

RESOLUTION NO. R-89- 2212

RESOLUTION APPROVING ZONING PETITION NO. 89-51
SPECIAL EXCEPTION PETITION OF
THE UNION CONGREGATIONAL CHURCH OF WEST 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 have been satisfied; and

WHEREAS, Petition No. 89-51 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-51 the petition of THE UNION CONGREGATIONAL CHURCH OF WEST PALM BEACH, by Mark Ugowski, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES, WHICH WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT (PETITION 86-118) on a parcel of land lying on the East 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 44 South, Range 42 East, less the East 142.00 feet as measured on the North line of said Section 11, of the North 562.90 feet as measured along East line of said Section 11, of the East 1/2 of the North 1/2 of the Northeast 1/4 of Section 11, Township 44 South, Range 42 East; less, however, the East 40.00 feet of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 11 for right-of-way for Haverhill Road, being located on the southwest corner of the intersection of Haverhill Road and Summit Boulevard, in the RS-Single Family Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. Resolution No. 87-434, a resolution approving zoning petition 86-118 is hereby repealed in its entirety.

2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The safe sight distance triangles;
 - b. Landscape Alternative **No. 3** along the east and west property lines with a six (**6**) foot ,high berm and hedge combination and twelve (**12**) foot high native canopy trees planted twenty (**20**) feet on center adjacent to the parking lot; and,
 - c. **A 10** foot landscape strip adjacent to the parking lot with **12** foot high native canopy trees planted **20** feet on center and a **36** inch high hedge planted **24** inches on center.
3. Vehicular parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles shall be permitted in landscaped areas, rights-of-way or interior drives.
4. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets, shining only **on** the subject site.
5. **No** off premise signs shall be permitted on the site.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted to 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 Land Development Division by road right-of-way warranty deed for:
 - a. Summit Boulevard, **71.5** feet from centerline; and,
 - b. Haverhill Road, **54.5** feet from centerline

All free of all encumbrances and encroachments. Property owner 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 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 \$2,231.00 (87 trips X \$26.79 per trip).
11. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall revise the subject Site Plan to add an additional access onto Haverhill Road. This additional access shall be constructed concurrent with Phase II construction.
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 Roberts moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this- 12th day of December, 1989.

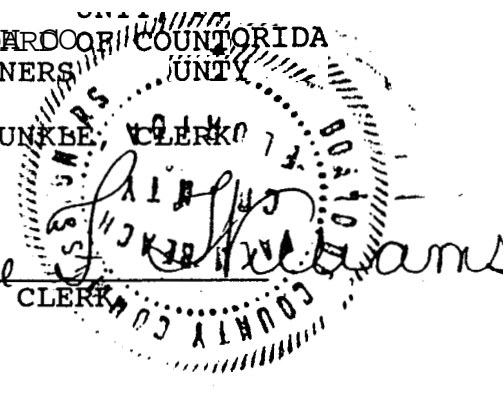
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *Richard Altman*
COUNTY ATTORNEY

BALM BEACH BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

JOHN B. DUNKBE, CLERK

BY: *June Williams*
DEPUTY CLERK



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PALM BEACH COUNTY, FLORIDA
BY **ITS** BOARD OF **COUNTY**
COMMISSIONERS

JOHN B. DUNKLE, **CLERK**

BY: *Pepper Altman*
COUNTY ATTORNEY

BY: *June L. Williams*
DEPUTY CLERK

