

RESOLUTION NO. R-85-962

RESOLUTION APPROVING ZONING PETITION 85-46, 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. 85-46 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. The proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.
2. Additional buffering requirements must be imposed to mitigate impacts on adjacent residential uses.

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. 85-46 the petition of NANCY C. ROLLINS By James D. Carlton, Agent for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on the East 303 feet of the South 150 feet of the North 1/2 of the South 1/2 of the Northwest 1/4 of Section 12, Township 43 South, Range 42 East, LESS the Northerly 30 feet for roadway purposes and LESS the right-of-way for Military Trail. Said property located on the southwest corner of the intersection of Military Trail (S.R. 809) and Appaloosa Street in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following;

(a) A (5) five foot landscape strip between the off- street parking facility and the west right-of-way line of Military Trail.

(b) A six (6) foot high fence or wall of a solid (non-perforated) material, around the outdoor activity area.

(c) Canopy trees, 8'-10' in overall height, planted 25' on center, along the northern property line. In addition, the said landscaping shall be planted along the west and south property line subject to Florida Power and Light approval.

2. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline 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. Access shall be on Military Trail only, and subject to the County Engineer's approval.

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 \$5,750.00.

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. Prior to site plan certification the petitioner shall submit to the file (Petition 85-46) a fully executed consent agreement from Florida Power and Light for all development within their easement.

8. The entire northern property line shall be buffered with a 6 foot wooden fence and canopy trees, 8' to 10' in overall height, except for the safe corner area at the Apaloosa Street and Military Trail intersection.

Commissioner Marcus , moved for approval of the petition. The motion was seconded by Commissioner Owens , and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 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 Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney