

RESOLUTION NO. R-2009- 0355

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2008-00437
(CONTROL NO. 2007-00411)
CLASS A CONDITIONAL USE
APPLICATION OF CHRETIENNE EGLISE
BY LAND RESEARCH MANAGEMENT, INC., AGENT
(HAITIAN 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, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) 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 Z/CA-2008-00437 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2009; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) 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 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 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. This Class A Conditional Use also meets applicable local land development regulations. 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.
3. 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.
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 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.

6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.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 Z/CA-2008-00437, the application of Chretienne Eglise, by Land Research Management, Inc., agent, for a Class A Conditional Use to allow a place of worship and to allow a daycare in the RS 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 February 25, 2009, 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 Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	- Aye
Commissioner Burt Aaronson, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Shelley Vana	- Aye
District 4	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Addie L. Greene	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2009.

Filed with the Clerk of the Board of County Commissioners on March 3rd, 2009.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

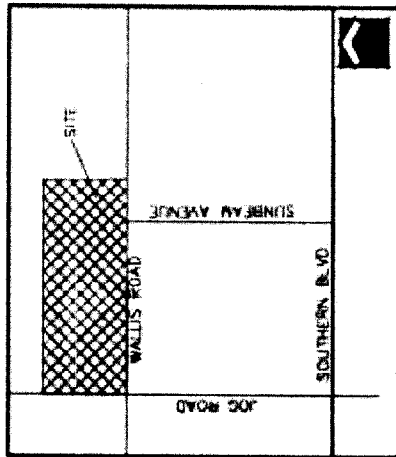


EXHIBIT A

LEGAL DESCRIPTION

The South Half (S1/2) of Tract 57, Block 5, THE PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof, recorded in Plat Book 2, Page 45, of the Public Records of PALM BEACH County, Florida. Less and except that part conveyed to Palm Beach County for Right-of-Way in Official Records Book 7030, Page 818.

EXHIBIT B
VICINITY SKETCH



Location Map_{N.T.S.}

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated June 16, 2008. 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 Development Review Officer (DRO) approval, the architectural elevations for the place of worship with daycare 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. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate trellis with climbing vine located above all benches shown in the site access sidewalk and main access of the place of worship. (DRO: ARCH REVIEW - Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate the relocation of the bike racks to be close to the building access; one by the daycare and one by the place of worship entry side. (DRO: ARCH REVIEW - Zoning)

4. Design of gutters and downspouts shall be integrated into the architectural design of primary and accessory structures. 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 Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2013. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2. The Property Owner shall fund their proportionate share of the cost of signal installation, if warranted, as determined by the County Engineer at Wallis Rd/Jog Rd intersection. Signalization shall be a mast arm structure installation. The proportionate share of the cost of signalization shall also include all design costs and required utility relocation and right of way or easement acquisition. No Building Permits shall be issued until the developer provides acceptable surety in the form of cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of Traffic Division. (BLDG PERMIT: MONITORING-Eng).

3. In order to be relieved from requirement in No. 2 above and to have the surety posted for the traffic signal at Wallis Rd/Jog Rd returned, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at Wallis Rd/Jog Rd intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or

release the surety. (ONGOING:ENGINEERING-Eng)

4.Prior to final DRO approval, the site plan shall be amended to include the control radius from the north approach left turn lane on Jog Road onto Wallis Road. (DRO: ENGINEERING- Eng)

5.The concrete separator for the north approach left turn lane on Jog Road shall be extended south to provide for a control radius acceptable to the County Engineer.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: Monitoring-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

6.The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 40 feet of right of way from centerline of Wallis Road right of way prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear 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, including a topographic survey if required by the County Engineer. Road right of way conveyances shall include where appropriate as determined by the County Engineer additional right of way for corner clips. (BLDG PERMIT: MONITORING-Eng)

7.The developer shall fund the construction plans and construction of Wallis Road from the existing limits of pavement to the eastern property boundary to be consistent with Palm Beach County standards for a 80 foot right of way non-plan collector street. 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.

a.Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

8.The Property owner shall construct a left turn lane west approach on Wallis Road at the project's entrance.

The length of the left turn lane shall be approved by the County Engineer. 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.

a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: Monitoring-Eng)

b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

ENVIRONMENTAL

1.All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM)

ZONING - LANDSCAPING-ZONING - LANDSCAPING-STANDARDS

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)

ZONING - LANDSCAPING

2.A minimum of sixty-five(65) percent of canopy 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 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)

ZONING - LANDSCAPING-ZONING - LANDSCAPING- ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)

6.In addition to the code requirements and the proposed landscaping, landscaping and buffer width along the west property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted every twenty (20) feet on center;
- d. one (1) palm or pine tree for each thirty (15) linear feet of frontage; and,
- e. thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE-Zoning)

ZONING - LANDSCAPING-ZONING - LANDSCAPING- ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

7.Landscaping and buffering along the north and east property lines shall be

upgraded to include a four (4) foot fence, hedge or combination thereof. In addition the hedge shall be planted at thirty-six (36) inches and maintained at six(6) feet. (CO: 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 shall be extinguished no later than 9:00 p.m. with exception for customary Church holidays. This shall not be applied to security lighting. (ONGOING: CODE ENF - Zoning)

PALM TRAN

1.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 not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT: MONITORING-Palm Tran)

SIGNS

1.1. Freestanding sign fronting on Haverhill Jog 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 - 60 square feet;
- c) Maximum number of signs - one (1); and
- d) Style - monument style only. (BUILDING PERMIT: BLDG-Zoning)

USE LIMITATIONS

1.All services shall be held within the principal structure, and the hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., excluding holiday services only. (ONGOING: CODE ENF - Zoning)

2.Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 30 feet from all perimeter property lines. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: CODE ENF - Zoning)

3.No commercial communication tower or equipment shall be attached to the principal structure. (BLDG PERMIT: BLDG - Zoning)

4.Maximum number of seating is limited to four hundred (400) seats. (ONGOING: CODE ENF - Zoning)

5.Temporary sales shall be located with a minimum setback of one hundred (100) feet from the north 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)

6.No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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)