

RESOLUTION NO. R- 86-750

RESOLUTION APPROVING ZONING PETITION 85-140(A), 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. 85-140(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th March 1986; 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 27th of March 1986, that Petition No. 85-140(A) the petition of CAROL SANFORD By Robert A. Bentz, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A CHILD DAY CARE CENTER, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-140 TO INCREASE THE LAND AREA BY .16 ACRES AND TO INCREASE THE BUILDING SQUARE FOOTAGE on the North 105.0 feet of the South 1038.0 feet of the West 307.0 feet of the Southwest 1/4 of Section 25, Township 43 South, Range 42 East, Less the West 40.0 feet thereof for the Right-of-way of Haverhill Road. Said property located on the east side of Haverhill Road .2 mile north of Belvedere Road in an RH-Residential Multiple Family District (High Density) was approved as advertised subject to the following conditions:

1. The developer shall preserve existing vegetation within the easterly portion of the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

2. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from The Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

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. Condition No. 6 of Petition No. 85-140 which states:

"6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year 24-hour storm per requirements of the Permit Section, Land Development Division."

is hereby amended to state:

"6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval."

6. Condition No. 7 of Petition No. 85-140 which states:

"7. 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 \$5,733.00 (714 trips X \$26.79 per trip)."

is hereby amended to state:

"7. 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 \$10,000.00 (333 trips per day X \$26.79) . This Fair Share Fee is for a total of 128 maximum students as indicated in Petition No. 85-140(A)."

8. Petitioner shall comply with conditions of the previous approval (Petition 85-140) unless superseded or amended herein.

9. Petitioner shall install 10'-12' high canopy trees every twenty feet on center along the perimeters of the outdoor play area.

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

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

The foregoing resolution was declared duly passed and adopted this 27th day of May, 1986 confirming action of the 27th March 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN E. DUNKLE, CLERK

BY: Barbara O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Audrey Sprague  
County Attorney