

RESOLUTION NO. R-89-721

RESOLUTION APPROVING ZONING PETITION NO. 88-74
SPECIAL EXCEPTION PETITION OF
THOMAS V. DAILY, DIOCESE OF PALM BEACH

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. 88-74 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 1988; 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, 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 made the following findings of fact:

1. This proposal is 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. 88-74 the petition of THOMAS V. DAILY, DIOCESE OF PALM BEACH, by Richard L. San Giovanni, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH OR PLACE OF WORSHIP AND ACCESSORY BUILDINGS AND STRUCTURES AND EDUCATIONAL INSTITUTION on a parcel of land lying at the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 17, Township 44 South, Range 43 East, less the West 50 feet thereof for the Right-of-way for Congress Road and less the South 40 feet thereof for the Right-of-way for Lake Worth Drainage District's Lateral Canal No. 10, being located on the east side of Congress Road (SR 807), approximately 150 feet south of Alice Drive, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Required trees in interior islands;
 - b. Required access dimensions;
 - c. Required parking tabular for each use;
 - d. Required perimeter landscape strips along the northern, eastern, western and southern property lines;
 - e. Required paved parking;
 - f. Six (6) foot high solid wood fence along the north property line;
 - g. Required hedge material where vehicular use areas abut interior property lines and right-of-way; and
 - h. Required loading areas for each use.
2. The petitioner shall relocate all signage out of the required landscape strips.
3. The petitioner shall amend the site plan tabular data to indicate:
 - a. Number of students;
 - b. Number of teachers;
 - c. Number of seats in the multi-purpose building (existing church):
 - d. Number of live-in clergy.
4. Prior to certification by the Site Plan Review Committee, the petitioner shall submit an eradication plan which outlines the removal of all prohibited species on site and subsequent replanting, if necessary.
5. Simultaneously with the application for Site Plan Review Committee, the petitioner shall submit an Alternative Landscape Betterment Plan which address the relocation of required landscaping along the northern property line to alternate locations on site, west and east of the two-story existing classroom building and church respectively and within the parking lot north of said building by relocating two parking spaces and converting them to landscape islands.

6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. 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 onsite 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.
9. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
10. The property owner shall construct, subject to approval by the Florida Department of Transportation with concurrent review by Palm Beach County, a left turn lane north approach on Congress Avenue at Rex Avenue and Carol Avenue concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy. Should a permit from the Florida Department of Transportation not be able to be obtained then this condition shall become void.
11. 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 \$3,751.00 (140 average trips/day X \$26.79 per trip).

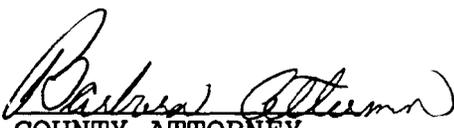
12. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance(s) and Congress Avenue.
13. The petitioner shall convey to Lake Worth Drainage District an easement over the south five (5) feet of the property for the maintenance berm for Lateral Canal No. 10.
13. Failure to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Watt moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Absent
Jim Watt	--	Aye

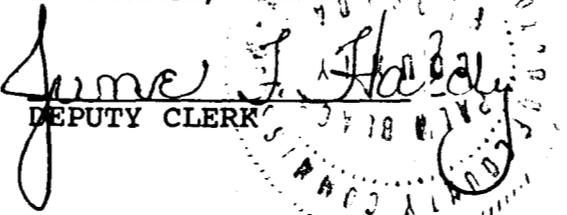
The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

