

RESOLUTION NO. R-2004-2280

RESOLUTION APPROVING ZONING PETITION CA2003-070
(CONTROL NUMBER 2003070)
CLASS A CONDITIONAL USE
PETITION OF WORSHIP CENTER BAPTIST CHURCH
BY KENNETH WHITE, AGENT
(WORSHIP CENTER 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 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 CA2003-070 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 CA2003-070, the petition of Worship Center Baptist Church, by Kenneth White, 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 October 28, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

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


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

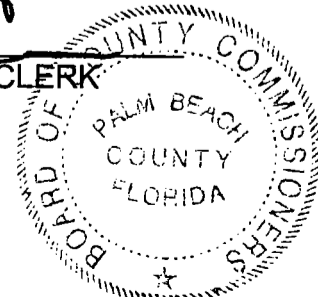


EXHIBIT A
LEGAL DESCRIPTION

A parcel of land in Section 22, Township 41 South, Range 42 East in Palm Beach County, Florida and more particularly described as follows:

The East 244 feet of a certain part of the South 300 feet of said Section 22 with the East line of said certain part being at right angles to the South line of said Section; and so located that the Northerly projection of said East line intercepts the North line of the South 1250 feet of said Section at a point 2720 feet East of the intersection of said North line with the West section line; and with all indicated distances being as measured along lines parallel to the West and South lines of said Section 22; LESS, however, the South 75 feet thereof for right of way of Donald Ross Road AND LESS I-95 right of way more fully described in Official Record Book 4240, Page 677 of the Public Records of Palm Beach County, Florida.

Containing 1.04 acres more or less.

EXHIBIT B
VICINITY SKETCH

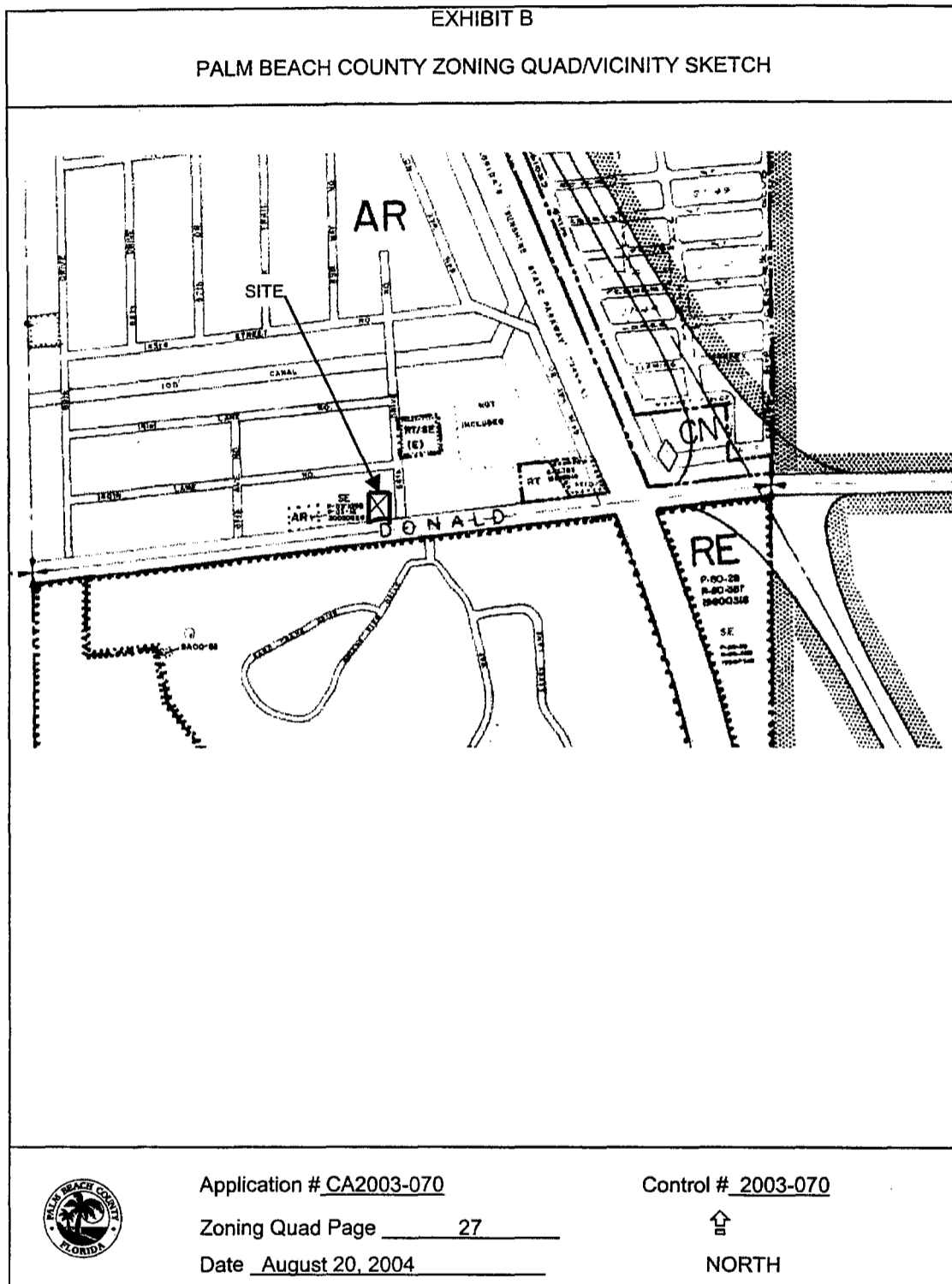


EXHIBIT C

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 19, 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. ALTERNATIVE LANDSCAPE PLAN

1. Prior to final Development Review Officer (DRO) approval of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the south property line and/or any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: LANDSCAPE - Zoning/Planning)
2. 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/Planning)

C. ARCHITECTURAL REVIEW

1. At time of submittal for final DRO approval of the site plan, architectural elevations for the building 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 Sections 6.6.C, 6.6.D and 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRC: ZONING - Zoning/Planning)
2. The maximum height for the church/place or worship shall not exceed thirty-five (35) feet measured from finished grade to the highest point of the building. The maximum height for any church spire or religious dome shall not exceed seventy (70) feet measured from finished grade to highest point. (DRO/BLDG PERMIT: ARCH REVIEW/BLDG - Zoning)

D. 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)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner 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. CONVEYANCE OF RIGHT OF RIGHT OF WAY - 64th Drive North

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for 64th Drive North, 30 feet from centerline prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The 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. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. 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. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along Donald Ross 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)

4. LANDSCAPE WITHIN THE MEDIAN OF DONALD ROSS ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right-of-way of Donald Ross Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by the property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- c. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner's installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such

payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING: ENG - Eng)

d. Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along Donald Ross Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - Eng)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - Eng)

F. HEALTH

1. Prior to final approval by the Development Review Officer (DRO), application and engineering plans to construct a non-community well in accordance with Palm Beach County ECR-II shall be submitted to the Palm Beach County Health Department for approval unless community water service is available. (DRO: HEALTH - Health)

2. Within ninety (90) days after community water supply becomes available to the property, the property owner shall connect to the community water supply. Thereafter, no well shall be permitted on the site to provide potable water, and all existing onsite potable water supply systems shall be abandoned in accordance with 64E-8, FAC and Palm Beach County ECR-II. However, should community water supply become available to the property prior to the issuance of a certificate of occupancy, the property owner shall connect to the public water system, and no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH - Health)

G. LANDSCAPING - STANDARD

1. A minimum of sixty-percent (60%) of all 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. (BLDG PERMIT: LANDSCAPE - Zoning)

2. All palms required to be planted on the property by this approval shall be native species and 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. 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; and,
 - d. this condition does not apply where a single row of shrub or hedge is required on one or both sides of a fence. (BLDG PERMIT: LANDSCAPE - Zoning)
 4. All trees, pines and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (BLDG PERMIT: LANDSCAPE - Zoning)
 5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees. (BLDG PERMIT: LANDSCAPE - Zoning)
 6. 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. (BLDG PERMIT: LANDSCAPE - Zoning)
 7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF DONALD ROSS ROAD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
 - c. one (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - 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. (BLDG PERMIT: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF 64TH DRIVE NORTH)

1. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
- b. one (1) native canopy tree for each thirty (30) linear feet of the property line;
- c. one (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- 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 (30) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)

J. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL PROPERTIES)

- 1. Landscaping and buffering along the north and west property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) feet of utility easement encroachment;
 - b. a six (6) foot high opaque wood fence;
 - c. one (1) canopy tree for each twenty (20) linear feet of the property line, alternating on both sides of the fence; and,
 - d. one (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (BLDG PERMIT: 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) medium shrub (Saw Palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)
- 3. Along the interior side of the required fence, the property owner shall install thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches at maturity. (BLDG PERMIT: LANDSCAPE - Zoning)

K. 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. (DRO: ZONING - Zoning)
- 2. Landscaping for terminal and interior islands in the parking area shall consist of the following:
 - a. a minimum of 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. (BLDG PERMIT: LANDSCAPE - Zoning)

3. Foundation planting or grade level planters shall be provided along the north, south, east and west facades of the 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 sixty (60) percent of the total length of each side of the building; 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. (DRO/BLDG PERMIT: ZONING/LANDSCAPE - Zoning)

L. 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 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 distance of twenty (20) feet from the north and west property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than one half (1/2) hour after operating hours, 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)

M. PARKING

1. All parking spaces located adjacent to a perimeter landscape buffer shall be limited to grassed parking only, unless required to accommodate average daily traffic. (DRO/CO: ZONING/LANDSCAPE - Zoning)

N. SIGNS

1. Freestanding signs shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. maximum sign face area per side - thirty (30) square feet;
 - c. maximum number of signs - one (1) for the entire site;
 - d. style - monument style only;
 - e. location - within twenty (20) feet to the south of the driveway from 64th Drive North measured from edge of pavement;
 - f. signs shall not be illuminated; and,
 - g. signs shall be limited to identification of tenant, hours of service and property address only. (CO/ONGOING: BLDG/CODE ENF - Zoning/Planning)
2. Wall signs shall be prohibited. (CO: BLDG - Zoning)

O. USE LIMITATIONS

1. All services shall be held within the building, and the hours of operation shall be limited to 8:00 a.m. to 8:30 p.m. daily, excluding holiday services. (ONGOING: CODE ENF - Zoning)
2. No temporary amusements or special events shall be permitted on the property. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING - Zoning)
3. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
4. Accessory facilities and uses such a day care, school, retreat site, camp, congregate living facility, community center, or other similar facilities shall be prohibited. (ONGOING: CODE ENF - Zoning)
5. No commercial communication tower or equipment shall be attached to the principal structure. (ONGOING/BLDG PERMIT: CODE ENF/BLDG - Zoning)

P. 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)