

RESOLUTION NO. R-97- 775

RESOLUTION APPROVING ZONING PETITION CA94-87(A)
CLASS A CONDITIONAL USE
PETITION **OF** OUR LADY QUEEN **OF** PEACE
BY KEVIN MCGINLEY, AGENT
(OUR LADY QUEEN **OF** PEACE)

19/46/42

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 CA94-87(A) was presented to the Board of County Commissioners at a public hearing conducted on June 23, 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.
8. 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.
10. 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 CA94-87(A), ~~the~~ petition of Our Lady Queen of Peace, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow Church or place of worship in the Agricultural Reserve (AGR) 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~~ June 23, 1997, subject to ~~the~~ conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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:

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

The Chair thereupon **declared** that ~~the~~ resolution was duly passed and adopted on June 23, 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

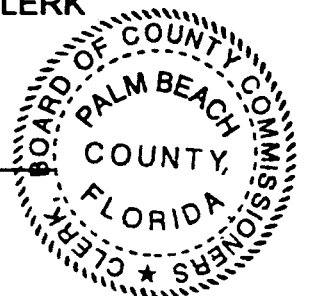


EXHIBIT A
LEGAL DESCRIPTION

NOTES

1. Reproductions of this sketch are not valid unless sealed with an embossed surveyor's seal.
2. Lands shown hereon are not abstracted for Rights-of-way, Easements, Ownership or other Instruments of Record.
3. Bearings shown hereon are relative to assumed datum.
4. The "LAND DESCRIPTION" hereon was prepared by the Surveyor.
5. Underground foundations were not located.
6. Flood Zone: "B"; Community Panel No. 120192 0215 A; Date: February 1, 1979.
7. Information pertaining to Chancery Case No. 407 (dated June, 1915) was provided by Richard S. Wheelihan, Assistant Manager, Lake Worth Drainage District.

DESCRIPTION

A portion of Tract 11, Block 19, "PALM BEACH FARMS COMPANY PLAT NO. 1", according to the plat thereof, as recorded in Plat Book 2, Page 27 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

The East 149.32 feet, less the North 55.00 feet of said Tract 11, Block 19.

TOGETHER WITH:

Tract 10, Block 19, less the North 55.00 feet thereof, "PALM BEACH FARMS CO. PLAT NO. 1", according to the plat thereof, as recorded in Plat Book 2, Page 27 of the Public Records of Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida.

Containing 6.8908 Acres, more or less.

Subject to Easements, Restrictions, Reservations, Covenants, and Rights-of-way of Record.

EXHIBIT B
VICINITY SKETCH

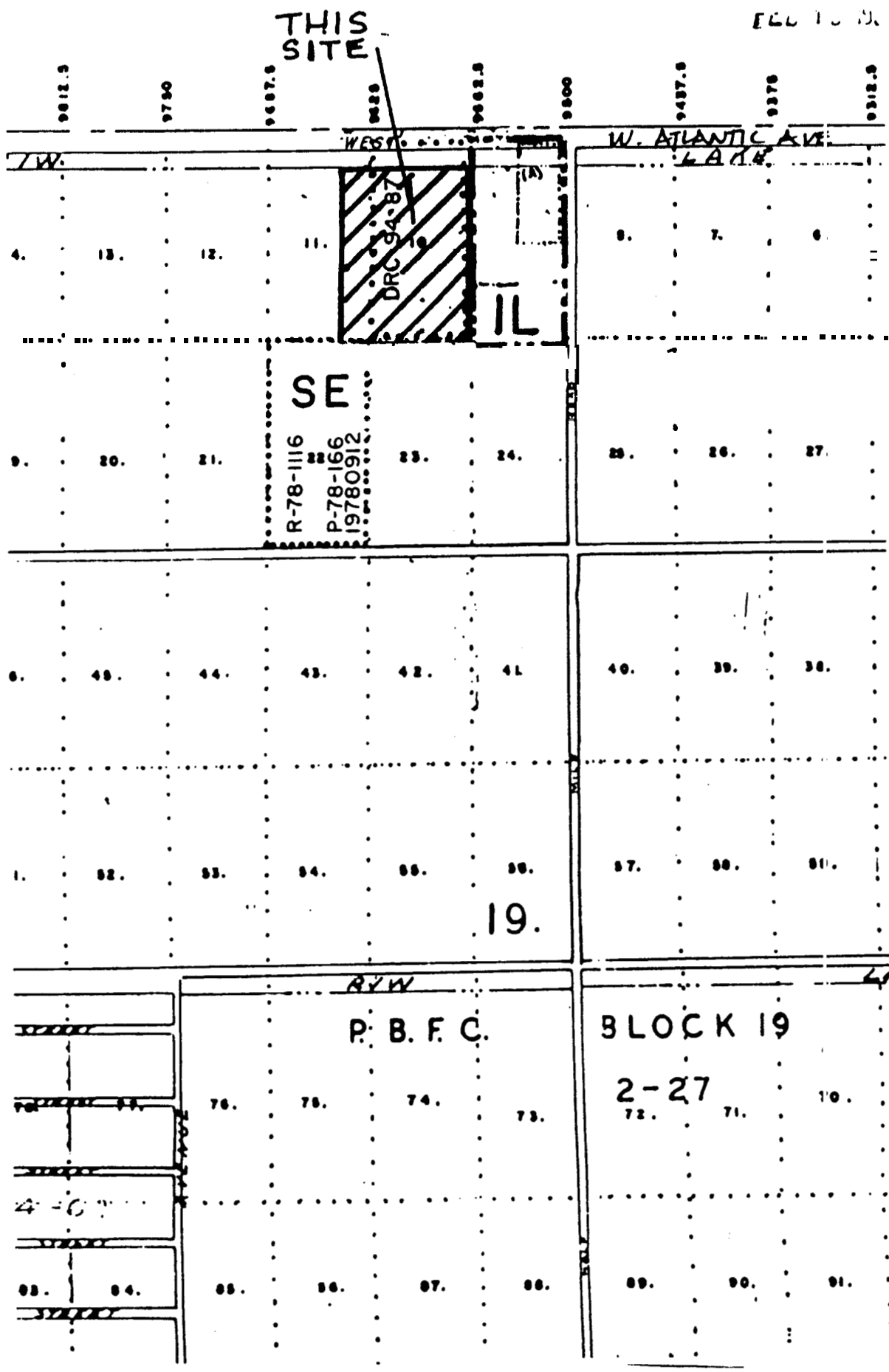


EXHIBIT C

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 April 8, 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. ARCHITECTURAL CONTROL

1. The architectural design of the proposed rectory, church expansion and all future buildings shall be consistent with the existing buildings on site, and create an overall unified image, utilizing, but not limited to, the items specified below.
 - a. An overall unified image shall be created by the use of common elements such as consistent forms, colors, architectural details and landscape materials.
 - b. Similar architectural character and treatment shall be provided on all sides of the building, and shall include the use of painted stucco and barrel or spanish-s roof tiles.
 - c. All roof top mechanical and electrical equipment shall be screened from view so as not to be visible from any property line.
 - d. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: MONITORING - Bldg)

C. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)
2. Outdoor recreation areas and accessory structures shall be set back a minimum of fifty (50) from all residential property lines. (DRC: ZONING)
3. Prior to final site plan approval by the Development Review Committee (DRC), the required number of parking shall be provided in accordance with the ULDC. (DRC: ZONING)

D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 10D-6 FPC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

2. All biomedical wastes which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104 FAC. (ONGOING: HEALTH/CODE ENF)

E. ENGINEERING

1. 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 Zoning Petition 94-87(A) to be paid at the time of issuance of the Building Permit presently is \$3,685 (67 additional trips X \$55.00 per trip) (ONGOING: IMPACT FEE COORD).
2. Thrift shop shall not be open to the general public. (ONGOING: CODE ENF)
3. Thrift shop hours shall be limited to Sunday 11:30AM - 2:00PM and Wednesday 7:00PM - 10:30PM. (ONGOING: CODE ENF)
4. The Developer shall plat the subject property along with the remaining portions of Tracts 11, 22, and 23 in accordance with provisions of Article 8 of the Unified Land Development Code prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. All canopy 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 installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - 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)
3. A group of three (3) palms or pines shall not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING WEST ATLANTIC AVENUE)

1. Landscaping and buffering along the affected areas of the north property line (from west property line to eastward distance of 150') shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;

- b. **One (1)** canopy tree planted every thirty (30) feet on center;
 - c. **One (1)** palm or pine tree for each thirty (30) linear feet of frontage; 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. (CO: LANDSCAPE - Zoning)
2. **Landscaping** and buffering along the remaining **330'** of the north property ~~he shall be~~ upgraded to include items G.1.b-d. (CO: LANDSCAPE - Zoning)

H. SIGNS

- 1. All **signage** on the site, except wall signs, shall **be** limited to the **existing main entrance** wall sign. Sign replacement shall not be greater than the sign area and height of the existing sign and shall meet the setback requirements of the ULDC, as amended. (DRC: ZONING)

1. 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 standard~~!;~~ 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 majority vote of ~~the~~ Code Enforcement Board 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)