

RESOLUTION NO. R-90- 528

RESOLUTION APPROVING ZONING PETITION NO. 89-64  
SPECIAL EXCEPTION PETITION OF  
PAUL W. AND HILDA K. MOSES

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. 89-64 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 89-64, the petition of PAUL W. AND HILDA K. MOSES, by John Sanford, Jr., Agent, for a SPECIAL EXCEPTION TO PERMIT A DAY CARE CENTER (MAXIMUM 62 CHILDREN), on a parcel of land being: The North 292.03 feet of the East 230.00 feet of the West 2964.00 feet of Section 25, Township 43 South, Range 40 East, subject to an easement over the East 30.00 feet thereof for drainage purposes, being located on the north side of Okeechobee Boulevard, approximately .22 mile east of Seminole Pratt Whitney Road, in the AR-Agricultural Residential Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. Prior to the Site Plan Review Submittal, the site plan shall be amended to indicate:
  - a. A continuous six (6) foot solid wooden fence extending along the east side of the canal, along the eastern side of the site beginning at the ultimate right-of-way line for Okeechobee Road, north to the outdoor play area fence;

- b. The entrance drive off Okeechobee Road increased in width from fifteen (15) feet to twenty (20) feet and straighten to allow for efficient access to the parking area;
  - c. A hedge, minimum of two (2) feet in height planted twenty-four (24) inches on center, adjacent to on the outside of the six (6) foot solid wooden fence surrounding the outdoor play area to be maintained at a height of six feet;
  - d. Signage along Okeechobee Road shall be relocated outside of the required fifteen foot perimeter landscape buffer;
  - e. A six (6) foot high solid wooden fence shall enclose the outdoor play area;
  - f. Alternative perimeter landscape No.3 along the north, east and west property lines;
  - g. Landscaping along Okeechobee Boulevard shall be upgraded to include one twelve (12) foot native canopy tree for each twenty (20) linear feet and one (1) native palm for each forty (40) linear feet; and a thirty-six (36) inch in height native hedge.
  - h. Ten (10) foot safe triangles at the projects entrance roads onto Okeechobee Boulevard.
2. 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.
  3. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.
  4. Signage shall be limited to one (1), fifty (50) square foot sign (double sided).
  5. No off premise signs shall be permitted on site.
  6. 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.

7. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Okeechobee Road, 60 feet from centerline free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
8. 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 \$5,921.00 (221 trips X \$26.79 per trip).
9. The site shall be limited to a day care center for sixty-two (62) children.
10. 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 Phillips moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 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

