

RESOLUTION NO. R-89-1057

RESOLUTION APPROVING ZONING PETITION NO. 84-46(A)  
SPECIAL EXCEPTION PETITION OF NEW LIFE COUNTRY CHURCH, 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. 84-46(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 27, 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. 84-46(A) the petition of NEW LIFE COUNTRY CHURCH, INC., by Guy C. Pellettier, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH (PETITION NO. 84-46) TO: 1) INCREASE BUILDING SQUARE FOOTAGE AND; 2) REDESIGN THE SITE on a parcel of land lying on Parcel K-193 in Section 34, Township 40 South, Range 41 East .

Being the South 1/3 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 34, together with all of the Southeast 1/4 of Section 34, less however, that part thereof lying South of the North line of a 200 foot road Right-of-way for State Road 706, being located on the north side of Indiantown Road (SR 706), approximately .1 mile west of 120th Trail North, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
  - a. One (1) of the three (3) Alternative Landscape Strips along the east, north and west property line: and,
  - b. Relocation of signs out of required landscape areas;
3. The development shall be limited to a maximum Gross Floor Area of **8,624** square feet.
4. Occupancy for the church shall be limited to a maximum of **300** people.
5. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
6. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
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. **No** outdoor loud speaker system shall be permitted on the site.
9. **No** off premises signs shall be permitted on site.
10. The developer shall provide discharge control and treatment for 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** the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts **a** Department **of** Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.

11. Condition No. 2 of Zoning Petition 84-46, Resolution No. R-84-1165 presently states:

"2. The developer shall construct a left turn lane, west approach on Indiantown Road at the project's entrance road, prior to or concurrent with the issuance of a building permit for Phase II."

Is hereby amended to read as follows:

"The property owner shall construct a left turn lane, west approach on Indiantown Road at the project's west entrance road. Funds for this construction shall be posted with surety prior to the issuance of a building permit and shall be constructed if warranted, as determined by the County Engineer."

12. Condition No. 3 of Zoning Petition 84-46, Resolution No. R-84-1165 presently states:

"3. 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 \$838.00."

Is hereby amended to read as follows:

"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 presently is \$938.00 (35 average trips X \$26.79 per trip)."

13. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Elmquist moved for approval of the petition. The motion was seconded by Commissioner Roberts 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	--	Absent
James Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of October 27, 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