

RESOLUTION NO. R-89- 1648

RESOLUTION APPROVING ZONING PETITION NO. 89-38  
SPECIAL EXCEPTION PETITION OF NEW CHRISTIAN LIFE CHURCH, INC.

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. 89-38 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; 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. 89-38 the petition of NEW CHRISTIAN LIFE CHURCH, INC., by Anna Cottrell, Agent, for a SPECIAL EXCEPTION TO PERMIT A CHURCH AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying in Section 19, Township 45 South, Range 43 East, being Lots 1 to 30, less the West 7.00 feet of Lots 1 and 30, and, less the South 7.00 feet of Lots 8 through 30, inclusive; Together with the South 20.00 foot right-of-way of the abandoned Ruskin Avenue, lying North of Lots 1 through 6, inclusive; Together with those areas designated as "reserved for ditch purposes", lying between Lots 3 and 4 and 19 and 20, Block 5, West Boynton Plat No. 2-C, recorded in Plat 15, page 14, being located on the northeast corner of the intersection of Lawrence Road and Old Boynton Road, in a RS-Single Family Residential Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate:
  - a. A maximum of 95 parking spaces; and,

- b. An alternative betterment plan to consolidate interior parking spaces and tree planting requirements within a **600** square foot island located north of the eastern access point.
2. The petitioner shall be allowed to locate the required landscape islands in the more appropriate way that will promote maximum preservation of native vegetation and safe vehicular circulation.
3. Prior to clearing of any vegetation on site a preclearing inspection shall be required.
4. There shall be no parking of vehicles within landscaped areas, rights-of-way, or interior drives.
5. Outdoor lighting used to illuminate the premises shall be **low** intensity, shielded, and directed away from adjacent properties and streets, shining only on the subject site. Lighting standards shall not exceed eight (**8**) feet in height.
6. **No** outdoor loudspeaker system shall be permitted on site.
7. Off premise signs shall not be permitted on site.
8. Use of the site shall be limited to a church and associated classrooms. The classrooms shall be limited as an accessory use to the church during service hours and special programmed events.
9. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
10. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
11. 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.
12. Within **90** days of approval of this project, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
  - a. Lawrence Road, **54.5** feet from centerline; and,

b. Old Boynton Road, 60.5 feet from centerline.

All 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.

- 13. 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 \$1,527.00 (57 trips X \$26.79 per trip).
- 14. Bells and chimes shall not be permitted on site.
- 15. 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 Roberts and, upon being put to a vote, the vote was as follows:

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

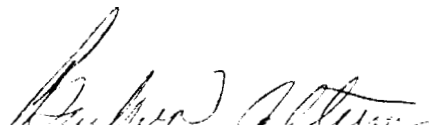
The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

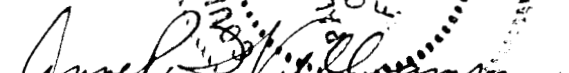
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

