

RESOLUTION NO. R-94-641

RESOLUTION APPROVING ZONING PETITION **DOA85-84 (A)**
DEVELOPMENT ORDER **AMENDMENT**
PETITION OF BEREAN BAPTIST TEMPLE OF WEST **PALM BEACH**

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 notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA85-84 (A)** was presented to the Board of County Commissioners at a public hearing conducted on May 26, 1994; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standard; imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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(A), the petition of Berean Baptist Temple of West Palm Beach, for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to amend site plan to add square footage & amend condition 13 of R-85-1447 (vegetation preservation), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on May 26, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of May, 1994.

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

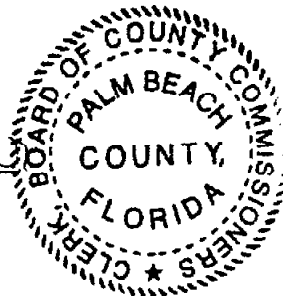


EXHIBIT A

LEGAL DESCRIPTION

February 8, 1994

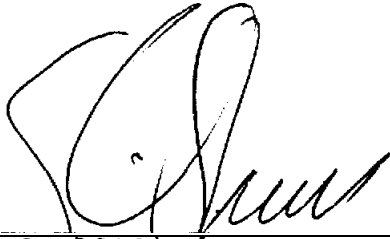
LEGAL DESCRIPTION VERBATUM AS FURNISHED BY BEREAN BAPTIST
TEMPLE IN SEPTEMBER, 1985:

DESCRIPTION:

TRACT 14, BLOCK 1, THE PALM BEACH FARMS CO. 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 CO. 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.

(REVISED SEPT. 17, 1993 LEGAL DESCRIPTION TO REFLECT
OFFICIAL RECORD BOOK 4629, PAGE 0460.



LESLIE S. OSBORNE
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE #4113

85-84 A

FEB 16 1994

EXHIBIT B

VICINITY SKETCH

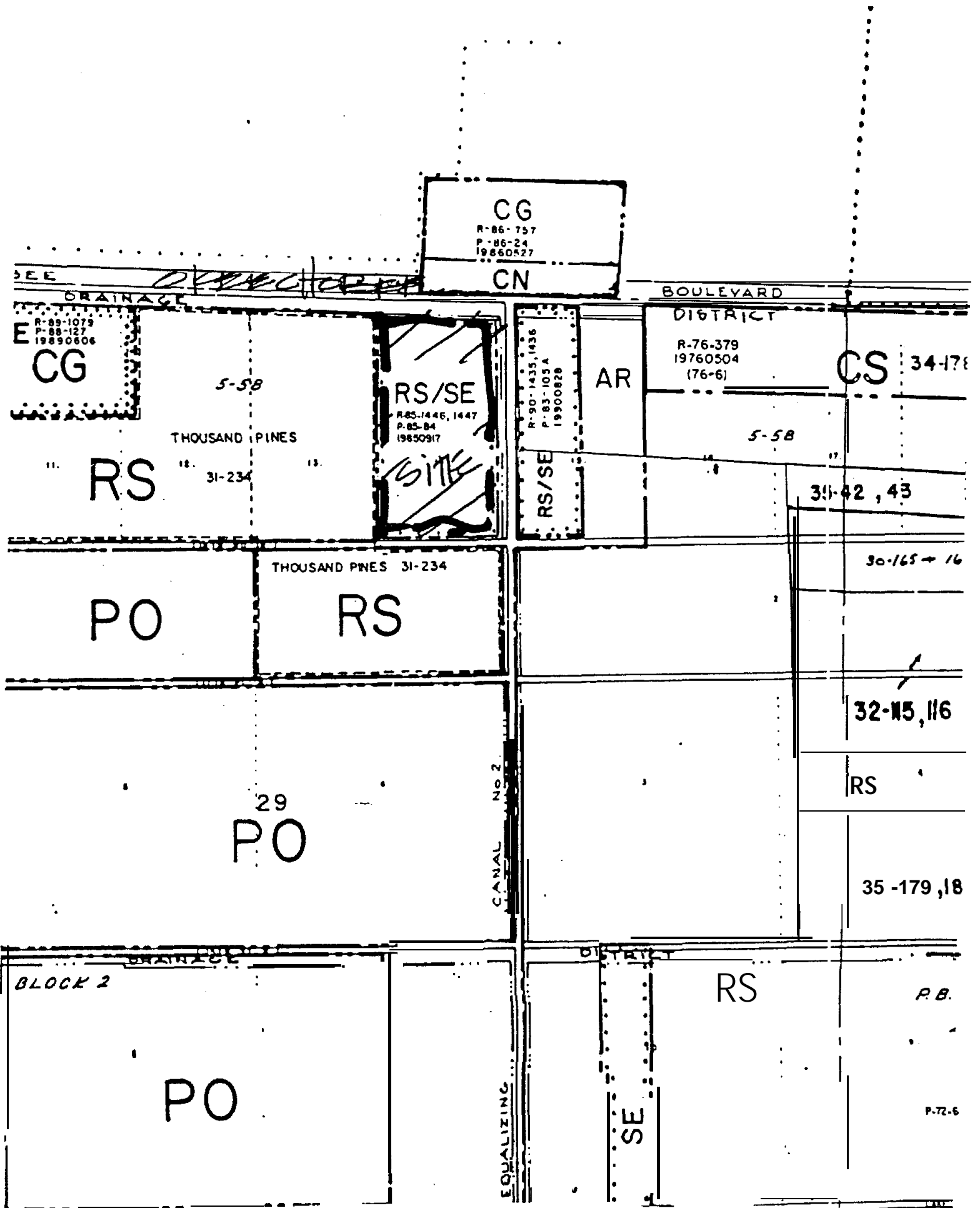


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-93-1369 have been consolidated as contained herein. **The** petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)
2. Previous Condition Number 14, Petition 85-84, Resolution R-85-1447, which states:

Setbacks for structures shall be maintained on the **eastern property** line as shown on the submitted site plan and may not **be** decreased by Site Plan Review **Committee**.

Is hereby amended to state:

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. (ZONING/Building)

3. **Prior to site plan certification, the site plan shall be revised to reflect the following:**

a) Board of Adjustment variance relief for turfgrass parking areas, or modification to the site plan to reflect paved parking spaces. (Previously Condition Number 2, Petition 85-84, Resolution R-85-1447) [Completed: see **BA85-113**] (ZONING)

4. Previous Condition Number 10, Petition 85-84, Resolution R-85-1447, which states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Is hereby deleted. [Reason: Code requirement]

5. **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 Number 11, Petition 85-84, Resolution R-85-1447) (ZONING/Building)
6. **All outdoor lighting shall be directed away from adjacent residences.** (Previously Condition Number 12, Petition 85-84, Resolution R-85-1447) (BUILDING/Code **Enforcement**)

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 Number 1, Petition 85-84, Resolution R-85-1447) (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. (ERM)

3. **The existing significant vegetative cover within sixty-five (65) feet of the eastern property line and within twenty five (25) feet of the western property line shall be preserved and appropriate measure shall be taken to protect said vegetation during the site development process.** (Previously Condition Number 13, Petition 85-84, Resolution R-85-1447) (ERM)

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 Number 8, Petition 85-84, Resolution R-85-1447) (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 Number 9, Petition 85-84, Resolution R-85-1447) (HEALTH)
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)
4. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. Previous Condition Number 3 of Petition 85-84 which states:

The property owner shall **construct** a left turn lane, east approach, and right turn lane, west approach, on Okeechobee Boulevard, at such time as required by the County Engineer. The **petitioner** shall provide acceptable performance security prior to the issuance of a building permit. The amount of security shall be established by a cost estimate certified by a registered engineer and approved by the County Engineer's Office.

Is hereby deleted.

[REASON: OKEECHOBEE BLVD. HAS NOW BEEN WIDENED TO 6 LANES.]

2. 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 presently is \$17,949. (Previously Condition Number 4, Petition 85-84, Resolution R-85-1447) (IMPACT FEE COORDINATOR)
3. 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 Number 5, Petition 85-84, Resolution R-85-1447) (ENGINEERING - LWDD)

4. **The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section prior to the issuance of a Building Permit.**
(Previously Condition Number 6, Petition 85-84, Resolution R-85-1447) (ENGINEERING)
5. **The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.** (Previously Condition Number: 7, Petition 85-84, Resolution R-85-1447) [Status: Site entrance constructed.] (ENGINEERING - FDOT)
6. **There shall be no access to this site from along the eastern property line.** (Previously Condition Number 15, Petition 85-84, Resolution R-85-1447) (ENGINEER::NG)

F. COMPLIANCE

1. 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. (MONITORING)