

RESOLUTION NO. R-90- 1293

RESOLUTION APPROVING ZONING PETITION NO. **90-1**
SPECIAL EXCEPTION PETITION OF PALMS WEST ALLIANCE CHURCH

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. **90-1** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January **25**, **1990**; 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. **90-1**, the petition of PALMS WEST ALLIANCE CHURCH for a SPECIAL EXCEPTION FOR A CHURCH AND ACCESSORY BUILDING AND STRUCTURES, AND DAY CARE CENTER (**100** CHILDREN) on a parcel of land lying on Tract **5**, ENTRADA ACRES, located in Section **36**, Township **43** South, Range **40** East, Official Record Book **2831**, pages **239** and **240**; TOGETHER WITH a **60.00** foot right of ingress and egress over Rembrant Road; AND LESS the following parcel: That part of said Tract **5** commencing at the Southeast corner of said Section **36**; Thence North **01** Degrees **16'04"** East along the East line of said Section **36** a distance of **1743.97** feet to a point on the baseline of Survey for State Road **80**; Thence North **88** Degrees **29'42"** West along said Baseline of Survey a distance of **1360.78** feet; Thence North **01** Degrees **30'18"** East a distance of **95.00** feet; Thence North **88** Degrees **29'42"** West a distance of **677.84** feet to the POINT OF BEGINNING; Thence continue North **88** Degrees **29'42"** West a distance of **337.95** feet; Thence North **00** Degrees **01'00"** West a distance of **78.03** feet to a point on a curve concave Northerly having a tangent bearing of South **88** Degrees **28'21"** East through said point; Thence Easterly along said curve having a radius of **57,181.78** feet, through an angle of **00** Degrees **01'21"**, an arc distance of **22.53** feet to the end of said curve; Thence South **88**

Degrees 29'42" East a distance of 315.42 feet; Thence South 00 Degrees 01'00" East a distance of 78.03 feet to the POINT OF BEGINNING, and being located on the north side of Southern Boulevard, bounded on the north by Rembrandt Boulevard, approximately .2 mile East of Seminole-Pratt Whitney Road in a AR-Agricultural Residential Zoning District, was approved on January 25, 1990 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the petitioner shall revise the site plan to reflect:
 - A. Maximum lot coverage of 10% (21,717 square feet).
 - B. A minimum of 5 (12'x20') drop-off stalls shall be provided adjacent to the Day Care Center. These stalls shall be connected to the main entrance of the Day Care facility with a 4 foot paved walkway.
2. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval or prior to issuance of Building Permit for straight rezoning.
3. 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 on site 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.
4. Prior to July 1, 1990, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the existing south right-of-way line of Southern Boulevard 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.
5. NO access to the site shall be permitted from Rembrandt Road.

6. 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 \$21,890.00 (398 trips X \$55.00 per trip).
7. 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 Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August , **1990**.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara Alter*
COUNTY ATTORNEY

BY: *John B. Dunkle*
DEPUTY CLERK

