

RESOLUTION NO. R-89- 739

RESOLUTION APPROVING ZONING PETITION NO. 88-79  
SPECIAL EXCEPTION PETITION OF  
CHRISTIAN AND MISSIONARY ALLIANCE CHURCH OF LAKE WORTH

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. 88-79 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 28, 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. 88-79 the petition of CHRISTIAN AND MISSIONARY ALLIANCE CHURCH OF LAKE WORTH, by Jerry Sturgeon, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES, IF APPROVED, THIS PETITION WILL EXTINGUISH A SPECIAL EXCEPTION FOR A COMMERCIAL STABLE, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 76-92, on a parcel of land lying on Tract 61, Block 24, Palm Beach Farms Company Plat No. 3 in Section 29, Township 44 South, Range 42 East as recorded in Plat Book 2, pages 45 to 54 inclusive; less the West 210 feet thereof: less all of the East 115 feet thereof, except the South 267.84 feet (as measured along the east line of said Tract 61); less the East 105 feet of the South 267.84 feet (as measured along the East line of said Tract 61); and less the Right-of-way for State Road 802. Subject to easement for Road Right-of-Way purposes across the West 20 feet of the East 125 feet of Tract 61, Block 24, Palm Beach Farms

Company. Plat No. 3. as shown in Plat Book 2, pages 49-54 inclusive as shown by deed recorded in Official Record Book 1131, pages 246 and 247 Official Record Book 490, Page 628, being located at the northwest corner of the intersection of Lake Worth Road (SR 802) and Cindy Lane, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Relocate the three (3) handicap spaces from the main entrance;
  - b. Indicate the maximum height of the church building on the site plan;
  - c. Indicate the required terminal islands with the required tree planting; and
  - d. The required paved parking stalls.
2. The petitioner shall install additional landscape buffering along the west and east perimeter buffers. The landscape buffer shall be a minimum fifteen (15) feet in width, supplemented with ten (10) foot high to twelve (12) foot high native canopy trees planted a maximum distance of twenty (20) feet apart and a solid thirty-six (36) inch hedge at time of planting, planted thirty-six (36) inches on center.
3. The mature native vegetation located with the required fifteen (15) foot landscape buffer on the west and east buffer shall be preserved and incorporated into the design.
4. The access point to the site from Cindy Lane shall be redesigned to eliminate the right-angle curve and to provide additional distance for vehicles to maneuver, to be approved by the County Engineer.
5. Vehicle parking shall be limited to the parking stalls designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior drives.
6. Use of the site shall be limited to a church and accessory buildings.
7. No stock loading or dumpster pick-up will be permitted between the hours of 9:00 p.m. and 7:00 a.m.
8. Lighting used to illuminate the premises shall be shielded and directed away from the streets and

neighboring properties. Lighting within the western 200 feet of the site shall be limited to fixtures that are a maximum of eighteen (18) feet in height.

9. No outdoor loudspeaker system shall be allowed on site.
10. No new off-premise signs shall be permitted on the site. The existing off-premise sign located on the southwestern corner of site shall be removed prior to the issuance of the first Certificate of Occupancy.
11. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
12. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
13. 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.
14. The property owner shall construct per the County Engineer's approval, Cindy Lane from the project's entrance to Lake Worth Road including appropriate drainage to local street standards minimum 2-10 foot travel lanes concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
15. 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 \$5,224.00 (195 trips X \$26.79 per trip).
16. In addition the petitioner shall contribute the amount of \$180.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic

Performance Standards Code. These total funds of \$180.00 shall be paid prior to the issuance of the first Building Permit or prior to whichever shall first occur.

17. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$180.00 shall be credited toward the increased Fair Share Fee.
18. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
19. The petitioner shall reduce the number of parking stalls as necessary in order to preserve all native vegetation and specimen trees within the parking areas and perimeter landscape strips. The petitioner shall submit a tree survey simultaneously with the submittal of the site plan to Site Plan Review Committee, which locates this vegetation. Sufficient area shall be provided in the preservation areas to accommodate the dip line and root system of the canopy vegetation.
20. 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.

Commissioner Watt moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

|                   |    |        |
|-------------------|----|--------|
| Carol A. Roberts  | -- | Aye    |
| Carol J. Elmquist | -- | Aye    |
| Karen T. Marcus   | -- | Absent |
| Dorothy Wilken    | -- | Absent |
| Jim Watt          | -- | Aye    |

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

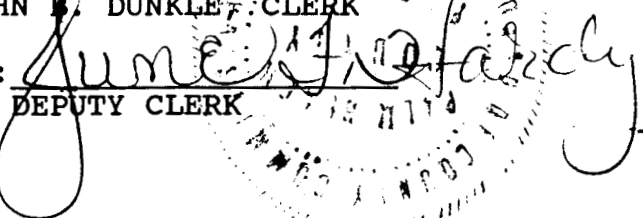
BY :

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK