

RESOLUTION NO. R-2002-0831

RESOLUTION APPROVING ZONING PETITION CA1989-095(B)  
CLASS A CONDITIONAL USE  
PETITION OF JOSEPH BASIL AND JOEL JULIEN  
BY KEVIN MCGINLEY, AGENT  
(EBEN-EZER 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 CA1989-095(B) was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2002; 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 CA1989-095(B), the petition of Joseph Basil and Joel Julien, by Kevin McGinley, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential Single Family 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 May 23, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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	-	<b>Absent</b>
Karen T. Marcus	-	Aye
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 May 23, 2002.

Filed with the Clerk of the Board of County Commissioners on 10 day of June, 2002.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*  
COUNTY ATTORNEY

BY: *[Signature]*  
DEPUTY CLERK

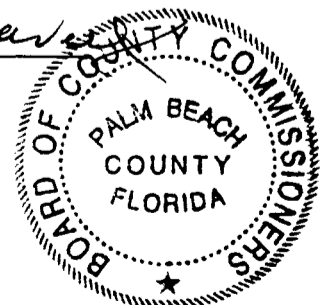


EXHIBIT A  
LEGAL DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, THENCE NORTH 89 DEGREES 58' 43" WEST, ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE ~~OF~~ 308.01 FEET TO A POINT; THENCE NORTH 00 DEGREES 05'19" WEST, A DISTANCE OF 671.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 05'19" WEST, A DISTANCE OF 335.54 FEET TO A POINT; THENCE NORTH 89 DEGREES 54'03" EAST, A DISTANCE OF 257.52 FEET TO A POINT ON THE WEST RIGHT OF HAVERHILL ROAD (A COUNTY ROAD), AS NOW LAID OUT AND IN USE; THENCE SOUTH 00 DEGREES 07'06" EAST, ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 335.72 FEET TO A POINT; THENCE SOUTH 89 DEGREES 56'28" WEST, A DISTANCE OF 257.67 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH

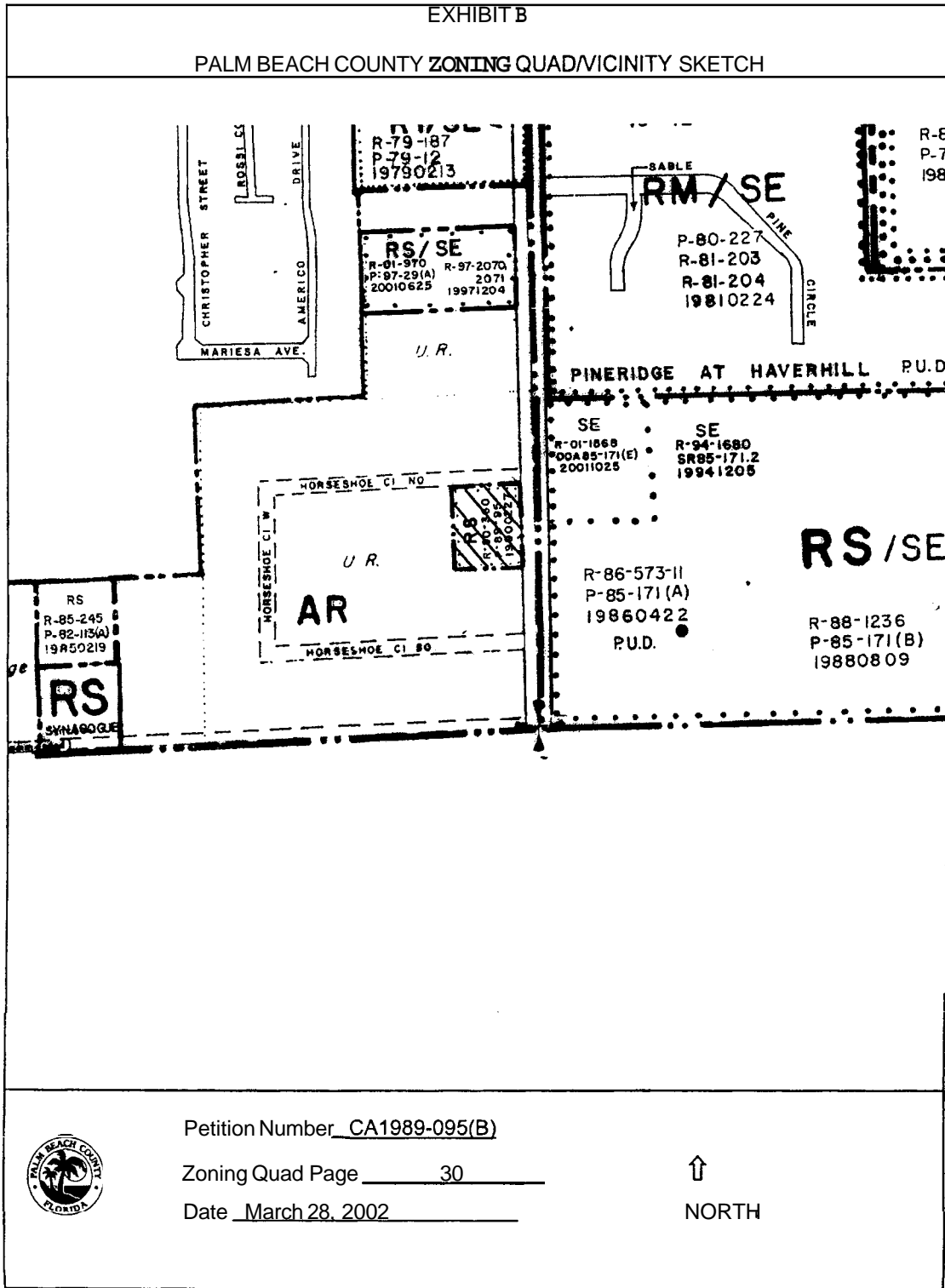


EXHIBIT C

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 December 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-ZONING)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC: ERM)

D. LANDSCAPE STANDARD

1. 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 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) (CO: LANDSCAPE - Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. forty-eight (48) to seventy-two (72) inches – large shrub, unless where specified herein; and,

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey additional right of way to Palm Beach County to provide for a 25 foot "Corner Clip" at Horseshoe Circle North and Haverhill Road. 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. (BLDG PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF HORSESHOE CIRCLE NORTH)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree for each thirty (30) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF HAVERHILL ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree for each thirty (30) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty six (36) inches at installation. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south and east property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree for each twenty (20) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - d. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - e. one (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE-Zoning)

I. 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, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
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-Zoning)

J. SIGNS

1. Freestanding point of purchase sign fronting on Haverhill Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point- six (6) feet;
  - b. maximum total sign face area – eighty (80) square feet;
  - c. maximum number of signs – one (1) for the entire site;
  - d. style- monument style only; and
  - e. sign shall be limited to only identification of tenant and schedule of services only. (CO: BLDG-ZONING)
2. Wall sign(s) shall be limited to the east facade of the building and individual lettering size shall be limited to twenty-four (24) inches high. (CO: BLDG-Zoning)

K. 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 9:30 p.m. weekdays, Saturday and Sunday, excluding holiday services. (ONGOING: CODE ENFORCEMENT-Zoning)
2. No outdoor speaker systems or amplified music shall be permitted. (ONGOING: CODE ENF- Zoning)
3. The church shall be limited to a maximum number of sixty (60) seats at any time. (ONGOING: CODE ENF- Zoning)
4. Ingress and egress to the property shall be only from Haverhill Road. No access is allowed from Horseshoe Circle North. (ONGOING: CODE ENF-Zoning)

L. 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. (ONGOING: MONITORING-ZONING)