

RESOLUTION NO. R-2003-1123

RESOLUTION APPROVING ZONING PETITION CA2003-009
CLASS A CONDITIONAL USE
PETITION OF GOD'S CHURCH OF FAITH
BY LAND RESEARCH MANAGEMENT INC, AGENT
(GOD'S CHURCH OF FAITH)

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 CA2003-009 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 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 CA2003-009, the petition of God's Church of Faith, by Land Research Management, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential Medium Density 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 July 24, 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	- Aye
Tony Masilotti, Vice Chairman	- Absent
Jeff Koons	- Aye
Warren H. Newell	- Absent
Mary McCarty	- Absent
Burt Aaronson	- Aye
Addie L. Greene	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of August, 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: 

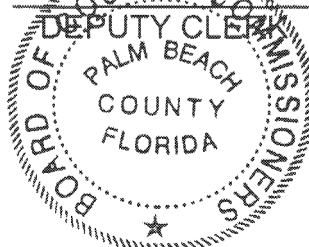


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 EXCEPTING THE WEST 133 FEET THEREOF, OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA

PARCEL 2:

THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 133 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST. BEING ALSO DESCRIBED AS THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 133 FEET OF THE NORTHWEST 1/4 OF LOT 6, BLOCK 3, PALM BEACH PLANTATIONS, A SUBDIVISION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO A ROAD RIGHT-OF-WAY ALONG THE WEST 33 FEET.

PARCEL 3

THE SOUTH 250 FEET OF THE NORTHWEST QUARTER OF LOT 6, BLOCK 3, PALM BEACH PLANTATIONS, A SUBDIVISION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 10, PAGE 20, EXCEPTING THE WEST 40 FEET THEREFROM AS CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES.

EXHIBIT B
VICINITY SKETCH

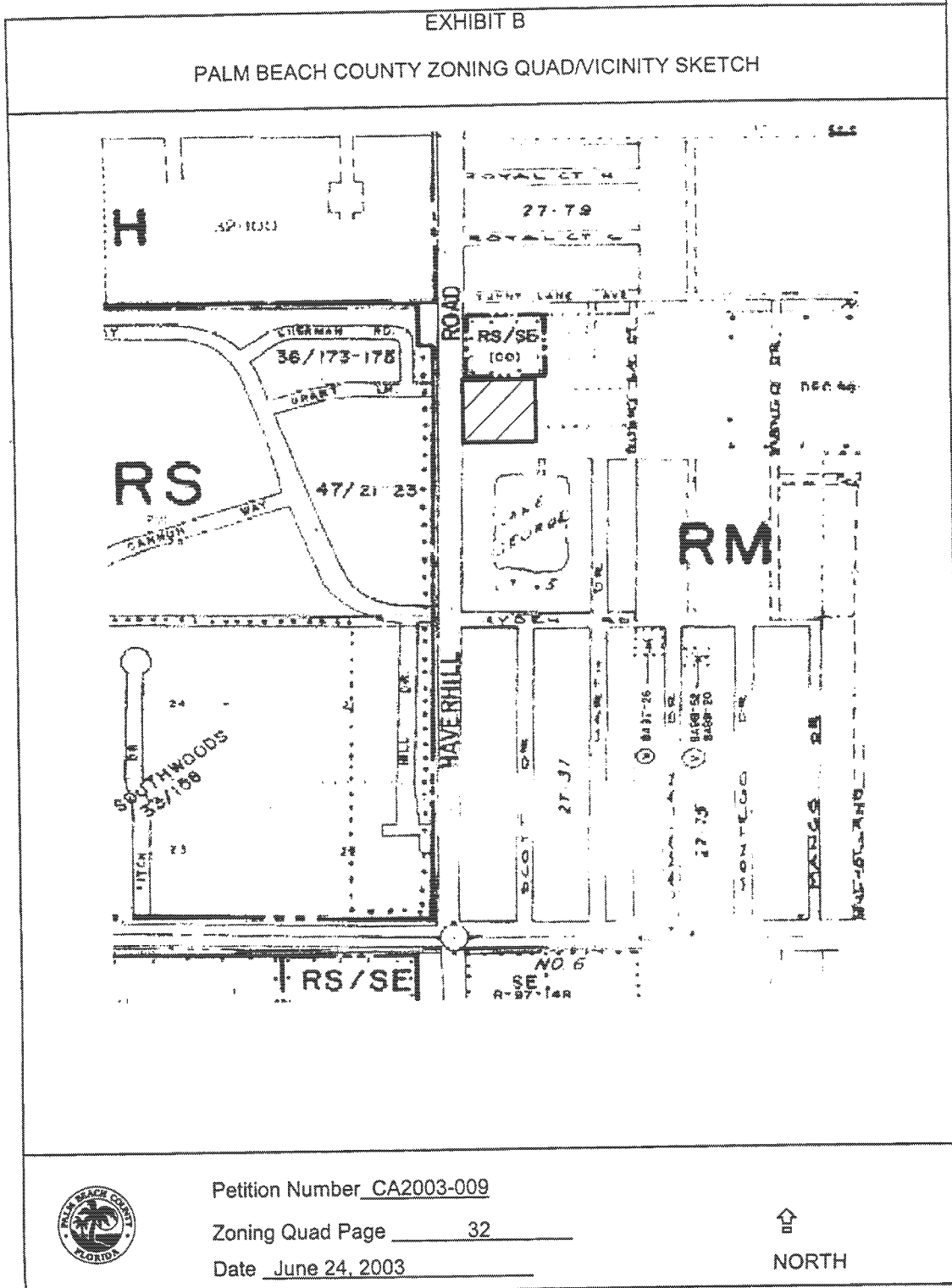


EXHIBIT C

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 May 23, 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 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.E. and Section 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC approved site plan. (DRC: ZONING - Zoning)

C 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)

D. 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 palms required to be planted on the property 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 All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, 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;
 - c forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d this condition does not apply to the area where a single row of hedge is required on one or both sides of the fence. (CO: LANDSCAPE - Zoning)
- 4 All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
- 5 A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
- 6 Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north, south, and east property lines and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
7. Prior to final DRC certification, 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)

E ENGINEERING

1. 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 January 1, 2006. A time extension for this condition may be approved by the County Engineer 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)
- 2 Prior to Final DRC approval of the site plan, the site plan shall be amended to show the required divider median for the site's entrance drive aisle. (DRC:ENG-Eng)
- 3 The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRC:ENG-Eng)

F LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF HAVERHILL ROAD)

- 1 Landscaping and buffering along the west 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 a minimum two (2) foot high continuous berm measured from top of curb;
 - c one (1) native canopy tree for each thirty (30) linear feet of the property line;

- d 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;
- e 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;
- f. 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,
- g one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

G LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING CHURCH)

- 1 Landscaping and buffering along the north property line shall be upgraded to include:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. a six (6) foot high black or green vinyl coated chain link fence;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line, and shall be planted alternating on both sides of the fence;
 - d 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 shall be planted alternating on both sides of the fence.
 - e 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 shall be installed on both sides of the fence. (CO: LANDSCAPE - Zoning)

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

- 1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
 - a a minimum fifteen (15) foot wide landscape buffer strip;
 - b a six (6) foot high black or green vinyl coated chain link fence to be located on the plateau of the berm;
 - c one (1) canopy tree planted for each twenty (20) linear feet of the property line, and shall be planted alternating on both sides of the fence;
 - d 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 shall be planted 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) 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,
 - b one (1) native 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)

I. 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. Foundation planting or grade level planters for the church building shall be provided along the facades of all structures as shown on the certified site plan dated May 23, 2003. (DRC / CO: ZONING / LANDSCAPE - Zoning)
3. Foundation planting or grade level planters shall be provided along the north, east, and west facades of the church office consisting 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 fifty (50) percent of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot 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)

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, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures be setback twenty (20) feet from the north, south, and east property lines. (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)

K. PLANNING

1. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall provide for pedestrian pathways (sidewalks) consistent with the sidewalks that were indicated on the site plan dated May 23, 2003. (DRC:PLANNING-Planning)

- 2 Prior to the issuance of the certificate of occupancy, the petitioner shall pave the internal sidewalks and the two (2) sidewalk connections to the sidewalk along Haverhill Road at the locations shown on the final DRC approved certified site plan. (CO:MONITORING/PLANNING-Planning)

L. SIGNS

1. 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 (30) square feet;
 - c maximum number of signs - one (1);
 - d style - monument style only;
 - e location - Frontage of Haverhill Road; and
 - f. Sign shall be limited to identification of tenants only and schedule of services. (CO: BLDG - Zoning)

M 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 9:00 p.m. daily, 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 all perimeter property lines. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: CODE ENF - Zoning)
- 3 The church shall be limited to a maximum of one hundred and forty four (144) seats. (ONGOING: CODE ENF-Zoning)
- 4 Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

N 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)