

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2008-024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING THE SITE PLAN FOR THE FIRST SEVENTH DAY ADVENTIST CHURCH OF ROYAL PALM BEACH, CONTROL NO. CA-2001-013; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.**

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town and

**WHEREAS**, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Site Plan Application for the First Seventh Day Adventist Church, Control No. CA2001-013 was presented to the Council at a public hearing conducted on July 15, 2008; and

**WHEREAS**, the Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of Town staff; and

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

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

**Section 2.** The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for

building and structural intensities and densities, and intensities of use.

2. This Site Plan complies with relevant and appropriate portions the applicable local land development regulations, and with the conditions contained in Palm Beach County Resolution No. R-2001-1857, dated October 25, 2001. This Site Plan, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Town of Loxahatchee Groves Unified Land Development Code for use, layout, function, and general development characteristics. In addition to the conditions contained in Palm Beach County Resolution No. R-2001-1857, the Town Council finds the following condition to be reasonable, and rationally related to the proposed development, and consistent with the Town's equestrian character:
  - a. The Owner of the Property shall dedicate a thirteen foot (13') wide easement to the Town of Loxahatchee Groves for the purpose of constructing a horse trail, west of the easement granted to the Loxahatchee Groves Water Control District, along the east boundary of the property. The easement shall not impact the landscape buffer to be constructed on the property.
3. This Site Plan, as adopted, is compatible as defined in the Town of Loxahatchee Groves 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 Site Plan, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Site Plan, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Site Plan, with conditions as adopted, is consistent with applicable Neighborhood Plans.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Site Plan for the First Seventh Day Adventist Church, Control No. 2001-013 for the 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 subject to the conditions of approval described

in Palm Beach County Resolution R-2001-1857EXHIBIT "C", attached hereto and made a part hereof. A copy of the approved site plan, subject to the approved conditions, is attached hereto as Exhibit "D".

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 1<sup>st</sup> day of July, 2008.

ATTEST:

Matthew Lyman  
TOWN CLERK

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

David Browning  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

DNT  
Office of the Town Attorney

Marge Herzog  
Vice Mayor

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

DNT:js  
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STATE OF FLORIDA  
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Resolution 2008-24  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 1<sup>st</sup> day of July, A.D. 2008

TOWN OF Loxahatchee Groves  
By: [Signature]

LEGAL DESCRIPTION

A parcel of land in Tract 10, Block 'D', LOXAHATCHEE GROVES, according to the Plat thereof on file in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida, being more particularly described as the East 5.00 acres of Tract 10, Block "D", LOXAHATCHEE GROVES, Plat Book 12, Page 29.



RESOLUTION NO. R-2001-1857

RESOLUTION APPROVING ZONING PETITION CA2001-013  
CLASS A CONDITIONAL USE  
PETITION OF SOUTHEASTERN CONF. ASSOC. OF 7TH DAY ADVENTIST, INC.  
BY JAMES EXLINE, AGENT  
(FIRST SEVENTH DAY ADVENTIST 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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, 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 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2001-013 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 5, Section 5.8 (Compliance with Time Limitations) 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 made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. 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.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. 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.
10. This Class A Conditional Use, 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 CA2001-013, the petition of Southeastern Conf. Assoc. of 7th Day Adventist, Inc., by James Exline, agent, for a Class A Conditional Use to allow a church or place of worship in the Agricultural Residential (AR) Zoning 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 October 25, 2001, 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 McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

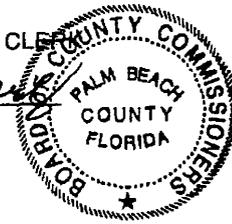
Filed with the Clerk of the Board of County Commissioners on 25 day of October, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: [Signature]  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY E. WILKEN, CLERK  
BY: [Signature]  
DEPUTY CLERK



Petition CA2001-013  
Project No. 3000-048

Page 2

EXHIBIT C  
CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 August 23, 2001. 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 REVIEW

1. The proposed buildings on site shall be designed and constructed to be generally consistent with the facade elevations by Octavio S. Lima, Architect dated September 05, 2001. Deviations from these elevations shall be permitted to comply with applicable architectural conditions of approval. (BLDG PERMIT: BLDG-Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit revised architectural elevations to the Architectural Review Section of the Zoning Division for review and approval. The buildings shall be designed to be consistent with the Rural Design Guidelines adopted by the Board of County Commissioners on January 9, 2001. (DRC: BLDG PERMIT - Zoning)
3. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet, except for architectural spires and other religious symbols. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
4. All air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of the south and west property lines and shall be confined to the areas designated on the site plan. (DRC/ONGOING: ZONING/CODE ENF)

D. HEALTH

1. Application and engineering plans to construct a non-transient non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
2. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department for approval prior to final site plan approval. (DRC: HEALTH)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Okeechobee Blvd 76 feet from centerline; and
- b) "E" Road 54.5 feet from centerline

All right-of-way shall be conveyed on or before **July 1, 2002** or prior to the issuance of the first Building Permit whichever shall first occur. Right-of-way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right-of-way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along both Okeechobee Boulevard and "E" 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. LANDSCAPING – STANDARD

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

2. All trees, palms and shrub/hedge materials shall be planted in a meandering and naturalistic pattern. Landscaping shall be compatible with the rural nature of the surrounding community. (CO: LANDSCAPE – Zoning/ Planning)
3. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE – Zoning)
4. Existing native vegetation shall be incorporated into the site design where possible. (DRC: LANDSCAPE – Zoning/Planning)

G. LANDSCAPE –ALTERNATIVE PLAN

1. Prior to final Development Review Committee certification, an Alternative Landscape Plan shall be submitted for landscaping within all perimeter buffers. The Plan shall address those portions of the site where existing

ponds encroach required buffer areas, and/or any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

2. Prior to final DRC certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE - Planning)

H. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ADJACENT TO OKEECHOBEE BLVD. AND "E" ROAD)

1. Landscaping along the north and east property lines shall be upgraded to include:
  - a. A minimum twenty (20) foot wide right-of-way buffer. No width reduction or easement encroachment shall be permitted;
  - b. One (1) native canopy tree for each thirty (30) linear feet of frontage;
  - c. One pine or canopy tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
  - d. One eighteen (18) inch high shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty (24) inches; and
  - e. One twenty-four (24) inch high shrub for each four (4) linear feet of property line, to be maintained at a minimum of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping along the south property line shall be upgraded to include:
  - a. A minimum fifty (50) foot wide buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner; and
  - c. A six (6) foot high opaque wood fence. (CO: LANDSCAPE - Planning)
2. Along the exterior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
3. The following landscaping shall be required on the interior side of the required fence:
  - a. One twenty-four (24) inch high shrub for each two (2) linear feet of property line to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping along the west property line shall be upgraded to include:
  - a. A minimum twenty (20) foot wide buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. One (1) native canopy tree for each twenty (20) linear feet of the property line, to be planted in a staggered manner;

- c. One eighteen (18) inch high shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty-four (24) inches;
- d. One twenty-four (24) inch high shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
- e. One thirty (30) inch high shrub for each two (2) linear feet of property line, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting shall be extinguished no later than 10:30 p.m. (ONGOING: CODE ENF)
3. 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)

L. PLANNING

1. Prior to final Development Review Certification, the Planning Division shall determine whether the site plan complies with site plan dated August 23, 2001 regarding placement of parking on the site. (DRC: PLANNING)
2. Per Policy 1.4-i of the Future Land Use Element, prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall submit to the Planning Division a design plan for the pedestrian plaza shown on the site plan. (DRC:-Planning)

M. SIGNS

1. Freestanding signs shall be limited as follows:
  - a. Maximum sign height: Six (6) feet - measured from finished grade to highest point;
  - b. Maximum sign face area per side: Sixty (60) square feet;
  - c. Maximum number of signs: One (1);
  - d. Style: Monument style only; and
  - e. Location: Okeechobee Blvd. (CO: BLDG)

N. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. weekdays, and 8:00 a.m. to 10:00 p.m. on Saturday and Sunday, excluding holiday services. (ONGOING: CODE ENF)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING)
3. Maximum number of seats shall be a total of four hundred and seven (407) seats at anytime. (ONGOING: CODE ENF - ZONING)
4. No outdoor or amplified music shall be audible from the property lines. (ONGOING: CODE ENF)

O. 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 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 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)