

RESOLUTION NO. R-97- 660

RESOLUTION APPROVING ZONING PETITION DOA78-239(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ST. HERMAN ORTHODOX CHURCH
BY KEVIN MCGINLEY, AGENT
(ST. HERMAN ORTHODOX CHURCH)

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 DOA78-239(A) was presented to the Board of County Commissioners at a public hearing conducted on May 22, 1997; 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 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 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 DOA78-239(A), the petition of St. Herman Orthodox Church, by Kevin McGinley, agent, for a Development Order Amendment to add square footage (+3,708) 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 22, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Altman*
COUNTY ATTORNEY

BY: *Joan Haverly*
DEPUTY CLERK

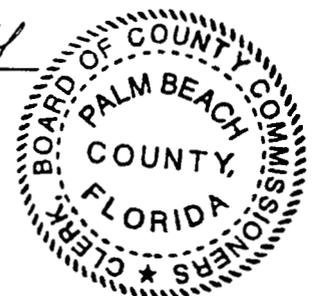


EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION ST. HERMAN CHURCH

DESCRIPTION:

That part of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 12, Township 45 South, Range 42 East, the same being Tract 1 of said Northwest 1/4 of said Section 12, according to the public records of Palm Beach County, Florida, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, more particularly described as follows:

Beginning at a point on the West right-of-way line of Military Trail, as presently located and existing and being the Southeast corner of the above described tract of land and proceed North along the West right-of-way line of Military Trail a distance of 40 feet for a point of beginning; thence run West a distance of 208 feet to a point; thence run North a distance of 208 feet to a point; thence run East a distance of 208 feet to a point; thence run South along the West right-of-way line of Military Trail to the Point of Beginning.

LESS THE EAST 17 FEET THEREOF.

EXHIBIT B
VICINITY SKETCH

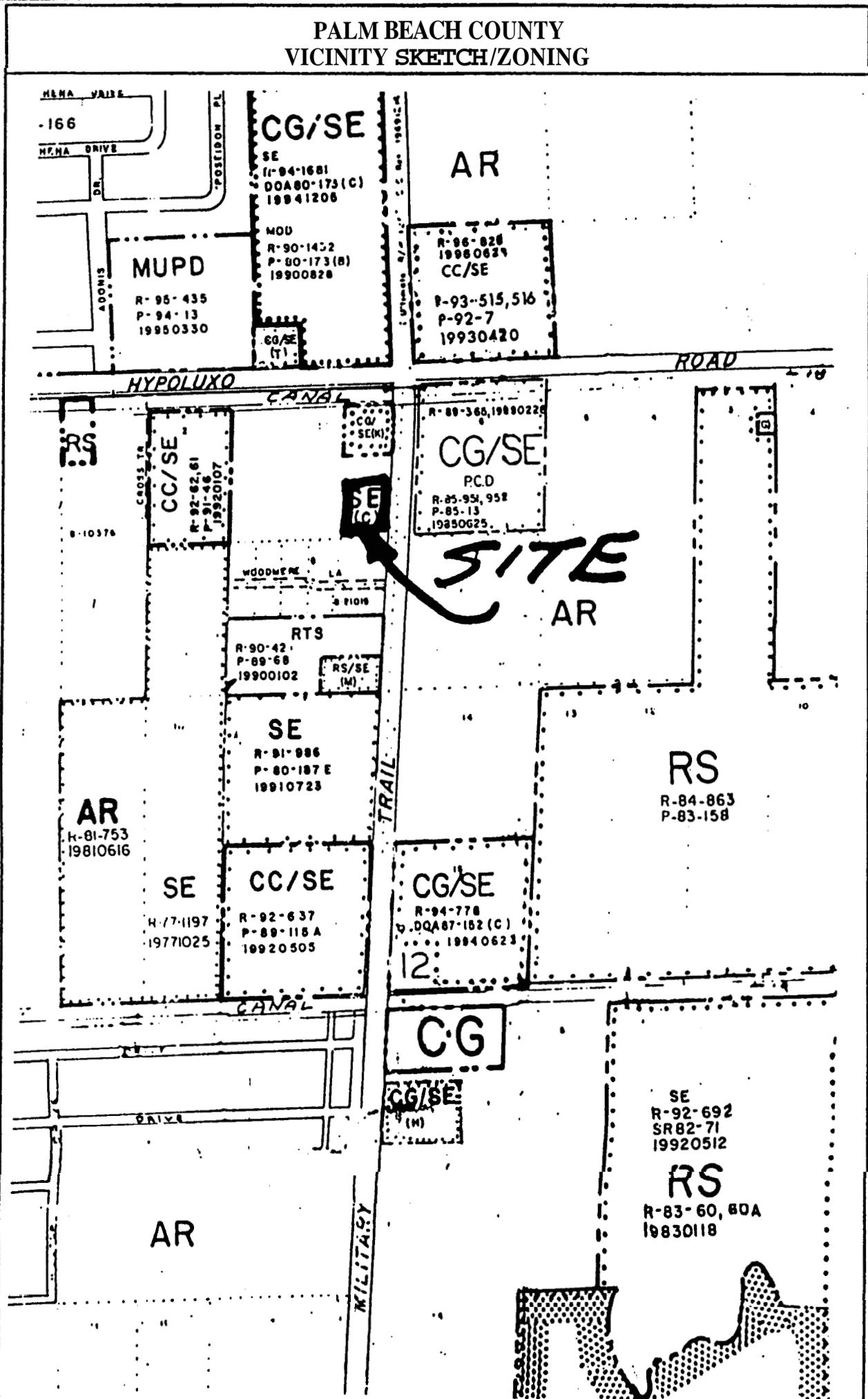


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. **All** previous conditions of approval applicable to the subject property, as contained in Resolutions R-78-1420 (Petition 78-239), 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. 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 December 30, 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)

B. BUILDING AND SITE DESIGN

1. The church shall be limited to a maximum of 135 seats. (DRC / ONGOING BUILDING - Zoning)

C. LANDSCAPING

1. All 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. (CO: LANDSCAPE-Zoning)
2. A minimum ten (10) foot wide right-of-way buffer shall be installed along Military Trail . The buffer shall include one (1) canopy tree every twenty (20) feet on center. (CO: BUILDING - Zoning)
3. A minimum 10 foot wide Alternative 3 landscape buffer shall be installed along the north and west property lines. (DRC: ZONING)
4. Landscape requirements along the north property line may be amended by the Development Review Committee (DRC) upon approval of an Alternative Landscape Betterment Plan (ALBP) by the DRC. However, the right-of-way buffer for Military Trail shall be a minimum of ten (10) feet in width. All other ULDC landscape requirements shall apply. (DRC: ZONING)

D. LIGHTING

1. **All** outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BLDG / CODE ENF-Zoning)
2. **All** outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: BLDG - Zoning)

E. ENGINEERING

1. **Within ninety days of the Special Exception approval, petitioner shall convey to Palm Beach County sixty-seven (67) feet from the existing centerline for Military Trail right-of-way** . (Previously Condition 1. Resolution R78-1420 (Petition 78-239). [Condition Completed]
2. Prior to final DRC approval the property owner shall amend the site plan to reflect access onto Military Trail. The existing access onto Cross Trail shall **be** eliminated. Existing paved access onto **Cross** Trail shall be removed prior to the issuance of a Certificate of Occupancy. (CO: **MONITORING/Eng**)
3. **LANDSCAPE WITHIN MEDIAN**
 - a. Prior to issuance of a building permit, the property owner shall apply to the Land Development Division, Permit Section, of 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 the Land Development Division 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 and shall be consistent with the landscaping theme adopted for this roadway. **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. (BLDG PERMIT: **MONITORING - Eng**)
 - c. 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 assigns 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 on or before the issuance of a Certificate of Occupancy. (CO: **MONITORING - Eng**)
 - d. Declaration of Covenants and Restriction Documents shall be established or amended **as** required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: **MONITORING - Eng**)

F. COMPLIANCE

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 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 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)