

RESOLUTION NO. R-95- 429

RESOLUTION APPROVING ZONING PETITION CA94-95
CLASS A CONDITIONAL USE
PETITION OF CHURCH OF CHRIST OF WEST PALM BEACH, INC.

25-42-42

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-95 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA94-95, the petition of Church of Christ of West Palm Beach, Inc., by Kieran Kilday, AGENT for a CLASS A CONDITIONAL USE allowing a church or place of worship in the Residential Transitional (RT) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Absent
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN,

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

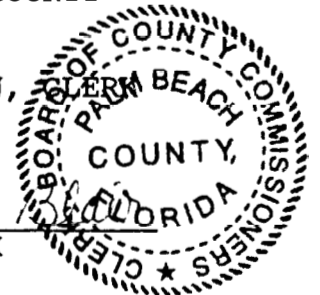


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in the North half (N 1/2) of the Northeast quarter (NE 1/4) of Section 25, Township 42 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

From the Northeast corner of said Section 25, run thence Southerly on the East line of said Section 25 a distance of 40 feet; thence run Westerly, parallel to the North line of said Section 25, a distance of 230 feet to a point on the Westerly right-of-way line of a drainage canal for Interstate No. 95, the Point of Beginning of the parcel herein conveyed; thence continue Westerly on the same course a distance of 556.34 feet; thence run Southerly angling 90 32' 30" from East to South, a distance of 621 feet to a point at the center of a private road known as Leo Lane; thence run Easterly on said right-of-way centerline and parallel to the North line of said Section 25, a distance of 562.26 feet to said Westerly right-of-way line of a drainage canal for Interstate No. 95; thence run Northerly on said right-of-way line and parallel to the East line of said Section 25, a distance of 621 feet to the Point of Beginning.

LESS:

A strip of land known as Leo Lane, as laid out and in use in the Northeast quarter (NE 1/4) of Section 25, Township 42 South, Range 42 East, being more particularly described as follows:

From the Northeast corner of said Section 25, run thence Southerly on the East line of said Section 25, a distance of 40 feet; thence run Westerly, parallel to the North line of said Section 25, a distance of 150 feet to a point on the Westerly right-of-way line of State Road No. 9 (Interstate No. 95); thence continue Westerly on the same course a distance of 636.34 feet; thence run Southerly angling 90 32' 30" from East to South, a distance of 596 feet to a point on the Northerly right-of-way line of a private road known as Leo Lane and the Point of Beginning of the parcel of land hereinafter described; thence continue Southerly along the same course a distance of 25 feet to a point in the centerline of said Leo Lane; thence run Easterly along said centerline and parallel to the North line of said Section 25, a distance of 642.26 feet; thence run Northerly and parallel to the first herein described course, a distance of 25 feet to a point in the Northerly right-of-way line of said Leo Lane; thence Westerly along said Northerly right-of-way line, a distance of 642.26 feet to the Point of Beginning.

PREPARED FOR: PALM BEACH LAKES CHURCH OF CHRIST

EXHIBIT B
VICINITY SKETCH

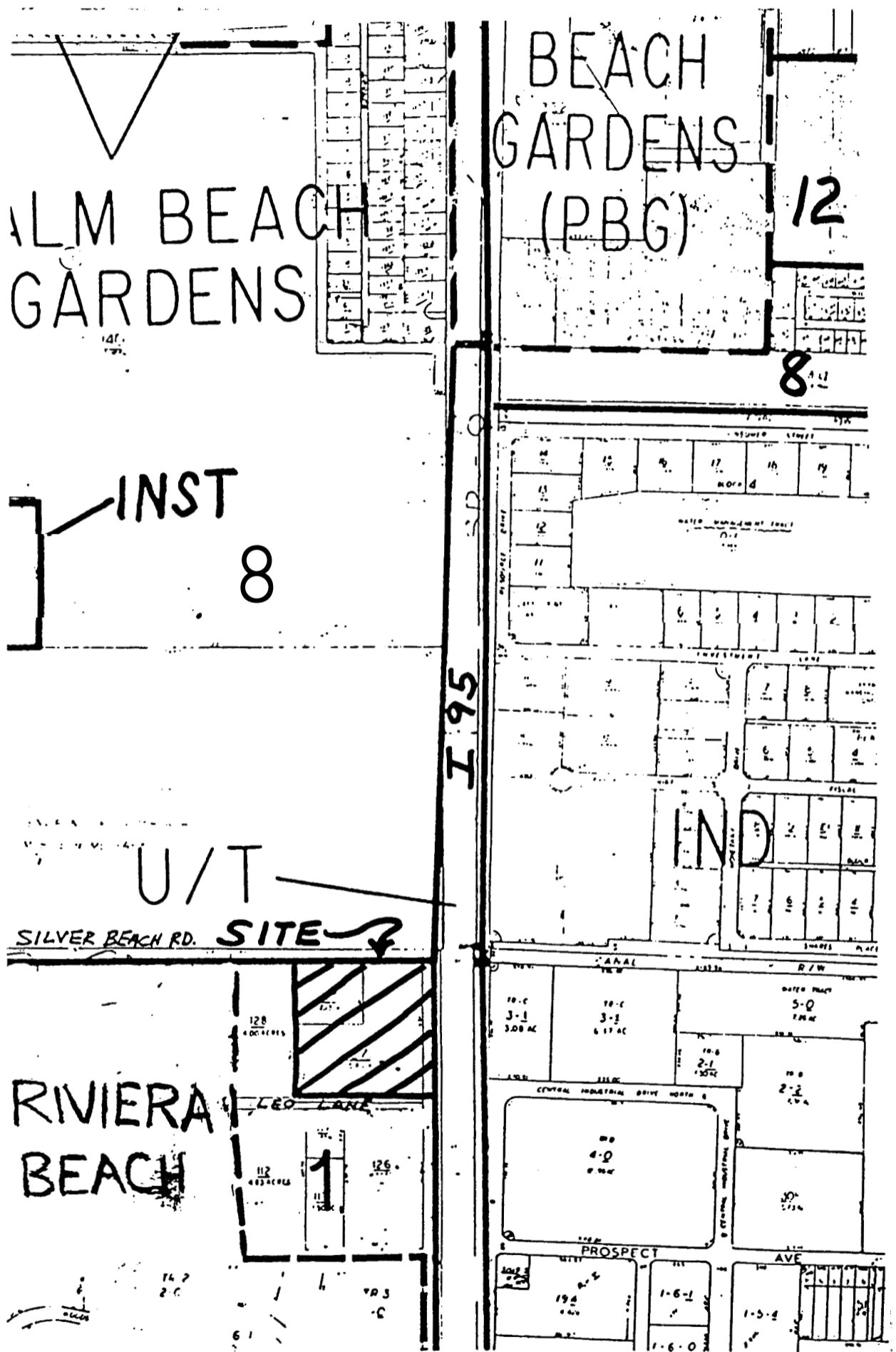


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The property owner shall provide an off-duty patrol officer for peak traffic demands at the intersection of Leo Lane and Military Trail, if warranted by the County Engineer. (CODE ENFORCEMENT/ENGINEERING)

B. SIGNS

1. Freestanding signs along Leo Lane, except directional signs, shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (BUILDING-Zoning)
2. Freestanding signs along the east property line shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet;
 - b. Maximum sign face area per side - 240 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (BUILDING-Zoning)
3. All billboard signs and related structures shall be removed from the subject property prior to the issuance of the first building permit. Verification shall be provided by the property owner at time of submittal for the permit. (BUILDING-Zoning)

C. COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;
 - d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)

D. PARKING

1. Prior to site plan certification, the petitioner shall amend the site plan to indicate the maximum number of grass parking spaces permitted by the ULDC. Grass parking spaces shall be located adjacent to residential areas to the maximum extent possible. (ZONING)

E. ENGINEERING

1. Prior to the issuance of a paving and drainage permit, evidence of incorporation into the Northern Palm Beach Water Control District shall be submitted to the Office of the County Engineer. (ENGINEERING)
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 zoning petition number 94-95(B) to be paid at the time of issuance of the Building Permit presently is \$15,400.00 (280 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).