

RESOLUTION NO. R-98-738

RESOLUTION APPROVING ZONING PETITION CA80-187(F)  
CLASS A CONDITIONAL USE  
PETITION OF TRUSTEES OF INTERNATIONAL CHURCH  
BY KEVIN MCGINLEY, AGENT  
(TRINITY 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 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 CA80-187(F) was presented to the Board of County Commissioners at a public hearing conducted on May 28, 1998; 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 CA80-187(F), the petition of Trustees of International Church, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a Congregate Living Facility, Type 3 (40 beds) in the Residential Transitional Suburban (RTS) 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 May 28, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

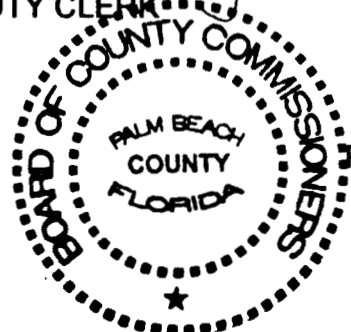
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

Petition CA80-187(F)  
Project No. 5440-000



**EXHIBIT A**  
**LEGAL DESCRIPTION**

ORB 8722 Pg 141  
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

**EXHIBIT "A"**

A parcel of land lying in the Northwest Quarter (N.W. 1/4) of the Amended Plat of Mary A. Lyman, et. al., in Section 12, Township 45 South, Range 42 East, Palm Beach County, Florida, as recorded in Plat Book 9, Page 74, including Tracts 9, 10 and 11, LESS the South 15 feet of Tracts 10 and 11 for road right of way, and LESS the road right of way for Military Trail (SR809),

Being more particularly described as follows:

Commencing at the Northeast Quarter (N.E. 1/4) corner of Section 12, Township 45 South, Range 42 East, continue S 04° 39' 06" W along the centerline of Military Trail, a distance of 1,343.03 feet; Thence, N 89° 35' 11" W, a distance of 67.07 feet to the west right of way of Military Trail and the Point of Beginning of said parcel (P.O.B);

Thence, N 89° 35' 11" W, a distance of 1,436.81 feet;

Thence, S 02° 19' 18" W, a distance of 1,345.30 feet;

Thence, N 89° 36' 45" E, a distance of 724.52 feet;

Thence, N 03° 28' 44" E, a distance of 660.61 feet;

Thence, S 89° 58' 45" E, a distance of 679.21 feet, to the west right of way line of Military Trail;

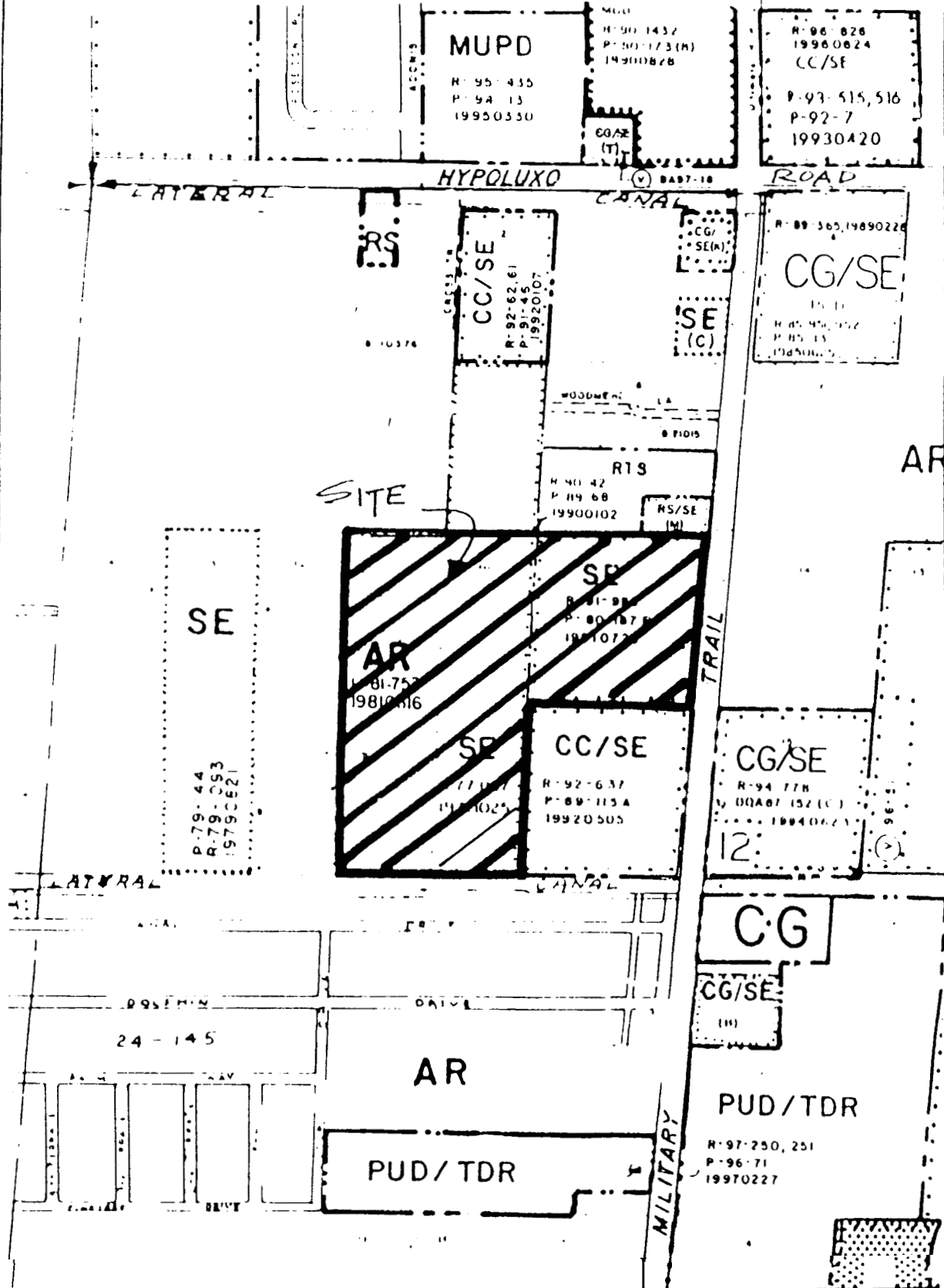
Thence, N 04° 39' 06" W, a distance of 335.98 feet;

Thence, N 89° 46' 58" E, a distance of 7.02 feet;

Thence, N 04° 39' 06" E, a distance of 335.98 feet to the Northeast corner of said parcel and the P.O.B.

The Property contains 33.2131 acres+

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 80-187 F  
 Zoning Quad Page \_\_\_\_\_  
 Date: 10/15/97



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. **All** conditions of approval contained in Resolutions R-80-1422, Petition 80-187, R-85-271, Petition **80-187(A)**, R-86-213, **80-187(B)**, R-87-415, Petition **80-187(C)**, and R-91-986, Petition **80-187(E)** are hereby repealed. The approvals granted by Resolutions R-80-1422, Petition 80-187, R-85-271, Petition **80-187(A)**, R-86-213, **80-187(B)**, R-87-415, Petition **80-187(C)**, and R-91-986, Petition **80-187(E)**, however, shall remain in full force and effect. (ONGOING: MONITORING-Zoning)
2. 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 26, 1998. 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. ARCHITECTURAL CONTROL

1. Similar architectural character, roof treatment, colors, and details shall be provided on **all** sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
2. **All** roof top mechanical and electrical equipment shall **be** screened from view so as **not** to **be** visible from any property line. (BLDG PERMIT: CODE ENF - Zoning)

#### C. BUILDING AND SITE DESIGN

1. The **Sanctuary/Fellowship** Hall buildings shall be limited to a total of 2000 seats with a combined 24,025 square feet enclosed floor area. (DRC/BLDG PERMIT: BLDG - Zoning)
2. Prior **to** final site plan certification by the Development Review Committee (DRC), the petitioner shall submit a grass parking study and designate the proposed **grassed/paved** parking areas on the site plan. Proposed grade changes in the parking areas shall be minimal to incorporate existing native vegetation. (DRC:ZONING/LANDSCAPE)
3. Prior to issuance of Certificate of Occupancy (CO), the petitioner shall abandon the existing fifty (50) foot **ingress/egress** easement along the west and northwest portion of the property. (CO: BLDG - Eng)

#### D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) **the** petitioner shall revise the **project's** concurrency to match the uses and square footages as **shown on** the approved site plan dated February 26, 1998. (DRC: ZONING)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, Building Permits shall be limited to any of the following singular land uses;

- 5 dwelling units of multi-family housing (retreat housing), or
- 24 beds of C.L.F., or
- 17 additional students, or
- 5686 square feet of additional church.

The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted 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.

Additional Building Permits shall not be issued until construction has begun for an exclusive right turn lane west approach and an exclusive right turn lane south approach at the intersection of Hypoluxo Road at Lawrence Road plus the appropriate paved tapers. The petitioner shall submit a revised Traffic Study and phasing schedule prior to final DRC approval. (BLDG PERMIT/ENG: DRC-Eng)

2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Military Trail along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT:MONITORING-Eng)
3. Prior to the DRC approval of the site plan the developer shall submit an approved revised drainage study for the site reflecting compliance with the above drainage condition of approval. (DRC APPROVAL:ENG)
4. Prior to final site plan certification, the site plan shall be amended to show the southern entrance into the site, as a median divided entrance subject to the approval of the County Engineer. (DRC: ENG)

**F. LANDSCAPING STANDARDS**

1. Fifty (50) percent of the trees required to be planted on site by this approval shall meet the following minimum standards at 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 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 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)

**G. LANDSCAPING ALONG EAST PROPERTY LINE (MILITARY TRAIL FRONTAGE ONLY)**

1. Landscaping and buffering along the Military Trail frontage, except for the utility access and lift station in the northeast corner of the property, shall be upgraded to include:
  - a. A minimum forty (40) foot wide landscape buffer strip;
  - b. An undulating berm with an average height of three (3) feet measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;
  - d. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palms or pine trees shall not be substituted the required for a canopy tree in that location; and
  - e. 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)

**H. LANDSCAPING SOUTH PROPERTY LINE (ALONG LWDDL-19 CANAL ONLY)**

1. Landscaping and buffering along the south property adjacent to the LWDDL-19 Canal shall include:
  - a. A minimum thirty (30) foot wide landscape buffer strip;
  - b. A continuous three (3) foot high berm measured from finished grade with a four (4) foot high black vinyl coated chain link fence located on the plateau of the berm. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. one (1) canopy tree for twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center;

- b. **one (1)** palm for thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet on center between dusters. A group of **three (3)** palms shall not be substituted for a perimeter canopy tree; and
- c. twenty-four (24) inch high shrub or hedge material installed on the plateau of the **berm** and spaced no more than twenty four (**24**) inches on center at installation. The shrub or hedge material shall be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

- 1. The maximum spacing between interior landscape parking islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
- 2. Raised landscape divider median shall **be** provided at the project's entrance on Military Trail. The minimum landscape width of this median shall be five (**5**)feet with one (**1**) tree and appropriate ground cover planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)

J. LANDSCAPE GENERAL

- 1. **All** perimeter landscape buffers shall **be** installed prior to the issuance of the first Certificate of Occupancy. Undeveloped portions of the property shall be sodded and maintained until future construction begins. (CO/CODE ENF: LANDSCAPWONGOING)

K. 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. The athletic field lighting fixtures shall not exceed forty (40) feet in height, measured from finished grade to highest point and setback a minimum distance of thirty (30) feet from the south property line along the LWDD L-19 Canal. (CO: BLDG - Zoning)
- 3. The lighting conditions above shall not apply to proposed security lighting attached to the buildings. (ONGOING: CODE ENF)

L. MASS TRANSIT

- 1. **A.** Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING:
- B.** Mass transit access, shelters and/or bus stops, if required, shall be **constructed by** the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first Certificate of Occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, **bus** shelters and/or bus stops **by** dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to ~~the~~ shelter, appropriate lighting, waste container, and bicycle rack.



Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

**M. SIGNS**

1. **Signage** on Military Trail shall be limited to the existing sign. (CO: BLDG)
2. **Wall signage** shall be permitted only on the east facade of the buildings. (CO: BLDG)

**N. TREE PRESERVATION**

1. The petitioner shall submit a tree survey for the west eight (8) acres added to the property, to scale with the site plan, to be approved by the Zoning Division and the Department of Environmental Resources Management. The survey shall include:
  - a. All trees to be removed, preserved and/or relocated.
  - b. **All** trees shall be numbered, categorized and their dimensions indicated with an accompanying legend. (ERM)
2. **All** native vegetation within the buffer area (included but not limited to oaks, pines, sabal palms and cypresses) shall be preserved and indicated on the landscape plan. (DRC: ERM - Landscape)
3. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
  - a. **All trees to be** relocated, preserved, or removed shall be identified in the field, tagged and numbered according to the tree survey.
  - b. Trees to **be** preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity.
  - c. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas
  - d. Petitioner shall schedule a pre-clearing inspection with the Zoning Division and the Department of Environmental Resources Management. (VEG REMOVAL PERMIT: ERM)

**O. UNITY**

1. Prior to final site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

**P. USE LIMITATIONS**

1. To ensure consistency with the site plan dated February 26, 1998 all uses shall remain in the location as indicated on the site plan. (DRC: ZONING)

2. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
3. All services shall be held within the church (Bldg. A) located in the northeast corner of the property. The hours of operation for other buildings to be open to the public shall be limited to 7:00 a.m. - 9:00p.m. daily. (ONGOING: CODE ENF)
4. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, carnivals, circuses, auctions, or tent revivals, etc.), shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. (ONGOING/SPECIAL PERMIT: CODE ENF - ZONING)

**Q. 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 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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. (MONITORING)