

RESOLUTION NO. R-2007- 2140

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1694
(CONTROL NUMBER 1979-077)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF HAITIAN BETHEL BAPTIST CHURCH INC,
JEAN JOINT, ROBERT BORGELIN
BY RON UPHOFF, AGENT
(FRIENDSHIP 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, and the Palm Beach County Unified Land Development Code, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2006-1694 was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2007; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 DOA2006-1694, the application of Haitian Bethel Baptist Church, Inc, Jean Joint, Robert Borgelin, by Ron Uphoff, agent, for a Development Order Amendment to reconfigure the site plan and add square footage 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 29, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

Addie L. Greene, Chairperson	-	Absent
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 29, 2007.

Filed with the Clerk of the Board of County Commissioners on November 29th, 2007

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 BOCK, CLERK &
COMPTROLLER

BY:


DEPUTY CLERK

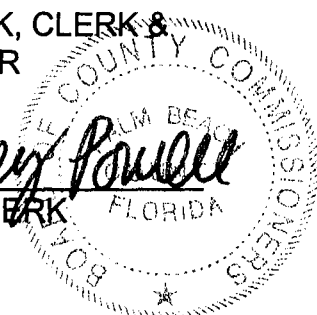


EXHIBIT A

LEGAL DESCRIPTION

LOTS 21 AND 22, HIGH RIDGE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE EAST 5' THEREOF FOR ROAD RIGHT OF WAY AS SET FORTH IN OFFICIAL RECORD BOOK 3121, PAGE 1738, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

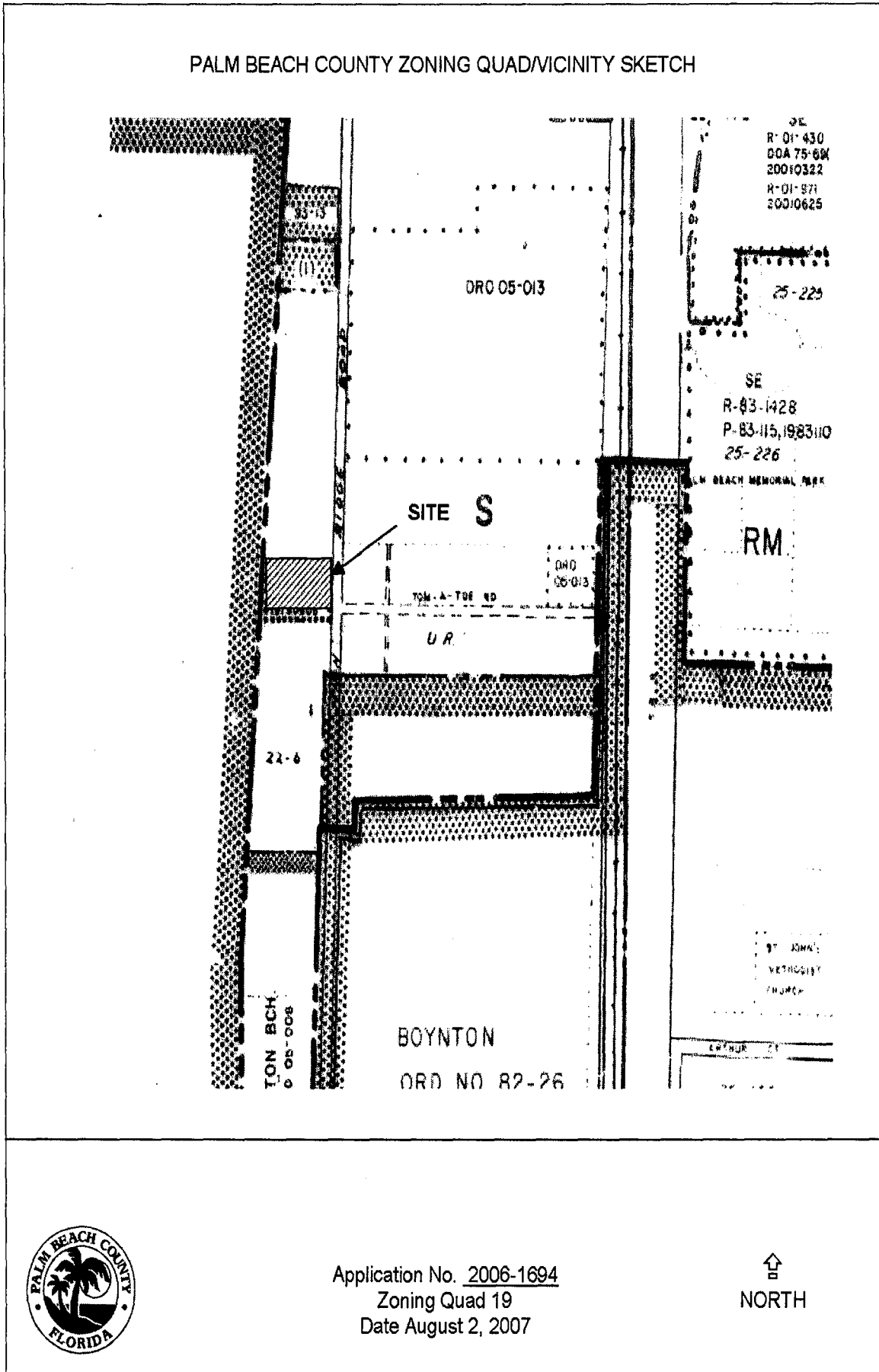


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-79-692 (Control 1979-077), 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 Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site plan is dated October 15, 2007. 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. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for Friendship Baptist Church 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 exterior elevations of all buildings shall include exterior colors that shall be neutral, pastel, or earth tone colors. Building colors shall be varied by providing contrasting, but complimentary, colors for the building trims and massing (i.e. stucco banding, door and window frames, etc.). Roof and trim colors shall be coordinated with base colors. (DRO: ARCH REVIEW - Zoning)
3. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of the building. (DRO: ARCH REVIEW - Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the site plan shall include a focal point by the building frontage including but not limited to trellis, water feature and/or fountains. (DRO: ARCH REVIEW - Zoning)
5. The maximum height of all structures shall be twenty-six feet (26) feet with a pitched roof. 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. Ornamental towers, spires or religious domes shall be maximum thirty-five feet (35) feet in height measured from finished grade to the highest point. (DRO: ARCH REVIEW - Zoning)
6. Decorative louvers shall be placed in the gable of all porticos, accesses and dormers. (DRO: ARCH REVIEW - Zoning)

DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of the property line, shall be confined to the areas designated on the site plan and shall be constructed with same material, finish texture, color and similar design as the main structure. (DRO: ARCH REVIEW/ZONING - Zoning)

ENGINEERING

1. Condition E.1 of Zoning Resolution R79-692(Control No. 1979-077) which currently states:

Within ninety (90) days of the Special Exception approval, petitioner shall convey to Palm Beach County thirty (30) feet from the centerline of High Ridge Road.

Is hereby deleted. [Reason - new condition of approval E2 below requiring right of way replaces this condition.]

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 August 23, 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)

3. CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for High Ridge Road
40 feet from centerline.

All right of way deed(s) and associated documents shall be provided and approved prior to January 1, 2009 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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 provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

4. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along High Ridge Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)

HEALTH

1. Prior to final site plan approval by the Developmental Review Officer (DRO), the property owner shall apply for and obtain a construction permit for an onsite sewage

treatment and disposal system, in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. (DRO-HEALTH-Health)

2. Prior to the issuance of the certificate of occupancy, the property owner shall connect to public water. (CO: BLDG DEPT-Health)
3. Prior to final approval by the Development Review Officer (DRO), the property owner shall provide documentation that clearly and accurately shows the location of all buildings, septic tank systems, and wells on the site. (DRO: HEALTH-Health)
4. Prior to the issuance of certificate of occupancy, the property owner shall provide proof that all existing septic tanks and well on the site have been properly abandoned. (CO: HEALTH-Health)

LANDSCAPE – STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. Condition 3 of Resolution 79-692(Control No. 1979-077) which currently states:

Petitioner shall coordinate with the Palm Beach County Urban Forester to preserve the existing ficus and slash pine trees on the subject site.

Is hereby amended to read:

Prior to February 2008, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

LANDSCAPING ALONG ALL THE PROPERTY LINES (ABUTTING RESIDENTIAL AND HIGH RIDGE ROAD)

3. Prior to final Plan approval by the Development Review Officer (DRO) the Plan shall be revised to show perimeter landscape and buffer requirements for shrubs consistent with shrub Hierarchy for R-O-W Buffer of Table 7.F.7.B.6. or subject to variance approval or Alternative Landscape Plan. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINE (ABUTTING RESIDENTIAL AND HIGH RIDGE ROAD)

4. Condition 4 of Resolution 79-692(Control No. 1979-077) which currently states:

Petitioner shall provide additional landscape screening to protect the character of the adjacent single family dwellings.

Is hereby amended to read:

In addition to the code requirements landscaping buffer width along the north, east and west property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted
- b. 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 outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG PERMIT: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures shall be setback a minimum of sixty (60) feet from the north, south, east and west property lines. (BLDG PERMIT: BLDG - Zoning)

PARKING

1. The parking spaces adjacent to the perimeter buffer/open space areas shall be limited to grass parking only. (DRO: ZONING - Zoning)

SIGNS

1. Freestanding signs fronting on High Ridge Road 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); and
 - d. style - monument style only;
 - e. signs shall be limited to identification only. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. Prior to final site plan approval by the Development Review Officer (DRO) the site plan shall be revised to indicate a minimum setback of one hundred and ninety-five (195) feet from the west property line and thirt-five (35) feet from the south property line for all principal buildings or accessory structures. (DRO: ZONING - Zoning)
2. Condition 2 of Resolution 79-692(Control No. 1979-077) which currently states:

Petitioner shall remove the shell drive to the existing building.

Is hereby deleted. [REASON: Condition completed]

USE LIMITATIONS

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
2. The Place of Worship shall be limited to a maximum of two hundred and thirty-five (235) seats. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Zoning Commission 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 Zoning Commission 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)