

RESOLUTION NO. R-86-1369

RESOLUTION APPROVING ZONING PETITION 86-51, 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. 86-51 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22 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. With required site plan modifications, 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 22 May 1986, that the petition of UNITY CHURCH OF LAKE WORTH By William Jacobson, Agent, for a SPECIAL EXCEPTION TO ALLOW A CHURCH, INCLUDING A CHILD DAY CARE CENTER on a parcel of land situate in Section 3, Township 44 South, Range 42 East, being more particularly described as follows:] The East 250.00 feet of the West 450.00 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 3, Less And Excepting therefrom the North 230.00 feet and the South 50.00 feet thereof. Said Property located on the north side of Summit Boulevard, approximately 230 feet west of Ferguson Lane in an RS-Residential Single Family 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) sign setbacks

b) required number of parking spaces or obtain Board of Adjustment relief

c) required number of trees

d) landscaping between the vehicular use areas and abutting rights-of-way

e) one of the three landscape strip alternatives shall be installed between the proposed project and abutting residential zoning districts per Section 500.35.E.

2. Areas of existing vegetation shall be preserved in and around the outdoor play area. These areas 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. The required six (6) foot high wall or solid fence to be placed around the play area shall receive identical architectural treatment on both sides,

4. Prior to site plan certification, the site plan shall be amended to reflect a six (6) foot high wall or solid fence around the play area.

5. The dry retention area shall be subject to South Florida Water Management District approval.

6. The application and engineering plans, calculations etc. to construct well and septic tank must be submitted to the Health Department prior to site plan approval.

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. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

8. The property owner shall convey for the ultimate right-of-way of Summit Boulevard, 108 feet north of the existing south right of way line of Summit Boulevard within 90 days of the approval of the Resolution approving this project.

9. The property owner shall construct a left turn lane, west approach on Summit Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements.

10. 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 \$7,046 (263 trips X \$26.79 per trip).

11. The petitioner shall be limited to one free-standing sign. The sign face shall not exceed 30 square feet double face (15 square feet each side).

12. The existing structure shall maintain an architectural character consistent with that of the surrounding neighborhood.

13. The maximum number of students shall be limited to 40 students in the proposed Montessori School facility.

14. Petitioner shall construct an Alternative Perimeter landscape Buffer Number 1, as defined in the Palm Beach County Landscape Code, around the interior perimeters of the lot.

15. No on street parking shall be permitted along Summit Boulevard.

16. Hours of operation of the Montessori School facility shall be limited to 8:30 a.m. to 5:00 p.m.

17. Nighttime use of the church facility shall be limited to a maximum of 20 people.

18. Hours of nighttime operation of the church facility shall be no later than 10:00 p.m.

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:

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

The foregoing resolution was declared July passed and adopted this 9th day of September, 1986 confirming action of the 22 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

Phredy Spingarn
County Attorney