

RESOLUTION NO. R-89- 717

RESOLUTION APPROVING ZONING PETITION NO. 74-126(C)
SPECIAL EXCEPTION PETITION OF SOUTHEAST BANK, N.A., TRUSTEE

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. 74-126(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 74-126(C) the petition of SOUTHEAST BANK, N.A., TRUSTEE,, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT TO: 1] INCREASE BUILDING SQUARE FOOTAGE; AND 2] INCLUDE A DAY CARE CENTER (CHILD) on a parcel of land lying on all of the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 1, Township 44 South, Range 42 East, being located on the northwest corner of the intersection of Gun Club Road and Military Trail (SR 809), in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. The location of the required number of loading

spaces;

- b. An eradication program for all prohibited plant species on site, with the exception of the australian pines, which shall be controlled as stated in Condition No. 4 below; and
 - c. Handicapped parking spaces located in the parking area immediately to the south of the drop-off area for the day care center.
2. The required six (6) foot high fence around the outdoor activity area for the day care center shall be either constructed to provide a solid visual screen, or receive supplemental planting consisting of a four (4) foot high continuous hedge, planted thirty (30) inches on center.
 3. The vehicular circulation aisle directly to the south of the drop-off area for the day care center shall be restricted to one-way traffic circulation from east to west.
 4. The australian pine hedge shall be continuously maintained at a maximum height of twelve (12) feet.
 5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
 6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 7. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
- a. Condition No. 13 of Zoning Petition No. 74-126(B) which presently states:

"13. The property owner shall plat the subject parcel (entire Gun Club Shopping Center Site) prior to certification of the Site Plan per the requirements of the Subdivision and Platting Regulations Ordinance 73-4 as amended."

Is hereby amended to read as follows:

"13. Prior to the issuance of any Building Permit for any portion of the Gun Club Center the property owner(s) shall record a plat/replat which includes Phase I, Phase II and Phase III subject to approval by the County Engineer, which may be platted/replatted in phases."

- 9. No off-premise signs shall be permitted on the site.
- 10. Failure to comply with the conditions herein may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elquist 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
Jim Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Richard Altman*
COUNTY ATTORNEY

Petition No. 74-126(C)

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *June L. Hardy*
DEPUTY CLERK

