

RESOLUTION NO. R-2007- 1030

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 1979-244
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR PROPERTY PREVIOUSLY GRANTED A CONDITIONAL USE "A" BY
RESOLUTION NO. R-2005-1422
APPROVING THE PETITION OF CHURCH OF GOD OF LANTANA
PETITION NO. 1979-244 (APP.#2004-216)

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 CR 1979-244 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 28, 2007; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 1979-244 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 property owner requested the deletion of the school and daycare from the Conditional Use A.
2. The amendment of conditions will delete or amend conditions associated with the deleted school and daycare.
3. The approval of a development order amendment is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

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. CR 1979-244, to approve a Development Order Amendment to a) delete the school and daycare from the Conditional Use A, and b) amend conditions of approval, amending the development order previously granted by the approval of the petition of Church of God of Lantana, Control No. 1979-244 (app.#2004-216), confirmed by the adoption of Resolution R-2005-1422, which approved a Conditional Use "A" to allow a church or place of worship, and elementary or secondary school, and a general daycare, on property legally described as LOT 1 TO 5 INCLUSIVE, BLOCK 5, PLAT NO. 1, HYPOLUXO VILLAGE UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 125 FEET OF THE SOUTH 805 FEET OF THE WEST 500 FEET OF THE EAST 550 FEET OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. AND ALSO,

LOTS 11 AND 12, BLOCK 5, PLAT NO. 1, HYPOLUXO VILLAGE UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 555 FEET NORTH AND 50 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, THENCE NORTH, PARALLEL TO THE EAST LINE OF SAID SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST 125 FEET, THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 200 FEET; THENCE SOUTH PARALLEL TO PARTICULARLY EAST LINE OF SAID SECTION 6, A DISTANCE OF 125 FEET; THENCE, EAST, PARALLEL TO THE SOUTH LINE OF SAID SECTION 6, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

LOT 8, BLOCK 5, PLAT NO. 1 HYPOLUXO VILLAGE UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 100 FEET OF THE EAST 550 FEET OF THE NORTH 125 FEET OF THE SOUTH 680 FEET OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

LOT 9, BLOCK 5, PLAT NO. 1 HYPOLUXO VILLAGE UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 100 FEET OF THE EAST 450 FEET OF THE NORTH 125 FEET OF THE SOUTH 680 FEET OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

LOT 10, BLOCK 5, PLAT NO. 1 HYPOLUXO VILLAGE UNRECORDED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 100 FEET OF THE EAST 350 FEET OF THE NORTH 125 FEET OF THE SOUTH 680 FEET OF SECTION 6, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, being located on the southwest corner of Mariner Way and Congress Avenue, in the Residential Single Family Zoning District, is approved subject to the following conditions of approval:

ALL PETITIONS

1. Condition number ALL PETITIONS 1. of Resolution No. R-2005-1422 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 March 14, 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. (ONGOING: ZONING - Zoning)

Is hereby amended to state:

Development of the site is limited to the place of worship (sanctuary use) only as approved by the Board of County Commissioners. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning) (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

The developer shall comply with all previous conditions of approval unless expressly modified herein.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1979-1648 (Petition 1979-244) and Resolution R-1987-1203 (Petition 1979-244(A)), 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)

3. By November 28, 2007, the property owner shall submit and receive approval of a site plan. (DATE: MONITORING - Zoning)

BUILDING AND SITE DESIGN

1. Maximum height of the sanctuary shall be thirty-five (35) feet, unless variance relief is obtained from the Board of Adjustment. (Previous Condition 3 of Resolution R-87-1203, Petition 79-244(A)) (ONGOING: ZONING - Zoning)
2. Condition 2 of Resolution R-1987-1203, Petition 1979-244(A), which currently states:

Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. Paved parking, or variance relief shall be obtained from the Board of Adjustment.
- b. Paved aisles.
- c. Square footage of each building on the site plan.
- d. Use for each building on the site plan.
- e. Minimum landscape requirements on the eastern end of the site.

Is hereby deleted. [REASON: Code requirements and no longer applicable]

ENGINEERING

1. Prior to July 1, 2005, the property owner shall convey to Palm Beach County Land Development Division by warranty deed for a 25 foot corner clip at the intersection of Starboard Drive and Congress Avenue. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer 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. (DATE: MONITORING - Eng)
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County fifty-four (54) feet from centerline for the ultimate right-of-way for Congress Avenue. (Previous Condition 1 of Resolution R-1979-1648, Petition 1979-244) [NOTE: Completed]
3. Petitioner shall contribute a pro-rata share of the cost of the street improvement for Mariner Way; however, should the daycare center open prior to the commencement of the street improvement program, then the developer shall construct Mariner Way from Congress Avenue to the western driveway to the parking lot. (Previous Condition 2 of Resolution R-1979-1648, Petition 1979-244) [NOTE: Completed]

4. The property owner shall convey for the ultimate right-of-way of Congress. Avenue, sixty (60) feet from centerline within ninety (90) days of the approval of the resolution approving this project. (Previous Condition 5 of Resolution R-1987-1203, Petition 1979-244(A)) [NOTE: Completed]
5. Property owners shall not be permitted access onto Starboard Drive until this roadway has been constructed to Local Street Standards in accordance with approval by the County Engineer. (Previous Condition 6 of Resolution R-1987-1203, Petition 1979-244) [NOTE: Completed]
6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$1,366.00 (51 trips X 326.79 per trip). (Previous Condition 7 of Resolution R-1987-1203, Petition 1979-244(A)) [NOTE: Completed]
7. Property owner shall monetarily participate in any street improvement program for Starboard Drive and Florida Drive by Palm Beach County. (Previous Condition 9 of Resolution R-1987-1203, Petition 1979-244(A)) [NOTE: Completed]
8. Cost shall be limited to the standard rate of participation under Palm Beach County's Street Improvement Program at the time of construction. (Previous Condition 10 of Resolution R-1987-1203, Petition 1979-244(A)) [NOTE: Completed]
9. Condition 4 of Resolution R-1987-1203, Petition 1979-244(A), which curenrtly states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted: [REASON: Code requirement]

10. Condition number ENGINEERING 10 of Resolution No. R-2005-1422 which currently states:

The Property owner shall construct at the intersection of Mariner Way and Congress Avenue, a Left turn lane west approach.

- a. 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 or dedication of any additional required right-of-way.
- b. All Permitting and construction of this turn lane shall be completed prior to January 16, 2006. (DATE:MONITORING - Eng)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

HEALTH

1. Condition number HEALTH 1. of Resolution No. R-2005-1422 which currently states:

Prior to final site plan approval, site plans and architectural floor plans must be submitted to the Palm Beach County Health Department Institutions/Child Care Section for approval. (DRO: HEALTH - Health)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

2. Condition number HEALTH 2. of Resolution No. R-2005-1422 which currently states :

Prior to final site plan approval, the property owner must meet with staff of the Palm Beach County Health Department to discuss the measures that will be instituted to ensure the health and safety of children and staff during construction on the site. (DRO: Health - Health)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

3. Condition 3 of Resolution R-1979-1648, Petition 1979-244, which curenly states:

Petitioner shall comply with all Health Department and Zoning Code requirements relating to the operation of schools and daycare centers.

Is hereby deleted. [REASON: Code requirement]

4. Condition 8 of Resolution R-1987-1203, Petition 1979-244(A), which currently states:

The application and engineering plans, calculations etc. to construct well and/or septic tank must be approved by the Health Department prior to site plan certification.

Is hereby deleted. [REASON: No longer applicable]

ZONING - LANDSCAPING-STANDARD

1. Prior to January 28, 2007, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING - Landscape)
2. All new and/or replacement canopy trees required 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. (ONGOING: LANDSCAPE - Zoning)

3. Condition number ZONING - LANDSCAPING-STANDARD 3 of Resolution No. R-2005-1422 which currently states:

A group of three (3) or more palms may not supersede the requirement for a new or replacement canopy tree in that location. (ONGOING: LANDSCAPE - Zoning)

Is hereby deleted. (Reason: Original condition no longer applicable to the uses/site

design that are deleted by this resolution.)

4. Condition number ZONING - LANDSCAPING-STANDARD 4 of Resolution No. R-2005-1422 which currently states:

Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: LANDSCAPE - Zoning)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

ZONING - LANDSCAPING-PERIMETER PROPERTY LINES

1. Condition number ZONING - LANDSCAPING-PERIMETER PROPERTY LINES 1 of Resolution No. R-2005-1422 which currently states:

In addition to ULDC requirements, landscaping and buffering along all perimeter property lines shall be upgraded to include:

- a. A minimum of one (1) slash pine for each twenty (20) linear feet of the applicable property line, alternating on both sides of a wall or fence. Pines shall be planted in clusters of no less than five (5) with a maximum spacing of seventy-five (75) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning) Is hereby deleted. (Reason: Condition no longer applicable to the uses/site design that are deleted by this resolution.)

Is hereby deleted. (Reason: Condition no longer applicabel to the uses/site design that are deleted by this resolution)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 9:30 p.m. daily excluding security lighting only. This condition shall not apply to holiday services. (ONGOING: CODE ENF - Zoning)
2. New or replacement outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. New or replacement outdoor, freestanding lighting fixtures shall be setback a minimum distance of forty (40) feet from the west property line. (BLDG PERMIT: BLDG - Zoning)
4. 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 - Zoning)

SIGNS

1. New or replacement freestanding signage 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 - sixty (60) square feet;
 - c. maximum number of signs - one (1) for the entire site;
 - d. style - monument style only;
 - e. location - north property line and east of the easternmost access drive. This

sign shall be permitted along the east property line fronting Congress Avenue, subject to variance approval by the Board of Adjustment; and, f. signage shall be limited to identification of tenants and service hours only. (BLDG PERMIT: BLDG - Zoning)

2. New or replacement wall signs shall be limited to the following:
 - a. east and west facades of building 1;
 - b. east and west facades of building 2;
 - c. north facade of building 3;
 - d. individual lettering size shall be limited to a maximum of twenty-four (24) inches high; and,
 - e. wall signs shall be limited to identification of tenants only. (ONGOING: BLDG - Zoning)

USE LIMITATIONS

1. Condition 11 of Resolution R-1987-1203, Petition 1979-244(A), which currently states:

There shall be no day care center or educational institution established on site.

Is hereby deleted. [REASON: No longer applicable]

2. All services shall be held within the worship building and the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. excluding holiday services only. (ONGOING: CODE ENF - Zoning)

3. Temporary sales events shall be permitted, subject to ULDC requirements and a minimum setback of one hundred (100) feet from the west property line. (ONGOING: CODE ENF - Zoning)

4. Condition 4 of Resolution R-1979-1648, Petition 1979-244, which currently states:

The kitchen facilities will not be used for the routine preparation of meals for either the school or the daycare center.

Is hereby amended to read:

Kitchen facilities shall not be used for the routine preparation of meals to support the school, daycare, or any other use. (ONGOING: CODE ENF - Zoning)

5. No special events shall be permitted on the property. (ONGOING: BOARD OF ADJUSTMENT - Zoning)

6. Condition number USE LIMITATIONS 6 of Resolution No. R-2005-1422 which currently states:

Hours of operation for the school and daycare shall be limited to 7:30 a.m. to 6:30 p.m. Monday through Friday. Weekend operations shall be prohibited. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

7. Condition number USE LIMITATIONS 7 of Resolution No. R-2005-1422 which currently states:

Hours of operation for outdoor school and daycare activities shall be limited to 9:00 a.m. to 5:00 p.m. (ONGOING: CODE ENF - Zoning)

Is herbe deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

8. Condition number USE LIMITATIONS 8 of Resolution No. R-2005-1422 which currently states:

Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

9. Condition number Use Limitations 9 of Resolution No. R-2005-1422 which currently states:

Total gross floor area shall be limited to a maximum of 11,787 square feet. No further expansion is permitted except subject to BCC approval. (ONGOING: ZONING - Zoning)

Is hereby deleted. (Reason: Condition no longer applicable due to the uses/site design that are deleted by this resolution.)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)

Commissioner Aaronson moved for approval of the Resolution.

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

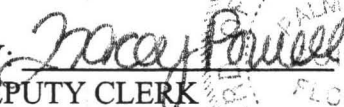
ADDIE L. GREENE, CHAIRPERSON	Aye
JOHN F. KOONS, VICE CHAIR	Aye
KAREN T. MARCUS	Aye
WARREN H. NEWELL	Aye
MARY MCCARTY	Aye
BURT AARONSON	Aye
JESS R. SANTAMARIA	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of June, 2007.

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 28th day of June, 2007.