

RESOLUTION NO. R- 83-1105

RESOLUTION APPROVING ZONING PETITION 83-93, 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. 83-93 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28th July 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 Day Care Center is permissible under the requirement of the Comprehensive Plan and Zoning Code.
2. With minor revisions to the proposed site plan, the property can be developed for the desired use while meeting all property development regulations.
3. Provided the outdoor play area is enclosed with a solid fence this development would be compatible with adjacent development and roadways.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day July 1983, that Petition No. 83-93 the petition of JOHN B. AND DOLORES M. COGBURN by John B. Cogburn, Agent, for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on the North 1/2 of the South 1/4 of the Northwest 1/4 of the Northeast 1/4, less the West 50 feet thereof for road right-of-way and less, the East 1056 feet in Section 24, Township 42 South, Range 42 East. Said property located on the east side of Military Trail (S.E.889) approximately .2 mile south of Lake Park West Road in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the

following conditions :

1. This development must retain onsite 35% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline approximately an additional 10 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.
3.
  - a) The developer shall construct concurrent with on-site paving and drainage improvements pursuant to a permit issued from the office of the County Engineer: Left turn lane, north approach from Military Trail at Mary Circle.
  - b) The developer shall pay 50% of the cost of constructing Mary Circle, including drainage from Military Trail east to the project's east property line.
4. The developer shall contribute Five Thousand Three Hundred and Thirteen Dollars (\$5,313.00) toward the cost of meeting this project's direct and identifiable impact. Credit for this fee shall be given for the construction outlined in 3. a), above.
5. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
6. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
7. The outdoor play area shall be enclosed by buildings and a six-foot high solid fence supplemented by one canopy tree planted each 25 feet in center.
8. Prior to certification, the site plan shall be revised to conform to all property development regulations and to improve the safety of child drop-off areas and circulation.

Commissioner Bailey , moved for approval

of the petition. The motion was seconded by Commissioner Koehler and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this day of 'SEP 13 1983 , confirming action of 28th July 1983.

