

RESOLUTION NO. R-2005-0001

RESOLUTION APPROVING ZONING PETITION CA2004-444  
(CONTROL NUMBER 2004-325)  
CLASS A CONDITIONAL USE  
PETITION OF CENTRAL BAPTIST CHURCH  
BY LAND RESEARCH MANAGEMENT INC, AGENT  
(CENTRAL BAPTIST 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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) 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 Petition CA2004-444 was presented to the Board of County Commissioners at a public hearing conducted on January 6, 2005; 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 2.E (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 2.F, Concurrency 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 2 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 CA2004-444, the petition of Central Baptist Church, by Land Research Management Inc, agent, for a Class A Conditional Use to allow a church or place of worship and to allow a daycare, general in the Residential Medium Density 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 January 6, 2005, 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 Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 2005.

Filed with the Clerk of the Board of County Commissioners on 17 day of January, 2005.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON BOCK, CLERK

BY:   
DEPUTY CLERK

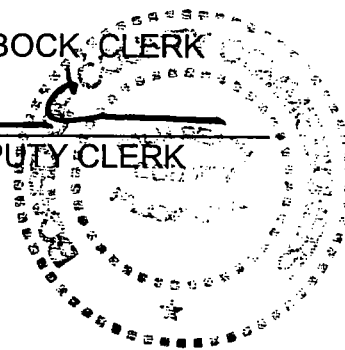


EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE SOUTH 297 FEET OF THE WEST 165 FEET OF THE EAST HALF OF LOT 5, BLOCK 1, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH LOTS 49, 50 AND 51, WHISPERING PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 1

TOGETHER WITH THE WEST 165 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 (LESS THE SOUTH 297 FEET AND ROAD RIGHT-OF-WAY) OF SAID SECTION 1, BEING A PORTION OF LOT 5, BLOCK 1, PLAT OF PALM BEACH PLANTATIONS, RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

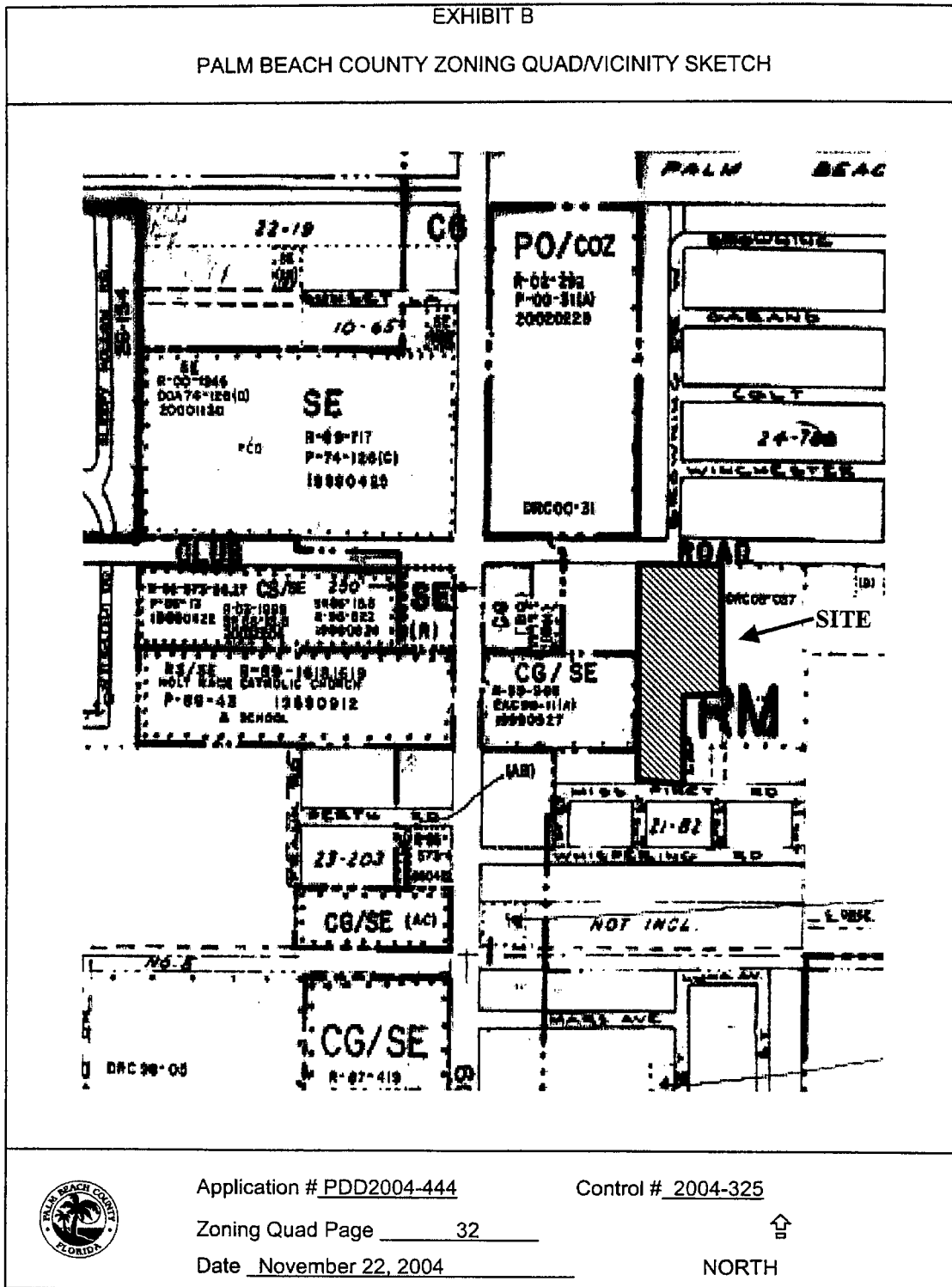
PARCEL 2

TOGETHER WITH THE EAST 165 FEET OF THE WEST 330 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY AND THE SOUTH 200 FEET THEREOF.

CONTAINING 4.43 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



Application # PDD2004-444

Control # 2004-325

Zoning Quad Page 32



Date November 22, 2004

NORTH

## 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 October 1, 2004. 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. Prior to final site plan approval by the Development Review Officer (DRO), the applicant/property owner shall provide architectural elevations indicating that the building will be designed consistent with the Architectural Guidelines as referenced in Article 5.C.H.1 of the Unified Land Development Code. (DRO: ARCH REVIEW – Zoning)

#### C. LANDSCAPING – STANDARD

1. Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: LANDSCAPE – Zoning)

#### D. LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (FRONTAGES OF GUN CLUB ROAD AND MISS PINEY ROAD, AND ABUTTING RESIDENTIAL)

1. In addition to ULDC requirements, landscaping and buffering along the north, south and west property lines shall be upgraded to include:
  - a. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster consisting of a minimum of five (5) pines. (BLDG PERMIT: LANDSCAPE – Zoning)

#### E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 10, 2008. 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 concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG – Eng)

F. 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. (BLDG PERMIT/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. (BLDG PERMIT: BLDG PERMIT – Zoning)
3. Decorative lighting fixtures shall be provided subject to approval by the County Engineer. (BLDG PERMIT: LANDSCAPE – Eng/Zoning)
4. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. This condition shall not apply to holiday services. (ONGOING: CODE ENF – Zoning)
5. 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)

G. SIGNS

1. New or replacement freestanding point of purchase 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 - sixty (60) square feet;
  - c. maximum number of signs - one (1) for the entire site;
  - d. style - monument style only;
  - e. sign shall be limited to identification of tenants and service hours only. (BLDG PERMIT: BLDG - Zoning)
2. New or replacement wall signs shall be limited to the north facade of the buildings and individual lettering size shall be limited to a maximum of twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

H. USE LIMITATION

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. excluding holiday services. (ONGOING: CODE ENF - Zoning)
2. Accessory outdoor uses such as temporary sales events shall be permitted subject to ULDC requirements, and shall be setback a minimum of one hundred (100) feet from the east and west property lines. No temporary amusements or special events shall be permitted on the property. (ONGOING/ SPECIAL PERMIT: CODE ENF – Zoning)

I. 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 Article 2.E 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)