

RESOLUTION NO. R-95-716

RESOLUTION APPROVING ZONING PETITION CA95-14
CLASS A CONDITIONAL USE
PETITION OF MARY MOTHER OF LIGHT MARONITE CATHOLIC CHURCH

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA95-14 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA95-14, the petition of Mary Mother of Light Maronite Catholic Church, by: Kevin McGinley, AGENT for a CLASS A CONDITIONAL USE allowing a church or place of worship in the Residential Medium (RM) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 25, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

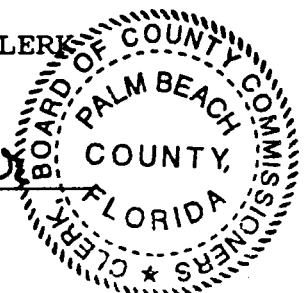


EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION

The West half of Lot 2, Block 4, of Section 7, Township 44 South, Range 43 East, according to the Plat of **PALM BEACH PLANTATIONS** on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 10, Page 20, excepting therefrom the South 660 feet thereof, and also excepting therefrom, the North.40 feet thereof for Canal right-of-way.

Containing in all **4.87** acres.

Subject to taxes subsequent to December 31, **1956**.

Together with that certain easement as set forth in instrument dated April 2, **1957**, between Leon W. George and Alice C. George, his wife, and Oskar Holzmann and Adelheid Holzmann, his wife: (And recorded in Book 39, Page 50 of the Records of Palm Beach County, Florida)

EXHIBIT B
VICINITY SKETCH

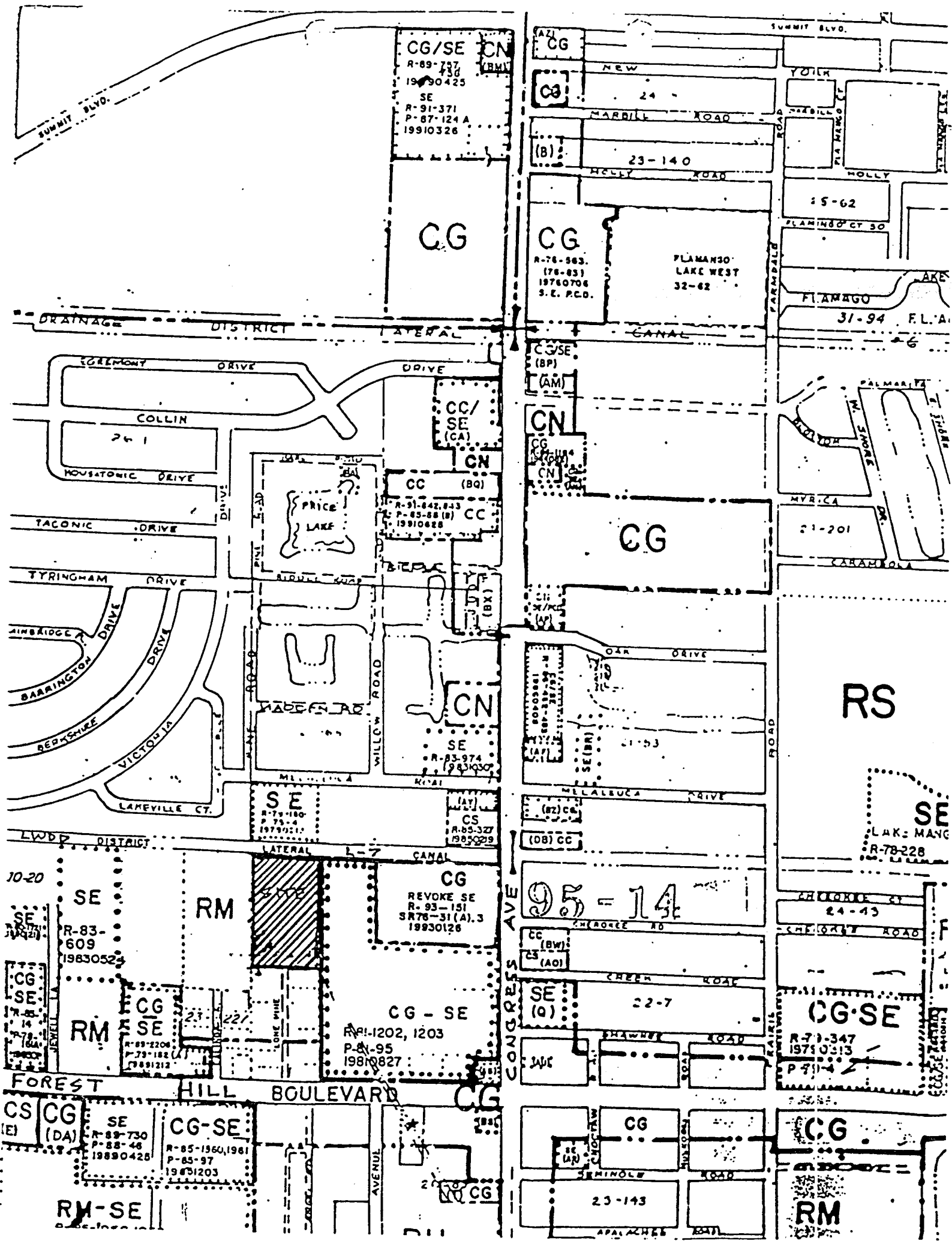


EXHIBIT C

CONDITIONS OF APPROVAL

A. PLACE OF WORSHIP

1. Seating within the sanctuary/parish hall shall be limited to a maximum of 220. (ZONING)

B. HEALTH

1. Application and engineering plans to construct an on site sewage disposal system (OSDS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval by the Development Review Committee (DRC). (HEALTH)
2. No food processing will be allowed on site when an on site sewage disposal system is required. (HEALTH)
3. A developer's agreement with Palm Beach County Water Utilities Department for water service is required prior to final site plan approval by the DRC. (HEALTH)

C. LWDD

1. Prior to the issuance of the first building permit, the north 60.00' of the W 1/2 of Lot 2, Block 4, of Section 7, Township 44 South, Range 42 East, according to the plat of PALM BEACH PLANTATIONS as recorded in P.B. 10, Page 20 for Lateral Canal No. 7 (L-7) is required. An easement or quit claim deed will be acceptable, whichever the owner prefers. (BUILDING-LWDD)

D. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist 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; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

E. ENGINEERING

1. The Property owner shall construct Lone Pine Way to local road standards, minimum 2-10 foot travel lanes. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are **not** limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. Required drainage for this construction which provides for both water quality, and legal positive outfall, shall be provided for within this site. Appropriate drainage easements for the construction of Lone Pine shall be provided for prior to the issuance of a Building Permit. (BUILDING-Engineering)
2. 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, Zoning Petition 95-14, to be paid at the time of the issuance of the Building Permit presently is **\$3,575.00 (65 trips X \$55.00 per trip)**. (IMPACT FEE COORDINATOR)
3. Prior to site plan certification, by the Development Review Committee, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken with the approval of the Executive Director of Planning, Zoning and Building. (COUNTY ATTORNEY/ ENGINEERING)