

RESOLUTION NO. R-2003- 0754

RESOLUTION APPROVING ZONING PETITION CA2002-057
CLASS A CONDITIONAL USE
PETITION OF FIRST HOLINESS CHURCH OF THE LIVING GOD, NO. 3
BY KEVIN MCGINLEY, AGENT
(FIRST HOLINESS CHURCH OF THE LIVING GOD)

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 CA2002-057 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2003; 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 has considered the findings in the staff report and 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 CA2002-057, the petition of First Holiness Church of the Living God, No. 3, by Kevin McGinley, agent, for a Class A Conditional Use to allow a church or place of worship in the Agricultural Residential 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 22, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	-	Nay
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

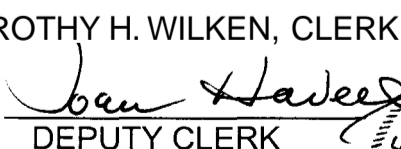
The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 2003.

Filed with the Clerk of the Board of County Commissioners on 3 day of June, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

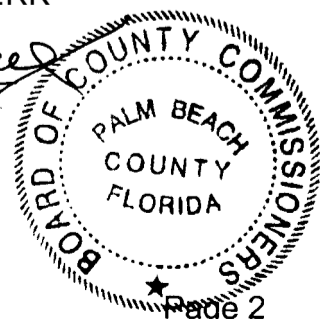


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT 33, BLOCK "F", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE WEST 386.2 FEET OF TRACT 33, BLOCK "F", LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, SAID PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.00 ACRES.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND COVENANTS OF RECORD.

EXHIBIT B
VICINITY SKETCH

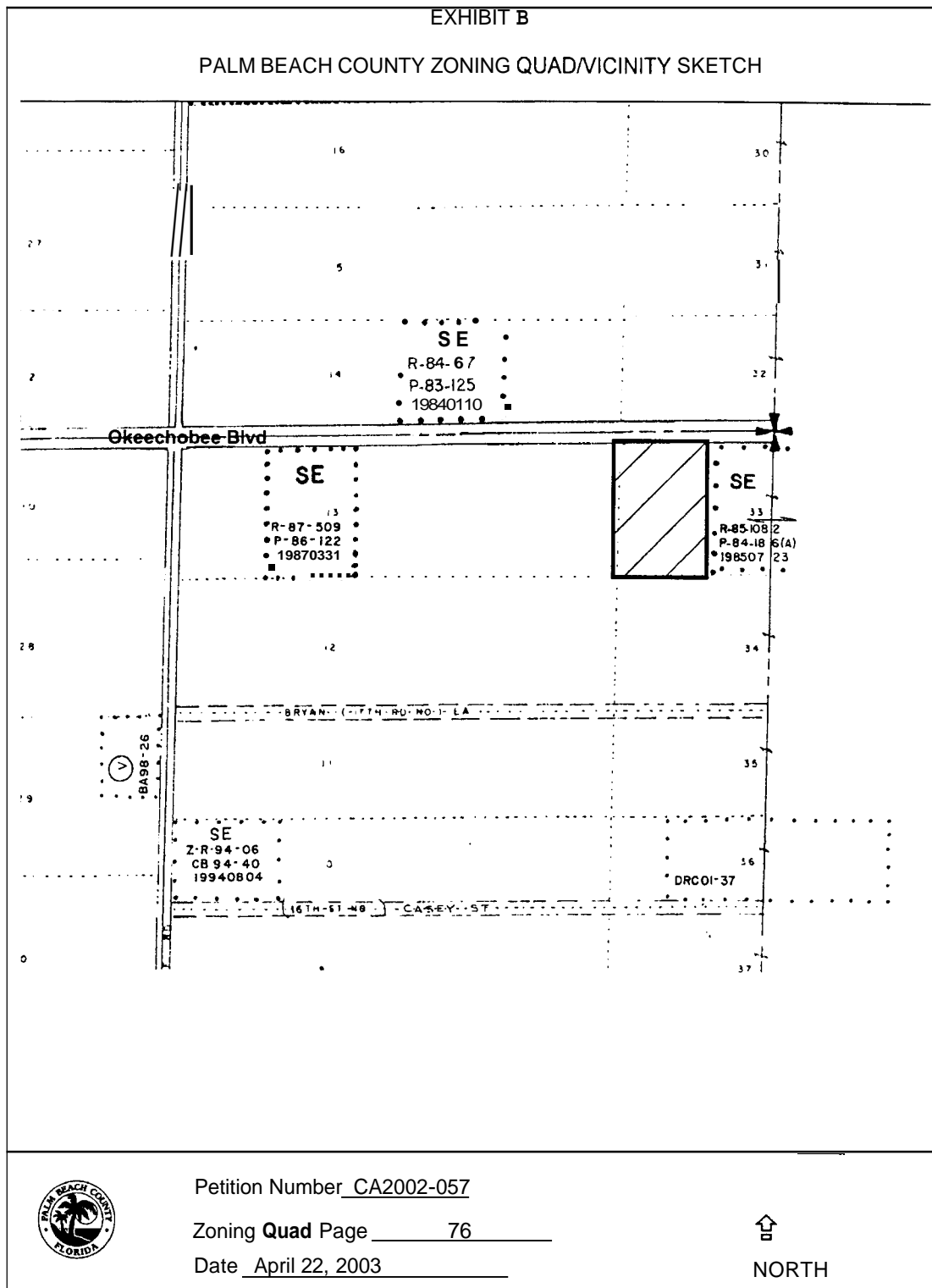


EXHIBIT C

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 February 18, 2003. 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. ALTERNATIVE LANDSCAPE PLAN

1. Prior to final DRC approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north, south, east and west property lines and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning / Planning)
2. Prior to final DRC approval of the site plan, the petitioner 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 - Zoning / Planning)

C. ARCHITECTURAL REVIEW

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

D. 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 dated February 18, 2003. (DRC / ONGOING: ZONING / CODE ENF - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Okeechobee Boulevard 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)
2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Okeechobee Boulevard, 60 feet from centerline on or before, December 15, 2003, 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)

3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING - Eng)

F. ENVIRONMENTAL

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

G. LANDSCAPING - STANDARD

1. Fifty-percent (50%) 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; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All shrub or hedge materials shall be planted in continuous masses, consisting of a minimum of two (2) to 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; and,
 - c. forty-eight (48) to seventy-two (72) inches - large shrub. (CO: LANDSCAPE - Zoning)
3. All trees, pines and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. A group of five (5) or more pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE - Zoning)

5. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/mulch paths/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north 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) native canopy tree for each thirty (30) linear feet of the property line;
 - c. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
 - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - e. one (1) medium 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,
 - f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifty (50) foot wide buffer strip;
 - b. a six (6) foot high opaque wood fence; and,
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
 - b. 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,
 - c. 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)
3. Along the interior side of the required fence, the petitioner 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 - Zoning)

J. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING ACTS II ASSEMBLY OF GOD CHURCH)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. one (1) native canopy tree planted for each twenty (20) linear feet of the property line;
 - c. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5);
 - 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)

K. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;
 - b. a continuous two (2) foot high berm measured from grade; and,
 - c. a six (6) foot high opaque wood fence shall be located on the plateau of the berm;
 - d. one (1) native canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
 - e. one (1) slash pine for each twenty (20) linear feet of the property line. Pines shall be planted in a group of five (5) and shall be planted on the exterior side of the fence;
 - f. 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 be planted on both sides of the fence; and
 - g. 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, and be planted on both sides of the fence. (CO: LANDSCAPE - Zoning)

L. LANDSCAPING – INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING - Zoning)
2. Landscaped divider medians shall be provided at every second row of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb, and shall consist of the following:
 - a. one (1) flowering tree for each twenty-five (25) linear feet of the median;
 - b. one (1) native canopy tree for each thirty-five (35) linear feet of the median; and,
 - c. a continuous hedge between all trees within the median where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (DRC: LANDSCAPE - Zoning)
3. Foundation planting or grade level planters shall be provided along the north, south and west facades of the church building to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than eighty (80) percent of the total length of each applicable side of the church building, excluding the canopy area along the west facade; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE - Zoning)
4. Landscaping for terminal islands in the parking area shall consist of the following:
- a. one (1) canopy tree for each island; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE -Zoning)

M. 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 along the perimeter of the property shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor, freestanding lighting fixtures shall be setback a minimum twenty (20) feet from the west property line. (CO: BLDG - Zoning)
- 4. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)
- 5. 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)

N. PARKING

- 1. All parking spaces located south of the church building, excluding those spaces that are adjacent to the building's south façade, shall be limited to grassed parking only unless required for average daily traffic. (DRC: LANDSCAPE - Zoning)

O. PLANNING

- 1. Prior to final Development Review Certification, per Recommendation 1 of the Loxahatchee Groves Neighborhood Plan and Policy 1.4.i of the Future Land Use Element, the Planning Division shall determine whether the site plan complies with the site plan dated February 18, 2003, regarding parking placement, amount of grass parking, and the two (2) mulch pathways that lead from the parking area to the church building. (DRC: PLANNING - Planning)
- 2. Prior to final site plan certification by the Development Review Committee (DRC), per Policy 1.4-i of the Future Land Use Element, the petitioner shall submit to the Planning Division a detail of the depth and slope of the dry detention areas to the north and east of the church building for the

purposes of using this area for church functions. (DRC: PLANNING - Planning)

P. SIGNS

1. Freestanding signs 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 – thirty-six (36) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. location - within thirty (30) feet on the east side of the entrance only.
 - f. Signs shall be limited to identification of tenant and hours of service only. (CO: BLDG - Zoning)

Q. USE LIMITATION

1. All services shall be held within the church, and the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. excluding holiday services. (ONGOING: CODE ENF - Zoning)
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 fifty (50) feet from the north, south and west property lines. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: CODE ENF - Zoning)
3. No outdoor or amplified music shall be audible from the property lines. (ONGOING: CODE ENF - Zoning)

R. 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)