

RESOLUTION NO. R-2005-1423

RESOLUTION APPROVING ZONING APPLICATION DOA1986-064  
(CONTROL NUMBER 1986-064)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF HOLY SPIRIT LUTHERAN CHURCH INC  
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOCIATES, INC., 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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA1986-064 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; 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 Application DOA1986-064, the petition of Holy Spirit Lutheran Church Inc, by Gentile, Holloway, O' Mahoney and Associates, agent, for a Development Order Amendment to reconfigure the site plan and add square footage to a Special exception for a Church, Educational Facility and a Child Daycare facility, including accessory buildings and structures 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 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MARCUS 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:

Tony Masilotti, Chair	-	<b>AYE</b>
Addie L. Greene, Vice Chairperson	-	<b>AYE</b>
Karen T. Marcus	-	<b>AYE</b>
Jeff Koons	-	<b>ABSENT</b>
Warren H. Newell	-	<b>AYE</b>
Mary McCarty	-	<b>ABSENT</b>
Burt Aaronson	-	<b>ABSENT</b>

The Chair thereupon declared that the resolution was duly passed and adopted on July 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 19th day of SEPTEMBER, 2005.

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

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:

THE NORTH 538.39 FEET OF THE SOUTH 1876.78 FEET OF SAID EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 29, LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE FOR ROLLING GREEN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 1068, PAGE 174 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE RIGHT-OF-WAY OF ELLISON-WILSON ROAD AS RECORDED IN OFFICIAL RECORD BOOK 539, PAGE 490 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.82 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH

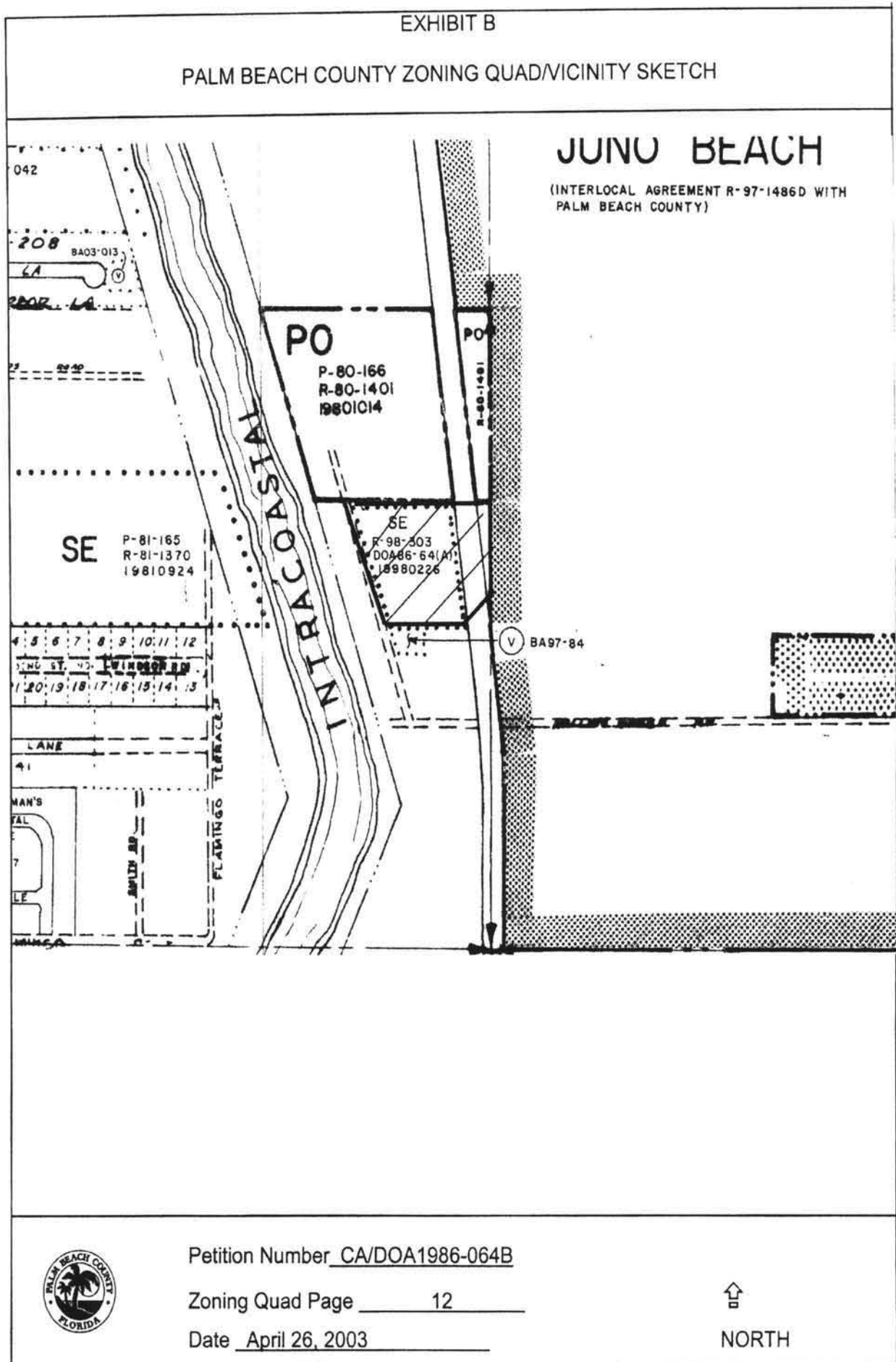


EXHIBIT C

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 1998-303, Petition 1986-064(A), which currently states:

**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)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1998-303 (Petition 1986-064A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

2. Condition A.2 of Resolution 1998-303, Petition 1986-064(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 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)**

Is hereby amended to read:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The site plan dated June 14, 2005 shall be subject to revisions pursuant to conditions of approval at final Development Review Officer's approval. 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. (DRO: ZONING – Zoning)

3. Prior to final site plan approval by the Development Review Officer (DRO), the plan shall be revised to reflect the following maximum gross square footage associated for each use, an overall total gross square feet for the subject property shall not exceed 30,960:
  - a. sanctuary – 7,236 square feet (300 seats);
  - b. daycare center/Sunday School – 9,576 square feet;
  - c. fellowship hall excluding all accessory uses (net area) – 4,053 square feet (increase to a 5,000 square feet shall be subject to Condition A.5);
  - d. accessory uses such as lobby, storage bridal room/restrooms/offices/nursery/hallway/kitchen/choir room – 10,095 square feet;

- e. the above gross square footage for each use, except for the fellowship hall, can be adjusted between the uses by the DRO subject to the following:
    - i. the adjustment shall only apply to building square feet (FAR), and shall not exceed an overall 30, 960 square feet;
    - ii. the property owner shall submit a shared parking study outlining parking demand for the site facilities justifying for adequate parking for the above uses (shared parking shall be limited to facilities within the site); and,
    - iii. approval by the Fire Department and the approval by the DRO of the shared parking study. (DRO:ZONING-Zoning)
4. Prior to final site plan approval by the Development Review Officer (DRO), the plan shall be revised to show phase lines as follows with a maximum building square feet of 30,960:
- Phase 1
- a. existing sanctuary (250 seats) and sanctuary expansion for a total of 300 seats. Actual constructed square footage of this existing building and the expansion square footage shall be indicated on the plan;
  - b. daycare center/Sunday school;
  - c. covered porch; and,
  - d. a parking lot for a minimum of 193 spaces.
- Phase 2
- e. fellowship hall, accessory uses, and remaining parking spaces. (DRO:DRO-Zoning)
5. The fellowship hall may only increase up to 5,000 square feet subject to an updated shared parking study. Prior to the submittal of building permit for Phase 2, a shared parking study shall be submitted to the Zoning and Traffic Divisions for review. This study shall justify whether adequate parking is sufficient for the additional square footage for Phase 2. Phase 2 development shall also be subject to BCC approval through a Development Order Amendment process. (BLDG PERMIT: MONITORING-Zoning/Eng)

**B. ARCHITECTURAL REVIEW**

- 1. Condition B.1 of Resolution 1998-303, Petition 1986-064(A), which currently states:

**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. (DRC: - Zoning)**

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan and architectural elevations shall be amended to indicate an overall height of thirty-five (35) feet for all structures. No matter where measurement is being taken, height of the proposed buildings shall not

exceed the overall height of the existing building(s). (DRO: ZONING-Arch Review)

2. At time of submittal for final Development Review Officer (DRO) approval of the site plan, the architectural elevations for all proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ZONING – Arch Review)
3. All air conditioning, mechanical equipment and satellite dishes shall be ground mounted and shall be screened from view on all sides by a parapet or other visually opaque barrier that is consistent with the color, character and architectural style of the building or equivalent landscape material. (DRO: ZONING – Arch Review/Landscape)
4. The covered porch shall be designed and constructed as follows:
  - a. have a pitched roof with a minimum slope of 3:1. No flat roof shall be permitted;
  - b. have a maximum height of twenty (20) feet measured from top of the canopy to the finished grade;
  - c. shall remain open to the elements on the sides and not air-conditioned;
  - d. architectural elevations of this canopy shall be subject to review and approval by the Architectural Review Section prior to final site plan approval by the Development Review Officer (DRO). (DRO: ZONING-Arch Review)

#### C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Condition D.1 of Resolution R-1998-303, Petition 1986-64A which currently states:

**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. (DRO:ERM/LANDSCAPE– Erm/Zoning)**

Is hereby amended to read:

The property owner shall preserve existing vegetation throughout the site (specifically in the area south of the proposed south parking lot) and as follows, prior to final site plan approval by the Development Review Officer (DRO):

- a. incorporate vegetation into the site design; and,
- b. areas of existing vegetation to be preserved shall be shown on the final site plan. (DRO: ERM – Erm)

2. The property owner shall perform the following during the site development and construction stage:
  - a. these preservation areas shall receive appropriate protection from damage and disturbance;
  - b. the minimum protection shall include highlighting of preservation areas through the installation of stakes installed a maximum of fifty (50) feet apart;
  - c. ropes, plastic, tape or ribbons shall be attached to the stakes around the perimeter of the protected area; and,
  - d. 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 (6) feet apart, or at the radius of the dripline, whichever is greater. (ONGOING: ERM – Erm)
  
3. Condition D.2 of Resolution R-1998-303, Petition 1986-64A which currently states:
 

**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). (DRC: ERM/LANDSCAPE – Zoning)**

Is hereby deleted. [REASON: Replaced by Conditions F.3 and F.4].
  
4. Condition D.3 of Resolution R-1998-303, Petition 1986-64A which currently states:
 

**The developer shall incorporate existing native vegetation into the project design where possible. (DRC/ERM: CO/LANDSCAPE – Zoning)**

Is hereby deleted. [REASON: Replaced by Condition D.1].
  
5. Condition D.4 of Resolution R-1998-303, Petition 1986-64A, which currently states:
 

**The developer shall provide Alternative Landscape Strip nos. 1 or 2 [500.35E.3.c.(2) and (3)] along the western property line.**

Is hereby deleted: [REASON: Replaced by Condition G.4]
  
6. 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)
  
7. A 25% upland set-aside equal to or greater than 0.57 acres shall be depicted on the site plan in a location that contains the highest quality native vegetation and is approved by ERM. (ONGOING: ERM – Erm)
  
8. A Preserve Management Plan and form of recordation such as Conservation Easement, Restrictive Covenant, or Plat shall be approved by ERM prior to final site plan approval by the DRO. (DRO: ERM – Erm)

D. HEALTH

1. Condition C.1 of Resolution R-1998-303, Petition 1986-064A, which currently states:



**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. (DRO: HEALTH – Health)**

Is hereby deleted: [REASON: The facility complied. This condition is no longer necessary.]

2. **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. (Previous Condition C.2 of Resolution R-1998-303, Petition 1986-064A) (DRO: HEALTH – 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. (Previous Condition C.3 of Resolution R-1998-303, Petition 1986-64A) (ONGOING: CODE ENF – Health)**
4. Prior to the issuance of a building permit, the property owner shall submit architectural plans and site plans to the Institutional/Child Care Section of the Palm Beach County Health Department for review and approval in accordance with Palm Beach County Rules and Regulations Governing Child Care Facilities. (BLDG PERMIT: MONITORING – Health)

E. ENGINEERING

1. Condition E.1 of Resolution R-1998-303, Petition 1986-64A which currently states:

**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. (ONGOING: CODE ENF – Eng)**

Is hereby amended to read:

The property owner shall construct a left turn lane, south approach on Ellison Wilson Road at the project's north 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. (ONGOING:ENG– Eng)

2. Condition E.2 of Resolution R-1998-303, Petition 1986-64A, 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 \$1,875 (70 trips X \$26.79 per trip).**

Is hereby deleted: [REASON: Code requirement]

3. Condition E.3 of Resolution R-1998-303, Petition 1986-64A which currently states:

**There shall be no access to the Site except from Ellison-Wilson Road.**  
(ONGOING: CODE ENF – Eng)

Is hereby amended to read:

There shall be no vehicular access to the site except from Ellison-Wilson Road. (ONGOING: CODE ENF – Eng)

4. The south access point on Ellison Wilson Road shall be restricted to egress only and shall be reflected on the Site Plan at Final plan approval by the development Review Officer (DRO). (DRO:ENG-Eng)
5. The church shall utilize Palm Beach County Sheriff personnel (or other State approved law enforcement officers) for the use of traffic control during holidays and all special events. (ONGOING: CODE ENF – Eng)

F. LANDSCAPING - STANDARD

1. Seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: ZONING – Landscape)
2. Field adjustment of berm location and plant materials may be permitted only to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing /transplanted vegetation. (BLDG PERMIT: ZONING – Landscape)
3. Prior to final approval of the site plan by the Development Review Officer (DRO), the property owner shall meet with the Landscape Section and coordinate with Environmental Resource Management (ERM) staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. The final design shall be consistent with the proposed landscape plan and tree preservation plan subject to the approval by the Landscape Section/ERM. (DRO: ZONING – Landscape/ERM)
4. Prior to the submittal of the site plan to the Development Review Officer (DRO), the applicant/property owner shall meet with the residents (to the south and to the west of the subject property) to determine location of each existing tree which is required to be transplanted to the south and west buffers. The selected trees for transplant shall be tagged and shall be shown on the Alternative Landscape Plan pursuant to Condition F.4. (DRO: ZONING – Landscape)
5. Berm height shall be measured from the nearest top of the curb or the crown of the road or the nearest adjacent finished floor elevation, whichever is higher. Minor height adjustment may be permitted subject to the approval by the Landscape Section prior to the issuance of a building permit. (BLDG PERMIT: ZONING-Landscape)

6. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate grass parking for the thirty-two (32) parking spaces along the south property line. (DRO: DRO – Zoning)
- G. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING BERT WINTERS PARK)
1. In addition to landscape requirements pursuant to the ULDC, landscaping and buffering along the north property line shall be upgraded to include the following:
    - a. a six (6) foot high fence with a gate;
    - b. a five (5) foot high hedge to be planted along the interior side of the fence. Hedge shall be exempt in area where the gate opening is installed. Gate shall be locked at all times except during holiday services; (BLDG PERMIT: ZONING – Landscape)
- H. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF ELLISON WILSON ROAD)
1. In addition to the landscape requirements pursuant to the ULDC, landscaping and buffering along the east property line shall be upgraded to include:
    - a. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster consisting of a minimum of five (5) pines; and,
    - b. all medium shrubs shall be Saw Palmetto or a native specie acceptable to the Landscape Section. (BLDG PERMIT: ZONING – Landscape)
- I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)
1. Landscape requirements along the south property line shall be upgraded to include:
    - a. a minimum twenty (20) foot wide landscape buffer strip along the south property line. No width reduction and easement encroachment shall be permitted;
    - b. a continuous two (2) foot high berm;
    - c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm and shall be connected to the wall along the west property line pursuant to Condition J.1.c. The exterior side of the existing and proposed walls shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. No gates or any openings shall be allowed in this wall;
    - d. one (1) native canopy tree for each twenty (20) linear feet of the property line. Trees shall be planted alternating on both sides of the wall;
    - e. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster of a minimum of five (5) pines, alternating on both sides of the wall;
    - f. one (1) small native shrub for each two (2) linear feet of the property line, and to be planted on both sides of the wall. Shrub shall be a minimum of twenty-four (24) inches at installation;
    - g. one (1) medium native shrub (Saw Palmetto or similar species acceptable to the Landscape Section) for each four (4) linear feet of the property line, and to be planted on the both sides of the wall. Shrub shall be a minimum of thirty-six (36) inches at installation;

- h. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum of forty (40) inches at installation, and to be planted on the exterior side of the wall;
- i. one (1) vine for twenty (20) feet of the property line, and to be planted on the exterior side and against the wall;
- j. final location of proposed, existing and transplanted plant materials shall be subject to the review and approval by the Landscape Section, and adjustment of planting and location shall be allowed for effective screening purposes; and,
- k. prior to the issuance of the first building permit for any buildings, the wall and plant materials required for the exterior side of the wall shall be installed and approved by the Landscape Section. (BLDG PERMIT: LANDSCAPE – Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING ROLLING GREEN ROAD)

- 1. Landscape requirements along the west property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip along the south property line. No width reduction and easement encroachment shall be permitted;
  - b. a continuous two (2) foot high berm;
  - c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. This wall shall be connected to the existing six (6) foot high opaque concrete wall located along the north 238-foot portion of the west property line as shown on the site plan dated June 14, 2005 and to the wall along the south property line pursuant to Condition I.1.c. The exterior side of the existing and proposed walls shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. There shall be no openings/gates allowed in this wall;
  - d. one (1) native canopy tree for each twenty (20) linear feet of the property line. Trees to be planted alternating on both sides of the wall. A minimum of one relocated existing tree pursuant to Condition F.5 4 shall be located along the outdoor play area of the daycare center.
  - e. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster of a minimum of five (5) pines, alternating on both sides of the wall. Additional pine clusters of five (5) shall be located along the outdoor play area of the daycare center;
  - f. one (1) small native shrub for each two (2) linear feet of the property line, and to be planted on both sides of the wall. Shrub shall be a minimum of twenty-four (24) inches at installation;
  - g. one (1) medium native shrub (Saw Palmetto or similar species acceptable to the Landscape Section) for each four (4) linear feet of the property line, and to be planted on both sides of the wall. Shrub shall be a minimum of thirty-six (36) inches at installation;
  - h. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum of forty (40) inches at installation, and to be planted on the exterior side of the wall;
  - i. one (1) vine for twenty (20) feet of the property line, and to be planted on the exterior side and against the wall;
  - j. final location of proposed, existing and transplanted plant materials shall be subject to the review and approval by the Landscape Section and adjustment of planting and location shall be allowed for effective screening purposes; and,
  - k. prior to the issuance of the first building permit for any buildings, the wall and plant materials required for the exterior side of the wall shall be installed and approved by the Landscape Section. (BLDG PERMIT: ZONING-Landscape)

K. LIGHTING

1. 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. (BLDG PERMIT: BLDG– Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDG PERMIT: BLDG PERMIT – Zoning)
3. Decorative lighting fixtures shall be provided subject to approval by the County Engineer. (BLDG PERMIT:ZONING-Eng)
4. All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. This condition shall not apply to holiday services. (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)

L. PLANNING

1. The final Development Review Officer (DRO) approved site plan shall be consistent with the BCC approved plan dated June 14, 2005, and shall be revised to include the following:
  - a. pedestrian pathways and connections; and,
  - b. the two (2) pedestrian connections at the eastern property line and the one (1) pedestrian connection at the northern property line, and shall be labeled to read "pedestrian access to be paved to the property line". (DRO: PLANNING – Planning)
2. Prior to the issuance of a certificate of occupancy (CO), the property owner shall pave the two (2) pedestrian connections at the eastern property line and the one (1) pedestrian connection at the northern property line to the edge of their respective property lines at the locations shown on the final certified site plan that will read "pedestrian access to be paved to the property line." (CO: MONITORING – Planning)

M. SIGNS

1. Freestanding point of purchase signs fronting on Ellison Wilson Road 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 – sixty (60) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only;
  - e. location - the south side of the northern most entrance as indicated on the site plan dated June 14, 2005; and,
  - f. sign shall be limited to identification of tenant, services and temporary sales/special events only. (BLDG PERMIT: BLDG – Zoning)
2. Wall signs shall be limited to east 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. (BLDG PERMIT: BLDG – Zoning)

N. USE LIMITATION

1. Condition B.2 of Resolution R-1998-303, Petition 1986-064 which currently states:

**There shall be no evening church assemblies or church activities conducted out of doors after 10:00 p. m.** (ONGOING: CODE ENF – Zoning)

Is hereby amended to read:

All church services shall be held within the sanctuary and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. excluding holiday services. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: CODE ENF – Zoning)

2. The day care center shall be limited to a maximum of eighty (80) children. (ONGOING: HEALTH – Zoning)
3. Hours of operation for outdoor activities for the daycare shall be limited to Monday through Friday from 9:00 a.m. to 6:00 p.m. (ONGOING: CODE ENF – Zoning)
4. Temporary sales shall be located with a minimum setback of eighty (80) feet from the south and west property lines. Setbacks for Special Events shall be subject to the ULDC requirements. (ONGOING: CODE ENF – Zoning)
5. The sanctuary shall be limited to a maximum of three hundred (300) seats at anyone time. The site and its facilities including sanctuary, daycare, Sunday school, fellowship hall and accessory uses shall be limited to a maximum capacity of five hundred and seventy-nine (579) occupants at anyone time. (ONGOING: CODE ENF – Zoning)
6. On-site parking shall be limited to the areas designated within the site. No parking shall be permitted in the retention areas or landscape buffers. (ONGOING: CODE ENF – Zoning)
7. No additional outdoor loudspeakers or amplifiers (other than the existing ones), bells and chimes shall be permitted at any time, unless associated with approved Special Permits from the Zoning Director. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate the location of these existing loudspeakers. (DRO/ONGOING: DRO/CODE ENF – Zoning)

N. 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 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)