

RESOLUTION NO. R-2002-2197

RESOLUTION APPROVING ZONING PETITION DOAI983-078B
DEVELOPMENT ORDER AMENDMENT
PETITION OF WEST BOCA PRESBYTERIAN CHURCH
BY JILL LANIGAN, AGENT
(WEST BOCA PRESBYTERIAN 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 DOAI983-078B was presented to the Board of County Commissioners at a public hearing conducted on December 9, 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 DOAI983-078B, the petition of West Boca Presbyterian Church, by Jill Lanigan, agent, for a Development Order Amendment to reconfigure site plan, add square footage and modify/delete conditions of approval 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 December 9, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons 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:

| | | |
|-------------------------------|---|--------|
| Karen T. Marcus, Chair | - | Aye |
| Tony Masilotti, Vice Chairman | - | Aye |
| Jeff Koons | - | Aye |
| Warren H. Newell | - | Absent |
| Mary McCarty | - | Aye |
| Burt Aaronson | - | Aye |
| Addie L. Greene | - | Aye |

The Chair thereupon declared that the resolution was duly passed and adopted on December 9, 2002.

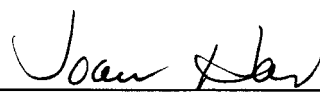
Filed with the Clerk of the Board of County Commissioners on 14 day of January, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

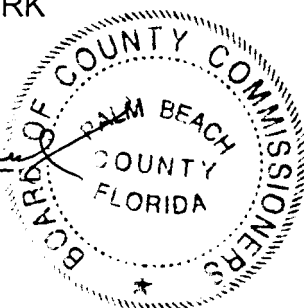


EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF TRACT 64 AND PART OF AN ABANDONED ROAD RIGHT OF WAY, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, IN SECTION 25, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 64; THENCE S88E35'38"W ALONG THE SOUTH BOUNDARY OF SAID TRACT 64, A DISTANCE OF 507.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S88E35'38"W A DISTANCE OF 789.33 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF HAMMOCK STREET; THENCE N01E07'16"W ALONG SAID EAST RIGHT OF WAY A DISTANCE OF 334.17 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH BOUNDARY OF SAID TRACT 64; THENCE N88E25'49"E, ALONG SAID NORTH BOUNDARY, A DISTANCE OF 790.10 FEET; THENCE S00E59'33"E, A DISTANCE OF 336.43 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 6.078 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

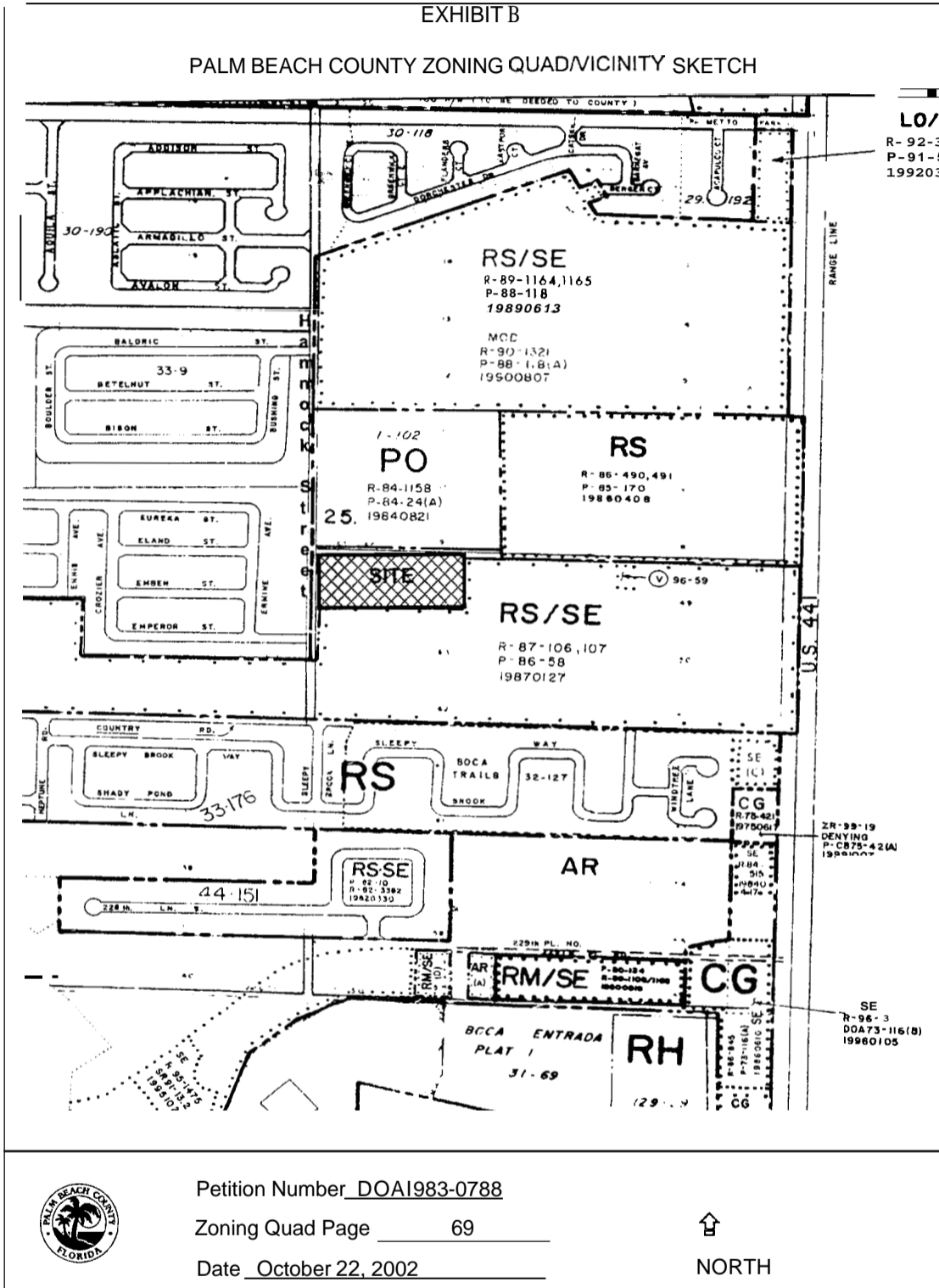


EXHIBIT C

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-83-1000, R-83-1001 (Petition 1983-78), R-86-744, R-86-745 (Petition 1983-78(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 August 29, 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 3 of Resolution R-83-1001, Petition 83-78 which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive (dust particles) do not become a nuisance to neighboring properties.

Is hereby deleted: REASON: [code requirement].
4. Condition 4 of Resolution R-83-1001, Petition 83-78 which currently states:

The developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby surface waters.

Is hereby deleted: REASON: [code requirement]
5. Condition 5 of Resolution R-83-1001, Petition 83-78 which currently states:

Prior to site plan certification the developer shall enter into a formal contract with the County Utilities Department for required services.

Is hereby deleted: REASON: [code requirement].
6. Condition 4 of Resolution R-86-745, Petition 83-78(A) which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted: REASON: [code requirement].
7. Condition 5 of Resolution R-86-745, Petition 83-78(A) which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters .

Is hereby deleted: REASON: [code requirement].

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: ZONING - Zoning)

C. ENVIRONMENTAL

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

D. LANDSCAPING - 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 material shall be planted in overlapping, continuous masses, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - 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 buffer or to a buffer where a fence is required. (CO: LANDSCAPE – Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)

5. The developer shall retain as many of the existing significant trees during the development of this property as possible. (Previous Condition 6 of Resolution R-83-1001, Petition 83-78).

6. Condition 1 of Resolution R-86-745, Petition 83-78(A) which currently states:

The developer shall preserve existing vegetation within the westerly 80 feet of the site and shall incorporate said vegetation into the project design. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction.

Is hereby amended to read:

Prior to the issuance of building permit for any structures under Phase 2, the petitioner shall relocate the existing cabbage palms located at the northwest portion of the site to the perimeter buffers or any location within the site. Prior to final DRC certification of the site plan for this petition, the petitioner shall submit an Alternative Landscape Plan to the Landscape Section of the Zoning Division for review and approval of the relocation of these palms. (DRC/BLDG PERMIT: ZONING/BLDG-Zoning)

7. Condition 3 of Resolution R-86-745, Petition 83-78(A) which currently states:

Areas of existing vegetation to be preserved shall be shown upon the approval development plan prior to master plan and/or site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance during the site development and construction phase. The minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart. Ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area. Marking materials shall not be attached to a protected tree.

In addition, individual trees not within a preserved area shall be protected by a barrier, constructed of metal or wood, placed a distance of six feet apart, or at the radius of the dripline, whichever is greater.

Additional tree preservation guidelines can be obtained from the Tree Protection Manual for Builders and Developers published by the Division of the Florida Department of Agriculture and Consumer Services.

Is hereby deleted. REASON: [code requirements].

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF HAMMOCK STREET)

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

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one canopy tree planted for each twenty-five (25) linear feet of the property line;
- c. one palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one 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 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 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)

E. ENGINEERING

1. Condition 1 of Resolution R-83-1001, Petition 83-78 which currently states:

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

Is hereby deleted. Reason:[code requirement.]

2. Condition 2 of Resolution R-83-1001, Petition 83-78 which currently states:

The developer shall contribute Nine Hundred and Thirty Eight Dollars (\$938.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of the building permit.

Is hereby deleted. Reason:[code requirement.]

3. The property owner shall construct a left turn lane, north approach on Hammock Street at the project's north entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (Previous Condition 6 of Resolution R-86-745, Petition 83-78(A)). Is completed.

4. Condition 7 of Resolution R-86-745, Petition 83-78(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:

- a. \$2,009.00 for Phase 1 - (up to 6,000 square feet) 75 trips x \$26.79
- b. an additional \$1,527 for Phase 2 - more than 6,000 square feet (57 trips x \$26.79)

Is hereby deleted. Reason:[code requirement.]

5. Condition 8 of Resolution R-86-745, Petition 83-78(A) which currently states:

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

Is hereby deleted. Reason:[code requirement.]

F. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

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

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a six (6) foot high black or green vinyl-coated chain link fence.
- c. one canopy tree for each twenty (20) linear of the property line, and to be planted alternating on both sides of the fence;
- d. one palm or pine tree for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters and to be planted alternating on both sides of the fence;
- d. one large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation, and to be planted on the exterior side of the fence. Shrubs to be maintained a minimum height of six (6) feet at maturity; and,
- e. one 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 to be planted on the interior side of the fence. (CO: LANDSCAPE-Zoning)

G. LIGHTING

1. Condition 2 of Resolution R-83-745, petition 83-74(A) which currently states:

Security lighting shall be directed away from nearby residences.

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 thirty (30) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures be setback thirty (30) feet from the south and east 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)

H. SIGNS

- 1. If the existing signs located on Hammock Street are to be removed, replaced or relocated, the new freestanding sign shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – six (6) feet;
 - b. maximum sign face area per side – fifty (50) square feet;
 - c. maximum number of signs - one sign for the entire site;
 - d. style - monument style only; and,
 - e. sign shall be limited to project identification and schedule of services only. (CO: BLDG-Zoning)
- 2. Wall signs shall be limited to west facade of the building and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO: BLDG-Zoning)

I. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. daily excluding holiday services. (ONGOING: CODE ENF-Zoning)
2. The church shall be limited to a maximum capacity of 400 seats for Phase 1, and a maximum capacity of 700 seats for Phase 2. (ONGOING: CODE ENF-Zoning)
3. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four **(4)** events per year and shall be setback a minimum of one hundred (100) feet from the south and east property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning)

J. 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 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)