

RESOLUTION NO. R-2001- 0613

RESOLUTION APPROVING ZONING PETITION DOA97-029(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF ST. PAUL AME CHURCH
BY MARK BRADFORD, AGENT
(ST. PAUL AME 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA97-029(A) was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA97-029(A), the petition of St. Paul AME Church, by Mark Bradford, agent, for a Development Order Amendment (DOA) to reconfigure site plan and add square footage 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on April 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 26, 2001.

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

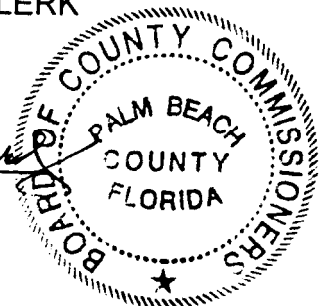


EXHIBIT A
LEGAL DESCRIPTION

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE NORTH 10 FEET AND LESS THE EAST 50 FEET THEREOF, FOR THE ROAD RIGHT-OF-WAY, IN SECTION 14, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.59 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

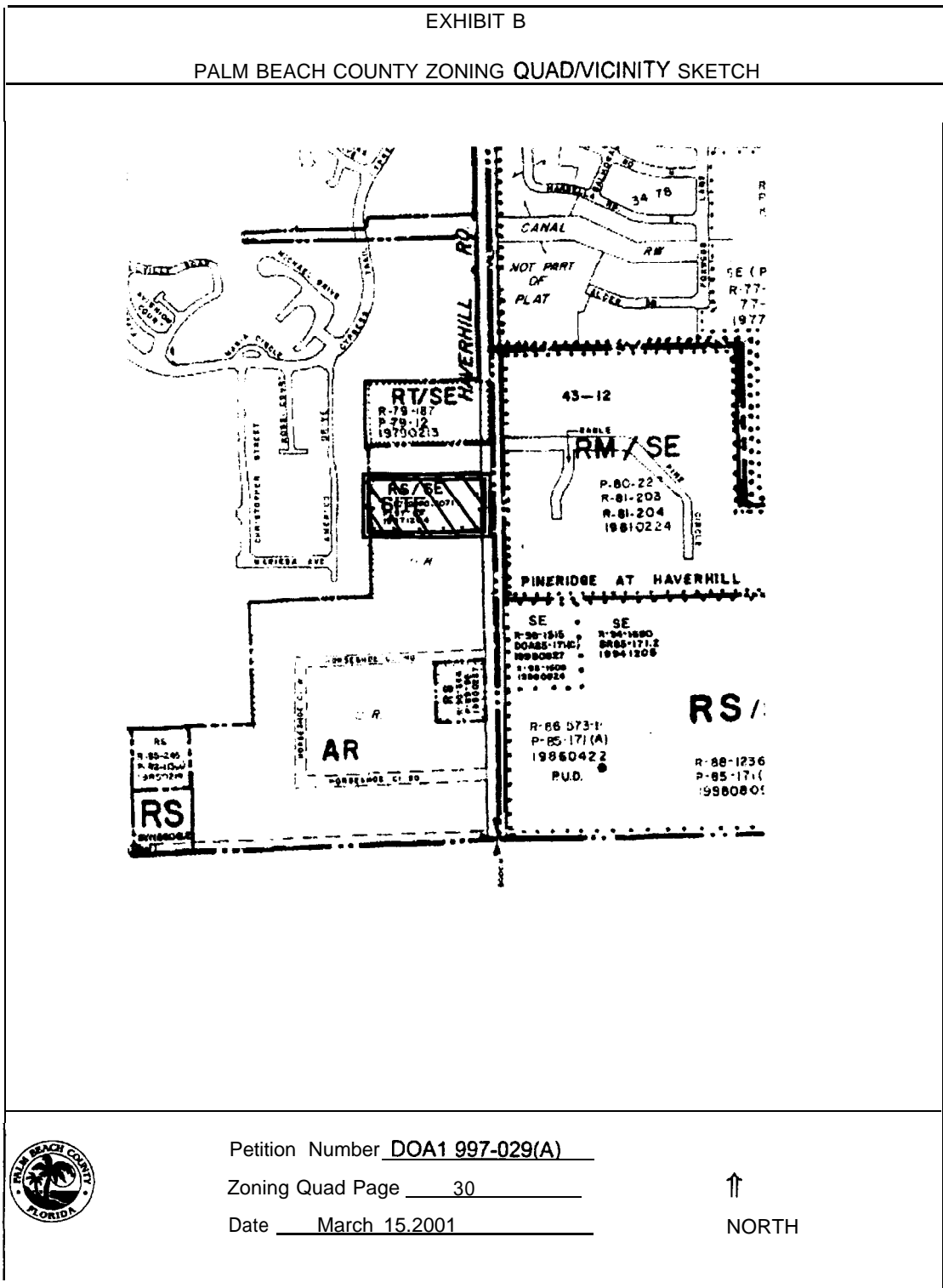


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-2070 (Petition CA97-029), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A. 1 of Resolution R-97-2070, Petition CA97-029 which currently states:

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 May 30, 1997. 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)

Is hereby amended to read:

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 March 1, 2001. 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. **All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas.** (BLDG PERMIT: BLDG-Zoning) (Previously Condition B. 1 of Resolution R-97-2070, Petition CA97-029)

2. Condition B.2 of Resolution R-97-2070, Petition CA97-029 which currently states:

Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)

Is hereby amended to read:

Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

3. **Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture.** (BLDG PERMIT: MONITORING - Bldg) (Previously Condition B.3 of Resolution R-97-2070, Petition CA97-029)

4. Condition B.4 of Resolution R-97-2070, Petition CA97-029 which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)

Is hereby amended to read:

All ground or roof mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

5. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Condition C.I of Resolution R-97-2070, Petition CA97-029 which currently states:

The church shall be limited to 600 seats and a total gross enclosed floor area of 10,000 square feet. (DRC: ZONING)

Is hereby amended to read:

The church shall be limited to 600 seats and a total gross enclosed floor area of 9, 126 square feet. The accessory office shall be limited to 2,674 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING)

2. **The minimum setback for all structures shall be forty-five (45) feet from the north property line and seventy-five (75) feet from the south property line.** (DRC: ZONING) (Previously Condition C.2 of Resolution R-97-2070, Petition CA97-029)
3. **The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet.** (BLDG PERMIT: BLDG -Zoning) (Previously Condition C.3 of Resolution R-97-2070, Petition CA97-029)

4. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south property line and shall be confined to the areas designated on the site plan. (DRC /ONGOING: ZONING /CODE ENF) (Previously Condition C.4 of Resolution R-97-2070, Petition CA97-029)**

5. **A maximum of one (1) satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the church or equivalent landscaping materials. The satellite dish shall not be roof mounted. (DRC/BLDG PERMIT: ZONING/BLDG -Zoning) (Previously Condition C.5 of Resolution R-97-2070, Petition CA97-029)**

6. Condition C.6 of Resolution R-97-2070, Petition CA97-029 which currently states:

Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to indicate grassed parking for the-parking spaces west of the existing lake. (DRC:ZONING)

Is hereby deleted. Reason: [current site plan showed grassed parking to the west of the detention area].

7. **The parking spaces west of the existing lake shall be limited to grassed parking only. Proposed grade changes shall be minimal to incorporate existing native vegetation. (DRC: ERM/LANDSCAPE) (Previously Condition C.7 of Resolution R-97-2070, Petition CA97-029)**

D. HEALTH

1. **Petitioner must connect to public water and sewer prior to the issuance of a C. 0. (BLDG: HEALTH/BLDG) (Previously Condition D. 1 of Resolution R-97-2070, Petition CA97-029)**

E. ENGINEERING

1. **Prior to site plan approval by the DRC, petitioner shall submit a final drainage design addressing all minimum County and South Florida Water Management District Drainage criteria. Included in this design shall be an analysis of existing offsite surface flow onto the subject site. The final drainage design shall accommodate all drainage inflow onto this site for the three (3) year twenty-four (24) hour storm. (DRC: ENG) (Previously Condition E. 1 of Resolution R-97-2070, Petition CA97-029)**

2. Condition E.2 of Resolution R-97-2070, Petition CA97-029 which currently states:

The property owner shall fund the cost of the construction of the five laning of Haverhill Road, adjacent to the site, prior to the issuance of the first certificate of occupancy. (CO: ENG)

Is hereby amended to read:

Prior to the issuance of a certificate of occupancy the property owner shall fund the amount of \$27,310 toward the 5 laning of Haverhill adjacent to the site. (CO:MONITORING-ENG)

3. Condition E.3 of Resolution R-97-2070, Petition CA97-029 which currently states:

The petitioner shall provide a law enforcement officer for traffic control for all scheduled services. (ONGOING: CODE ENF)

Is hereby amended to read:

The petitioner shall provide a law enforcement officer for traffic control for all scheduled services and events. (ONGOING: CODE ENF)

F. LANDSCAPING - STANDARD

1. Condition F.1 of Resolution R-97-2070, Petition CA97-029 which currently states:

All canopy 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)

Is hereby amended to read:

Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. Condition F.2 of Resolution R-97-2070, Petition CA97-029 which currently states:

All palms required to be planted on site by this approval, except on individual residential lots, 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)**

Is hereby amended to read:

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;
 - 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)
3. **A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previously Condition F.3 of Resolution R-97-2070, Petition CA97-029)**

G. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINES /ABUTTING RESIDENTIAL)

1. Condition G.I of Resolution R-97-2070, Petition CA97-029 which currently states:

Landscaping and buffering along the north, south and west property lines shall be upgraded to include:

- a. **A minimum ten (10) foot wide landscape buffer strip; and**
- b. **A six (6) foot high opaque concrete wall setback a minimum of five (5) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall not be located within safe sight corners. (CO: LANDSCAPE)**

Is hereby amended to read:

Landscaping and buffering along the north, south and west property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip; and
 - b. A six (6) foot high opaque concrete wall setback a minimum of five (5) feet from the property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. The wall shall not be located within safe sight corners. (CO: LANDSCAPE)
2. **The following landscaping requirements shall be installed on the exterior side of the required wall:**
- a. **One (1) canopy tree planted every twenty (20) feet on center;**
 - b. **One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center; and**

- c. **Thirty (30) 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 forty-eight (48) inches. (CO: LANDSCAPE) (Previously Condition G.2 of Resolution R-97-2070, Petition CA97-029)**

- 3. **Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE) (Previously Condition G.2 of Resolution R-97-2070, Petition CA97-029)**

H. LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING HAVERHILL ROAD)

- 1. Condition H.I of Resolution R-97-2070, Petition CA97-029 which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. **A minimum fifteen (15) foot wide landscape buffer strip;**
- b. **One (1) canopy tree planted every thirty (30) feet on center;**
- c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage; and,**
- d. **Thirty (30) 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)**

Is hereby amended to read:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
- c. one (1) canopy tree planted every thirty (30) feet on center;
- d. one (1) palm or pine tree for each thirty (30) linear feet of frontage; and,
- e. thirty (30) 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. Fifty percent (50%) of the shrub or hedge materials shall be planted on the plateau of the berm. (CO: LANDSCAPE)

I. LIGHTING

- 1. Condition 1.1 of Resolution R-97-2070, Petition CA97-029 which currently states:

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)

Is hereby amended to read:

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. (CO/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.** (CO: BLDG - Zoning) (Previously Condition D.2 of Resolution R-97-2070, Petition CA97-029)
3. **All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding lighting for holiday services and security lighting.** (ONGOING: CODE ENF) (Previously Condition D.3 of Resolution R-97-2070, Petition CA97-029)
4. **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) (Previously Condition D.4 of Resolution R-97-2070, Petition CA97-029)

J. SIGNS

1. Condition J.I of Resolution R-97-2070, Petition CA97-029 which currently states:

All signage, including wall mounted and entrance wall signs, shall be limited as follows:

- a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
- b. **Maximum sign face area per side - 60 square feet;**
- c. **Maximum number of signs - one (1) for Haverhill Road; and,**
- d. **Style - monument style only.** (CO: BLDG)

Is hereby amended to read:

Freestanding point of purchase signs fronting on Haverhill Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - six (60) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. **No off-premise signs or relocated billboards shall be permitted on the site.** (ONGOING/DRC: CODE ENF/ZONING) (Previously Condition J.2 of Resolution R-97-2070, Petition CA97-029)
 3. Wall signs shall be limited to northeast and southeast facades of the church building and shall be limited to twenty-four (24) inches high. (CO: BLDG)

K. USE LIMITATIONS

1. **All services shall be held within the church, except holiday services (i.e. Easter Sunrise service), and the hours of operation shall be limited to 7:00 a.m. - 9:00pm, excluding holiday services. (ONGOING: CODE ENF) (Previously Condition K.1 of Resolution R-97-2070, Petition CA97-029)**
2. **No accessory outdoor temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.). (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING) (Previously Condition K.2 of Resolution R-97-2070, Petition CA97-029)**

L. 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; 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 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) (Previously Condition L.I of Resolution R-97-2070, Petition
CA97-029)