

RESOLUTION NO. R-88-1542

RESOLUTION APPROVING ZONING PETITION NO. 84-129(A)
SPECIAL EXCEPTION AND MODIFICATION PETITION OF
WISCONSIN EVANGELICAL LUTHERAN SYNOD

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-129(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 27, 1987; and

WHEREAS, the Board of County Commissioners 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 made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 84-129(A), the petition of WISCONSIN EVANGELICAL LUTHERAN SYNOD, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH AND ACCESSORY BUILDING AND STRUCTURE AND A DAY CARE CENTER PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-129 ON SEPTEMBER 27, 1984 TO (1) ABANDON THE DAY CARE CENTER, AND (2) ALLOW AN EDUCATIONAL INSTITUTION, WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS TO AMEND CERTAIN CONDITIONS OF APPROVAL INCLUDING CONDITIONS PERTAINING TO (1) THE PAVING AND DRAINAGE IMPROVEMENTS OF BUSH ROAD, (2) THE DELETION OF A FENCING REQUIREMENT ALONG PORTIONS OF THE NORTHERN AND WESTERN PROPERTY LINES, AND (3) THE DELETION OF A PAVED PARKING REQUIREMENT, on a parcel of land lying on Lots 12, 13, and 14, Will Bush's addition to Jupiter,

Florida, as in Section 3, Township 41 South, Range 42 East, recorded in Plat Book 23, Page 233, located on the west side of Bush Road approximately .3 miles south of Indiantown Road, in a RH-Multiple Family Residential Zoning District (High Density), was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. Required number of handicap parking spaces.
3. The developer shall preserve existing vegetation, particularly the slash pines, and shall incorporate it into the project design. Areas of existing vegetation to be preserved along the northern and western property boundary shall be shown upon the approved site plan prior to site plan certification.
4. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
5. Condition No. 3 of Zoning Petition No. 84-129 (R-85-260) which presently states:

"3. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division."

is hereby amended to read as follows:

"3. The developer shall retain 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 85% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. "

6. Condition No. 4 of Zoning Petition No. 84-129 (R-85-260) which presently states:

"4. The Developer shall construct, concurrent with onsite paving and drainage improvements, pursuant to a paving and drainage permit issued from the Office of the County Engineer, Bush Road from Indiantown Road south to the project's entrance road."

is hereby amended to read as follows:

"4. The Developer shall construct, concurrent with onsite paving and drainage improvements, pursuant to a paving and drainage permit issued for the Office of the County Engineer, Bush Road from Toney Penna Drive north to the project's entrance road."

7. Condition No. 5 of Zoning Petition No. 84-129 (R-85-260) which presently states:

"5. The developer 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. Presently the Fair Share Fee for this project presently is \$1,975.00."

is hereby amended to read as follows:

"5. The developer 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 \$9,912.00 (370 trips X \$26.79 per trip)."

8. The proposed school shall be limited to a maximum of sixty (60) students until Bush Road is paved from Indiantown Road to Tony Pena Road. Once this roadway is constructed, maximum enrollment shall be limited to ninety (90) students. Remainder of Bush Road paved to north.

9. Condition No. 1 of Zoning Petition No. 84-129 (R-85-260) which presently states:

"1. Prior to certification by the Site Plan Review Committee, the site plan shall be amended to reflect:

a) The placement of solid wood or masonry fence six (6) feet in height along the portions of the

northern and western property lines where the outdoor play areas abut neighboring properties, These fences shall be placed so that the hedge materials shown on the submitted site plan can be located between the property line and fence.

b) Paved parking areas.

is hereby deleted.

Commissioner Marcus moved for approval of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of August 27, 1987.

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

