

RESOLUTION NO. R-90-523

RESOLUTION APPROVING ZONING PETITION NO. 87-150(A)
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF THE BOARD OF COUNTY COMMISSIONERS

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 have been satisfied; and

WHEREAS, Petition No. 87-150(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. 87-150(A), the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol Elmquist, Chair, for a MODIFICATION OF COMMISSION REQUIREMENTS FOR A CHILD DAY CARE CENTER, on a parcel of land being the West 386.67 feet of the East 577.67 feet less the North 220.00 feet thereof, Tract 49, Florida Fruit Land No. 2, Plat Book 1, Page 102, Section 01, Township 47 South, Range 41 East; Subject to reservations, restrictions, easements and limitations of record; being located on the south side of Southwest 185th Street, approximately .1 mile west of U.S. 441 (SR 7), in the AR-Agricultural Residential Zoning District, was approved on August 31, 1989 as advertised, subject to the following conditions:

1. All previous conditions shall remain in effect unless, modified, herein.
2. Prior to submittal to Site Plan Review Committee, the site plan shall be amended to reflect:
 - a. Total number of students;
 - b. Total number of staff;

- c. Total amount **of** outdoor activity;
 - d. Total floor area; and,
 - e. Total usable floor area.
 - f. Conformance to minimum setback requirements for the AR-Zoning District.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
 4. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water.
 5. 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 **\$31,371.00 (1,171 trips X \$26.79 per trip)**.
 6. Condition **No. 6** of Zoning Petition **No. 87-150**, which presently states:

"6. In order to comply with the mandatory traffic performance standards the development shall be restricted to **no** more than **30** students."

is hereby amended to read:

"Total enrollment at the facility shall be limited to one-hundred and thirty (**130**) day care students. The facility shall be permitted to develop according to the approved site plan."

7. 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 Phillips moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

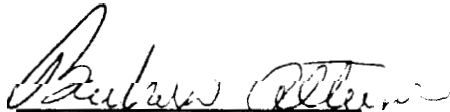
The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 1990.

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

