

RESOLUTION NO. R-90- 543

RESOLUTION APPROVING ZONING PETITION NO. 89-83
SPECIAL EXCEPTION PETITION OF THE CHURCH OF JESUS CHRIST

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. 89-83 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. 89-83 the petition of THE CHURCH OF JESUS CHRIST, by Nancy Difede, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying on a part of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 in Section 26, Township 44 South, Range 42 East, more particularly described as follows:

Beginning at a point 394.00 feet South of the Northeast corner of said parcel of land, said point being the Southeast corner of the land conveyed to Chas. W. Stephens and Flora Stephens, his wife, and being in the West boundary line of Eastview Avenue and running thence West along South line of the land so conveyed to Chas. W. Stephens and Flora Stephens, his wife, and parallel to the North line of said parcel a distance of 330.00 feet more or less to the West line of said parcel, thence running South along the West line of said parcel of land a distance of 130.00 feet; thence running Easterly and parallel to the North line of said tract a distance of 330.00 feet more or less to the East line of said parcel and the West boundary line of Eastview Avenue, thence North along the East line of said parcel to place of Beginning; less that portion of the South 260.00 feet of the North 654.00 feet of the Southeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 26

lying East of the proposed West right-of-way line of Haverhill Road (a/k/a Eastview Avenue) as shown on the right-of-way map recorded in Road Plat Book 5, pages 16 and 17, less the existing right-of-way as described by deed restrictions in Book 61, Page 44 over and across the East 25.00 feet and the South 13.93 feet of the above described portion of land, being located on the west side of Haverhill Road, approximately .47 mile south of Lake Worth Road (SR 802), in a RS-Single Family Residential Zoning District, was approved on August 31, 1989, as advertised, subject to the following conditions:

1. The building shall be limited to maximum of 30 feet in height.
2. The north side interior setback shall be maintained at a minimum of 15 feet.
3. All lighting shall be shielded from adjacent residential properties.
4. Alternative landscape strip number three (3) shall be installed along the north and west property line. This strip shall be upgraded to include: native canopy trees twelve (12) in height, twenty (20) feet on center.
5. No off premise signs shall be permitted on site.
6. 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).
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The use shall be limited to a church with a maximum of 120 seats.
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. 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 Haverhill 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.

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 \$857.00 (32 trips X \$26.79 per trip).
12. 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

