

RESOLUTION NO. R-89- 593

RESOLUTION APPROVING ZONING PETITION NO. 88-9
SPECIAL EXCEPTION PETITION OF GILL PROPERTIES, INC.

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. 88-9, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 29, 1988: 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. 88-9, the petition of GILL PROPERTIES, INC., by Douglas C. Cowan, Agent, for a SPECIAL EXCEPTION TO PERMIT AN EDUCATIONAL INSTITUTION AND CHILD DAY CARE CENTER on a parcel of land lying on all of Lot 1, of Charles E. Walter P.U.D., in Section 24, Township 42 South, Range 42 East, as recorded in Plat Book 32, at Pages 84 and 85, located on the southeast corner of the intersection of Northlake Boulevard (S.R. 809A), and Bates Road, in a RT-Residential Transitional Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:

- a) The quantity, type and size of pines to be preserved
 - b) Relocation of the dumpster to where the handicap stall is proposed on Exhibit No. 3
 - c) Relocation of the handicap stall to a location with accessibility to the front entrance of the building
 - d) A five foot fence enclosure around the dumpster
 - e) Relocation of the sabal palms located on the northeastern corner of the building 15 feet eastward, or additional vegetation installed to screen the dumpster from the outdoor play area
2. Prior to issuance of a Certificate of Occupancy, the petitioner shall install upgraded landscaping along the west, south and eastern property lines to include native canopy trees 10-12 feet in height, spaced a maximum of 20 feet on center. Hedge material along the western property line shall be increased to 36 inches high and spaced 24 inches on center.
 3. The petitioner shall install a 6 foot high wooden slat fence around the outdoor play area,
 4. The petitioner shall preserve and incorporate all existing slash pines on site which are not located in the building footprint or vehicular use area.
 5. The Day Care Center shall be limited to a maximum of 127 students.
 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 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.
 7. The property owner shall convey for the ultimate right-of-way of Northlake Boulevard, 80 feet from centerline (approximately an additional 20 feet) within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit,

whichever shall first occur. Limits of the right-of-way shall extend from North Bates Road to North Virginia Avenue.

8. The property owner shall construct:
 - a) left turn lane, east approach on Northlake Boulevard as a three lane section from a point of 150 feet east of the project's entrance road to Bates Road plus the appropriate paved tapers, subject to approval by the County Engineer in accordance with minimum County road construction standards.
 - b) Bates Road from Northlake Boulevard south to the project's south property line local road standards minimum 2-10 travel lanes concurrent with onsite paving and drainage improvements.
9. 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 \$13,341.00 (498 trips X \$26.79 per trip).
10. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
11. Because water service is available to the property, a well shall not be approved for potable water use.
12. Hours of operation shall be limited to 6:30 A.M. to 6:30 P.M. Monday through Friday.

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 29, 1988.

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

