

RESOLUTION NO. R-84-510

RESOLUTION APPROVING ZONING PETITION 83-165, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 1'25, 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. 83-165 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 22nd December 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 private school would be consistent with the requirements of the Comprehensive Plan.
2. The proposed use can be accommodated to the subject site while meeting all property development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA assembled in regular session this 22nd day December 1983, that Petition No. 83-165 the 83-165 The petition of JOHN W. NIERCH AND JANE E. NIERCH, for a SPECIAL EXCEPTION TO ALLOW FIN EDUCATIONAL INSTITUTION on all of Lot 10, Lot 11 less the West 96 feet of the South 150 feet, all of Lots 12 and 13, Lot 14 less the North 158 feet and the South 73.2 feet of the North 229.2 feet of Lot 15, Plat of Rivard .sd in Section 17, Township 42 South, Range 43 East as recorded in Plat Book 21, Page 12. Said property located on the on the west side of Prosperity Farms Road, being bounded on the South by Park Road, approximately 300 feet north of Lake Park West Road (S.R. 809A) in an RM-Residential Multiple Family District (MEDIUM DENSITY) was approved as advertised subject to the following conditions:

1. This development shall retain **onsite** 85% of the stormwater generated by a three **(3)** year **st orm** per requirement **s** of the Permit Sect ion, Land Development **Division** provided the development obtains positive outfall. If positive outfall is not obtained, this site shall retain 100% of said stormwater.

2. The property owner shall convey for the ultimate right-of-way of Prosperity Farms Road, 54 feet from centerline approximately an additional 21 feet within 90 days of approval; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

3. The developer shall construct concurrent with paving and **drainage** improvements **for** Phase **.I,** (new classroom building) a left turn **lane,** South approach on Prosperity Farms Road at its intersection with Park Road.

4. The developer shall contribute Nine Thousand Seven Hundred and Fifty Dollars **(\$9,750.00)** toward the cost, of meeting this **project's** direct and identfiabile impact, to be paid at the rate of 8573.53 per classroom at the time of the building permit.

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 existing swimming pool shall be brought up to public swimming pool standards pursuant to Chapter 10D - 5 of the Florida **Administrative** Code prior **to use for any school activities.**

8. Prior to site plan certification, the site plan shall be **amended** to reflect the following:

a. a six-foot high solid wooden fence or wall along **all** property boundaries with the exception of the Park and Prosperity Farms Road frontages.

b. **a** student drop-off area with a minimum unobstructed stacking lane of at least 100 feet,

c. gates across the entrance to the internal shellrock road to limit access to pedestrians and maintenance vehicles only.

d. preservation of existing significant native vegetation,

e. required pool enclosure,

--- f. indication as to how the parking lot construction will be phased, and

g. all required accessway, parking lot and landscaping improvements.

9. Enrollment shall be limited to Kindergarten to Sixth Grades.

10. Hours of operation shall be limited to the time between **8:00 a.m.** and **4:00 p.m.** with occasional special activities only after these hours.

11. No active recreation facilities will be permitted on the southern half of the western portion of this property in the area **adjacent** to the **"outparcel"** property.

Commissioner Wilken , moved for approval of the petition.

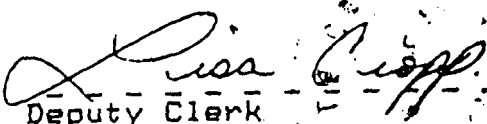
The motion was seconded by Commissioner Koehler
and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 17th day of April, 1984, confirming action of 22nd December 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney