

RESOLUTION NO. R-92- 364

RESOLUTION APPROVING ZONING PETITION NO. 91-42
SPECIAL EXCEPTION PETITION OF
THE METHODIST CHURCH ZONING DISTRICT
BOARD OF MISSIONS & CHURCH EXTENSION, 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. 91-42 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 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. 91-42, the petition of THE METHODIST CHURCH BOARD OF MISSIONS AND CHURCH EXTENSION, INC., BY JON C. MOYLE, ESQ., AGENT, for a SPECIAL EXCEPTION TO ALLOW A CHURCH, ACCESSORY BUILDINGS AND STRUCTURES, AND DAY CARE CENTER (MAXIMUM 60 CHILDREN) on a parcel of land lying the West 1/2 of East 1/2 of Northwest 1/4 of the Northeast 1/4 of Section 27, Township 45 South, Range 42 East, SUBJECT TO easements and rights-of-way of record, and being located ON THE S SIDE OF BOYNTON BEACH BLVD., APPROX. 600 FEET E OF JOG RD., IN THE AR ZONING DISTRICT, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.

2. 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 No. 26). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to March 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 34,200 square feet.
2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material.

C. DAY CARE

1. The day care center shall be limited to a **maximum** of sixty (60) students and 2,400 square feet of usable building area.
2. The petitioner shall provide a minimum **of** one twelve (12) foot tall native canopy tree per 1,500 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area.
3. Landscaping along the perimeter of the outdoor activity area shall be upgraded to include twelve (12) **foot** tall native canopy trees placed twenty (20) feet **on** center and twenty-four (24) inch high hedge **or** shrub material placed twenty-four (24) inches on center.
4. Prior to site plan certification, the site plan shall be amended to reflect five (5) drop-off stalls, designated on the site plan to show each drop-off stall a minimum **of** twelve (12) feet wide by twenty (20) feet in length.
5. Prior to site plan certification approval, the site plan shall be amended to reflect a minimum of 4,500 square feet of usable outdoor play area.

D. DUMPSTER

1. All areas or receptacles for the storage and disposal **of** trash, garbage or vegetation, shall be concealed behind **a** solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

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 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.

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.
3. The property owner shall convey to the Lake Worth Drainage District 80 feet of right-of-way south of and adjacent to the new south right-of-way line of Boynton Beach Boulevard as shown on the Survey Drawing No. M-89-8-67 prepared by Richard L. Shephard and Associates, Inc. for the required right-of-way for Lateral Canal No. 24, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to June 30, 1992.
4. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney.

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar to the Zoning Division as part of the site plan application. Upon completion of Littoral Zone planting, ERM shall be notified. This notification shall occur within 5 working days. This planting shall not be credited as compensation required by wetlands permits.

G. 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.
3. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic

tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

I. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval.

J. LANDSCAPING ALONG NORTH PROPERTY LINE

1. Landscaping within the required fifteen (15) foot buffer along Boynton Beach Boulevard shall be upgraded to include:
 - a. One twelve (12) foot tall tree planted each thirty (30) linear feet.
 - b. Thirty (30) inch tall hedge or shrub material planted twenty-four (24) inches on center.

K. LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. One twelve (12) foot tall tree planted each thirty (30) linear feet.
 - c. Thirty (30) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.

L. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.
 - b. A six (6) foot high wall, hedge, fence or berm or combination thereof for the length of the adjacent storage yard.
 - c. One twelve (12) foot tall tree planted every twenty-five (25) feet on center, planted on the exterior side of the required six (6) foot high barrier where applicable.

M. LANDSCAPE WITHIN MEDIAN

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Florida State Department of Transportation (FDOT) or the County Engineer to landscape the median of all abutting rights-of way. This landscaping shall consist of a minimum of one (1) twelve (12) foot tall native tree for each thirty (30) linear feet of the adjacent median and appropriate ground cover. Trees may be planted singly or in clusters, with a maximum spacing of sixty (60) feet on center. All landscape material shall be selected according to xeriscape principles from the following list.

Trees:

Turkey Oak
Live Oak
Slash Pine
Sabal Palmetto

Groundcover:

Wedilia
Bahia Grass

Alternative species may be allowed subject to approval by the Zoning Division. All plant material shall be installed according to xeriscape principles and shall conform with the following:

- a. All plants shall be container grown.
- b. The bottom cushion of the planting area shall include a minimum four (4) inch thick, high moisture retaining, marl based soil.
- c. Potting soil shall be placed around the plant root balls at time of planting.

This landscaping shall be the daily maintenance obligation of the property owner, including irrigation, for ninety (90) days from installation and shall be installed prior to the issuance of the first certificate of occupancy on the site.

N. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.
2. Lighting fixtures shall not exceed twenty (20) feet in height. Lighting fixtures within fifty (50) feet of the south, east and west property lines shall not exceed a height of twelve (12) feet in height.
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.
4. There shall be no rooftop lighting allowed on-site. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and structures.

O. PARKING

1. A maximum of 212 paved parking spaces for Phases I and II shall be permitted on-site. Additional grass parking may be allowed by the Site Plan Review Committee.

P. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.

Q. SIGNS

1. Signs fronting on Boynton Beach Boulevard shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - one (1) monument sign.
2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

R. VEGETATION PRESERVATION

1. At time of site plan submittal, the petitioner shall submit the following information:
 - a. A detailed vegetation preservation, relocation, and removal program. This Preservation Program shall:
 - 1) Justify all relocation or removal of native vegetation.
 - 2) Detail methods to be used in relocation, preservation and removal of native vegetation.
 - 3) The program shall identify all trees to be preserved, or relocated and where they are to be relocated to, and shall establish appropriate protection measures during the construction and site development phase; of the project.

S. VEGETATION REMOVAL

1. Prior to issuance of a Vegetation Removal Permit, the petitioner shall complete the following:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a Preservation Program.
 - b. Trees to be preserved shall receive appropriate protection during site development. No clearing shall commence until all protection devices are installed by the petitioner, and inspected and approved by the Zoning Division.

- c. Tree relocation shall occur prior to construction activity except as approved by the Zoning Division.
2. Prior to removal **of** any vegetation on site, the petitioner shall schedule a Preclearing Inspection with the Zoning Division.
3. All prohibited species shall be removed from the subject property prior to the issuance of a Certificate of Occupancy (C.O.) .

T. COMPLIANCE

1. As provided in 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.
2. 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 McCarty moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

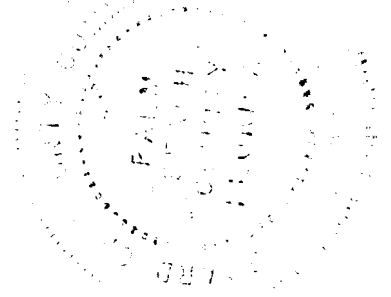
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

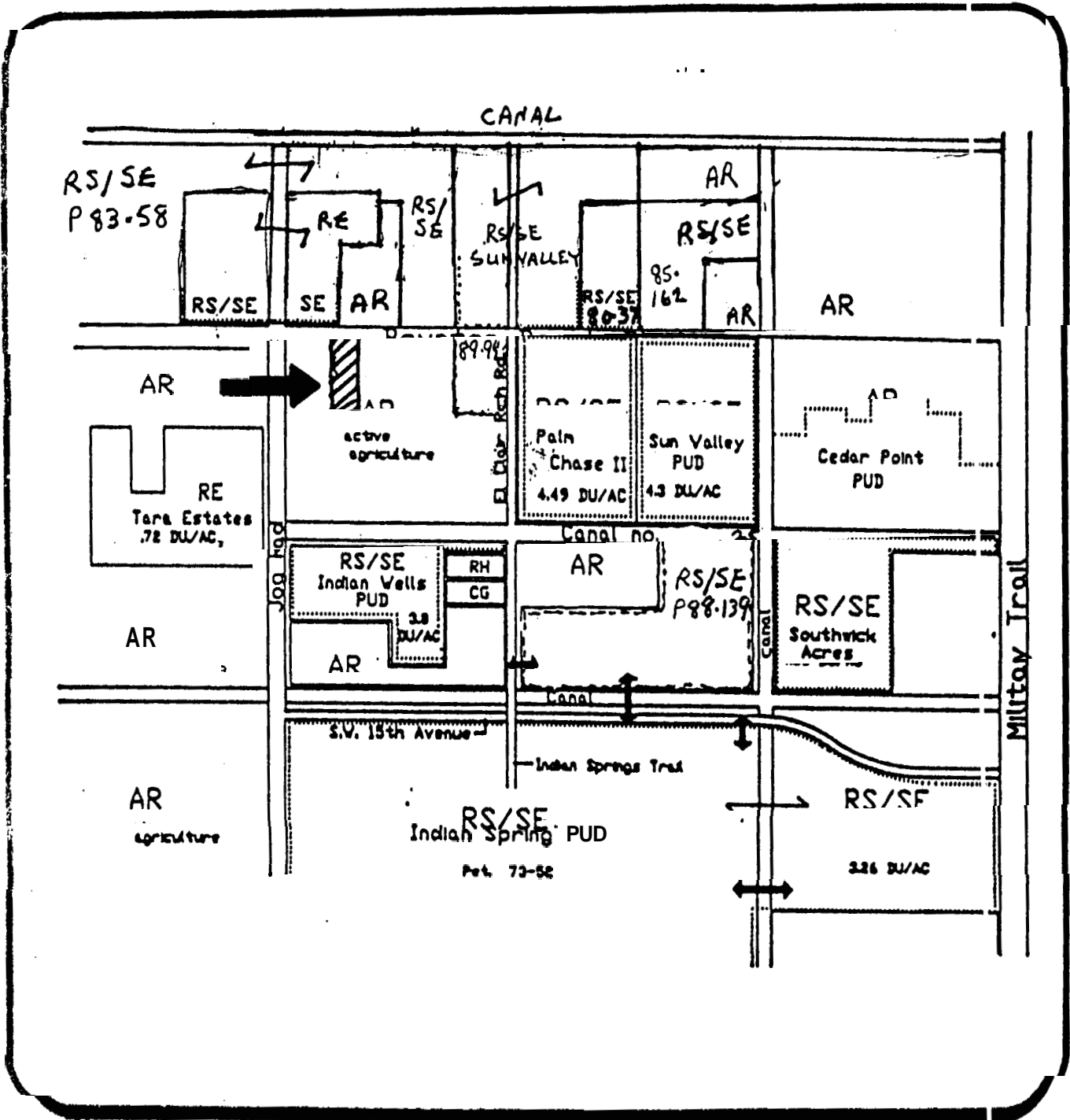
BY: *Barbara Caltan*
COUNTY ATTORNEY

BY: *Joan Haverly*
DEPUTY CLERK



Sec. 27 Twp. 45 Rng. 42
Quadrant Sheet: 35
Aerial Page: 310

Vicinity Sketch



Request:

A **SPECIAL EXCEPTION** for a church, accessory buildings and structures, and a day care center (maximum 60 children).

PETITION NO: 91-42

BCC DISTRICT: 5

66