

RESOLUTION NO. R-2010- 1482

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2010-00661  
(CONTROL NO. 1998-00066)  
a Development Order Amendment  
APPLICATION OF FL Conference Assoc of 7th Day Adventist  
BY Jon E Schmidt & Associates, AGENT  
(Lake Worth & Lantana 7th Day Adventist 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 notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/DOA-2010-00661 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2010; 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, 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 the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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 ZV/DOA-2010-00661, the petition of FL Conference Assoc of 7th Day Adventist, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to delete land area and to modify Conditions of Approval (Landscape) in the RM 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 30, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Absent
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 30, 2010.

Filed with the Clerk of the Board of County Commissioners on October 13th, 2010.


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

**Lake Worth & Lantana 7<sup>th</sup> Day Adventist Church  
Palm Beach County (PBC) Development Review Officer (DRO) Submittal  
Re-Submittal 3: May 28, 2010**

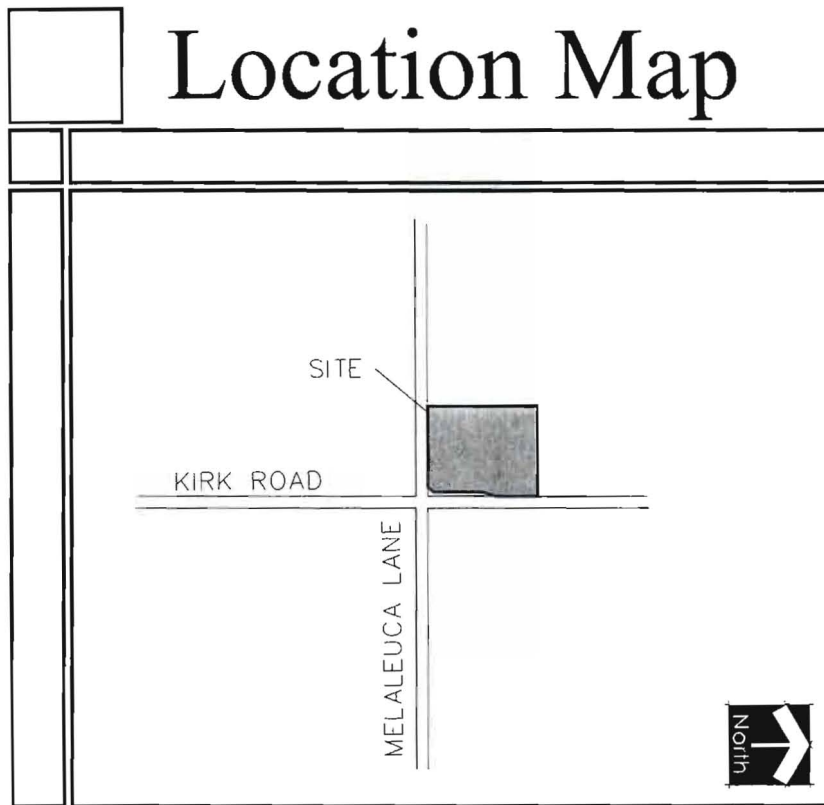
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼), LESS THE NORTH ONE ACRE THEREOF BEING 132 FEET IN WIDTH ALONG KIRK ROAD AND 330 FEET IN DEPTH.

LESS THE ROAD RIGHT OF WAY, AS RECORDED IN DEED BOOK 111, PAGE 262 AND DEED BOOK 446, PAGE 232 AND OFFICAL RECORD BOOK (ORB) 4563, PAGE 1466 AND ORB 2271, PAGE 1764, AS RECORDED IN THE RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous Condition All Petitions 1 of Resolution R-99-0701, Control No. 1998-066, 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 February 24, 1999. 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)

Is hereby amended to read:

The approved preliminary site plan is dated July 19, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2005-0813 and R-99-0701 (Control 1998-066), 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)

#### ARCHITECTURAL REVIEW

1. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning) (Previous Architectural Control Condition 1 of Resolution R-99-701, Control No. 98-66)

2. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Architectural Control Condition 2 of Resolution R-99-701, Control No. 98-66)

3. Condition 2 of Resolution R-2005-0813, Control No. 1998-066 which currently states:

Prior to the issuance of a building permit, the property owner shall submit an application to the Development Review Committee for Review and certification that the project is in compliance with Section 6.6.E. of the Palm Beach County Unified Land Development Code, "Architectural Guidelines." (BLDG PERMIT: MONITORING Zoning)

Is hereby amended to read:

At the time of submittal for a building permit, the architectural elevations for Building B 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. (BLDG PERMIT: ARCH REVIEW - Zoning)

#### BUILDING-SITE DESIGN

1. The church shall be limited to a maximum of 180 seats and a total gross enclosed floor area of 10,384 square feet. (ONGOING: BUILDING - Zoning) (Previous Condition Building and Site Design 1 of Resolution R-99-0701, Control No. 1998-066)

2. Prior to final DRO approval the site plan shall be revised to include the divider median or comply with Code requirements. (DRO: ZONING – Zoning)

## ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Kirk 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. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1 of Resolution R-99-0701, Control No. 1998-066)

## ENVIRONMENTAL

1. Condition D.1 of Resolution No. R-99-0701, Control No. 98-066, which currently states:

A tree survey of existing native specimen sized trees, for the determination of preserve size and location, shall be completed and submitted to ERM prior to DRC site plan submittal. (DRC: ERM)

Is hereby amended to read:

A tree survey of existing native specimen sized trees, for the determination of preserve size and location, shall be completed and submitted to ERM prior to DRO site plan approval. (DRO: ERM-ERM)

## LANDSCAPE - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: Twelve (12) feet.
- b. Trunk diameter: 2.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: Six (6) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition Landscaping F.1 of Resolution R-99-0701, Control No. 1998-066)

2. All palms required to be planted on site 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. (CO: LANDSCAPE Zoning) (Previous Condition Landscaping F.2 of Resolution R-99-0701, Control No. 1998-066)

## LANDSCAPE - GENERAL-LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

3. Landscaping and buffering along the above property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE Zoning) (Previous Condition Landscaping G.1 of Resolution R-99-0701, Control No. 1998-066)

## LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING R.O.W.)

4. Condition Landscaping H.1 of Resolution R-99-0701, Control No. 1998-066 which currently states:

Landscaping and buffering along the above property lines shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. twenty four (24) 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. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

#### LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING R.O.W.)

In addition to Code requirements Landscaping and buffering along the above property lines shall include:

- a. One (1) palm or pine tree for each twenty (20) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE- Zoning)

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT-Zoning) (Previous Condition Lighting I.1 of Resolution R-99-0701, Control No. 1998-066)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (ONGOING: BLDG-Zoning) (Previous Condition Lighting I.2 of Resolution R-99-0701, Control No. 1998-066)

3. All outdoor lighting shall be extinguished no later than 10:30 p.m., excluding security lighting only. (ONGOING: CODE ENF Zoning) (Previous Condition Lighting I.3 of Resolution R-99-0701, Control No. 1998-066)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF Zoning) (Previous Condition Lighting I.4 of Resolution R-99-0701, Control No. 1998-066)

#### SIGNS

1. Freestanding sign at intersection of Kirk Road and Melaleuca Lane shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet; and
- b. Maximum sign face area per side - 60 square feet; and
- c. Maximum number of signs - One (1); and
- d. Style - Monument style only. (CO: BLDG. ZONING) (Previous Condition Sign J.1 of Resolution R-99-0701, Control No. 1998-066)

#### USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 10:00 p.m. daily, excluding holiday services. (ONGOING: CODE ENF Zoning) (Previous Condition Use Limitations 1 of Resolution R-99-0701, Control No. 1998-066)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (ULDC) at the time of the finding of non-compli

nce, 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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. (ONGOING: MONITORING - Zoning)