

RESOLUTION NO. R-96- 1736

RESOLUTION APPROVING ZONING PETITION DOA91-23(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALMS WEST PRESBYTERIAN CHURCH
BY RAY CASTO, AGENT
(PALM WEST PESBYTERIAN 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 DOA91-23(B) was presented to the Board of County Commissioners at a public hearing conducted on October 24, 1996; 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 DOA91-23(B), the petition of Palms West Presbyterian Church, by Ray Casto, agent, for a Development Order Amendment (DOA) to add building square footage and redesign the site plan 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 October 24, 1996, 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 Aaronson and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 1996.

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

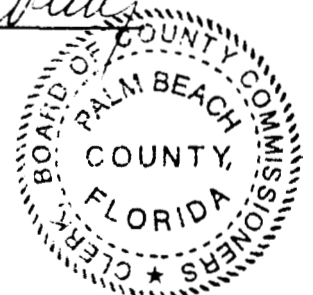


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION
OF
PALMS WEST PRESBYTERIAN CHURCH

All of Palms West Presbyterian Church according to the **Plat** thereof as recorded in Plat Book 70, pages 160 and 161 Public Records of Palm Beach County, Florida
Containing: 341,460 square feet or 7.84 acres more or less.
Subject to easements, restrictions, reservation and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

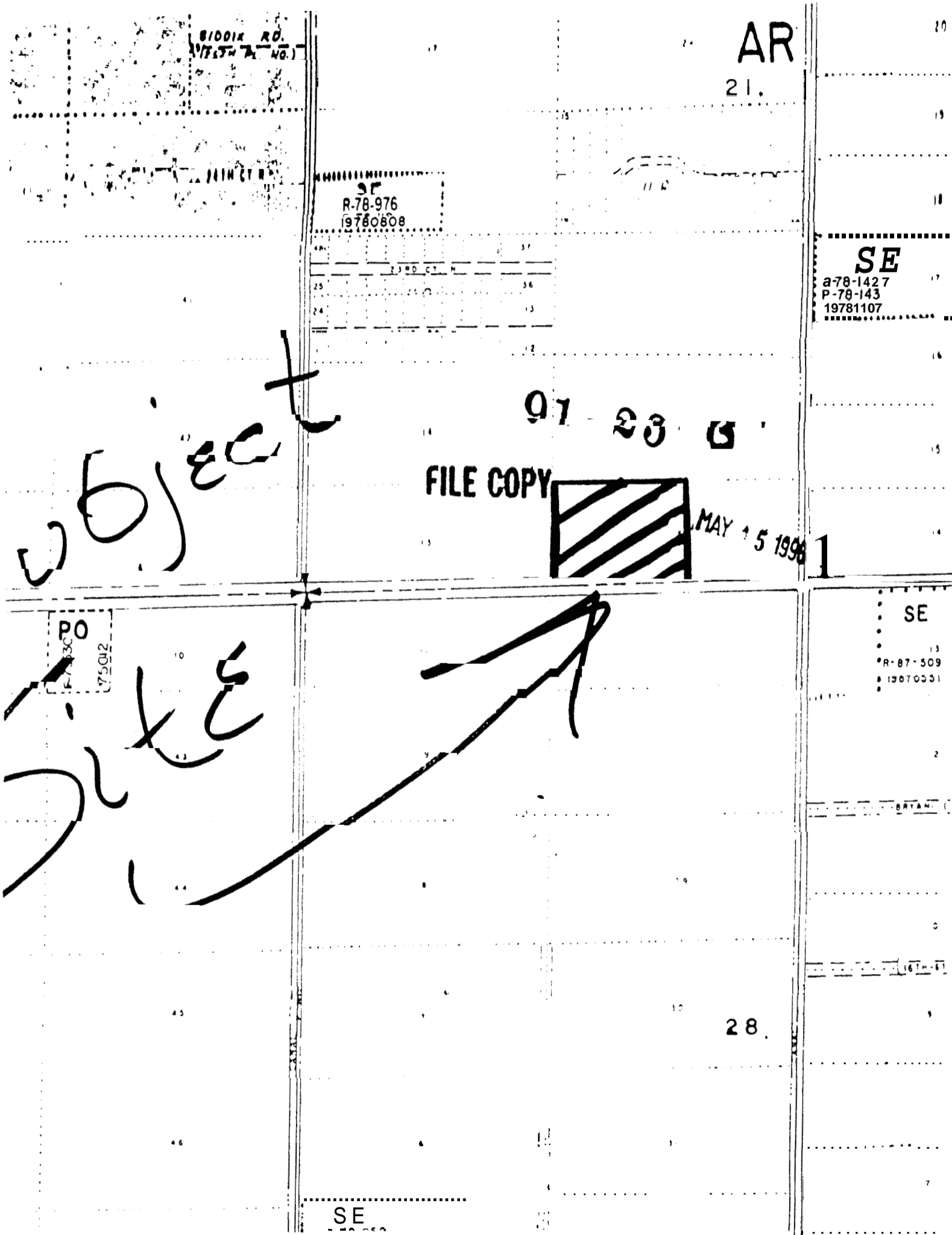


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified. Petition No. 91-23(A) was withdrawn.

A. ALL PETITIONS

1. The site plan shall be amended to indicate compliance with all **minimum** property development regulations and land development requirements. (Previously Condition A.1 of Resolution R-91-1081, Petition 91-23)

2. Previous Condition A.2 of Petition 91-23 which states:

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 21). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review).

Is hereby amended to state:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated July 8, 1996). 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. (ONGOCNG: ZONING)

3. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1081 (Petition 91-23), 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)

4. The previously established deadline for commencement of development, in accordance with Section 5.8 of the ULDC, is hereby extended from April 21, 1996 to April 21, 1999. (ONGOING: MONITORING)

B. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an **architectural** treatment **compatible** with the principal building. The open end of the enclosure shall have an **obscure**, opaque gate. (Previously Condition B.1 of Resolution R-91-1081, Petition 91-23) (DRC: ZONING)

C. HEALTH

1. 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 **resoning**. (previously Condition D.1 of Resolution R-91-1081, Petition 91-23) (DRC: HEALTH)

2. **Day care food service facilities are not included in this approval.** (Previously Condition D.2 of Resolution R-91-1081, Petition 91-23) (ONGOING: HEALTH)
3. The application and engineering plans to construct the onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)
4. The application and engineering plans to upgrade the non-community water supply system in accordance with Chapter 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)

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 on-site 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. (Previously Condition E.1 of Resolution R-91-1081, Petition 91-23) (ENG)
2. Prior to November 15, 1991 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Okeechobee Boulevard, 60 feet from centerline free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.2 of Resolution R-91-1081, Petition 91-23) (ENG)
3. 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 at the time of the Building Permit presently is \$7,095.00 (129 trips X \$55.00 per trip). (Previously Condition E.3 of Resolution R-91-1081, Petition 91-23) (ENG)

F. ERM

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Dept. of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. (Previously Condition C.1 of Resolution R-91-1081, Petition 91-23) (DRC: ERM)

G. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked cuts.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE PERIMETERS

1. Previous Condition F.1 of Petition No. 91-23 which states:

Landscaping shall be upgraded along the north, south and west perimeters to include:

- a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
- b. One twelve (12) foot native palm tree for each twenty (20) linear feet of frontage.
- c. A thirty-six (36) inch tall native hedge.

Existing native vegetation along the perimeters may be counted towards this requirement.

Is hereby amended to state:

Landscaping shall be upgraded along the north, south, and west perimeters to include:

- a. Twelve (14) foot tall native canopy trees, placed twenty (20) feet on center;
 - b. One twelve (12) foot native palm tree for each twenty (20) linear feet of frontage; and
 - c. A thirty-six (36) inch tall native hedge. (DRC/CO: ZONING/LANDSCAPE)
2. Prior to final DRC certification, the site plan shall be amended to reflect Alternative Type 3 buffers on the north, and west property lines. (DRC: ZONING)

I. **LIGHTING**

1. Outdoor lighting used to illuminate the premises shall have a maximum height of twenty (20) feet, be low intensity, shielded and directed downward away from the adjacent properties and streets. (Previously Condition G.1 of Resolution R-91-1081, Petition 91-23) (ONGOING: CODE ENF)

J. **PLATTING**

1. Prior to issuance of building permits, the property owner shall plat the property to indicate a fifty (50) foot native vegetation buffer along Okeechobee Boulevard and a preserve area on the east portion of the site in compliance with the site plan approved by the Board of County Commissioners (Exhibit No. 21). No development activity shall be allowed in these areas. (Previously Condition H.1 of Resolution R-91-1081, Petition 91-23) (BLDG PERMIT: ENG/ZONING)

K. **RECYCLE SOLID WASTE**

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (Previously Condition I.1 of Resolution R-91-1081, Petition 91-23) (ONGOING: SWA)

L. **SIGNAGE**

1. Signs on the site shall be limited as follows:
 - a. Maximum number: one (1).
 - b. Maximum total sign face area: eighty (80) square feet.
 - c. Maximum total sign height: ten (10) feet.
 - d. The sign shall be a monument type. (Previously Condition J.1 of Reso. R-91-1081, Petition 91-23) (CO: BLDG)
2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies: sign location, sign size, unified color and graphic representation, and typical base planting details. (Previously Condition 5.2 of Resolution R-91-1081, Petition 91-23) (DRC: ZONING)

3. **All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site. (Previously Condition J.3 of Resolution R-91-1081, Petition 91-23) (CO: BLDG)**

M. MASS TRANSIT

1. **Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)**

N. PARKING

1. **Prior to final DRC site plan certification, the petitioner shall submit a shared parking study in accordance with the standards set forth in ULDC Section 7.2C.8. (DRC: ZONING/ENG)**
2. **Prior to final DRC site plan certification, the petitioner shall submit a grassed parking study/analysis in accordance with ULDC Section 7.2C.10. (DRC: ZONING/ENG)**

O. SPECIFIC CONDITIONS

1. **The site plan shall be amended prior to Site Plan certification to indicate:**
 - a. **Access aisles in the parking area as minimum twenty-six (26) feet wide.**
 - b. **Minimum one tree and landscape island for every ten (10) parking stalls. (Previously Condition K.1 of Resolution R-91-1081, Petition 91-23) (DRC: ZONING)**

P. VEGETATION PRESERVATION

1. **Prior to submittal of the site plan to the Site Plan Review Committee, the petitioner shall submit a Vegetation Preservation Report which detail methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit. (Previously Condition L.1 of Resolution R-91-1081, Petition 91-23) (DRC: ERM/ZONING)**
2. **Native vegetation not located within preservation/relocation areas and deemed relocatable by the Department of Environmental Resource Management and the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site. (Previously Condition L.2 of Resolution R-91-1081, Petition 91-23) (DRC: ERM/ZONING)**

3. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, retention areas and vehicular use areas. The areas of preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code, during the site development and construction phase. (Previously Condition L.3 of Resolution R-91-1081, Petition 91-23) (DRC: ERM/ZONING)
4. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to the tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,
 - c. No vegetation removal or development activity such as trenching, grade change, or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas. (Previously Condition L.4 of Resolution R-91-1081, Petition 91-23) (VEG PERMIT: ERM)
5. Prior to removal of any vegetation, the petitioner shall schedule a pro-clearing inspection with the Zoning Division. (Previously Condition L.5 of Resolution R-91-1081, Petition 91-23) (VEG PERMIT: ZONING)

Q. COMPLIANCE

1. 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; 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.

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)