

RESOLUTION APPROVING ZONING APPLICATION CA2005-1130
(CONTROL NO. 2003-405)
CLASS A CONDITIONAL USE
PETITION OF BEACON BAPTIST TABERNACLE INC.
BY LAND DESIGN SOUTH, INC., AGENT
(BEACON 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), 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 CA2005-1130 was presented to the Board of County Commissioners at a public hearing conducted on September 26, 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 CA2005-1130, the petition of Beacon Baptist Tabernacle Inc., by Land Design South, Inc., agent, for a Class A Conditional Use to allow a 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 September 26, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

The Chairman thereupon declared that the resolution was duly passed and adopted on September 26, 2006.

Filed with the Clerk of the Board of County Commissioners on 16th day of October, 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

A PARCEL OF LAND IN SECTION 2, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, ACCORDING TO THE REPLAT OF JUPITER FARMS AND GROVES, AS RECORDED IN PLAT BOOK 24, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

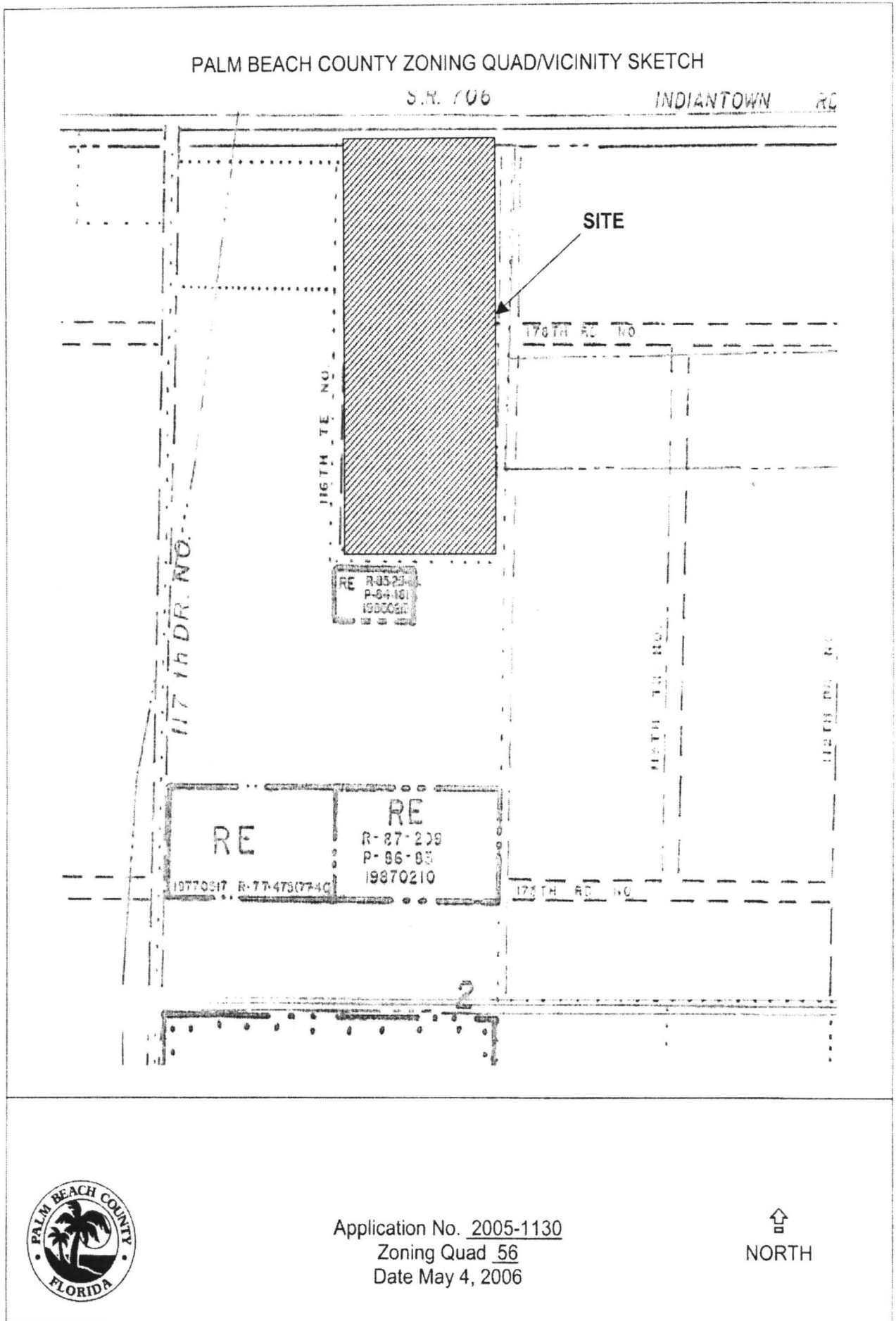


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. 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 1, 2006. All modifications must be approved by the Board of County Commissioners or 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. Prior to final approval by the Development Review Officer (DRO), the elevations dated August 2, 2006, and prepared by Stephen Boruff shall be reviewed, revised by the owner and approved by the Architectural Review Section of the Zoning Division in accordance with Article 5.C. of the ULDC. (DRO: ARCH REVIEW - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan and architectural elevations shall be amended to indicate an overall maximum height of thirty-five (35) feet, for all structures, based on an approximate existing grade of eighteen and one half (18.5) feet and an approximate finished floor elevation of twenty-three and one half (23.5) feet. Height shall be measured from the finished floor elevation to the highest point of the building. The maximum height difference between the existing grade and the final proposed floor elevation shall be five (5) feet. (DRO: ARCH REVIEW - Zoning)

BUILDING AND SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan dated August 1, 2006 shall be revised to correct the label on the 8,000 square foot building to read Sunday School. (DRO:ZONING-Zoning)

ENGINEERING

1. Landscape Within the Median of Indiantown Road
 - A. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Indiantown 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.
 - B. 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)
 - C. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

- D. At property owner/applicant'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.
 - E. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification 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 Indiantown 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.
2. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
- A) No Building Permits for the site may be issued after May 25, 2009. 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)
3. The Property owner shall construct:
- a. left turn lane east approach and associated directional median opening on Indiantown Road at the project entrance road.
 - b. Left turn lane south approach on Haynie Lane at Indiantown Road. Pavement shall extend, at a minimum, from Indiantown Road to the access on Haynie Lane.
 - c. 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.
 - d. Permits required by Palm Beach County and for construction in item "a" shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - e. Permits required by South Indian River Water Control District for construction in items "b" and "c" shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT:MONITORING-Eng)
 - f. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: 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)
2. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain an approved Preserve Management Plan, and record a Conservation Easement, Restrictive Covenant or Plat, in a form acceptable to Environmental Resources Management (ERM). (DRO:ERM-ERM)

HEALTH

1. Prior to the issuance of a building permit, the property owner must work with staff of the Palm Beach County Mosquito Control Division, or other qualified professionals to develop a mosquito control plan for the project. The mosquito control plan must be documented as a Best Management Practices (BMP) plan, and submitted to the Palm Beach County Health Department for approval. (BLDG PERMIT: MONITORING - Health)
2. Prior to final approval by the Development Review Officer (DRO), the property owner must submit application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS), in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I, to the Palm Beach County Health Department. (DRO: HEALTH-Health)
3. 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)
4. 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)

LANDSCAPE STANDARDS

1. Prior to submittal for the final approval by the Development Review Officer (DRO), the property owner shall prepare an Alternative Landscape Plan or a Landscape Plan for the entire site (whichever deemed appropriate by the Landscape Section). This Plan(s) shall be consistent, in terms of plant species and planting location, with the Conceptual Landscape Plan dated September 20, 2006 which were reviewed by the Jupiter Farms Resident Group to ensure proposed plant materials are being located in areas to provide maximum screening for the adjacent residential lots. (DRO:LANDSCAPE -_Zoning)
2. Prior to the final approval by Development Review Officer (DRO), the property owner shall submit this Landscape and/or Alternative Landscape Plan(s) pursuant to Landscape Condition 1 to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. The number and species of plant materials as conditioned may be adjusted by the Landscape Section at time of approval of this Plan(s) to accommodate all the existing trees, palms and shrubs on the site. (DRO: LANDSCAPE - Zoning)
3. 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)
4. 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)
 5. 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)
 6. 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)
 7. LANDSCAPING ALONG THE PERIMETER PROPERTY LINES (FRONTAGES OF INDIANTOWN ROAD, 177TH PLACE N, 116TH STREET N AND HAYNIE LANE)

In addition to ULDC requirements, landscaping and buffering requirements along the north, south, east, and west property lines shall be upgraded to include:

- a. a minimum forty (40) foot wide landscape buffer strip for the south, east and west property lines only;
 - b. proposed plant materials for these buffers shall include, but not limited to, Magnolia; Live Oak; Slash Pine; Saw Palmetto; Cocoplum; Ornamental grass, and any other native and non-native species acceptable to the Landscape Section; and,
 - c. the approved quantity and location of the above plant materials shall be established pursuant to the Alternative Landscape/Landscape Plans as indicated in Landscape Conditions 1 and 2.(DRO: LANDSCAPE-Zoning)
8. The Landscape requirements under Landscape Condition 7 shall be exempt in the perimeter of the south 6.99 acre portion of the subject property subject to an Alternative Landscape Plan consistent with the ULDC, Article 7. (DRO: LANDSCAPE-Zoning)
 9. The property owner shall maintain the south 6.99 acre portion of the subject property in a manner acceptable to the County. (ONGOING: CODE ENF-Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures, including lighting fixtures in all parking areas, shall have a minimum setback as follows:
 - a. twenty-five (25) feet from the north property line;
 - b. five hundred (500) feet from the south property line; and,
 - c. fifty (50) feet from the east and west property lines. (BLDG PERMIT: BLDG – Zoning)

2. All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding security lighting. Security lights shall be limited to wall mounted lights with downward shields. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding sign fronting on Indiantown Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point: - eight (8) feet;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. style - monument only;
 - d. maximum number of signs: one (1) only; and,
 - e. sign contents limited to identification of tenants and hours of services only. (BLDG PERMIT: BLDG - Zoning)
2. Freestanding sign fronting on Haynie Lane shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point: six - (6) feet;
 - b. maximum sign face area per side - forty (40) square feet;
 - c. style - monument only;
 - d. maximum number of signs: one (1) only; and,
 - e. sign contents limited to identification of tenants and hours of services only. (BLDG PERMIT: BLDG - 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. (ONGOING: CODE ENF - Zoning)
4. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
5. Construction activities on site will be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday; and 8:00 a.m. to 4:00 p.m. on Saturday. Construction activities shall not be permitted on Sundays. (ONGOING: CODE ENF - Zoning)
6. Prior to the first Inspection of foundation (building pad), construction of the culvert crossing at Indiantown Road shall be completed to provide all future construction access. The Haynie Lane temporary construction access will cease to be used upon completion of the culvert crossing on Indiantown Road. (BLDG PERMIT: MONITORING - Eng/Zoning)

7. Prior to final approval by the Development Review Officer (DRO), the property owner shall indicate a temporary construction access on the site plan. This access point shall be located on Haynie Lane one hundred (100) feet south of Indiantown Road. All construction traffic shall utilize this temporary access point until the culvert crossing at Indiantown Road is completed pursuant to Use Limitation Condition 7. (DRO: ZONING-Zoning)

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 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)