

# FILE COPY

RESOLUTION R-97- 529

RESOLUTION AMENDING RESOLUTION R-97-246  
RESOLUTION APPROVING ZONING PETITION OF SON OF LIFE LUTHERAN CHURCH  
PETITION DOA83-58(H)

WHEREAS, **Son** of Life Lutheran Church, petitioned the Palm Beach County Board of County Commissioners on January 30, 1997 for Development Order Amendment to allow a Commercial communication tower (125 feet) (requested use); and

WHEREAS, Resolution R-97-246, adopted on February 27, 1997 confirming the action of the Board of County Commissioners inadvertently contained an error in Condition E.9 of Exhibit C; and

WHEREAS, Exhibit **C** of Resolution R-97-246 should have read as shown on attached Exhibit C.

**NOW**, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.
2. Exhibit C of Resolution R-97-246 is hereby amended.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on April 24, 1997.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Benjamin Atter*  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY: *Janet Hawley*  
DEPUTY CLERK



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. Petitions 83-58(F) & (G) were withdrawn.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-91-1069, Petition 83-58(E) which currently states:

**The petitioner shall comply with all previous conditions and time certain conditions of approval, unless expressly modified herein.**

~~Is~~ hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-91-1069 (Petition 83-58(E)), R-87-96 (Petition 83-58(D)), R-85-1078 (Petition 83-58(B)) and R-84-58 (Petition 83-58), 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)

2. Condition 1 of Resolution R-85-1078, Petition 83-58(B) which currently states:

**Conditions previously approved by the Board of County Commissioners shall remain in effect except those conditions modified herein.**

~~Is~~ hereby deleted. [REASON: superseded by new condition]

3. Condition 1 of Resolution R-87-96, Petition 83-58(D) which currently states:

**All conditions of previous approvals shall remain in effect unless expressly modified herein.**

~~Is~~ hereby deleted. [REASON: superseded by new condition]

4. 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 October 25, 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)

5. **The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.** (Previously Condition 7 of Resolution R-85-1078, Petition 83-58(B))

B. BUILDING AND SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition A.1 of Resolution R-91-1069, Petition 83-58(E))

2. Condition A.1 of Resolution R-91-1069, Petition 83-58 (E) which currently states:

Development of the site is limited to the uses and site design shown on the site plan 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) of the Zoning Code.

~~It~~ hereby deleted. [REASON: superseded by new condition]

3. The Master Plan shall be amended prior to certification to reflect the following:

a) Pod "D" shall be divided into **two** tracts corresponding to Land Use Plan category boundaries.

b) Guard houses shall be set back a minimum of **150 FEET** from accessed thoroughfares. The western-most guardhouse on Boynton Beach Blvd. shall be located north of the "outparcel" access point.

c) "green open area tracts" shall be ~~re-labeled~~ as "Open Space and Recreation" tracts. (Previously Condition 12 of Resolution R-84-58, Petition 83-58)

C. CIVIC SITE

1. Petitioner shall at its cost and expense provide County with a title commitment insuring marketable fee simple title to Palm Beach County for the library site. (Previously Condition B.1 of Resolution R-91-1069, Petition 83-58(E))

2. Petitioner shall convey the library site by Statutory Warranty Deed in a form acceptable to FPD&C and the County Attorney. (Previously Condition B.2 of Resolution R-91-1069, Petition 83-58(E))

3. Petitioner shall pay all ad valorem real estate taxes and assessments pro-rated to the date of the acceptance by County of the special warranty deed to the library site. Said payment shall be made on acceptance of the deed by County. (Previously Condition B.3 of Resolution R-91-1069, Petition 83-58(E))

4. The conveyance of the library site to County shall be conditioned upon the county providing a non-exclusive ingress and egress easement over the North 40 feet of the property in favor of the Florida-Georgia District Lutheran Church. (Previously Condition B.4 of Resolution R-91-1069, Petition 83-58(E))

5. Petitioner shall provide all retention, detention and drainage required for both the County and library site. Petitioner shall specifically address the following issues:
  - a. the discharge of surface water from the library site into the Petitioner's water retention basins.
  - b. an easement for an equalizer conduit connecting water retention basins lying easterly of Jog Road to water retention basins lying westerly of Jog Road and with the easement area described as the southerly 75 feet of the easterly 20 feet of the library parcel.
  - c. an easement across Petitioner's property from the library site to the retention basins. (Previously Condition B.5 of Resolution F.-91-1069, Petition 83-58(E))
6. Prior to site plan certification of the library and/or house of worship, the site plans shall be amended to indicate the following:
  - a. cross walks and appropriate striping across the forty (40) foot right-of-way to ensure safe access between the uses within the civic tract. (Previously Condition B.6 of Resolution R-91-1069, Petition 83-58(E))
7. Applicant shall obtain a Certificate of Concurrency Reservation for the church site prior to site plan approval for the church. (Previously Condition B.7 of Resolution R-91-1069, Petition 83-58(E))
8. Prior to site plan certification of petition 83-58H, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS)
9. Palm Beach County and the State of Florida shall have the right to co-locate communication equipment on the tower, subject to an acceptable lease agreement, provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM)
10. Prior to site plan certification by the DRC of petition 83-58H, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.2.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)
11. Prior to site plan certification of petition 83-58H, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS)

12. The communication tower shall **be** limited to **the** tower elevation as shown in Exhibit D dated January 28, 1997 and a maximum overall height of one hundred twenty-five **(125)** feet measured from finished grade to highest point. (DRC: **ZONING - Bldg**)
13. **Prior to** site plan certification **of** petition **83-58H**, the petitioner shall submit a tower removal agreement with language requiring the removal of all communication equipment from the bell tower within twelve **(12)** months of cessation of use. (DRC: **ZONING**)
14. No signs **shall be** permitted on the tower excluding religious symbols. (CO: **BLDG - Zoning**)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All lakes shall **be** planted with native aquatic vegetation on a **minimum** of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Dept. of Environmental Resources Management concurrent with Site Plan Review application and approved by **ERM** prior to Site Plan certification. (Previously Concition C.1 of Resolution **R-91-1069**, Petition **83-58(E)**)

E. ENGINEERING

- 1 The Developer **shall construct** Boynton Beach Boulevard as a four lane median divided section from the existing four lane terminus **west** of Congress Avenue to the east property line of the **development** approved as Petition **81-152** plus the appropriate tapers per the **County Engineer's** Approved Construction Plans. This construction shall be commenced prior to the issuance **of** the 714th **Building** permit and construction shall commence within **60** days **of** issuance of D.O.T. permit and shall **be** substantially completed (open to traffic) within **15** months of commencement. Acceptable surety **has** been posted prior to June 1, 1985 **with** the County Engineer's **office in** the amount of 1.2 million dollars. **No** further building permits beyond the 714th shall be issued until Boynton Beach Boulevard has been substantially completed (open to traffic) between Congress Avenue and the east property line of Petition **81-152**.

Should the cost **of** this 4 lane construction be less than \$1.2 million, the Developer shall pay to Palm Beach County the difference between that amount and the actual certified construction cost toward Palm Beach County road construction program. **In** the event that this certified construction **cost** exceeds 1.2 million, the impact fee monies collected by the County Through Fair Share Impact Fees, **or** through **Special** Exception approvals **for** other projects impacting this link **of** Boynton Beach Boulevard, shall be made available to this Developer in an amount not to exceed **\$380,000.00**.

- b) Palm Beach County may elect to participate in the construction of Boynton Beach Boulevard as a 6 lane median divided section from Congress Avenue to Military Trail. Should Palm Beach County participate in this construction then the County, at its option, may elect to fund the additional cost of 6 laning by paying the difference between 4 laning and 6 laning this section of road. (Previously Condition 1 of Resolution R-87-96, Petition 83-58(D))

Note: Boynton Beach Boulevard road widening has been completed.

2. Acceptable surety shall **also** be posted for Condition **Nos. 5,6,7,8** and **9** of Resolution **R-84-58** prior to June **1, 1985**. (Previously Condition **4** of Resolution **R-85-1078**, Petition **83-58(B)**)
3. Petitioner shall provide Palm Beach County with a road **drainage** easement and sufficient **retention/detention** through this project's internal lake system to legal positive outfall for the road **drainage** of Boynton Beach Boulevard and Jog Road. This drainage easement shall be subject to all governmental agency requirements. (Previously Condition **5** of Resolution **R-85-1078**, Petition **83-58(B)**) (ONGOING: ENG)
4. Condition 6 of Resolution **R-85-1078**, Petition **83-58(B)** which currently states:

The Developer 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. Presently the Fair Share Fee for this project is **\$603** per approved multi-family dwelling unit and **\$804** per approved single family dwelling unit (under **2000** square feet). Credit for the impact fee shall be given toward construction as outlined in Condition **#4** above.

~~It~~ hereby amended to read:

The Developer 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. Presently the Fair Share Fee for this project is **\$603** per approved multi-family dwelling unit and **\$804** per approved single family dwelling unit (under **2000 square** feet). Credit for the impact fee shall be given toward construction as outlined in Condition **#2** above.

5. Condition 1 of Resolution **R-84-58**, Petition **83-58** which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance **73-4** as amended.

~~It~~ hereby deleted. [REASON: code requirement]

6. The property owner shall convey for the ultimate right-of-way of:

- a) Boynton Beach Boulevard, **120** feet north of the existing south right-of-wayline of Boynton Beach Boulevard (approximately an additional **40** feet of right-of-way) including the **two** existing out parcels,

- b) Jog Road, **60** feet from each side of the centerline (a total of **120** feet) approximately an additional **80** feet of right-of-way (including along the existing **two** out parcels).

NOTE: **Data base** indicates compliance with this condition 6a and 6b.

All rights-of-way shall be conveyed within ninety (**90**) days of Special Exception approval and conveyance must be accepted by Palm Beach County prior to the issuance of the first building permit. (Previously Condition **2** of Resolution R-84-58, Petition 83-58)

- 7. **The** developer shall construct Jog Road as a 2-lane section from the north right-of-way line of the Boynton Beach Canal south to Boynton Beach Boulevard (including the bridge over the Boynton Canal) as required by the County Engineer to provide continuity for Jog Road but in no case later than four years after Special Exception approval. (Previously Condition 5 of Resolution R-84-58, Petition 83-58)

NOTE: **Jog** Road widening is now complete.

- 8. **The** developer shall construct concurrent with the construction of and at both project entrances onto Boynton Beach Boulevard:
  - a) Left turn lane, west approach.
  - b) **Right** turn lane, east approach.
  - c) Signalization when warranted, as specified by the County **Engineer.**(Previously Condition 6 of Resolution R-84-58, Petition 83-58)

- 9. The developer shall construct at the intersection of ~~Hagen Ranch Road~~ **Jog Road** and Boynton West Road concurrent with second plat improvements:

- a) Left turn lane, west approach on Boynton Beach Blvd. at it's intersection with Jog Road.
- b) Right turn lane, east approach on Boynton Beach Boulevard at it's intersecting with Jog Road.
- c) Left turn lane, north approach and a left turn lane, south approach on Jog Road at the project's entrance roads.
- d) Left turn lane, north approach on Jog Road at it's intersection with Boynton Beach Boulevard. (Previously Condition **8** of Resolution R-84-58, Petition 83-58)

- 10. The developer shall install signalization when warranted **as** specified **by** the County Engineer, at the intersection of Jog Road and Boynton Beach Boulevard. (Previously Condition **9** of Resolution R-84-58, Petition 83-58)

NOTE: Condition has been completed.

**F. HEALTH**

1. **The** developer shall take reasonable precautions during **the** development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties. (Previously Condition 10 of Resolution R-84-58, Petition 83-58)
2. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters. (Previously Condition 11 of Resolution R-84-58, Petition 83-58)

**G. IRRIGATION QUALITY WATER**

1. When irrigation quality water is available within five-hundred **(500)** feet ~~of~~ the civic site, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. (Previously Condition D.1 of Resolution R-91-1069, Petition 83-58(E))

**H. LANDSCAPE**

1. Landscaping along the east boundary of the civic site, adjacent to Jog Road, shall be upgraded to include:
  - a. twelve **(12)** foot tall native canopy trees thirty **(30)** feet on center and a thirty-six **(36)** inch high continuous, opaque hedge, shrubs, or native understory, twenty-four **(24)** inches on center. (Previously Condition E.1 of Resolution R-91-1069, Petition 83-58(E))
2. In addition, the petitioner shall upgrade landscaping along the north **and south** sides of the fifty **(50)** foot access easement to the site, from Jog Road, to include:
  - a. twelve **(12)** foot ~~tall~~ native canopy trees ~~thirty~~ **(30)** feet on center and a thirty-six **(36)** inch high continuous, opaque hedge, shrubs, or native understory, twenty-four **(24)** inches on center. (Previously Condition E.2 of Resolution R-91-1069, Petition 83-58(E))
3. Prior to site plan certification, the petitioner shall amend the site plan to conform with the requirements of Zoning Code Section **500.35** (Landscape Code) adopted by the Board of County Commissioners on March **5, 1991**. (Previously Condition E.3 of Resolution R-91-1069, Petition 83-58(E))

**I. LANDSCAPE - LEASE PARCEL ONLY**

1. Landscaping and buffering around the entire perimeter within the lease **parcel** shall be upgraded to include:
  - a. A minimum ten (10) foot wide Landscape Buffer Strip (CO: LANDSCAPE - Zoning)

- b. One (1) native canopy tree planted every fifteen (15) feet on center, minimum fourteen to sixteen (14 - 16) foot height and minimum trunk diameter of 3.5 inches measured 4.5 feet above grade. Canopy diameter shall be a minimum of 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)
- c. One cluster of three (3) native palms planted twenty (20) feet on center, minimum sixteen to twenty (16 - 20) feet overall height. (CO: LANDSCAPE - Zoning)
- d. Six (6) foot high continuous opaque hedge, minimum of thirty-six (36) inch height and twenty-four (24) inches on center at installation. (CO: LANDSCAPE - Zoning)
- e. The landscape buffer for the tower, with the exception of the proposed palms, shall be located on the exterior of the required chain link fence. (CO: LANDSCAPE - Zoning)

**J. LANDSCAPE WITHIN MEDIAN**

- 1. If permitted by the State Department of Transportation and the County Engineer, the petitioner shall landscape the median of all right-of-ways abutting the civic site. This landscaping shall consist of: one ten (10) foot tall native canopy tree planted an average of thirty (30) feet on center, and appropriate ground cover and irrigation. All materials shall be selected, maintained and installed according to xeriscape principles. This landscaping shall be the perpetual maintenance obligation of the master homeowners association of the PUD. Landscaping shall be installed prior to **April 25, 1992** (Previously Condition F.1 of Resolution R-91-1069, Petition 83-58(E))

**K. LAKE WORTH DRAINAGE DISTRICT**

- 1. Property owner shall convey, by either easement or deed, to the Lake Worth Drainage District, the North 55.00 feet of Tracts 32 to 39 inclusive, Block 48, Palm Beach Farms Company Plant No. 3 and the North 80.00 feet of the Northwest 1/4 of the NE 1/4 of the SE 1/4 of Section 22/45/42, all for the right-of-way for Lateral Canal No. 23. (Previously Condition 13 of Resolution R-84-58, Petition 83-58)

**L. MASTER PLAN**

- 1. Prior to Site Plan Certification, the master plan shall be amended to indicate the following:
  - a. consistency with the certified site plans for the developed portions of the project,
  - b. correct tabular data (units/acres/density for each Pod/use), and
  - c. correct land use and zoning information. (Previously Condition G.1 of Resolution R-91-1069, Petition 83-58(E))

**M. RECYCLE SOLID WASTE**

1. The property owners within the PUD 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. (Previously Condition H.1 of Resolution R-91-1069, Petition 83-58(E))

**N. COMPLIANCE**

1. Condition I.1 of Resolution R-91-1069, Petition 83-58(E) which currently states:

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 or 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 noncompliance, 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.

It is hereby amended to read:

1. 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; 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 noncompliance, 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.

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)