

RESOLUTION NO. R-85-1090

RESOLUTION APPROVING ZONING PETITION 85-51, 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. 85-51 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd May 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.
2. Buffering in excess of Landscape Code requirements is necessary to reduce impacts on surrounding residential uses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of May 1985, that Petition No. 85-51 the petition of PATRICK AND PAULA MOREE for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE on the West 6.03 feet of Lot 7, and all of Lot 8, together with the South 60 feet of Lot 9, Plat of Trail Acres, in Section 1, Township 44 South, Range 42 East, as recorded in Plat Book 20, Page 90. Less the North 7 feet for road right-of-way. Said property located on the south side of Gun Club Road, approximately 150 feet west of Pine Way Trail in an RM-Residential Multiple Family District (Medium Density) was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. 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.
4. Hours of operation shall be limited from 7:00 a.m. to 7:00 p.m.
5. The day care center shall serve children of pre-school age exclusively, except for after school care of elementary school age children, between the hours of 2:00 p.m. and 7:00 p.m.
6. In addition to the requirements of Ordinance 73-1 (Landscape Code) landscaping shall be installed as shown on the Site Plan Exhibit Number 3 and presented to the Board of County Commissioners.
7. 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.
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. The Fair Share Fee for this project is \$11,091.00.
9. Developer shall comply with all provisions of Ordinance 73-4 (Palm Beach County Subdivision & Platting Ordinance) for the proposed change in lot lines.
10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.
11. There shall be 100 square feet of outdoor play area provided per child.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of July confirming action of the 23rd May 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beupie
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Randy Payne
County Attorney