

RESOLUTION NO. R-2002- 1237

RESOLUTION APPROVING ZONING PETITION DOA1973-216B  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PALM BEACH BAPTIST TEMPLE INC.  
BY KEVIN MCGINLEY, AGENT  
(PALM BEACH BAPTIST CHURCH)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition DOA1973-216B was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2002; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified 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 DOAI973-216B, the petition of Palm Beach Baptist Temple Inc., by Kevin McGinley, agent, for a Development Order Amendment to reconfigure site plan and add square footage 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

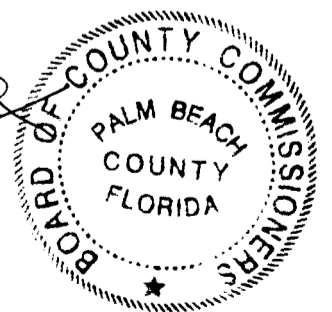


EXHIBIT A  
LEGAL DESCRIPTION

The South half of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the East 41.25 feet of the South 116 feet thereof;

AND the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, excepting therefrom the South 220 feet and the right of way for Military Trail;

AND the North 38 feet of the South 154 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

AND the North 66 feet of the South 220 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

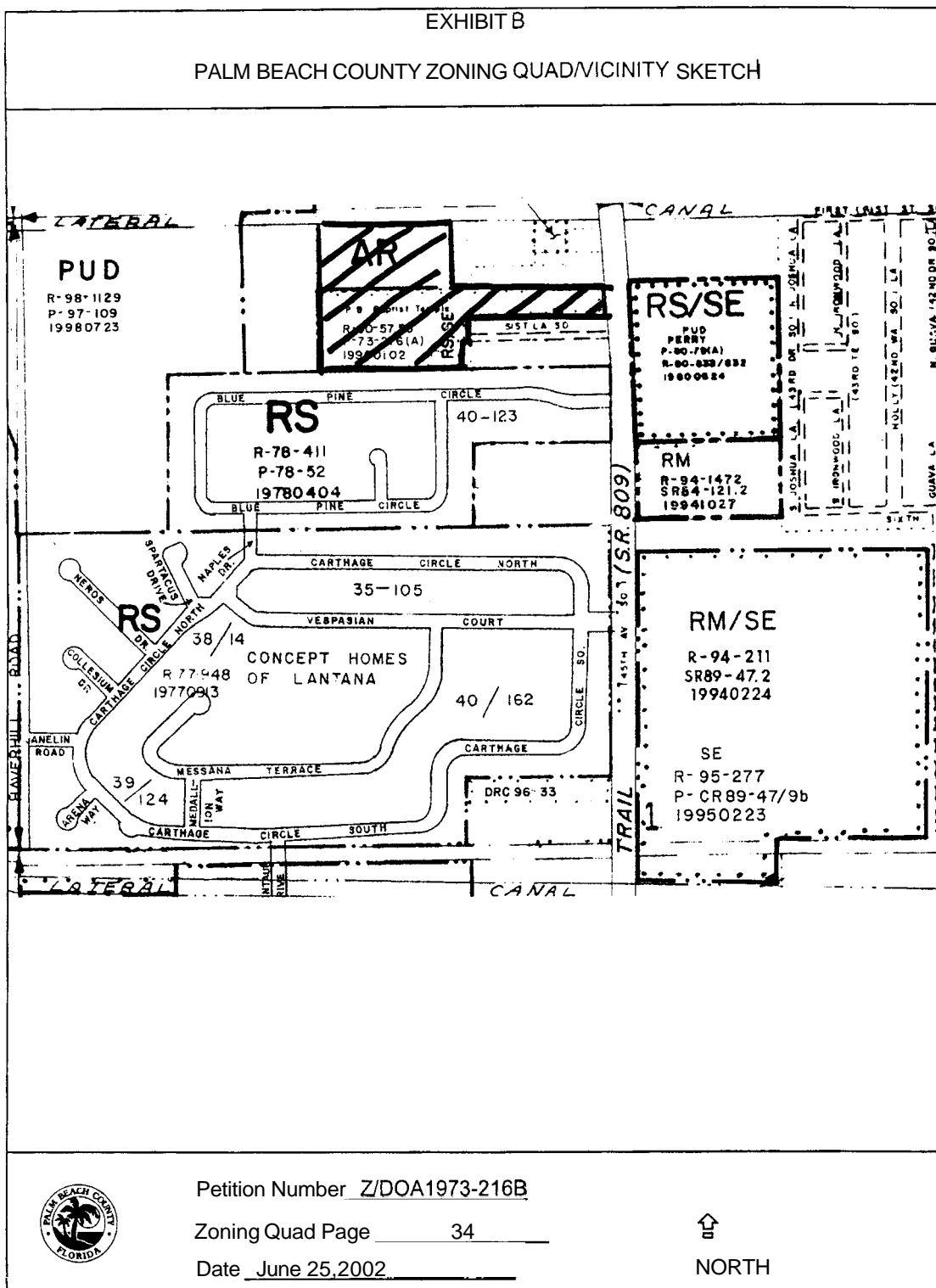
AND the East 285.00 feet of the South 116.00 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

AND the West  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 1, Township 45 South, Range 42 East, less the East 98 feet thereof, and less that portion as described in Chancery Case 407 as recorded by Lake Worth Drainage District in Official Record Book 6495, page 195 of the public records of Palm Beach County, Florida; said lands situated, lying and being in Palm Beach County, Florida.

SUBJECT TO easements, reservations, restrictions and rights of way of record, if any.

Containing: 13.581 Acres, more or less

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-73-0816 (Petition 73-216), R-90-57, R-90-58 (Petition 73-216(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 10, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)
3. Condition 2 of Resolution 90-58, Petition 73-216(A) which currently states:

**Prior to Site Plan Certification, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements.**

Is hereby deleted. Reason:[ code requirement].

4. Condition 7 of Resolution R-90-58, petition 73-216 (A) which currently states:

**Simultaneous with application for site Plan Review committee, the petitioner shall execute a Unity of control on the property subject to approval by the County "Attorney prior to certification of the site plan.**

Is hereby amended to read:

Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed, or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

#### B. ARCHITECTURAL CONTROL

1. At time of submittal for final DRC certification, the architectural elevations shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E and 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REVIEW - Zoning)

#### C. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC\ONGOING: ERM-ERM)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site. (BLDG PERMIT: HEALTH-Health)(Previous Condition 8 of Resolution R-90-58, Petition 73-216(A))
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (BLDG PERMIT:HEALTH-Health) (Previous Condition 9 of Resolution R-90-58, Petition 73-216(A))

E. ENGINEERING

1. Developer shall construct, at his expense, the required left and right turning lanes onto Military Trail (S.R.809) (Previous Condition 1 of Resolution 73-0816, Petition 73-216)
2. Prior to the issuance of any building permits the developer shall deed to Palm Beach County the additional right-of-way required to provide for a one hundred twenty (120) foot right-of-way for Military Trail (S.R. 809) and the forty (40) feet for a limited access road. The total of the right-of-way being one hundred (100) feet from the centerline of Military Trail (S.R. 809). (Previous Condition 2 of Resolution 73-0816, Petition 73-216)
3. The petitioner shall comply with all previous conditions of approval unless expressly modified herein, except for condition No. 2. of Resolution No. R-73-0816, which shall hereby be amended to require sixty-seven (67) feet, rather than one hundred (100) feet from centerline at Military Trail, at no cost to Palm Beach County. Prior to site plan approval, this property owner shall reimburse Palm Beach County for any funds previously paid for this right-of-way. (Previous Condition 1 of Resolution 90-58, Petition 73-216(A))
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 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. This requirements shall apply to any existing drainage problem as well. 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 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. (Previous Condition 10 of Resolution 90-58, Petition 73-216(A))
5. Condition E5 of Resolution 90-58, Petition 73-216(A) which currently states:  
  
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 \$3,402.00 (127 trips x \$26.79 per trip).

Is hereby deleted. [Reason: code requirements]

6. Condition E5 of Resolution 90-58, Petition 73-216(A) which currently states

**In addition the Developer shall contribute the amount of \$340.00 as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These funds of \$340.00 shall be paid prior to the issuance of the first building permit.**

Is hereby deleted. [Reason: code requirements]

7. Condition E7 of Resolution 90-58, Petition 73-216(A) which currently states

**If the “Fair Share Contribution for Road Improvements Ordinance” is amended to increase the Fair Share Fee, this additional amount of \$340.00 shall be credited toward the increased Fair share Fee.**

Is hereby deleted. [Reason: code requirements]

F. LANDSCAPE -STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length;
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
  - d. this condition does not apply to the five (5) foot wide compatibility buffer. (CO: LANDSCAPE - Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL ONLY)

1. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)

H. LANDSCAPE –INTERIOR FOR THE 5 ACRE PARCEL ONLY

- 1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING-Zoning)
- 2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet;
  - b. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO:ZONING/ LANDSCAPE-Zoning)

I. LIGHTING

- 1. Condition 2 of Resolution 90-58, Petition 73-216(A) which currently states:

**All outdoor lighting shall be of low intensity, shielded and directed away from adjacent properties.**

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

- 2. All outdoor, freestanding lighting fixtures shall not exceed twenty- five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north and west property lines. (CO: BLDG - Zoning)
- 4. All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
- 5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)

J. SIGNS

- 1. **There shall be no off premise sign permitted on site.** (Previous Condition 4 of Resolution 90-58, Petition 73-216(A))



2. Proposed Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. maximum sign face area per side - 100 square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - within 50 feet of the access point on Military trail.
  - f. Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)
3. The existing wood signs shall be removed from the site prior to the final DRC certification of the site plan. (DRC: LANDSCAPE – Zoning)

L. USE LIMITATIONS

1. Use of the site shall be limited to a church with accessory school (K-12), Sunday School and a family life care center. (Previous Condition 2 of Resolution 90-58, Petition 73-216(A))
2. No outdoor loudspeaker system shall be permitted on site. (Previous Condition 5 of Resolution 90-58, Petition 73-216(A))
3. Vehicle parking shall be limited to the parking spaces designated on the site plan. There shall be no parking in landscape areas, rights-of-way or interior drives. (Previous Condition 6 of Resolution 90-58, Petition 73-216(A))

M. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any conditions of approval may result in 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. Appeals from such action may be taken to the Palm Beach county Board of Adjustment or as otherwise provided in the Palm Beach County Zoning (Previous Condition 16 of Resolution 90-58, Petition 73-216(A))

Is hereby amended to read:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)