

RESOLUTION NO. R-94-1477

RESOLUTION APPROVING ZONING PETITION **75-68(I)**  
REQUESTED (R) USE  
PETITION OF EXEL PROPERTIES, INC.

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **DOA75-68(I)** was presented to the Board of County Commissioners at a public hearing conducted on October 27, 1994; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County 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 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 exemption and therefore 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 6, Section 6.8, of the Palm Beach County 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 **DOA75-68(I)**, the petition of **Exel Properties, Inc.**, for a REQUESTED USE allowing a church of place of worship in the Residential Estates (RE) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 27, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of October, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF **COUNTY**  
COMMISSIONERS

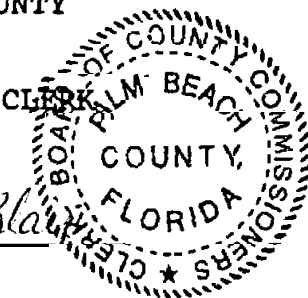
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



on a parcel of land lying in Section 14, 15, 22, 23, 26 and 35, Township 47 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows: Beginning at the Point of intersection of the Northerly right-of-way line of that certain 260 foot wide right-of-way of the Hillsboro Canal (so called) with the West line of said Section 26, said Point of Beginning being 1057.29 feet Northerly from (as measured along the West line of said Section 26) the Southwest corner of said Section 26 and from said Point of beginning run (bearings cited herein are in a meridian assuming North 01° 19' 13" West along the said West line of Section 26) run by the following numbered courses:

- 1) North 01° 19' 13" West, running along the said West line of Section 26, a distance of 4238.34 feet, more or less, to the Southwest corner of said Section 23; thence...
- 2) North 01° 12' 07" West, running along the West line of said Section 23, a distance of 5099.84 feet, more or less, to a Point in a line parallel with and 194.51 feet southerly from (as measured along the said West line of Section 23) the South line of said Section 15; thence...
- 3) South 89° 44' 51" West, running along the just described parallel line, a distance of 5280.50 feet, more or less, to a Point in the West line of said Section 22; thence...
- 4) North 01° 16' 36" West, running along the said West line of Section 22, a distance of 184.51 feet, more or less, to the Southwest corner of said Section 15; thence...
- 5) North 00° 55' 08" West, running along the West line of said Section 15, a distance of 486.75 feet, more or less, to a Point

EXHIBIT A

LEGAL DESCRIPTION

in the Easterly line of that certain 600 foot wide right-of-way of Central and Southern Florida Flood Control District Levee L-40 (so called); thence...

- 6) North **35° 04' 09"** East, running along the said Easterly line of Levee L-40, a distance of 5458.92 feet, more or less, to a Point in the South line of Tract 16 of the Florida Fruit Lands Company's Subdivision No. 2, as same **is** recorded in Plat Book 1, page 102, Public Records of Palm Beach County, **Florida**; thence...
- 7) North **89° 47' 23"** East, running along the South lint of said Tract 16, a distance of 752.04 feet, **more** or less, to the **South-**west corner of Tract 1 of said Florida Fruit Lands Company's Subdivision No. 2; thence...
- 8) North **00° 55' 34"** West, running along the West **line** of Tract 1, a distance of 341.37 feet, more or less, to a Point in the North lint of said Section 15; thence...
- 9) North **89° 47' 32"** East, running along the **said** North lint **of** Section 15, a distance of 1320 **feet**, more or less, to the North-west corner of **said** Section 14; thence...
- 10) North **89° 47' 32"** East, running along the said North line of Section 14, a distance of 2642.56 feet, more or less, to the Quarter corner in the said North line of Section 14; thence...

EXHIBIT A  
LEGAL DESCRIPTION

- 11) South  $00^{\circ} 54' 18''$  East, running along the North-South Quarter Section line of said Section 14, a distance of 1320.43 feet, more or less, to a Point *in* the North line of the South  $3/4$  of said Section 14; thence...
- 12) North  $89^{\circ} 47' 49''$  East, running along the said North line **of** the South  $3/4$  of said Section 14, a distance of 1321.01 feet, more or **less**, to a Point in the East line of the West  $3/4$  of said Section 14; thence...
- 13) South  $00^{\circ} 53' 35''$  East, running along the East line of the West  $3/4$  of Section 14, a distance of 3961.60 feet, more or less, to a Point in **the** North line of said Section 23; thence...
- 14) South  $01^{\circ} 14' 41''$  East, running along the East line of Tracts 9 through 16, inclusive, and 57 through 64, inclusive, **of** said Florida Fruit Lands Company's Subdivision No. 2, in Section 23, a distance **of** 5280.12 feet, more or less, to a Point in the North line of said Section 26; thence...
- 15) South  $01^{\circ} 15' 24''$  East, running along the East line of the West  $3/4$  of the North  $1/2$  **of** said Section 26, a distance of 2645.63 feet, more or less, to a Point in the North line of the West  $3/4$  of the South  $1/2$  of said Section 26; thence...
- 16) South  $01^{\circ} 15' 11''$  East, running along the East line of the West  $3/4$  of the South  $1/2$  of said Section 26, a distance **of** 2645.62 feet, more or **less**, to a Point in the North i

EXHIBIT A  
LEGAL DESCRIPTION

line of said **Section 35**, and **the** Northeast corner of Tract **8** of the said Florida Fruit Lands Company's Subdivision No. 2 of Section 35; thence...

17) South **01° 14' 29"** East, running along the said East line **of** Tract No. **8**, a distance of 262.04 feet, more or less, to a Point in the Northerly right-of-way line **of** the Hillsboro Canal; thence...

18) North **71° 58' 41"** West, running along the said Northerly right-of-way line of the **Hillsboro** Canal, a distance of 833.03 feet, more or less, to **a** Point in **the** said North line **of** Section **35**; thence...

19) Continuing North **71° 59' 41"** West, running along the said Northerly right-of-way line of the Hillsboro Canal, a **dis-**  
**tanc**c of 3361.09 feet, more **or** less, to the Point of Beginning; Less and Excepting Therefrom, Tract 49 in said Section 15 and Tract 37 in said Section 23, as said Tracts are shown on the aforementioned Florida Fruit Lands Company's Subdivision No. 2.

Containing 1913.9952 **acres**, more or less.

EXHIBIT B  
VICINITY SKETCH

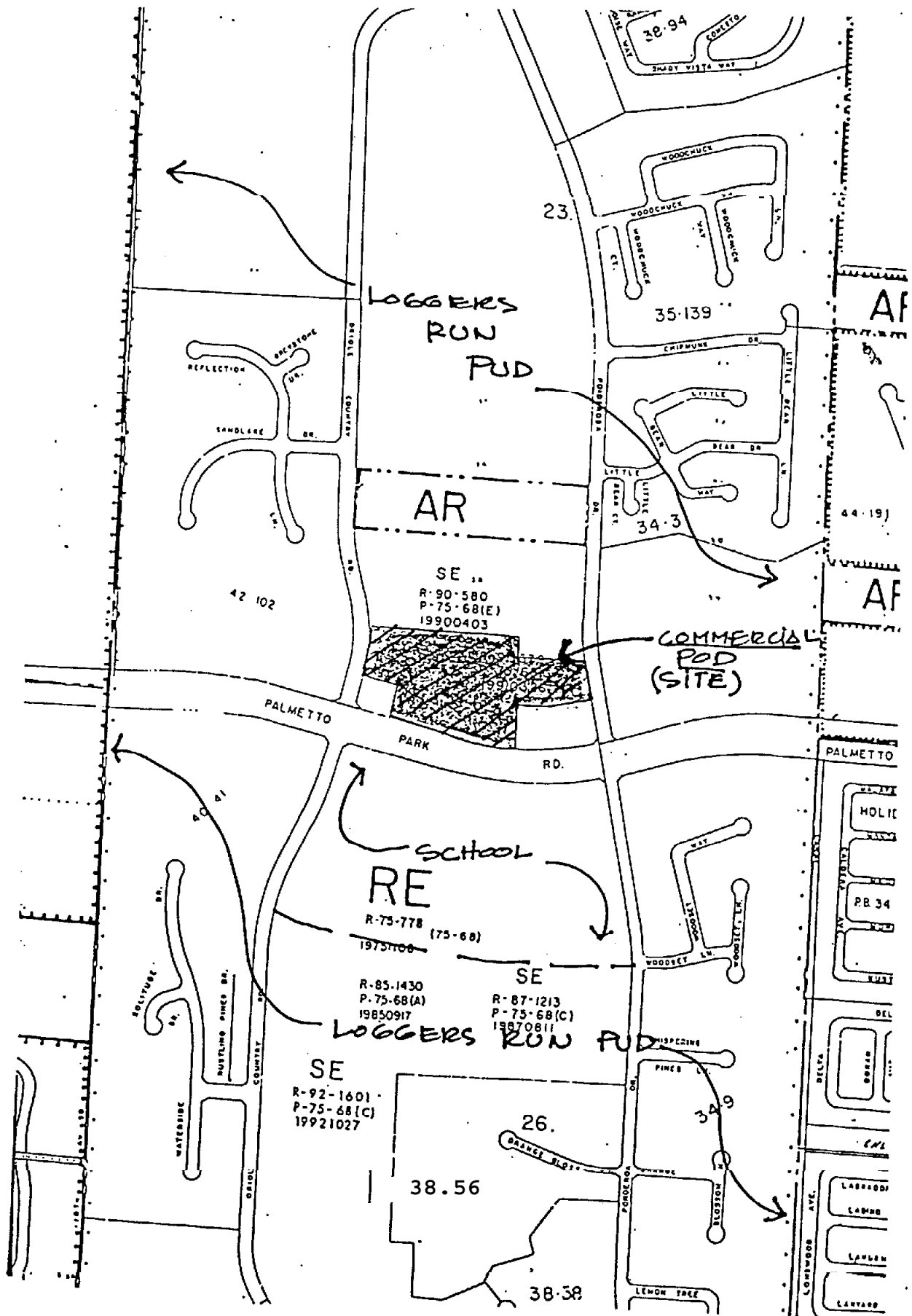


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-75-778, R-85-1430, R-86-453, R-87-1199, and R-94-1309 have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and timeframes unless expressly modified. **(MONITORING)**
2. Condition No. 1 of Resolution R-87-1199, which currently states:  
  
The developer shall comply with all previous conditions of approval.  
  
Is hereby deleted. Reason: Duplicate condition
3. Condition No. A.1 of Resolution R-94-1309, which currently states:  
  
The petitioner shall comply with all previous conditions of approval unless expressly modified herein.  
**(MONITORING)**  
  
Is hereby deleted. Reason: Duplicate condition
4. Resolution R-91-379, a special exception for indoor entertainment (Petition **75-68(G)**), is hereby **revoked**. (ZONING) (Previously Condition A.2 of Resolution R-94-1309, Petition 75-68(H)).

B. BUILDING AND SITE DESIGN

1. Prior to Site Plan approval the property owner shall indicate interior access from the shopping center to all the **"not** included parcels", no additional access points other than those shown on the Master Plan will be permitted. (ZONING) (Previously Condition D.1 of Resolution R-94-1309, Petition 75-68(H)).
2. The petitioner shall relocate all dumpsters a minimum of seventy **five** (75) feet from the outdoor activity area. (ZONING/BUILDING) (Previously Condition D.2 of Resolution R-94-1309, Petition 75-68(H)).
3. The adjacent retail bay to the south of the proposed day care shall not be used for any business primarily **engaged** in the sale or use of flammable materials, **for** example, restaurants and paint sales. This condition shall not preclude the use of normally accessory cleaning materials and other products customarily used in the operation of a retail business. (BUILDING - Zoning) (Previously Condition D.3 **of Resolution R-94-1309**, Petition 75-68(H)).
4. Prior to occupancy of the day care center the facility shall be modified to meet all applicable building and **life** safety codes. (BUILDING) (Previously Condition D.4 of Resolution R-94-1309, Petition 75-68(H)).



5. **Prior** to final site plan certification one (1) landscape island shall be provided along both the northern and the western parking areas (designated for the day care center). (BUILDING/ZONING) (Previously Condition D.5 of Resolution R-94-1309, Petition 75-68(H)).

C. DAY CARE

1. The day care center shall be limited to a maximum of eighty (80) students and 3,600 **square feet** of usable building area. (BUILDING/HEALTH - Zoning) (Previously Condition B.1 of **Resolution R-94-1309**, Petition 75-68(H)).
2. The perimeter of the outdoor activity area shall be fenced with a solid six (6) foot tall visually opaque fence. Architecturally maintained compatible with the shopping center (painted/stained). Bignage shall be affixed to the fence indicating no trespassing or loitering. (BUILDING - Zoning) (Previously Condition B.2 of Resolution R-94-1309, Petition 75-68(H)).
3. Landscaping around the exterior perimeter of the outdoor activity area shall be upgraded to include fifteen (15) foot tall canopy trees, fifteen (15) feet on center and a minimum of three (3) fifteen (15) foot canopy trees planted on the interior, in compliance with **HRS** requirements. ((BUILDING - Zoning) (Previously Condition **B.3** of Resolution R-94-1309, Petition 75-68(H)).
4. Travel in front of the center and drop-off area shall be limited to one-way (south to north). **"One-way"** and **"Do Not Enter"** signs shall be appropriately installed. (BUILDING - Zoning) (Previously Condition B.4 of Resolution R-94-1309, Petition 75-68(H)).
5. Maximum speed in front of the facility shall be limited to 5 mph with appropriate **signage** installed. (BUILDING - Zoning) (Previously Condition B.5 of Resolution R-94-1309, Petition 75-68(H)).
6. Pavement in front of the facility shall be striped yellow and marked with caution signs. (BUILDING - Zoning) (Previously Condition B.6 of Resolution R-94-1309, Petition 75-68(H)).
7. **Sufficient** asphalt pavement **located** in the interior (along the eastern side) **of** the expanded play area shall be removed and replaced or covered with material suitable for a play area, subject to approval by the Palm Beach county Public Health Unit. Prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan for the day care to indicate the extent of asphalt pavement to be removed or covered and material to be used. (**ZONING/HEALTH-Building**) (Previously Condition B.7 of Resolution R-94-1309, Petition 75-68(H)).
8. Bollards shall be installed every ten (10) feet on center in the landscape strip around the outdoor play area, adjacent to all vehicular use areas. (BUILDING - Zoning) (Previously Condition B.8 of Resolution R-94-1309, Petition 75-68(H)).

9. Landscaping around the north and east exterior perimeters of the outdoor activity area shall be upgraded to include twenty-four (24) inch high shrub material planted **twenty-four (24) inches** on center, to be maintained at a minimum height of thirty-six (36) inches. (BUILDING - Zoning) (Previously Condition B.9 of Resolution R-94-1309, Petition 75-68(H)).

D. HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined **particulates** (dust particles) from this property do not become a nuisance to neighboring properties. (HEALTH) (Previously Condition No. 2 of Resolution No. R-86-453, Petition No. 75-68(B)).
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (HEALTH) (Previously Condition No. 3 of Resolution No. R-86-453, Petition No. 75-68(B)).
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing **onsite** sewage disposal systems must be abandoned in accordance with chapter **10D-6, FAC.**, and Palm Beach County ECR-I. (HEALTH) (Previously Condition C.1 of Resolution R-94-1309, Petition 75-68(H)).
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach county ECR-II. (HEALTH) (Previously Condition C.2 of Resolution R-94-1309, Petition 75-68(H)).

E. ENGINEERING

1. Developer shall construct **four (4) lanes** between the project and State Road No. 7 in the following manner:
  - a) Two (2) lanes concurrent with the first **plat**.
  - b) Two (2) lanes prior to platting more than forty **(40)** percent of the total units.
  - c) The exact alignment and engineering plans **for** the roads shall conform to Palm Beach County Standards and shall be subject to the approval of the County Engineer.
  - d) The above construction shall be along the following corridors: Palmetto Park Road, Glades Road or **Hillsboro** Boulevard. (ENGINEERING) (Previously Condition No. 1 of Resolution No. R-75-778, Petition 75-68.)

[Note: This condition has been complied with]
2. Developer shall construct intersection improvements and signalization at the intersection of the aforesaid access roads and State Road No. 7, as warranted. (ENGINEERING) (Previously Condition No. 2 of Resolution No. R-75-778, Petition 75-68.)

3. The property owner shall convey for the ultimate right-of-way of:
  - a) Glades Road 120 feet total right-of-way.
  - b) Palmetto Park Road 200 feet **of** right-of-way.
  - c) The additional right-of-way required for the "Special Intersection" at Glades Road and Palmetto Park Road per Palm Beach County's Thoroughfare right-of-way Protection Map.
  - d) Sixty (60) foot half right-of-way for Riverside Drive.
  - e) Four hundred twenty-six (426) foot right-of-way **for** University Expressway.
  - f) Sixty (60) **foot** half right-of-way for Rillsboro Boulevard from State Road **No. 7** to the **development**.
  - g) The developer shall provide a **3'** high mulched berm along the south side of **Glades** Road through **Logger's Run."**

All with 90 days **of** adoption of the Resolution by the Board of county Commissioners; conveyance must be accepted by Palm Beach County prior to issuance **of First Building Permit.**" (ENGINEERING) (Previously Condition No. 3 of Resolution No. R-85-1430, Petition 75-68(A).

[Note: Land Development records indicated that **3a, 3b, 3d & 3e** have been complied with. Condition **3c** may be deleted as this intersection will not require expansion]

4. The ownership and maintenance of all canals and lakes shall be retained by and be the responsibility of the development's property owners association, unless transferred to a drainage district. (ENGINEERING) (Previously Condition No. 4 of Resolution No. R-75-778, Petition 75-68.)
5. Developer shall obtain approval of all drainage specifications from the Central and South Florida Flood Control District. (ENGINEERING) (Previously Condition No. 5 of Resolution No. R-75-778, Petition 75-68.)
6. Prior to site plan certification, the Master Plan will be revised to reflect the proposed amendments. In addition, the Master Plan site data shall reflect proposed and existing development dwelling unit counts. (ZONING) (Previously Condition No. 1 of Resolution No. R-86-453, Petition No. 75-68(B).
7. Condition No. 4 of Resolution No. R-86-453, Petition No. 75-68(B), which currently states:

The development shall retain **onsite** 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements **of** the Permit section, Land Development Division. (ENGINEERING)

Is hereby deleted. [REASON: COMPLIED WITH]

- a. Prior to site plan certification of the Master Plan the property owner shall identify the access locations to the site per the County Engineers approval. (ENGINEERING) (Previously Condition No. 5 of Resolution No. R-86-453, Petition No. 75-68(B).

9. The property owner shall construct turn lanes at the project's entrance(s) per the County Engineer's approval concurrent with **onsite** paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (ENGINEERING) (Previously Condition No. 6 of Resolution No. R-86-453, Petition No. 75-68(B).
10. The property owner shall pay a Fair Share **Fee** in the amount and manner require 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 **\$2,545.00** (95 trips x \$26.79 per trip) for the proposed Church. (IMPACT FEE COORDINATOR) (Previously Condition No. 7 of Resolution No. R-86-453, Petition No. 75-68(B).
11. Condition No. 8 of Resolution No. R-86-453, Petition No. 75-68(B), which currently states:

The property owner shall obtain an **onsite** Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application for a Building Permit. (ENGINEERING-Building)

Is hereby deleted. [REASON: CODE REQUIREMENT]

12. Condition No. 9 of Resolution No. R-86-453, Petition No. 75-68(B), which currently states:

The property owner shall obtain a turnout Permit from the Palm Beach county Engineering Department, Permit Section for access onto Oriole country Road or Ponderosa Road. (ENGINEERING)

Is hereby deleted. [REASON: ACCESS INTO SITE IS EXISTING AND PERMITS ARE NOW A CODE REQUIREMENT]

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. (COUNTY ATTORNEY) (Previously Condition No. 11 of Resolution No. R-86-453, Petition No. 75-68(B).
14. 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 day care expansion project to be paid at the time of issuance of the Building Permit presently is \$2,970 (54 trips X \$55.00 **per** trip) (IMPACT FEE COORDINATOR). (Previously Condition **E.1** of Resolution R-94-1309, Petition 75-68(H).

F. CIVIC

1. Developer shall dedicate to Palm Beach County, the conservation area within the development as it relates to the Land Use Plan **for** Palr Beach County. (**PREM**) (Previously Condition No. 6 of Resolution No. R-75-778, Petition 75-68.)
2. Developer shall deed to the Board of County Commissioners of Palm Beach County, Florida, thirty-six (36) acres to be used for schools, parks, recreation centers, fire station, police station **and/or** libraries. (**PREM**) (Previously Condition No. 7 of Resolution No. R-75-778, Petition 75-68.)

3. The Developer shall construct an on-site utility facility if it becomes legally possible. The facility shall be conveyed to Palm Beach County for maintenance and operation. (PREM) (Previously Condition No. 8 of Resolution No. R-75-778, Petition 75-68.)
4. The land area donated for the County Park shall continue to be counted gross land area of the development for the purpose of calculating maximum residential density and to satisfy the other requirements of Zoning Code section 500.21 (Planned Unit Developments). (ZONING) (Previously Condition No. 2 of Resolution No. R-87-1199, Petition No. 75-68(C).

G. USE LIMITATION (CHURCH)

1. The church or place of worship within the commercial pod shall be limited to a maximum of 120 seats. (CODE ENFORCEMENT)

H. RECYCLE SOLID WASTE

1. The property owner and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

I. COMPLIANCE

1. **Failure** to comply with any of these **conditions** of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial **of** a Certificate of Occupancy OA any building or structure; or the denial or revocation of any permit or approval for any developer: owner, commercial-owner, lessee, or user of the subject property; **and/or**
  - b. The revocation of the **Conditional Use** and **any/or zoning** which WAS approved concurrently with the Conditional Use;
  - c. A requirement of the development to conform with updated standards of development, applicable 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;
  - 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 Conditional Use, Rezoning, 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) (Previously Condition F.1 of Resolution R-94-1309, Petition 75-68(H).