

RESOLUTION NO. R- 89-1051

RESOLUTION APPROVING ZONING PETITION NO. 88-122  
SPECIAL EXCEPTION PETITION OF DAPHNE GRAD

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. 88-122 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 88-122 the petition of DAPHNE GRAD, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT AN EDUCATIONAL INSTITUTION (MAXIMUM FORTY EXCEPTIONAL STUDENTS, SIX STAFF) on a parcel of land lying on Lot 5, Pleasant Valley, Plat Book 21, Page 54, in Section 5, Township 44 South, Range 43 East, being located on the northeast corner of the intersection of Florida Mango Road and Gun Club Road, approximately 100 feet east of Jackson Drive, in a RS-Single Family Residential 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. An additional area to facilitate an adequate drop-off zone as detailed in Condition No. 012.

2. Prior to issuance of a paving and drainage permit, the petitioner shall eradicate all brazilian pepper on-site. All areas along the western and southeastern property line that have been cleared shall be replanted with native plant material which satisfy the standards of the current Landscape Code 500.35.
3. Use of the site shall be limited to an educational institution supporting a total floor area of 4,809 square feet, 40 students and 6 staff.
4. No more than 14 vehicles shall be parked on-site at any time.
5. The petitioner shall submit prior to Site Plan Review Committee, a complete list of all activities available to the students, space allotments for each activity and the number of participants in each activity at any one given time.
6. The petitioner shall submit a floor plan detailing the interior activity areas with the net usable interior square footage, simultaneously with Site Plan Review Committee submittal.
7. All vehicles shall be accommodated within the driveway. Vehicles shall not be parked within the right-of-way, landscape strips, or yard areas.
8. All outdoor lighting shall be low intensity and directed away from adjacent residential lots and rights-of-way. Lighting standards shall not be placed on poles over 8 feet in height.
9. Prior to utilization of the facility, the petitioner shall obtain the necessary permits and inspections to use the structure for an Educational Institution.
10. No outdoor public address or speaker system shall be permitted.
11. The use of power equipment, tools, or other mechanical equipment for instructional purposes shall not be permitted on-site.
12. Prior to certification, the site plan shall be revised to provide for a minimum of three (3) parking spaces conveniently located at the entrance of the facility. The three (3) spaces shall be a minimum twelve (12) feet in width, double stripped and shall be clearly designated "Drop-Off Zone" on the pavement and with above grade signs.

13. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
14. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
15. 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.
16. Prior to the issuance of a paving and drainage permit, the property owner shall submit one copy of an approved South Florida Water Management District Permit for legal positive outfall from the project into the West Palm Beach Canal.
17. 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 \$1,822.00 (68 trips X \$26.79 per trip).
18. The property owner shall fund any and all advanced warning signs required for this proposed school to be installed by the Palm Beach County Traffic Division.
19. Prior to the issuance of any on site paving and drainage permits, the petitioner shall install a six (6) foot high chain link fence along the northern property line adjacent to the Palm Beach Canal (C-51).
20. Failure to comply with any conditions of approval 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.

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
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

