

RESOLUTION NO. R-2005-0812

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2001-042
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-2002-0135
APPROVING THE PETITION OF PALM LAKES BAPTIST ASSOCIATION, INC.
PETITION NO. 2001-042

WHEREAS, the Board of County Commissioners, as the governing body, 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 2001-042 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on April 28, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2001-042 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. authorizes the Board of County Commissioners to approve Development Oder Amendments; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The property owner has requested the revocation.
3. The amendment of conditions of approval will ensure the conditions apply only to the existing church building on the site.

WHEREAS, Section 5.3 of the 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 the recommendation of Status Report No. SR 2001-042, to approve a Development Order Amendment to amend conditions of approval, amending the development order previously granted by the approval of the petition of Palm Lakes Baptist Association, Inc., Petition No. 2001-042, confirmed by the adoption of Resolution R-2002-0135, which approved a Conditional Use "A" to allow two (2) churches or places of worship, on property legally described in Exhibit A, and subject to conditions of approval described in Exhibit

B, being located on the northeast corner of Haverhill Road and 45th Street, in the Residential Medium Density (RM) Zoning District, is approved.

Commissioner Marcus moved for approval of the Resolution.

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

TONY MASILOTTI, CHAIRMAN	—	Aye
ADDIE L. GREENE, VICE CHAIRPERSON	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Absent
MARY MCCARTY	—	Absent
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Aye

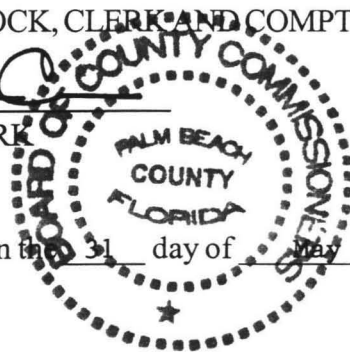
The Chair thereupon declared the resolution was duly passed and adopted this 28 day of April, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 31 day of April, 2005.

EXHIBIT A
LEGAL DESCRIPTION

Lot 7, ADAMS SUBDIVISION, 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 20, Page 23, LESS the west 40 feet thereof for road purposes as conveyed by Deed recorded in Official Record Book 744, Page 89, and LESS the South 50 feet for road purposes as conveyed by deed recorded in Official Record Book 1093, Page 448, and LESS that portion of Lot 7 for road purposes conveyed by deed recorded in Official Record Book 5319, Page 1048, Palm Beach County, Florida, Public Records.

EXHIBIT B

CONDITIONS OF APPROVAL

A. ALL PETITIONS

- 1 Condition number A.1. of Resolution No. R-2002-0135 which currently states:

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 November 29, 2001. 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)

Is hereby amended to state:

All previously approved conditions of approval applicable to the subject property, as contained in Resolution No. R-2002-0135, Petition 2001-042, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval unless expressly modified herein. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Condition number B.1. of Resolution No. R-2002-0135 which currently states:

Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. (Reason: no longer applicable)

2. Condition number B.2. of Resolution No. R-2002-0135 which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines per Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING)

- Is hereby deleted. (Reason: no longer applicable)

3. Condition number B.3. of Resolution No. R-2002-0135 which currently states:

All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

Is hereby deleted. (Reason: no longer applicable)

4. Condition number B.4. of Resolution No. R-2002-0135 which currently states:

The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet unless permitted by Section 6.5.H.5 (Exceptions to Height Restrictions) of the ULDC. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. (Reason: no longer applicable)

C. 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 180 feet of any property line.** (Previously condition number C.1. of Resolution No. R-2002-0135, P-2001-042) (DRC/ONGOING: ZONING/CODE ENF)

2. Condition number C.2. of Resolution No. R-2002-0135 which currently states:

Proposed grade changes shall be minimal where necessary to incorporate existing native vegetation. (BLDG PERMIT: ERM/LANDSCAPE)

Is hereby deleted. (Reason: no longer applicable)

3. Condition number C.3. of Resolution No. R-2002-0135 which currently states:

Prior to final Development Review Committee approval, the site plan shall be revised to indicate the following sidewalk and/or pedestrian connections:

- a. **Pedestrian connections shall be shown for all gate openings in the fenced area for basketball courts; and**
- b. **A four (4) foot sidewalk abutting parking stalls on the eastern side of the existing church.** (DRC: ZONING)

Is hereby deleted. (Reason: no longer applicable)

D. CONCURRENCY

1. Condition number D.1. of Resolution No. R-2002-0135 which currently states:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated November 29, 2001. (DRC: ZONING)

Is hereby deleted. (Reason: no longer applicable)

E. ENGINEERING

1. Condition number E.1. of Resolution No. R-2002-0135 which currently states:

Prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a) 45th Street 76-1/2 feet from centerline, 280 feet in length & a taper length of 50 feet, b) Haverhill Road 54-1/2 from centerline in accordance with Palm Beach County Typical Intersection detail, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

Is hereby deleted. (Reason: no longer applicable)

2. Condition number E.2. of Resolution No. R-2002-0135 which currently states:

Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Haverhill Road and 45th

Street 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)

Is hereby deleted. (Reason: no longer applicable)

3. Condition number E.3. of Resolution No. R-2002-0135 which currently states:

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

- a) **No Building Permits shall not be issued until construction has begun for the six laning of Military Trail from 45th Street to Cumberland Drive. (BLDG PERMIT: MONITORING-Eng)**

Is hereby deleted. (Reason: no longer applicable)

4. Condition number E.4. of Resolution No. R-2002-0135 which currently states:

LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- A. **Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of 45th Street Road Right-of-Ways to provide for 1) Median Landscaping, 2) Concrete cutout strips. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department 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 landscaping installation and maintenance requirements shall be subject to the standards as 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 owners expense. All landscaping, 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 or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. 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 prior to the issuance of the first certificate of occupancy.**

(CO: MONITORING- Eng)

- C. **If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the Technical Compliance. (TC: ENGINEERING-Eng)**

Is hereby deleted. (Reason: no longer applicable)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **All existing native vegetation indicated on the site plan to be preserved shall be maintained in perpetuity by the property owner. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species.(DRC: ERM) (Previously Condition F.1. of Resolution No. R-2002-0135, Petition 2001-042**

G. LANDSCAPING – STANDARD

1. Condition number G.1. of Resolution No. R-2002-0135 which currently states:

Fifty-percent (50%) of canopy trees required to be planted in the perimeter buffer shall 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.**

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

Is hereby deleted. (Reason: no longer applicable)

2. Condition number G.2. of Resolution No. R-2002-0135 which currently states:

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; and**
- b. **Clusters: staggered heights twelve (12) to eighteen (18) feet**

Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

Is hereby deleted. (Reason: no longer applicable)

3. Condition number G.3. of Resolution No. R-2002-0135 which currently states:

All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

Is hereby deleted. (Reason: no longer applicable)

H. LANDSCAPE – ALTERNATIVE PLAN

1. Condition number H.1. of Resolution No. R-2002-0135 which currently states:

Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

Is hereby deleted. (Reason: no longer applicable)

2. Condition number H.2. of Resolution No. R-2002-0135 which currently states:

Prior to final DRC certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

Is hereby deleted. (Reason: no longer applicable)

I. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (ADJACENT TO 45TH STREET AND HAVERHILL ROAD)

1. Condition number I.1. of Resolution No. R-2002-0135 which currently states:

Landscaping along the south and west property lines shall be upgraded to include:

- a. **A minimum twenty (20) foot wide right-of-way buffer. No width reduction or easement encroachment shall be permitted;**
- b. **One (1) native canopy tree for each thirty (30) linear feet of property line;**
- c. **One (1) pine tree for each thirty (30) linear feet of property line with a maximum spacing of ninety (90) feet between clusters;**
- d. **One (1) small shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of eighteen (18) inches; and**
- e. **One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)**

Is hereby deleted. (Reason: no longer applicable)

J. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ADJACENT TO RESIDENTIAL

1. Condition number J.1. of Resolution No. R-2002-0135 which currently states:

Landscaping along the north and east and property lines shall be upgraded to include:

- a. **A minimum fifteen (15) foot wide buffer strip. No width reduction or easement encroachment shall be permitted;**
- b. **A continuous two (2) foot high berm measured from top of curb;**
- c. **A six (6) foot high opaque wood fence to be installed at top of berm;**
- d. **One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner; and**
- e. **One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet. (CO: LANDSCAPE)**

Is hereby deleted. (Reason: no longer applicable)

2. Condition number J.2. of Resolution No. R-2002-0135 which currently states:

The following landscaping shall be required on the exterior side of the required fence.

- a. **One twenty-four (24) inch high shrub spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)**

Is hereby deleted. (Reason: no longer applicable)

3. Condition number J.3. of Resolution No. R-2002-0135 which currently states:

The following landscaping shall be required on the interior side of the required fence:

- a. **One eighteen (18) inch high shrub for each two (2) linear feet of property line, to be maintained at a minimum height of twenty-four (24) inches;**
- b. **One twenty-four (24) inch high shrub for each four (4) linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and**
- c. **One thirty (30) inch high shrub for each eight (8) linear feet of property line, to be maintained at a minimum height of forty-eight (48) inches.**

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- **Eighteen (18) to twenty-four (24) inches – ground cover and small shrubs;**
- **Twenty-four (24) to thirty-six (36) inches – medium shrubs; and**
- **Forty-eight (48) to seventy-two (72) inches – large shrub. (CO: LANDSCAPE – Zoning)**

Is hereby deleted. (Reason: no longer applicable)

K. LIGHTING

1. Condition number K.1. of Resolution No. R-2002-0135 which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of the 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)

Is hereby deleted. (Reason: no longer applicable)

2. Condition number K.2. of Resolution No. R-2002-0135 which currently states:

All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG)

Is hereby deleted. (Reason: no longer applicable)

3. Condition number K.3. of Resolution No. R-2002-0135 which currently states:

All outdoor lighting (including parking lot lighting) shall be extinguished no later than 9:30 p.m. or 30 minutes after the completion of evening services or special events. (ONGOING: CODE ENF)

Is hereby deleted. (Reason: no longer applicable)

4. Condition number K.4. of Resolution No. R-2002-0135 which currently states:

The lighting condition above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

Is hereby deleted. (Reason: no longer applicable)

5. Condition number K.5. of Resolution No. R-2002-0135 which currently states:

Parking lot or basketball court lighting shall not be utilized during morning hours. (ONGOING: CODE ENF)

Is hereby deleted. (Reason: no longer applicable)

L. PARKING

1. **All perimeter parking stalls shall be limited to grass parking and shall include parking stops to prevent encroachment of vehicles into required buffers and/or other landscaped areas. (DRC: ZONING) (Previously condition L.1. of Resolution R-2002-0135, Petition 2001-042)**

M. SIGNS

1. **Freestanding signs shall be limited as follows:**

- a. **Maximum sign height: Six (6) feet - measured from finished grade to highest point;**
- b. **Maximum sign face area per side: Forty (40) square feet;**
- c. **Maximum number of signs: Two (2);**
- d. **Style: Monument style only;**
- e. **Location: East side of 45th Street entrance and northeast corner of 45th Street and Haverhill Road. (CO: BLDG) (Previously condition M.1. of Resolution R-2002-0135, Petition 2001-0420)**

2. Condition number M.2. of Resolution No. R-2002-0135 which currently states

Directional signage may also be permitted at the site's northern entrance, subject to the following:

- a. **Sign language shall be limited to communicating directions, such as "Church Entrance;"**
- b. **Maximum sign height: Three (3) feet – measured from finished grade to highest point; and**
- c. **Maximum sign face area per side: five (5) square feet. (CO: BLDG)**

Is hereby deleted. (Reason: no longer applicable)

N. USE LIMITATIONS

1. **All services shall be held within the church and the hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. weekdays, and 8:00 a.m. to 9:00 p.m. on Saturday and Sunday, excluding holiday services. (ONGOING: CODE ENFORCEMENT) (Previous condition N.1. of Resolution R-2002-0135, Petition 2002-042)**
2. **Hours of operation for basketball courts shall be limited to 7:00 a.m. to 9:00 p.m. (ONGOING: CODE ENFORCEMENT) (Previous condition N.2. of Resolution R-2002-0135, Petition 2002-042)**

3. **Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year for the overall site and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - ZONING) (Previous condition N.3. of Resolution R-2002-0135, Petition 2002-042)**

4. Condition number N.4. of Resolution R-2002-135 which currently states:

Maximum number of church seating shall be 813 seats at any given time. (ONGOING: CODE ENF - ZONING)

Is hereby amended to state:

Maximum number of church seating shall be 255 seats at any given time. (ONGOING: CODE ENF - ZONING)

5. **No outdoor speaker systems or amplified music shall be permitted. (ONGOING: CODE ENF) (Previous condition N.5. of Resolution R-2002-0135, Petition 2002-042)**

O. 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) (Previous condition O.1. of Resolution R-2002-0135, Petition 2002-042)**
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. (MONITORING) (Previous condition O.2. of Resolution R-2002-0135, Petition 2002-042)