

29/41/93

RESOLUTION NO. ~~R-98-~~ 303

RESOLUTION APPROVING ZONING PETITION DOA86-64(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF HOLY SPIRIT LUTHERAN CHURCH  
BY RICHARD REIKENIS, AGENT  
(HOLY SPIRIT LUTHERAN 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 DOA86-64(A) was presented to the Board of County Commissioners at a public hearing conducted on February 26, 1998; 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 DOA86-64(A), the petition of Holy Spirit Lutheran Church, by Richard Reikenis, agent, for a Development Order Amendment (DOA) to Modify Condition 6 of R-87-26 (Connection to Water and Sewer) 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 February 26, 1998, 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 Lee and, upon being put to a vote, the vote was as follows:

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

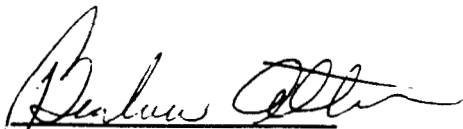
The Chair thereupon declared that the resolution was duly passed and adopted on February 26, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

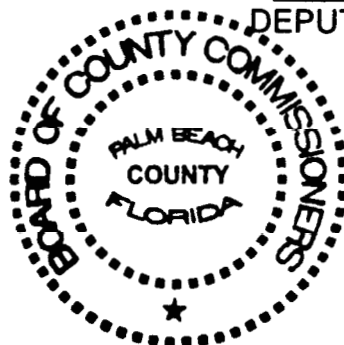
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



Petition DOA86-64(A)  
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**EXHIBIT A**

**LEGAL DESCRIPTION**

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

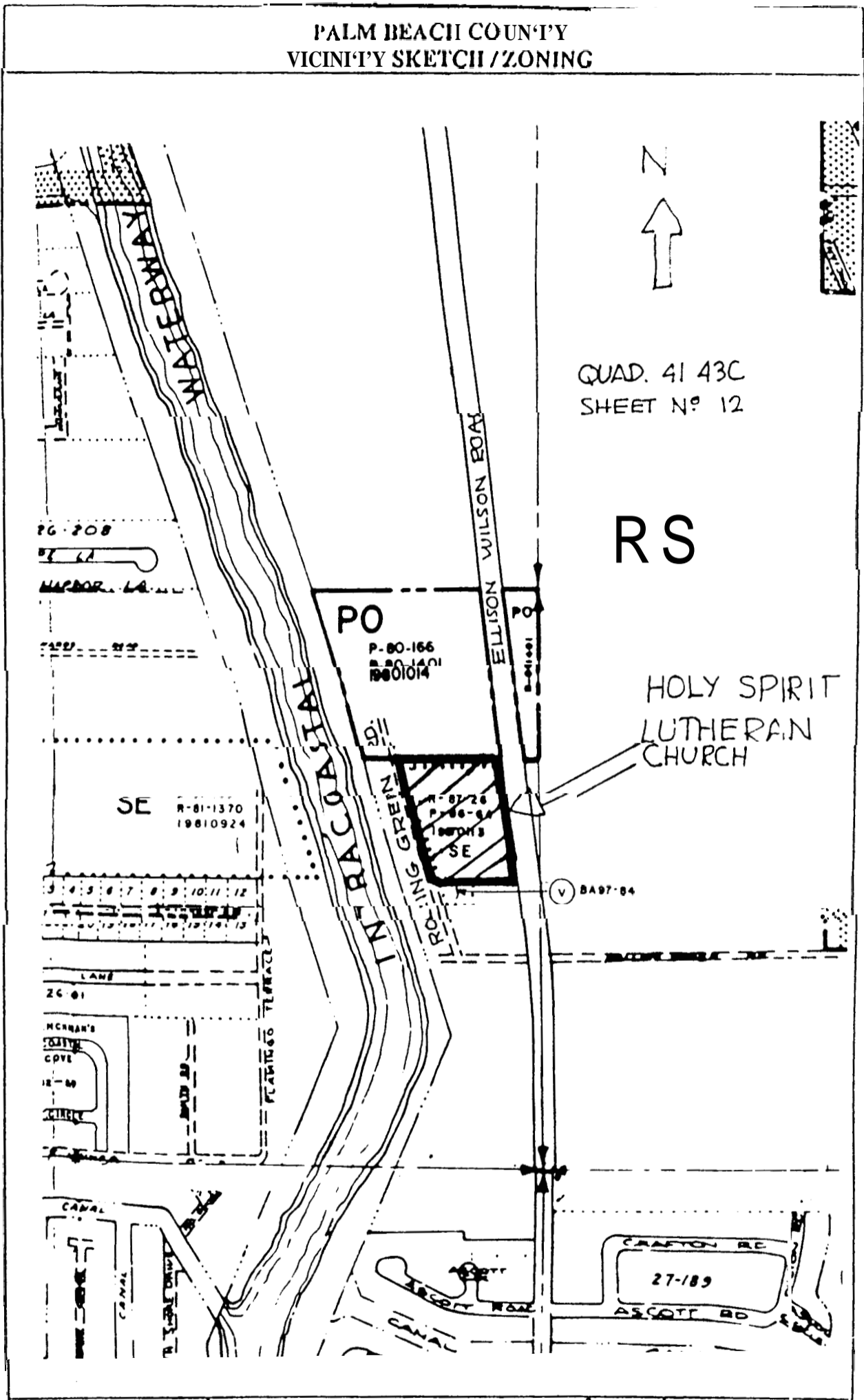
THAT PART OF THE NORTH 538.39 FEET OF THE SOUTH 1876.78 FEET OF SAID EAST HALF OF THE SOUTHEAST QUARTER, LYING WESTERLY OF THE WEST RIGHT-OF-WAY FOR ELLISON WILSON ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 539, PAGE 490, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE FOR ROLLING GREEN ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1068, PAGE 174, SAID PUBLIC RECORDS.

CONTAINING 5.25 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 86-64 A  
 Zoning Quad Page \_\_\_\_\_  
 Date: 11/19/97



## 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-87-26 (Petition 86-64) 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 December 22, 1997. 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)

#### B. BUILDING AND SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
  - a. Maximum **35** foot high sanctuary;
  - b. Number of trees to be preserved or planted;
  - c. Alternative perimeter landscape strip;
  - d. Day care center occupancy and corresponding square footages;
  - e. Fence or wall around the outdoor activity area;
  - f. Perimeter landscaping between off-street parking areas and rights-of-way;
  - g. Interior landscape calculations; and,
  - h. Phase lines subject to Health Department approval. (Previously Condition 4. of Resolution R-87-26 (Petition **86-64**). (DRC: -Zoning)
2. There shall be no evening church assemblies or church activities conducted out of doors after **10:00** p. m. (Previously Condition 12. of Resolution R-87-26 (Petition 86-64).

#### C. HEALTH

1. The application and engineering plans, calculations etc. to **construct** well and septic tank must be submitted to the Health Department prior to site plan approval. (Previously Cond **5.** of R-87-26 (Petition **86-64**).
2. Condition 6. of Resolution R-87-26 (Petition 86-64) which currently states:

This petitioner or successors in interest will be allowed to draw building permits on Phase I only for **4,500** square feet fellowship hall with a seating capacity of **two** hundred fifty (**250**) people. Development shall not be permitted on future phases until the entire site is connected to public water and sewer systems.

Is hereby amended to state:

The petitioner or successors in interest will be allowed to draw building permits on Phase I for up to 8,000 square feet of building spaces for a fellowship hall (seating capacity of 250) and ancillary office and Sunday School Facilities. Development on future phases which would increase wastewater flow beyond that generated in Phase I shall not be permitted until the entire site is connected to public water and sewer systems. (DRC: HEALTH)

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. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. (Previously Condition 7. of Resolution 1-87-26 (Petition 86-64).

#### D. VEGETATION

1. The developer shall preserve existing vegetation throughout the site (especially south of the proposed southern parking area) and shall incorporate said vegetation into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved 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. (Previously Condition 1. of Resolution R-87-26 (Petition 86-64). (DRC: ERM: LANDSCAPE - Zoning)
2. Prior to site plan certification, the developer shall submit a tree survey indicating all trees which can be used for tree preservation credits (Figure 500.35-3, Landscape Code). (Previously Condition 2. of Resolution R-87-26 (Petition 86-64). (DRC: ERM: LANDSCAPE - Zoning)
3. The developer shall incorporate existing native vegetation into the project design where possible. (Previously Condition 3. of Resolution R-87-26 (Petition 86-64). (DRC: ERM: CO:LANDSCAPE - Zoning)
4. The developer shall provide Alternative Landscape Strip nos. 1 or 2 [500.35E.3.c.(2) and (3)] along the western property line. (Previously Condition 11. of Resolution R-87-26 (Petition 86-64).

#### E. ENGINEERING

1. The property owner shall construct a left turn lane, south approach on Ellison Wilson Road at the project's south entrance and a right turn lane, north approach on Ellison Wilson Road at the project's north entrance concurrent with onsite paving and drainage improvements for Phase II. (Previously Condition 8. of Resolution R-87-26 (Petition 86-64).

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. The Fair Share Fee for this project presently is \$1,875 (70 trips X \$26.79 per trip). (Previously Condition 9. of Resolution R-87-26 (Petition 86-64).**
3. **There shall be no access to the Site except from Ellison-Wilson Road. (Previously Cond. 10. of Reso. R-87-26 (Petition 86-64).**

**F. 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 noncompliance, 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 majority vote of the Code Enforcement Board 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)