

RESOLUTION NO. R- 87-1091

RESOLUTION APPROVING ZONING PETITION 73-160(C), 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. 73-160(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 26, 1987 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Petition No. 73-160(C) the petition of JAY CREWS, A. T. LOWERY AND JIM NORTH, TRUSTEES, by Dr. Thomas F. Kelsey, Agent, for a SPECIAL EXCEPTION TO RECOMMEND AND APPROVE THE SITE PLAN FOR A CHURCH EDUCATIONAL INSTITUTION AND A CHILD DRY CREEK FACILITY WITH NECESSARY BUILDINGS AND STRUCTURE, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-160(B) TO INCREASE THE LOT AREA BY 8.78 ACRES AND TO INCREASE THE BUILDING SQUARE FOOTAGE on Parcel "A": A parcel of land in part of the Southwest 1/4 and part of the Southeast 1/4 of Section 32, Township 41 South, Range 43 East, described as follows: Beginning

at a point on the East line of said Southwest 1/4 of Section 32, said point being 660 feet North of the Southeast corner of said Southwest 1/4, as measures along said East line of the Southwest 1/4 of Section 32; thence Westerly, along a line parallel with the North line of said Southwest 1/4 of Section 32, a distance of 291.76 feet; thence Northerly, along a line making an angle of 91 degrees 43' 28" from East to North with the last described course, a distance of 399.23 feet to the Southerly Right-of-way line of the 80 foot wide Canal Right-of-way running East and West across said Southwest 1/4 of Section 32 as shown on the plat of "Plat No. 1, Palm Beach Cabana Colony", recorded in Plat Book 26, Pages 203-205; thence Easterly, along said Southerly Right-of-way line to said East line of the Southwest 1/4 and the West line of said Southeast 1/4 of Section 32; thence continue Easterly, along said Southerly Right-of-way line to the Westerly Right-of-way line of Prosperity Farms Road as laid out and in use on September 27, 1961; thence Southerly, along said Westerly Right-of-way line, to a line 1980 feet South of parallel with the North line of said Southeast 1/4; thence Westerly along said parallel line, to the West line of said Southeast 1/4 and the East line of said Southwest 1/4; thence Northerly, along said East line, to the Point of Beginning. Less all that portion lying within 30 feet of the aforementioned line described as being parallel with the North line of the Southwest 1/4 of said Section 32. (As said line is prolonged to its intersection with said Westerly Right-of-way line of Prosperity Farms Road.) Together with: A parcel of land in Section 32, Township 41 South, Range 43 East, more particularly described as follows: From the Southwest corner of Section 32, Township 41 South, Range 43 East; thence South 89 degrees 16' 50" East along the South line of Section 32 aforesaid a distance of 2628.55 feet to the 1/4 corner of said Section 32; thence North 02 degrees 30' 12" East along the said 1/4 section line of Section 32 a distance of 660.00 feet to a point of intersection of the centerline of Lone Pine Road, as now laid out and in use; thence North 88 degrees 04' 01" West along said centerline a distance of 291.76 feet to a

point; thence North 00 degrees 12' 31" East a distance of 30.01 feet to the Point of Beginning of the herein described parcel; thence continue North 00 degrees 12' 31" East a distance of 369.22 feet to a point lying on the South Right-of-way line of the canal parcel as shown on Sheet No. 3, Plat No. 1, Palm Beach Cabana Colony, as recorded in Plat Book 26 at Page 205; thence North 89 degrees 16' 50" West along said South Right-of-way line a distance of 367.22 feet to a point; thence North 54 degrees 21' 56" West along said South Right-of-way line a distance of 117.84 feet to a point; thence South 00 degrees 12' 31" West a distance of 426.96 feet to a point lying in the Northerly Right-of-way line of said Lone Pine Road; thence South 88 degrees 04' 01" East along said Northerly Right-of-way line a distance of 463.42 feet to the Point of Beginning. Together with: Parcel "B": A parcel of land in Section 32, Township 41 South, Range 43 East. Being more particularly described as follows: Commence at the Southwest corner of said Section 32; thence North 02 degrees 10' 58" East, along the West line of said Section 32, a distance of 1194.94 feet to the South line of the canal parcel as shown on Sheet No. 3, Plat No. 1, Palm Beach Cabana Colony, as recorded in Plat Book 26, Page 205; thence South 89 degrees 16' 50" East, along said South line, a distance of 1317.29 feet to the Easterly Right-of-way line of a 100 foot canal as shown on Robert E. Owen & Associates, Inc. Drawing No. D-3777-003, dated August 1978; said Easterly Right-of-way line being the North-South Quarter-Quarter line of the Southwest 1/4 of said Section 32 and the Point of Beginning; thence South 89 degrees 16' 50" East, continuing along the South line of said Cabana Colony Canal, a distance of 452.50 feet; thence South 54 degrees 21' 56" East, continuing along said South line, a distance of 108.57 feet; thence South 00 degrees 12' 31" West a distance of 426.77 feet to the Northerly Right-of-way line of Lone Pine Road; thence North 88 degrees 04' 01" West, along said northerly line, 558.98 feet to the Easterly Right-of-way line of the aforementioned 100 foot canal; thence North 02 degrees 20' 35" East, along said Right-of-way line, a distance of 477.25 feet to the Point of Beginning. The property

is located on the northwest corner of the intersection of Prosperity Farms Road and Lone Pine Road and is bounded on the west by 27th Drive North and on the north by the Cabana Colony Canal in an RS-Single Family Residential Zoning District and was approved as advertised subject to the following conditions:

1. The petitioner shall comply with all conditions of previous approvals unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. One (1) of three (3) alternative' perimeter landscape strips adjacent to existing residential lots.
 - b. Wheel stops or curbing where the parking spaces face a property line.
 - c. The required trees in the terminal and interior landscape islands.
 - d. Required number of trees.
 - e. Redistribution of several handicap parking spaces to be accessible to the proposed education and administration buildings.
3. No building permit shall be issued for the subject property until the site is connected to a public sewer system.
4. Since sewer and water service are available to the property, neither septic tank nor well shall be approved for use on the property.
5. Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
6. The developer shall retain the stormwater runoff in accordance with all agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite three (3") inches of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
7. The property owner shall convey for the ultimate right-of-way of Prosperity Farms Road, sixty-eight (68) feet from centerline (approximately an additional twenty-eight (28) feet) within ninety (90) days of the adoption of the Resolution approving this project.
8. The property owner shall construct :
 - a. Left turn lane, south approach and a right turn lane, west approach at the intersection of Prosperity Farms Road and Lone Pine Road.
 - b. Lone Pine Road as a full three (3) lane section from Prosperity Farms Road to a point 150 feet west of the project's west entrance road plus the appropriate tapers.

- c. Right turn lane, east approach on Lone Pine Road at the project's east entrance

all concurrent with the construction of Phase II (proposed sanctuary or education complex). Any Right-of-way required for construction of turn lanes on Prosperity Farms Road shall be purchased by Palm Beach County after all Right-Of-Way documents and maps have been furnished to Palm Beach County by the petitioner.

9. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Prosperity Farms Road along the property frontage and for a maximum four hundred (400) foot distance each side of the property boundary lines along Prosperity Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
10. 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 \$16,315.00 (609 average trips X \$26.79 per trip).
11. Special requirements for Vegetation Protection:
- a) Prior to site plan certification, petitioner shall prepare a tree survey meeting the requirements of Zoning Code Section 500.35. F. 18 (Minimum Standards for Preparation of Tree Surveys). The tree survey shall be prepared at the same scale as the proposed site plan. All individual protected trees shall be delineated which are eligible for Tree Preservation Credits pursuant to Zoning Code Section 500.35, Figure 500.35-3 (Calculation of Tree Preservation Credits). The survey shall also indicate the general boundaries of areas of significant native vegetation which may be associated with protected trees. The tree survey shall indicate those protected trees which are proposed to be removed because of the construction of buildings and improvements such as parking and accessways.
- b) The petitioner's tree survey shall be reviewed by staff with the express direction to assure that the minimum number of protected trees or areas of significant vegetation are removed or disturbed. In particular, in an effort to retain as many trees and as much protected vegetation as possible, petitioner shall eliminate all proposed parking in excess of minimum Code requirements. Those trees which must be removed in order to accommodate necessary construction shall be evaluated on the likelihood of successful transplantation on site. Staff are encouraged to exercise maximum flexibility in permitting site design modifications in order to further the goal of vegetation protection.
- c) Staff recommendations shall be conveyed to the petitioner, who shall thereupon prepare an Alternative Landscape Betterment Plan which meets the requirements of Zoning Code Section 500.35. G. 6 and which incorporates staff recommendations. No site plan shall

be certified for this development until the Alternative Landscape Betterment Plan is approved by staff. This plan shall include a program to transplant trees identified from the tree survey as likely to survive transplantation-

- d) This condition shall be enforced through issuance of a vegetation removal permit pursuant to Zoning Code Section 500.36. (Vegetation Protection and Preservation). No variance relief shall be permitted from the terms of this condition.
12. Petitioner shall construct a six (6) foot wide paved pathway along the entire length of the property's south boundary on Lone Pine Road from Prosperity Farms Road to the property's southwest property line. Construction shall begin within 180 days of receipt of written notice to the petitioner from the School Board of Palm Beach County that both of the following two (2) events have occurred:
- a) A pathway has been constructed on the north side of Lone Pine Road to the southeast corner of Lone Pine Road and proposed 27th Street; and
 - b) A pathway has been constructed along Prosperity Farms Road from the Crystal Point Planned Unit Development to the intersection of Prosperity Farms Road to Lone Pine Road.

Commissioner Marcus, moved for approval of the petition.

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

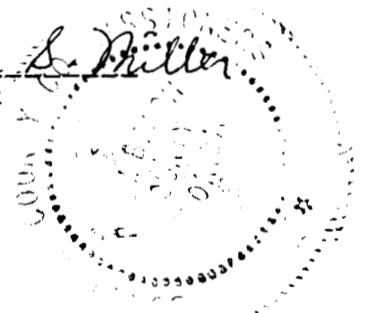
Carol Roberts	--	Rye
Karen T. Marcus	--	Rye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of July, 1987 confirming action of February 26, 1987.

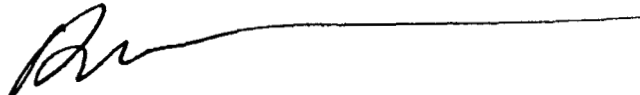
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Kathryn S. Miller
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



County Attorney