

RESOLUTION NO. R-99- 700

RESOLUTION APPROVING ZONING PETITION DOA80-120(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ROBERT N. LYNCH, DIOCESE OF PALM BEACH
BY KEVIN MCGINLEY, AGENT
(ST. THOMAS MORE 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 DOA80-120(D) was presented to the Board of County Commissioners at a public hearing conducted on April 22, 1999; 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 DOA80-120(D), the petition of Robert N. Lynch, Diocese of Palm Beach, by Kevin McGinley, agent, for a Development Order Amendment (DOA) to add building square footage 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 April 22, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

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

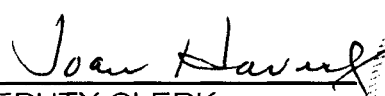
The Chair thereupon declared that the resolution was duly passed and adopted on April 22, 1999.

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

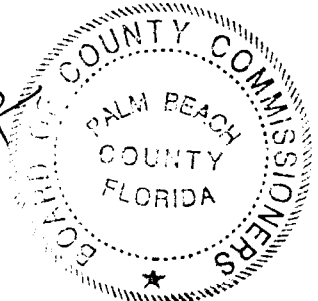


EXHIBIT A
LEGAL DESCRIPTION

A portion of Tracts 7, 8 and 9 of the subdivision of Section 26, Township 45 South, Range 42 East, Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 6 at page 26 of the Public Records of Palm Beach County, Florida, said portion being more particularly described as follows:

Beginning at the Southeast corner of Tract 8 of the said Plat of Subdivision of Section 26; thence Northerly, along the East line of Tracts 7 and 8, a distance of 695.0 feet; thence Westerly, and parallel with the South line of Tract 8, a distance of 370.0 feet; thence Southerly, and parallel with the East line of Tracts 7 and 8, a distance of 134.0 feet; thence Westerly, and parallel with the South line of Tract 8, a distance of 381.39 feet, thence Southerly, and parallel with the East line of Tracts 7 and 8, a distance of 561.0 feet to the intersection with the South line of Tract 9; thence Easterly, along the South line of Tract 9 and Tract 8, a distance of 751.39 feet to the Point of Beginning aforescribed.

Less the East 35.00 feet thereof.

EXHIBIT B

VICINITY SKETCH

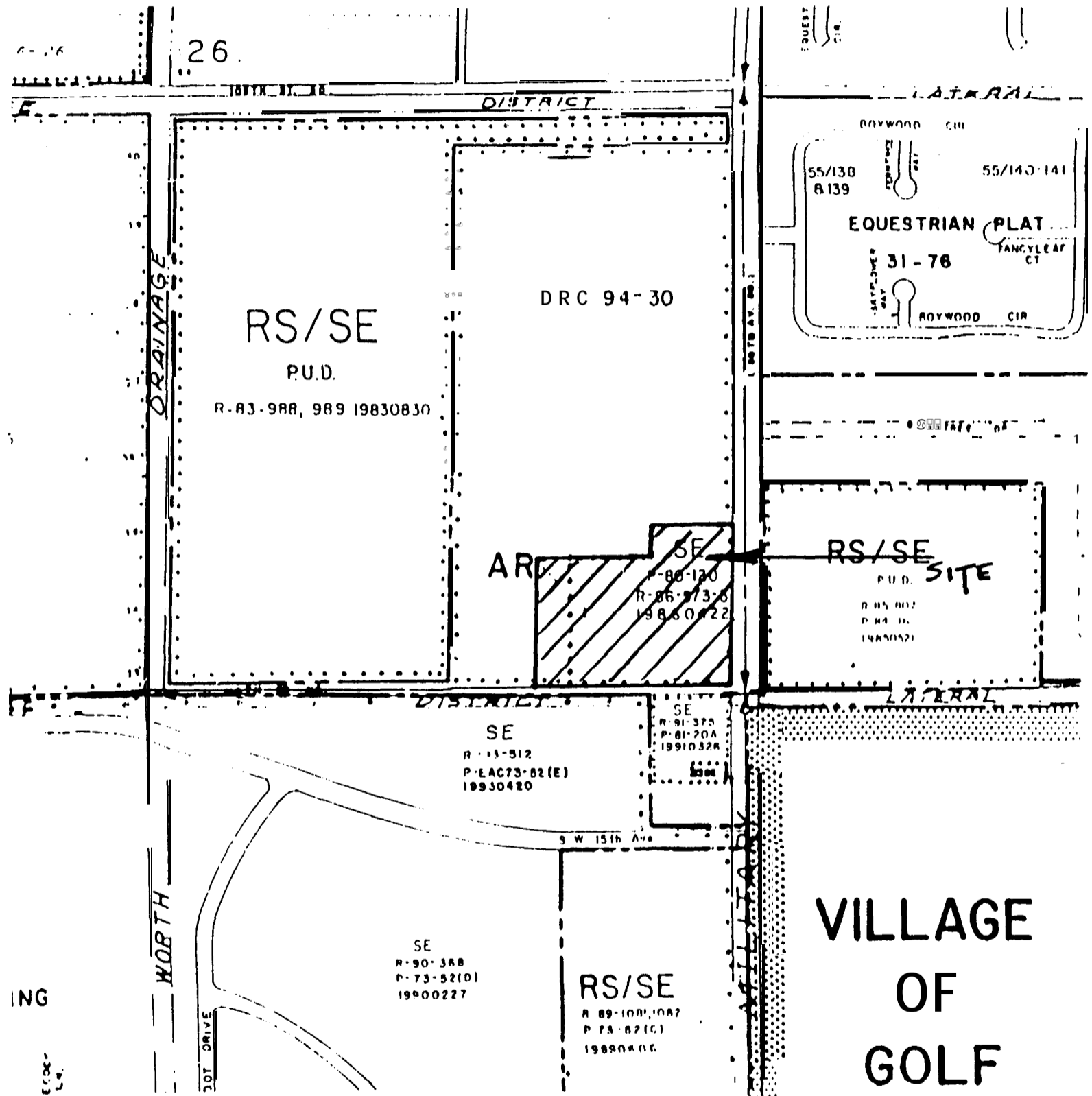


EXHIBIT C

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. Condition A. 1 of Resolution R-97-245, Petition DOA/CA80-120(C) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-80-1 020 (Petition 80-120), Resolutions R-86-573-3 (Petition 80-120(A)) shall remain in full force and effect. 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R97-245 (Petition DOA/CA80-120(C)), have been consolidated 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 A.2 of Resolution R-97-245, Petition DOA/CA80-120(C) which currently states:

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 November 19, 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.

Is hereby amended to read:

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 February 25, 1999. 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)

3. Total gross floor area shall be limited to a maximum of 58,672 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and subject to the approval of the Traffic Division. (DRC: TRAFFIC/ ZONING)

B. ENVIRONMENTAL RESOURCE MANAGEMENT

1. **A Landscape Plan which incorporates existing native trees shall be submitted to the Department of Environmental Resources Management for review and approval prior to site plan certification.** (Previously Condition B.I of Resolution R-97-245, Petition DOA/CA80-120(C)) (DRC: ERM)

C. LANDSCAPING - STANDARD

1. All canopy 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; and,
 - 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;
 - 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)
3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING - EXISTING

1. Condition C.I of Resolution R-97-245, Petition DOA/CA80-120(C)

Prior to the issuance of a Certificate of Occupancy (CO) for the new building, the petitioner shall replace landscape plant materials in the perimeter buffers and parking areas in accordance with previous Exhibit 25 Landscape Plan requirements.) (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to the issuance of a Certificate of Occupancy (CO) for the daycare center or meeting rooms or storage rooms, whichever comes first, the petitioner shall replace landscape plant materials in the perimeter buffers and parking areas in accordance with previous Exhibit 25 Landscape Plan requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

No condition.

F. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE)

G. LANDSCAPING - SOUTH PROPERTY LINE

1. **The petitioner shall preserve native vegetation within the western five hundred (500) feet of the south property line for a depth of seventy-five (75) feet. The landscape strip depth shall include the fifteen (15) feet of the LWDD Canal L-26 easement as recorded in OR Book 3383 Page 991. (Previously Condition D. 1 of Resolution R-97-245, Petition DOA/CA80-120(C)) (DRC: ZONING)**
2. **Credit may be given for existing or relocated vegetation provided it exceeds current ULDC requirements for a ten (10) feet Alternative Type 3 Perimeter Buffer. (Previously Condition D.2 of Resolution R-97-245, Petition DOA/CA80-120(C)) (DRC/CO: ZONING/LANDSCAPE)**

H. HEALTH

1. **Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department, in accordance with Chapter IOD-24FAC prior to issuance of a building permit. (Previously Condition F. 1 of Resolution R-97-245, Petition DOA/CA80-120(C)) (BLDG PERMIT: HEALTH / BLDG)**

I. MASS TRANSIT

1. **A. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (Previously Condition G.I .A of Resolution R-97-245, Petition DOA/CA80-120(C)) (DRC: ZONING)**
- B. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to prior to issuance of the certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter,**

appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (Previously Condition G.I .B of Resolution R-97-245, Petition DOA/CA80-120(C)) (CO: MONITORING - Eng)

J. PLANNING

1. Prior to final site plan approval, the site plan shall indicate street cross sections which include a landscaped pathway/sidewalk system along Military Trail in order to provide shade/canopy for the pedestrian walkway. (DRC: LANDSCAPE-Planning)
2. Prior to the issuance of a Certificate of Occupancy (CO) for the daycare center or meeting rooms or storage rooms, whichever comes first, the sidewalk as indicated in Condition J.I shall be installed. (CO: BLDG/PLANNING)

K. UNITY OF TITLE

1. **Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director.** (Previously Condition H.I of Resolution R-97-245, Petition DOA/CA80-120(C)) (DRC: ZONING - Co Att)

L. USE LIMITATIONS

1. **The day care center shall be limited to a maximum of 100 children.** (Previously Condition 1.1 of Resolution R-97-245, Petition DOA/CA80-120(C)) (ONGOING: DRC/ HEALTH)
2. **The day care center shall operate during weekdays only.** (Previously Condition 1.2 of Resolution R-97-245, Petition DOA/CA80-120(C)) (ONGOING: CODE ENF)
3. **The meeting rooms shall be limited to accessory organizations of the church.** (Previously Condition 1.3 of Resolution R-97-245, Petition DOA/CA80-120(C)) (ONGOING: DRC/ BLDG)

M. 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. Condition J. 1 of Resolution R-97-245, Petition DOA/CA80-120(C) which currently states:

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.**

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.

Is hereby amended to read:

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)