

RESOLUTION NO. R-89-1308
RESOLUTION APPROVING ZONING PETITION NO. 88-124
SPECIAL EXCEPTION PETITION OF FIRST BAPTIST CHURCH OF DELRAY BEACH

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 have been satisfied: and

WHEREAS, Petition No. 88-124 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 31, 1989: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-124 the petition of FIRST BAPTIST CHURCH OF DELRAY BEACH, by Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) A CHURCH INCLUDING ACCESSORY BUILDINGS AND STRUCTURES AND (2) A DAY CARE CENTER (MAXIMUM 150 CHILDREN) WHICH WILL EXTINGUISH A PORTION OF A SPECIAL EXCEPTION FOR AN ADULT CONGREGATE LIVING FACILITY (PETITION NO. 86-91) on a parcel of land lying in the Northeast 1/4 of Section 26, Township 46 South, Range 42 East, being more particularly described as follows: Commence at the East 1/4 corner of said Section 26: thence, run due North, an assumed bearing along the East boundary of said Section 26, 336.18 feet to a point: thence, run North 89 degrees 17' 14" West, 75.00 feet to the Point of Beginning of the herein described parcel: thence run due North, 160.00 feet to a point: thence, run North 89 degrees 17' 14" West, 544.54 feet to a point: thence, run due South, 160.00 feet to a point: thence, run South 89 degrees 17' 14" East, 544.54 feet to the Point of Beginning. Together with: A parcel of land lying in the Northeast

1/4 of Section 26, Township 46 South, Range 42 East, being more particularly described as follows: Commence at the East 1/4 of said Section 26: thence, run due North, an assumed bearing along the East boundary of said Section 26, 496.18 feet to a point: thence, run North 89 degrees 17' 14" West, 75.00 feet to the Point of Beginning of the herein described parcel: thence, run North 89 degrees 17' 14" West, 544.54 feet to a point: thence, run due North, 160.00 feet to a point: thence, run South 89 degrees 17' 14" East, 544.54 feet to a point: thence, run due South 160.00 feet to the Point of Beginning. Together with:

A parcel of land lying in the Northeast 1/4 of Section 26, Township 46 South, Range 42 East, being more particularly described as follows: Commence at the East 1/4 of said Section 26: thence, run due North, an assumed bearing along the East boundary of said Section 26, 656.18 feet to a point: thence, run North 89 degrees 17 minutes, 14 seconds, West 75.00 feet to the Point of Beginning of the herein described parcel: thence run North 89 degrees 17 minutes 14 seconds West 544.54 feet to a point: thence, run due North 160.00 feet to a point; thence, run South 89 degrees 17 minutes 14 seconds East 544.54 feet to a point: thence, run due South 160.00 feet to the Point of Beginning. Together with: A parcel of land lying in the Northeast 1/4 of Section 26, Township 46 South, Range 42 East, being more particularly described as follows: Commence at the East 1/4 corner of said Section 26: thence, run due North, an assumed bearing along the East boundary of said Section 26, 816.18 feet to a point: thence, run North 89 degrees 17 minutes, 14 seconds West, 75.00 feet to the Point of Beginning of the herein described parcel: thence, run North 89 degrees 17 minutes, 14 seconds West 544.54 feet to a point: thence, run due North 160.00 feet to a point: thence, run South 89 degrees, 17 minutes, 14 seconds East 544.54 feet to a point: thence, run due South 160.00 feet to the Point of Beginning, being located on the west side of Military Trail (SR 809), approximately .3 mile south of Linton Boulevard in a RS-Single Family Residential Zoning District, was approved on March 31, 1989, as advertised, subject to the following conditions:

1. Petition No. 86-91 of Zoning Resolution No. R-87-218, a special exception to allow an Adult Congregate Living Facility, is hereby repealed in its entirety.
2. Prior to Site Plan Review Committee certification, the site plan shall be amended to indicate:
 - a. Required drop-off spaces: minimum dimensions of twelve (12) feet by twenty (20) feet (typ.) or a one hundred (100) foot stacking lane with safe access to the building that satisfied the explicit criteria set forth by the Zoning Division's policy memo regarding Day-care drop-off area: and,
 - b. The creation of safe distance triangles at accessways entering right-of-ways.
 - c. Required minimum number of trees.

3. The petitioner shall provide Alternative Landscape Strip No. 3 along the perimeter of the site. With the installation of twelve (12) foot high native canopy trees planted thirty (30) feet on center and a six (6) foot solid fence, hedge, berm or combination thereof.
4. Site shall be limited to a total of 123,000 square feet of buildings square footage.
5. The Educational Center shall be limited to two (2) stories.
6. The parking spaces adjacent to the Sanctuary and Family Life Center shall be paved.
7. A six (6) foot high wooden fence shall be installed along the perimeter of the "play area" and "outdoor activity area" that is adjacent to the neighboring residences.
 - a. One (1) interior landscape island shall be provided for every twelve (12) parking spaces where median strips are not used.
9. The Day-care Center shall be limited to a maximum of one hundred and fifty (150) children.
10. Lighting shall be shielded, low intensity and directed away from adjacent properties and streets, shining only on the subject site. Lighting standards shall not exceed fifteen (15) feet in height.
11. No outdoor loudspeaker system shall be permitted on site.
12. The dumpster area shall be screened and located away from adjacent properties.
13. No vehicular parking shall be permitted in required landscape areas or rights-of-way.
14. No off-premise signs shall be permitted.
15. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
16. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
17. 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.

18. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn lane, north approach on Military Trail at the project's entrance road free of all encumbrances and encroachments. This additional right-of-way shall be a minimum of 12' in width, 150 feet in length and a taper length of 180 feet. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
19. The Property owner shall construct a right turn lane, north approach on Military Trail at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
20. The petitioner 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 \$25,129.00 (938 trips X \$26.79 per trip).
21. 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 Marucs moved for adoption of the Resolution.

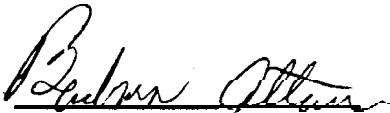
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

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