

RESOLUTION NO. R-84-1852

RESOLUTION APPROVING ZONING PETITION 84-104, 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. 84-104 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 30th July 1984; 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 proposal is consistent with the requirements of the Zoning Code and Comprehensive Plan.
2. Special buffering must be required because the proposal will entail negative impacts on the adjacent residential properties to the north.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 30th day July, 1984, that Petition No. 84-104 the petition of MANUEL SARRIA for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on Lot 69, less the South 15 feet thereof, Lakewood Gardens Plat No. 3 in Section 19, Township 44 South, Range 43 East as recorded in Plat Book 22, Page 14. Said property located on the northeast corner of the intersection of 10th Avenue North and Rostan Lane in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to certification of the site plan by Site Plan Review Committee, the site plan shall be amended to reflect:

- a) Relocation of trees from the cross-visibility (safe corner) areas.
- b) The required 20' backup between parking stalls and the property line.
- c) A 6' high solid wooden fence along the entire northern property line of the site, supplemented by canopy trees 8' to 10' in height, planted 20' on center.

2. The developer shall relocate and/or preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect any individual trees and/or preservation areas during site clearing and construction.

3. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.

6. The property owner shall convey for the ultimate right of way of 10th Avenue North, 54 feet from centerline approximately an additional 14 feet within 90 days of adoption of the resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first building permit.

7. The developer shall pay the 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.

Presently, the fair share fee for this project is \$2,750. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this amount shall be credited toward the increased fair share fee.

Commissioner Bailey, moved for approval of the petition.

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

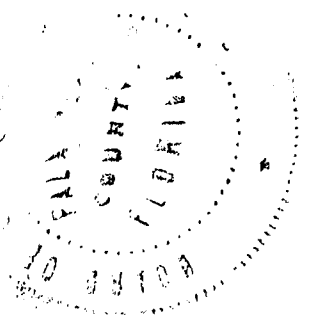
Ken Spillias, Chairman	-- AYE
Dorothy Wilkens, Vice Chairman	-- AYE
Peggy Evatt, Member	-- ABSENT
Dennis P. Koehler, Member	-- ABSENT
Bill Bailey, Member	-- AYE

The foregoing resolution was declared duly passed and adopted this 1 day of July, 1984, confirming action of 30th July 1984.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE CLERK

BY: Donna McWilliams
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Stanley Rosen
County Attorney