

RESOLUTION NO. R-2006-0274

RESOLUTION APPROVING ZONING APPLICATION DOA2005-618  
(CONTROL NUMBER 1994-087)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF DIOCESE OF PALM BEACH INC. AND PIOUS SOCIETY OF THE  
MISSIONARIES OF ST. CHARLES BOROMERO, INC.  
BY LAND RESEARCH MANAGEMENT, INC., AGENT  
(PIOUS SOCIETY - OUR LADY QUEEN OF PEACE)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-618 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b 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 Application DOA2005-618, the petition of Diocese of Palm Beach Inc. and Pious Society of the Missionaries of St. Charles Boromero, Inc., by Land Research Management, Inc., agent, for a Development Order Amendment to add land area, add square footage and modify a condition of approval 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 February 23, 2006, 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 McCarty and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of February, 2006.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

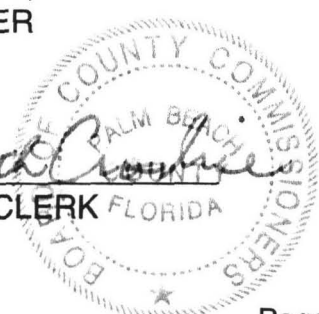


EXHIBIT A  
LEGAL DESCRIPTION

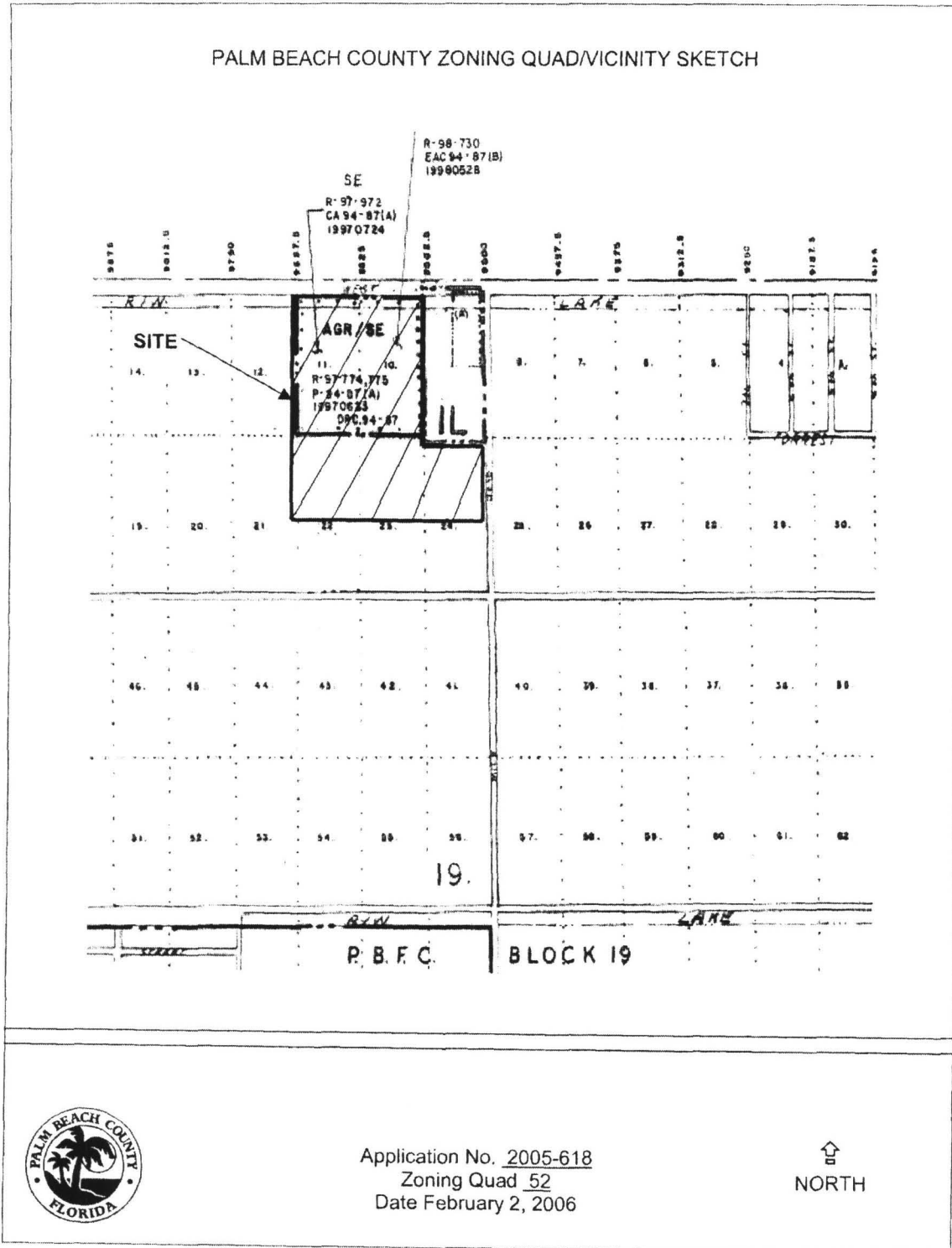
THE ENTIRE PLAT OF OUR LADY QUEEN OF PEACE MISSION AS RECORDED IN PLAT BOOK NO. 83, PAGE 90 AND 91, OF THE RECORDS OF PALM BEACH COUNTY, PLUS THE NORTH 328.15 FEET OF TRACT 24, THE NORTH 328.15 FEET OF TRACT 23, AND THE NORTH 328.15 FEET OF THE EAST 149.32 FEET OF TRACT 22, SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 26, 27, AND 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE ROAD RIGHT OF WAY FOR HALF MILE ROAD.

CONTAINING 12.99 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A.1 of Resolution R-98-730, Petition 94-87(B), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-775 (Petition 94-87(A)), 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)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-730 (Petition 94-87(B)), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.2 of Resolution R-98-730, Petition 94-87(B), which currently states:

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)

Is hereby amended to read:

Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated December 19, 2005. 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. (DRO: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

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. (Previous Condition B.1 of Resolution R-98-730, Petition 94-87(B)) (DRO: ARCH REVIEW - Zoning)
2. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for buildings I, J, K, L, M, N, O, P and Q shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of buildings I, J, K, L, M, N, O, P and Q. Painting of gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)
4. The maximum height of buildings I, K, L, M, P and Q shall be fifteen (15) feet, and the maximum height of buildings J, N and O shall be twenty-seven (27) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)

#### 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. (Previous Condition C.1 of Resolution R-98-730, Petition 94-87(B)) (CO: LANDSCAPE - Zoning)
2. Condition C.2 of Resolution R-98-730, Petition 94-87(B), which currently states:  
  
Outdoor recreation areas and accessory structures shall be set back a minimum of fifty (50) from all residential property lines. (DRC: ZONING)  
  
Is hereby amended to read:  
  
Outdoor recreation areas and accessory structures shall be setback a minimum distance of fifty (50) feet from all perimeter property lines. (DRO: ZONING - Zoning)
3. Condition C.3 of Resolution R-98-730, Petition 94-87(B), which currently states:  
  
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)  
  
Is hereby deleted. [REASON: Code requirement.]

#### ENGINEERING

1. Prior to the issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for Half Mile Road, an additional 15 feet west of the existing east property line. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all



encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDG PERMIT: MONITORING - Eng)

2. PLATTING REQUIREMENTS

Prior to issuance of a building permit, the property owner shall plat as a single building lot by combing the new Boundary of the Pious Society and the adjacent parent tract boundary to the west and south in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - ENG)

3. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after February 27, 2009. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING - Eng)

4. Condition E.1 of Resolution R-98-730, Petition CA94-87(B), which currently states:

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). (Previous Condition E.1 of R-97-775, Petition CA94-87(A)) (ONGOING: IMPACT FEE COORD)

Is hereby deleted. [Reason: Impact fees are code requirements.]

5. Thrift shop shall not be open to the general public. (Previous Condition E.2 of R-98-730, Petition CA94-87(B)) (ONGOING: CODE ENF - ENG)

6. Thrift shop hours shall be limited to Sunday 11:30 AM - 2:00 PM and Wednesday 7:00 PM - 10:30 PM. (Previous Condition E.3 of R-98-730, Petition CA94-87(B)) (ONGOING: CODE ENF - ENG)

7. Condition E.4 of R-98-730, Petition CA94-87(B), which currently states:

The Developer shall plat the subject property in accordance with Article 8 of the ULDC prior to issuance of a building permit. (BLDG PERMIT: MONITORING - Eng)

Is hereby deleted. [Reason: Superseded by new Platting condition.]

## HEALTH

1. Prior to the issuance of a building permit, the property owner shall verify that the property is served by sanitary sewer and a community water supply. No portion of this project shall be approved on potable water well and/or onsite sewage treatment and disposal system (OSTDS), existing or new. Existing septic tanks must to be abandoned in accordance with Palm Beach County ECR -I. (BLDG PERMIT: MONITORING - Health)

2. Condition D.1 of Resolution R-98-730, Petition 1994-87(B), which currently states:

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

Is hereby deleted. [REASON: No longer applicable.]

3. Condition D.2. of Resolution R-98-730, Petition 1994-87(B), which currently states:

All biomedical wastes which may be generated at this site shall be properly handled and disposed of in accordance with Chapter 10D-104 FAC.

Is hereby deleted. [REASON: Code requirement.]

## ZONING - LANDSCAPING-STANDARD

1. Condition F.I of Resolution R-98-730, Petition 94-87(B), which currently states:

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)

Is hereby amended to read:

All new and replacement canopy trees required to be planted in the perimeter landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: 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. (Previous Condition F.2 of Resolution R-98-730, Petition 94-87(B)) (BLDG PERMIT: LANDSCAPE - Zoning)
3. A group of three (3) palms or pines shall not be substituted for a perimeter canopy tree. (Previous Condition F.3 of Resolution R-98-730, Petition 94-87(B)) (BLDG PERMIT: LANDSCAPE - Zoning)
  4. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-NORTH PROPERTY LINE (FRONTAGE OF 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. (Previous Condition G.1 of Resolution R-98-730, Petition 94-87(B)) (CO: LANDSCAPE -Zoning)

2. Condition G.2 of resolution R-98-730, Petition 94-87(B), which currently states:

Landscaping and buffering along the remaining 330' of the north property line shall be upgraded to include items G.1.b-d. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Landscaping and buffering along the remaining 330' of the north property line shall be upgraded to include those materials required by condition 1.b, 1.c and 1.d. above. (CO: LANDSCAPE - Zoning)

LIGHTING

1. All new and replacement outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (ONGOING: BLDG - Zoning)
2. All new and replacement outdoor, freestanding lighting fixtures be setback a minimum distance of fifty (50) feet from the south and west property lines. (ONGOING: BLDG - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass

transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG - Palm Tran)

#### PARKING

1. Overnight storage or parking of delivery vehicles, trucks, and/or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

#### SIGNS

1. Condition H.I of Resolution R-98-730, Petition 94-87(B), which currently states:

All signage on the site, except wall signs, shall be limited to the existing median 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)

Is hereby amended to read:

Ground mounted signs along the frontage of West Atlantic Avenue shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - fifty (50) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; and,
  - e. location - within the median at the entrance drive from West Atlantic Avenue. (ONGOING: BLDG - Zoning)
2. Ground mounted signs along the frontage of Half Mile Road shall be limited to entrance signs only with a maximum height of six (6) feet measured from finished grade to highest point. (ONGOING: BUILDING - Zoning)

#### UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD -PBCWUD)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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: ZONING - Zoning)
2. Condition I.1 of Resolution R-98-730, Petition 94-87(B), which currently states:

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, OWIW, 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 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 PZ8B 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)

Is hereby amended to read:

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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)