

RESOLUTION NO. R-894170

RESOLUTION APPROVING ZONING PETITION NO. 88-138  
SPECIAL EXCEPTION PETITION OF  
BOYNTON BEACH FLORIDA CONGREGATION OF JEHOVAH'S WITNESSES

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. 88-138 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 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. 88-138 the petition of BOYNTON BEACH FLORIDA CONGREGATION OF JEHOVAH'S WITNESSES, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLACE OF WORSHIP (KINGDOM HALL) on a parcel of land lying on the North 330 feet of Tract 93, Block 32, Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, Page 45. Less the West 20 feet for Colbright Road, being located on the east side of Colbright Road, approximately 300 feet north of Lantana Road, in a RT-Residential Transition 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. Required ten (10) foot wide by-pass lane exclusive of the drop off zone located in front of the facility;
  - b. Required numerical dimension for the **sign** setback;

- c. One way only pavement markings where the do not enter signage is posted: and
  - d. All proposed preservation areas.
2. Use of the site shall be limited to a 240 seat church supporting a total of 4,600 square feet of total floor area.
  3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is permitted in landscape area, rights-of-way, or interior drives.
  4. Outdoor lighting used to illuminate the premises shall be low intensity and shielded away from adjacent properties and streets, shining only on the subject site and not to exceed fifteen (15) feet in height.
  5. Off-premise signs shall not be permitted on-site.
  6. The petitioner shall submit an Alternative Landscape Betterment Plan at the time of Site Plan Review Committee submittal to allow flexibility in the relocation of interior landscape islands which will allow for the preservation of more slash pines and understory vegetation.
  7. Simultaneously with the submittal for Site Plan Review Committee Meeting, the petitioner shall submit a tree location sketch to locate and verify the preservation of existing native vegetation within all open space areas, perimeter landscape strips, interior landscape islands and medians.
  8. No outdoor loudspeakers shall be allowed on site.
  9. The developer shall preserve existing vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way and building pods. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to Site Plan Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
  10. All activities on site shall cease prior to 10:00 p.m.
  11. The petitioner shall upgrade all perimeter landscaping on site to include ten (10) to twelve (12) foot high native canopy trees spaced at a maximum of twenty (20) feet on center. The width of the perimeter open space as indicated on Exhibit No. 3 shall not be reduced.

12. 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).
13. The petitioner 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. Petitioner shall not be issued a Building Permit until contracts have been let for the construction of Colbright Road north of Lantana Road.
15. The petitioner 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 \$1,286.00 (48 average trips X \$26.79 per trip).
16. 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.
17. Prior to Site Plan certification 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.
18. Petitioner shall fund Palm Beach County's share of the proposed Street Improvement Program for Colbright Road along the project's frontage.
19. A minimum of a fifty (50) foot landscape buffer shall be provided along the western property line.

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

Carol J. Elrnquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, CLERK

BY :

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

