

RESOLUTION NO. R-90-58

RESOLUTION APPROVING ZONING PETITION NO. **73-216(A)**
SPECIAL EXCEPTION PETITION OF PALM BEACH BAPTIST TEMPLE, 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 have been satisfied; and

WHEREAS, Petition No. **73-216(A)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July **27, 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. **73-216(A)** the petition of PALM BEACH BAPTIST TEMPLE, INC., by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH AND ACCESSORY FACILITIES TO **1] INCREASE THE SQUARE FOOTAGE FOR THE CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES; AND 2] PERMIT AN EDUCATION INSTITUTION (MAXIMUM 60, K-12 STUDENTS - PETITION 73-216)** on a parcel of land lying on the South **1/2** of the Northwest **1/4** of the Northeast **1/4** of the Northwest **1/4** of Section **1**, Township **45** South, Range **42** East, less the East **39.34** feet of the South **116.00** feet thereof; and the South **1/2** of the Northeast **1/4** of the Northeast **1/4** of the Northwest **1/4** excepting therefrom the South **220.00** feet and the right of way of Military Trail (SR **809**); also a right-of-way for ingress and egress over the North **30.00** feet of the South **150.00** feet of the South **1/2** of the Northeast **1/4** of the Northeast **1/4** of the Northwest **1/4** all in Section **1**, Township **45** South, Range **42** East, being located on the west side of Military Trail (SR **809**), approximately **.75** mile north of Hypoluxo Road, in a RS-Single Family Residential Zoning District, was approved on July **27, 1989**, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified

herein, except for Condition **No. 2** of Resolution **No. R-73-816**, which shall hereby be amended to require sixty-seven (67) feet, rather than one-hundred (100) feet from centerline at Military Trail, at no cost to Palm Beach County. Prior to site plan approval, this property owner shall reimburse Palm Beach County for any funds previously paid for this right-of-way.

2. Prior to Site Plan certification, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
3. All outdoor lighting shall be of low intensity, shielded and directed away from adjacent properties.
4. There shall be no off premise signs permitted on site.
5. No outdoor loudspeaker system shall be permitted on site.
6. Vehicle parking shall be limited to the parking spaces designated on the site plan. There shall be no parking in landscape areas, rights-of-way or interior drives.
7. Simultaneous with application for Site Plan Review Committee, the petitioner shall execute a Unity of Control on the property subject to approval by the County Attorney prior to certification of the site plan.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
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. This requirement shall apply to any existing drainage problems as well. 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 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 \$3,402.00 (127 trips X \$26.79 per trip).

12. In addition the Developer shall contribute the amount of \$340.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$340.00 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 \$340.00 shall be credited toward the increased Fair Share Fee.
14. Use of the site shall be limited to a church with accessory school (K-12), Sunday School and a family life care center.
15. Condition No. 2 of Resolution No. 73-816 which presently states:

"2. Prior to the issuance of any building permits the developer shall deed to Palm Beach County the additional right-of-way required to provide for a one hundred twenty (120) foot right-of-way for Military Trail (SR 809) and the forty (40) feet for a limited access road. The total of the rights-of-way being one hundred (100) feet from the centerline of Military Trail (SR 809)."

is hereby deleted.

16. 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 2nd day of January, 1990.

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: *Jina M. Blair*
DEPUTY CLERK

