

RESOLUTION NO. R-85-239

RESOLUTION APPROVING ZONING PETITION 74-31(A), 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. 74-31(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th of September 1984; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of September 1984, that Petition No. 74-31(A) the petition of WESTSIDE BAPTIST CHURCH OF BOYNTON BEACH, INC., By Robert Dubois, Agent, for a SPECIAL EXCEPTION TO EXPAND AND AMEND THE SITE PLAN FOR A CHURCH PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 74-31 TO INCLUDE A CHILD DAY CARE CENTER on Lots 38 to 74 inclusive, Block 9 and Lots 2 to 49 inclusive, Block 10 in "West Boynton Plat 2C" in Section 19, Township 45 South, Range 43 East as recorded in Plat Book 15, Page 14, together with that portion of Holt Street, as abandoned and recorded in Official Record Book 3786, Page 440. Said property located on the northwest corner of the intersection of Old Boynton Road and Nickels Boulevard in an RS-Residential Single Family District was approved as advertised subject to the following

conditions:

1. Based upon site plan submittal; the child day care facility maximum capacity shall be 125 children.
2. 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.
3. 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.
4. 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.
5. The property owner shall convey for the ultimate right of way of Old Boynton Road, 40 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.
6. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer a left turn lane, west approach, on Old Boynton Road at the project's east entrance road.
7. The developer shall align the project's east entrance onto Old Boynton Road with Oakwood Lake Boulevard.
8. 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 \$2,000.00.
9. Prior to site plan certification a revised site plan shall be submitted reflecting that all required parking and accessways shall be paved or that variance relief for same has been granted by the Board of Adjustment.

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

Ken Spillias, Chairman	---	AYE
Dorothy Wilkens, Vice Chairman	---	AYE
Peggy Evatt, Member	---	AYE
Dennis P. Koehlex, Member	---	AYE
Bill Bailey, Member	---	AYE

The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 27th of September 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Patricia L. Weaver*  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Sandy Spivey*  
County Attorney