

RESOLUTION NO. R-83-1006

RESOLUTION APPROVING ZONING PETITION 83-82, Special Exception

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. 83-82 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th May 1983, 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, the Board of County Commissioners made the following findings of fact:

1. The proposed Rezoning and Special Exception are consistent with the Low-Medium Land Use Plan designation and with the Mandatory Performance Standards of the Comprehensive Plan.
2. The proposed use is generally compatible and supportive of the developing single family residential character of the surrounding area.
3. Localized impacts from the proposed use can be mitigated through conditions of approval.

BOOK 306a 206 . 83 1006

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day May 1983, that Petition No. 83-82 the petition of BETTY MELTON AND GLORIA GLATT GOLDSTONE By John Conway, Agent, for a SPECIAL EXCEPTION TO ALLOW A DAY CARE CENTER on a parcel of land lying in the Southwest 1/4, Section 10, Township 47 South, Range 42 East, being more particularly described as follows Beginning at the South 1/4 corner of said Section 10, thence North 01° 08'18" West along the East line of the Southwest 1/4 of said Section 10, said line being coincident with the Westerly line of Boca Madera Unit 2, as recorded in Plat Book 32, Pages 59 and 60, a distance of

740.54 feet to the Northwest corner of said Plat; said point also being the Southeast corner of the St. Andrews School Parcel, as recorded in O.R. Book 1457, thence South $88^{\circ}51'42''$ West, along the South line of said parcel, a distance of 115.00 feet to the Southwest corner of said parcel, thence North $0^{\circ}08'18''$ West, along a line 115.00 feet West of, as measured at right angles to, and parallel to the said East line of the Southwest 1/4 of said Section 10, said line also being the West line of said St. Andrews parcel, a distance of 237.08 feet to the Southeast corner of a Florida Power and Light parcel, as recorded in O.R. Book 1889, Page 371, thence South $89^{\circ}34'54''$ West, along the South line of said parcel, said line being parallel to the North line of the Southwest 1/4 of said Section 10, a distance of 252.48 feet to a point on the Easterly right-of-way line of Jog Road, as recorded in O.R. Book 1799, said point being on the arc of a circular curve to the left, whose radius point bears North $76^{\circ}21'05''$ East, from the last described point, thence Southerly and Easterly along the arc of said curve, along the Easterly right-of-way line, having a radius of 1857.00 feet, an arc distance of 514.07 feet to a point of reverse curvature, thence Southerly and Easterly along the arc of said curve, along said Easterly right-of-way line, having a radius of 1963.00 feet, an arc distance of 536.29 feet to a point on the South line of said Southwest 1/4, Section 10; thence North $89^{\circ}23'42''$ East, along said South line, a distance of 0.87 feet to the said South 1/4 corner of said Section 10, and the Point of Beginning of this description. Said property located on the east side of Jog Road, approximately .8 mile south of Yamato Drive (N.W. 51st. Street) was approved as advertised.

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1. The property owner shall convey to the public an access easement along the south property line for the existing roadway serving the property to the east per the County Engineer's approval, prior to Site Plan Certification
2. The developer shall contribute Three Thousand Five Hundred and Seventy Five Dollars (3,575.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.
3. The developer shall construct concurrent with on-site paving and drainage improvements on Jog Road at the project's entrance road a right turn lane, south approach and a left turn lane, north approach.
4. The development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division
BOOK 306 a page 207
5. Within ninety (90) days of this approval, the

property owner shall convey by either Quit Claim Deed or Easement, the south 40 feet of the subject parcel for the required right-of-way for the L-44 Canal.

6. The developer shall construct along the entire northern and eastern sides of the property a solid six-foot high fence supplemented by one canopy tree per 20 linear feet to provide buffering for adjacent residences.
7. Reasonable precautions shall be exercised during site development to insure that dust particles from this property do not become a nuisance to neighboring properties
8. Reasonable measures shall be employed during site development to insure that no pollutants from this property will enter adjacent or nearby surface waters.
9. Outdoor play area shall be located at the north end of the property adjacent to St. Andrews School.
10. The existing canal berm shall be retained or replaced with a berm of equivalent height and vegetation.
11. No structure or play area will be placed within 55 feet of the south 740 feet of the eastern property line and this setback shall be maintained at a flat grade.
12. A gate shall be installed to prevent after hours access to the parking lot.

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

Peggy E. Evatt, Chairman	-- AYE
Ken Spillias, Vice Chairman	-- AYE
Dennis P. Koehler, Member	-- ABSENT
Dorothy Wilken, Member	-- AYE
Bill Bailey, Member	-- ABSENT

The foregoing resolution was declared duly passed and adopted this 30th day of August, 1983, confirming action of 27th May 1983.

FILED THIS AUG 30 1983 DAY OF 19

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

AND RECORDED IN RESOLUTION MINUTE BOOK NO 306a AT PAGE 206-208 RECORD VER FIED BY JOHN B DUNKLE CLERK BY [Signature] Meier DC

JOHN B. DUNKLE, CLERK

BY. [Signature] Deputy Clerk

APPROVE AS TO FORM AND LEGAL SUFFICIENCY

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BOOK 306a page 208

[Signature] County Attorney