

RESOLUTION NO. R-2006-0910

RESOLUTION APPROVING ZONING APPLICATION CA2005-1464
(CONTROL NO. 2005-509)
CLASS A CONDITIONAL USE
PETITION OF ST. MARY COPTIC OTHODOX CHURCH
BY LAND RESEARCH MANAGEMENT, INC.AGENT
(ST. MARY COPTIC ORTHODOX 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), as amended, is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

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

WHEREAS, Zoning Application CA2005-1464 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2006; 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 4.B, 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 Application CA2005-1464, the petition of St. Mary Coptic Orthodox Church, by Land Research Management, Inc., agent, for a Class A Conditional Use to allow a place of worship in the Agricultural Reserve 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 May 25, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty 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	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	

The Chairman thereupon declared that the resolution was duly passed and adopted on May 25, 2006.

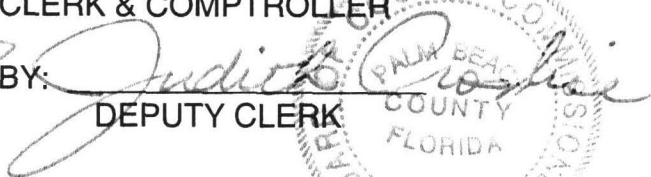
Filed with the Clerk of the Board of County Commissioners on 13th day of June, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

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

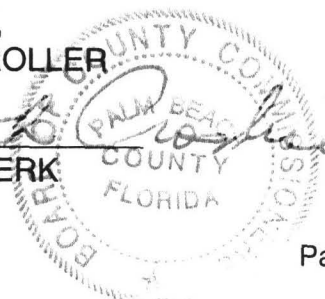


EXHIBIT A
LEGAL DESCRIPTION

Tracts 49 and 50, Block 20, THE PALM BEACH FARMS COMPANY PLAT No. 1, according to the Plat thereof as recorded in Plat Book 2, Pages 26 to 28 of the Public Records Of Palm Beach County, Florida, lying within Section 20, Township 46 South, Range 42 East

LESS AND EXCEPT

The west 45 feet of the aforementioned Tract 49, Block 20.

Said lands situate in Palm Beach County, Florida and contains 424,620 square feet (9.75 acres) more or less.

EXHIBIT B
VICINITY SKETCH

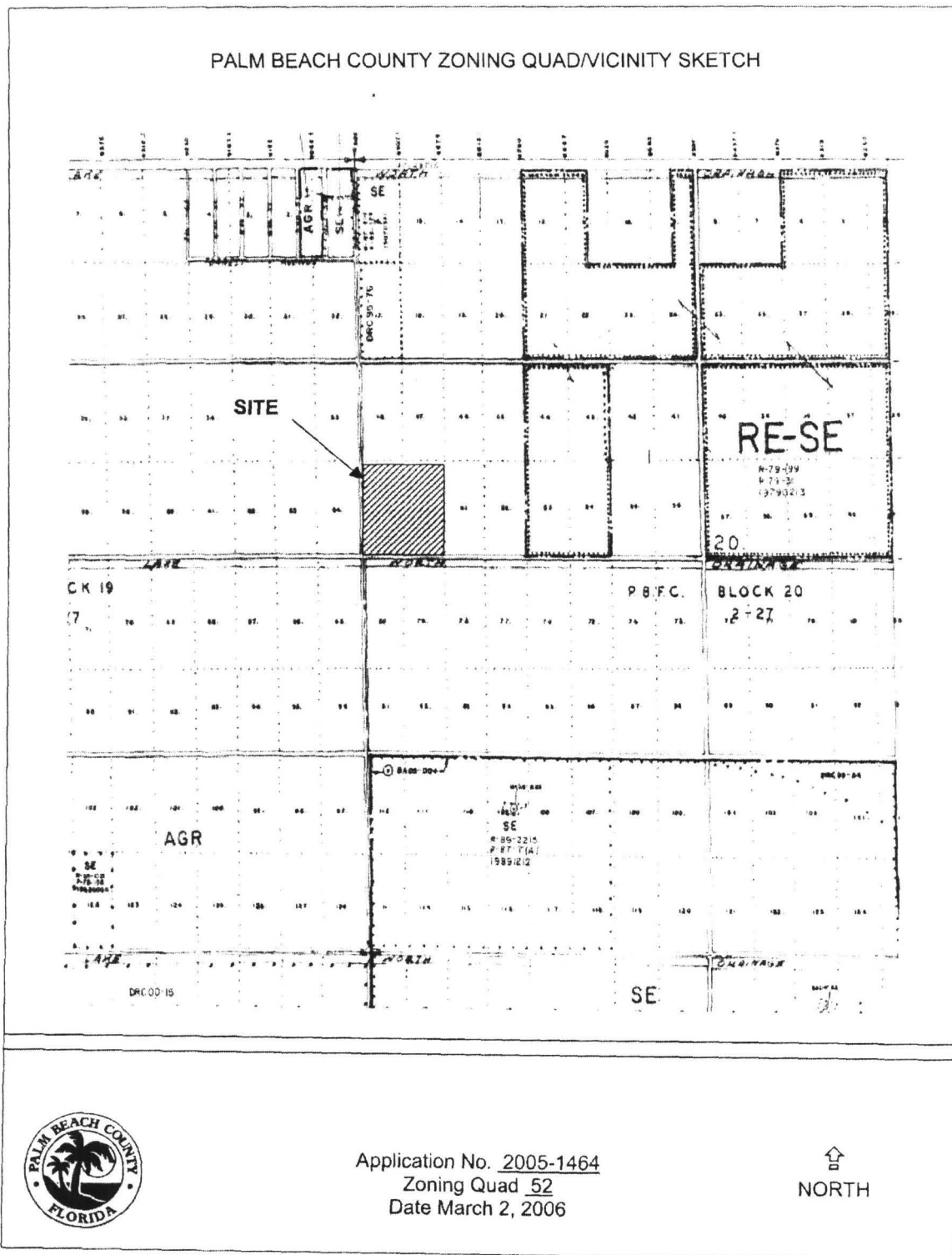


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Zoning Commission. The approved site plan is dated January 25, 2006. All modifications must be approved by the Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan 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 approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for the multi-use center and the youth center shall be limited to thirty-five (35) feet and the maximum height of the rectory shall be twenty-five (25) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of all buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - A) Building Permits for more than 35,400 square feet, excluding the Rectory, shall not be issued until the contract has been awarded for the construction of intersection improvements at West Atlantic Avenue and Lyons Road. These intersection improvements shall consist of:
 - north approach left turn lane
 - south approach left turn lane
 - south approach right turn lane
 - an additional east approach through lane
 - east approach right turn lane
 - an additional west approach through lane
 - west approach right turn lane.(BLDG PERMIT: MONITORING-Eng)
 - B) No Building Permits for the site may be issued after January 1, 2010. 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. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Lyons Road, 55 feet from centerline prior to October 1, 2007. Right of way conveyance shall be 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of 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. 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:MONITORING-Eng)

3. Prior to October 1, 2007, the property owner shall convey a temporary roadway construction easement along Lyons 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.(DATE:MONITORING-Eng)
4. The Property owner shall construct:
 - A. left turn lane north approach on Lyons Road at the Project's Entrance Road
 - B. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the 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.
 - C) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - D) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
5. Prior to final site plan approval by the Development Review Officer, the property owner shall record a forty foot access easement to the adjacent property owner to the east as shown on the accompanying site plan. This easement shall be approved by the County Attorney and the County Engineer prior to recordation. (DRO: ENG – County Attorney)
6. Prior to July 3, 2006, the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners south entrance. This easement shall ba minimum of 85 foot in length and 20 feet in width. Construction within this easement shall conform to Palm Beach County Standards. (DATE:ENG-Eng)

HEALTH

1. Prior to final site plan approval by the Development Review Officer, the property owner must submit an application and engineering plans to construct an onsite sewage treatment and disposal system, in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I, for review and approval by the Palm Beach County Health Department. (DRO: HEALTH - Health)
2. Prior to the issuance of the first building permit, the property owner must submit an application and engineering plans to construct an onsite drinking water system, in accordance with Chapter 64E-8, FAC and Palm Beach County ECR-II, for review and approval by the Palm Beach County Health Department. (BLDG PERMIT: MONITORING - Health)
3. Prior to the final site plan approval by the Development Review Officer, the property owner must submit results of a Phase I Environmental Site Assessment, and if necessary, a Phase II Assessment, to the Palm Beach County Health Department. (DRO: HEALTH - Health)
4. Prior to the issuance of a building permit, the property owner must submit results of an asbestos containing materials (ACM) survey to the Palm Beach County Health Department. (BLDG PERMIT: MONITORING - Health)
5. The property owner shall neither operate a kitchen on this site nor engage in food preparation for service to the public until the property is connected to sanitary sewer service. (ONGOING: CODE ENF - Health)

ZONING - LANDSCAPING-STANDARD

1. Prior to the issuance of a 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 seventy percent (70%) of all 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. (BLDG PERMIT: LANDSCAPE - Zoning)
3. 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)
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 fence 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)

ZONING - LANDSCAPING-ALL PROPERTY LINES

1. In addition to ULDC requirements, landscaping and buffering requirements along all property lines shall be upgraded to include:
 - a. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.;
 - b. an additional hedge shall be provided along the north, south and east property lines only. The hedge shall be a minimum of six (6) feet in height at installation and shall be maintained at a height of six (6) feet. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures, including lighting fixtures in all parking areas, shall not exceed twenty (20) feet in height measured from finished grade to highest point of the light fixture. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting and periodic events and functions only. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to security lighting that is building mounted 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 Development Review Officer (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, 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: MONITORING – Palm Tran)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding sign fronting on Lyons Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point eight and one-half (8.5) feet;
 - b. maximum sign face area per side seventy-four (74) square feet;
 - c. style - monument only;

- d. maximum number of signs one (1) for the entire site; and
 - e. sign content - limited to identification of tenant and hours of service only. (BLDG PERMIT: BLDG - Zoning)
2. Entrance signs on either side of entrance drive off Lyons Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point four (4) feet;
 - b. maximum sign face area per sign fifteen (15) square feet;
 - c. maximum number of signs - two (2) for the entire site; and
 - d. limited to identification of tenant only. (BLDG PERMIT: BLDG - Zoning)
 3. Wall mounted signs shall be limited as follows:
 - a. restricted to the west facade of the church and multi use center only; and
 - b. individual lettering size shall be limited to eighteen (18) inches high. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. All pedestrian crosswalks shown on the site plan dated January 25, 2006, shall be either stamped concrete or paver brick and shall be a minimum of five (5) feet in width. One additional five (5) foot pedestrian crosswalk with the same characteristics shall be provided along the northwestern parking area connecting to the church. (DRO: ZONING- Zoning)

USE LIMITATIONS

1. No parking shall be permitted in the detention areas or landscape buffers. This condition shall also be applicable to special events and temporary sales pursuant to Use Limitation Condition 2. (ONGOING: CODE ENF - Zoning)
2. Temporary sales shall be located with a minimum setback of one hundred (100) feet from the north, south and east property lines. Setbacks for Special Events shall be subject to the ULDC requirements. No circuses, carnivals or tent revivals shall be permitted. (ONGOING: CODE ENF Zoning)
3. Outdoor speaker or public address systems shall be permitted during temporary sales, special events, picnics and holiday services only. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
4. Occupancy at any one time of all of the on-site buildings shall not exceed three (3) times the total number of on-site parking spaces. (ONGOING:CODE ENF-Zoning)

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 developer 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 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

2. for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
3. 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)