

RESOLUTION NO. R-85-1447

RESOLUTION APPROVING ZONING PETITION 85-84, Special Exception

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-84 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th July 1985; and

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

1. With minor modification to the site plan, or variance relief, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of July 1985, that Petition No. 85-84 the petition of BEREAN BAPTIST TEMPLE OF WEST PALM BEACH, INC., By Michael Kalapp, Agent for a SPECIAL EXCEPTION TO ALLOW A CHURCE, CHILD DAY CARE FACILITY AND SCHOOL on Tract 14 Block 1, Palm Beach Farms Company Plat No. 9, in Section 29, Township 43 East, Range 42 South, as recorded in Plat Book 5, Page 58, LESS the North 76 feet thereof, and LESS the East 40 feet thereof, for canal Right-of-way. Said property located on the south side of Okeechobee Boulevard (S.R. 704), approximately .4 mile east of Rubin Road and being bounaed on the east by the L.W.D.D. Equalizing Canal No. 2 was approved as advertised subject to the following conditions:

- 1) The developer shall preserve existing significant vegetztion

wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.

2) Prior to site plan certification, the site plan shall be revised to reflect the following:

a) Board of Adjustment variance .relieffor turfgrass parking areas, or modification to the site plan to reflect paved parking spaces.

3) The property owner shall construct a left turn lane, east approach, and right turn lane, west approach, on Okeechobee Boulevard, at such time as required by the County Engineer. The petitioner shall provide acceptable performance security prior to the issuance of a building permit. The amount of security shall be established by a cost estimate certified by a registered engineer and approved by the County Engineer's office.

4) 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 \$17,949.

5) The petitioner shall convey to the Lake Worth Drainage District the north 70 feet of Tract 14 for the required right-of-way for Lateral Canal No. 1 and the East 40 feet of Tract 14 for the required right-of-way for Equalizing Canal No. 2, by Quit Claim Deed or an easement deed in the form provided by said district, within 90 days of adoption of the resolution by the Board of County Commissioners.

6) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section prior to the issuance of a Building Permit.

7) The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.

8) Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

9) Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

10) The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

11) The petitioner shall provide a chain link fence at least six (6) feet in height along the eastern, western and southern property lines. This fence shall be placed so as to be screened by the existing vegetative cover.

12) All outdoor lighting shall be directed away from adjacent residences.

13) The existing significant vegetative cover within sixty-five (65) feet of the eastern property line and within 25 feet of the western property line, shall be preserved and appropriate measure shall be taken to protect said vegetation during the site development process.

14) Setbacks for structures shall be maintained on the eastern property line as shown on the submitted site plan and may not be decreased by Site Plan Review Committee.

15) There shall be no access to this site from along the eastern property line.

Commissioner _____, moved for approval of the

petition. The motion was seconded by Commissioner [redacted], and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AY
Karen T. Marcus, Vice Chairman	--	AY
Kenneth Spillias, Member	--	AY
Jerry L. Owens, Member	--	AY
Dorothy Wilken, Member	--	AY

The foregoing resolution was declared duly passed and adopted this 17 day of September confirming action of the 25th July 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jim Gray Ellinger
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Samuel [redacted]
County Attorney