

RESOLUTION NO. R-2000-0011

RESOLUTION APPROVING ZONING PETITION CA99-044
CLASS A CONDITIONAL USE
PETITION OF FOREST HILL CONGREGATION OF JEHOVAH'S WITNESS, INC.
BY HARVEY CASTRO, AGENT
(PURDY LANE KINGDOM HALL)

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 CA99-044 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2000; 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 CA99-044, the petition of Forest Hill Congregation of Jehovah's Witness, Inc., by Harvey Castro, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential Single Family (RS) 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 January 6, 2000, 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 Marcus and, upon being put to a vote. the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 2000.

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

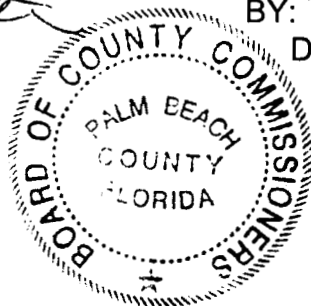


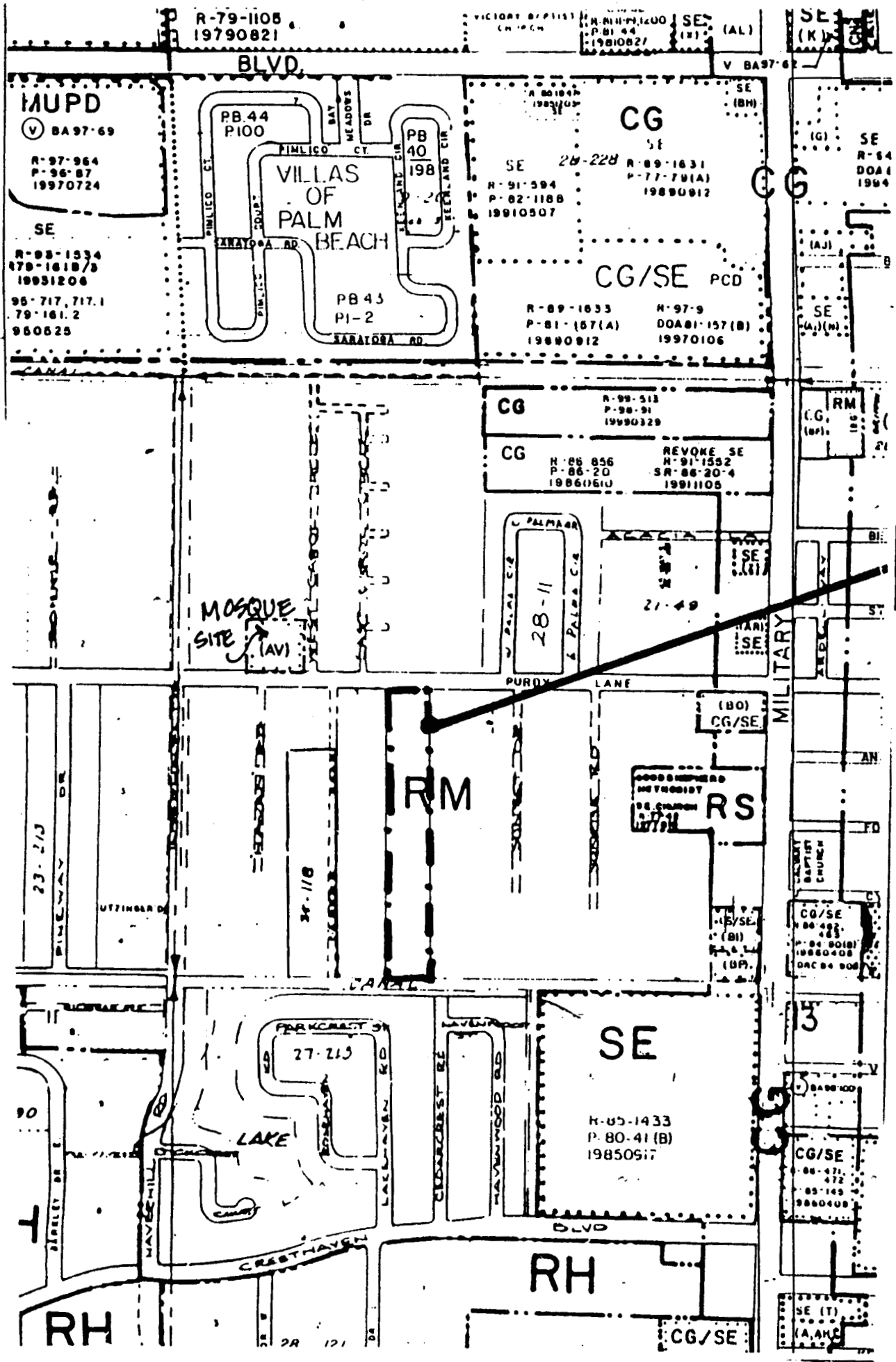
EXHIBIT A
LEGAL DESCRIPTION

THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE
NORTHWEST $\frac{1}{4}$ IN SECTION 13, TOWNSHIP 44 SOUTH, RANGE 42 EAST.

ACREAGE: 5.14

EXHIBIT B

VICINITY SKETCH



SITE

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 26, 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)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, architectural details, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final site plan approval by the Development Review Committee (DRC), the architectural treatment indicated in the rendering dated November 23, 1999 and elevations dated December 13, 1999 by GRW Architecture shall be revised to incorporate the following additional design elements:
 - a. Varied building materials and textures;
 - b. Exterior colors shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors;
 - c. Wall recesses and projections a minimum of twenty-five (25) percent of each facade; and,
 - d. Combination of a minimum of following three (3) architectural details: Stucco banding, reveals, decorative vents and louver, arches, columns pilasters, quoins, or other alternatives acceptable to the Zoning Division.

Approved elevations with color indications shall be incorporated as part of the zoning petition file. (BLDG PERMIT: BLDG/ ZONING)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes, shall be limited to thirty-five (35) feet for all buildings. Decorative unoccupied architectural design elements which are not the major component of the roofing system (i.e. spires, belfries, etc.) may exceed this height requirement up to an overall building height of forty-five (45) feet. All heights shall be measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING/BLDG-Zoning)
2. All roof mounted air conditioning and mechanical equipment, including satellite dishes, shall be screened from view on all sides by the roof treatment (i.e. pitched roof, cupola, etc.). (BLDG PERMIT: BLDG - Zoning)
3. All ground mounted air conditioning and mechanical equipment, including 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)

D. 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: Twelve (12) feet;
 - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
 - c. Canopy diameter: Six (6) feet. Diameters 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 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 (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Purdy Lane 40 feet from centerline. This right of way shall be conveyed prior to January 1, 2001 or prior to the issuance of the first Building permit whichever shall first occur. Right of way conveyances shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developers 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Purdy Lane 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 ALONG NORTH PROPERTY LINE (ADJACENT TO PURDY LANE)

1. Landscaping and buffering along the north property line shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip with no reduction and a maximum five (5) foot easement encroachment;

- b. One (1) canopy tree planted every thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
- c. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
- d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG SOUTH, EAST, AND WEST PROPERTY LINES

- 1. In addition landscaping and buffering along the south, east, and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip with no reduction permitted;
 - b. A six (6) foot high opaque wood fence with regular maintenance;
 - c. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for a maximum twenty-five (25) percent of the required canopy trees in that location within the buffer. The trees shall be located on the interior side of the required fence;
 - d. One (1) additional palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters within the east and west buffer only. The palm or trees shall be located on the interior side of the required fence; and,
 - e. Thirty (30) inch high shrub or hedge material shall be installed on both sides of the required fence and maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE)

H. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All freestanding outdoor light poles shall be limited to pedestrian lighting not to exceed fifteen (15) feet in height, measured from finished grade to highest point of the fixture and setback a minimum of fifty (50) feet from all property lines. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security 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)

I. SIGNS

- 1. Freestanding signs, including point of purchase, entrance wall sign, and directional signs, fronting on Purdy Lane shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - Four (4) feet;

- b. Maximum sign face area per side - Twenty-four (24) square feet;
- c. Maximum number of signs - One (1);
- d. Location - Clear of all safe sight corners and site lines and comply with ULDC setback and separation requirements; and,
- e. Style - Monument style only. (CO: BLDG)

J. USE LIMITATION

- 1. All services shall be held within the church 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. The site shall be limited to a maximum of 360 seats at any one time. Simultaneous use of all facilities on site shall not exceed the 360 seat total. (BLDG PERMIT/ONGOING: BUILDING/ZONING/CODE ENF)
- 3. No recreational or accessory outdoor uses shall be permitted within ninety (90) feet of the south property line. (ONGOING: CODE ENF)

K. 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)