

RESOLUTION NO. R-90-1428

RESOLUTION APPROVING ZONING PETITION NO. 78-5(B)  
SPECIAL EXCEPTION PETITION OF MINI MART DEVELOPMENT CORPORATION  
BY DAVID L. CARPENTER, AGENT

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. 78-5(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 30, 1990; 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. 78-5(B), the petition of MINI MART DEVELOPMENT CORPORATION, BY DAVID L. CARPENTER, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR HAMPTONS AT BOCA PUD TO INCLUDE A DAY CARE CENTER (MAXIMUM 125 CHILDREN) IN A COMMERCIAL POD on a parcel of land lying on Hamptons Square, Plat Book 37, Page 115, Section 07, Township 47 South, Range 42 East and being located on the southwest corner of the intersection of Hampton Drive and Kimberly Boulevard, approximately .4 mile east of U.S. 441, within Hamptons at Boca Planned Unit Development in the AR-Agricultural Residential Zoning District, was approved on April 30, 1990, 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 certification, the site plan shall be amended to indicate the following:

- a. The proposed structure for the day care center, shall be labelled as "two-story".
  - b. The dumpster, if located outside, shall be completely screened by a six foot (6') high solid fence and located away from the outdoor play area.
3. The landscaping along the six foot (6') fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (10') tall native canopy trees spaced twenty feet (20') on-center. A minimum of one (1) twelve foot (12') tall tree shall be planted for each 500 square feet of outdoor activity area.
  4. Use of the site shall be limited to a day care center supporting a maximum of 125 children.
  5. No outdoor loud speaker system shall be permitted on site.
  6. The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees.
  7. Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner.
  8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on 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 property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.
  11. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
    - a. 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; and/or
    - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
    - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the

addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus 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	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 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