

RESOLUTION NO. R- 87-499

RESOLUTION APPROVING ZONING PETITION 82-21(B), Special Exception

WHEREAS, the Board of County Commiesioners, 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. 82-21(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 1, 1986 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 required site plan modifications, this proposal will be 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, assembled in regular session this 31ST day of March, 1987, that: Petition No. 82-21(B), the petition of IRENE WALL By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHILD DAY CARE FACILITY, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 82-21(A) TO CONVERT A RESIDENCE FOR USE AS AN ADDITION TO THE DAY CARE FACILITY on the East 240.0 feet of the South 136.5 feet of Tract 57, Model Land Company's Subdivision of Section 19, Township 44 South, Range

43 East, according to the plat thereof as recorded in Plat Book 6, Page 66, subject to an easement for road purposes over the East 20.0 feet thereof. And less the South 15.00 feet thereof for road Right-of-way. Said property located on the northwest corner of the intersection of 2nd Avenue North and Miller Road in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the owner shall obtain variance relief for the existing day care structure if necessary.
3. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. Minimum 15 foot accessway at the street or obtain variance relief from the Board of Adjustment.
 - b. A six (6) foot high solid wooded fence around the outdoor play area on the north and west property lines.
 - c. Elimination of the proposed day care drop-off area or obtain variance relief for the Code deficiencies.
 - d. Minimum tree planting requirement.
 - e. Minimum buffering requirements between the subject property and the residential districts to the north and west.
4. The developer shall retain the stormwater runoff in accordance in all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this 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. 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 reviewed by the Code Enforcement Board for enforcement.
5. The property owner shall convey for the ultimate right-of-way of 2nd Avenue North, 40 feet from centerline within 90 days of the approval of the Resolution approving this project.
6. The property owner shall overlay with a 1 inch minimum lift of asphalt Miller Road from 2nd Avenue North to the north property line concurrent with onsite paving and drainage improvements.
7. 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 \$2,786.16 (104 trips X 526.79 per trip).

8. The property owner shall remove existing driveway (pavement) onto 2nd Avenue North from the existing residence and replace with solid sod concurrent with onsite paving and drainage improvements.


Commissioner Adams, 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:

Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Carol Roberts	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 31ST day of March, 1987 confirming action of December 1, 1986.

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