

RESOLUTION NO. R-85-1444

RESOLUTION APPROVING ZONING PETITION 85-80, 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. 85-80 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 1985; 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. With minor amendments to the site plan, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of July 1985, that Petition No. 85-80 the petition of RAY F. & SHARON FLOW for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE FACILITY on the South 116 feet of the North 396 feet of the East 256 feet of the West 316 feet of the Northeast 1/4 of Section 25, Township 42 South, Range 42 East. Said property located on the east side of Military Trail (S.R. 809), approximately 250 feet north of Leo Lane in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1) Prior to site plan certification:

a) The site plan shall be revised to provide the required twenty (20) foot minimum backup distance between the property line and the first parking stall.

b) The site plan shall be revised to indicate required landscape strips. Pursuant to the Palm Beach County Landscape Ordinance.

2) The proposed six (6) foot fence shall be of a shadowbox solid construction in accordance with fencing industry standards, and shall be supplemented by additional perimeter planting to include at least one (1) canopy tree of an eight (8) foot overheight at planting, for each twenty (20) foot interval on-center along the property lines abutting adjacent residentially zoned areas. In addition a two and one-half foot landscape strip hedge shall be installed around the exterior perimeter of the fences outdoor activity area, to ameliorate playground noise.

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 Military Trail, 60 feet from centerline (approximately an additional 10 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 property owner shall construct a Left Turn Lane North Approach on Military Trail at the project's entrance road per the Department of Transportation's approval concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the Department of Transportation. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the construction of this turn lane based upon a Certified Cost Estimate per County Engineer's approval.

8) The property owner shall pay a 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. The Fair Share Fee for this project presently is \$10,609.

9) Property Owner shall join into the North Palm Beach Water Control District prior to the issuance of a Building Permit. Written confirmation of this shall be submitted to the County Engineer's Office.

10) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department section prior to the issuance of a Building Permit.

11) The property owner shall obtain a Turnout Permit from the Department of Transportation for access onto Military Trail.

12) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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

Ken Adams, Chairman	--	--
Karen T. Marcus, Vice Chairman	--	AY
Kenneth Spillias, Member	--	AY
Jerry L. Owens, Member	--	AY
Dorothy Wilken, Member	--	AY

The foregoing resolution was aecleared duly passed and adopted
this *17* day of *September* confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Jean Gray Ellington*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney