

RESOLUTION NO. R-2004- 2267

RESOLUTION APPROVING ZONING PETITION DOA2004-219
(CONTROL NO. 1983091)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ST. LUKES UNITED METHODIST CHURCH
BY LAND DESIGN SOUTH, AGENT
(ST. LUKES UNITED METHODIST 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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA2004-219 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 DOA2004-219, the petition of St. Lukes United Methodist Church, by Land Design South, agent, for a Development Order Amendment to reconfigure site plan for a Special Exception to allow a church or place of worship 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 28, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Koons 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	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of November, 2004.

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

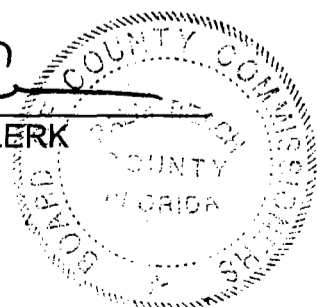


EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

The East 310 feet of the South 418 feet of Tract 57; together with the West 45 feet of the South 418 feet of Tract 58, all in Block 29, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, page 45, of the Public Records of Palm Beach County, Florida; also together with all right, title and interest in a 30-foot strip of land along the South side of the above-described parcel.

Parcel 2:

The East 200 feet of the West 245 feet of the South 418 feet of Tract 58, Block 29, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, page 45, of the Public Records of Palm Beach County, Florida.

Parcel 3:

The South 50 feet of the North 242 feet of the East 310 feet of Tract 57, together with the South 50 feet of the North 242 feet of the West 50 feet of Tract 58, all in Block 29, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the plat thereof, recorded in Plat Book 2, page 45, of the Public Records of Palm Beach County, Florida.

Parcel 4:

As a point of reference being permanent reference monument (P.R.M.) No. 38 and said permanent reference monument (P.R.M.) lying on the westerly right-of-way of Lucerne Lakes Boulevard, all according to PLAT NO. 2, LUCERNE LAKES (P.U.D.) as recorded in Plat Book 32, page 192, of the Public Records of Palm Beach County, Florida; thence southeasterly a distance of 351.74 feet along a curve to the left having a radius of 570.00 feet, a central angle of 35 degrees 21'24", a chord length of 346.19 feet and a chord bearing of South 17 degrees 40'42" East to the Point of Beginning; thence due West a distance of 160.12 feet; thence due South a distance of 50.00 feet; thence due East a distance of 200.00 feet to a point on a curve; thence northwesterly 63.99 feet along a curve to the right having a radius of 570.00 feet, a central angle of 06 degrees 25'55", a chord length of 63.95 feet and a chord bearing of North 38 degrees 34'24" West to the Point of Beginning

Containing a total of 5.89 acres more or less.

EXHIBIT B
VICINITY SKETCH

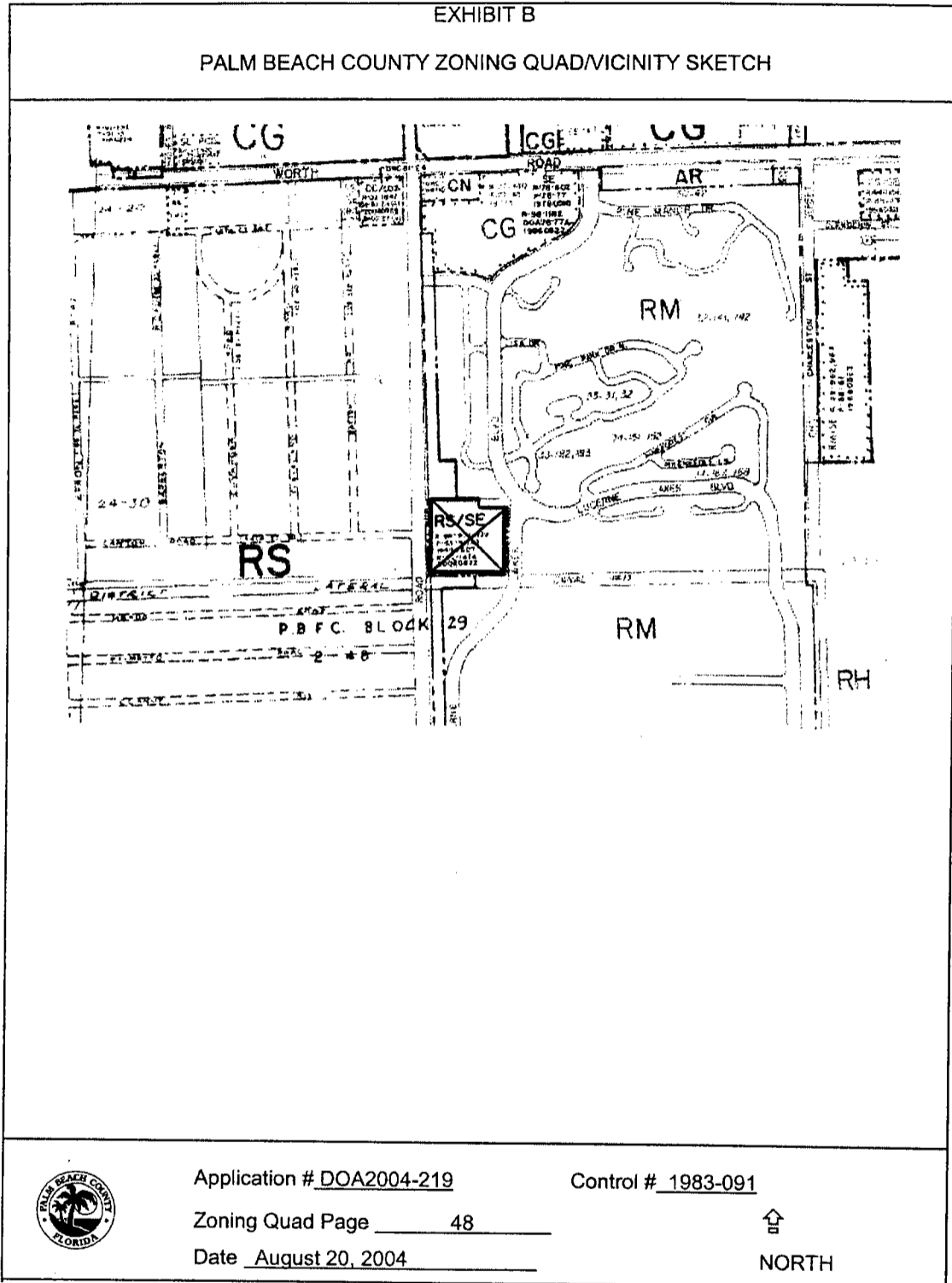


EXHIBIT C

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. Condition A.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

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 February 25, 1999. 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-1999-0971 (Petition 1983-019(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 2.E 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 July 14, 2004. 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)

B. BUILDING AND SITE DESIGN

1. Condition B.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

Total gross floor area shall be limited to a maximum of 21,195 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (ONGOING: MONITORING – Zoning)

Is hereby deleted: [REASON: Replaced by condition A.2]

2. Condition B.2 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

The maximum height for all proposed structures (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG – Zoning)

Is hereby deleted: [REASON: Code requirement]

C. HEALTH

1. Condition C.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

A developer's agreement confirming this property will be connected to public sewer is required prior to final site plan approval. (DRC: HEALTH – Health)

Is hereby deleted: [REASON: Sewer is not available in this location.]

2. Prior to the final site plan approval application and engineering plans to upgrade the existing onsite sewage treatment and disposal systems (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department for approval. (DRO: Health – Health)

D. LANDSCAPING - STANDARD

1. **All trees required to be planted on the perimeter of the 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.**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous condition D.1 of Resolution R-1999-971, Petition DOA1983-091(A))**

2. **All palms required to be planted on the perimeter of the site by this approval shall meet the following minimum standards at installation:**

- a. **Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;**
- 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) (Previous condition D.2 of Resolution R-1999-971, Petition DOA1983-091(A))**

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) No Building Permits for the site may be issued after September 23, 2007. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING – Eng)

F. ENVIRONMENTAL

1. All existing native vegetation, including understory, 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)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE SOUTH PROPERTY LINE AND THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Condition F.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

Landscaping and buffering along the above property lines shall include:

- a. **A minimum ten (10) foot wide landscape buffer strip;**
- b. **One (1) canopy tree planted every twenty (20) feet on center;**
- c. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;**
- d. **Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches;**
- e. **South property line -The width of the landscape buffer may be reduced to five (5) feet, spatial separation of the canal; and,**
- f. **East property line -The above landscape requirements are not required adjacent to the existing outdoor grille. (CO: LANDSCAPE)**

Is hereby amended to read:

LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and south property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip along the north property line. Width of the buffer along the south property line shall be permitted to be reduced to ten (10) feet;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - d. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF OHIO ROAD)

1. Condition G.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

Landscaping and buffering along the above property line shall include:

- a. **A minimum fifteen (15) foot wide landscape buffer strip; and**

- b. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
- d. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree;**
- e. **Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches; and,**
- f. **The above landscape requirements may be located adjacent to the parking lot as indicated on the site plan dated February 25,1999. (CO: LANDSCAPE)**

Is hereby amended to read:

LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF OHIO ROAD)

- 1. In addition to the ULDC requirements, landscaping and buffering along the west property line shall include:
 - a. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree.**
 - b. **The above landscape requirements may be relocated adjacent to the west side of the parking lot. (BLDG PERMIT: LANDSCAPE – Zoning)**

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF LUCERNE LAKES BOULEVARD)

- 1. In addition to the ULDC requirements, landscaping and buffering along the east property line shall include:
 - a. **One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (BLDG PERMIT: LANDSCAPE – Zoning)**

J. LANDSCAPING - INTERIOR (AFFECTED AREA ONLY)

- 1. Condition H.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

One 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)

Is hereby deleted: [REASON: Code requirement]

- 2. Condition H.2 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

Foundation planters shall be provided along the facades of all structures. The minimum width of the required planters shall be five (5) feet. The combined length of the required planters shall be no less than 50% of the accumulative length of the structure. All required planters shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE)

Is hereby deleted: [REASON: Code requirement]

K. SIGNS

1. Condition I.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

New freestanding sign on Ohio Road shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - five (5) feet; and**
- b. **Maximum sign face area per side - sixty (60) square feet;**
- c. **Maximum number of signs - one (1); and,**
- d. **Style - Monument style only. (CO: BLDG PERMIT – Zoning)**

Is hereby amended to read:

New freestanding sign on Ohio Road shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - six (6) feet; and**
 - b. **Maximum sign face area per side - sixty (60) square feet;**
 - c. **Maximum number of signs - one (1); and,**
 - d. **Style - Monument style only. (CO: BLDG PERMIT – Zoning)**
2. **Wall signs shall be limited to the west facades of all buildings. (CO: BLDG PERMIT – Zoning) (Previous condition I.2 of Resolution R-1999-971, Petition DOA1983-091(A))**

L. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. All lighting shall be setback a minimum of thirty (30) feet from all residential property lines. (BLDG PERMIT: CODE ENF – Zoning) (Previous condition J.1 of Resolution R-1999-971, Petition DOA1983-091(A))**
2. **All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDG PERMIT: CODE ENF – Zoning) (Previous condition J.2 of Resolution R-1999-971, Petition DOA1983-091(A))**
3. **All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF – Zoning) (Previous condition J.3 of Resolution R-1999-971, Petition DOA1983-091(A))**
4. **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) (Previous condition J.4 of Resolution R-1999-971, Petition DOA1983-091(A))**

M. USE LIMITATIONS

1. **All services shall be held in the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m., Monday to Sunday excluding holiday services. (ONGOING: CODE ENF– Zoning) (Previous condition K.1 of Resolution R-1999-971, Petition DOA1983-091(A))**
2. **Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.) shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No**

temporary amusements or special events, (i.e. bingo, carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING - Zoning) (Previous condition K.2 of Resolution R-1999-971, Petition DOA1983-091(A))

3. **Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF – Zoning) (Previous condition K.3 of Resolution R-1999-971, Petition DOA1983-091(A))**

N. COMPLIANCE

1. Condition L.1 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

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)

Is hereby amended to read:

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. Condition L.2 of Resolution R-1999-971, Petition DOA1983-091(A), which currently states:

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 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)

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 Article 2.E 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. (ONGOING: MONITORING – Zoning)