

RESOLUTION NO. R-97- 245

FILED
JAN 30 1997
P.L. 001

RESOLUTION APPROVING ZONING PETITION DOA/CA80-120(C)
DEVELOPMENT ORDER AMENDMENT AND CLASS A CONDITIONAL USE
PETITIONS OF KEITH SYMONS
BY KEVIN MCGINLEY, AGENT
(ST. THOMAS MORE CHURCH)

WHEREAS, the Board of County Commissioners, as **the** governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter **163** and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, **the** notice and hearing requirements, as provided for in Article **5** of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA/CA80-120(C)** was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 and Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment and Class A Conditional Use 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 and Class A Conditional Use is consistent with the requirements of the **Palm Beach County Unified Land Development Code**.
4. This **Development Order Amendment and Class A Conditional Use**, 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 and Class A Conditional Use, 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 and Class A Conditional Use meets applicable **local** land development regulations.
7. This Development Order Amendment and Class A Conditional Use, with conditions as adopted, minimizes adverse **effects**, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment and Class A Conditional Use 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 and Class A Conditional Use, 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 and Class A Conditional Use, 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 **DOA/CA80-120(C)**, the petition of Keith Symons, by Kevin McGinley, agent, for a Development Order Amendment (DOA) to add land area (+6 acre); add building square footage (+15,560); and Class A Conditional Use (CA) to allow a Daycare, general (100 children) ~~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 January 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that *the* resolution was duly passed and adopted on **February 27, 1997.**

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

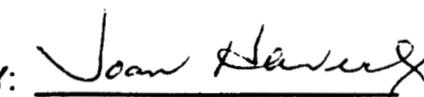
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

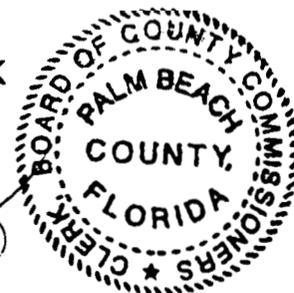


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PORTION OF TRACTS 7, 8 AND 9 OF THE SUBDIVISION OF SECTION 26, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6 AT PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 8 OF THE SAID PLAT OF SUBDIVISION OF SECTION 26: THENCE NORTHERLY, ALONG THE EAST LINE OF TRACTS 7 AND 8, A DISTANCE OF 695.0 FEET; THENCE WESTERLY, AND PARALLEL WITH THE SOUTH LINE OF TRACT 8, A DISTANCE OF 370.0 FEET; THENCE SOUTHERLY, AND PARALLEL WITH THE EAST LINE OF TRACTS 7 AND 8, A DISTANCE OF 134.0 FEET; THENCE WESTERLY, AND PARALLEL WITH THE SOUTH LINE OF TRACT 8, A DISTANCE OF 847.28 FEET. THENCE SOUTHERLY, AND PARALLEL WITH THE EAST LINE OF TRACTS 7 AND 8, A DISTANCE OF 561.0 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF TRACT 9; THENCE EASTERLY, ALONG THE SOUTH LINE OF TRACT 9 AND TRACT 8, A DISTANCE OF 1217.28 FEET TO THE POINT OF BEGINNING AFOREDESCRIBED.

LESS THE EAST 35.00 FEET THEREOF.

BEING 16.26 AC. MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

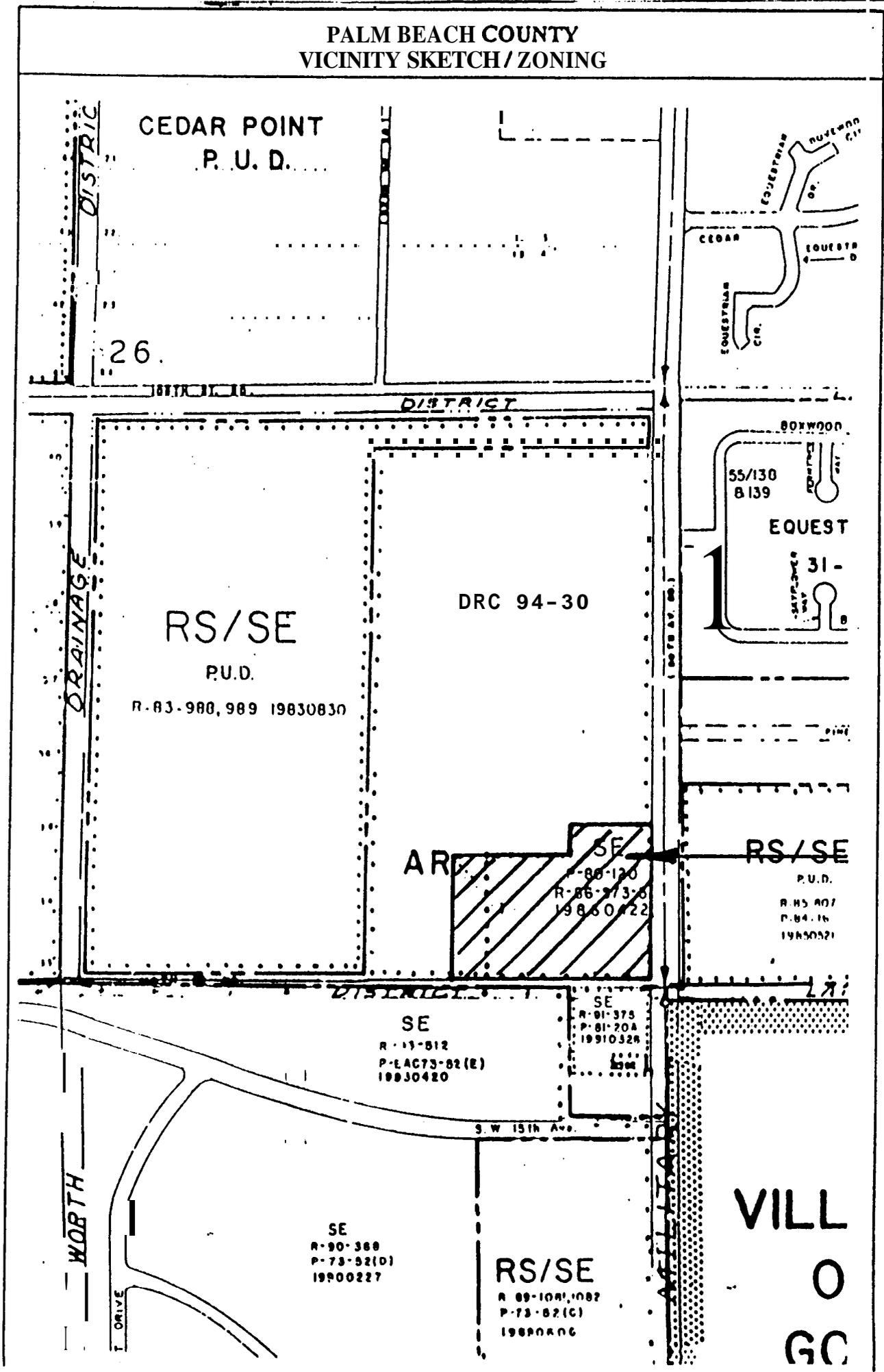


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval shall remain in full force and effect unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to **the** subject property, as contained in Resolutions **R-80-1020** (Petition **80-120**), Resolutions **R-86-573-3** (Petition **80-120(A)**) shall remain in full force and **effect**. 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** November **19, 1996**. 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. ENVIRONMENTAL RESOURCE MANAGEMENT

1. A Landscape Plan **which** incorporates existing native trees shall **be** submitted to **the** Department of Environmental Resources Management for review and approval prior to site plan certification. (DRC:ERM)

C. LANDSCAPING - GENERAL

1. Prior to the issuance of a Certificate of Occupancy (**CO**) for the new building, **the** petitioner shall replace landscape plant materials in **the** perimeter **buffers** and parking areas in accordance with previous Exhibit **25** Landscape Plan requirements. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING - SOUTH PROPERTY LINE

1. The petitioner shall preserve native vegetation within the western five hundred (**500**) feet **of the south** property line for a depth of seventy-five (**75**) feet. The landscape strip depth shall include the fifteen (**15**) feet **of the** LWDD Canal **L-26** easement as recorded in OR Book **3383** Page **391**. (DRC: ZONING)
2. Credit may **be** given **for** existing or relocated vegetation provided it **exceeds** **current** ULDC requirements for a ten (**10**) feet Alternative Type **3** Perimeter Buffer. (DRC / CO: ZONING / LANDSCAPE)

E. ENGINEERING

No condition.

F. HEALTH

1. **Ar**chitectural plans must **be** submitted to **the** Environmental Health Section, Palm Beach County Health Department, in accordance with Chapter ' OD-24FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

G. MASS TRANSIT

1. **A** Prior to **final** certification of the preliminary development plan or site plan by **the** Development Review Committee, whichever occurs first, the petitioner **shall** amend **the** plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)

B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County **School** Board, Palm Tran, and County Engineer prior to prior to issuance of the certificate of occupancy (CO). The petitioner **shall** accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

H. UNITY OF TITLE

1. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

I. USE LIMITATIONS

1. The day care center shall be limited to a maximum of 100 children. (ONGOING: DRC/ HEALTH)
2. The day care center shall operate during weekdays only. (ONGOING: CODE ENF)
3. **The meeting rooms shall be** limited to accessory organizations **of** the church. (ONGOING: DRC/ BLDG)

J. COMPLIANCE

1. 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; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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)**