

RESOLUTION NO. R- 85-1220

RESOLUTION APPROVING ZONING PETITION 81-121(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. 81-121(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th June 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 27th of June 1985, that Petition No. 81-121 (A) the petition of ANDERSON & CARR, INC. By Nathaniel J. Orr, President, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A CHILD DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-121 commencing at the intersection of the North Right-of-way line of Mediterranean Road as shown on Plat 11, Greenbrier, in Section 13, Township 44 South, Range 42 East, as recorded in Plat Book 31, Page 223, with the East Right-of-Way line of Military Trail; thence North 2 degrees 05'54" East along said East Right-of-Way line, a distance of 200.0 feet to the Point of Beginning; thence continue North 2 degrees 05'54" East, a distance of 260.69 feet; thence South 87 degrees 37'12" East, a distance of 249.0 feet; thence South 2 degrees 05'54" West, a distance of 260.56 feet; thence North 87 degrees

28'33" West, a distance of 249.0 feet to the Point of Beginning. Less the West 7 feet there of. Said property located on the east side of Military Trail (S.R. 809), approximately 200 feet north of Mediterranean Road in an CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to reflect the following:

a) Dimensioning of all site elements, i.e., parking angle, parking bay and isle dimension, width of access at street, 6 foot chain link fence, building dimensions and setback.

b) Tabulate excluded items to figure useable square footage per section 500.12 (Day Care Centers) of the zoning code.

c) Corrected site data reflecting child care capacity.

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. The property owner shall convey for the ultimate right-of-way of Military Trail, 60 feet from centerline approximately an additional 7 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 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 \$2,786.00.

6. The Property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

7. The Property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Military Trail.

8. 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.

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

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner Owens, 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:

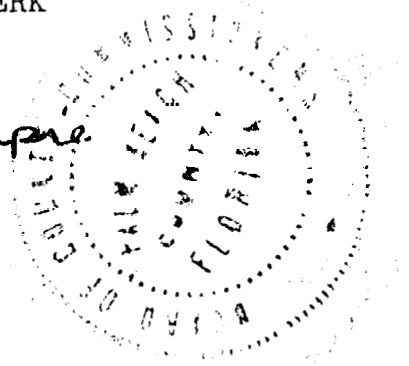
Ken Adams, Chairman -- Lye
Karen T. Marcus, Vice Chairman -- Aye
Kenneth Spillias, Member -- Aye
Jerry L. Owens, Member -- Aye
Dorothy Wilken, Member -- Aye

The foregoing resolution was declared duly passed and adopted
this 13th day of **August** confirming action of the 27th June 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Ingram
County Attorney