior to master plan certification.
12. 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 Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Phillips and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara Altman
COUNTY ATTORNEY

BY: June Williams
DEPUTY CLERK