

RESOLUTION NO. R-89- 1630

RESOLUTION APPROVING ZONING PETITION NO. 89-41  
SPECIAL EXCEPTION PETITION OF THOMAS V. DAILY, BISHOP OF  
THE DIOCESE OF PALM BEACH COUNTY

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. 89-41 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 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. 89-41 the petition of THOMAS V. DAILY, BISHOP OF THE DIOCESE OF PALM BEACH COUNTY, by Julio Dumas, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND RECTORY, AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying on Parcel 1: A portion of the Southwest 1/4 of the Northwest 1/4 of Section 29, Township 41 South, Range 43 East, described as follows: Beginning at a monument marking the Southeast corner of the Northwest 1/4 of said Section 29; thence run in a northerly direction along a 1/4 section line 300.00 feet to the Point of Beginning; thence run in a westerly direction parallel to the South line of the Northwest 1/4 of said Section 29 a distance of 136.06 feet to a point marking the Southwest corner of said Parcel 1; thence run in a northerly direction parallel to the East line of the Northwest 1/4 of said Section 29 a distance of 150.00 feet to a point marking the Northwest corner of said Parcel 1; thence run in an easterly direction parallel to the South line of the Northwest 1/4 of said Section 29 a distance of 1326.06 feet to a point marking the Northeast corner of said Parcel 1; thence in a southerly direction along the East line of the Northwest 1/4 of said Section 29 a distance of 150.00 feet to the Point of Beginning: Parcel 2: The North 150.00 feet of the South 600.00 feet of the East 1/2 of the Northwest 1/4

of said Section 29; Parcel 3: The North 80.00 feet of the South 680.00 feet of the East 1/2 of the Northwest 1/4 of said Section 29, being located on the west side of Prosperity Farms Road, approximately 1 mile south of Donald Ross Road, in the RS-Single Family Residential Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to site plan review submittal, the site plan shall be amended to indicate the following:
  - a. Preservation areas. The areas shall be clearly labeled and dimensioned showing approximate locations. This vegetation shall be preserved until future plans for expansion is approved by the Board of County Commissioners. If future expansion is approved, the petitioner shall preserve native vegetation to the maximum extent possible.
2. Prior to the removal of any vegetation the petitioner shall schedule a preclearing inspection with the Zoning Division.
3. The developer shall preserve all existing native vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable areas, retention areas, driveways and other vehicular use areas. The areas for preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase. Landscaping shall be installed as shown on the Landscape Plan on file, as of the date May 29, 1989. Vegetation within the parking lot area shall consist of *quercus virginiana* (live oak).
4. All lighting shall be of low intensity, shielded, and directed away from surrounding residential properties and rights-of-way.
5. Building area shall be limited to 10,400 square feet.
6. 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.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. 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.

9. 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 Prosperity Farms Road, 70 feet from centerline free of all encumbrances and encroachments. 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.
10. The Property owner shall construct a left turn lane, south approach on Prosperity Farms Road at the project's entrance road prior to August 1, 1990. A letter of credit shall be posted prior to the issuance of a Certificate of Occupancy for the first building.
11. 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 \$5,412.00 (202 trips X \$26.79 per trip).
12. In addition the Developer shall contribute the amount of \$541.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of \$541.00 shall be paid prior to the issuance of the first Building Permit.
13. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$541.00 shall be credited toward the increased Fair Share Fee.
14. 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 Marcus moved for approval of the Resolution.

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

|                          |    |     |
|--------------------------|----|-----|
| Carol J. Elmquist, Chair | -- | AYE |
| Ron Howard               | -- | AYE |
| Karen T. Marcus          | -- | AYE |
| Carole Phillips          | -- | AYE |
| Carol Roberts            | -- | AYE |

The Chair thereupon declared the resolution, was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

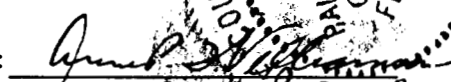
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

