

RESOLUTION NO. R-2001-0967

RESOLUTION APPROVING ZONING PETITION EAC1999-017(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF BETHLEHEM BAPTIST CHURCH, INC. OF PBC
BY HELEN LAVALLEY, AGENT
(BETHLEHEM 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, 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 EAC1999-017(A) was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2001; 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 EAC1999-017(A), the petition of Bethlehem Baptist Church, Inc. of PBC, by Helen LaValley, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify a condition of approval 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 June 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		Aye
Addie L. Greene		Aye

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

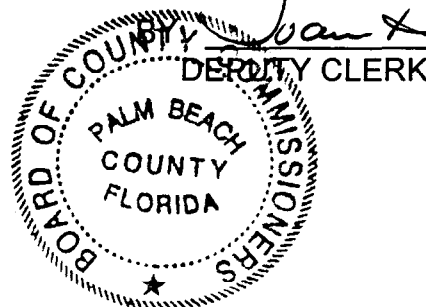


EXHIBIT A
LEGAL DESCRIPTION

The north 190 feet of the east one-quarter (**E1/4**) of tract 3, Model Land Company subdivision of Section 14, township 44 south, range 42 east, according to the plat thereof, recorded in plat book 5, page 78, of the public records of Palm Beach County, Florida, also known as the north 190 feet of the north 792 feet of the east one-half (**E1/2**) of the east one-quarter (**E1/4**) of the southeast one-quarter (**SE1/4**) of the northeast one-quarter (**NE1/4**) of section 14, township 44 south, range 42 east, Palm Beach County, Florida; less the north 40 feet and east 40 feet thereof and less that parcel of land conveyed to Palm Beach County for additional right-of-way for Haverhill Road as recorded in official record book 5457, Page 971, of the public records of Palm Beach County, Florida. (.497 acres)

EXHIBIT B
VICINITY SKETCH

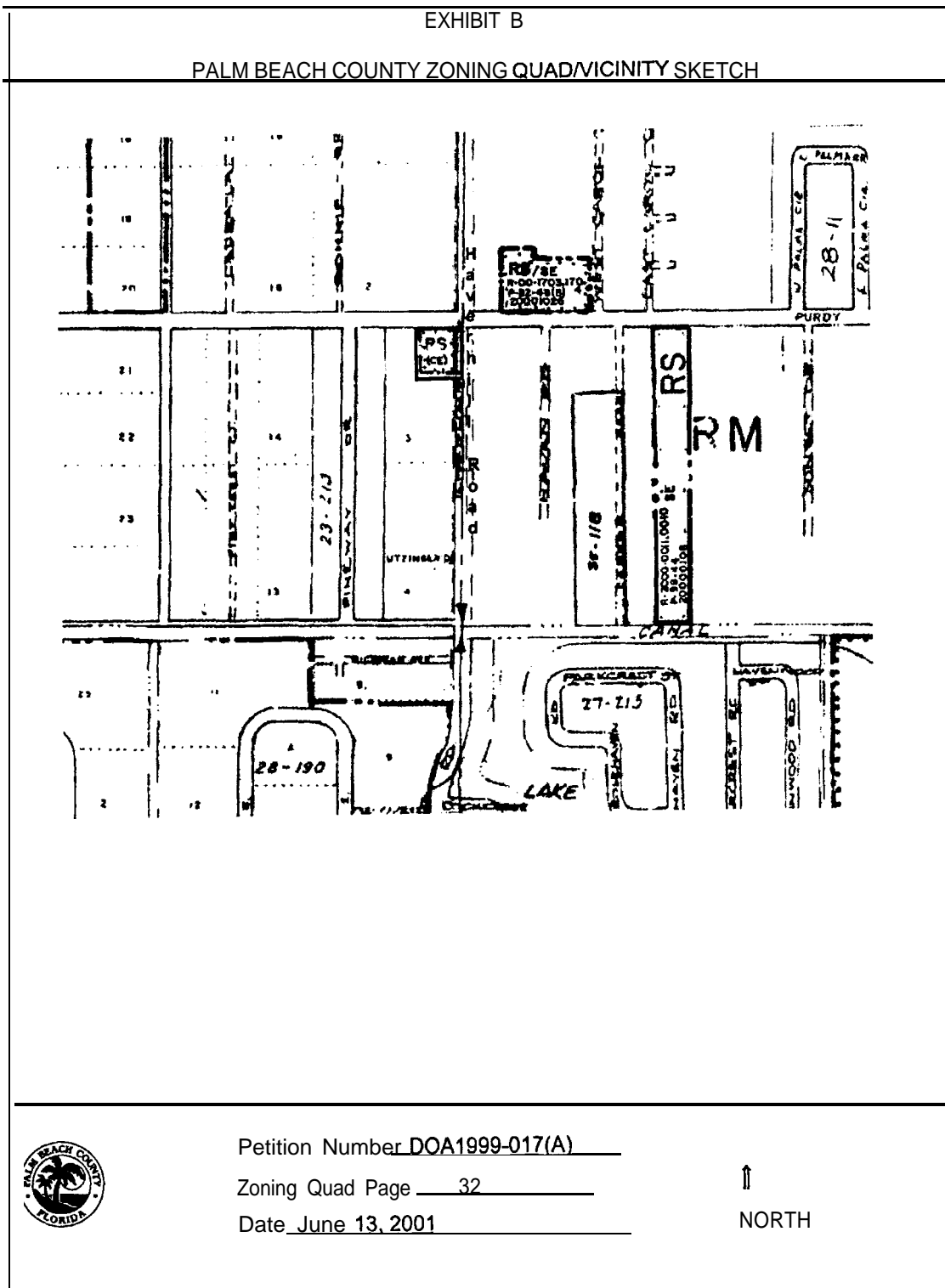


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolution R-99-0990 (Petition **CA99-017**), have been consolidated as contained 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. 1 of Resolution R-99-0990, Petition CA99-017, 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 March 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.

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 **May 21, 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 CONTROL

1. **Similar architectural character and treatment shall be provided on all sides of the building.** (Previously Condition B.1 of Resolution R-99-0990, Petition CA99-017) (BLDG PERMIT: BLDG-Zoning)
2. **All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material.** (Previously Condition B.2 of Resolution R-99-0990, Petition CA99-017) (CO: BLDG PERMIT: BLDG-Zoning)

C. BUILDING AND SITE DESIGN

1. **The church shall be limited to a maximum of 60 seats and a total gross enclosed floor area of 2,784 square feet.** (Previously Condition C.1 of Resolution R-99-0990, Petition CA99-017) (DRC/ONGOING BUILDING - Zoning)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every twenty (20) feet on center; and
 - c. twenty four (24) 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.
(Previously Condition D. 1 of Resolution R-99-0990, Petition CA99-017)
(CO: LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a 40 foot corner clip at the intersection of Haverhill Road and Purdy Lane, free of all encumbrances and encroachments. Property owner 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 at intersections as determined by the County Engineer. (Previously condition E.I of Resolution R-99-0990, Petition CA99-017) [NOTE: Complete]

F. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING R.O.W.)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;
 - c. A continuous two (2) foot high berm measured from top of curb; and
 - d. twenty four (24) 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.
(Previously Condition F. 1 of Resolution R-99-0990, Petition CA99-017)
(CO: LANDSCAPE)

G. SIGNS

1. Condition G.I of Resolution R-99-0990, Petition CA99-017, which currently states:

Freestanding sign at intersection of Purdy Lane and Haverhill Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet; and
- b. Maximum sign face area per side - 60 square feet; and
- c. Maximum number of signs - One (1); and
- d. Style - Monument style only.

Is hereby amended to read:

The freestanding sign on Purdy Lane shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point eight (8) feet;
- b. Maximum sign face area per side – forty (40) square feet;
- c. Maximum number of signs – one (1); and
- d. Style – monument style only. (CO: BLDG.)

H. USE LIMITATIONS

1. **All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 11:00 p.m. daily, excluding holiday services.** (Previously Condition H.I of Resolution R-99-0990, Petition CA99-017) (ONGOING: CODE ENF)

I. 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.** (Previously Condition 1.1 of Resolution R-99-0990, Petition CA99-017) (ONGOING: MONITORING - Zoning)
2. Condition 1.2 of Resolution R-99-0990, Petition CA99-017, 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; 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.

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 the Code Enforcement Division 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)