

RESOLUTION NO. R-2003-1293

RESOLUTION APPROVING ZONING PETITION CA2003-016
CLASS A CONDITIONAL USE
PETITION OF DESTINY INTERNATIONAL WORSHIP
BY LAND RESEARCH MANAGEMENT INC, AGENT
(DESTINY INTERNATIONAL WORSHIP CENTER)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, 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 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2003-016 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2003; 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 5, Section 5.8 (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 6, 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 11, Adequate Public Facility Standards 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 5 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 Petition CA2003-016, the petition of Destiny International Worship, by Land Research Management Inc, agent, for a Class A Conditional Use to allow a church or 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 August 28, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 28, 2003.

Filed with the Clerk of the Board of County Commissioners on 6 day of October, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 

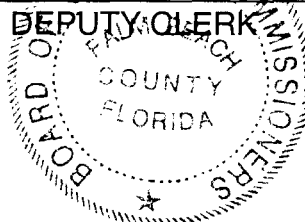


EXHIBIT A
LEGAL DESCRIPTION

A parcel of land in Section 22, Township 41 South, Range 42 East in Palm Beach County, Florida, more particularly described as follows:

The North 225 feet of the South 300 feet of the East 214 feet of a part of the said Section 22, the East line of said part being at right angles to the South line of said Section and cutting the North line of the South 1250 feet of said Section at a point 1834 feet east of the intersection of said North line with the West Section line as measured along said North line, and the South line of the parcel described being the North right-of-way line of Donald Ross Road.

EXHIBIT B
VICINITY SKETCH

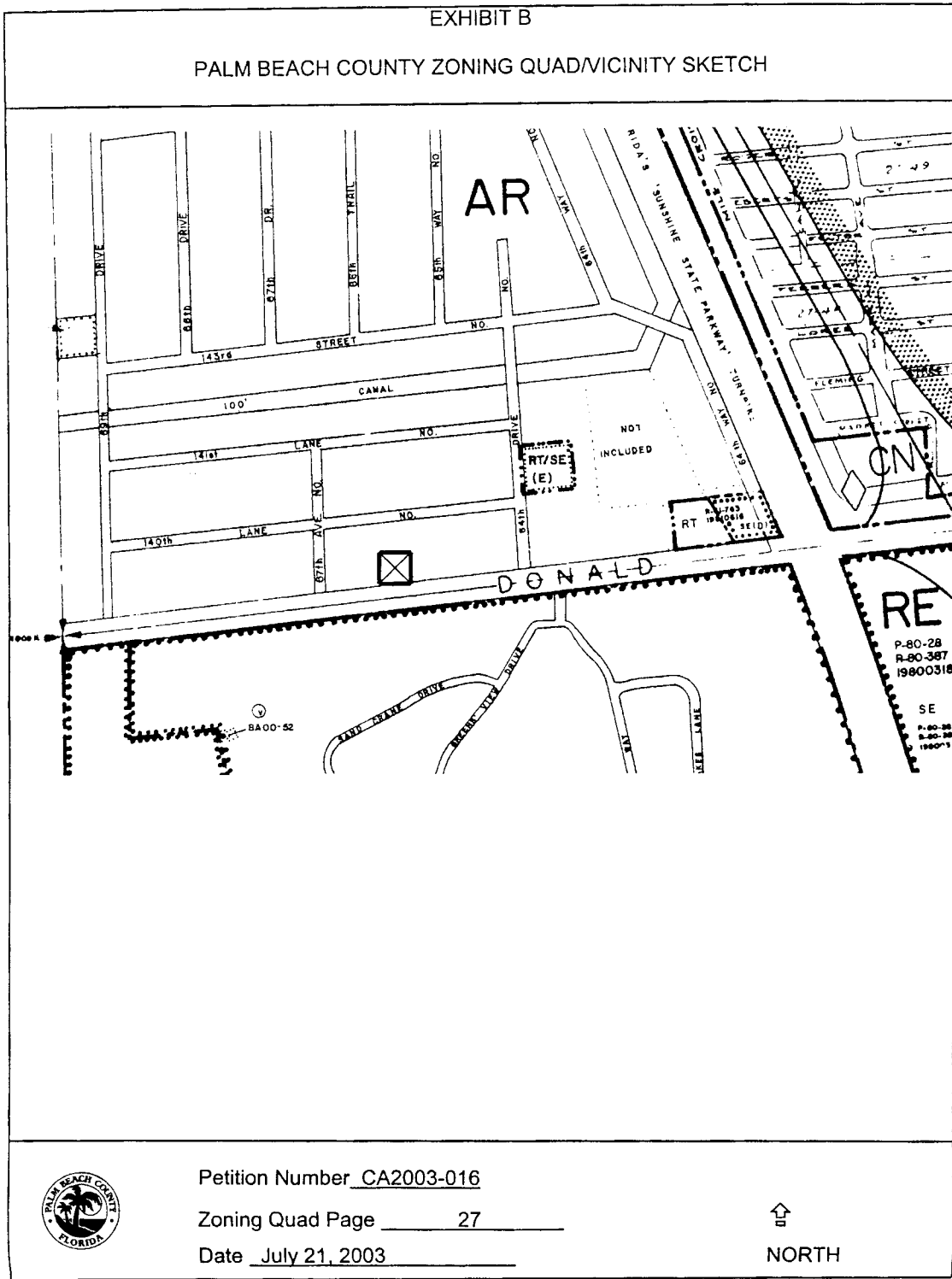


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 July 10, 2003. 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)

B. ARCHITECTURAL REVIEW

1. Development of the site shall be designed to have a residential appearance consistent with surrounding properties, to the maximum extent possible. (DRC/CO: ARCH REV/BLDG – Zoning)

C. 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. (ONGOING: ERM – Erm)

D. HEALTH

1. Application and engineering plans to construct a limited use commercial well in accordance with Rule 64E-8FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH – Health)
2. Application and engineering plans to construct or upgrade the existing well to a non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH – Health)
3. Food processing will not be allowed as long as this site requires an onsite sewage treatment and disposal system (OSTDS). (ONGOING: HEALTH – Health)
4. Prior to final site plan approval an engineering report is required to evaluate the present onsite sewage treatment and disposal system (OSTDS) and water system to determine if the present system is adequate to handle the increase in flow. This is required due to the additional facility proposed. (DRC: HEALTH – Health)
5. Prior to final Development Review Committee (DRC) approval of the site plan, the petitioner shall submit documentation demonstrating that the existing swimming pool will conform to the standards mentioned in Florida Statute 514.011(2) and Rule 64E-9 F.A.C. (DRC: HEALTH – Health)
6. Prior to issuance of a Certificate of Occupancy, the petitioner shall submit an application with associated Engineering plans to the Palm Beach County Health Department for review and approval of the swimming pool and an operation permit. (CO: HEALTH – Health)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Donald Ross 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 PRMT: MONITORING – Eng)

F. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. 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. (CO: LANDSCAPE – Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. This condition does not apply to the area where a single row of hedge is required on one or both sides of the fence. (CO: LANDSCAPE – Zoning)
4. All trees, palms and pines shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE – Zoning)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF DONALD ROSS ROAD) AND SOUTH 80 FEET OF EAST AND WEST PROPERTY LINES) (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line, and the south 80 feet of the east and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A minimum two and one half (2.5) foot high continuous berm measured from top of curb;
 - c. One (1) native canopy tree for each thirty (30) linear feet of the property line;
 - d. One (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) large shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation spaced twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches;
 - f. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - g. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG THE NORTH, AND NORTH 142 FEET OF THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north, and north 142 feet of the 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. A six (6) foot high black or green vinyl coated chain link fence;
 - c. One (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
 - d. One (1) pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence. (CO: LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - b. One (1) medium shrub (saw palmetto) for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE – Zoning)
3. Along the interior side of the required fence, the petitioner shall install forty-eight (48) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING – INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING – Zoning)
2. Foundation planting or grade level planters for the church building shall be provided along the facades of all structures as shown on the certified site plan dated July 10, 2003. (DRC/CO: ZONING/LANDSCAPE – Zoning)
3. Foundation planting or grade level planters shall be provided along the south, east, and west facades of the church office, and all sides of the storage structure consisting of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE – Zoning)
4. Landscaping for terminal islands in the parking area shall consist of the following:
 - a. One (1) canopy tree for each island; and,
 - b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

J. LIGHTING

1. 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. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor, freestanding lighting fixtures be setback forty (40) feet from the north, east, and west property lines. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. Security lighting shall not include any freestanding light fixtures or lighting for signage. (ONGOING: CODE ENF – Zoning)

K. PLANNING

1. Prior to final Development Review Committee (DRC) site plan certification, the site plan shall be revised to include the location of the existing or proposed future sidewalk for Donald Ross Road since the site is within two (2) miles of a school. (DRC: PLANNING – Planning)

2. Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be revised to include a pedestrian connection to Donald Ross Road. (DRC: PLANNING – Planning)
3. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the sidewalk connection(s) to be connected to the future sidewalk along Donald Ross Road at the locations shown on the final certified site plan. (CO: MONITORING/PLANNING – Planning)

L. SIGNS

1. Freestanding signs 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: thirty (30) square feet;
 - c. Maximum number of signs: one (1);
 - d. Style: monument style only;
 - e. Location: frontage of Donald Ross Road;
 - f. Signage shall not be illuminated; and,
 - g. Sign shall be limited to identification of tenant only and schedule of services. (CO: BLDG – Zoning)
2. Wall signage shall be prohibited. (CO: BLDG – Zoning)

M. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 9:00 a.m. to 9:00 p.m. daily, excluding holiday services. (ONGOING: CODE ENF – Zoning)
2. No amusements or special events are permitted on the property. (ONGOING: CODE ENF – Zoning)
3. The church shall be limited to a maximum of thirty-nine (39) seats. (ONGOING: CODE ENF – Zoning)
4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF – Zoning)
5. Accessory facilities/uses such as a day care, school, retreat site, camp, congregate living facility, community center, or other similar facilities shall be prohibited. (ONGOING: CODE ENF – Zoning)

N. 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 Section 5.8 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)