

RESOLUTION NO. R-2005- 2280

RESOLUTION APPROVING ZONING APPLICATION DOA2005-146
(CONTROL NUMBER 1980-133)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF COMMUNITY CHRISTIAN CHURCH OF FLORIDA
BY LAND DESIGN SOUTH, INC., AGENT
(COMMUNITY CHRISTIAN 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 Application DOA2005-146 was presented to the Board of County Commissioners at a public hearing conducted on November 17, 2005; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2.K.3.b 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 Application DOA2005-146, the petition of Community Christian Church of Florida, by Land Design South, Inc., agent, for a Development Order Amendment to modify/delete conditions of approval, add land area, add square footage and reconfigure the site plan for a Special Exception to allow a church or place of worship 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 17, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner KOONS moved for the approval of the Resolution.

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

Tony Masilotti, Chair	¥	AYE
Addie L. Greene, Vice Chairperson	¥	AYE
Karen T. Marcus	¥	ABSENT
Jeff Koons	¥	AYE
Warren H. Newell	¥	AYE
Mary McCarty	¥	AYE
Burt Aaronson	¥	AYE

The Chair thereupon declared that the resolution was duly passed and adopted on November 17, 2005.

Filed with the Clerk of the Board of County Commissioners on 8TH day of DECEMBER, 2005.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



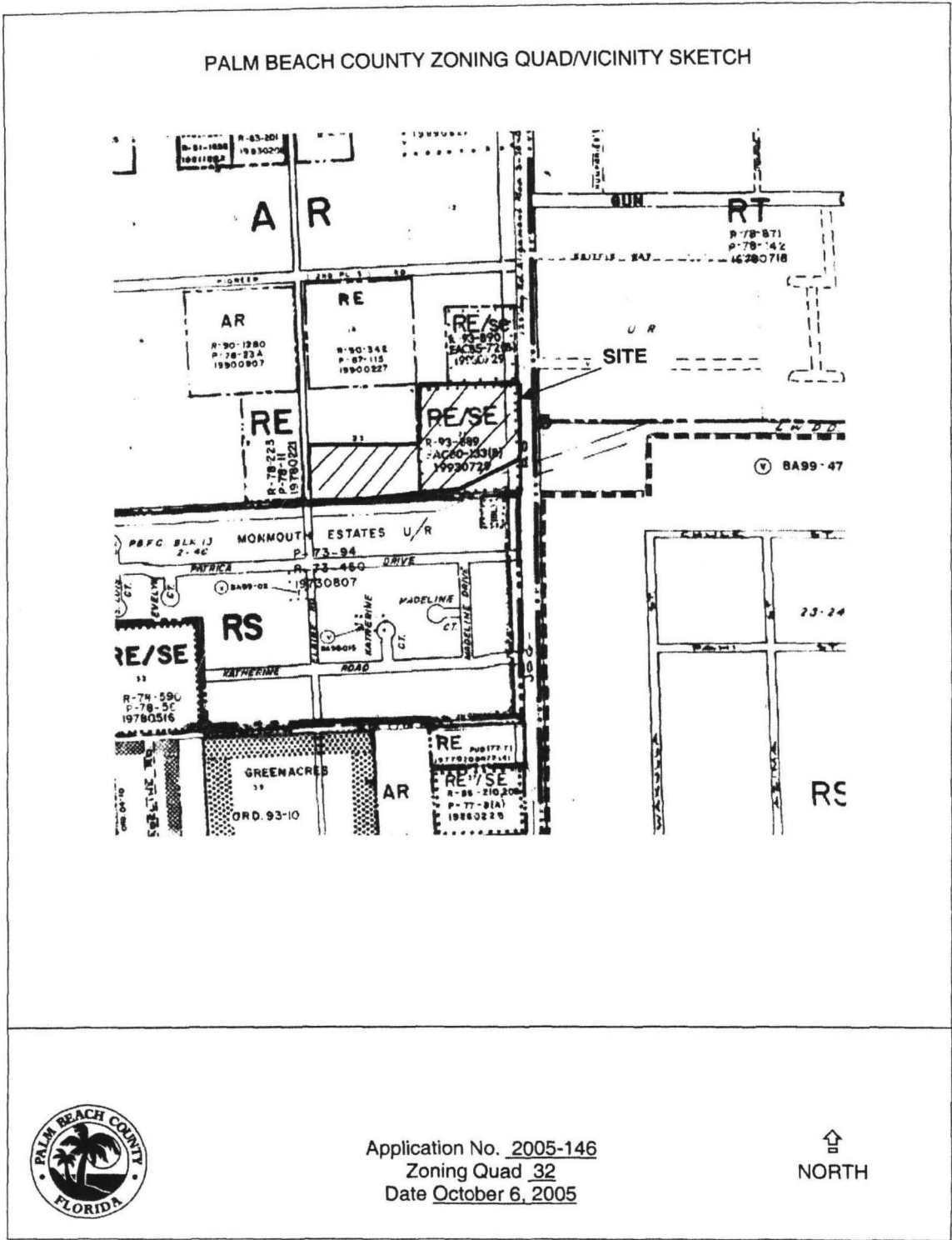
EXHIBIT A
LEGAL DESCRIPTION

TRACT 24, LESS THE NORTH 130 FEET THEREOF AND L-5 CANAL RIGHT-OF-WAY, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE WEST HALF OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LYING EAST OF TRACT 24 AND WEST OF JOG ROAD, LESS THE NORTH 130 FEET.

TOGETHER WITH:

THE SOUTH HALF OF TRACT 23, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45 THRU 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



Application No. 2005-146
Zoning Quad 32
Date October 6, 2005



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition No. 1 of Resolution no. R-93-889; (Petition no. EAC80-133(B)) which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval, including original deadlines established pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code, as amended, unless expressly modified. (ONGOING: ZONING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution No. R-93-889; (Petition no. EAC80-133(B)) have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

2. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated August 15, 2005. 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. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations for Phase 1 shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the DRO approved plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. At time of submittal for Building Permit for Phase 2, architectural elevations for Phase 2 shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the DRO approved plan, all applicable conditions of approval, and all ULDC requirements. (BLDG PERMIT: ARCH REVIEW-Zoning)

ENGINEERING

1. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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 11,250 square foot worship center
 - the 3,100 square foot day care center
 - the 111 student school

may be issued after January 1, 2011. 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. RIGHT TURN LANE RIGHT OF WAY

Prior to issuance of the first building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's south entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. 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. (BLDG PERMIT: MONITORING-Eng)

3. ONSITE TURN LANE IMPROVEMENTS

The Property owner shall construct a right turn lane north approach on Jog Road at projects entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- A. Permits required by Palm Beach County for this turn lane shall be obtained prior to the issuance of the next Building Permit. (BLDG PERMIT: MONITORING-Eng)
- B. Construction for this improvement shall be completed prior to the issuance of the next Certificate of Completion. (CO: MONITORING-Eng)

4. LANDSCAPE WITHIN THE MEDIAN OF JOG ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform to 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner 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 completion. (CC: MONITORING -Eng)
- c) At 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 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-ENGINEERING-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 project's front footage along Jog 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. (ONGONG:ENGINEERING-Eng)
5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING:ENGINEERING-Eng)

6. PLATTING REQUIREMENTS

Prior to issuance of the first Building Permit the Property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

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. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM-ERM)

HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach county ECR-11. (Previous condition B.1 of Resoltuion R-1993-0889, Petition DOA1980-133B) (ONGOING: HEALTH - Health)
2. Sanitary sewer service is available to the property. Therefore, no onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. (ONGOING: HEALTH - Health)
3. Prior to Final DRO approval the property owner shall meet with staff of the Palm Beach County Health Department and provide documentation, including, but not limited to, accurate architectural plans and site plans, to clarify all compliance issues related to operation and design of the proposed child care facility. (DRO: HEALTH-Health)

ZONING - LANDSCAPING-STANDARD

1. Previous Condition 8 of Resolution no. R-93-889; (Petition no. EAC80-133(B), which currently states:

Prior to site plan certification by the Development Review Committee, the property owner shall amend the site plan to indicate:
 - a. Compliance with all applicable landscape requirements of the ULDC and conditions of approval;

- b. indicate a phasing plan for all required landscape. (DRO: LANDSCAPE-Zoning)

Is hereby amended to read:

Prior to the issuance of any building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE-Zoning)

2. A minimum of fifty (50) percent of all new and replacement trees to be planted in the landscape buffers shall 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. (BLDG PERMIT: LANDSCAPE-Zoning)
3. All new and replacement 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. (BLDG PERMIT: LANDSCAPE-Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)
5. Field adjustment of berm and plant material locations 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)
6. Native trees shall be maintained as shown on the approved plan. (BLDG PERMIT:LANDSCAPE-Zoning)
7. Prior to the issuance of a Building Permit, the property owner shall replace all dead and missing plant materials on the entire subject property. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL USE AND ELAINE ROAD)

1. In addition to ULDC requirements, the buffer on the north and west property lines abutting residential uses and Elaine Road shall be upgraded to include:
 - a. minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous berm with a minimum height of two and one-half (2.5) feet. Berm height shall be measured from the nearest top of curb, the crown of the nearest street, or the nearest floor elevation, whichever is higher;
 - c. a three and one-half (3.5) foot high continuous hedge at installation, on top of the berm; and,
 - d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG

PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All existing and proposed outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. No lighting of outdoor recreation areas shall be permitted. (BLDG PERMIT: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours. (ONGOING: CODE ENF - Zoning)
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 - Zoning)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)
2. Prior to issuance of the first Building Permit or recordation of the Plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING-Eng)

PARKING

1. The parking spaces adjacent to the perimeter buffer/open space areas and in the median islands supporting native vegetation in the parking lot shall be limited to grass parking only. (DRO: ZONING - Zoning)

SIGNS

1. Freestanding signs fronting on Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. maximum sign face area per side - one hundred (100) square feet;
 - c. maximum number of signs -one (1)
 - d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. Outdoor recreation areas shall be setback fifty (50) feet from the north and west property lines. (DRO:ZONING-Zoning)

USE LIMITATIONS

1. Hours of operation for the church use shall be limited to 7:00 a.m. to 11:00 p.m., excluding holiday services only. (ONGOING: CODE ENF-Zoning)

2. Hours of operation for the day care, excluding employees, shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. (ONGOING: CODE ENF-Zoning)
3. Hours of operation for day care outdoor activities shall be limited to 8:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE ENF-Zoning)
4. Hours of construction activity during all stages of site development shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. Construction shall be prohibited on Saturday, Sunday, and statutory holidays. (ONGOING: CODE ENF-Zoning)
5. Construction traffic shall access the site from Jog Road only. (ONGOING: CODE ENF-Zoning)
6. Accessory outdoor uses such as temporary sales shall be setback a minimum of one-hundred (100) feet from all perimeter property lines. (ONGOING: CODE ENF-Zoning)
7. Outdoor speaker or public address systems, other than emergency warning systems, shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
8. Previous Condition 9 of Resolution no. R-93-889; (Petition no. EAC80-133(B)) which currently states:

Maximum occupancy of the sanctuary building shall not exceed a seating capacity for 380 persons. (ONGOING:CODE ENF-Zoning)

Is hereby amended to read:

Maximum occupancy for all facilities shall not exceed 380 persons at any time. (ONGOING: CODE ENF-Zoning)
9. Previous Condition A.3 of Resolution no. R-93-889; (Petition no. EAC80-133(B)) that currently states:

There shall be no school, other than a Sunday School. (CODE ENFORCEMENT)

Is hereby deleted [REASON: Applicant's request]
10. Previous Condition No. A.4 of Resolution no. R-93-889; (Petition no. EAC80-133(B)) which currently states:

There shall be no outside carnivals. (CODE ENFORCEMENT)

Is hereby deleted [REASON: No longer necessary, prohibited by code]
11. Previous Condition No. A.5 Resolution no. R-93-889; (Petition no. EAC80-133(B)) which currently states:

There shall be no outdoor revivals. (ONGOING:CODE ENFORCEMENT-Zoning)

Is hereby deleted [REASON: No longer necessary, prohibited by code]
12. Previous Condition No.A.7 Resolution no. R-93-889; (Petition no. EAC80-133(B)) which currently states:

There shall be no kitchen facilities. (CODE ENFORCEMENT)

Is hereby deleted. [REASON: Applicant's request]

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD-PBCWUD)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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 property owner, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any property owner, 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)