

RESOLUTION NO. R-89- 1636

RESOLUTION APPROVING ZONING PETITION NO. 89-20
SPECIAL EXCEPTION PETITION OF HOLY SPIRIT ANGLO-CATHOLIC CHURCH

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. 89-20 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. 89-20 the petition of HOLY SPIRIT ANGLO-CATHOLIC CHURCH, by Lee Starkey, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying in Section 18, Township 44 South, Range 43 East, Lot 7, Drew Manor, Plat Book 21, Page 36, being located on the south side of Drew Way, approximately 250 feet west of Congress Avenue (SR 807), in a RS-Single Family Residential Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Alternative Landscape No. 3 along the east side of the site where the project abuts residential zoning districts. The landscape strip shall be upgraded with 12 foot high native canopy trees planted 20 feet on center and a thirty-six (36) inch high hedge planted a maximum twenty-four (24) inches on center;

- b. The required safe sight distance triangles at the entrance way; and,
 - c. A six (6) foot wooden fence shall be located along the western property line with twelve (12) foot native canopy trees, twenty (20) feet on center with a thirty-six (36) inch hedge, planted a maximum twenty-four (24) inches on center.
2. The petitioner shall relocate the required landscaping out of the septic tank and drain field.
3. Dumpsters and trash receptacles shall be screened from view by a solid wooden fence and landscaping from adjacent lots and streets.
4. No off-premise signs shall be permitted on site.
5. Security lighting shall be low intensity and directed away from nearby residences through the use of house side shields. Lighting standards shall not exceed eight (8) feet in height.
6. The facility shall be limited to a seating capacity of sixty (60) persons.
7. There shall be no parking within the right-of-way or landscaped areas. Parking shall be limited to designated parking spaces.
8. 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).
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
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. The Property owner shall re-construct Drew Way subject to approval by the County Engineer, a minimum of 2-10 feet travel lanes local street standards from Congress Avenue to the project's entrance road plus the appropriate paved tapers from the 20 feet paved section to the 16 feet paved section. This

construction shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.

- 12. 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 \$429.00.
- 13. Bells and chimes shall not be permitted on site.
- 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: *Richard Altman*
COUNTY ATTORNEY

BY: *Annal Williams*
DEPUTY CLERK

