

RESOLUTION NO. **R-91-1081**

RESOLUTION APPROVING ZONING PETITION NO. **91-23**
SPECIAL EXCEPTION PETITION OF PALMS WEST PRESBYTERIAN CHURCH

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements, as provided for in Chapter **402.5** of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. **91-23** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May **31, 1991**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter **402.5** of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **91-23**, the petition of PALMS WEST PRESBYTERIAN CHURCH, BY JEFFREY K. LOWE, AGENT, for a SPECIAL EXCEPTION FOR A CHURCH/PLACE OF WORSHIP AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying West **695.36** feet of Tract **12**, Block "**E**", Loxahatchee Groves, Plat Book **12**, Page **29**, Section **21**, Township **43** South, Range **41** East, subject to an easement for additional road right-of-way over the South **10.00** feet thereof, and being located ON THE S. SIDE BOWMAN ST., APPROXIMATELY **350** FT. W. MILITARY TR., IN THE **RM** ZONING DISTRICT, was approved on May **31, 1991**, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit **21**). Any modifications must be approved by the Board of County Commissioners

unless the proposed use or design changes are permitted pursuant to Section **402.7 (E)2(b)** (Site Plan Review Committee Powers and Standards of Review).

B. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Dept. of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification.

D. HEALTH

1. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval or prior to issuance of Building Permit for straight rezoning.
2. Day care food service facilities are not included in this approval.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
2. Prior to November 15, 1991 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty

deed for Okeechobee Boulevard, 60 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

3. 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 at the time of the Building Permit presently is \$7,095.00 (129 trips X \$55.00 per trip).

F. LANDSCAPE

1. Landscaping shall be upgraded along the north, south and west perimeters to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
 - b. One twelve (12) foot native palm tree for each twenty (20) linear feet of frontage.
 - c. A thirty-six (36) inch tall native hedge.

Existing native vegetation along the perimeters may be counted towards this requirement.

G. LIGHTING

1. Outdoor lighting used to illuminate the premises shall have a maximum height of twenty (20) feet, be low intensity, shielded and directed downward away from adjacent properties and streets.

H. PLATTING

1. Prior to issuance of building permits, the property owner shall plat the property to indicate a fifty (50) foot native vegetation buffer along Okeechobee Boulevard and a preserve area on the east portion of the site in compliance with the site plan approved by the Board of County Commissioners (Exhibit No. 21). No development activity shall be allowed in these areas.

I. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

J. SIGNS

1. Signs on the site shall be limited as follows:
 - a. Maximum number: one (1).
 - b. Maximum total sign face area: eighty (80) square feet.

- c. Maximum total sign height: ten (10) feet.
 - d. The sign shall be a monument type.
2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies: sign location, sign size, unified color and graphic representation, and typical base planting details.
 3. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

K. SPECIFIC CONDITIONS

1. The site plan shall be amended prior to Site Plan certification to indicate:
 - a. Access aisles in the parking areas as minimum twenty-six (26) feet wide.
 - b. Minimum one tree and landscape island for every ten (10) parking stalls.

L. VEGETATION PRESERVATION

1. Prior to submittal of the site plan to the Site Plan Review Committee, the petitioner shall submit a Vegetation Preservation Report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit.
2. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Department of Environmental Resource Management and the Zoning Division, shall be relocated to perimeter buffers or other open space areas on site.
3. The petitioner shall preserve/relocate existing native vegetation on site and shall incorporate it into the project design. Clearing of the vegetation shall be limited to the building pad areas, retention areas and vehicular use areas. The areas of preservation shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code, during the site development and construction phase.
4. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to the tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,

- c. **No** vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.
5. Prior to removal **of** any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

M. COMPLIANCE

1. **As** provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, 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; 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 Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - 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.

Appeals **of** any departmental-administrative actions hereunder may be taken to the Palm Beach County Board **of** Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals **of** any revocation **of** Special Exception, 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.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK