

RESOLUTION NO. R-2002-1952

RESOLUTION APPROVING ZONING PETITION DOAI981-102B
DEVELOPMENT ORDER AMENDMENT
PETITION OF PBC FACILITIES DEVELOPMENT & OPERATIONS
BY MELANIE BORKOWSKI, AGENT
(FIRST BAPTIST CHURCH OF HYPOLUXO)

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 DOAI981-102B was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

- 9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
- 10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1981-102B, the petition of PBC Facilities Development & Operations, by Melanie Borkowski, agent, for a Development Order Amendment to delete land area 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, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

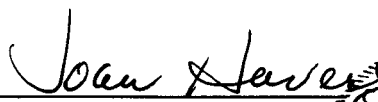
Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

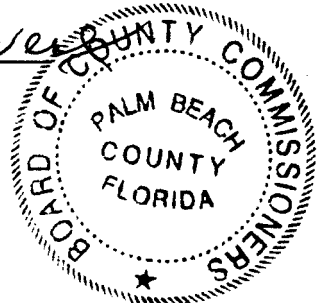


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE REPLAT OF PART OF GREYNOLDS HIGHLANDS AND HYPOLUXO SUBDIVISION RECORDED IN PLAT BOOK 18, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 9, THENCE NORTH 2°17'56" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 35.92 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MENTONE ROAD ACCORDING TO THE PLAT OF HYPOLUXO RIDGE SUBDIVISION ADDITION NO. 2, AS RECORDED IN PLAT BOOK 27, PAGE 199, SAID PUBLIC RECORDS, THENCE NORTH 87°42'04" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING PARCEL "A": THENCE CONTINUE NORTH 87°42'04" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 434.60 FEET; THENCE NORTH 2°28'47" EAST A DISTANCE OF 230.67 FEET TO THE SOUTH LINE OF THE PLAT OF POINTE OVERLOOK ACCORDING TO PLAT BOOK 30, PAGE 12 SAID PUBLIC RECORDS; THENCE SOUTH 87°42'04" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 433.87 FEET TO THE WEST RIGHT-OF-WAY LINE OF OVERLOOK ROAD ACCORDING TO DEED BOOK 969, PAGE 263, SAID PUBLIC RECORDS; THENCE SOUTH 2°17'56" WEST ALONG SAID WEST RIGHT-OF-WAY A DISTANCE OF 230.67 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 100.163 SQUARE FEET OR 2.30 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

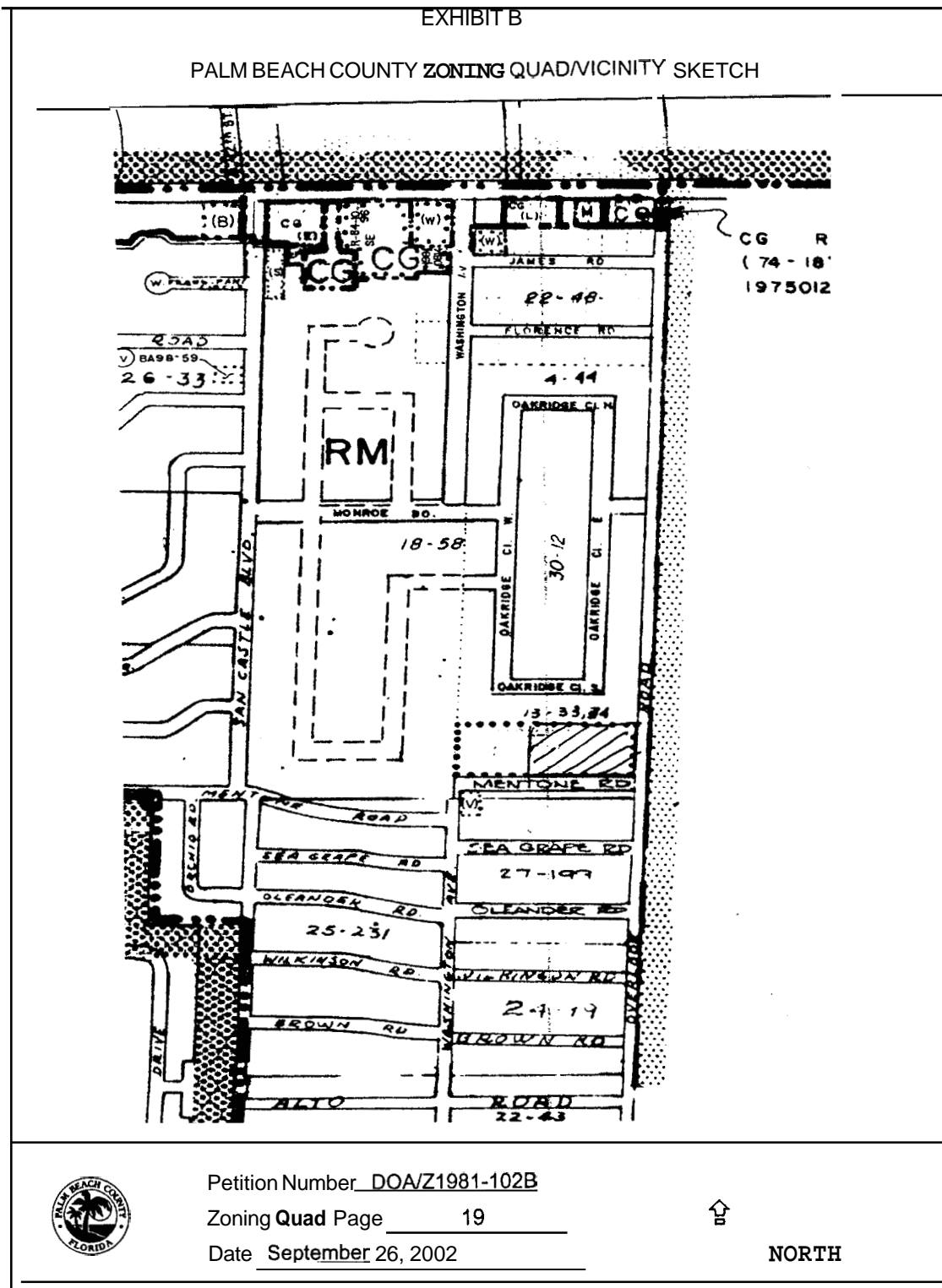


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-81-881 (Petition 81-102), R-84-1153 (Petition 81-102A), 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 July 3, 2003. 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. Condition 1 of Resolution R-81-881, Petition 81-102 which currently states:
The outdoor play area shall be adequately screened as determined by the Site Plan Review Committee.

Is hereby deleted. REASON: [code requirement].
2. **A six foot high wooden fence supplemented by 6' hedge materials shall be constructed along the north perimeter of the outdoor play area, within 90 days of final approval.** (Previous Condition 3 of Resolution R-84-1153, Petition 81-102A)
3. **No outdoor play shall be permitted before 9:00 A.M.** (Previous Condition 4 of Resolution R-84-1153, Petition 81-102A) (ONGOING: CODE ENF)
4. **Play equipment shall be arranged to minimize noise impacts on adjacent properties.** (Previous Condition 5 of Resolution R-84-1153, Petition 81-102A) (DRC: ZONING)
5. **The play area shall be closed and secured when not in use by the enrolled children.** (Previous Condition 6 of Resolution R-84-1153, Petition 81-102A) (ONGOING: CODE ENF)

C. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;

- c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
- a. palm heights: twelve (12) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
(CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SANDCASTLE COMMUNITY PARK)

1. The petitioner shall provide a five (5) foot wide landscape buffer per ULDC requirements. (DRC: LANDSCAPE-Zoning)

E. ENGINEERING

1. Condition 1 of Resolution R-81-881, Petition 81-102 which currently states:

Petitioner shall contribute Sixteen Hundred and Fifty Dollars (\$1,650.00) toward the cost of meeting this project’s direct and identifiable impact, to be paid within ninety (90) days of Special Exception approval.

Is hereby deleted. [Reason: code requirement]

2. Condition 1 of Resolution R-84-1153, Petition 81-102A which currently states:

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

Is hereby deleted. [REASON: code requirement]

3. Condition 2 of Resolution R-84-1153, Petition 81-102A which currently states:

The developer shall contribute Sixteen Hundred and Fifty Dollars (\$1,650.00) toward the cost of meeting this projects direct and identifiable impact, to be paid at the time of issuance of the Building Permit.

Is hereby deleted. [REASON: code requirement]

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 non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)