

RESOLUTION APPROVING ZONING PETITION EAC85-72(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF FAMILY WORSHIP CENTER

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 notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC85-72(B) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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 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 **EAC85-72(B)**, the petition of FAMILY WORSHIP CENTER, INC., by: KIERAN KILDAY, AGENT for a DEVELOPMENT ORDER AMENDMENT in the Residential Estate (RE) Zoning District, to add acreage, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on July 29, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

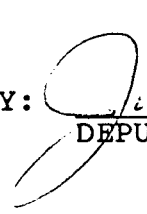
Mary McCarty, Chair	-- Aye
Burt Aaronson	-- Aye
Ken Foster	-- Aye
Maude Ford Lee	-- Absent
Karen T. Marcus	-- Aye
Warren Newell	-- Aye
Carol A. Roberts	-- Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

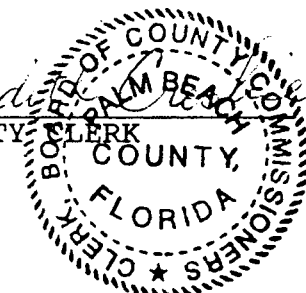


EXHIBIT A

LEGAL DESCRIPTION

PARCEL "A"

A parcel of land in Section 3, Township 44 South, Range 42 East; Palm Beach County, Florida, described as:

Beginning at a point in a line parallel to and 220 feet North of (measured at right angles) the South line of Tract 13, Block 13, PALM BEACH FARMS COMPANY, PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, and said point being 200 feet East of the West line of said Tract 13;
Thence, East on said parallel line 422.40 feet, more or less, to a point in the West right of way line of Jog Road;
Thence, North on said right of way line 220.07 feet, more or less, to a point in a line parallel to and 440 feet North of (measured at right angles) the South line of said Tract 13;
Thence, West on said parallel line 428.07 feet, more or less, to a point 200 feet East of the West line of said Tract 13;
Thence, South parallel to the West line of said Tract 13, a distance of 220 feet to the POINT OF BEGINNING.

TOGETHER WITH

PARCEL "B"

A parcel of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, described as:

Beginning at a point in the South line of Tract 13, Block 13, PALM BEACH FARMS COMPANY, PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, and said point being 200 feet East of the Southwest corner of Tract 13 and running East on the South line of Tract 13 and its Easterly extension a distance of 416.73 feet, more or less, to a point in the West right of way line of Jog Road;
Thence, North along said right of way line 220.07 feet, more or less, to a point in a line parallel to and 220 feet North of (measured at right angles) the South line of said Tract 13;
Thence, West on said parallel line 422.40 feet, more or less, to a point 200 feet East of the West line of said Tract 13;
Thence, South parallel to the West line of said Tract 13, a distance of 220 feet to the POINT OF BEGINNING.

TOGETHER WITH

PARCEL "C"

The North 130.00 feet of the following described parcel:

Tract 24, Block 13, PALM BEACH FARMS COMPANY, PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida; together with that portion of the West 1/2 of Section 3, Township 44 South, Range 42 East, lying Easterly of said Tract 24, Block 13, PALM BEACH FARMS COMPANY, PLAT NO. 3, LESS the Easterly 40 thereof for road purposes.

SUBJECT TO easements, reservation's, restrictions and rights of way of record.

Containing: 6.10 Acres, more or less.

EXHIBIT B
VICINITY SKETCH

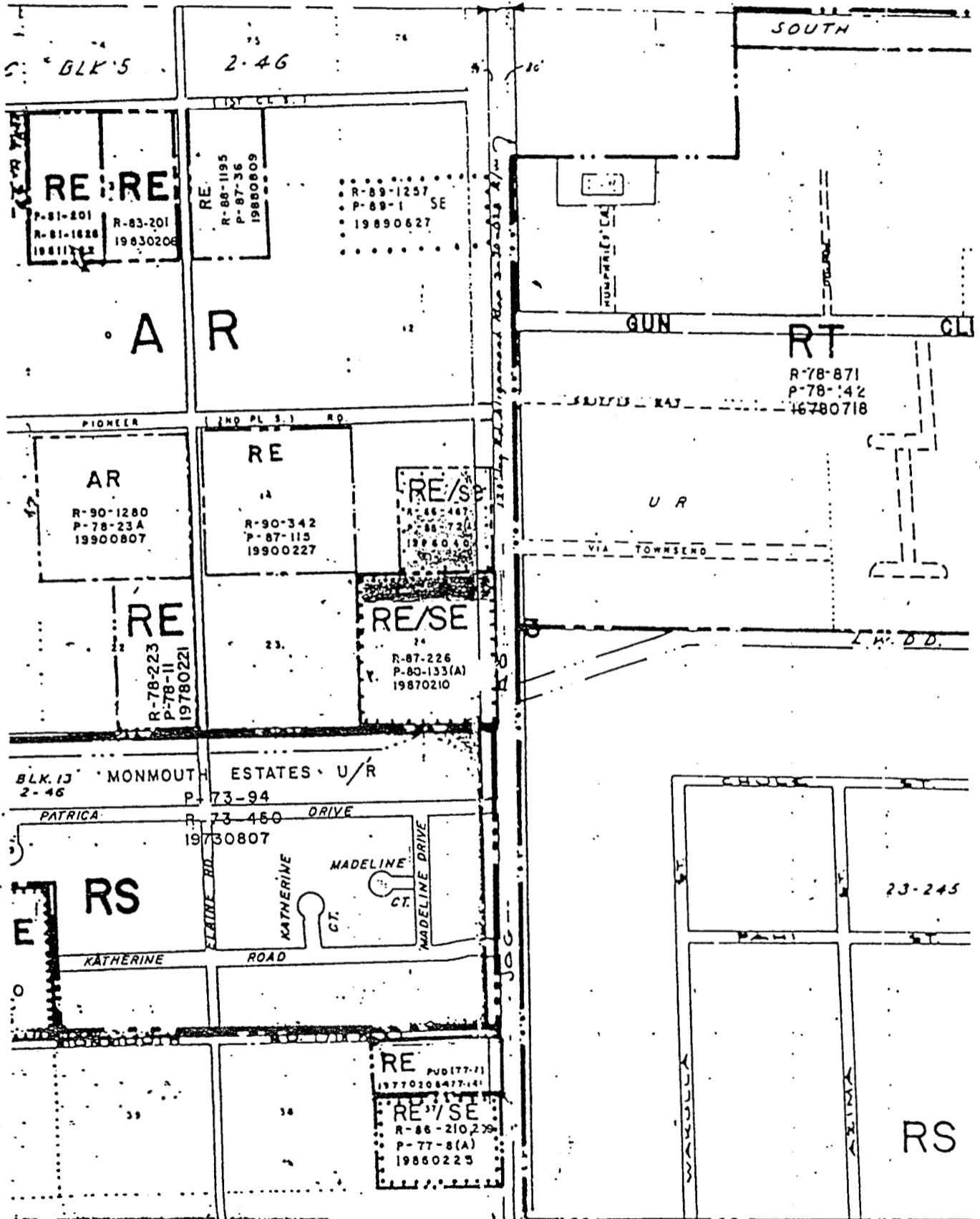


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines for Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)

2. Condition Number of 1 of Resolution R-85-1243, which currently states:

Prior to site plan certification, the site plan shall be amended to include:

- a) The total square footage for all buildings of the special exception including existing, proposed and future development. There shall not be greater than 20% lot coverage;
- b) The areas of tree preservation and method of preservation and method of preservation will be incorporated into the overall design to help maintain existing character and to kuffer surrounding land uses;
- c) Where internal vehicular use areas are located near adjacent properties a 75% opaque landscape kuffer shall be maintained.

Is hereby amended to state:

Prior to site plan certification by the Development Review Committee, the site plan shall be amended to include:

- a. Revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval; and,
 - b. Reflect all previously approved Board of Adjustment variances granted.
3. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (Previously Condition Number 2 of Resolution R-85-1243) (ZRM - Zoning)
4. Prior to obtaining a certificate of occupancy the existing frame buildings shall pass all inspections by the County Building Division. (Previously Condition Number 3 of Resolution R-85-1243) (BUILDING)
5. Condition Number of 4 of Resolution R-85-1243, which currently states:

Prior to site plan certification, variance relief shall be obtained from the Board of Adjustment for substandard side interior and rear setbacks.

Is hereby deleted. (REASON: Variances have been obtained.)

6. Condition Number of 10 of Resolution R-85-1243, which currently states:
- 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.**
- Is hereby deleted. (REASON: Code requirement.)
7. Condition Number of 11 of Resolution R-85-1243, which currently states:
- Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.**
- Is hereby deleted. (REASON: Code requirement.)
8. Condition Number of 12 of Resolution R-85-1243 and Condition Number 2 of Resolution R-86-467, which currently states:
- The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.**
- Is hereby deleted. (REASON: Code requirement.)
9. **Permits shall not be issued for the expansion (Phase II), from 300 seats to 600 seats, until the four laning of Jog Road in this area is complete. (Previously Condition Number 13 of Resolution R-85-1243) (BUILDING - Engineering)**
10. Condition Number 14 of Resolution R-85-1243, which currently states:
- Petitioner shall apply for a grass parking variance from the Board of Adjustment.**
- Is hereby amended to state:
- The petitioner shall apply for a grass parking special permit from the Development Review Committee concurrent with submittal of the site plan for certification. (ZONING)
11. Condition Number 15 of Resolution R-85-1243 as amended by Resolution R-86-467, which currently states:
- The petitioner shall restore the subject fifty (50) buffer with native vegetation consisting of Wax Myrtle, Coco Plum, Saw Palmetto, among other species, acceptable to the Zoning Division. This restoration plan shall be subject to approval by the Site Planning Staff of the Zoning Division.**
- The landscape plan shall be submitted prior to the Board of County Commissioners' meeting.**
- Proposed plantings shall reach a minimum height of 45 feet within two years and shall be maintained in healthy condition a minimum of 6 feet at maturity.**
- Maintenance practices shall be taken in order to successfully stabilize and maintain existing and proposed vegetation.**

The intent of the landscape plan is to restore the noise and visual screen and site character that existed prior to land grubbing activity.

Is hereby amended to state: (Previously) (ZONING)

The petitioner shall restore the subject fifty (50) buffer with native vegetation consisting of Wax Myrtle, Coco Plum, Saw Palmetto, among other species, acceptable to the Zoning Division. This restoration plan shall be subject to approval by the Zoning Division.

The required restoration plan shall be include in the revised landscape plan required to be submitted prior to site plan certification by the Development Review Committee.

All required restoration shall be maintained at a minimum of six (6) feet in height.

The intent of the landscape plan is to restore the noise and visual screen and site character that existed prior to land grubbing activity. (ZONING)

12. **No outdoor sales, revivals, carnivals or bingo shall be conducted on the premises.** (Previously Condition Number 16 of Resolution R-85-1243) (ZONING)
13. **Educational facilities shall not be used for a day-care operation.** (Previously Condition Number 17 of Resolution R-85-1243) (ZONING/CODE ENFORCEMENT)
14. **Petitioner shall comply with Conditions 6, and 15 as amended herein, of the original petition (Petition 85-72), prior to initiation of services in the existing structure. During services, traffic control personnel shall be utilized until the left turn lane required in Condition 6 of Petition 85-72 is installed.** (Previously Condition 3 of Resolution R-86-467)
15. Condition Number 4 of Resolution R-86-467, which currently states:

The new permanent church structure shall be in place and a Certificate of Occupancy issued within six months of initiation of services pursuant to the approval herein granted by the Board of County Commissioner, or such services shall no longer be permitted in the existing building.

Is hereby deleted (REASON: no longer applicable)

B. HEALTH

1. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)
2. Prior to site plan certification by the Development Review Committee, the petitioner shall illustrate the location of the existing septic tank system on the site plan. The plans and specifications required to modify the system, if necessary, must be submitted to the Palm Beach County Health Unit. (HEALTH)

E. ENGINEERING

1. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. (Previously Condition Number 5 of Resolution R-85-1243) (ENGINEERING)
2. 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 be from time to time be amended. Presently The Fair Share Fee for this project is \$1,165.00 for the first phase (300) seats and \$1,165.00 for the second phase (an additional 300 seats). (Previously Condition Number 6 of Resolution R-85-1243) (ENGINEERING)
3. The property owner shall construct a left turn lane south approach on Jog Road at the project's south entrance concurrent with the onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (Previously Condition Number 7 of Resolution R-85-1243) (ENGINEERING)
4. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the issuance of a Building Permit. (Previously Condition Number 8 of Resolution R-85-1243) (ENGINEERING)
5. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Jog Road. (Previously Condition Number 9 of Resolution R-85-1243) (ENGINEERING)