

RESOLUTION NO. R-88-1211

RESOLUTION APPROVING ZONING PETITION NO. 77-13(G)
SPECIAL EXCEPTION PETITION OF BOCA GREENS ASSOCIATES

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. 77-13(G) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 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. 77-13(G), the petition of BOCA GREENS ASSOCIATES, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 77-13 ON JANUARY 27, 1977 (R-77-145, ADOPTED FEBRUARY 8, 1977 AND R-77-375, ADOPTED APRIL 12, 1977), ZONING PETITION NO. 77-154 ON OCTOBER 27, 1977, (R-77-1250, ADOPTED NOVEMBER 8, 1977), ZONING PETITION NO. 77-13(A) ON JUNE 23, 1983 (R-83-1085, ADOPTED SEPTEMBER 13, 1983), ZONING PETITION NO. 77-13(B) ON JANUARY 24, 1985 (R-85-703, ADOPTED MAY 7, 1985) AND ZONING PETITION NO. 77-13(D) ON MAY 5, 1986, (R-86-847, ADOPTED JUNE 10, 1986), TO INCLUDE A CHILD DAY CARE CENTER on all of Boca Greens Commercial, in Section 12, Township 47 South, Range 41 East, as recorded in Plat Book 40, Pages 74 and 75, located on the west side of U.S. Highway 441 (SR 7) approximately 25 feet north of Kimberly Boulevard, in a RE-Residential Estate Zoning District, was approved as advertised,

subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicated the following:
 - a. To clearly outline which stalls are allocated for this use per lease agreement.
 - b. Required drop-off area with adequate stacking and bypass lane.
2. ~~Since sewer service is available to the property, septic tank shall not be approved for use on said property.~~
3. Since water service is available to the property, a well shall not be approved for use on said property.
4. ~~The property owner shall comply with all previously approved conditions of Petition 77-13 and subsequent approvals.~~
5. Prior to Site Plan certification the Site Plan shall be amended to reflect the required 100 foot stacking for vehicles.
6. 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 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
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 the proposed day care center presently is \$9,055.00 (338 trips X \$26.79 per trip).
8. Prior to issuance of building permits for the Day Care Center, the existing nonconforming sign shall be removed from the site.

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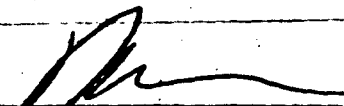
Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

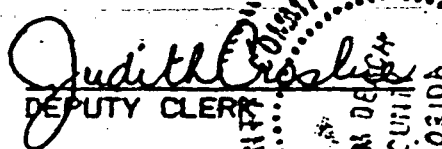
- Carol A. Roberts -- Absent
- Carol J. Elmquist -- Aye
- Karen T. Marcus -- Aye
- Dorothy Wilken -- Aye
- Kenneth M. Adams -- Absent

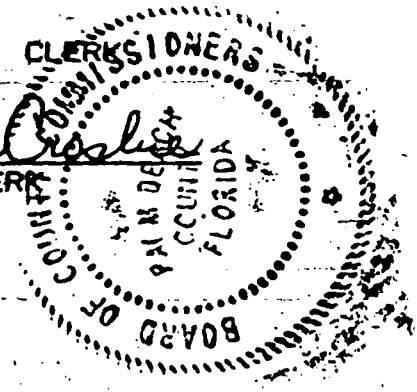
The foregoing resolution was declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 1987.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK OF COMMISSIONERS
BY: 
DEPUTY CLERK



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