

RESOLUTION NO. R-91-986

RESOLUTION APPROVING ZONING PETITION NO. **80-187(E)**
SPECIAL EXCEPTION PETITION OF TRINITY ASSEMBLY OF GOD, 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. 80-187 (E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 25, 1991; 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 the 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, Chapter 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. 80-187 (E), the petition of TRINITY ASSEMBLY OF GOD, INC., BY GEORGE S. AMATO, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PLACE OF WORSHIP TO INCREASE LAND AREA, INCREASE SQUARE FOOTAGE, EXPAND DAY CARE CENTER (MAXIMUM 187 CHILDREN) AND ADD A PRIVATE EDUCATIONAL INSTITUTION (MAXIMUM 500 STUDENTS) on a parcel of land lying on the North 1/3 of the North 1/2 of Tract 9 (LESS the East 52 feet thereof, Record Book 2607, Page 662 for right-of-way of Military Trail) in the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, Plat Book 9, Page 74; AND, the South 2/3 of the North 1/2 of Tract 9 (LESS the East 52 feet, Book 2607, Page 662, for right-of-way of Military Trail) in the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, in Plat Book 9, Page 74; PARCEL 2: the South 1/2 of Tract 9 (LESS the East 45 feet thereof, in the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, in Plat Book 9, Page 74; PARCEL 3: a parcel of land lying in the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, COMMENCING at a point in the North-South center line of Section 12, point being 15 feet North of the center point of Section 12, and the center line of Military Trail; thence Westerly 15 feet North of and parallel with the South boundary of Northwest 1/4, a distance of 724.39 feet; thence Northerly forming an angle

of **93°56'13"** from West to North, a distance of **668.13** feet to the POINT OF BEGINNING; thence continue along the last mentioned course a distance of **668.13** feet; thence Westerly forming an included angle of **88°55'20"**, a distance of **376.38** feet; thence Southerly forming an included angle of **92°29'30"**, a distance of **670.34** feet; thence Easterly forming an included angle of **87°05'00"**, a distance of **369.29** feet to the POINT OF BEGINNING; AND, a parcel of land lying in the Northwest **1/4** of the amended Plat of Section **12**, Township **45** South, Range **42** East, Plat Book **9**, Page **74**: COMMENCE at the Northeast corner of Tract **11** of the amended Plat of Section **12**; thence South **02°53'54"** West, along the East line of Tract **11**, **50.05** feet to a line **50** feet South of and parallel with the North line of Tract **11** and the POINT OF BEGINNING of this description; thence continue South **02°53'54"** West along East line, **620.33** feet; thence North **89°58'45"** West, **70.29** feet to a line **70.20** feet West of and parallel with the East line of Tract **11**; thence North **02°53'54"** East, along said parallel line, **620.81** feet to the said line **50, .0** feet South of and parallel with the North line of Tract **11**; thence South **89°35'11"** East, along said parallel line **70.27** feet to the said POINT OF BEGINNING; NOTE: THE FIRST DESCRIPTION OF PARCEL **3** SHOULD SHOW AN INCLUDED ANGLE OF **86°56'30"** AND NOT **88°55'20"** AS SHOWN; ACREAGE STILL TOTALS **5.72** ACRES +- AS SHOWN; LEGAL DESCRIPTION SHOULD READ AS FOLLOWS: PARCEL **3**: A parcel of land lying in the Northwest **1/4** of Section **12**, Township **45** South, Range **42** East, COMMENCING at a point in the North-South center line of Section **12**, point being **15** feet North of the center point of Section **12**, and the center line of Military Trail; thence Westerly **15** feet North of and parallel with the South boundary of Northwest **1/4**, a distance of **724.39** feet; thence Northerly forming an angle of **93°56'13"** from West to North, a distance of **668.13** feet to the POINT OF BEGINNING; thence continue along the last mentioned course a distance of **668.13** feet; thence Westerly forming an included angle of **86°56'30"**, a distance of **376.38** feet; thence Southerly forming an included angle of **92°29'30"**, a distance of **670.34** feet; thence Easterly forming an included angle of **87°05'00"**, a distance of **369.29** feet to the POINT OF BEGINNING; PARCEL DESCRIPTION: COMMENCING at the centerline of Military Trail and the center of Section **12**, Township **45** South, Range **42** East, continue North **04°39'06"** along the centerline of Military Trail, a distance of **671.52** feet; thence run west on a bearing of North **89°56'38"** West, a distance of **60.13** feet to the West right of way line of Military Trail, the Southeast corner of said parcel, and the POINT OF BEGINNING (P.O.B.); thence: North **89°56'38"** West, **679.23** feet along the South line of said parcel; thence: North **03°30'15"** East, **7.50** feet; thence: North **89°56'38"** West, **439.31** feet to the Southwest corner; thence: North **02°55'50"** East, **610.81** feet; thence: South **89°33'15"** East, **70.27**; thence: North **02°55'50"** East, **50.05** feet to the Northeast corner of Tract **11**; thence: South **89°33'15"** East, **1,061.00** feet to a point **67** feet West of the centerline of Military Trail (ultimate r/w line) per Orb. **2607**, Page **662**; thence South **04°39'06"** West, **335.98** feet; thence: South **89°45'00"** East, **7.02** feet to a point on the r/w line, **60** feet West of the centerline of Military Trail; thence: South **04°39'06"** West, **335.97** feet to the Southeast corner and the P.O.B. of said parcel, and being located on the W. SIDE OF MILITARY TR., APPROXIMATELY **.3** MILE S. OF HYPOLUXO RD., IN THE AR ZONING DISTRICT, was approved on April **25**, **1991**, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions and time certain conditions of approval, unless expressly modified herein.

2. The site plan shall be amended to indicate compliance with all minimum property development regulations; and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 94). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

B. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate.

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

D. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum height of twenty (20) feet, low intensity, shielded and directed away from adjacent properties and streets.

E. ENGINEERING

1. 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.
2. 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 at the time of the Building Permit presently is \$44,330.00 (806 additional trips X \$55.00 per trip).

F. LANDSCAPE

1. Landscaping shall be upgraded along the north, west and south perimeters of the 8 acres added to the property, to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
 - b. A thirty-six (36) inch tall hedge.
2. Landscaping along the east perimeter of the site shall be upgraded by additional twelve (12) foot tall palm trees, one (1) tree planted for every thirty (30) linear feet.
3. The median strips in the parking area shall include a minimum of one (1) native canopy tree, ten (10) feet high for every ten (10) parking spaces provided.

G. LANDSCAPE WITHIN MEDIAN

1. If permitted by the State Department of Transportation or the County Engineering Department, the petitioner shall landscape the median of the Military Trail. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the property owner. Landscaping shall be completed prior to June 1, 1992.

H. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

I. SITE SPECIFIC

1. Day Care Center:
 - a. The day care center shall be limited to a maximum of 187 students and a maximum of 9,908 square feet building area.
 - b. Landscaping along the south perimeter of the outdoor activity area shall be upgraded with twelve (12) foot tall native canopy trees, placed thirty (30) feet on center on the exterior of the existing fence.
 - c. The site plan shall reflect a minimum of seven (7) car stacking (minimum 140 feet) drop-off areas.
 - d. The access aisle along the 140 foot stacking area shall either be a minimum of twenty-five (25) feet wide or shall be indicated by a sign as one (1) way drive-way.
 - e. The site plan shall be amended to reflect a four (4) foot wide walkway running in front of the drop-off spaces and connecting to the day care entrance.

- f. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred & fifty (750) square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area.
 - g. All playground equipment which is permanently attached to the ground shall meet property setback requirements.
 - h. All outdoor recreation area shall be surrounded by a minimum six (6) foot high wooden fence.
 - i. No outdoor loudspeaker system audible off site shall be operated on the site.
 - j. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m.
2. The petitioner shall revise the site plan prior to site plan certification to indicate the following:
- a. The correct floor areas proposed.
 - b. The required landscaping on the site.
 - c. Minimum one hundred forty (140) feet stacking for the day care center.
 - d. The parking reserved for the day care staff and indicate it as paved parking.
 - e. The parking reserved for the staff of the school and indicate it as paved parking.
 - f. All paved parking spaces drawn in with continuous line and grass parking spaces with dashed line.
 - g. Safe sight corners as required by the Engineering Department.
 - h. Maximum ten (10) percent lot coverage on the tabular information.
 - i. The building prints complying with maximum ten (10) percent permitted lot coverage, equal to maximum 75,141 square feet.
 - j. The number of parking spaces shall be limited to 670 spaces. Excess spaces shall be eliminated to help preserve additional existing vegetation.
3. The petitioner shall apply for the grass parking permit concurrent with the Site Plan Review Committee approval.
4. The portion of the retention area adjacent to the proposed classrooms shall be surrounded by a chain link fence minimum six (6) feet high.
5. The total floor area on the site shall be limited to 96,971 square feet and total ground floor area shall be limited to 75,141 square feet.

J. UNITY OF CONTROL

1. At the time of Site Plan Review Committee application, the petitioner shall submit two (2) copies of a recorded Unity of Control document in a form acceptable to the Palm Beach County Attorney's office.

K. VEGETATION PRESERVATION

1. The petitioner shall submit a tree survey for the ~~west~~ eight (8) acres added to the property, to scale with the site plan, to be approved by the Zoning Division and the Department of Environmental Resources Management. The survey shall include:
 - a. All trees to be removed, preserved and /or relocated.
 - b. All trees shall be numbered, categorized and their dimensions indicated with an accompanying legend.
2. Relocate all oak trees between five (5) and twenty-nine (29) inches in diameter.
3. The petitioner shall relocate all slash pines and cypress trees that can be moved with a tree spade.
4. All native vegetation within the buffer area (included but not limited to oaks, pines, sabal palms and cypresses) shall be preserved and indicated all on the landscape plan.
5. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to the tree survey.
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity.
 - c. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.
 - d. Petitioner shall schedule a pre-clearing inspection with the Zoning Division and the Department of Environmental Resources Management.

L. COMPLIANCE

1. 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 Elmquist moved for approval of the Resolution.

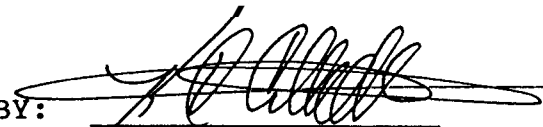
The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

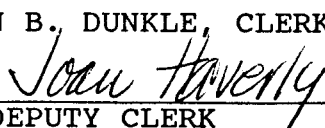
Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK
BY: 
DEPUTY CLERK

