

RESOLUTION NO. R-2000- 1562

RESOLUTION APPROVING ZONING PETITION CA2000-018
CLASS A CONDITIONAL USE
PETITION OF FIRST ROMANIAN BAPTIST CHURCH OF WEST PALM BEACH, INC.
BY BERIL KRUGER PLANNING & ZONING CONSULTANTS, AGENT
(FIRST ROMANIAN BAPTIST 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 CA2000-018 was presented to the Board of County Commissioners at a public hearing conducted on September 28, 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 CA2000-018, the petition of First Romanian Baptist Church of West Palm Beach, Inc., by Beril Kruger Planning & Zoning Consultants, 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 September 28, 2000, 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 Masilotti 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		Absent
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 28, 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

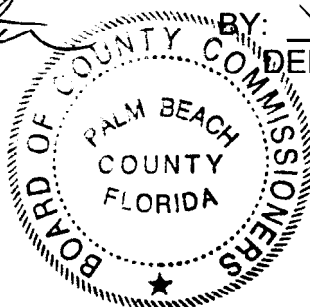


EXHIBIT A
LEGAL DESCRIPTION

THE WEST ½ OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 40 FEET THEREOF FOR ROAD RIGHT-OF-WAY

EXHIBIT B
VICINITY SKETCH

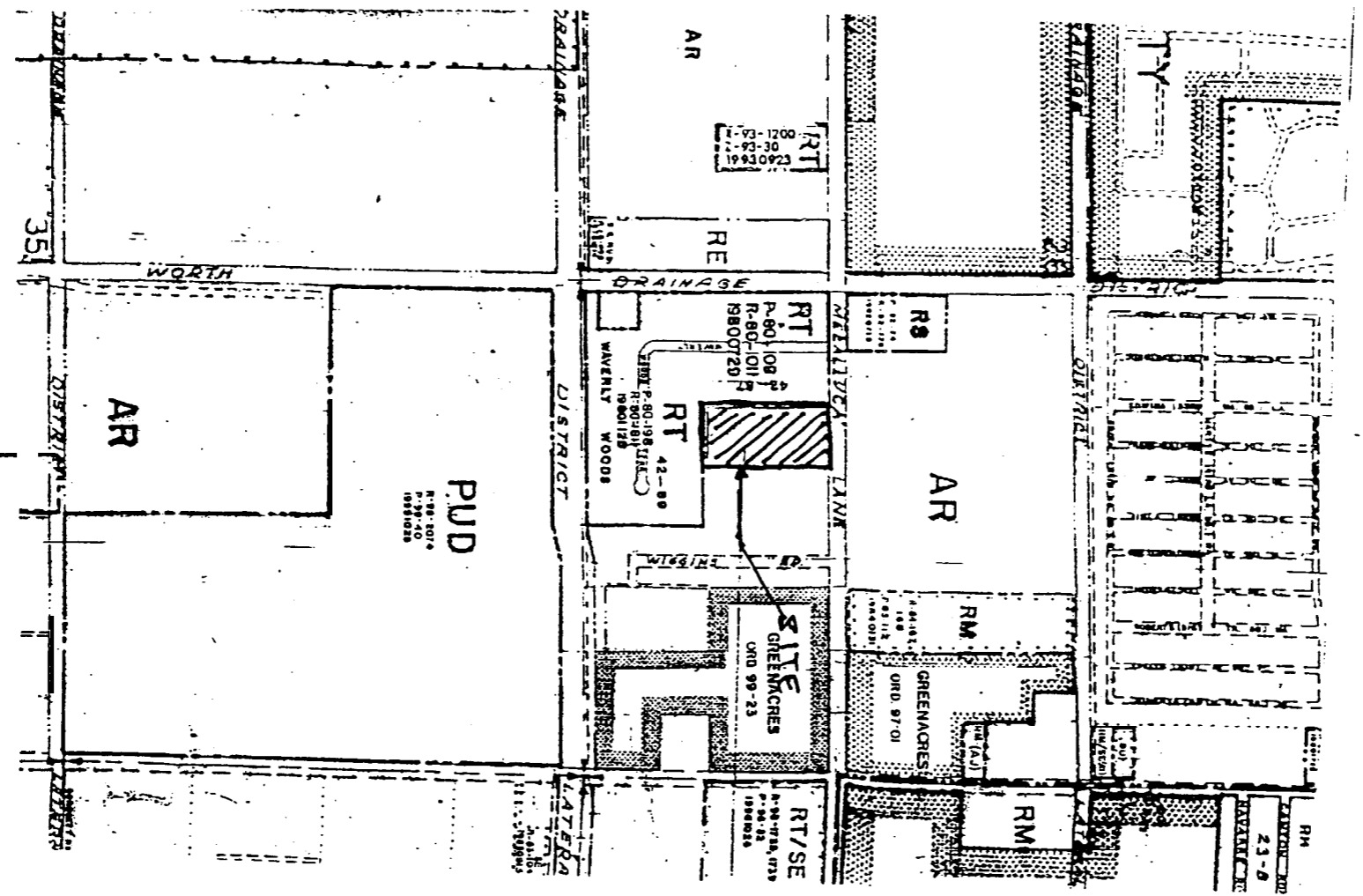


EXHIBIT C

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, 2000. 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)
2. Prior to final Development Review Committee certification, the petitioner shall revise the Concurrency Reservation to match the uses and square footage as indicated on the site plan dated August 23, 2000. (DRC: CONCURRENCY)

B. ARCHITECTURAL CONTROL

1. Prior to issuance of the first building permit, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (BLDG PERMIT - Zoning)
2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)
2. Prior to the issuance of a Certificate of Occupancy (CO) for the proposed 15,000 square foot church building, the 2,200 square foot sanctuary located in the fellowship hall shall cease from being utilized as a sanctuary. (CO: BLDG)
3. All ground mounted 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)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A 25% upland set-aside preserve shall be shown on the site plan and approved by ERM prior to final DRC site plan certification. (DRC: ERM)
2. The native vegetation in the undeveloped south portion of the site shall remain intact pursuant to Article 9.5.F. of the Unified Land Development Code (ULDC). The size and location of the native upland preserve shall remain 0.37 acres and be located pursuant to Article 9.5.F. of the ULDC. (DRC: ERM)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Melaleuca Lane, 40 feet from centerline on or before **December 1, 2000** 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. 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 Melaleuca 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**)
3. Legal positive outfall for this site shall be provided into the **Melaleuca Road** drainage system. Also the Property Owner shall install a catch basin east of Waverly Woods Terrace within the Melaleuca Road Right of way and connect this structure to the existing catch basin west of Waverly Woods Terrace byway of a culvert. All drainage improvements shall be constructed concurrent with the paving and drainage improvements for the site and be subject to the approval of the County Engineer. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and restoration of the affected areas. (**ENG**)

F. HEALTH

1. 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-1 must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (**HEALTH: BLDG./HEALTH**)

G. LANDSCAPING - STANDARD

1. Fifty (50) percent of the canopy trees required to be planted in the perimeter buffer 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**)

H. LANDSCAPING ALONG THE EAST, SOUTH, AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east, south, and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum four (4) foot high opaque wood fence to be located on plateau of a minimum two (2) foot high continuous berm, excluding the preserve area;
 - c. one (1) canopy tree shall be planted every twenty (20) feet on center; and
 - d. twenty-four (24) 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 on the south and west property lines and thirty-six (36) inches on the east property line. (CO: LANDSCAPE)

I. GRASSED PARKING

1. The parking spaces adjacent to the perimeter buffers (property lines) shall be limited to grassed parking only. (DRC: ZONING)
2. No parking spaces shall be permitted adjacent to the west property line. (DRC: BLDG PERMIT - Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of 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 fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 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)

K. SIGNS

1. Freestanding sign fronting on Melaleuca Lane shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. Banners, flags, streamers, "A" type or sandwich style signs are prohibited on the site. (ONGOING/DRC: CODE ENF/ZONING)

L. USE LIMITATIONS

1. The sanctuary located within the church building shall be limited to a maximum 4,000 square feet with 195 seats. The altar (stage, choir, and pulpit) area shall be limited to 1,000 square feet for a total of 5,000 square feet. The sanctuary shall be enclosed with solid walls. (DRC: BLDG PERMIT - Zoning)
2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of two (2) events per year and the duration of these events shall be limited to a maximum of three (3) days. Accessory outdoor uses shall end no later than 8:00 pm. Temporary amusements or special events, such as carnivals and flea markets, are prohibited on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)
3. Hours of operation/church activities shall end no later than 11:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
4. No bells, chimes, or outdoor loud speakers shall be permitted on site. (CODE ENF/ZONING)

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. 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)