

RESOLUTION APPROVING ZONING PETITION CA96-103
 CLASS A CONDITIONAL USES
 PETITION OF LEE BROTHERS
 BY CARLOS GONZALEZ, AGENT
 (IGLESIA HIPANA BIBLICA BAUTISTA)

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 CA96-103 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 1997; 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 made ~~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 **CA96-103**, the petition of Lee Brothers, by Carlos Gonzalez, agent, for Class A Conditional Uses (CA) for a Church or place of worship (**180** seats) and a Daycare, general (100 children) in **the Single Family Residential (RS) 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** February **27**, 1997, **subject** to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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**:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee , Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair ~~thereupon~~ declared ~~that the~~ resolution was duly passed and adopted on February 27, 1997.

APPROVED **AS TO FORM**
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY **ITS** BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 877 OF LANTANA HOMES PLAT 9, AS RECORDED IN PLAT BOOK 58, PAGES 80 AND 81, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE NORTH 00°31'17" WEST ALONG THE EAST LINE OF SAID LANTANA HOMES PLAT 9, A DISTANCE OF 316.01 FEET; THENCE NORTH 89°58'08" EAST ALONG THE SOUTH LINE OF LANTANA HOMES PLAT 9, A DISTANCE OF 344.20 FEET; THENCE SOUTH 00°35'36" EAST DEPARTING FROM SAID PLAT LINE, A DISTANCE OF 316.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE SOUTH 89°58'08" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 344.60 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 2.5 ACRES MORE OR LESS.

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EXHIBIT B
VICINITY SKETCH

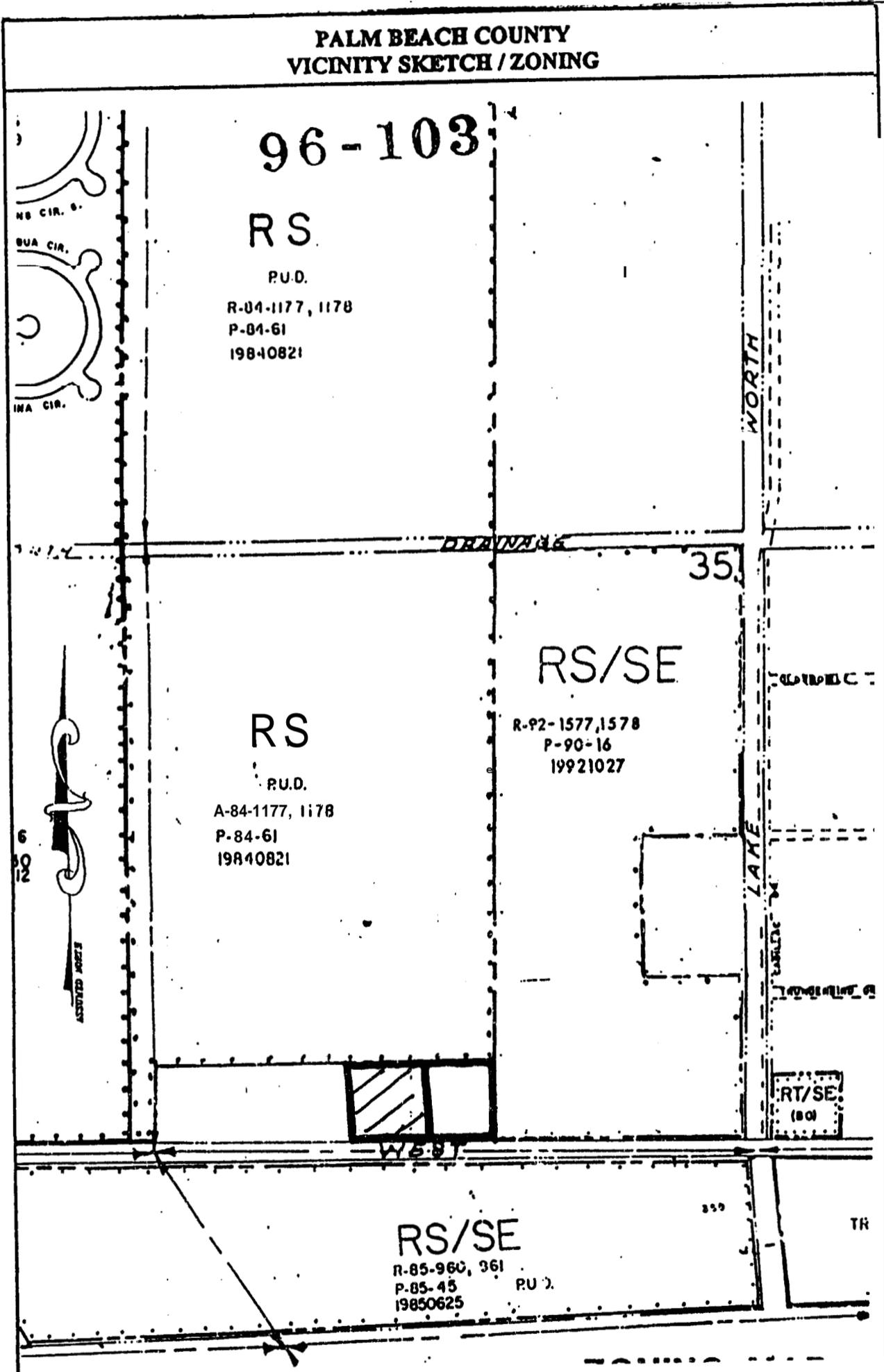


EXHIBIT C

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 December 10, 1996. 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)

B. BUILDING AND SITE DESIGN

1. A maximum of ~~one~~ buildings shall **be** permitted on site. Total gross floor area shall be limited to a maximum of 5,460 square feet. (DRC: ZONING)
2. **The** maximum height for ~~the~~ proposed one story building shall not exceed twenty (20) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. 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~~ principal **structure** or equivalent landscape material. (CO: BLDG - Zoning)
4. Similar architectural **character** and treatment shall be provided on all sides **of** the building. (BLDG PERMIT: MONITORING - Bldg)
5. The outdoor playground area shall be enclosed by a six **(6)** foot high wood fence setback a minimum distance of thirty-five (35) feet from the north, east and west property lines. (DRC/BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

D. LANDSCAPING - STANDARDS

1. All trees to **be** planted on site shall meet the following minimum standards at time of installation:
 - a. Tree height: **fourteen (14)** feet.
 - b. Trunk diameter: **3.5 inches** measured 4.5 feet above grade.
 - c. Canopy diameter: **seven (7) 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)
2. All palms to **be** planted on site **shall** meet the following minimum standards at ~~time~~ **of** installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lantana Road, **55** feet from centerline along the project's entire frontage, free 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at **intersections as determined** by the County Engineer. (DATE/BLDG PERMIT: MONITORING/Eng.)

2. LANDSCAPE WITHIN MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to ~~the~~ Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by the Land Development Division Palm Beach County Department of Engineering and Public **Works**, landscaping shall, at a **minimum**, consist of the "**Low Cost Planting Concept**" outlined in ~~the~~ Palm Beach County Engineering and Public Works Department March **1994** Streetscape Standards and shall be consistent with the landscaping **theme** adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by ~~the~~ Streetscape Standards. If all xeriscape material is utilized, ~~the~~ watering of the plant material during the initial heal-in period shall be the responsibility **of** the property **owner**. Alternative species other than those listed in ~~the~~ County standards may **be** allowed subject to approval by ~~the~~ County Engineer. (BLDG PERMIT: MONITORING - Eng.)

 - B. All required median landscaping, including an irrigation system if required shall **be** installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs **or** assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. **All** landscape material shall be installed on **or** before the issuance **of** a Certificate of Occupancy. (CO: MONITORING - Eng.)

 - C. **Declaration** of Covenants and Restriction Documents shall be established **or amended as** required, prior to issuance of a certificate **of** occupancy to **reflect** this obligation. (CO: MONITORING - Eng.)

3. The Developer shall plat ~~the~~ **subject** property in accordance with provisions **of** Article **8 of the** Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng.)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high **berm** with the height of the berm measured from the top of curb.
 - c. **one (1)** canopy tree planted for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center; and
 - d. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center planted on the plateau of the berm. (DRC/CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center; and
 - c. the property ~~owner~~ shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center **to be** maintained at a minimum height **of** forty-eight (48) inches. (DRC/CO: ONGOING/ LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. Foundation landscaping shall be provided on all facades of the proposed building. **The** minimum width for ~~the~~ foundation landscaping shall be five (5) feet **and no less than fifty (50) percent of the** total length of ~~the~~ applicable **side of the** building. The required foundation landscaping shall consist of a minimum of one (1) **tree** or palm every 20 feet on center with appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior **side of the** wood fence for the outdoor playground area:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and
 - b. 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 forty-eight (48) inches. (DRC/CO: ONGOING/ LANDSCAPE)

I. 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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. **All outdoor lighting fixtures shall** not **exceed** twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)

3. **All outdoor lighting fixtures shall be setback a minimum thirty-five (35) feet from the north, east and west property lines. (CO: BLDG - Zoning)**
4. **All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)**

J. SIGN

1. **Signage for the property shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
 - b. **Maximum sign face area per side- eighty (80) square feet;**
 - c. **Maximum number of signs - one (1);**
 - d. **Style - monument style only. (CO: BLDG),**
 - e. **Location - maximum twenty-five (25) feet from entrance; and**
 - f. **No other signage shall be permitted on the property. (CO/BLDG PERMIT : BLDG)**

K USE LIMITATION

1. **The day care center shall be limited to a maximum of 100 children. (ONGOING: DRC/ HEALTH)**
2. **The operation of the day care center shall not exceed the hours of 7:00 a.m. to 7:00 p.m. and open on weekdays only. (ONGOING: CODE ENF)**
3. **The church shall be limited to a maximum of 180 seats. (ONGOING: DRC-Zoning)**

L. COMPLIANCE

1. **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; 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 noncompliance, 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.**

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. **(MONITORING)**

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