

RESOLUTION NO. R-90-49

RESOLUTION APPROVING ZONING PETITION NO. 89-67
SPECIAL EXCEPTION PETITION OF URBAIN AND RACHEL L. DECARIE

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. 89-67 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 27, 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. 89-67 the petition of URBAIN AND RACHEL L. DECARIE, by Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM 200 CHILDREN) on a parcel of land lying on a one acre parcel in the South 1/2 of the South 1/2 of Lot 8, according to the Amended Plat of Section 12, Township 45 South Range 42 East, Mary A. Lyman Et Al, Plat Book 9, Page 74, more particularly described as follows:

(Note: The East line of the Northwest 1/4 of Section 12 is assumed to bear South 04 Degrees 39' 20" West and all other bearings cited herein are relative thereto.)

Commencing at the Northeast corner of the Northwest 1/4 of Section 12, Thence South 04 Degrees 39' 20" West along the East line of said Northwest 1/4 a distance of 1007.14 feet, more or less, to the Easterly prolongation of the North line of the South 1/2 of Lot 8, according to the Amended Plat of Section 12, Township 45 South Range 42 East Mary A. Lyman Et Al, as recorded in Plat Book 9, Page 74, Thence N. 89 Degrees 20' 44" West along the Easterly prolongation of the said North line of the South 1/2 of Lot 8 a distance of 50.12 feet to a concrete monument lying on the West Right-of-way line of Military Trail (S.R. No.809): Thence South 04 Degrees 39' 20"

West along said West Right-of-way line a distance of 168.01 feet to a point on the North line of the South 1/2 of the South 1/2 of said Lot 8; thence North 89 Degrees 26' 59" West along the North line of the South 1/2 of the South 1/2 of said Lot 8 a distance of 12.57 feet to the Point of Beginning of the hereinafter described parcel, said point of Beginning being the Northwest corner of Parcel C.R.D. No. 19, Urbain DeCarie and Rachel L. DeCarie, Official Record Book 2535, Page 97, Parcel Acquisition Map for Military Trail, Drawing No. 83224; Thence continue North 89 Degrees 26' 59" West along the North line of the South 1/2 of the South 1/2 of said Lot 8 a distance of 260.24 feet to a point on a line parallel with the West line of said Lot 8; Thence South 03 Degrees 43' 30" West along said parallel line a distance of 168.33 feet to a point on the South line of said Lot 8; Thence South 89 Degrees 33' 16" East along the South line of said Lot 8 a distance of 259.00 feet to the Southwest corner of aforesaid parcel C.R.D. No. 19; Thence North 04 Degrees 09' 26" East a distance of 167.93 feet to the point of Beginning, being located on the west side of Military Trail (SR 809), approximately .2 mile south of Hypoluxo Road in a RS-Single Family Residential Zoning District, was approved on July 27, 1989, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
2. Use of the site shall be limited to a Day Care Center supporting 200 children. If a petition is initiated to change the use on the subject property, then the parcel shall be rezoned to a Zoning District consistent with the 1989 Comprehensive Plan, as it may be amended.
3. The petitioner shall provide a six (6) foot high wooden fence along the property lines where the outdoor play area is adjacent to residentially zoned property (north, west).
4. No outdoor loudspeaker system shall be permitted on site
5. All site lighting shall be a maximum of fifteen (15) feet high, low intensity, shielded and directed away from surrounding residences and right-of-way.
6. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and landscaping, located away from the outdoor play area.
7. The building shall be relocated, mirrored image, along the north property line thereby allowing the orientation of the outdoor play area toward the south.
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 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.
11. 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 **\$17,949.00** (670 trips X **\$26.79** per trip).
12. In addition the Developer shall contribute the amount of **\$582.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$582.00** shall be paid prior to the issuance of the first Building Permit.
13. If the "**Fair** Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$582.00** shall be credited toward the increased Fair Share Fee.
14. In order to comply with the mandatory traffic performance standards the Developer shall be restricted to the following phasing schedule:
 - a. Enrollment of no more than **72** students shall be permitted until construction has begun for Military Trail as a **4/6** lane section from Hypoluxo Road to Miner Road currently scheduled for Fiscal Year **88/89** plus the appropriate paved tapers.
15. **No** off premise signs shall be permitted on site.
16. 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 Resolution.

The motion was seconded by Commissioner Roberts 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	-- AYE
Carol Roberts	-- AYE

The Chair thereupon declared the resolution was duly passed and adopted this 2nd day of January, 1990 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

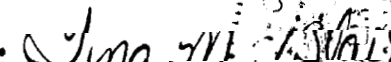
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

