

RESOLUTION NO. R-2004- 2256

RESOLUTION APPROVING ZONING PETITION CA2004-024
(CONTROL NUMBER 2004024)
CLASS A CONDITIONAL USE
PETITION OF FLORIDA CONFERENCE ASSOCIATES OF 7TH DAY ADVENTISTS
BY LAND RESEARCH MANAGEMENT INC, AGENT
(COMMUNITIES WEST 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2004-024 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2004; 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 2.E (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 2.F, Concurrency 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 2 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 CA2004-024, the petition of Florida Conference Associates of 7th Day Adventists, by Land Research Management Inc., agent, for a Class A Conditional Use to allow a church or place of worship and a private school in the Agricultural Residential/Special Exception 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 October 28, 2004, 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 Koons and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of November, 2004.

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

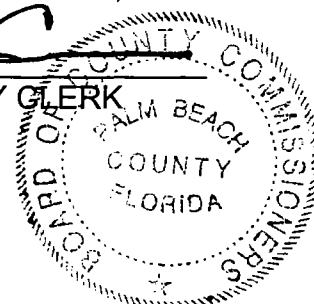


EXHIBIT A

LEGAL DESCRIPTION

MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION: THE EAST ONE-HALF (E1/2) OF TRACT 38, BLOCK "F", LOXAHATCHEE GROVES, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL AS CONTAINED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 9380, PAGE 879;

PARCEL NO. 121

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 41 EAST, AND BEING A PORTION OT TRACT 38, BLOCK F OF THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 38, RUN SOUTH 02°16'10" WEST ALONG THE EAST LINE OF SAID TRACT 38 A DISTANCE OF 450.24 FEET;

THENCE NORTH 89°12'34" WEST A DISTANCE OF 50.02 FEET ALONG THE SOUTH LINE OF SAID TRACT 38;

THENCE NORTH 02°16'10" EAST A DISTANCE OF 450.54 FEET;

THENCE SOUTH 89°12'34" EAST A DISTANCE OF 50.02 FEET; ALONG THE NORTH LINE OF SAID TRACT 38 TO THE POINT OF BEGINNING.

CONTAINING: 412,985.22 GROSS SQUARE FEET OR 9.48 ACRES, MORE OR LESS.

SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS AND DRAINAGE PURPOSES OVER THE SOUTH 30 FEET THEREOF

SUBJECT TO AN EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER THE NORTH 15 FEET THEREOF.

SUBJECT TO ANY AND ALL EASEMENT, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

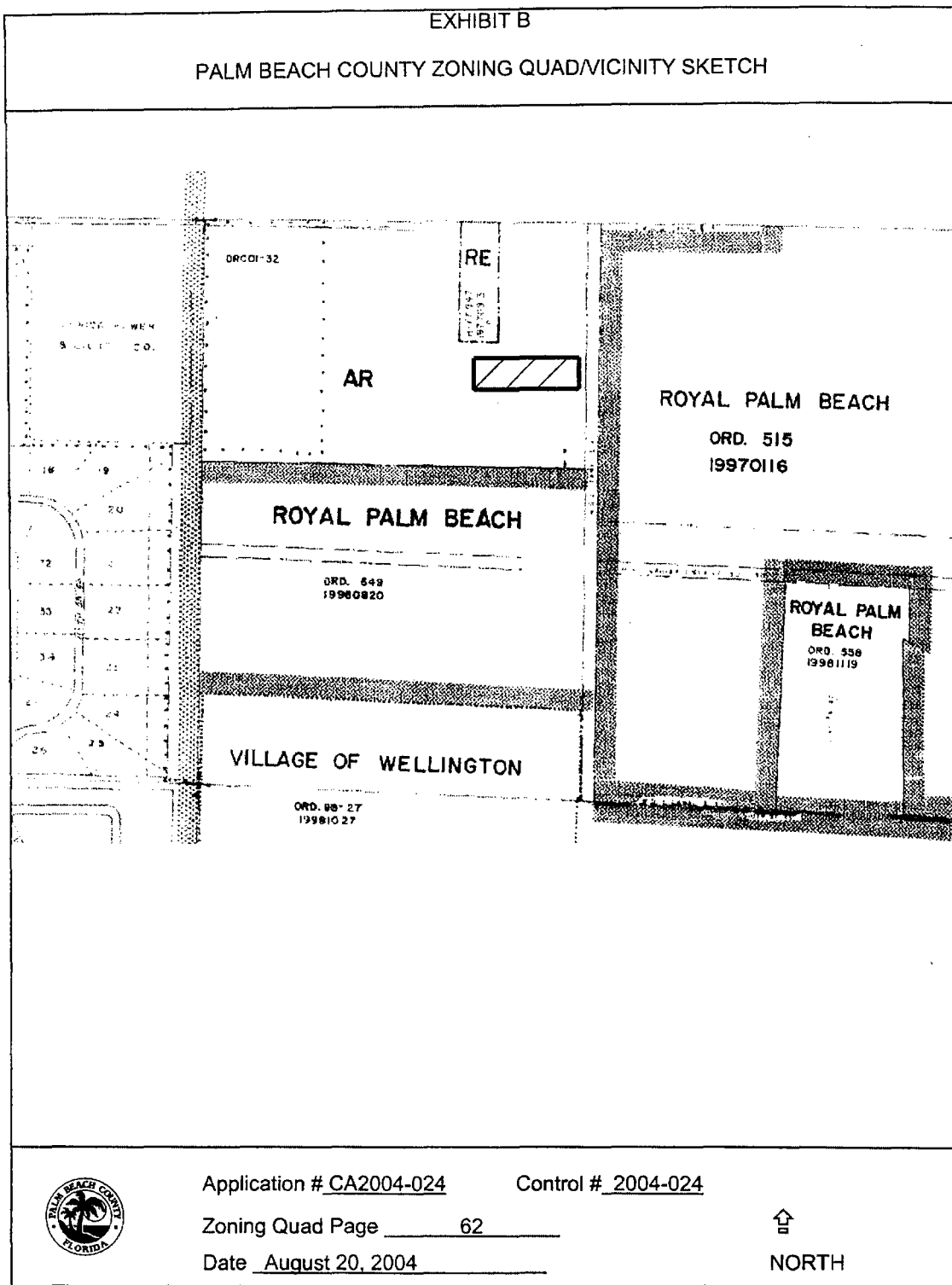


EXHIBIT C

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 July 15, 2004. 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. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide architectural elevations indicating that the building will be designed consistent with the Rural Design Guidelines as referenced in Article 5.C.H.1.i of the Unified Land Development Code. (DRO: ARCH REVIEW/PLANNING – Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), signage on the site shall be restricted to one (1) monument sign on 64th Drive North to be designed consistent with the Rural Design Guidelines as referenced in Article 5.C.H.1.i of the Unified Land Development Code. (DRO: ARCH REVIEW/PLANNING – Planning)

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 (50) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (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. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE – Zoning)
4. Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: 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 September 23, 2007. 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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING – Eng)

2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING – Eng)

F. LANDSCAPING ALONG THE NORTH, SOUTH, EAST AND WEST PROPERTY LINES (FRONTAGE OF FOLSOM ROAD AND RESIDENTIAL)

1. In addition to the landscape requirements pursuant to the ULDC, Landscaping and buffering along the east property line shall be upgraded to include:
 - a. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster consisting of a minimum of five (5) pines. (BLDG PERMIT: LANDSCAPE – Zoning)

G. LANDSCAPING - INTERIOR

1. Prior to final approval of the site plan by the Development Review Officer (DRO), the site plan shall be amended to include a landscape focal point in the roundabout median and in the triangular median located on the north side of the main drive aisle. Each focal point shall be submitted for approval by the Landscape Section. (DRO: LANDSCAPE – Zoning)

H. PLANNING

1. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be revised to reflect that driveway aisles be designed with a pervious or semi-pervious surface rather than an asphalt paving surface subject to approval by the Planning, Zoning, and Engineering Departments. (DRO:PLANNING/ZONING/ENG – Planning)
2. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall submit an Alternative Landscape Plan (ALP) for all of the buffers required for the site. The ALP shall indicate how existing native vegetation has been incorporated into the site and into all perimeter buffers. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. All new vegetation shall also be native. (DRO:LANDSCAPE/PLANNING – Planning)

I. SIGNS

1. Freestanding point of purchase signs fronting on Folsom Road 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 - 60 square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. signs shall be limited to identification of tenants only. (CO: BLDG – Zoning)

J. 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)

K. 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 Article 2.E 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)