

RESOLUTION NO. R-2009- 1230

RESOLUTION APPROVING ZONING APPLICATION CA-2009-00206
(CONTROL NO. 2009-00121)
CLASS A CONDITIONAL USE

Application of Florida Conference Association - Conference Florida
By Cotleur & Hearing, Inc., Agent
(Jupiter Seventh Day Adventists)

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 Board of County Commissioners, pursuant to Article 2 (Development Review Process) 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 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 Application CA-2009-00206 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2009; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. 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.
6. This Class A Conditional Use, with conditions as adopted, will result in logical,

timely and orderly development patterns.

- 7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
- 8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F Concurrency - Adequate Public Facility Standards of the ULDC; and
- 9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

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 CA-2009-00206, the application of Florida Conference Association - Conference Florida, by Cotleur & Hearing, Inc., agent, for a Class A Conditional Use to allow a Place of Worship. in the AR 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 July 23, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burt Aaronson moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	—	Aye
Commissioner Burt Aaronson, Vice Chairman	—	Aye
Commissioner Karen T. Marcus	—	Aye
Commissioner Shelley Vana	—	Aye
Commissioner Steven L. Abrams	—	Aye
Commissioner Jess R. Santamaria	—	Naye
Commissioner Priscilla A. Taylor	—	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 23, 2009.

Filed with the Clerk of the Board of County Commissioners on August 31, 2009.

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


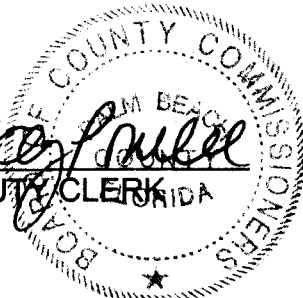
BY:  DEPUTY CLERK


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST (NE1/4) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 41, SOUTH, RANGE 41 EAST, THENCE SOUTH 88 DEGREES 53' 27" WEST FOR 1,989.96 FEET, THENCE SOUTH 00 DEGREES 41' 21" WEST FOR 1339.29 FEET TO THE SOUTH LINE OF THE SAID EAST ONE HALF (E 1/2) OF THE NORTHWEST (NW 1/4) OF THE NORTHEAST (NE 1/4) OF SAID SECTION 1, TOWNSHIP 41, SOUTH, RANGE 41 EAST, AND THE POINT OF BEGINNING:

THENCE NORTH 88 DEGREES 53' 30" EAST FOR 663.33 FEET ALONG THE SOUTH LINE OF THE NORTHWEST (NW 1/4) OF THE NORTHEAST (NE 1/4), THENCE NORTH 00 DEGREES 51' 20" EAST FOR 329 FEET ALONG THE EAST LINE OF THE NORTHWEST (NW 1/4) OF THE NORTHEAST (NE 1/4): THENCE SOUTH 88 DEGREES 53' 30" WEST FOR 663.33 FEET; THENCE SOUTH 00 DEGREES 51' 21" WEST FOR 329 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS OVER THE WEST 40 FEET OF THE EAST ONE-HALF (E 1/2) OF THE NORTHWEST (NW 1/4) OF THE NORTHEAST (NE 1/4) OF SECTION 1, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

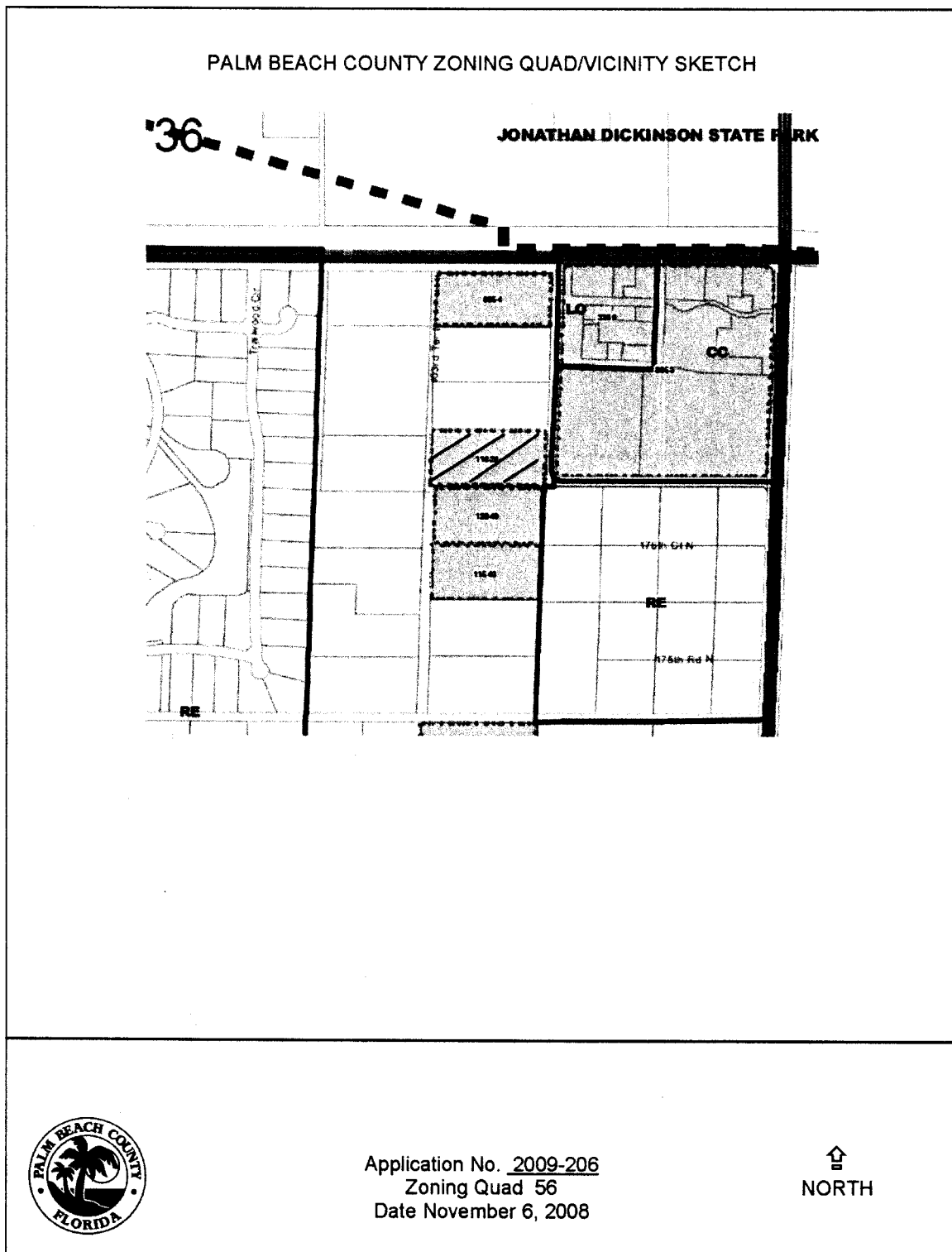


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved site plan is dated March 23, 2009. 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.Prior to the issuance of the first building permit, the Zoning Division shall send a certified letter to the residents of 103rd Terrace North notifying them that construction will commence once the permit is issued. (BLDG PERMIT:ZONING - Zoning)

3.Prior to the issuance of the building permit for the church, the applicant shall install a temporary 6-foot high chain link fence with mesh or slat screening along the west property line adjacent to 103rd Terrace North and along the south property line to provide screening during construction. (BLDG PERMIT:BLDG - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the place of worship 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 and generally consistent with the elevations prepared by Interplan and submitted March 23, 2009. (DRO: ARCH REVIEW - Zoning)

2.Prior to the approval of the final site plan, the applicant shall meet with the Jupiter Farms Residents Association, the residents of 103rd Terrace North and the PBC Zoning Staff to amend the western elevation to address concerns with the windows and to provide materials more rural in character.

ENGINEERING

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

a.No building permits for the site shall be issued after December 31, 2013. 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.Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage. (DRO: ENGINEERING-Eng)

3.Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide a revised drainage statement to match the improvements proposed on the site plan. (DRO: ENGINEERING-Eng)

4.Prior to issuance of the first building permit, the property owner shall regrade the area between the edge of pavement and swale adjacent to the property line along 103rd Terrace North, as required by the South Indian River Water Control District. The open space area shall sloped from edge of pavement to swale, as determined by the South Indian River Water Control District. Condition can be considered satisfied when certified complete by the project engineer. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1. Prior to the issuance of the first building permit the property owner shall provide to the Palm Beach County Health Department permits for the construction of an onsite sewage treatment and disposal system (OSTDS) and potable water well system. (BLDG PERMIT: MONITORING-Health)

LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

2. A minimum of eighty-five (85) percent of canopy trees to be planted in the landscape buffers except the west right of way buffer fronting 103 Terrace North, shall be native and meet the following minimum standards at installation:

- a. tree height: between 12 to 14 feet;
- b. caliper: between 2.5 inches to 4.5 inches measured at 6 inches above grade;
- c. canopy diameter: between 6 to 7 feet diameter shall be determined by the average canopy radius measured at 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. (BLDG PERMIT: LANDSCAPE Zoning)

3. A group of 3 or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)

4. All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: 12 feet clear trunk;
- b. clusters: staggered heights 12 to 18 feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)

5. Foundation planting shall be provided along each side of the building and include the following:

- a. required trees or palms shall be installed at varying heights ranging from 12 to 16 feet.
- b. shrubs installed at a minimum height of 36 inches.
- c. foundation planting shall include appropriate ground cover in a manner acceptable to the Landscaping Section. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-ZONING - LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES

6. In addition to code requirements, the landscape buffer along the north and south property lines shall be upgraded to include:

- a. one slash pine tree for each 30 linear feet of the property line and 1 native palm for each 40 linear feet of the property line to be grouped with canopy trees to create a natural landscape theme; and
- b. required understory shall include a mix of saw palmetto, cocoplum and other native vegetation. The portion of the north and south property lines adjacent to power lines may use clusters of native palms and canopy trees conforming to the FPL Right Tree Right Place guidelines. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTING 103RD ROAD TERRACE NORTH)

7. In addition to code requirements, landscaping along the west property line shall be

upgraded to include:

- a. 85% native plant materials
- b. tree height: between 12 feet to 18 feet;
- c. all required canopy trees shall be planted at one tree for each 25 linear feet of the property line; and,
- d. one slash pine tree for each 20 linear feet of the property line to be grouped with canopy trees and native palms to create a natural landscape theme.
- e. required understory shall include a mix of saw palmetto (*Serenoa repens*), cocoplum (*Chrysobalanus icaco*) and other native vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1.All outdoor, freestanding lighting fixtures, including lighting fixtures in all parking areas, shall not exceed fifteen (15) feet in height measured from finished grade to highest point of the light fixture. (BLDG PERMIT: BLDG - Zoning)

2.All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. The property owner shall install and maintain a timer limiting hours of use (ONGOING: CODE ENF - Zoning)

3.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)

4.Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaries, and photometrics in foot-candle output of all proposed luminaries on-site. (DRO: DRO - Zoning)

5.All lighting fixtures shall be shielded and directed down. The maximum illumination level at the property line shall not exceed zero (0) foot candles. (ONGOING: CODE ENF - Code Enf)

6.The maximum illumination levels shall be reduced by twenty-five percent. (BLDG PERMIT: BLDG - Zoning)

SIGNS

1.Freestanding sign fronting on 103rd Terrace North 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 - forty (40) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and
- e. location - 103rd Terrace North (1). (BLDG PERMIT: BLDG Zoning)

SITE DESIGN

1.Prior to final approval by the Development Review Officer (DRO), The Site Plan dated March 23, 2009 shall be revised to indicate grass parking locations for peak demand per Article 6.A.1.D.2. In addition the dumpster shall be relocated to a minimum of thirty feet away from all property lines. (DRO: ZONING-Zoning)

2.The height of the building, including the steeple, shall not exceed thirty-five (35) feet above finished grade. No more than 5 feet of additional fill may be brought in to establish the finished grade. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1.All services shall be held within the principal structure(s), and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., excluding holiday services only. (ONGOING: CODE ENF - Zoning)

2.No accessory outdoor uses such as temporary sales events shall be permitted on

the property. (ONGOING: CODE ENF - Zoning)

3. Outdoor speaker, outdoor bells or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

4. Maximum number of seating is limited to 302 seats. (ONGOING: CODE ENF - Zoning)

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-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 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)