

RESOLUTION NO. R-97- 958

RESOLUTION APPROVING ZONING PETITION **DOA85-84(C)**
DEVELOPMENT ORDER AMENDMENT
PETITION **OF** BEREAN BAPTIST CHURCH
BY LAND DESIGN SOUTH, AGENT
(BEREAN BAPTIST 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 **DOA85-84(C)** 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, 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 DOA85-84(C), the **petition** of Berean Baptist Church, by Land Design South, agent, for a Development Order Amendment (DOA) **Relocate** approved square footage **(26, 194 sf)** 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 June 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto **and** made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion **was** seconded by Commissioner Roberts 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	-	Aye
Mary McCarty	-	Aye
Warren Newell	-	Aye
Carol A. Roberts	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 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

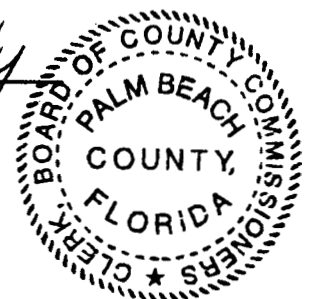


EXHIBIT A
LEGAL DESCRIPTION

BEREAN BAPTIST

LEGAL DESCRIPTION:

Tract 14, Block 1, The Palm Beach Farms Company Plat No. 9, as recorded in Plat Book 5, Page 58, public records of Palm Beach County, Florida.

Less the East 40 feet and the North 70 feet of Tract 14, Block 1, Palm Beach Farms Company Plat No. 9, according to the plat thereof on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 58, all lying West of the canal right of way.

Containing 703,2548 square feet or 16.28 acres.

(Legal Description revised September 17, 1793 to reflect Official Record Rook 4629, Page 460.)

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING

AR/SE

R-86-318
P-84-183
19860311

85-84

C

JAN 22 1997

FILE COPY

OKEECHOBEE BLVD

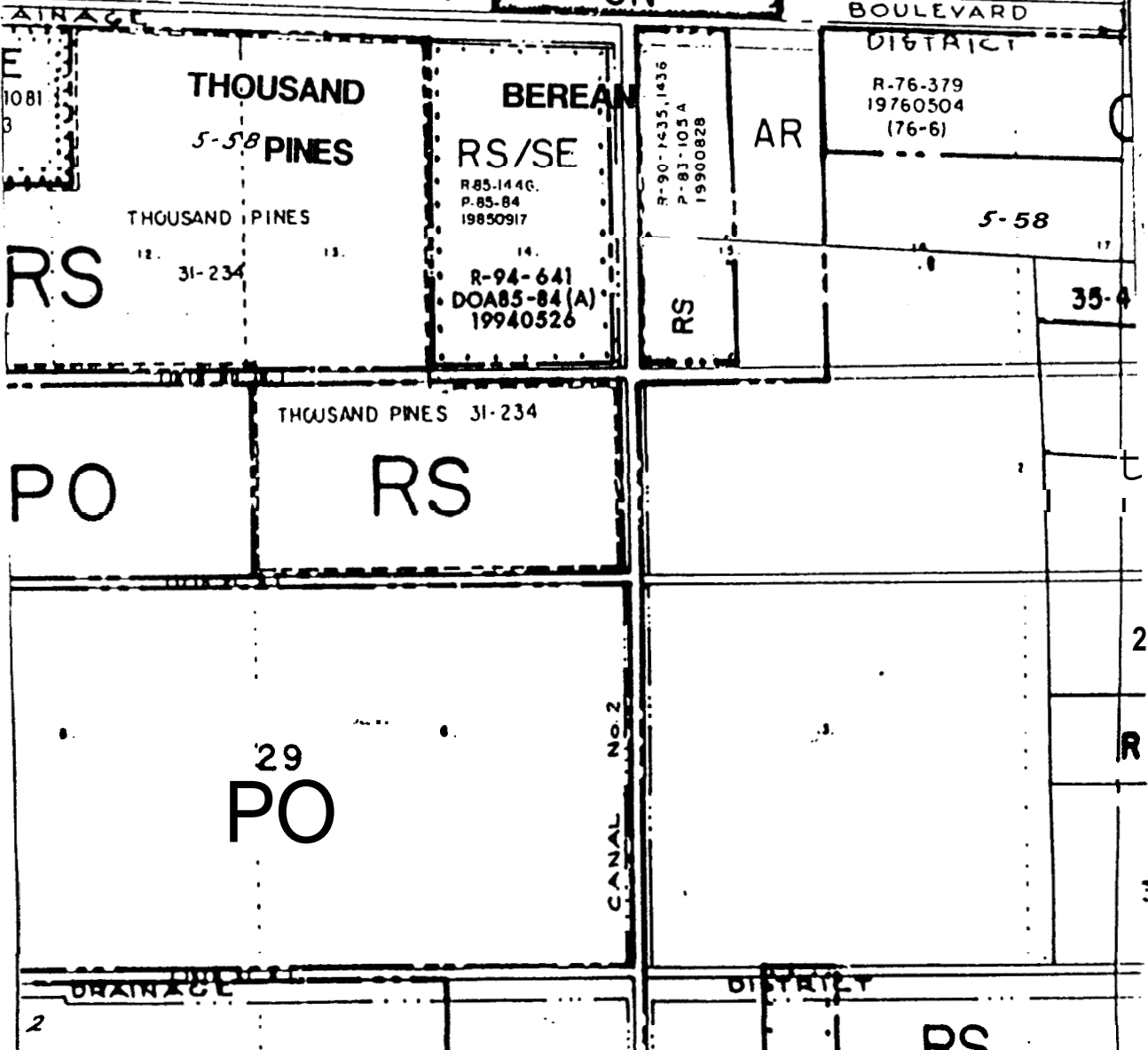
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R-86-757
P-86-24
19860227

CN

S. R. 704

BOULEVARD



Petition Number: 85-84

Zoning Quad Page 46

Date: 1-20-97

RS



NORTH

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. Condition A. 1 of Resolution R-95-726 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-93-1369 and R-94-641 have been consolidated herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-95-726 (Petition 85-84(B)), 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. The current Section 5.8 review date for commencement of development is hereby extended to May 25, 1999. (ONGOING: MONITORING-Zoning)
3. 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 23, 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)
4. Condition A.2 of Reso. R-95-726, Pet. 85-84(B) which currently states:

Setbacks for structures shall be maintained on the eastern property line as shown on the submitted site plan dated April 4, 1994, and may not be decreased by the Development Review Committee.

Is hereby amended to state:

The minimum setback for all primary structures adjacent to the east property line shall be fifty (50) feet. Modular structures shall maintain a minimum of thirty-three (33) feet from the east property line. (DRC: ZONING/ Building)

5. Certificate of Occupancy for no more than 127,000 square feet shall be issued until all modular structures are removed. (CO: MONITORING - Bldg)
6. Condition A 3 was deleted by Resolution 95-726, Petition 85-84(B). REASON - Condition satisfied.

7. The petitioner shall provide a chain link fence at least six **(6)** feet in height **along** the eastern, western and southern property lines. This fence **shall** be placed **so** as to be screened by the existing vegetative cover. (Previously Condition No. **A.4** of Resolution R-95-726, Petition No. 85-84(B). (ZONING/Building)
8. **All** outdoor lighting shall be directed away from adjacent residences. (Previously Condition No. A.5 of Resolution R-95-726, Petition **85-84(B)**. (BUILDING/Code Enforcement)
9. **No** lighting shall be permitted in the **outdoor** play areas. (Previously Condition **No. A6** of Resolution **R-95-726**, Petition **85-84(B)** (BUILDING/Code Enforcement)
10. All outdoor lighting, excluding security lighting only, shall be extinguished **no** later than **9:00** p.m. daily. (Previously Condition **No. A.7** of Resolution R-95-726, Petition **85-84(B)** (CODE ENFORCEMENT)
11. **All** outdoor lighting shall not exceed twenty **(20)** feet in height, measured from finished grade to highest **point**. (Previously Condition No. A.8 of Resolution R-95-726, Petition **85-84(B)** (BUILDING-Zoning)
12. **A** shared parking study shall be submitted **and** approved by the **Zoning** Division **prior** to final site plan certification **by** the Development Review Committee (DRC). (Previously Condition No. A.9 of Resolution R-95-726, Petition **85-84(B)**(ZONING) [Condition in compliance]
13. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to include **five (5)** drop-off spaces a minimum of twelve **(12)** feet in width by **twenty (20)** feet in length for the day care. (Previously Condition No. A.10 of Resolution R-95-726, Petition **85-84(B)** (BUILDING-Zoning)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The developer shall preserve existing significant vegetation wherever possible **and** shall incorporate said vegetation into the project **design**. Appropriate measures shall also be taken to protect these **preservation** areas during site clearing and **construction**. (Previously Condition No. B.1 of Resolution R-95-726, Petition No. **85-84(B)**. (ERM)
2. The area of intact native vegetation located in the northeastern quadrant of the property (identified on **the** Site Plan as "**Preserved** Natural Area"), shall be maintained as a native vegetation preserve. (Previously Condition No. B.2 of Resolution **R-95-726**, Petition No. **85-84(B)**. (ERM)
3. Condition **No. B.3** of Resolution **R-95-726**, Petition No. **85-84** **which** currently states:

The existing significant vegetative cover **within** twenty five **(25)** feet of the **western** and eastern property lines shall **be** preserved. **Appropriate** measures shall be taken to protect said vegetation during **the** site **development** process.

Is hereby amended to state:

The preserve area adjacent to Okeechobee Boulevard shall be a minimum of 0.83 acre. (DRC: ERM)

4. A management plan for the 25% set-aside preserve area and a vegetation relocation/preservation plan which clearly shows which trees may be incorporated into the development plans and which trees can be relocated must be submitted to ERM and receive approval from ERM prior to DRC certification. Previously Condition No. 8.4 of Resolution R-95-726, Petition No. 85-84. (DRC: ERM)
5. Prior to final site plan certification by DRC, a tree survey indicating existing native vegetation within the perimeter buffers only shall be submitted. (Previously Condition No. B.5 of Resolution R-95-726, Petition No. 85-84(B (ERM/ZONING)

C. 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. (Previously Condition No. C.1 of Resolution R-95-726, Petition No. 85-84(B. (HEALTH)
2. Reasonable measure shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (Previously Condition No. C.2 of Resolution R-95-726, Petition No. 85-84(B. (HEALTH)
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing on site sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (Previously Condition No. C.3 of Resolution R-95-726, Petition No. 85-84(B. (HEALTH)
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (Previously Condition No. C.4 of Resolution R-95-726, Petition No. 85-84(B. (HEALTH)
5. Petitioner shall submit architectural plans for the day care and private school facilities to the Environmental Health Section, PBCPHJ, in accordance with Chapter 10D-24 prior to issuance of a building permit. (Previously Condition No. C.5 of Resolution R-95-726, Petition No. 85-84(B (HEALTH-Bldg)

D. USE LIMITATION

1. The day care center shall be limited to a maximum of 400 children. (Previously Condition No. D.1 of Resolution R-95-726, Petition No. 85-84(B (BUILDING/HEALTH-Zoning)
2. The church sanctuary shall be limited to a maximum of 1,800 seats. The church chapel shall be limited to a maximum of 200 seats. The total number of seats within the church shall not exceed 2,000 seats. (Previously Condition No. D.2 of Resolution R-95-726, Petition No. 85-84(B (DRC: ZONING)

3. The church and fellowship areas shall not be utilized simultaneously. (Previously Condition No. D.3 of Resolution R-95-726, Petition No. 85-84(B) (ONGOING: CODE ENF)
4. Outdoor activities shall not commence prior to **9:00** am. and shall cease no later than **9:00** pm. unless notification is provided to the **1000** Pines Subdivision. (Previously Condition No. **0.4** of Resolution **R-95-726**, Petition **No. 85-84(B)** (ONGOING: 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~~ **at it** presently **exists** or **as** it may from **time to time** be amended. The Fair Share **Fee for this project presently is \$17,949.** (Previously Condition **No. E. 1** of **Resolution R-95-726**, Petition **No. 85-84(B).** (IMPACT FEE COORDINATOR)
2. The petitioner shall convey to the Lake **Worth** Drainage **District** the north **70** feet ~~of~~ **Tract 14** for the required right-of-way for **Lateral Canal No. 1** and the East **40** feet ~~of~~ **Tract 14** for the required **right-of-way** for **Equalizing Canal No. 2**, by Quit Claim Deed ~~or an~~ **easement deed** in the **form** provided by said district, within **90** days of adoption of the resolution **by** the Board ~~of~~ **County Commissioners.** (Previously Condition E.2 of Resolution R-95-726, Petition **No. 85-84(B).** (ENG-LCVDD)
3. Condition **E.4** of Resolution **R-94-641**, was deleted by Resolution R-95-726, Petition No. 85-84(B).
4. The property owner shall obtain a Turnout Permit from the Florida Department ~~of~~ **Transportation** **for** access onto Okeechobee **Boulevard.** (Previously Condition No. E.4 of Resolution **R-95-726**, Petition No. 85-84(B). Note: This turnout is presently existing. (ENG - FDOT)
5. There shall **be** no access to this site from along the eastern **property** line. (Previously Condition No. E.5 of Resolution R-95-726, Petition No. 85-84(B). (ENG)
6. The Property owner shall construct concurrent with additional structures in Phase **2** identified in the January **25, 1995** site plan, a separate right turn lane, west approach on Okeechobee **Boulevard** at the project's entrance road. 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. Permits **required** by Florida Department of Transportation for **this** construction shall **be obtained** prior to the issuance of the **first Building** Permit. **Construction** shall be completed prior to the issuance of the **first Certificate of Occupancy** for Phase **2** (Previously **Condition No. E.6** of Resolution **R-95-726**, Petition **No. 85-84(C).** (BLDG- Eng)
8. **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. 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. (Previously Condition No. E.8.a of Resolution R-95-726, Petition No. 85-84(B) (BLDG PERMIT: BLDG - 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 before the issuance of a building permit for Phase 2. (Previously Condition No. E.8.b of Resolution R-95-726, Petition No. 85-84(B) (BLDG PERMIT: BLDG - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of the first building permit to reflect this obligation. (Previously Condition No. E.8.c of Resolution R-95-726, Petition No. 85-84(B)) (BLDG PERMIT: BLDG-CO ATTY - Eng)

- 9. 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 85-84 (B) which permits expansion of the Church, Private School and Day Care, to be paid at the time of issuance of the Building Permit presently is \$135,410 (2462 additional trips X \$55.00 per trip). (ONGOING: ACCOUNTING - Fair Share Fee Coordinator)

- 10. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for the Day Care or Private School shall not be issued until construction has begun for the widening of State Road 7 from Okeechobee Boulevard to Southern Boulevard, plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)

- 11. Condition number E6 of Zoning Petition 85-84(A) currently states:

The property owner shall construct concurrent with additional structures in Phase 2 identified in the January 25, 1995 site plan, a separate right turn lane, west approach on Okeechobee Boulevard at the project's entrance road. This construction shall be concurrent with

the paving and drainage improvements for the site. Any and all costs associated with **the** construction shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. **Permits** required by Florida Department of Transportation for this construction **shall** be obtained prior to the issuance of the first Building Permit. **Construction** Certificate of Occupancy for Phase 2. (BUILDING-Engineering).

Is hereby amended to state:

The property owner **shall** construct concurrent with additional structures in Phase 2 **identified in the April 23, 1997** site plan, a separate right turn lane, west approach and a separate left turn lane **south** approach **at the intersection of Okeechobee Boulevard and the project's entrance road. This construction shall be concurrent** with the paving and drainage improvements for the site. Any **and all costs** associated with the construction shall include, but are not limited to, utility relocations and acquisition **of** any additional required right-of-way. Permits required by Florida Department of Transportation **for** this construction shall be obtained prior to the **issuance of the** first Building Permit. Construction shall **be** completed prior **to** the issuance **of the** first Certificate **of** Occupancy for Phase 2. (BLDG PERMIT: BLDG - Eng)

F. LANDSCAPING/BUFFERING

1. Perimeter buffers shall be supplemented with trees and shrub material in accordance with a signed and sealed landscape plan prepared by the petitioner and agreed to by the Homeowners Association of the 1000 Pines Subdivision. The landscape plan shall be submitted with **the** site plan and certified by the DRC. **Prior** to certification, **documentation** shall be provided to the DRC indicating approval of the plan **by the 1000 Pines HOA** (Previously Condition No. **F.1** of Resolution R-95-726, Petition **No. 85-84(B** (ZONING/ERM)

G. COMPLIANCE

1. Condition No. G.1 of Resolution R-95-726, Petition No. 85-84(B), which currently states:

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 on 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.

is hereby amended to read:

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.

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)