

RESOLUTION NO. R-2002-0142

RESOLUTION APPROVING ZONING PETITION CA2001-025
CLASS A CONDITIONAL USE
PETITION OF AZINTA THOMPSON
BY KEVIN MCGINLEY, AGENT
(CHURCH OF GOD OF PROPHECY)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, 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 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2001-025 was presented to the Board of County Commissioners at a public hearing conducted on January 31, 2002; 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 5, Section 5.8 (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 made 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 11, Adequate Public Facility Standards 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 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 CA2001-025, the petition of Azinta Thompson, by Kevin McGinley, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential High Density (RH) 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 31, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts 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, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masiotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 31, 2002.

Filed with the Clerk of the Board of County Commissioners on 12 day of February, 2002.

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

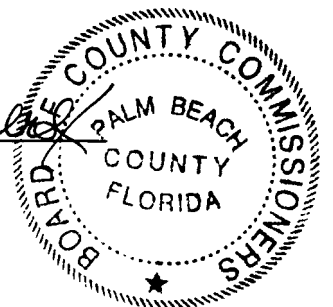


EXHIBIT A

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH RANGE 42 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD WHERE IT INTERSECTS THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AFORESAID; RUN EAST ALONG THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 90 FEET TO THE POINT OF BEGINNING; CONTINUE ON THE SAME COURSE A DISTANCE OF 90 FEET TO A POINT; THENCE RUN SOUTHERLY, PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO A POINT IN A LINE PARALLEL TO AND 185 FEET NORTH OF THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN WEST ON SAID PARALLEL LINE 90 FEET TO A POINT; THENCE RUN NORTHERLY ON A LINE PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO THE POINT OF BEGINNING. LESS THE SOUTH 10 FEET THEREOF FOR ROAD RIGHT-OF-WAY (THE RIGHT-OF-WAY OF HAVERHILL ROAD IS THE WEST 50 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AFORESAID).

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TO TOWNSHIP 43 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD WHERE IT INTERSECTS THE NORTH LINE OF THE SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AFORESAID, RUN EAST ALONG THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 90 FEET; THENCE RUN SOUTH AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 20 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO A POINT IN A LINE PARALLEL TO AND 185 FEET NORTH OF THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN WEST ALONG SAID PARALLEL LINE A DISTANCE OF 20 FEET TO A POINT; THENCE RUN NORTH PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO THE POINT OF BEGINNING (THE RIGHT-OF-WAY OF HAVERHILL ROAD IS THE WEST 50 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AFORESAID.)

TOGETHER WITH:

THE WESTERLY 100 FEET OF THE FOLLOWING TRACT A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25 TOWNSHIP 43 SOUTH, RANGE 42 EAST DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD WHERE IT INTERSECTS THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE

EXHIBIT A

LEGAL DESCRIPTION

42 EAST; THENCE RUN EAST ON THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 190 FEET TO A POINT WHICH IS THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ON THE SAME COURSE 200 FEET TO A POINT; THENCE RUN SOUTH PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO A POINT IN LINE WHICH IS PARALLEL TO AND 185 FEET NORTH OF THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN WESTERLY ON SAID PARALLEL LINE 200 FEET TO A POINT WHICH IS 190 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD; THENCE RUN NORTHERLY PARALLEL TO THE EAST LINE OF HAVERHILL ROAD TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD WHERE IT INTERSECTS THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE RUN EAST ON THE NORTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 190 FEET TO A POINT WHICH IS THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ON THE SAME COURSE 200 FEET TO A POINT; THENCE RUN SOUTH PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO A POINT IN A LINE WHICH IS PARALLEL TO AND 185 FEET NORTH OF THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN WESTERLY ON SAID PARALLEL LINE 200 FEET TO A POINT WHICH IS 190 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD; THENCE RUN NORTHERLY PARALLEL TO THE EAST LINE OF HAVERHILL ROAD TO THE POINT BEGINNING.

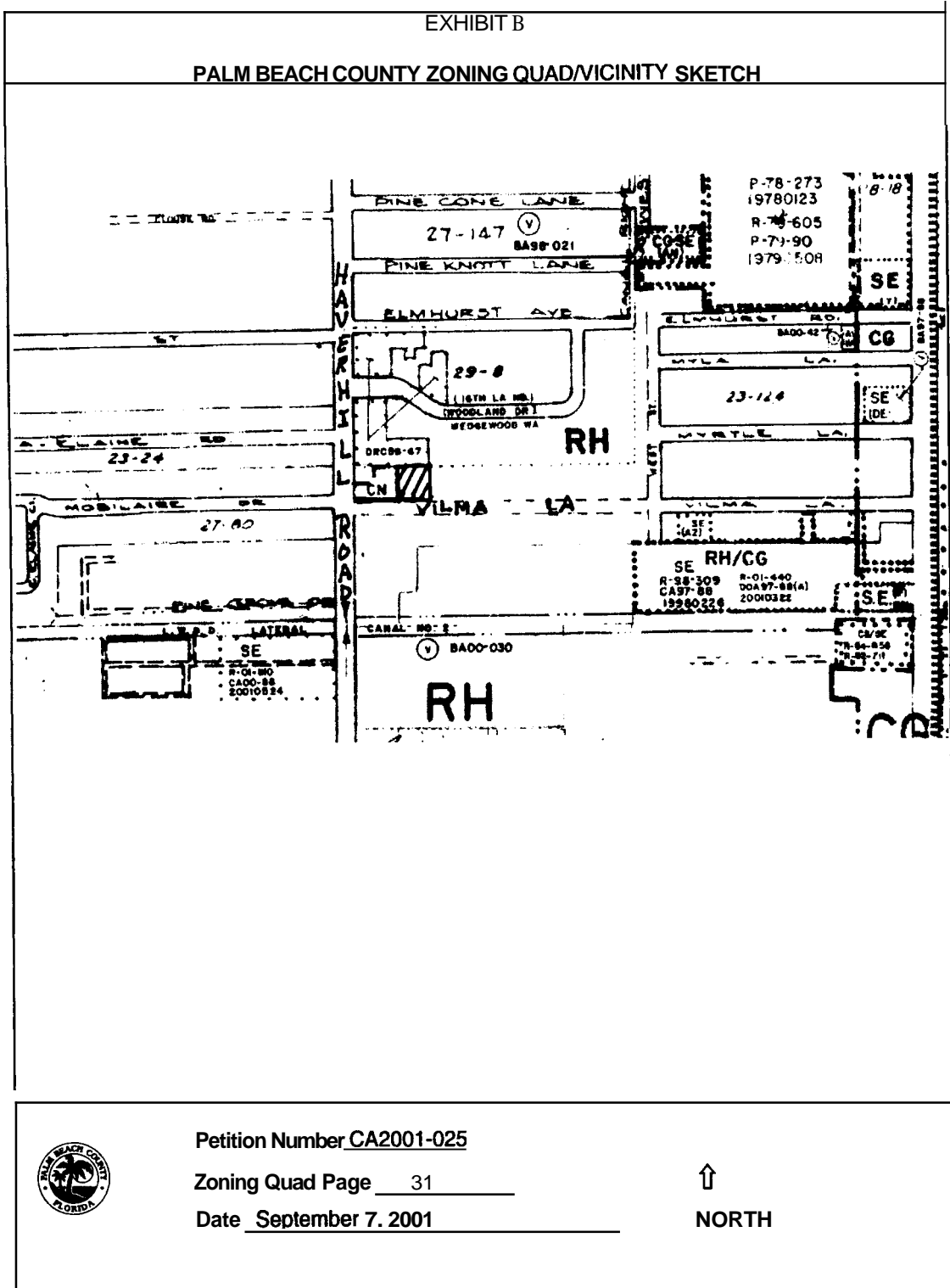
EXCEPTING THEREFROM THE WESTERLY 100 FEET THEREOF PREVIOUSLY CONVEYED TO THEODORE HARRINGTON AND EDNA HARRINGTON, HIS WIFE BY DEED RECORDED IN DEED BOOK 1105, PAGE 625, PALM BEACH COUNTY RECORDS.

TOGETHER WITH:

A PORTION OF THE N 1/2 OF THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD WHERE IT INTERSECTS THE NORTH LINE OF SAID N 1/2 OF THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 AFORESAID; THENCE RUN EAST ALONG THE NORTH LINE OF SAID N 1/2 OF THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 180 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON THE SAME COURSE A DISTANCE OF 10 FEET TO A POINT; THENCE RUN SOUTHERLY, PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO A POINT IN A LINE PARALLEL TO AND 195 FEET NORTH OF THE SOUTH LINE OF SAID N 1/2 OF THE S 1/2 OF THE SW 1/4 OF THE NW 1/4; THENCE RUN WEST ON SAID PARALLEL LINE 10 FEET TO A POINT; THENCE RUN NORTHERLY ON A LINE PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH



Petition Number CA2001-025

Zoning Quad Page 31

Date September 7, 2001



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to Phase I of the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 12, 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)
2. Future development for Phase II (except parking) shall be subject to Board of County Commission approval. (ONGOING: ZONING)

B. ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines listed under Section 6.6.E of the ULDC. Developments shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. 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 thirty (30) feet of all property lines. (DRC/ONGOING: ZONING/CODE ENF)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the Phase I uses and square footages shown on the approved site plan dated July 12, 2001. (DRC: ZONING)

E. ENGINEERING

No Engineering Comments.

F. LANDSCAPING STANDARD

1. Fifty-percent of the canopy trees to be planted in the perimeter buffers shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length. (CO: LANDSCAPE – Zoning)

2. 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); and
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet. (CO: LANDSCAPE – Zoning)
3. All trees, palms and shrub/hedge materials shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
4. A group of three (3) or more pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE – Zoning)
5. All canopy trees to be planted adjacent to an overhead utility easement shall be consistent with FP&L’s tree list suggested in the “Plant the Right Tree in the Right Place” guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (VILMA LANE FRONTAGE)

1. Landscaping along the south property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot right-of-way buffer. No easement encroachment shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) native canopy tree for each twenty (20) linear feet of frontage;
 - d. One palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) small shrub for each two (2) linear feet of property line to be installed at a minimum height of eighteen (18) inches; and
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches.

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub; and
- thirty-six (36) to forty-eight (48) inches – medium shrub. (CO: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG NORTH, EAST AND NORTHWEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping along the north, east and northwest property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. A six (6) foot high opaque wood fence to be installed at top of berm;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted in a staggered manner; and
 - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of ninety (90) feet between clusters. (CO: LANDSCAPE)
2. The following landscaping shall be required on the exterior side of the required fence.

- a. One twenty-four (24) inch high shrub spaced no more than twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)
3. The following landscaping shall be required on the interior side of the required fence:
- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)

All shrub or hedge material shall be planted in overlapping masses consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:

- twenty-four (24) to thirty (30) inches – small shrub; and
- thirty-six (36) to forty-eight (48) inches – medium shrub. (CO: LANDSCAPE – Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be the 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 shall be extinguished no later than 10:30 p.m. on weekdays, and 7:30 p.m. on Saturday and Sunday. (ONGOING: CODE ENF)
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)
4. All outdoor light poles shall not exceed twenty (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)

J. SIGNS

1. Freestanding signs shall be limited as follows:
 - a. Maximum sign height: five (5) feet;
 - b. Maximum sign face area per side: forty-four (44) square feet;
 - c. Maximum number of signs: one (1);
 - d. Style: monument only; and
 - e. Location: Vilma Lane (1). (CO: BLDG)

K. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. weekdays, and 8 a.m. to 7 p.m. on Saturday and Sunday, excluding holiday services. (ONGOING: CODE ENFORCEMENT)
2. No amusements or special events are permitted on site. (ONGOING/SPECIAL PERMIT: CODE ENF - ZONING)
3. Maximum number of seats shall be a total of fifty (50) seats at anytime. (ONGOING: CODE ENF - ZONING)

4. No outdoor speaker systems or amplified music shall be permitted. (ONGOING: CODE ENF)

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; 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 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)