

RESOLUTION NO. R-95- 726

RESOLUTION APPROVING ZONING PETITION DOA85-84(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BEREAN BAPTIST CHURCH 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, 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(B) was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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 reservation and therefore 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(B) the petition of Berean Baptist Church of West Palm Beach for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to increase square footage (+69,167); increase daycare capacity (+260 children); increase school capacity (+500 students); increase capacity of church (+1300 seats); amend Condition B.3 (preserve) of Resolution R-94-641, previously approved 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 25, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

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

EXHIBIT B
VICINITY SKETCH

WEST PALM BEACH

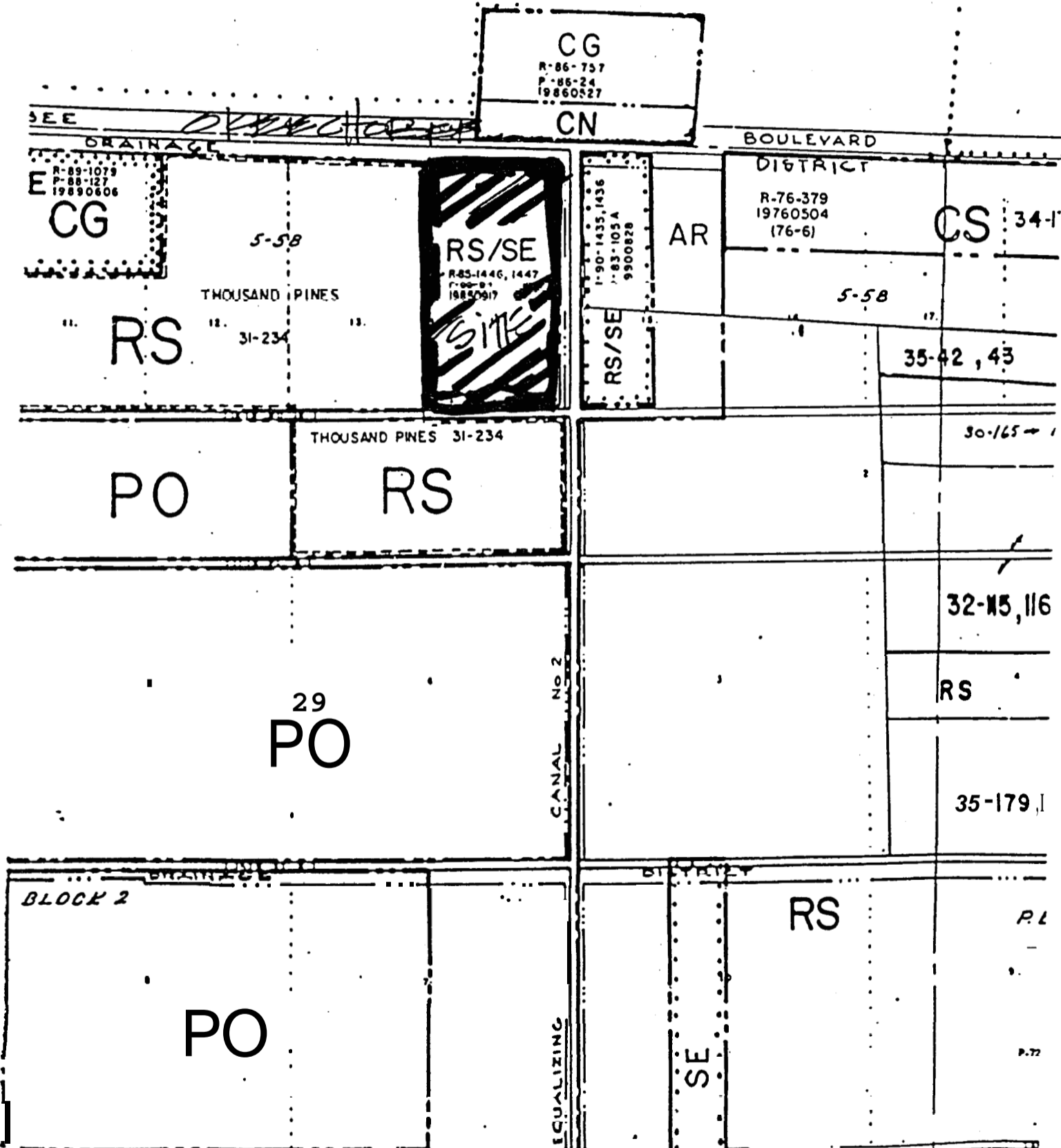


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified herein.

A. GENERAL

1. Condition **A.1** of Resolution R-94-641 which currently states:

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

Is hereby amended to state:

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)

2. **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. (Previously Condition A.2 of Resolution R-94-641, Petition 85-84(A). (ZONING/Building)**
3. Condition **A.3** of Resolution 94-641, Petition 85-84(A), which states:

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.**

Is hereby deleted. REASON - Condition satisfied.

4. **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.5 of Resolution R-94-641, Petition No. 85-84(A). (ZONING/Building)**
5. **All outdoor lighting shall be directed away from adjacent residences. (Previously Condition No. A.6 of Resolution R-94-641, Petition 85-84(A). (BUILDING/Code Enforcement)**
6. No lighting shall be permitted in the outdoor play areas. (BUILDING/Code Enforcement)
7. All outdoor lighting, excluding security lighting only, shall be extinguished no later than 9:00 p.m. daily. (CODE ENFORCEMENT)
8. All outdoor lighting shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)

9. 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). (ZONING)
10. 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. (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-94-641, Petition No. 85-84(A) . (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-94-641, Petition No. 85-84(A). (ERM)
3. Condition B.3 of Resolution R-94-641 which currently states:

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.

Is hereby amended to state:

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. (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. (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. (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-94-641, Petition No. 85-84(A), (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-94-641, Petition No. 85-84(A). (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-94-641, Petition No. 85-84(A). (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-94-641, Petition No. 85-84(A). (HEALTH)
5. Petitioner shall submit architectural plans for the day care and private school facilities to the Environmental Health Section, PBCPHU, in accordance with Chapter 10D-24 prior to issuance of a building permit. (HEALTH-Building)

D. USE LIMITATION

1. The day care center shall be limited to a maximum of 400 children. (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. (BLDG-Zoning).
3. The church and fellowship areas shall not be utilized simultaneously. (CODE ENFORCEMENT)
4. Outdoor activities shall not commence prior to 9:00 a.m. and shall cease no later than 9:00 p.m. unless notification is provided to the 1000 Pines Subdivision. (CODE ENFORCEMENT)

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" 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 No. E.2 of Resolution R-94-641, Petition No. 85-84(A). (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 Equalising 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.3 of Resolution R-94-641, Petition No. 85-84(A). (ENGINEERING-LWDD)
3. Condition E.4 of Resolution R-94-641, Petition 85-84(A), which states:

The property owner shall obtain an on site Drainage Permit from the Palm Beach county Engineering Department, Permit Section prior to the issuance of a Building Permit.

Is hereby deleted. Reason - Code Requirement.

4. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard. (Previously Condition No. E.5 of Resolution R-94-641, Petition No. 85-84(A). Note: This turnout is presently existing. (ENGINEERING - FDOT)

5. **There shall be no access to this site from along the eastern property line.** (Previously Condition No. E.6 of Resolution R-94-641, Petition No. 85-84 (A). (ENGINEERING))
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. (BUILDING-Engineering).
7. 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(A), to be paid at the time of issuance of the Building Permit presently is \$135,410.00 (2,462 additional trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)
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. (BUILDING-Engineering)
 - 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. (BUILDING-Engineering)
 - 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. (BUILDING-COUNTY ATTORNEY-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. (ZONING/ERM)**

G. 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. (Previously Condition No. F.1 of Resolution R-94-641, Petition No. 85-84(A). (MONITOR10G)