

RESOLUTION NO. R-90-1277

RESOLUTION APPROVING ZONING PETITION NO. 74-107(A)  
SPECIAL EXCEPTION PETITION OF UNITED PENTECOSTAL CHURCH  
OF WEST PALM BEACH. 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. 74-107(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 25, 1990; 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. 74-107(A), the petition of UNITED PENTECOSTAL CHURCH OF WEST PALM BEACH, INC., for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN EXISTING CHURCH TO INCREASE THE LAND AREA AND SQUARE FOOTAGE on a parcel of land lying in the South 327.00 feet of the West 133.00 of the East 1/2 of the South 1/2 of Lot 4, Block 3, MODEL LAND COMPANY SUBDIVISION, Section 7, Township 44 South, Range 43 East, Palm Beach Plantations Plat Book 10, Page 20, less the South 60.00 feet for right-of-way of Forest Hill Boulevard, AND, the East 198.00 feet of the South 327.00 feet of the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 7, and being located on the north side of Forest Hill Boulevard, approximately 300.00 feet east of Kirk Road, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved on January 25, 1990 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 Site Plan Review Committee approval, the site plan shall be revised to:
  - A. Conform to all minimum Landscape Code requirements along the north, east and west property lines.
  - B. Landscaping along Forest Hill Boulevard shall be upgraded to include twelve (12) foot native canopy trees planted an average of twenty (20) feet on center within a minimum fifteen (15) foot wide landscape buffer.
  - C. Clear delineation of the total building square footage proposed (maximum 13,300 square feet).
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. 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 on site 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.
5. Prior to site plan approval, the proposed site plan shall be amended to reflect only 2 entrances onto Forest Hill Boulevard.
6. 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 \$2,750.00 (50 additional trips x \$55.00 per trip).
7. In addition, the Developer shall contribute the amount **of \$201.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$201.00 shall be paid prior to the issuance of the first Building Permit.
  - a. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$201.00** shall be credited toward the increased Fair Share Fee.

9. The property owner shall convey to Palm Beach County additional right-of-way for Forest Hill Boulevard required for an expanded intersection at Forest Hill Boulevard and Kirk Road. This additional right-of-way shall be conveyed when requested, free of all encumbrances and encroachments.
10. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any **departmental-administrative** actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard ard, 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	-- Aye
Carole Phillips	-- Aye

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of August, 1990.


APPROVED AS TO **FORM**  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Robert Cotton*  
COUNTY ATTORNEY

BY: *John B. Dunkle*  
DEPUTY CLERK

A circular seal for Palm Beach County, Florida. The outer ring contains the text "PALM BEACH COUNTY, FLORIDA". The inner circle contains the text "COUNTY CLERK". The seal is partially obscured by the signature of John B. Dunkle.