

RESOLUTION NO. R-90-345

RESOLUTION APPROVING ZONING PETITION NO. 78-198(A)
SPECIAL EXCEPTION PETITION OF EPIPHANY LUTHERAN CHURCH, 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. 78-198(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 78-198(A), the petition of EPIPHANY LUTHERAN CHURCH, INC., by Edward E. Tedtmann, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING CHURCH, MEETING HALL, AND SCHOOL BUILDINGS, TO (1) DECREASE THE LAND AREA TO (2) REDESIGN THE SITE TO (3) PERMIT A DAY CARE CENTER (MAXIMUM 25 CHILDREN), on a parcel of land lying in Tract 25, Block 28, Palm Beach Farms Co., Plat No.3, Plat Book 2, Pages 45 through 54, less the West 29.00 feet of said Tract 25, located in Section 29, Township 44 South, Range 42 East, being located on the northeast corner of the intersection of Lyons Road and Arpege Place, approximately .5 mile south of Lake Worth Road (SR 802), in the AR-Agricultural Residential Zoning District, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. The petitioner shall comply with all previously imposed conditions of approval unless expressly modified herein.
2. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to:
 - a. Satisfy all minimum property development

regulations and land development requirements;
and,

- b. Indicate how retention requirements will be met on site.
3. The daycare center shall accommodate a maximum of twenty-five (25) children.
4. Operation of the Daycare Facility shall be limited to Monday through Friday, except for Sunday School associated with church services.
5. Security lighting shall be low intensity and directed away from surrounding residences through the use of house side shields. Lighting fixtures shall not exceed twelve (12) feet in height.
6. No loudspeaker or public address system shall be permitted on site.
7. The petitioner shall remove all prohibitive species from the site prior to issuance of a Certificate of Occupancy for any new construction.
8. All retention requirements shall be met on site. Redesign of the retention system shall be approved prior to application for a building permit. The on site retention system shall be constructed sixty (60) days after the sale of the northern parcel. This petitioner shall apply for a drainage permit prior to the sale of this parcel. This petitioner shall notify the County Engineer/Land Development Division of the sale of this property.
9. No off premise signs shall be permitted on site.
10. 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).
11. 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. There shall be no discharge of any stormwater to the existing lake to the north.
12. Prior to Site Plan approval the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lyons Road, 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.

13. The Developer 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. This fee shall be paid prior to Site Plan approval.
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
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990

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