

RESOLUTION NO. R-85-712

RESOLUTION APPROVING ZONING PETITION 84-191, 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. 84-191 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 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. With modifications to the site plan, or variance relief, this proposal will be 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 28th of February 1985, that Petition No. 84-191 the petition of GENERAL BOARD OF THE CHURCH OF THE NAZARENE By Lee Starkey, Agent, for a SPECIAL EXCEPTION TO ALLOW A CHURCH INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on the West 216 feet of the East 266 feet of the North 120 feet of the South 472.6 feet of Tract 8 of the subdivision of the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, as recorded in Plat Book 3, Page 10. Said property located on the west side of Military Trail (S.R. 8.09) approximately .4 mile south of Melaluca Lane in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the petitioner shall obtain variance relief from the Board of Adjustment for minimum yard setback requirements pursuant to Section 602.E, (Agricultural Residential District), and for grass parking pursuant to Section 500.17, E (Off Street Parking Requirements).

This requirement of variance relief from the minimum yard setback requirements will be inapplicable and void if the petitioner submits satisfactory evidence to the Zoning Division demonstrating that the encroaching structure is a lawful nonconforming structure.

2. Prior to site plan certification the site plan shall be amended to reflect the following;

a) A two and one half (2 1/2) foot landscape strip between off-street parking areas and abutting properties,

b) A five (5) foot landscape strip between off-street parking and abutting right-of-way,

c) Appropriate driveway access, parking, backing, and channelization geometrics.

d) Relocation of signs from within five foot (5') sign setback.

3. 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.

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

5. 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.

6. The property owner shall convey for the ultimate right-of-way of Military Trail, 67 feet from centerline, approximately an additional 17 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.

7. 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 \$125.00.

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

Ken Adams, Chairman	--	ABSENT
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 **MAY - 7 1985** day of **MAY** confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver  
Deputy Clerk

APPROVED AS TO FORM.  
AND LEGAL SUFFICIENCY

Audrey Sprague  
County Attorney