

RESOLUTION NO. R-99- 1218

RESOLUTION APPROVING ZONING PETITION CA98-090
CLASS A CONDITIONAL USE
PETITION OF C/O IRON CITY SASH & DOOR CO.
BY ROBERT BENTZ, AGENT
(7TH DAY ADVENTIST 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 CA98-090 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 1999; 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 CA98-090, the petition of c/o Iron City Sash & Door Co., by Robert Bentz, agent, for a Class A Conditional Use to allow a Church or place of worship in the Residential Transitional Urban (RTU) 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 22, 1999, 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 Newell 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	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 22, 1999.

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

Petition CA98-090
Project No. 5523-000

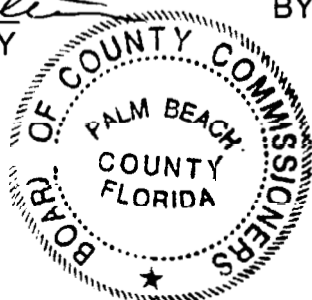


EXHIBIT A
LEGAL DESCRIPTION

THE WEST HALF (W.½) OF THE SOUTHWEST QUARTER (S.W. ¼) OF THE SOUTHWEST QUARTER (S.W. ¼) OF THE SOUTHWEST QUARTER (S.W. ¼) OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 100 FEET THEREOF; LESS THE SOUTH 91.08 FEET THEREOF; LESS THE EAST 100 FEET OF THE SOUTH 265 FEET THEREOF; AND LESS THAT PART LYING WITHIN 60 FEET OF THE CENTERLINE OF MILITARY TRAIL.

EXHIBIT B
VICINITY SKETCH

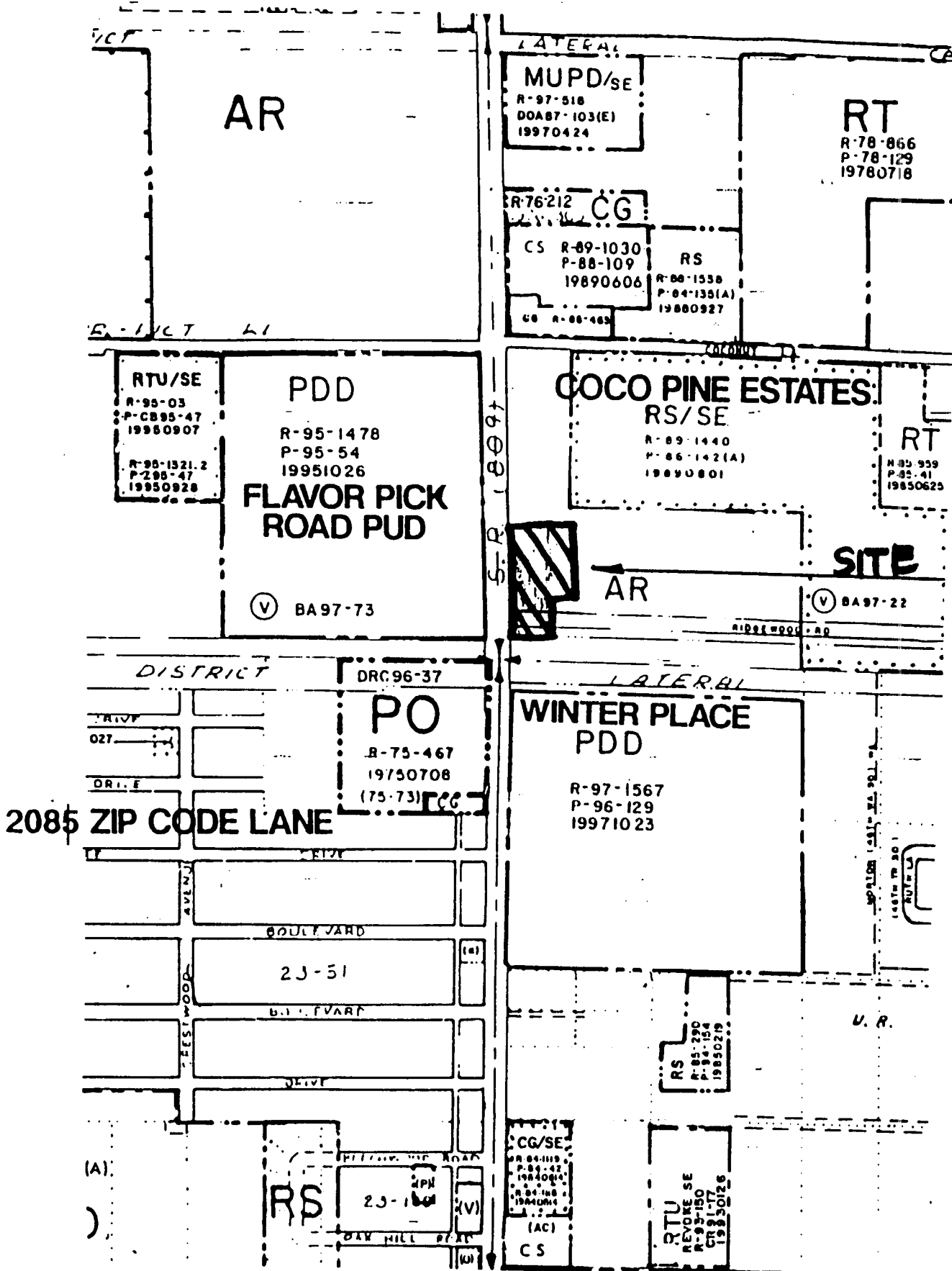


EXHIBIT C

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 11, 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. (ONGOING: ZONING)
2. Prior to final DRC site plan approval, the petitioner shall revise the site plan to indicate a fifteen (15) foot landscape buffer along the south property line (Ridgewood Road). (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area for the site is limited to 17,000 square feet with the following breakdown:

Church - 10,000 square feet with 350 seats;
Fellowship hall - 5,000 square feet with 250 seats;
Caretaker's quarter - 2,000 square feet.
Expansion may be permitted to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less and subject to the approval of DRC and Traffic Divisions. (DRC/ ONGOING BUILDING-Zoning)
2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet except for church spires or belfries which are exempted from height regulations, pursuant to Section 6.5.H of the ULDC. (BLDG PERMIT: BLDG - Zoning)
3. 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. LANDSCAPING

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) feet.
 - b. Trunk diameter: 2.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: six (6) 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. (CO: LANDSCAPE-Zoning)
 - d. Credit may be given for existing or relocated trees provided they meet current 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 or grey wood, whichever is greater;

- 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. 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)

D. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the north property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. A minimum six (6) foot high board on board, pressure treated wood fence. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center;
 - c. Thirty (30) 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 forty eight (48) inches. (CO: LANDSCAPE)
- 3. Along the interior side of the required fence, the property owner 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)

E. ENGINEERING

- 1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Ridgewood Road 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 road right-of-way warranty deed for Ridgewood Road, 40 feet north of the ultimate right of way of the LWDD L30 Canal prior to the issuance of the first Building Permit. Right of way conveyance shall be along the project's 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. (BLDG PERMIT: MONITORING-Eng)
- 3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
 - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Military Trail right-of-way

and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
- c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to issuance of a building permit. (BLDG.PERMIT:MONITORING - Eng.)

4. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF MILITARY TRAIL

- a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Military Trail road Right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks or similar materials are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT:MONITORING - Eng.)
- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, and paver block or similar materials shall be funded at the

property owners expense. All landscape material, and paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to issuance of a building permit. (BLDG.PERMIT:MONITORING - Eng.)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RIDGEWOOD ROAD)

- I. Landscaping and buffering along the south property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - d. Twenty four (24) inch high shrub or hedge material to be planted on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE SOUTH 130 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the south 130 feet of the east property line shall include:
 - a. A minimum fifteen (15) foot wide landscape buffer strip;
 - b. A minimum six (6) foot high board on board, pressure treated wood fence. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center;
 - c. Thirty (30) 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 forty-eight (48) inches. (CO: LANDSCAPE)
- 3. Along the interior side of the required fence, the property owner 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)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE AND THE EAST 100 FEET OF THE SOUTH PROPERTY LINE AND 306 FEET OF THE EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east 100 feet of the south property line and 306 feet of the east property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. A minimum six (6) foot high board on board, pressure treated wood fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - c. Thirty (30) 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 forty eight (48) inches. (CO: LANDSCAPE)
3. Along the interior side of the required fence, the property owner 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)

I. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MILITARY TRAIL)

1. Landscaping and buffering along the west property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two to three foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb
 - c. One (1) canopy tree planted every twenty (20) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and
 - e. Twenty four (24) inch high shrub or hedge material to be planted on the plateau of the berm, spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING - INTERIOR

1. Landscape planters shall be provided along the facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the accumulative length of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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 10:00 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)

L. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall submit to the Planning Department cross-sections and details of the sidewalk/bicycle path depicting landscaped and shaded sidewalks along the east side of Military Trail as indicated on the approved site plan dated May 11, 1999. (DRC: PLANNING)

M. SIGNS

1. New freestanding sign fronting on Military Trail shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8); and
 - b. Maximum sign face area per side - sixty (60) square feet; and
 - c. Maximum number of signs - one (1); and
 - d. Style - Monument style only. (CO: BLDG.)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to the south and west facades of the church building only. (CO: BLDG.)

N. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m. daily, excluding holiday services. (ONGOING: CODE ENF)
2. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.) shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING - Zoning)
3. No overnight parking of vehicles (except for the caretaker's vehicles, maximum two (2) and one (1) church bus shall be permitted on the site. (ONGOING: MONITORING - Zoning)
4. No simultaneous use of the church and the fellowship hall shall be permitted. Sunday school in the fellowship hall shall be permitted during regular church or holiday services. (ONGOING: MONITORING - Zoning)
5. Prior to the issuance of building permit of the first building, the existing billboard shall be removed from the site. (BLDG. PERMIT: Zoning)

O. COMPLIANCE

1. 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 in the Fifteenth Judicial Circuit. (MONITORING)