

RESOLUTION NO. R-89- 609

RESOLUTION APPROVING ZONING PETITION NO. 79-149(A)
SPECIAL EXCEPTION PETITION OF ST. MARY'S ORTHODOX
CHURCH OF WEST PALM BEACH, INC.

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. 79-149(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 1988; 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. 79-149(A), the petition of ST. MARY'S ORTHODOX CHURCH OF WEST PALM BEACH, INC., by Robert M.W. Shaulhaub, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH AND A DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-62 AND ZONING PETITION NO. 79-149, TO 1) INCREASE THE NUMBER OF CHILDRKN ALLOWED, AND 2) INCREASE THE BUILDING SQUARE FOOTAGE on a parcel of land lying on the South 292.16 feet of the North 438.24 feet of the East 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 8, Township 44 South, Range 43 East. LESS the East 40.00 feet for right-of-way of Florida Mango Road.

TOGETHER WITH: The East 1/4 of the Southeast 1/4 of the
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Northwest 1/4 of Section 8, Township 44 South, Range 43 East. LESS the North 438.25 feet, and less the South 654 feet, and less the East 40.00 feet thereof.

BEING THE SAME AS: The East 1/2 of the East 1/2 of the Southeast 1/4 of the Northwest 1/4 (less the North 146.08 feet and less the South 654.00 feet thereof), Section 8, Township 44 South, Range 43 East, also less the East 40.00 feet thereof for road right-of-way, located on the west side of Florida Mango Road, approximately 350 feet south of Carambola Road, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all conditions of previous approval unless expressly modified herein.
2. Prior to certification the site plan shall be amended to indicate the following:
 - a. required trees in terminal islands.
 - b. required ten (10) foot landscape strip, which shall include canopy trees 10-12 feet high, 30 feet on center and hedge material 24 inches high. This strip shall be installed along Florida Mango, in the portion of the site where improvements are proposed.
3. Simultaneously with the Site Plan application submittal, the petitioner shall submit an application for vegetation removal pursuant to Section 500.36. of the Zoning Code.
4. Maximum occupancy of the day care facility shall be limited to 110 children.
5. The petitioner shall install a wooden slat fence along the western and southern perimeters of the playground.
6. 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.
7. The property owner shall construct a left turn lane,

south approach on Florida Mango Road at the project's main entrance road prior to January 1, 1989.

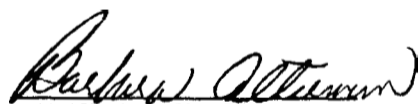
8. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$2,411.00 (90 trips X \$26.79 per trip).
9. Since sewer service is available to the property, septic tank shall not be approved for use on said property.
10. Since water service is available to the property, a potable water well shall not be approved for use on said property.

Commissioner Wilken 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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Nay
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK