

RESOLUTION NO. R- 86-849

RESOLUTION APPROVING ZONING PETITION 82-120(B) , 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. 82-120(B) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 5th May 1986; 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 5th of May 1986, that Petition No. 82-120(B) the petition of JOHN B. AND DOROTHY E. OLINGEK, JR., By Kieran Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A CHURCH INCLUDING ACCESSORY BUILDINGS AND STRUCTURES TO INCREASE THE LAND AREA BY ONE (1) ACRE AND TO INCLUDE A CHILD DAY CARE CENTER, AN EDUCATIONAL INSTITUTION, PRIVATE RECREATIONAL FACILITIES AND TO INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land in a portion of the Northeast 1/4 of Section 23, Township 42 South, Range 42 East, more particularly described as follows:

Commencing at the Northeast corner of said Section 23 (said corner being in the Northerly Right-of-way line of West Lake Park Road as now laid out and in use); thence run Westerly along the North line of said Section 23 (said line also being the Northerly Right-of-way line

of West Lake Park Road) a distance of 600.00 feet to a point; thence run Southerly along a line parallel with the East line of said Section 23 a distance of 107.45 feet to a point in the Southerly Right-of-way line of said West Lake Park Road, said point being the Point of Beginning; thence continue Southerly on the preceding described course a distance of 1130.00 feet to a point; thence run Westerly along a line parallel with the North line of said Section 23, a distance of 453.00 feet to a point; thence run Northerly along a line parallel with the East line of said Section 23 a distance of 1130.00 feet to a point (said point being in the Southerly Right-of-way line of, said West Lake Park Road); thence run Easterly along the Southerly Right-of-way line of said West Lake Park Road (said line being parallel with the North line of said Section 23) a distance of 453.00 feet to the Point of Beginning of the herein described parcel, subject to an easement for roadway purposes over the West 53 feet and the South 30 feet thereof. Also less and except the South 280.00 feet thereof. Said property located on the southeast corner of the intersection of West Lake Park Road (S.R. 809A) and Kelso Drive in an AR-Agricultural Residential 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) required hedge materials between the vehicular use areas and both abutting rights-of-way and abutting properties.
- b) a maximum of thirty-five (35) feet for two-way access points.
- c) a five (5) foot fence surrounding the proposed pool.

2. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from the Tree Protection Manual for Builders and Developers published by the Division of Forestry of the Florida Department of Agriculture and

Consumer Services.

3. There shall be a ten (10) foot wide, seventy-five (75) percent opaque landscaped buffer where off-street parking areas abut the eastern property line. The seventy-five (75) percent opaque buffer shall consist of one or a combination of the following: wall, hedge, and/or berm to a height of six (6) feet; and a minimum one 10 to 12 foot high canopy tree for each thirty (30) feet of buffer.

4. The required six (6) foot high wall shall receive identical architectural treatment on both sides consistent with the front of the center.

5. Security lighting shall be directed away from nearby residences.

6. 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.

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

8. Condition No. 8 of Resolution No. R-83-120 which states:

"8. The Developer shall contribute the sum \$470.00 toward the cost of meeting this project's direct and identifiable impact fee to be paid at the rate of 0.11 cents per square foot at the time of the issuance of the building permit."

is hereby amended to state:

"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 would presently be:

- a. \$22,316.00 for the proposed school and day care center.
- b. \$1,274.00 for the proposed church."

9. Based on the Traffic Performance Standards (Category "B"), the Developer shall contribute an additional \$5,898.00 toward Palm Beach County's existing Roadway Improvement Program, these funds to be paid prior to issuance of a Building Permit or prior to December 1, 1987.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$5,898.00 shall be credited toward the increased Fair Share Fee.

10. The petitioner shall continue to be bound by all previously approved conditions of approval not modified herein.

11. Only Phase I of the subject petition will be developed on septic tank and this condition will be applicable only to this particular petition. No building permit will be issued for Phase II unless the site is connected to the public sewer system. A letter signed by petitioner in agreement with this condition shall be presented to the Zoning Division for inclusion into the official file.

12. The landscape buffers shown on Exhibit No. 30 shall be installed prior to obtaining a Certificate of Occupancy for the first structure constructed on site. Minimum setbacks shall be maintained as shown on this Exhibit.

13. There shall be no access onto Kelso Drive from this project.

14. Lighting standards for outdoor recreational facilities shall be maintained at lowest possible heights.

Commissioner Spillias, 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:

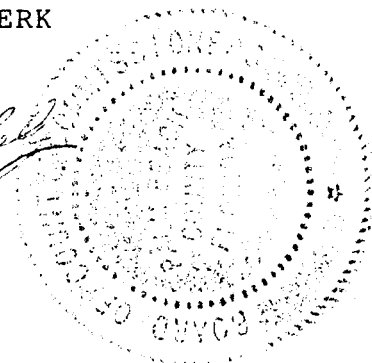
Karen T. Marcus, Chairman	--	ABSENT
Jerry L. Owens, Vice Chairman	--	AYE
Ken Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 10th day of June, 1986 confirming action of the 5th May 1986.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Leary*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Audrey Spagnuolo
County Attorney