

10/44/42
ORIGINAL

RESOLUTION NO. R-91- 254

RESOLUTION APPROVING ZONING PETITION NO. 80-188(B)
SPECIAL EXCEPTION PETITION OF
FLORIDA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTIST
BY ROBERT A. BENTZ, 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. 80-188(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 27, 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.

NCW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-188(B), the petition of FLORIDA CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTIST, BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN TO AN EXISTING PLACE OF WORSHIP TO INCLUDE AN EDUCATIONAL INSTITUTION (PRIVATE SCHOOL K-8) on a parcel of land lying on the east 330.00 feet of the west 510.00 feet of the northeast 1/4 of the northwest 1/4 of the northeast 1/4 of Section 10, Township 44 South, Range 42 east and being located on the south side of Summit Boulevard, .1 mile east of Jog Road, in a RE-Residential Estate Zoning District, was approved on September 27, 1990, as advertised, subject to the following conditions:

A. 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 regulations.

B. ENGINEERING

- E1. 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.
- E2. 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 \$11,605 (211 trips X \$55.00 per trip).

C. ENVIRONMENTAL RESOURCE MANAGEMENT

1. Native vegetation removed to meet the requirements of condition F.1. shall be relocated on site and credited to the tree requirements for the site or removed offsite subject to approval by the Zoning Division.

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
3. No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10-D-6 F.A.C.

E. LANDSCAPING/BUFFERING

1. A minimum six foot high solid wall or continuous fence shall be provided along all property lines separating outdoor play areas from adjacent residential uses. The exterior side of this fence or wall shall be landscaped within minimum 12 foot high native canopy trees planted **20** feet on center and a minimum 36 inches high continuous opaque hedge. Tree credit shall be given for existing native vegetation adjacent to the outdoor play area.
2. Prior to Site Plan Certification, the petitioner shall schedule a Site Inspection with the Zoning Division to locate the wall or fence with minimum disruption to existing native vegetation.

F. USE LIMITATION

1. The school shall be limited to a maximum of **45** children.
2. **No** outdoor loudspeaker system audible off site shall be operated on site.

G. COMPLIANCE

1. **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 Special 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 vote was as follows:

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

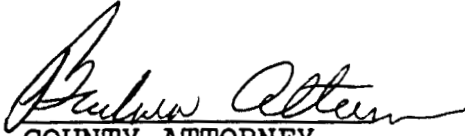
The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

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

