

RESOLUTION NO. R-88- 1553

RESOLUTION APPROVING ZONING PETITION NO. 84-140(A)
SPECIAL EXCEPTION PETITION OF THOMAS AND ISOBEL O'CONNOR

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. 84-140(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 28, 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. 84-140(A), the petition of THOMAS AND ISOBEL O'CONNOR, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EDUCATIONAL INSTITUTION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-140 ON SEPTEMBER 27, 1984, (R-85-262, ADOPTED FEBRUARY 19, 1985) TO INCLUDE A DAY CARE CENTER, on the following parcels of land:

TRACT 1: Parcels 1 and 2 as shown in O.R. Book 1648, Pages 432 and 433, Except the Easterly 25 (twenty-five) feet thereof dedicated for road-way purposes.

TRACT 2: Parcels 1 and 2 as shown in O.R. Book 1003, Pages 571 and 572, Except the Westerly 25 (twenty-five) feet thereof dedicated for road-way purposes;.

Together with the following described parcel of land:

Part of tracts 18 and/or 19, SWANS SUBDIVISION of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66, and more particularly described as follows, to wit:

Beginning at a point in the center line of 10th Avenue North, which point is 671.27 feet East of the West line of Section line of Section 19, Township 44 South, Range 43 East, thence turning an angle of 90 degrees 12'51" measured from West to South from the centerline of 10th Avenue North and running a distance of 25 feet to the Point of Beginning of this parcel; thence continuing along the same line for a distance of 125 feet to a point; thence turning an angle of 90 degrees 12'51" measured from North to East and running a distance of 164 feet to a point; thence turning an angle of 89 degrees 47'09" measured from West to North and running a distance of 125 feet to a point; thence turning an angle of 90 degrees 12'51" measured from South to West and running a distance of 164.0 feet to the Point of Beginning. Less the East 25 feet thereof for road Right-of-Way, Subject to a 5 foot utility easement along the South property line, EXCEPTING from Tract 2 the additional right-of-way for 10th Avenue North to make a total distance of 40.00 feet from the centerline of 10th Avenue North, located on the east and west sides of Sierra Drive and on the southeast corner of the intersection of 10th Avenue North and Sierra Drive, and approximately 225 feet east of Kirk Road, in a 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 indicate the following:
 - a. One (1) of three (3) alternative perimeter landscape strips adjacent to existing residential lots. A visually solid six (6) foot wooden fence may be used in place of a CBS wall.
 - b. Required number of trees.
 - c. Required play area, enclosed by a six (6) foot fence.
 - d. Required handicap parking.
3. Condition No. 9 of Zoning Petition No. 84-140 (Resolution No. R-85-262) which states:

"9. Prior to certification by the Site Plan Review

Committee, the site plan shall be revised to reflect:

1. The deletion of the baseball diamond.
2. The addition of a six-foot chain link fence with a visual buffer consisting of a hedge of appropriate height planted three feet on center, from the southwest corner of the existing building southward to the southern property line, and westward along the southern property line to Sierra Drive. Such buffer shall also be provided along the southern and western property lines of the portion of the site west of Sierra Drive (West)."

is hereby deleted.

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 Day Care Center presently is an additional \$3,536.00 (132 trips X \$26.79 per trip).
5. Maximum occupancy of the site shall be limited to 175 children and 12 staff.

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	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 28, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

