

RESOLUTION NO. R-89- 332

RESOLUTION APPROVING ZONING PETITION NO. 74-31(B)
SPECIAL EXCEPTION PETITION OF WEST SIDE BAPTIST 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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 74-31(B), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 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. 74-31(B), the petition of WEST SIDE BAPTIST CHURCH, Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH, INCLUDING A CHILD DAY CARE CENTER, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 74-31(A) ON SEPTEMBER 27, 1984 (RESOLUTION NO. R-85-239 ADOPTED ON FEBRUARY 19, 1985), TO REDESIGN THE SITE on a parcel of land lying in Township 45 South, Range 43 East, Section 19, Lots 38 to 74 inclusive, Block 9 and Lots 2 to 49 inclusive, Block 10, all in "West Boynton Plat 2C" as recorded in Plat Book 15, Page 14 together with that portion of Ruskin Avenue, as abandoned and recorded in O.R. Book 3786, Page 440, located on the northwest corner of the intersection of Old Boynton Road and Nickels Boulevard, bounded on the west by Holt Street, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a) The labeling and dimensioning of all preservation areas.
 - b) Proper labeling of setbacks.
 - c) The tree requirements in all terminal islands.
 - d) Paved parking, or obtain variance relief from Board of Adjustment for grass parking.
3. Petitioner shall redesign the entrance depth to a minimum of thirty-five (35) feet off Nickels Boulevard.
4. The number of parking spaces shall be reduced, to permit preservation of scrub oaks located along the northern property line. The parking lot shall be redesigned to preserve this vegetation and provide for continuous circulation.
5. Condition No. 5 of Zoning Petition No. 74-51(A) (Resolution No. R-85-239 adopted February 19, 1985) which currently states:

"5. The property owner shall convey for the ultimate right of way of Old Boynton Road, 40 feet from centerline within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit."

Is hereby amended to read:

"5. 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 Old Boynton Road, 40 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Should encumbrances or encroachments exist, the County Engineer shall make the sole determination as to the acceptance of the right-of-way deed. This right-of-way shall be conveyed within 90 days of approval of this project or prior to approval of the Site Plan whichever shall first occur."

6. Condition No. 8 of Zoning Petition No. 74-51(A) (Resolution No. R-85-239 adopted February 19, 1985) which currently states:

"8. The developer 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. Presently the Fair Share Fee for this project is \$2,000.00."

Is hereby amended to read:

- "8. 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 \$9,403.00 (351 trips X \$26.79 per trip)."
7. Since sewer service is available to the property, septic tank shall not be approved for use on the property.
8. Because water service is available to the property, a well shall not be approved for potable water use.
9. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
10. Maximum occupancy of the day care center shall be limited to 120 students and eight (8) staff.

Commissioner Wilken 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 A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Jessie Roberts
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK

