

RESOLUTION NO. R-89- 335

RESOLUTION APPROVING ZONING PETITION NO. 87-116  
SPECIAL EXCEPTION PETITION OF DEVELOPMENTAL LEARNING  
ASSOCIATES, 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 87-116 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 1988; and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-116 the petition of DEVELOPMENTAL LEARNING ASSOCIATES, INC., for a SPECIAL EXCEPTION TO PERMIT A CHILD DAY CARE CENTER on a parcel of land lying in Tract 97, Block 78, PALM BEACH FARMS COMPANY PLAT NO. 3, in Section 19, Township 47 South, Range 42 East recorded in Plat Book 2, Pages 45 through 54, located on the south side of an unnamed access road approximately .2 mile east of State Road No. 7 (U.S. 441) and approximately .1 mile north of proposed West Palmetto Park Road (Pondwood Road), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to indicate the following.
  - a. One of three required alternative perimeter landscape strips.
  - b. Interior landscape island with a five (5) foot wide dimension exclusive of the concrete curb.
  - c. Adequate queuing at each entrance to control traffic movement in a safe, orderly fashion. This shall consist of signage and pavement markings showing the direction of traffic flow.
  - d. The location of preserved vegetation on site and specifications noting how these will be preserved.
2. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow some flexibility in the relocation of parking stalls which will allow for the preservation of more slash pines.
3. The petitioner shall verify the size of the proposed outdoor activity area required for 249 children (18,675 square feet) or reduce the enrollment accordingly.
4. Since sewer service is available at the site, septic tank shall not be approved for use on the property.
5. Since public water service is available to the property, a well shall not be approved for potable water use on the property.
6. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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. The property owner shall fund the construction at the projects entrance road and State Road 7:
  - a) left turn lane, north approach;

- b) right turn lane, south approach;
- c) left turn lane, east approach;
- d) paved access to the site including drainage (minimum 2-10 foot travel lanes local street standards)

Acceptable surety shall be posted prior to May 1, 1988 or prior to site plan certification, whichever shall first occur. Surety shall include all construction costs and plan revisions for the funding of that construction at the project's entrance road and State Road 7, which shall be concurrent with the four laning.

- 8. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:
  - a) No building permits until construction contracts for the following roadways have been let:
    - (1) State Road 7 from Glades Road to the Hillsboro Canal (less the bridge) as a minimum 4 lane divided section.
    - (2) Glades Road from State Road 7 to Lyons Road as a minimum 4 lane divided section.
- 9. The hours of operation shall be limited from 6:30 A.M. to 6:30 P.M. Monday through Friday.
- 10. The property owner shall dedicate to the public the north twenty (20) feet of the subject property prior to site plan certification.
- 11. Prior to site plan certification, the property owner shall record a maintenance agreement for the thirty (30) foot access road which would require the property owner to provide maintenance for the road he will be constructing out to State Road 7.
- 12. If required by the County Engineer, concurrent with a paving and drainage permit, the property owner shall construct a left turn lane, north approach, at the project's entrance to the existing two-lane section of State Road 7.

Commissioner Adams moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Pulst  
COUNTY ATTORNEY

BY:

June J. Hardy  
DEPUTY CLERK