

RESOLUTION NO. R-91-366

RESOLUTION APPROVING ZONING PETITION NO. 75-149(A)  
SPECIAL EXCEPTION PETITION OF BETHEL TEMPLE ASSEMBLY OF GOD

WHEREAS, the Board of County Commissioners, as the governing body, 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 notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 75-149(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on October 25, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 75-149(A), the petition of BETHEL TEMPLE ASSEMBLY OF GOD, BY JILL A. JARKESY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CHURCH TO INCREASE THE LAND AREA on a parcel of land lying in all of lot "B"; together with lots "C" and "D", less the east 40.00 feet thereof; tract 33, and all of lot "D" tract 34, The Palm Beach Farms Company, Plat No. 7 of section 30, township 44 south, range 43 east, recorded in Plat Book 5, Page 72; Together with: lot "E", tract 31 and lot "E", tract 32, The Palm Beach Farms Company, Plat N0.7, of section 30, township 44 south, range 43 east, recorded in plat book 5, page 72., and being located ON THE W. SIDE OF CONGRESS AVE., APPROXIMATELY .3 MILE S. OF LAKE WORTH RD., IN THE RM Zoning District, was approved on October 25, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2(b) (Site Plan Review Committee Powers and Standards of Review).

B. ENGINEERING

1. Prior to March 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Congress Avenue, 53 feet from centerline for the proposed parking addition and for property included in Zoning Petition 75-149 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

C. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All Java Plum (*Syzygium cuminii*) trees shall be removed from the site.

D. LANDSCAPING

1. Landscaping along the northern perimeter of the non-contiguous parcel shall include:
  - a. A continuous six (6) foot high solid wall where the property abuts multi-family development.
  - b. Ten (10) foot tall native canopy trees placed thirty (30) feet on center and a continuous thirty-six (36) inch high hedge along the whole perimeter on the interior side of the wall,
2. Landscaping along the southern and western perimeters of the non-contiguous parcel, where the site abuts Multiple Family Residential zoned property, shall include:
  - a, Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
  - b. A six (6) foot high hedge, fence, berm or combination thereof.
3. Landscaping along all other property lines shall be upgraded to include twelve (12) foot tall native canopy trees placed thirty (30) feet on center and a contiguous hedge a minimum thirty-six (36) inches in height. Where the property abuts a water body, this requirement shall be waived.

4. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards.
5. All plant material shall be fully irrigated and maintained in a healthy viable condition.
6. At such time that the forty (40) foot dedicated right-of-way along the frontage of the existing site should revert back to the owner, it shall be landscaped consistent with the requirements of Condition Number 3 above.

E. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

F. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

G. SITE SPECIFIC

1. The petitioner shall apply for a grass parking special permit prior to site plan certification.
2. **The revised site plan shall indicate a pedestrian walkway connecting the two (2) parcels prior to site plan approval.**
3. Prior to Site Plan Certification, the site plan shall be revised to reflect a maximum of 134 parking spaces on the non-contiguous 1.95 acre parcel.

H. UNITY OF CONTROL

1. The petitioner shall establish ownership of the non-contiguous parcel prior to site plan certification. If ownership of the non-contiguous property is conveyed or reverts to another owner, the special exception for this approval shall be revoked.

I. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of county Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

commissioner Foster moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	ABSENT
Carol J. Elmquist	--	ABSENT
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Robert Alter*  
COUNTY ATTORNEY

BY: *John B. Dunkle*  
~~DEPUTY CLERK~~

