

RESOLUTION NO. R-85-262

RESOLUTION APPROVING ZONING PETITION 84-140, 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. 84-140 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.
2. Additional buffering must be required because of potentially negative impacts of this use 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 27th of September 1984, that Petition No. 84-140 the petition of THOMAS AND ISOBEL O'CONNOR By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW AN EDUCATIONAL INSTITUTION on parcels 1 & 2 as shown in Official Record Book 1648, Pages 432 & 433; except the Easterly 25 feet thereof dedicated for roadway purposes.

Parcels 1 & 2 as shown in Official Record Book 1003, Pages 571 & 572; except the Westerly 25 feet thereof dedicated for roadway purposes; together with the following described parcel of land:

Part of Tracts 18 and/or 19, Swans Subdivision of Section 19, Township 44 South, Range 43 East, as recorded in Plat Book 6, Page 66

and more particularly described as follows:

Beginning at a point in the center line of 10th Avenue North, which point is 671.27 feet East of the West line of Section line of Section 19, Township 44 South, Range 43 East, thence turning an angle of 90 degrees 12'51" measured from West to South from the centerline of 10th Avenue North and running a distance of 25 feet to the Point of Beginning of this parcel; thence continuing along the same line for a distance of 125 feet to a point; thence turning an angle of 90 degrees 12'51" measured from North to East and running a distance of 164 feet to a point; thence turning an angle of 89 degrees 47'09" measured from West to North and running a distance of 125 feet to a point; thence turning an angle of 90 degrees 12'51" measured from South to West and running a distance of 164 feet to the Point of Beginning. Less the East 25 feet thereof for road right-of-way. Subject to a 5 foot utility easement along the South property line. Said property located on the west side of Sierra Drive, approximately 126 feet south of 10th Avenue North, also on the southeast corner of the intersection of 10th Avenue North and Sierra Drive, also being bounded on the east by Sierra Drive was approved as advertised subject to the following conditions:

1. Prior to the issuance of building permits the petitioner shall secure release agreements from all utilities concerned to permit landscaping within the existing utility easement.
2. Prior to Site plan Certification, an appropriate property owner's agreement shall be executed to permit existing fencing to fall onto adjoining property.
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. The property owner shall convey for the ultimate right of way of 10th Avenue North, 54 feet from centerline, approximately an additional 14 feet 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.
5. 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 10th Avenue North at Sierra Drive;
  - (B) Sierra Drive west from 10th Avenue North south to the project's south property line.
6. 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 \$6,950.00.

7. 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.

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

9. Prior to certification by the Site Plan Review Committee, the site plan shall be revised to reflect:

1. The deletion of the baseball diamond.
2. The addition of a six-foot chain link fence with a visual buffer consisting of a hedge of appropriate height planted three feet on center, from the southwest corner of the existing building southward to the southern property line, and westward along the southern property line to Sierra Drive. Such buffer shall also be provided along the southern and western property lines of the portion of the site west of Sierra Drive (West).

10. The school playground shall not be used after 5:30 p.m.

Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Evatt, 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. Koehler, Member	--	AYE
Bill Bailey, Member	--	ABSENT

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 S. Weaver  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney