

RESOLUTION NO. R- 86-230

RESOLUTION APPROVING ZONING PETITION 85-135, 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. 85-135 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 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. This proposal is 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 4th of December 1985, that Petition No. 85-135 the petition of PEDRO AND NANCY RIVERA-PIEROLA, for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on ~~Lot~~ 87 and 88, LESS the East 13 feet thereof, Revised Plat of Merlin Park, in Section 25, Township 43 South, Range 42 East, as recorded in Plat Book 23, Page 124. Said property located on the south side of Vilma Lane, approximately .2 mile west of Military Trail (S.H. 809) in an RH-Residential Multiple Family District (High Density) was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the following:

- a) redesign of the off-street parking area and traffic channelization to accommodate a west to east traffic flow past the drop off area, and to accommodate the five (5) stacking space requirement for drive-up units.

b) adjustment of site data calculations required as a result of adherence to condition (1a).

c) site data calculations reflecting the total number of proposed enrollment, development phases.

d) A six (6) foot wall or solid fence surrounding the entire outdoor activity area shall be reflected on the site plan, supplemented with one (1) tree planted every thirty (30) feet on center.

2. Parking spaces shall be located to provide ease and safety of backing and maneuvering from parking areas. Parking spaces shall be located a minimum of five (5) feet from locations wholly and directly abutting buildings, where a clear field of vision to allow ease and safety in backing is obstructed by building corners.

3. 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.

4. 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 \$6,644.00 (248 trips x \$26.79 per trip).

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

6. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Vilma Lane.

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

8. 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.

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

10. Play equipment shall be located on the western half of the site.

11. Fencing for the play area shall be located 25' off the eastern property line.

12. In addition to tree plantings along the play area fence, there shall be canopy trees 8-18 feet in overall height planted 20' on center along the rear (southerly) 80' of the eastern property line.

Commissioner Owens, 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:

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

The foregoing resolution was declared duly passed and adopted
this 25th day of February, 1986 confirming action of the 4th December
1985.

PALM BEACH COUNTY, FLORIDA
BY **ITS** BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver
Deputy Clerk

APPROVED **AS TO FORM**
AND **LEGAL SUFFICIENCY**

Sandy Ingram
County Attorney