

RESOLUTION NO. R-93-1370

RESOLUTION APPROVING ZONING PETITION **EAC78-5(C)**
REQUESTED (R) USE
PETITION **OF** MCT PROPERTIES, INC.

WHEREAS, the Board of County Commissioners, **as** the governing body **of** Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article **6**, Section 6.8 (Planned Development District Regulations) **of** the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, **as** provided for in Article **6**, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **EAC78-5(C)** was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1993, and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations **of** the Zoning Commission; and

WHEREAS, this approval **is** subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements **of** the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article **6**, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article **6**, Section 6.8, of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD **OF** COUNTY COMMISSIONERS **OF** PALM BEACH COUNTY, FLORIDA, that Zoning Petition **EAC78-5(C)** the petition **of** MCT PROPERTIES, INC., for a REQUESTED USE allowing a day care center, general (125 children) in the Residential Single Family (**RS**)/(PUD) (Commercial POD) Zoning District, on a parcel **of** land legally described in EXHIBIT **A**, attached hereto and made a part hereof, and generally located **as** shown on a vicinity sketch as indicated in EXHIBIT **B**, attached hereto and made a part hereof, was approved on October 28, 1993, subject to the conditions **of** approval described in EXHIBIT **C**, attached hereto and made a part hereof.

Commissioner Marcus moved **for** the approval **of** the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day **of** October, **1993**.

APPROVED **AS** TO FORM
AND LEGAL SUFFICIENCY

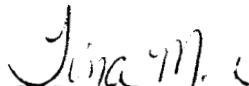
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

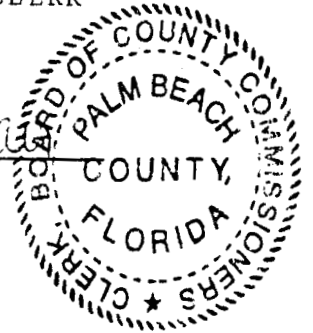


EXHIBIT A

LEGAL DESCRIPTION

**Plat of Hamptons Square according to plat thereof, as recorded at
Plat Book 37, Page 115 of the Public Records of Palm Beach County,
Florida**

EXHIBIT B
VICINITY SKETCH

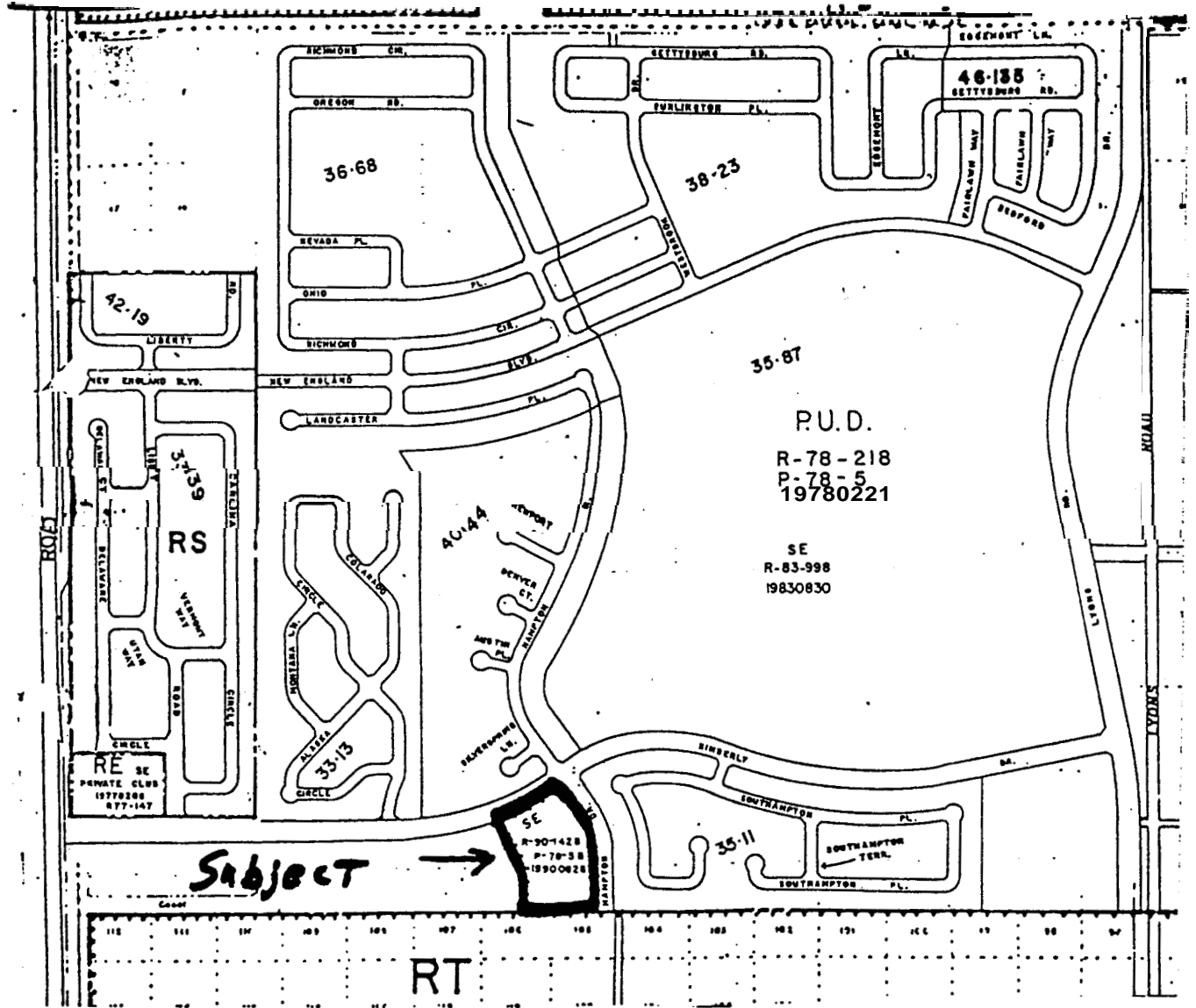


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. GENERAL

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, unless expressly modified. (MONITORING)
2. **The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.** (Previously Condition 1 of Resolution R-90-1428).
3. **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.** (Previously Condition 2 of Resolution R-90-1428).
4. **Condition No. 4 of Resolution No. R-90-1428 which currently states:**

Use of the site shall be limited to a day care center supporting a maximum of 125 children.

Is hereby amended to state:

The day care center shall be limited to a maximum of 220 children.
5. **No outdoor loud speaker system shall be permitted on site.** (Previously Condition 5 of Resolution R-90-1428).
6. **The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees.** (Previously Condition 6 of Resolution R-90-1428).
7. **Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner.** (Previously Condition 7 of Resolution R-90-1428).

B. PREM

1. **Developer shall dedicate two (2) percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach County.** (Previously Condition 18 of Petition 78-05, Resolution R-78-192). (PREM)

2. Developer shall provide an additional fifty (50) acres of recreation area to be comprised of an eight (8) foot bike path system throughout the project; a passive linear park system forty (40) feet in width around the lake frontage; and three (3) piers for boating access to the lake, one (1) being located on each of the major recreation areas on the lake. In addition, within ninety (90) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (\$50,000.00) to Palm Beach County to be utilized **offsite** in the Boca Greens Park dedication area. (Previously Condition 20 of Petition 78-05, Resolution R-78-192). (PREM)

C. SCHOOL BOARD

1. Within seven (7) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (50,000.00) to the School Board of Palm Beach County. (Previously Condition 19 of Petition 78-05, Resolution R-78-192). (SCHOOL BOARD)

D. LANDSCAPING

1. 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. (Previously Condition 3 of Resolution R-90-1428).

E. ENGINEERING

1. 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 the daycare expansion is \$26,235.00 (477 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
2. Developer shall submit traffic impact analysis. (Previously Condition 1 of Petition 74-44, Resolution R-74-291). (ENGINEERING)
3. Developer shall submit Master Drainage Report including Design High Water, recurring high water for twenty-five (25) year period, flood elevation for one hundred (100) year storm and compatibility of drainage facilities within lake Worth Drainage District facilities. (Previously Condition 2 of Petition 74-44, Resolution R-74-291). (ENGINEERING)
4. Palm Beach County Engineering Department to provide design and drainage for Lyons Road to State Road 808 and said road shall be constructed by the developer. (Previously Condition 3 of Petition 74-44, Resolution R-74-291). (ENGINEERING)
5. Developer shall improve and signalize the intersections of State Road No.7 and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road No. 7 by-pass. (Previously Condition 4 of Petition 74-44, Resolution R-74-291). (ENGINEERING)
6. Developer shall construct Lyons Road within the property. (Previously Condition 5 of Petition 74-44, Resolution R-74-291). (ENGINEERING)

7. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (Previously Condition 1 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
8. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (Previously Condition 2 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
9. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (Previously Condition 3 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
10. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R.7. (Previously Condition 4 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
11. Developer shall signalize the intersection of Kimberly Boulevard and S.R.7 when warranted as determined by the County Engineer. (Previously Condition 5 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
12. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and S.R.7. (Previously Condition 6 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
13. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (Previously Condition 7 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
14. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (Previously Condition 8 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
15. Developer shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (Previously Condition 9 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
16. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (Previously Condition 10 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
17. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (Previously Condition 11 of Petition 78-05, Resolution R-78-192).
18. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (Previously Condition 12 of Petition 78-05, Resolution R-78-192). (ENGINEERING)

19. Developer shall provide access to the major recreational tract on Lyons Road from within the multi-family area and no permanent driveways shall be allowed to Lyons Road. A temporary driveway to the sales office shall be allowed during initial construction. (Previously Condition 13 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
20. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (Previously Condition 14 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
21. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road. (Previously Condition 15 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
22. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (Previously Condition 16 of Petition 78-05, Resolution R-78-192). (ENGINEERING)
23. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two (2) lanes in and two (2) lanes out. (Previously Condition 17 of Petition 78-05, Resolution R-78-192). (ENGINEERING)

F. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (Previously Condition 8 of Resolution No. 90-1428).
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition 9 of Resolution No. 90-1428).

G. SFW

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass, as programs are available. (Previously Condition 10 of Resolution No. 90-1428).

H. MONITORING

1. Condition 11 of Resolution R-90-1428, which currently states:

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.

Is hereby deleted. [Reason: Code requirement.]