

RESOLUTION NO. R-2010-0301

RESOLUTION APPROVING ZONING APPLICATION Z/DOA-2009-00205
(CONTROL NO. 1973-00160)
a Development Order Amendment
APPLICATION OF Church Of God At Palm Beach Gardens
BY Cotleur & Hearing, Inc., AGENT
(Maranatha 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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application Z/DOA-2009-00205 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 2010; 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 recommendation of the Zoning Commission; 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 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

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 Z/DOA-2009-00205, the petition of Church Of God At Palm Beach Gardens, by Cotleur & Hearing, Inc., agent, for a Development Order Amendment to reconfigure the site plan in the Residential Transitional (RT) 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 25, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Absent
Commissioner Jeff Koons	- Absent
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 25, 2010.

Filed with the Clerk of the Board of County Commissioners on March 1, 2010.

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 FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

A parcel of land in part of the Southwest Quarter (SW ¼) and part of the Southeast Quarter (SE ¼) of Section 32, Township 41 South, Range 43 East, Palm Beach County, Florida, described as follows:

BEGINNING at a point on the East line of said Southwest Quarter (SW ¼) of Section 32, said point being 660 feet North of the Southeast corner of said Southwest Quarter (SW ¼), as measured along said East line of the Southwest Quarter (SW ¼) of Section 32; thence Westerly, along a line parallel with the North line of said Southwest Quarter (SW ¼) of Section 32, a distance of 291.76 feet; thence Northerly, along a line making an angle of 91°43'28" from East to North with the last described course, a distance of 399.23 feet to the Southerly right-of-way line of the 80 foot wide canal right-of-way running East and West Across said Southwest Quarter (SW ¼) of Section 32 as shown on the plat of "**PLAT NO. 1, PALM BEACH CABANA COLONY**", recorded in Plat Book 26, Pages 203-205 of the Public Records of Palm Beach County, Florida; thence Easterly, along said Southerly right-of-way line to said East line of the Southwest Quarter (SW ¼) and the West line of said Southeast Quarter (SE ¼) of Section 32; thence continue Easterly, along said Southerly right-of-way line, to the Westerly right-of-way line of Prosperity Farms Road as laid out and in use on September 27, 1961; thence Southerly, along said Westerly right-of-way line, to a line 1980 feet South of and parallel with the North line of said Southeast Quarter (SE ¼); thence Westerly along said parallel line, to the West line of said Southeast Quarter (SE ¼) and the East line of said Southwest Quarter (SW ¼); thence Northerly, along said East line, to the **POINT OF BEGINNING**.

LESS all that portion lying within 30 feet of the aforementioned line described as being parallel with the North line of the Southwest Quarter (SW ¼) of said Section 32. (As said line is prolonged to its intersection with said Westerly right-of-way line of Prosperity Farms Road.

Containing 2.736 acres **MORE OR LESS**.

MARANATHA CHURCH PARCEL:

A parcel of land in Section 32, Township 41 South, Range 43 East, Palm Beach County, Florida more particularly described as follows:

From the Southwest corner of Section 32, Township 41 South, Range 43 East; thence South 89°16'50" East along the South line of Section 32 aforesaid a distance of 2628.55 feet to the Quarter corner of said Section 32; thence North 02°30'12" East along the said Quarter section line of said Section 32 a distance of 660.00 feet to a point of intersection of the centerline of Lone Pine Road, as now laid out and in use; thence North 88°04'01" West along said centerline a distance of 291.76 feet to a point; thence North 00°12'31" East a distance of 30.01 feet to the **POINT OF BEGINNING** of the herein described parcel; thence continue North 00°12'31" East a distance of 369.22 feet to a point lying on the South right-of-way line of the canal parcel, as shown on Sheet No. 3, **PLAT NO. 1 PALM BEACH CABANA COLONY**, as recorded in Plat Book 26, Page 205, in and for the records of Palm Beach County, Florida; thence North 89°16'50" West along said South right-of-way line a distance of 367.22 feet to a point; thence North 54°21'56" West along said South right-of-way line a distance of 117.84 feet to a point; thence South 00°12'31" West a distance of 426.96 feet to a point lying in the Northerly right-of-way line of said Lone Pine Road; thence South 88°04'01" East along said Northerly right-of-way line a distance of 463.42 feet to the **POINT OF BEGINNING**.

Bearings based on the Florida State Plane Coordinate System Transverse Mercator

East Zone.

Containing in all 3.9490 acres **MORE OR LESS.**

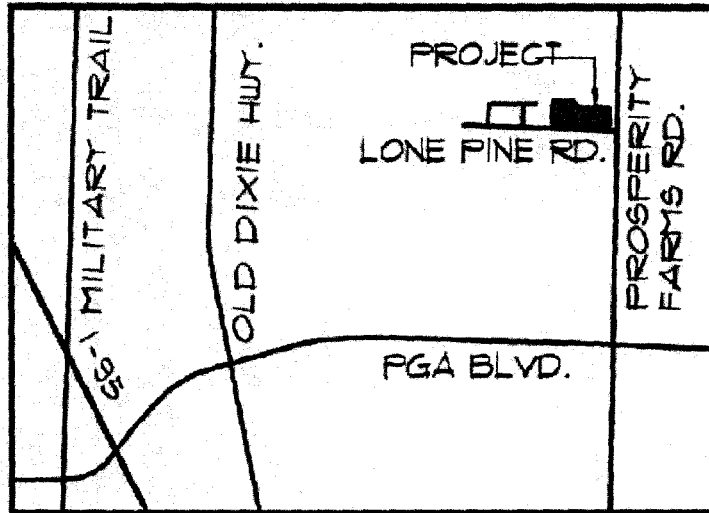
PARCEL B:

A parcel of land in Section 32, Township 41 South, Range 43 East, Palm Beach County, Florida. Being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 32; thence North 02°10'58" East, along the West line of said Section 32, a distance of 1194.94 feet to the South line of the canal parcel as shown on Sheet No. 3, **PLAT NO. 1 PALM BEACH CABANA COLONY**, as recorded in Plat Book 26, Page 205, Public Records of Palm Beach County, Florida; thence South 89°16'50" East, along said South line, a distance of 1317.29 feet to the Easterly right-of-way line of a 100 foot canal as shown on Robert E. Owen & Associates, Inc. Drawing No. D-3777-003, dated August 1978; said Easterly right-of-way line being the North-South Quarter-Quarter line of the Southwest Quarter (SW ¼) of said Section 32 and the **POINT OF BEGINNING**; thence South 89°16'50" East, continuing along the South line of said Cabana Colony Canal, a distance of 452.50 feet; thence South 54°21'56" East, continuing along said South line, a distance of 108.57 feet; thence South 00°12'31" West a distance of 426.77 feet to the Northerly right-of-way line of Lone Pine Road; thence North 88°04'01" West along said Northerly line, 558.98 feet to the Easterly right-of-way line of the aforementioned 100 feet canal; thence North 02°20'35" East, along said right-of-way line, a distance of 477.25 feet to the **POINT OF BEGINNING.**

Containing 6.035 acres **MORE OR LESS.** Bearings are based on the Florida State Plane Coordinate System, Transverse Mercator East Zone.

EXHIBIT B
VICINITY SKETCH



LOCATION MAP 
NTS

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Previous Condition 4 of Resolution R-86-452, Control No. 73-160, which currently states:

The petitioner shall comply with all previously approved conditions of Petition 73-160(A), except as herein modified or deleted; and,

Previous Condition 1 of Resolution R-87-1091, (Control No. 73-160), which currently states,

The petitioner shall comply with all conditions of previous approvals unless expressly modified herein.

Are hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-1282, R-86-452, and R87-1091 (Control 73-160), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated October 21, 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)

3. Previous Condition 8 of Resolution R-86-452, Control No. 73-160), which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. (ONGOING: ZONING-Zoning)

Is hereby deleted. [Reason: Application requirement.]

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed dayschool building 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. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Previous Condition 6 of Resolution R-87-1091, Control No. 73-160, which currently states:

The developer shall retain the stormwater runoff in accordance with all agency requirements in effect at the time of the permit application. However at a minimum, this development shall retain onsite three (3") inches of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.

Is hereby deleted. [Reason: Drainage is a code requirement]

2. The property owner shall convey for the ultimate right-of-way of Prosperity Farms Road, sixty-eight (68) feet from centerline (approximately an additional twenty-eight (28) feet) within ninety (90) days of the adoption of the Resolution approving this project. (Previous Condition 7 of Resolution R-87-1091, Control No. 73-160) [Note: COMPLETED]

3. Previous Condition 8 of Resolution R-87-1091, Control No. 73-160, which currently states:

The property owner shall construct: a. Left turn lane, south approach and a right turn lane, west approach at the intersection of Prosperity Farms Road and Lone Pine Road. b. Lone Pine Road as a full three (3) lane section from Prosperity Farms Road to a point 150 feet west of the project's west entrance road plus the appropriate tapers. c. Right turn lane, east approach on Lone Pine Road at the project's east entrance. All concurrent with the construction of Phase II (proposed sanctuary or education complex). Any Right-of-way required for construction of turn lanes on Prosperity Farms Road shall be purchased by Palm Beach County after all Right-Of-Way documents and maps have been furnished to Palm Beach County by the petitioner.

Is hereby amended to read:

The property owner shall construct:

- i. Left turn lane south approach on Prosperity Farms Road at Lone Pine Road [Note: COMPLETED]
- ii. Separate right and left turn lanes west approach on Lone Pine Road at Prosperity Farms Road

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations, acquisition of any additional required right-of-way and any necessary signal modifications. All costs associated with 3.ii. for the separate right and left turn lanes on Lone Pine Road shall be creditable against road impact fees.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Phase 3, as shown on the site plan for application Z/DOA-2009-205. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 3, as shown on the site plan for application Z/DOA-2009-205. (CO: MONITORING-Eng)

4. Previous Condition 9 of Resolution R-87-1091, Control No. 73-160, which currently states:

The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Prosperity Farms Road along the property frontage and for a maximum four hundred (400) foot distance each side of the property boundary lines along Prosperity Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.

Is hereby amended to read:

Within ninety (90) days of being notified by the County Engineer, the property owner shall provide to Palm Beach County a road drainage easement within the project's internal stormwater system capable of accommodating water quality from those segments of Prosperity Farms Road along the property frontage and for a maximum four hundred (400)

foot distance each side of the property boundary lines along Prosperity Farms Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements for water quality of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Cross Section. (ONGOING: ENGINEERING-Eng)

5. The property owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$16,315.00 (609 average trips x \$26.79 per trip). (Previous Condition 10 of Resolution R-87-1091, Control No. 73-160) [Note: COMPLETED]

6. Previous Condition 7 of Resolution R-86-452, Control No. 73-160, which currently states: The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Lone Pine Road.

Is hereby deleted. [Reason: Code requirement]

7. Prior to issuance of the first building permit the property owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

8. Property owner shall construct a 6 foot pathway along the north side of Lone Pine Road from Prosperity Farms Road west to the existing pathway terminus. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. If sidewalk cannot be placed within the right of way, a sidewalk easement may be approved by the County Engineer.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for Phase 3, as shown on the site plan for application Z/DOA-2009-205. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 3, as shown on the site plan for application Z/DOA-2009-205. (CO: MONITORING-Eng)

9. 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)

ENVIRONMENTAL

1. Special requirements for Vegetation Protection:

a) Prior to site plan certification, petitioner shall prepare a tree survey meeting the requirements of Zoning Code Section 500.35.F.18 Minimum Standards for Preparation of Tree Surveys). The tree survey shall be prepared at the same scale as the proposed site plan. All individual protected trees shall be delineated which are eligible for Tree Preservation Credits pursuant to Zoning Code Section 500.35, Figure 500.35-3 (Calculation of Tree Preservation Credits). The survey shall also indicate the general boundaries of areas of significant native vegetation which may be associated with protected trees. The tree survey shall indicate those protected trees which are proposed to be removed because of the construction of buildings and improvements such as parking and accessways.

b) The petitioner's tree survey shall be reviewed by staff with the express direction to assure that the minimum number of protected trees or areas of significant vegetation are

removed or disturbed. In particular, in an effort to retain as many trees and as much protected vegetation as possible, petitioner shall eliminate all proposed parking in excess of minimum Code requirements. Those trees which must be removed in order to accommodate necessary construction shall be evaluated on the likelihood of successful transplantation on site. Staff are encouraged to exercise maximum flexibility in permitting site design modifications in order to further the goal of vegetation protection.

c) Staff recommendations shall be conveyed to the petitioner, who shall thereupon prepare an Alternative Landscape Betterment Plan which meets the requirements of Zoning Code Section 500.35.G.6 and which incorporates staff recommendations. No site plan shall be certified for this development until the Alternative Landscape Betterment Plan is approved by staff. This plan shall include a program to transplant trees identified from the tree survey as likely to survive transplantation.

d) This condition shall be enforced through issuance of a vegetation removal permit pursuant to Zoning Code Section 500.36. (Vegetation Protection and Preservation). No variance relief shall be permitted from the terms of this condition. (Previous Condition 11 of Resolution R-87-1091, Control No. 73-160(C))[NOTE: Completed]

HEALTH

1. Since sewer and water services are available to the property, neither septic tank nor well shall be approved for use on the property. (ONGOING: HEALTH-Health) (Previous condition 4 of Resolution R-87-1091; Control 1973-160)

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (ONGOING: HEALTH - Health) (Previous Condition 2 of Resolution R-86-452; Control 73-160) [NOTE: complete]

3. Previous condition number 3 of Resolution R-87-1091; Control 73-160 which reads:

No building permit shall be issued for the subject property until the site is connected to public sewer system.

Is hereby deleted--Reason--Site is connected

LIGHTING

1. Previous Condition 5 of Resolution R-87-1091, Control No. 73-160), which currently states:

Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site. (ONGOING: BLDG-Code Enf.)

Is hereby deleted. [Reason: Code requirement.]

PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT/PLAT: MONITORING/ENG -Palm Tran)

PARKING

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a restrictive covenant in accordance with ULDC Article 5.F. to restrict the Daycare and School uses to Monday through Friday in accordance with the Shared Parking Statement dated September 27, 2009. (DRO: ZONING - Zoning)

SCHOOL BOARD

1. Previous Condition 12 of Resolution R-87-1091, Control No. 73-160, which currently

states:

1. Petitioner shall construct a six (6) foot wide paved pathway along the entire length of the property's south boundary on Lone Pine Road from Prosperity Farms Road to the property's southwest property line. Construction shall begin within 180 days of receipt of written notice to the petitioner from the School Board of Palm Beach County that both of the following two (2) events have occurred:

- a. A pathway has been constructed on the north side of Lone Pine Road to the southeast corner of Lone Pine Road and proposed 27th Street; and
- b. A pathway has been constructed along Prosperity Farms Road from the Crystal Point Planned Unit Development to the intersection of Prosperity Farms Road to Lone Pine Road.

Is hereby deleted. [Reason: Replaced with Engineering Condition 8.]

SITE DESIGN

1. Previous Condition 1 of Resolution R-84-1282, Control No. 73-160, which currently states:

1. Prior to certification by the Site Plan Review Committee, the site plan shall be modified to reflect:
 - a. Paved parking areas, unless variance relief is granted by the Board of Adjustment.
 - b. A fifteen foot setback from the rear property line for the future Youth Building. (DRO: ZONING-Zoning)

Is hereby deleted. [Reason: No longer applicable.]

2. Previous Condition 1 of Resolution R-86-452, Control No. 73-160, which currently states:

1. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a) Parking stalls within the twenty (20) foot backup distance.
 - b) Include both required and proposed interior landscaping calculation. (DRO: ZONING-Zoning)

Is hereby deleted. [Reason: No longer applicable.]

3. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. One (1) of three (3) alternative perimeter landscape strips adjacent to existing residential lots.
 - b. Wheel stops or curbing where the parking spaces face a property line.
 - c. The required trees in the terminal and interior landscape islands.
 - d. Required number of trees.
 - e. Redistribution of several handicap parking spaces to be accessible to the proposed education and administration buildings. (DRO: ZONING-Zoning) (Previous Condition 2 of Resolution R-87-1091, Control No. 73-160) [NOTE: COMPLETED.]

4. Prior to final approval by the Development Review Officer (DRO), the ball field and 10-foot high ball field chain link fence shall be reconfigured to comply with the 25-foot setback requirement. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Previous Condition 9 of Resolution R-86-452, Control No. 73-160), which currently states:

All activities and night meetings shall terminate no later than 10:00 p.m.

Is hereby amended to read:

All activities and night meetings for the School and Daycare shall terminate no later than 10:00 p.m. (ONGOING: CODE ENF.-Code Enf.)

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)