

RESOLUTION NO. R-96-1358

RESOLUTION APPROVING ZONING PETITION CA78-31(A)
CLASS A CONDITIONAL USE
PETITION OF COMMUNITY BAPTIST
BY REVEREND JOEY HINSON, AGENT
(HEALING HUGS CHILDCARE)

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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA78-31(A) was presented to the Board of County Commissioners at a public hearing conducted on September 26, 1996; 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 Unified Land Development Code (ULDC) 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Unified 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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 Unified 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 CA78-31(A), the petition of Community Baptist, by Reverend Joey Hinson, agent, for a Development Order Amendment (DOA) to include a Class A Conditional Use (CA) allowing a daycare, general facility for 40 children in the Agricultural Residential 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 September 26, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 26, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

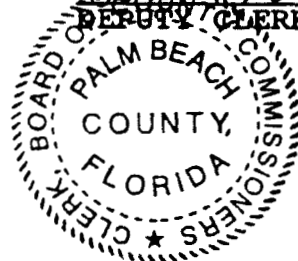
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Alt*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

Petition CA78-31(A)
Project No.



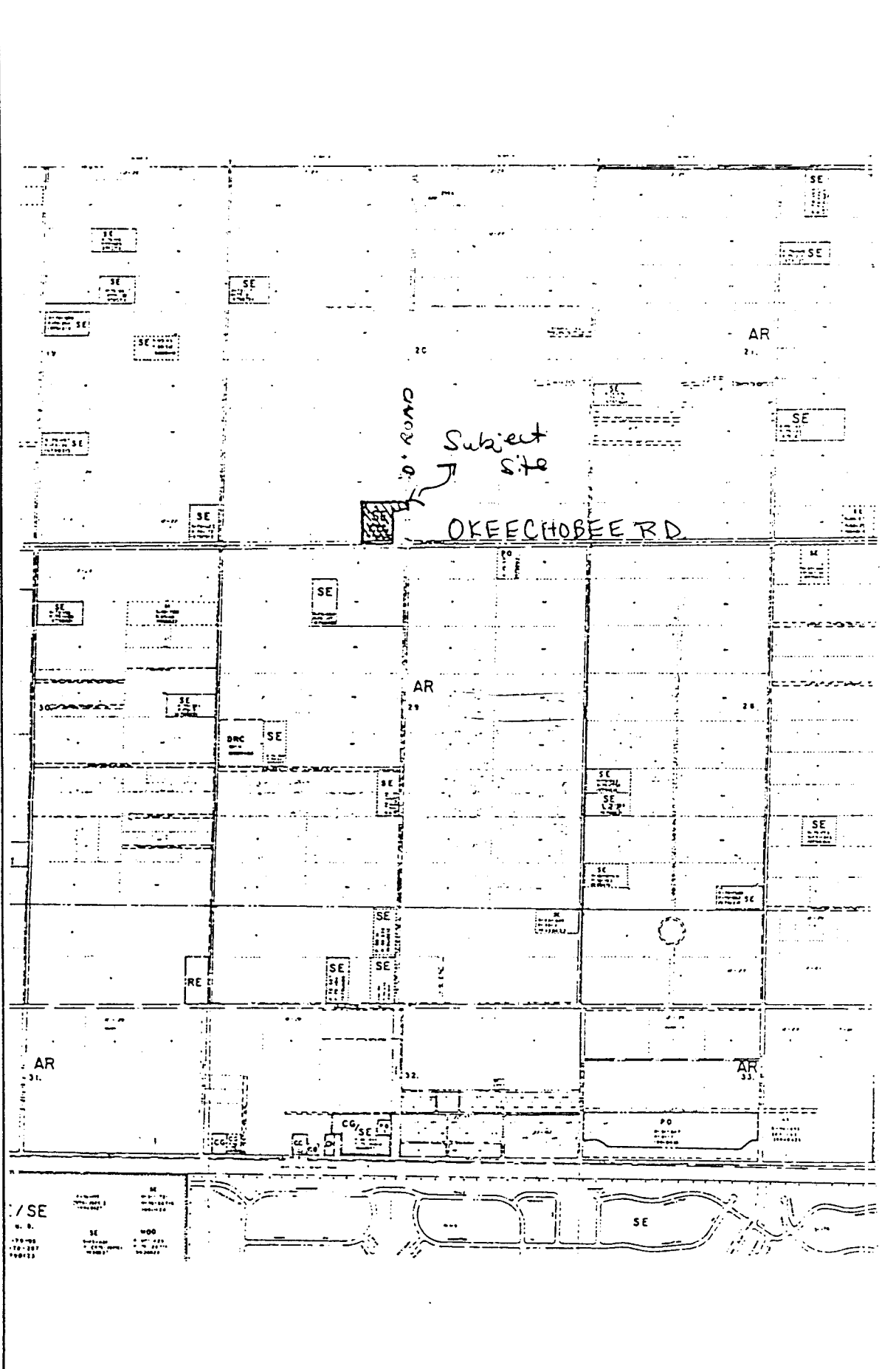
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EXHIBIT A
LEGAL DESCRIPTION

The East **591.88** Feet of Tract **12**, in Block "C" Loxahatchee Groves, less the East 200 Feet, of the South **435.6** Feet, of Tract **12**, in Block "C" Loxahatchee Groves, 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 **12**, page **29**.
And less the south **10.0** Feet of the West **391.88** Feet of the East **591.88** feet of Tract **12**, Block "C" ,Loxahatchee **Groves**, as platted in Flat **Book 12**, page **29** Public Records of Palm Beach County Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING





	Petition Number: <u>CA78 31(A)</u>	 NORTH
	Zoning Quad Page <u>96</u>	
	Date: <u>2-8-96</u>	

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-78-282 (Petition 78-31), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

B. HEALTH

1. Application and engineering plans to construct a non-transient non-community water supply system in accordance with Chapter 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)
2. The location of the OSTDS and non-transient non-community well shall be shown on final site plan. (DRC: HEALTH)
3. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (BLDG PERMIT : HEALTH)

C. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING OKEECHOBEE ROAD)

1. Landscaping and buffering along the perimeter property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted thirty (30) feet on center;
 - c. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location;
 - d. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches; and
 - e. Credit may be given for existing or relocated trees or palms provided they meet current ULDC requirements. (DRC / CO: ZONING / LANDSCAPE)

D. LANDSCAPING ALONG WEST PROPERTY LINE 100 FEET NORTH AND 100 FEET SOUTH (ADJACENT TO OUTDOOR PLAY AREA)

1. Landscaping and buffering along the west property line 100 feet north and 100 feet south shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. One (1) canopy tree planted thirty (30) feet: on center;
- c. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location;
- d. Thirty (36) inch high shrub or hedge material spaced no more than twenty four (24) inches; on center at installation, to be maintained at a minimum height of forty eight (48) inches; and
- e. Credit may be given for existing or relocated trees or palms provided they meet current ULDC requirements. (DRC / CO: ZONING / LANDSCAPE)

E. ENGINEERING

1. Within ninety (90) days of the **Special Exception** approval, the petitioner shall convey to Palm Beach County an additional ten (10) feet for the ultimate right-of-way for Okeechobee Boulevard. (Previously Condition 1 of Resolution R-78-282, Petition 78-31) (DATE: ENG)

F. USE LIMITATION

1. The day care center shall be limited to a maximum of 40 children. (ONGOING: DRC/ HEALTH)
2. The place of worship shall be limited to a maximum of 120 seats. (ONGOING: DRC/ BLDG)
3. The day care center shall operate during weekdays only. (ONGOING: CODE ENF)
4. Landscape requirements shall be completed prior to October 1, 1997. (DATE/LANDSCAPE: MONITORING - Zoning)

G. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(NONITORING)