

RESOLUTION APPROVING ZONING PETITION 85-37, Special Exception

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. 85-37 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; 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, the Board of County Commissioners made the following findings of fact:

1. With amendments to the site plan, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of April 1985, that Petition No. 85-37 the petition of JAMES AND JAN NORRISH for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on the South 152 feet of the West 206.92 feet of Tract 5, Adam's Subdivision, less the South 17 feet, in Section 1, Township 42 South, Range 43 East, as recorded in Plat Book 20, Page 23; also less the West 20.0 feet thereof;

Together with, the North 28.0 feet of the South 180.0 feet of the West 206.92 feet of said Tract No. 5, less the West 20.0 feet thereof. Said property located on the north side of 45th Street (S.R. 702) approximately .2 mile east of Haverhill Road in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the following conditions:

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall convey for the ultimate right-of-way of 45th Street 60 feet from centerline approximately an additional 10 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
3. The developer shall construct a left turn lane west approach on 45th Street at the project's entrance road, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
4. ~~The Developer 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. Presently The Fair Share Fee for this project is \$5,300.00~~
5. Reasonable precautions shall be exercised during site development ~~to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.~~
6. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
7. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
8. Prior to Site Plan Certification the site plan shall be amended to reflect the following:
  - a) The required 100 square feet of outdoor activity area per child.
  - b) Relocation of the northwestern portion of the required fence to setback 10 feet (horizontal distance) back and run parallel to the southern-most conductor line.
  - c) The fence shall be of a solid wooden material.
  - d) Play structures shall be located on the northeast portion of the site.
  - e) Any fencing or play structure of conductive material located in a Florida, Power and Light easement shall be grounded in accordance with the National Electric Safety Code Standards.
  - f) Any landscaping in the easement shall be subject to approval from the holder of the said easement.
9. Prior to Site Plan Certification the petitioner shall submit to file 85-37 a fully executed consent agreement from all utility companies for any development within their respective easements.
10. The Florida Power and Light Company and the petitioner shall take all reasonable precautions to ensure the safety of the children using the facility.
11. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

Commissioner Marcus , moved for approval of the petition. The motion was seconded by Commissioner Wilken , and

upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted  
this 5 day of JUN 25 1985 confirming action of the 25th April  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Cheryl Beapic*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Shirley Sprague*  
County Attorney

FILED THIS ..... DAY OF  
JUN 25 1985, 19 .....  
AND RECORDED IN .....  
MINUTE BOOK NO ..... 178 ..... AT  
PAGE 806 ..... RECORD VERIFIED  
JOHN B. DUNKLE, CLERK  
BY ..... PATRICIA WEAVER ..... D.C.

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