

RESOLUTION NO. R-88-1183

RESOLUTION APPROVING ZONING PETITION NO. 82-21(C)
SPECIAL EXCEPTION PETITION OF JAMES K. AND IRENE M. WALL

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. 82-21(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 23, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 82-21(C), the petition of JAMES K. AND IRENE M. WALL, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A CHILD DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-21(B) ON DECEMBER 3, 1986, TO INCREASE THE LAND AREA BY .5 ACRES AND BUILDING SQUARE FOOTAGE on a parcel of land lying on the South 115 feet of the North 513 feet of the East 200 feet of Tract 57 of Swan's Subdivision of Section 19, Township 44 South, Range 43 East, according to the plat thereof recorded in Plat Book 6, Page 66, (includes 20 foot easement for Miller Road); Together with the East 240.0 feet of the South 136.5 feet of Tract 57, Model Land Company's Subdivision of Section 19, Township 44 South, Range 43 East, according to the plat thereof as recorded in Plat Book 6, Page 66, subject to an easement for road purposes over the East 20.0 feet thereof and less the South 15.00 feet thereof for Road Right-of-Way (includes

20 foot easement for Miller Road), located on the northwest corner of the intersection of 2nd Avenue North and Miller Road, in an RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a) Required landscaping between off-street parking areas and right-of-way.
 - b) One (1) of three (3) alternative perimeter landscape strips adjacent to the existing residential lots.
 - c) A ten (10) foot width dimension for each proposed stacking or bypass lane.
 - d) Parallel parking stalls near the addition to the facility.
 - e) Preservation of the mature ficus tree, as identified on an Alternative Landscape Betterment Plan.
3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
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 the proposed Infant Center is \$4,929.00 (184 trips X \$26.79 per trip).
5. No building permit shall be issued for the subject property until such a time that the site is connected to a public sewer system.

6. Since sewer and water is available to the property, neither septic tank nor well shall be approved for use on the property.

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

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|-------------------|----|-----|
| Carol A. Roberts | -- | Aye |
| Carol J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Aye |
| Dorothy Wilken | -- | Aye |
| Kenneth M. Adams | -- | Aye |

The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 23, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

