

RESOLUTION NO. R-97- 254

RESOLUTION APPROVING ZONING PETITION CA96-120
CLASS A CONDITIONAL USE
PETITION OF REV. J. KEITH SYMONS
BY KEVIN MCGINLEY, AGENT
(ST. MATTHEW CATHOLIC 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA96-120 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, 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 Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A conditional Use is consistent with ~~the~~ requirements of the Palm Beach County Unified Land Development Code.
4. This 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

- 7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- 0. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
- 9. This 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.
- io. This 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 CA96-120, the petition of Rev. J. Keith Symons, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a Church or place of worship in the Residential Transitional (RT) 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 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: *Andrew Otter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1 (also known as Lot 1, Block 1, Palm Beach Ranches, an unrecorded Plat):

The East Half (E ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, except the Northerly 56 Feet, Easterly 40 Feet and Southerly 30 Feet for road and canal purposes and LESS the following portion:

COMMENCE at the Northeast corner of said Section 10; thence South 89°17'15" West along the North boundary of said Section, 44.51 feet; thence, South 00°42'45" East, 56.00 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being 55.00 feet South (as measured at right angles) of said North boundary and 40.00 feet West (as measured at right angles) of the East boundary of said Section; thence South 03°46'12" West, along a line 40.00 feet West of and parallel with said East boundary of Section 10, a distance of 18.33 feet; thence North 89°47'42" West, along a line 75.00 feet Southerly of and parallel with the Southerly required Right-of-Way line as depicted on the Right-of-Way Maps for Hypoluxo Road dated November 1987 (project No. 87098), a distance of 296.81 feet to the West boundary of said East One-Half (E ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼); thence North 03°43'02" East, along said West boundary, 13.56 feet; thence North 89°17'15" East, along a line 56.00 feet South of and parallel with said North boundary of Section 10, a distance of 297.15 feet to the POINT OF BEGINNING. Said portion containing 4,723 square feet or 0.10 acres, more or less.

PARCEL 2 (also known as Lot 2, Block 1, Palm Beach Ranches, an unrecorded Plat):

The West Half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, except the Northerly 56 feet and Southerly 30 feet for road and canal purposes and LESS the following portion:

COMMENCE at the North Quarter Corner of said Section 10; thence North 89°17'15" East, along the North boundary of said Section, 2022.69 feet; thence South 0°42'54" East, 56.00 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being 56.00 feet South (as measured at right angles) of said North boundary of Section 10 and on the West boundary of said West Half of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section; thence North 89°17'15" East, along a line 56.00 feet South of and parallel with said North boundary, 337.28 feet to the East boundary of said West Half of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼); thence South 03°43'02" West along said East boundary, 13.56 feet; thence North 89°47'42" West, along a line 75.00 feet Southerly of and parallel with the Southerly required Right-of-Way line as depicted on the Right-of-Way Maps for Hypoluxo Road dated November 1987 (Project No. 87098), a distance of 336.89 feet to a point on said West boundary; thence North 03°39'51" East, along said West boundary 8.15 feet to the POINT OF BEGINNING. Said portion containing 3,650 square feet or 0.08 acres, more or less.

PARCEL 3 (also known as Lot 3, Block 1, Palm Beach Ranches, an unrecorded Plat):

The East Half (E ½) of the Northwest Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 10, Township 45 South, Range 42 East, Palm Beach County, Florida, except the Northerly 56 Feet, and Southerly 30 Feet for road and canal purposes and LESS the following portion:

COMMENCE at the North Quarter Corner of said Section 10; thence North 89°17'15" East along the North boundary of said Section, 1682.40 feet; thence, South 00°42'45" East, 56.00 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being 56.00 feet South (as measured at right angles) of said North boundary of Section 10 and on the West boundary of said East Half (E ½) of the Northwest Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section; thence North 89°17'15" East, along a line 56.00 feet South of and parallel with said North boundary, 337.28 feet to the East boundary of said East Half (EH) of the Northwest Quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼); thence South 03°39'51" West along said East boundary, 8.15 feet; thence North 89°47'42" West, along a line 75.00 feet Southerly of and parallel with the Southerly required Right-of-Way line as depicted on the Right-of-Way Maps for Hypoluxo Road dated November 1987 (Project No. 87098), a distance of 336.90 feet to a point on said West boundary; thence North 03°36'40" East, along said West boundary, 2.74 feet to the POINT OF BEGINNING. Said portion containing 1,831 square feet or 0.04 acres, more or less.

NOV 16 1996

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY
VICINITY SKETCH/ZONING

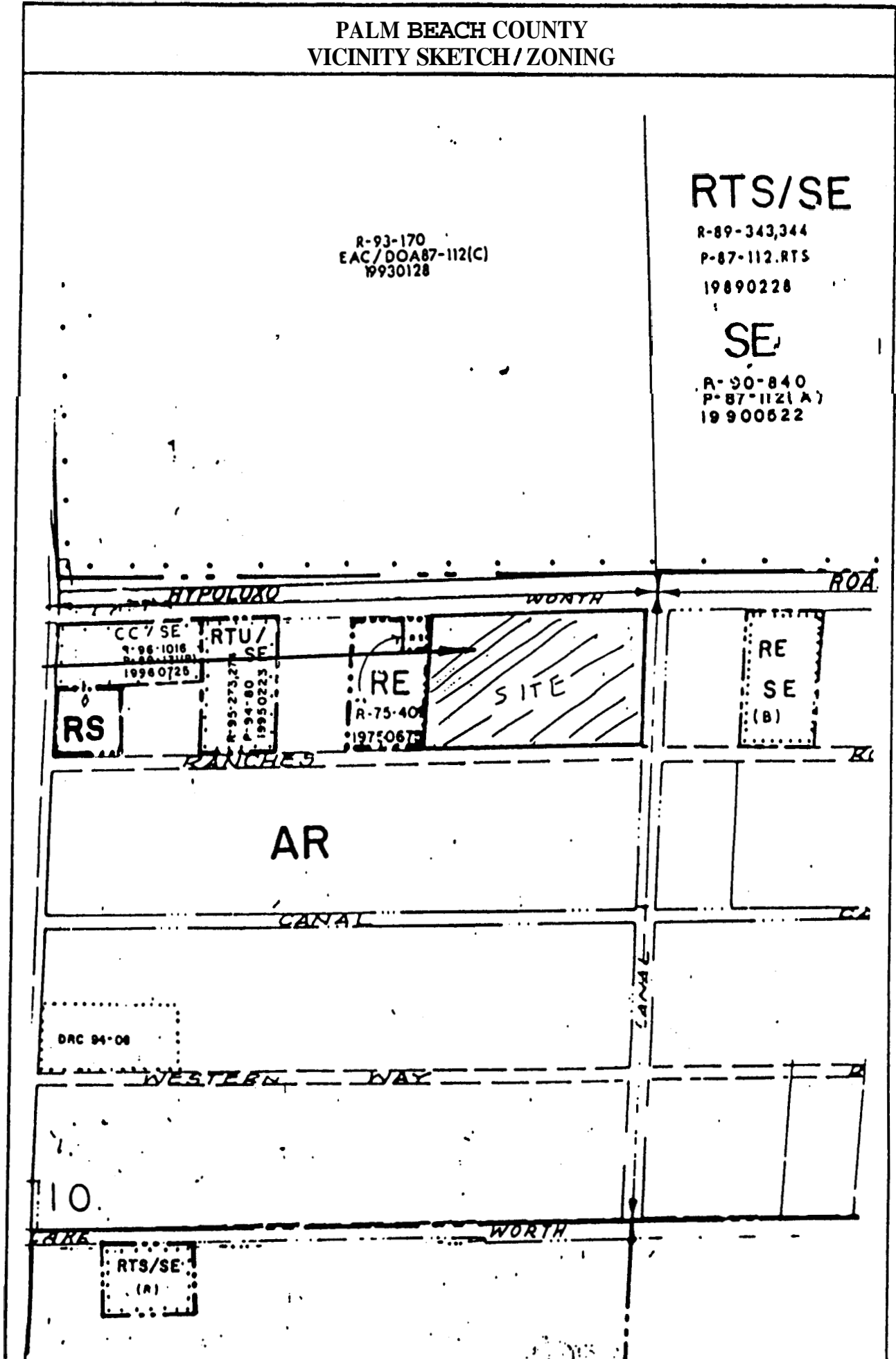


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 January 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)

B. ACCESS

1. The vehicular access to Ranches Road shall be gated and limited for the priest's residence only. (DRC: ZONING)

C. BUILDING AND SITE DESIGN

1. The minimum setback for the priest's residence shall be fifty (50) feet from the east and south property lines. The minimum setback for the church/parish hall shall be one hundred-fifty (150) feet from the south property line. (DRC: ZONING)
2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed one story thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
3. The combined seating for the proposed parish hall and future church shall be limited to 1200 seats. (DRC: ZONING)
4. Similar architectural color, material and roof treatment shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
5. All outdoor storage areas and mechanical or electrical equipment shall be screened from view on all sides so as not to be visible from any property line. (BLDG PERMIT: BLDG - Zoning)

D. ERM

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 final site plan certification. (DRC: ERM)

E. ENGINEERING

1. Access onto Ranches Road shall be limited to the Priest's Residence, and shall be permitted only after Ranches Road has been paved adjacent to the site. (ONGOING: ENG)
2. The Property owner shall construct a left turn lane east approach on Hypoluxo Road at the projects entrance road.
 - A This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DRAINAGE REVIEW: ENG)

- B. Permits required by Palm Beach County for this construction shall **be** obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING - Eng)
- C. Construction shall **be** completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)

3. LANDSCAPE WITHIN MEDIAN

- A. Prior to issuance **of** a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to **landscape** all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a **minimum**, consist of the "Low Cost Planting Concept" outlined in the **Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards** and shall **be** consistent **with the** landscaping ~~there~~ adopted **for** this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility **of** the property owner. Alternative **species** other than those listed in the County standards may **be** allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. **All** required median landscaping, including an irrigation system *if* required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation **of** the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, **pruning**, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. **All** landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents shall **be** established or amended as required, prior to issuance of **a** certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

- 4. The **property owner** shall participate in the funding of Palm Beach County's Street Improvement program for Ranches Road. Payment for the ~~street~~ improvement will then accessed as provided for in the MSTU ~~Street~~ Improvement Program. (ONGOING: ENG)

F. LANDSCAPING- STANDARD

- 1. All trees required to be planted **on** 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)
2. All palms required to **be** planted on site by this approval shall meet the following minimum standards at time of installation:
- a. Palm heights: twelve **(12)** feet clear trunk;
 - b. Clustering: 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)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (HYPOLUXO ROAD)

1. Landscaping and buffering along the north property line shall include:
- a. minimum thirty-five **(35)** foot wide landscape buffer strip;
 - b. continuous four **(4)** foot high berm with the height of the berm measured from the top of curb. The location of the berm shall be coordinated with Environmental Resource Control to minimize impact to significant native vegetation;
 - c. one **(1)** canopy tree for each twenty **(20)** feet of frontage with a maximum spacing of twenty-five **(25)** feet on center;
 - d. one **(1)** palm **or** pine tree for each twenty-five **(25)** linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters.
 - 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 twenty-four **(24)** inches. (CO/ONGOING: LANDSCAPE/CODE ENF - Zoning)
2. Petitioner shall **preserve the** existing berm and native vegetation. Credit may **be** given for the existing **berm** and native vegetation provided they meet the upgraded landscaping requirements in Conditions **F.1** and **2** listed above. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (RANCHES ROAD FRONTAGE)

1. Landscaping and buffering along **the** south property line shall include:
- a. A minimum thirty **(30)** foot wide landscape buffer strip;
 - b. Continuous **three** (3) foot high **berm** with the height of the berm measured from the **top of curb**.

- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet on center; and
- e. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO/ONGOING: LANDSCAPE/ CODE ENF - Zoning)

I. LANDSCAPING ALONG EAST PROPERTY LINE

- 1. Landscaping and buffering along the east property line shall be revised to reflect Alternative Type 3 landscape buffers and meet the following criteria: upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high berm with the height of the berm measured from the top of curb.
 - c. One (1) canopy tree planted every twenty (20) feet on center; and
 - 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 thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE

- 1. Landscaping and buffering along the west property line shall be revised to include:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and
 - b. 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 thirty-six (36) inches. (DRC / CO: ZONING / LANDSCAPE)
- 2. Petitioner shall preserve significant native vegetation located within eighty (80) feet of the west property line, as determined by ERM. (DRC / VEG REMOVAL PERMIT: ERM/ZONING)

K. LANDSCAPING - INTERIOR

- 1. Interior landscape islands shall be adjusted to maximize preserving the property's native vegetation within the parking areas. (DRC / CO: ZONING / LANDSCAPE)
- 2. Landscaped divider medians shall be provided between all rows of abutting parking spaces. The minimum width of the median shall be five (5) feet with one tree and appropriate ground cover installed at a maximum spacing of thirty (30) feet on center. (DRC / CO: ZONING / LANDSCAPE)

3. **Landscaped** divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be **six (6)** feet. The minimum length of this median shall be **twenty five (25)** feet. A minimum width of five (5) feet of landscaped area shall be provided. One tree **and** appropriate ground cover shall be planted for **each** twenty (20) linear feet of the divider median. (DRC / CO: ZONING / LANDSCAPE)
4. Landscape planters shall be provided on the facades of all structures. The combined length of **the** required landscape planters shall be no less than 40% of **the** total length of the applicable side of the structure. The minimum width of **the** required foundation landscape planters shall be five (5) feet. All required landscape islands shall be planted with a minimum of one (1) tree or palm **every 20** feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

L. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of **low** intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / **CODE ENF - Zoning**)
2. All outdoor lighting, excluding security lighting, shall be extinguished no later than 10:00 p.m. or thirty (30) minutes after the completion of evening services and special events. (ONGOING: CODE ENF)
3. All *outdoor* light poles shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
4. All outdoor light poles shall be located a minimum of fifty (50) feet from the south, east and west property lines. (CO: BLDG - Zoning)

M. MASS TRANSIT

1. A. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, **the** petitioner shall amend **the** plan to indicate 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 or Palm Tran. (DRC: ZONING)
- B. Mass transit access, shelters **and/or** bus stops, if required, shall be located and constructed by **the** petitioner within three (3) years, October 24, 1999, in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate **the** requirement for mass transit access **and/or** bus shelters, if requested by **the** County Engineer. Mass transit **access** shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from **the subject** property or use to **the** shelter, and a bicycle rack (DATE: MONITORING - Eng)

N. PARKING

1. Prior to **final** site plan certification by **the** Development Review Committee (DRC), **the** site plan shall be amended to indicate grassed parking for perimeter spaces adjacent to buffer and open space areas. (DRC: ZONING)

2. The parking spaces adjacent to perimeter buffer/open space areas shall be limited to grassed parking only. Proposed grade changes shall be minimal to incorporate existing native vegetation. (DRC: ERM/ LANDSCAPE)

O. SIGNS

1. Point of purchase signage shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) 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 - within ten (10) feet of proposed turnout on Hypoluxo Road (BLDG PERMIT: BLDG - Zoning)
2. Petitioner shall install internal signage limiting the use of the access to Ranches Road for the priest's residence only. (DRC/CO: ZONING - Bldg)

P. TREE PRESERVATION

1. Proposed interior landscape islands shall be adjusted to maximize existing native vegetation. (DRC: ERM/ LANDSCAPE)
2. A pre-clearing inspection shall be required prior to removal of any vegetation. All native vegetation within the perimeter landscape strip; shall be identified and protective devices installed at the time of inspection. Protective barriers shall remain in place throughout the construction process. (BLDG PERMIT: LANDSCAPE / ERM)
3. Petitioner shall preserve significant native vegetation located within eighty (80) feet of west property line. (DRC: ERM/ LANDSCAPE)
4. Petitioner shall relocate proposed parking islands and minimize grade changes to incorporate existing significant native vegetation to the maximum extent possible. (DRC: ERM/ LANDSCAPE)

Q. 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)

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