

RESOLUTION NO. R-99- 971

RESOLUTION APPROVING ZONING PETITION DOA83-091 (A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF THE TRUSTEE OF ST. LUKE'S UNITED METHODIST CHURCH  
BY KEVIN MCGINLEY, AGENT  
(ST. LUKES UNITED METHODIST 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 DOA83-091 (A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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 DOA83-091 (A), the petition of The Trustee of St. Luke's United Methodist Church, by Kevin McGinley, agent, for a Development Order Amendment (DOA) to add building square footage to an existing church or place of worship 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 May 27, 1999, 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 Masilotti and, upon being put to a vote, the vote was as follows:

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

The Chairthereupon declared that the resolution was duly passed and adopted on May 27, 1999.

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

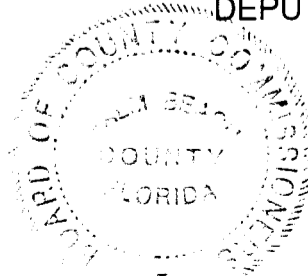


EXHIBIT A

LEGAL DESCRIPTION

**PARCEL ONE:**

Being the East 310 feet of the South 418 feet of Tract 57; together with the West 45 feet of the South 418 feet of Tract 58 of the Palm Beach Farms Co., Plat 3, Block 29 as recorded in Plat Book 2, Page 48, in the Palm Beach County Public Records. Also, including in this granting, "all our right, title and interest" in a 30 foot strip of land along the South side of the above described.

**PARCEL TWO:**

The East 200 feet of the West 245 feet of the South 418 feet of Tract 58, Palm Beach Farms Co. Plat No. 3, Block 29, as recorded in Plat Book 2, Page 18, Palm Beach County Public Records.

Subject to a 10 foot drainage easement over the East 10 feet of the West 155 feet of the above described.

**PARCEL THREE:**

Being the South 50 feet of the North 242 feet of the East 305 feet of Tract 57 together with the South 50 feet of the North 242 feet of the West 50 feet of Tract 58 of the PALM BEACH FARMS COMPANY, Plat 3, Block 29, as recorded in Plat Book 2, page 48 of the Palm Beach County Records of Plats, in and for Palm Beach Co., Fl. formerly known as a portion of proposed Michigan Avenue. Reserving to the grantor herein its successors and assigns the right to use for ingress and egress the West 200 feet of the within described land.

**CONTAINS 5.977 ACRES ±**

EXHIBIT B

VICINITY SKETCH

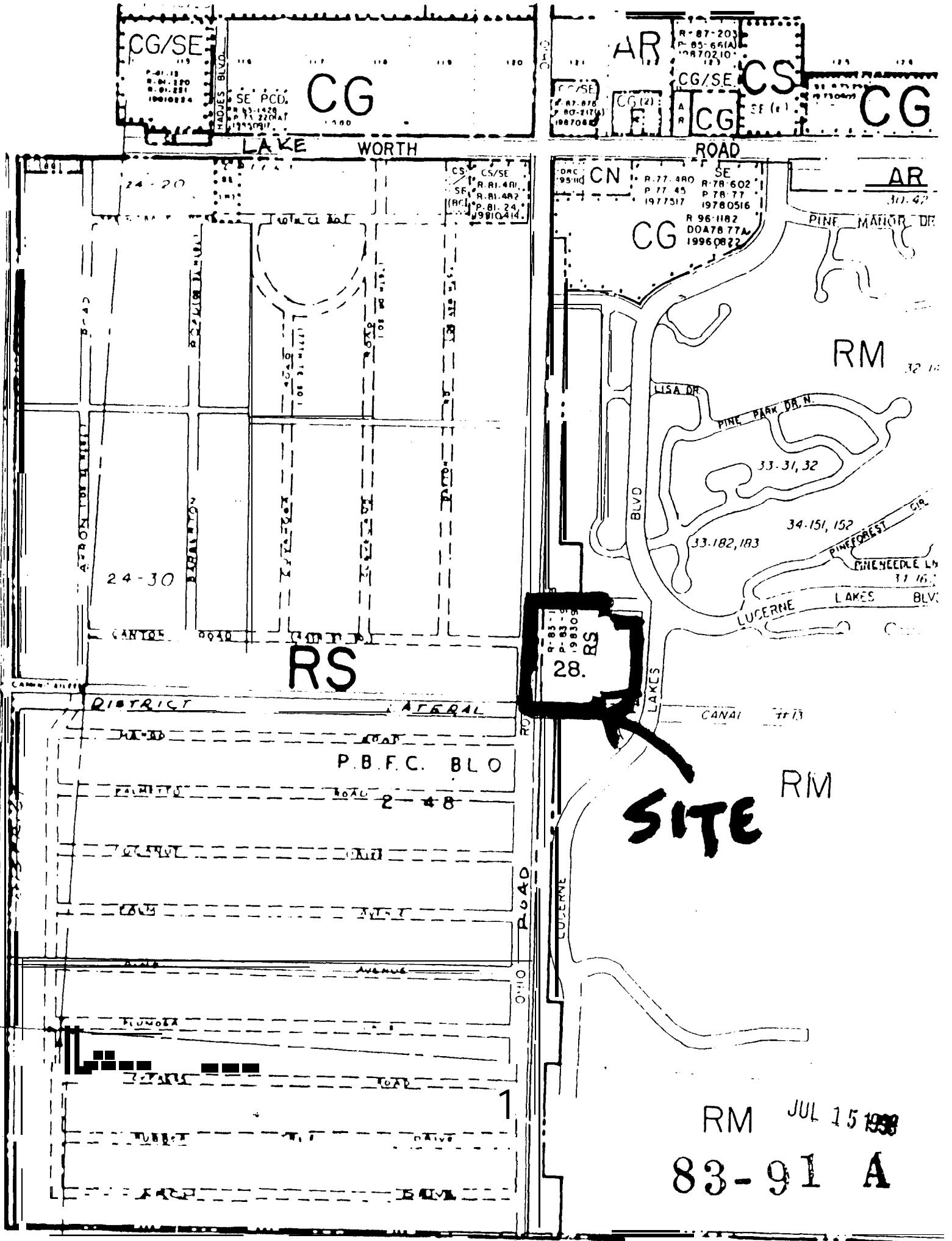


EXHIBIT C

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 February 25 1999. 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. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited a maximum of 21,195 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC / ONGOING/ BUILDING - Zoning)
2. The maximum height for all proposed structures (inclusive of all AC/mechanical equipment and satellite dishes) measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. A developer's agreement confirming this property will be connected to public sewer is required prior to final site plan approval. (DRC: HEALTH)

D. LANDSCAPING

1. All trees required to be planted on the perimeter of the 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. (CO: LANDSCAPE-Zoning)
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE)
2. All palms required to be planted on the perimeter of the 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)

E. ENGINEERING

No Engineering Conditions.

F. LANDSCAPING ALONG THE EAST 250 FEET OF THE NORTH PROPERTY LINE, THE EAST 250 FEET OF THE SOUTH PROPERTY LINE AND THE ENTIRE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall include:
  - a. A minimum ten (10) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every twenty (20) feet on center;
  - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
  - 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 seventy two (72) inches;
  - e. South property line -The width of the landscape buffer may be reduced to five (5) feet, spatial separation of the canal and
  - f. East property line -The above landscape requirements are not required adjacent to the existing outdoor grille.(CO: LANDSCAPE)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering along the above property line shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip; and
  - b. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
  - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree;
  - 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 thirty six (36) inches; and
  - f. The above landscape requirements may be located adjacent to the parking lot as indicated on the site plan dated February 25, 1999. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR (AFFECTED AREA ONLY)

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Foundation planters shall be provided along the facades of all structures. The minimum width of the required planters shall be five (5) feet. The combined length of the required planters shall be no less than 50% of the accumulative length of the structure. All required planters shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (CO: LANDSCAPE)

I. SIGNS

1. New freestanding sign on Ohio Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - five (5) feet; and

- b. Maximum sign face area per side - sixty (60) square feet; and
- c. Maximum number of signs - one (1); and
- d. Style - Monument style only. (CO: BLDG.)

2. Wall signs shall be limited to the west facades of all buildings. (CO: BLDG.)

J. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy Security Code, shielded and directed down and away from adjacent properties and streets. All lighting shall be setback a minimum of thirty (30) feet from all residential property lines. (BUILDING/CODE ENF-Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)
- 3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
- 4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

K. USE LIMITATIONS

- 1. All services shall be held in the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m., Monday to Sunday excluding holiday services. (ONGOING: CODE ENF)
- 2. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.) shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. bingo, carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING - Zoning)
- 3. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF -Zoning)

L. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
- 2. 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; revocation of any concurrency; 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 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)