

RESOLUTION NO. R-98- 1784

RESOLUTION APPROVING ZONING PETITION DOA78-198(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF EPHIPHANY EVANGELICAL LUTHERAN CHURCH INC.
BY KIERAN KILDAY, AGENT
(EPHIPHANY LUTHERAN 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 DOA78-198(B) was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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 DOA78-198(B), the petition of Ephiphany Evangelical Lutheran Church Inc., by Kieran Kilday, agent, for a Development Order Amendment (DOA) to Reconfigure site plan, Add 100 seats, Relocate building square footage and Modify Condition 3 of Resolution R-90-345 (maximum children) 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 October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner Foster 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	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

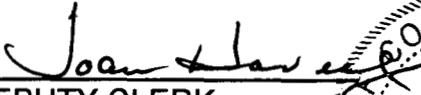
The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

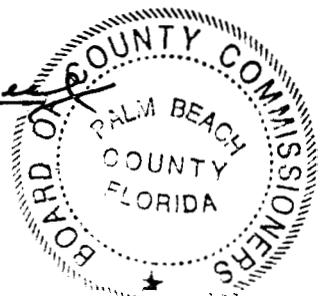


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION - SEC. 29&30 TWN. 44S. RNG. 42E

THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 25, IN BLOCK 28 OF PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO **THE** PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH **54**. (O.R.B. 4376, PG. 1639)

LESS THE SOUTH ONE-HALF OF THE WEST 28 FEET OF TRACT 25, ~~IN~~ **IN** BLOCK **28**, OF PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK ~~OF~~ **OF** THE CIRCUIT COURT IN AND **FOR** PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGES 45 THROUGH **54**. (O.R.B. 3002, PG. 1768)

LESS THE EAST 6 FEET OF THE WEST 35 FEET OF THE SOUTH ONE-HALF OF TRACT 25, BLOCK 28, OF PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, **IN** PLAT BOOK 2, PAGES 45 THROUGH **54**. (O.R.B. 8825, PG. 422)

CONTAINING 4.735 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

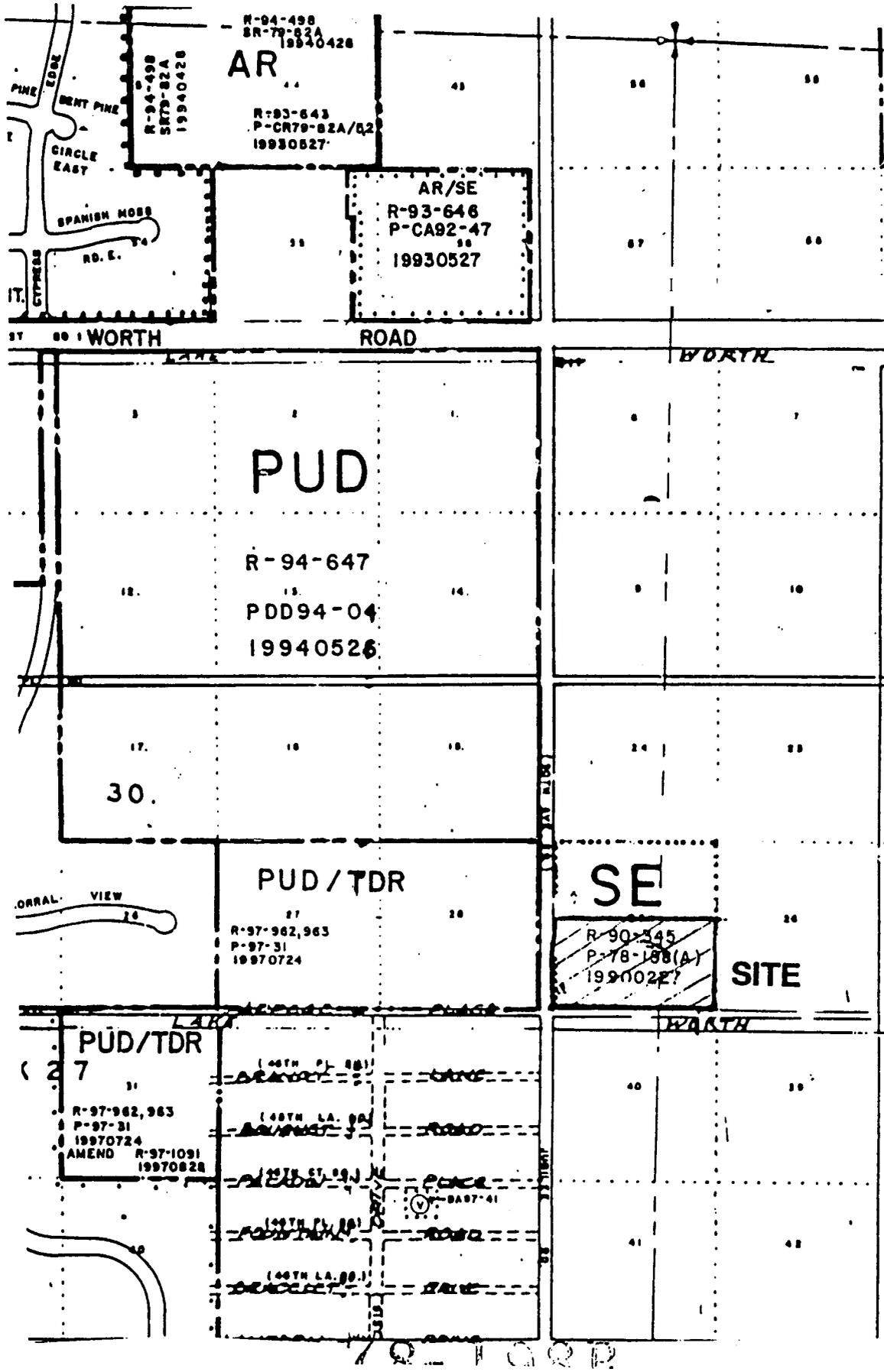


EXHIBIT C

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-78-1263 (Petition 78-198) and R-90-345 (Petition 78-198A) 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 July 23, 1998. 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. ARCHITECTURAL CONTROL

1. **All** buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDG PERMIT: BLDG-Zoning)
2. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to 20,613 square feet and shall be limited to the following breakdown:
Phase 1
 - a). Youth Room - 1,144 square feet (existing)
 - b).** Fellowship hall - 4,190 square feet (existing)
 - c). Daycare - 3,495 square feet and for 100 children
 - d). Church offices - 1,288 square feet
Phase 2
 - a). The church shall be limited to a maximum of 400 seats and a total gross enclosed floor area of 10,496 square feet .
(DRC / ONGOING BUILDING -Zoning)
2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet (except for structures permitted under Section 6.5.H.5) (BLDG PERMIT: BLDG - Zoning)

3. A six (6) foot high black vinyl coated chain link fence shall be installed along the entire perimeter of the outdoor play area and shall be landscaped as per site plan dated July 23, 1998.

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)

F. HEALTH

1. Application and engineering plans to permit the proposed lift station must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
2. The day care center shall be limited to a maximum of 100 children. (ONGOING: HEALTH)

G. LANDSCAPING

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: Twelve (12) 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)
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING LYONS ROAD)

1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb.
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and

- e. Twenty four inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation to be planted at the plateau of the berm and to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb.
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)
- 2. Landscaping along the east 335 feet of the north property line and the entire east property line shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE WEST 385 FEET OF SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL AND CANAL)

- 1. Landscaping and buffering along the above property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb; and
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG THE EAST 240 FEET OF SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL AND CANAL)

- 1. Landscaping and buffering along the above property line shall include:
 - a. A minimum five (5) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every twenty (20) feet on center; and
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and

- d. Twenty four inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation to be planted at the plateau of the berm and to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)
2. Landscaping along the east 240 feet of the south property line and the entire east property line shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (CO: LANDSCAPE)

L. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred twenty (120) linear feet. (DRC: ZONING)
2. Landscape islands shall be provided along the facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 50% of the accumulative length of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. Interior landscaping and foundation planting for Phase 1 (refer to site plan dated July 23, 1998) shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (CO: LANDSCAPE)

M. SIGNS

1. New freestanding sign fronting on Lyons Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet; and
 - b. Maximum sign face area per side - 60 square feet; and
 - c. Maximum number of signs - one (1); and
 - d. Style - Monument style only. (CO: BLDG.)

N. 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. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)
3. All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding security lighting and holiday lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

O. USE LIMITATIONS

1. **All** services shall be held within the church facilities and the hours of operation shall be limited to 7:00 a.m. - 9:30 p.m. daily , excluding holiday services. (ONGOING: CODE ENF)
2. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, fun fairs etc.) shall be limited to a maximum of three (3) events per year (subject to special permits) and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING - Zoning)
3. No overnight parking of vehicles shall be permitted on the site except for the following:
 - a. vehicles for church uses; and
 - b. vehicles used temporarily for the construction of the church facility and shall be subject to special permits). (ONGOING: MONITOR NG-Zoning)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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)