

RESOLUTION NO. R-85-1876AA

RESOLUTION APPROVING ZONING PETITION 85-108, 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. 85-108 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd August 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. This proposal is 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 23rd of August 1985, that Petition No. 85-108 the petition of DONALD AND DREMA HAMMOCK for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on Lots 1 and 2, Block D, Military Hill, in Section 13, Township 44 South, Range 42 East as recorded in Plat Book 23, Page 21. Said property located on the south side of Canal Ninth Road, approximately 120 feet west of Kirk Road in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the following conditions:

1. Prior to site plan certification the plan shall be revised to reflect the following:
 - a) Relocation of the three parking stalls on the eastern side of the site to accommodate the required twenty-five (25) feet of access aisle maneuvering distance.
 - b) Twenty (20) feet of backup space between the property line and the

first parking stall.

c) Two (2) five (5) foot wide by ten (1) foot long landscape islands at the east and west ends of the parallel parking stall along the northern property line. The maximum amount of queuing between the site entrance and the drop-off area.

2. 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.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. 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.

5. The property owner shall not be issued a Building Permit until Canal 9th Road has been paved from Kirk Road to Military Trail.

6. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the issuance of a Building Permit.

7. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Canal 9th Road.

8. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

9. The petitioner shall install a solid 6 foot high wooden fence around the perimeter of the site where the outdoor play area abuts residentially zoned property.

10. 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 \$3,376.00.

Commissioner Wilken, 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:

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

The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 23rd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney