

RESOLUTION NO. R-89-756

RESOLUTION APPROVING ZONING PETITION NO. 87-121
SPECIAL EXCEPTION PETITION OF MARK LITTLE

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. 87-121 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 29, 1987: 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, 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-121, the petition of MARK LITTLE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHILD DAY CARE CENTER, on a rectangular piece of land 297.00 feet, more or less, in length (measured from East to West) and 100.00 feet in width throughout (measured from North to South), lying and being in Section 24, Township 43 South, Range 42 East, that is bounded on the West by Haverhill Road, on the East by a line that is parallel to and 1,000.00 feet Westerly from, measured at right angles to, the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 24, said rectangular piece of land being a part of that certain parcel of land more particularly described as follows:

Beginning at a point in the East line of the Northwest 1/4 of the
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Southwest 1/4 of said Section 24, at a distance of 424.85 feet Southerly from the Northeast corner thereof: thence Westerly a distance of 1,347.05 feet, more or less, to a point in the West line of said Northwest 1/4 of the Southwest 1/4 of Section 24 at a distance of 431.65 feet Southerly from the Northwest corner thereof; thence Southerly, along said West line, 100.00 feet: thence Easterly parallel to the first herein described course, 1,347.20 feet, more or less, to a point in the East line of said Northwest 1/4 of the Southwest 1/4 of said Section 24: thence Northerly, along said line 100.00 feet to the Point of Beginning. Subject to an easement for road purposes over the South 20.00 feet thereof, located on the east side of Haverhill Road, approximately .4 mile north of Okeechobee Boulevard (S.R. 704), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. One (1) of three (3) alternative perimeter landscape strips adjacent to existing residential lots.
 - b. A minimum parking stall width of ten (10) feet.
 - c. Required amount of parking stalls commensurate with the number of employees.
 - d. Required 7500 square feet of exterior open space for play area.
 - e. Adequate directional signage and striping to enable users to access and leave the site in a controlled manner.
 - f. Relocation of the handicap stall so that a user does not have to cross traffic to access the building.
 - g. A larger dropoff zone that will accommodate more than 3 vehicles at one time.
2. The petition shall limit the capacity of the day care to 100 children total.
3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater *runoff* generated by a three (3) year one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the

event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

4. The property owner shall convey for the ultimate right-of-way of:

- A. 55 feet from centerline for Haverhill Road.

within 90 days of the approval of the Resolution approving this project or prior to issuance of the first Building Permit, whichever shall first occur.

5. The property owner shall construct Cecile Street from Haverhill Road east to the project's east property line minimum 2-10 foot travel lanes local street standards concurrent with onsite paving and drainage improvements. This construction shall include a two (2) foot valley gutter along the north side of the twenty (20) foot wide pavement.
6. 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 \$9,966.00 (372 trips X \$26.79 per trip).
7. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
8. Since water service is available to the property, a water well shall not be approved for potable water use on said property.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Abstained
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of October 29, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :

[Handwritten Signature]
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *[Handwritten Signature]*
DEPUTY CLERK

