

RESOLUTION NO. R-2008-0009

RESOLUTION APPROVING ZONING APPLICATION CA2006-1933  
(CONTROL NO. 2006-555)  
CLASS A CONDITIONAL USE  
APPLICATION OF GERALD BARBARITO  
BY COLOME & ASSOCIATES, INC., AGENT  
(ST. JOHN THE EVANGELIST EAST)

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, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2006-1933 was presented to the Board of County Commissioners at a public hearing conducted on January 3, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class A Conditional Use, 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. This Class A Conditional Use, 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.
6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application CA2006-1933, the application of Gerald Barbarito, by Colome & Associates, Inc., agent, for a Class A Conditional Use to allow a Place of Worship in the Residential Transitional District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 3, 2008, 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 Jeff Koons and, upon being put to a vote, the vote was as follows:

Addie L. Greene, Chairperson	-Aye
Jeff Koons, Vice Chair	-Aye
Karen T. Marcus	-Aye
Robert J. Kanjian	-Absent
Mary McCarty	-Absent
Burt Aaronson	-Aye
Jess R. Santamaria	-Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 3, 2008.

Filed with the Clerk of the Board of County Commissioners on January 3rd, 2008

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK

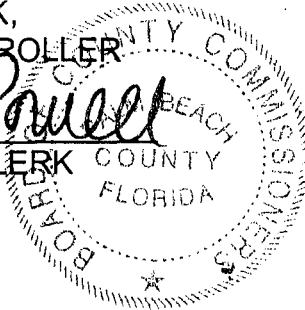


EXHIBIT A

LEGAL DESCRIPTION

TRACT 56, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2, IN SECTION ONE, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LESS THAT PORTION OF TRACT 56 CONVEYED TO THE STATE ROAD DEPARTMENT BY DEED RECORDED IN DEED BOOK 637. PAGE 48, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 1, PAGE 102.

LESS AND NOT INCLUDING:

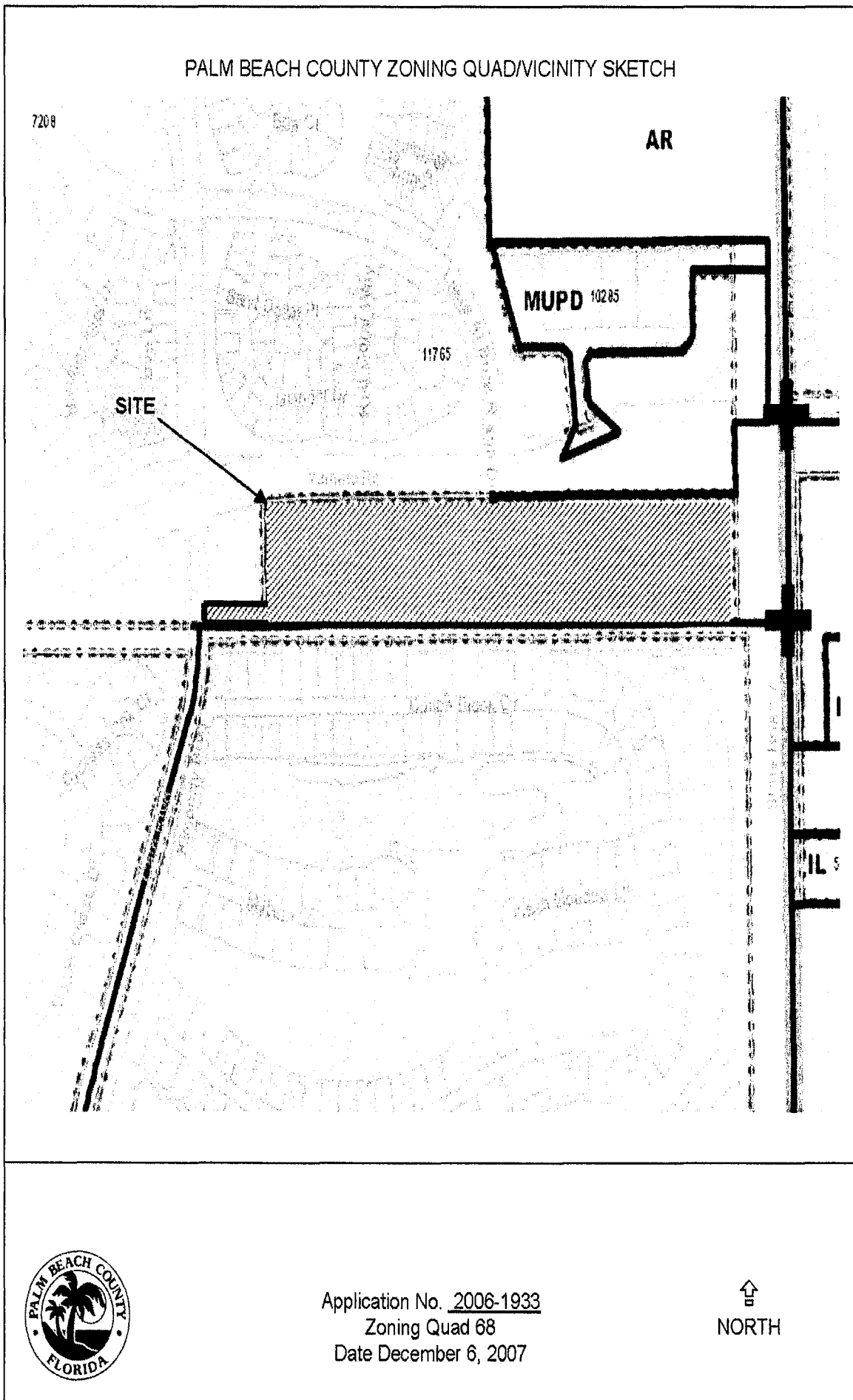
LEGAL DESCRIPTION: AREA OF TAKING RIGHT-OF-WAY STATE ROAD 7 (U.S. 441), BOCA RATON, PALM BEACH COUNTY, FLORIDA.

OWNER: THOMAS V. DAILY

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER (S.E.1/4) OF SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT 56 OF THE FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 2, AS RECORDED IN PLAT BOOK 1, AT PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE S.89°45'04"W., ALONG THE SOUTH LINE OF SECTION 1, AND ALONG THE SOUTH LINE OF TRACT 56 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, A DISTANCE OF 71.32 FEET TO A POINT OF INTERSECTION WITH THE SAID SOUTH LINE AND THE EXISTING WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN ROAD PLAT BOOK 1 AT PAGES 35 THROUGH 41 OF SAID PUBLIC RECORDS; SAID INTERSECTION POINT ALSO BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING; CONTINUE S.89°45'04"W., ALONG SAID SOUTH TRACT LINE AND SAID SOUTH SECTION LINE, A DISTANCE OF 165.01 FEET; THENCE DEPARTING FROM SAID LINE N.00°45'15"W., ALONG THE PROPOSED WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, A DISTANCE OF 375.33 FEET TO A POINT ON THE SOUTH LINE OF THE PLAT OF LAKES AT BOCA RATON PHASE 1, AS RECORDED IN PLAT BOOK 48 AT PAGE 139 THROUGH 141 OF SAID PUBLIC RECORDS; THENCE DEPARTING FROM SAID PROPOSED WEST RIGHT-OF-WAY LINE N.89°38'13"E., ALONG SAID SOUTH PLAT BOUNDARY LINE A DISTANCE FO 6.15 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 AS DEDICATED BY SAID PLAT OF LAKES AT BOCA RATON, PHASE 1; THENCE CONTINUE N.89°38'13"E., ALONG SAID SOUTH PLAT BOUNDARY LINE A CALCULATED DISTANCE OF 158.85 FEET (PLATTED DISTANCE IS 158.79 FEET) TO A POINT ON THE EXISTING WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS RECORDED IN ROAD PLAT BOOK 1 AT PAGES 35 THROUGH 41 OF SAID PUBLIC RECORDS; THENCE S.00°45'15"E., ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 375.66 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated November 28, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the approved DRO site plan. (DRO: ZONING Architecture Review)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
  - a. No building Permits for the site may be issued after January 3, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. Landscape Within the Median of SR 7
  - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING-ENG -Eng)
  - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
  - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
  - d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has

been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENG -Eng)

- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING:Eng -Eng)

## ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)

## HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. (ONGOING:HEALTH – Health)
2. 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 Chapter 64E-8,FAC, and Palm Beach County ECR-II. (ONGOING:HEALTH – Health)

## LANDSCAPE STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
4. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
  - a. prior to final approval by the Development Review Officer (DRO), documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section for review and approval; and,

- b. additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: LANDSCAPE - Zoning)
5. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF YAMATO ROAD)

In addition to the code requirements, landscaping and/or buffer width along the north property line shall be upgraded to include:

- a. a minimum of twenty-five (25) foot wide landscape buffer strip;
- b. a minimum two (2) to four (4) foot high undulating berm with an average height of three (3) feet;
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. all existing buffer and landscape requirements located on the west 776 feet of this church project, which was approved previously for the St. John the Evangelist Church is vested. (BLDG PERMIT: LANDSCAPE - Zoning)

#### PALM TRAN

- 1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
- 2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENG-PalmTran)

#### USE LIMITATIONS

- 1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
- 2. Seating for the entire church site is limited to a maximum of nine hundred and fifty-two (952) seats. (ONGOING: CODE ENF - Zoning)

#### COMPLIANCE

- 1. In granting this approval, the Zoning Commission 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 Zoning Commission 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 Code Enforcement Special Master 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)