

RESOLUTION NO. R-91- 238

RESOLUTION APPROVING ZONING PETITION NO. 78-189(C)  
SPECIAL EXCEPTION PETITION OF  
BENJAMIN PRIVATE SCHOOL, BY ROSE M. KENNEY, AGENT

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. 78-189(C) was presented to the Board of County commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 1990; 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. 78-189(C), Petition of BENJAMIN PRIVATE SCHOOL, BY ROSE M. KENNEY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PRIVATE SCHOOL TO INCREASE THE SQUARE FOOTAGE, on a parcel of land described as Parcel 1: The Plat of North Palm Beach Private School, Plat Book 30, Page 204. Subject to Rights-of-way and Easements of record. Parcel 2: A portion of Lot 3 of the Subdivision of Government Lot 8, Section 4, Township 42 South, Range 43 East, Plat Book 18, Page 4, commencing at the point of intersection of the North Right-of-way line of McLaren Road and the East Right-of-way line of Ellison Wilson Road, said point being the Southwest corner of said Lot 3, run thence North 03 degrees 04'10" West along the East Right-of-way line of Ellison Wilson Road, a distance of 153.66 feet to the POINT OF BEGINNING of the herein described parcel; thence continue North 03 degrees 04'10" West along said Right-of-way, a distance of 150.23 feet to the Northwest corner of said Lot 3; Thence South 89 degrees 54'55" East along the North line of Lot 3, a distance of 120.06 feet; Thence South, a distance of 150.00 feet; Thence North 89 degrees 54'55" West, a distance of 112.01 feet to the POINT OF BEGINNING. Parcel 3: Being a tract of land in Lots 3 and 4 of the Subdivision of Government Lot 8, Section 4, Township 42 South, Range 43 East, Plat Book 18, Page 4; Beginning at the Southeast corner of said Lot 3; Thence Westerly along the South line of said Lot 3 a distance of

210.00 feet; Thence Northerly parallel with the East line of said Lot 3 to a point 150.00 feet South of the North line of said Lot 3; Thence Westerly parallel with said North line a distance of 157.33 feet to a point 218.24 feet Easterly of the West line of said Lot 3 as measured along a line 150.00 feet South of and parallel with the North line of said Lot 3; Thence Southerly parallel with the East line of said Lot 3 to a point in the South line of said Lot 3; Thence Westerly along the South line of said Lot 3 a distance of 210.00 feet to the Southwest corner of said Lot 3; Thence Northerly along the West line of said Lot 3 a distance of 153.66 feet to a point 150.00 South of, as measured at right angles to the North line of said Lot 3; Thence Easterly parallel with and 150.00 feet south of, as measured at right angles to the North line of said Lot 3 a distance of 112.01 feet; Thence Northerly parallel with the East line of said Lot 3 a distance of 150.00 feet to the North line of said Lot 3; Thence Easterly along the North line of said Lot 3 a distance of 473.56 feet to the Northeast corner of said Lot 3; Thence continue Easterly along the North line of said Lot 4 a distance of 100.00 feet; Thence Southerly parallel with the West line of said Lot 4 a distance of 130.00 feet; Thence Westerly parallel with the North line of said Lot 4 a distance of 100.00 feet to a point in the West line of said Lot 4, said West line of Lot 4 is common with the East line of Lot 3; Thence Southerly along the East line of said Lot 3 to the Southeast corner of said Lot 3 and the POINT OF BEGINNING. TOGETHER WITH: That part of Lot 6, according to the Plat of Subdivision of Government Lot 8 of Section 4, Township 42 South, Range 43 East, Plat Book 18, Page 4, beginning at the Southwest corner of Lot 6 of said Subdivision, run Northerly along the Easterly Right-of-way line of the Ellison Wilson Road a distance of 125.00 feet; Thence Easterly and parallel to the South line of Lot 6 a distance of 200.00 feet; Thence continue South a distance of 125.00 feet to the South line of said Lot 6; Thence continue Westerly along the South line of Lot 6, a distance of 200.00 feet to the POINT OF BEGINNING, and being located on the EAST SIDE OF ELLISON WILSON ROAD, APPROXIMATELY .05 MILE NORTH OF MCLAREN ROAD, APPROXIMATELY .4 MILE SOUTH OF P.G.A. BOULEVARD, IN THE RH ZONING DISTRICT was approved on July 26, 1990, as advertised, subject to the following conditions:

#### STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses, site design and square footage shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).

#### ENGINEERING

4. 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 on site 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.

5. 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 at the time of the Building Permit presently is \$2,090.00 (38 trips X \$55.00 per trip).

#### HEALTH

6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

#### PARKING

8. If necessary, the petitioner shall apply for a Shared Parking Special Permit for the Benjamin Private School and the North Palm Beach Private Lower School prior to site plan certification.
9. If necessary, the petitioner shall apply for a Grassed Parking Special Permit for all grassed parking proposed on the Benjamin Private School site prior to site plan certification.

#### COMPLIANCE

10. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Spacial Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Carole Phillips	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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

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