

RESOLUTION NO. R-90-361

RESOLUTION APPROVING ZONING PETITION NO. 89-95
SPECIAL EXCEPTION PETITION OF VANNOY AND CHRISTINA BANKS

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. 89-95 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 2, 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. 89-95, the petition of VANNOY AND CHRISTINA BANKS, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT (1) A PLACE OF WORSHIP AND ACCESSORY BUILDINGS AND STRUCTURES, AND (2) A DAY CARE CENTER (MAXIMUM 100 CHILDREN), on a parcel of land commencing at the Southeast corner of Section 14, Township 43 South, Range 42 East, thence, North 89 Degrees 58' 43" West, along the South line of said Section 14, a distance of 308.01 feet to a point; thence, North 00 Degrees 05' 19" West, a distance of 671.08 feet to the Point of Beginning; thence, continue North 00 Degrees 05' 19" West, a distance of 335.54 feet to a point; thence, North 89 Degrees 54' 03" East, a distance of 257.52 feet to a point on the West right of way line of Haverhill Road as now laid out and in use; thence, South 00 Degrees 07' 06" East, along the said West right of way line, a distance of 335.72 feet to a point; thence, South 89 Degrees 56' 28" West, a distance of 257.67 feet to the Point of Beginning, subject to an easement for ingress and egress over the North 30.00 feet thereof; and, located on the southwest corner of the intersection of Haverhill Road and Horseshoe Circle North, in a RS-SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, was approved on October 2, 1989 as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.
2. Use of the site shall be limited to a place of worship and day care center, supporting a maximum of one-hundred (100) children.
3. Phase I shall be limited to a:
 - a. 1,216 square foot rectory;
 - b. 3,102 square foot day care center with a maximum of thirty (30) children; and,
 - c. Fifty (50) seat synagogue.

Phase II shall be limited to, inclusive of Phase I:

- a. 5,700 square foot day care center with a maximum of one-hundred (100) children; and,
 - b. 4,000 square foot synagogue with one-hundred (100) seats.
4. The petitioner shall provide:
 - a. A six (6) foot high wooden fence along the north and west sides of the outdoor play area;
 - b. Alternative Perimeter Landscape No. 3 along the north, south and west property line. Native vegetation shall be supplemented with minimum ten (10) foot high, native canopy trees planted twenty-five (25) feet on center; and,
 - c. Trees along Haverhill Road shall be upgraded to twelve (12) foot canopy trees to supplement the existing native vegetation.
 5. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence, landscaped and located away from adjacent residential areas.
 6. Parking shall be limited to designated parking stalls. No parking within landscape strip, right-of-way or accessways.
 7. All outdoor lighting shall be of low intensity, shielded and directed away from adjacent properties and rights-of-way.
 - a. No outdoor loud speaker system shall be permitted on site.
 9. The day care facility shall be limited to weekday operation only except for day care provided for the congregation during church service.
 10. No off premise signs shall be permitted on site.
 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. Prior to February 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Haverhill Road, 55 feet: from centerline 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.
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.
16. No access shall be permitted from Horseshoe Acres Drive North.
17. Building height shall be limited to twenty-six (26) feet.
18.
 - A. All native vegetation on site shall be preserved to the greatest extent possible.
 - B. The native vegetation with the perimeter buffers and open space areas shall be preserved.
 - C. Vegetation to be preserved shall be tagged and protected during construction. A preclearing, preconstruction inspection shall be scheduled by the Zoning Division.
19. The proposed building shall be designed and built in accordance with the architectural character of the existing neighborhood.

20. Signage shall be limited to one monument-type sign not exceeding six (6) feet in height, thirty-six (36) square feet per sign face.
21. Operation of the day care center shall not be conducted during the worship services or synagogue events except in to provide care for synagogue members.
22. 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
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	AS9
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990.

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

