

RESOLUTION NO. **R-89-1640**

RESOLUTION APPROVING ZONING PETITION NO. **89-28**
SPECIAL EXCEPTION PETITION OF THOMAS V. DAILY, BISHOP OF
THE DIOCESE OF PALM 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. **89-28** 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. **89-28** the petition of THOMAS V. DAILY, BISHOP OF THE DIOCESE OF PALM BEACH, by Angel Goitia, Agent, for a SPECIAL EXCEPTION TO PERMIT **(1)** AN EXISTING CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES; **(2)** AN EXISTING EDUCATIONAL INSTITUTION (PRIVATE ELEMENTARY SCHOOL) AND; **(3)** A DAY CARE CENTER (PRIVATE PRESCHOOL) on a parcel of land lying on the South **1/2** of Tract **3**, Bock **2**, Palm Beach Plantations Plat No. **1**, less the right-of-way for Military Trail as shown on Road Plat **Book 3**, page **76**. Said property located in Section **01**, Township **44** South, Range **42** East, being located on the west side of Military Trail (SR **809**), approximately **250** feet south of Gun Club Road in a RS-Single Family Residential Zoning District, was approved on May **25, 1989**, as advertised, subject to the following conditions:

1. The petitioner shall comply with **all** previously imposed conditions unless expressly modified herein.

2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Ultimate right-of-way for Military Trail as required by the County Engineer:
 - b. Required number of trees pursuant to Section 500.35.G.7:
 - c. Dimensions of the existing parking area;
 - d. Required perimeter landscape strips along all property lines which abut incompatible uses: and,
 - e. Deletion of the note "Minimum tree count part commercial (1/2500) for front 250 feet".
3. The petitioner shall remove all prohibited species from the subject parcel prior to the issuance of a Certificate of Occupancy for any new construction.
4. The petitioner shall preserve the native slash pine located north and northeast of the proposed 10,000 square foot parish center.
5. No outdoor loudspeaker system shall be allowed on site, except in conjunction with normal church activities.
6. Prior to Site Plan certification, the petitioner shall amend the site plan to indicate required perimeter landscape strip Alternative No. 3 along the southern property line where the subject site abuts residential development.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.
10. 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 Military Trail, 60 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.

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 \$2,679.00 (100 trips X \$26.79 per trip).
12. The Developer shall install signalization if warranted as determined by the County Engineer at project's entrance and Military Trail. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
13. No off premise signs shall 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:


COUNTY ATTORNEY

BY:


DEPUTY CLERK