

RESOLUTION NO. R-90-527

RESOLUTION APPROVING ZONING PETITION NO. 89-61  
SPECIAL EXCEPTION PETITION OF APOSTOLIC LUTHERAN 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. 89-61 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 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. 89-61 the petition of APOSTOLIC LUTHERAN CHURCH, by Brian Olson, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying on the South 1/2 of Lot C and all of Lots D and E in Block 80, Section 30, Township 44 South, Range 43 East and Lots A to C inc., in Block 81, Section 30, Township 44 South, Range 43 East, according to the Palm Beach Farms, Plat #7, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 72, being located on the east side of Kirk Road, approximately .09 mile north of Melaleuca Lane in a RS-Single Family Residential Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. Use of the site shall be limited to a church, fellowship hall, Sunday School and accessory buildings and structures.
2. Building height shall be limited to the maximum of 28 feet.

3. Multiple family (**RM** Zone) setbacks shall be maintained.
4. Prior to official issuance of a Vegetation Removal Permit, the petitioner shall identify all trees to be incorporated or relocated into the project design. All necessary preservation protection measures shall be in place prior to site inspection.
5. All pines and palms in good health and appropriate size, which cannot be incorporated into the project design, shall be relocated on-site.
6. All site lighting shall be low intensity shielded and directed away from surrounding residences through the use of house side shields.
7. Simultaneously with Site Plan Review Committee application, the petitioner shall submit two recorded copies of an appropriately executed Unity of Title. This Unity of Title shall be approved by the County Attorney prior to Site Plan Certification.
8. No off premise signs shall be permitted on site.
9. 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).
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. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Kirk Road, 40 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.

12. 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 \$1,500.00 (56 trips X \$26.79 per trip).
13. Future expansion shall be subject to the Board of County Commissioners' 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 Phillips moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Aye
Ron Howard	--	Absent
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Aye

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

