

RESOLUTION NO. R-89-1235

RESOLUTION APPROVING ZONING PETITION NO. 78-189(B)  
SPECIAL EXCEPTION PETITION OF THE BENJAMIN PRIVATE SCHOOL, INC.

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. 78-189(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 27, 1989; 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. 78-189(B) the petition of THE BENJAMIN PRIVATE SCHOOL, INC., by Curtis L. Shenkman, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PRIVATE SCHOOL (PETITION 78-189(A)) TO INCLUDE RECREATIONAL FACILITY AND CLUB (ANNUAL TENT EVENTS) on a parcel of land lying on the Plat of North Palm Beach Private School, Section 04, Township 42, Range 43, as recorded in Plat Book 30 at Page 204, subject to Right-of-way and easements of record, being located on the East Side of Ellison Wilson Road, approximately 270 feet north of McLaren Road, in the RH-Multiple Family Residential Zoning District (High Density), was approved as advertised, subject to the following conditions:

1. Petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The petitioner shall be limited to four events requiring Special Permits for Temporary Tent Facilities per year. The Special Permits shall not be permitted for a time period exceeding two (2) consecutive days

and shall only be issued for weekend use: Friday and Saturday. One of the four annual events may be held for three (3) consecutive days to include Sunday.

3. The location of the temporary tent facilities shall be limited to the area east of the structures facing Ellison Wilson Road.
4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in required landscape areas, rights-of-way or interior drives.
5. Outdoor lighting shall be shielded, low intensity and directed away from adjacent properties and streets, shining only on the subject site. All lighting used to illuminate the temporary tent facility shall be contained within the confines of the tent.
6. The petitioner shall demonstrate, prior to obtaining a Special Permit for Temporary Tent Facilities, that adequate parking is provided for that event. The minimum required number of parking spaces shall be determined by providing one (1) space per employee or volunteer and one (1) space per three (3) seats provided. The petitioner shall submit letters of consent for off-site parking indicating the location of and minimum number of spaces to be provided. The consent letters shall be subject to approval by the Zoning Division.
7. Prior to certification, the site plan shall be amended to indicate number of parking spaces required for the temporary tent facilities. The formula to calculate the required parking shall be that which is used for restaurants with the exception that volunteers shall be considered employees.
8. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
9. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
10. The petitioner 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 \$37.00 (slightly more than 1 trip/day X \$26.79 per trip).
11. The property owner shall install signage and striping on the existing one way drives subject to approval by the County Engineer. Maintenance of this signage and striping shall be the responsibility of the property owner.

12. Failure to comply with any conditions of approval 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 Howard moved for approval of the petition. The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Absent
Ron Howard	--	Aye
Carole Phillips	--	Absent

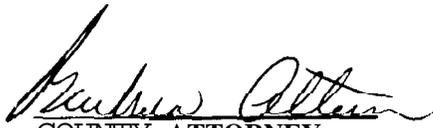
The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 27, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

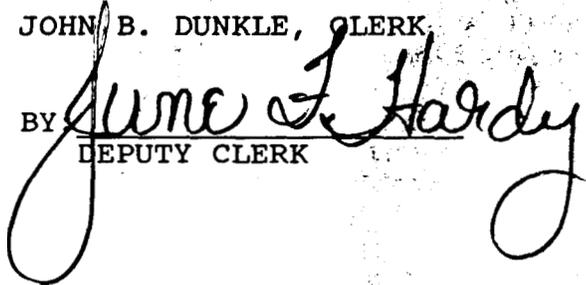
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK