

RESOLUTION NO. R-93-1025

RESOLUTION APPROVING ZONING PETITION CA93-19
CLASS A CONDITIONAL USE
PETITION OF SERGE JEROME

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA93-19 was presented to the Board of County Commissioners at a public hearing conducted on August 30, 1993; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA93-19, the petition of SERGE JEROME for a CLASS A CONDITIONAL USE allowing a CHURCH OR PLACE OF WORSHIP, WITH ACCESSORY DAY CARE (30 CHILDREN) in the Multi-Family Residential (RM) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on August 30, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of August, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Barbara Otter*
COUNTY ATTORNEY

BY: *Sina M. Blair*
DEPUTY CLERK

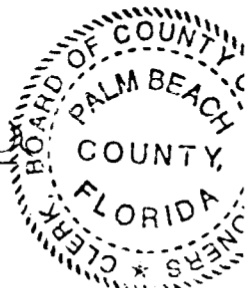


EXHIBIT A
(legal description)

LEGAL DESCRIPTION:

A PORTION OF THE SOUTH 175.00 FEET OF THE NORTH 225.00 FEET OF THE WEST 200.00 FEET OF THE EAST 253.00 FEET OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 25; THENCE RUN SOUTH 01 DEGREES 25 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 225.02 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 22 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH 225.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 22 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 193.02 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 25 MINUTES 19 SECONDS EAST ALONG THE WEST LINE OF THE EAST 253.00 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 25 FOR A DISTANCE OF 163.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE RUN SOUTH 89 DEGREES 22 MINUTES 26 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 158.02 FEET TO A POINT; THENCE RUN SOUTH 43 DEGREES 58 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 49.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUN SOUTH 01 DEGREES 25 MINUTES 19 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 128.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
(location sketch)

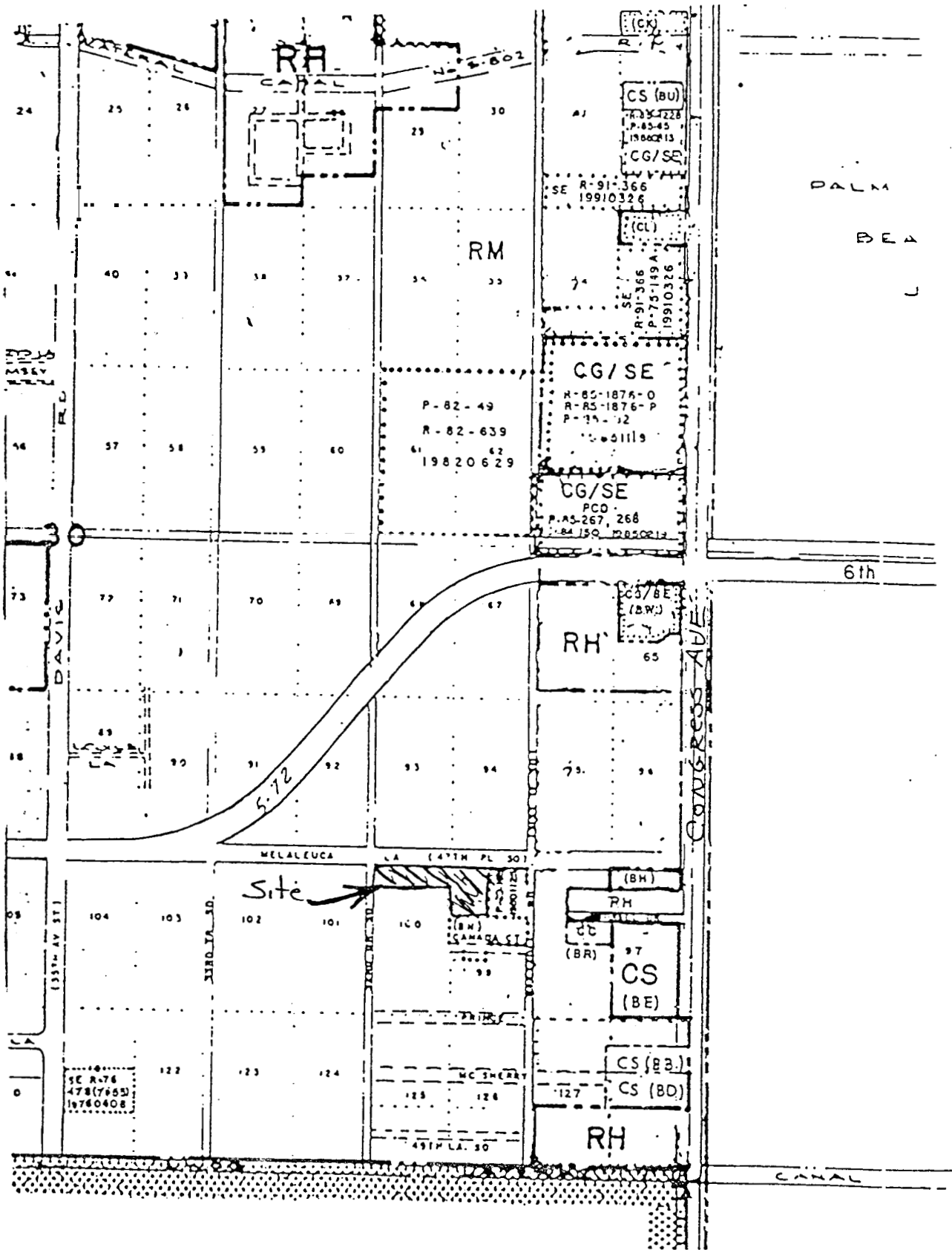


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. To ensure the site design is consistent with the proposal, the total gross floor area shall be limited to a maximum of **12,250** square feet. Additional square footage may be added pursuant to section **5.4.E.13** (Minor Deviations) of the ULDC. (BUILDING-Zoning)
2. To ensure the site design is consistent with the proposal and the concurrency reservation, the day care center shall be limited to a maximum of thirty (**30**) children. (CODE ENFORCEMENT/BUILDING)
3. To ensure the site design is consistent with the surrounding area, and to protect adjacent property values, the architectural character and treatment which **is** compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
4. To ensure the site functions consistent with the surrounding residential area, no business activities shall be allowed on the site, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m. [CODE ENFORCEMENT)
5. To reduce the visual impacts higher lighting would cause on the surrounding area, all lighting fixtures shall not exceed fifteen (**15**) feet in height. (BUILDING)
6. To reduce the impact of the site lighting on the surrounding area after hours, all outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

B. LANDSCAPING - GENERAL

1. Because the site abuts residential development the minimum tree size has been increased to reduce the initial impacts of the proposed development on the surrounding area. All perimeter buffer trees required to be planted on site by this approval therefore shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (**14**) feet.
 - b. Trunk diameter: **3.5** inches measured **4.5** feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at **3** points measured from the trunk to the outermost branch tip. Each radius shall measure at least **3.5** feet in length. (ZONING)

C. RECYCLE SOLID WASTE

1. To facilitate the County's recycling goals, the property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

D. HEALTH

1. The application and engineering plans to construct a non-community drinking water supply system must be submitted to the PBC Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
2. The application and engineering plans to construct an onsite waste water disposal system must be submitted to the PBC Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)

E. ENGINEERING

1. The property owner has voluntarily agreed to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a safe sight corner at South 32nd Drive and Melaleuca Lane, free of all encumbrances and encroachments. This conveyance shall be prior to June 1, 1994 or prior to the issuance of the first Building Permit whichever shall first occur. Developer 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.
2. 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 \$10,890.000 (198 trips x \$55.00 per trip) (IMPACT FEE COORDINATOR).