

RESOLUTION APPROVING ZONING PETITION CA97-43  
CLASS A CONDITIONAL USES  
PETITION OF SALVATION ARMY  
BY ROBERT BASEHART, AGENT  
(SALVATION ARMY CHURCH & ASSEMBLY)

**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 CA97-43 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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 CA97-43, the petition of Salvation Army, by Robert Basehart, agent, for a Class A Conditional Use (CA) to allow a Church or place of worship and a Class A Conditional Use for an Assembly, nonprofit institutional in the Residential Single Family (RS) 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair		Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
Karen T. Marcus	--	Absent
<del>M. Lee</del>	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

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**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER, (~~NE 1/4~~), OF THE NORTHEAST ONE-QUARTER, (~~NE 1/4~~), OF THE NORTHEAST ONE-QUARTER, (~~NE 1/4~~), OF SECTION 25, TOWNSHIP # SOUTH, RANGE 42 EAST, PALM BEACH COUNN, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 87'28'34" WEST, ALONG THE NORTH LINE OF SAID SECTION 25, A MSTANCE OF 297.83 FEET; THENCE SOUTH 01'28'48" WEST, ALONG THE EAST LINE OF THE WEST 35.00 FEET OF THE EAST ONE-HALF, (~~E 1/2~~), OF THE SAID ~~NE 1/4~~, OF THE NE 1/4, OF THE ~~NE 1/4~~, OF SECTION 25, A DISTANCE OF 80.01 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY RIGHT-OF-WAY OF LAKE WORTH ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGES 125 THROUGH 138, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, AND THE POINT-OF-BEGINNING:

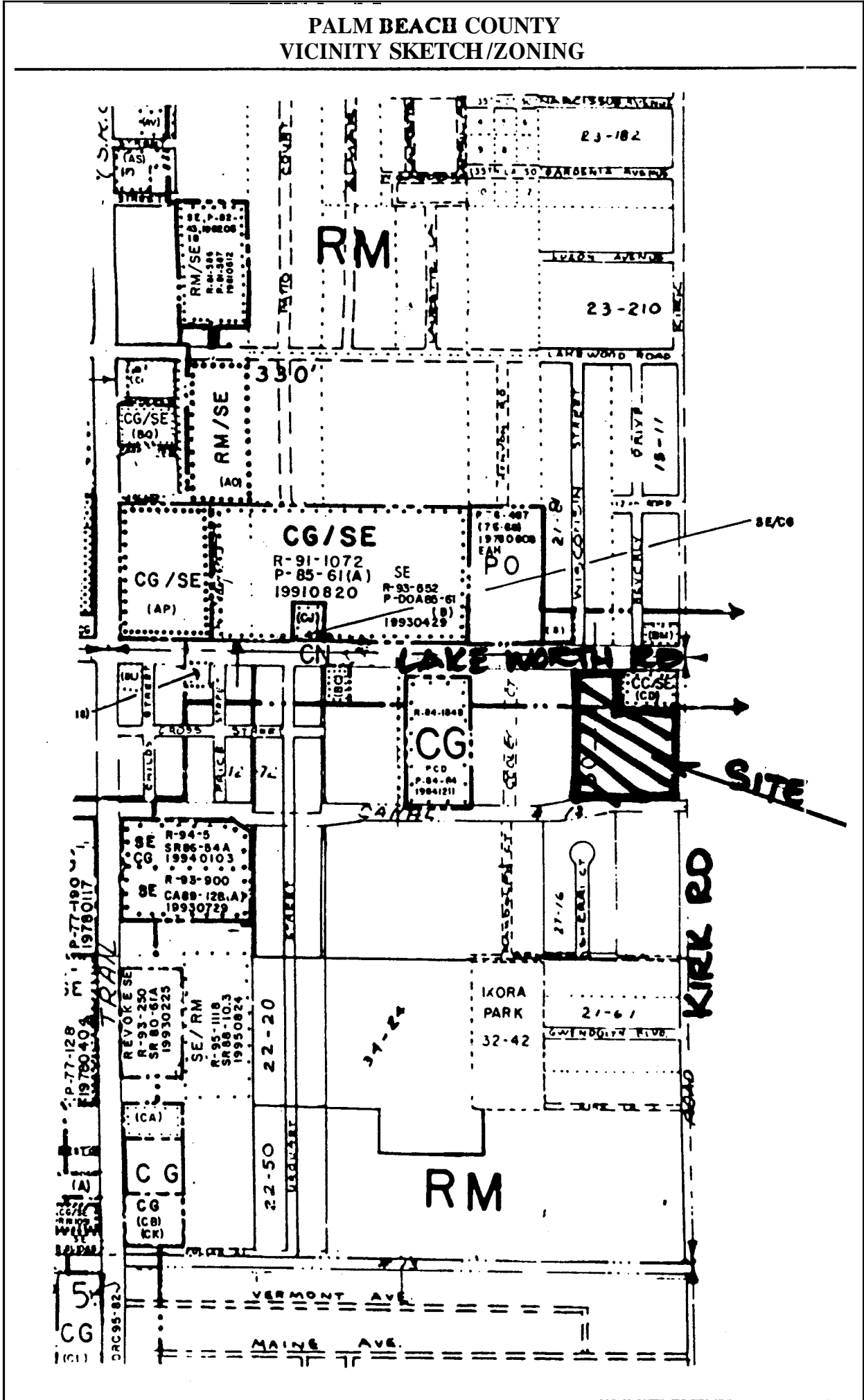
THENCE CONTINUE SOUTH 01'28'48" WEST, ALONG SAID EAST LINE, A DISTANCE OF 150.02 FEET; THENCE SOUTH 87'28'34" EAST, PARALLEL WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 272.83 FEET TO THE INTERSECTION THEREOF WITH THE WESTERLY RIGHT-OF-WAY LINE OF KIRK ROAD; SAID WESTERLY RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 25; THENCE SOUTH 01'28'45" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 404.46 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL NO L-12; SAID NORTHERLY RIGHT-OF-WAY LINE BEING 40.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SOUTH LINE OF THE SAID NE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25 AND ALSO DESCRIBED IN DEED BOOK 1139, PAGE 289, SAID PUBLIC RECORDS; THENCE NORTH 87'22'52" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 422.00 FEET; THENCE SOUTH 82'14'02" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 52.96 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF THE EAST ONE-HALF, (E 1/2), OF THE WEST ONE-HALF, (W 1/2), OF THE NE 1/4, OF THE NE 1/4, OF THE NE 1/4, OF SECTION 25; THENCE NORTH 01'28'50" EAST, ALONG SAID WEST LINE, A DISTANCE OF 565.57 FEET TO THE INTERSECTION THEREOF WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF LAKE WORTH ROAD; SAID SOUTHERLY RIGHT-OF-WAY LINE BEING A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 5729.58 FEET AND A RADIUS POINT THAT BEARS NORTH 04'08'50" EAST; THENCE EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01'37'24", A DISTANCE OF 164.03 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87'28'34" EAST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 37.46 FEET TO THE POINT-OF-BEGINNING.

**CONTAINING: 5.10 ACRES MORE OR LESS.**

**SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAY OF RECORD,**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 97-43  
 Zoning Quad Page \_\_\_\_\_  
 Date: 4/16/97



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. **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 July 18, 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)**

#### B. ARCHITECTURAL CONTROL

1. **All buildings and structures shall be designed and constructed to be compatible with the general architectural character of the surrounding residential areas. (BLDG PERMIT: BLDG-Zoning)**
2. **Similar architectural character and treatment 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)**
4. **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)**

#### C. BUILDING AND SITE DESIGN

1. **The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: RLDG - Zoning)**
2. **Proposed buildings and uses on the property are limited to the following:**
  - a. **A maximum of 12,000 square feet Or enclosed building floor area and 396 seats for the church building;**
  - b. **A maximum of 17,000 square feet of enclosed building floor area and 468 seats for the assembly building;**
  - c. **A maximum of 8,000 square feet of enclosed building floor area, within the assembly building, may be used for a gymnasium; and,**
  - d. **A maximum of 23,860 square feet of outdoor play field. (BLDG PERMIT: BLDG - Zoning)**
3. **The minimum building setbacks for all structures Shall be 90' from the south property line and 75' from the west property line. (DRC: ZONING)**
4. **The minimum setback for the outdoor play field and accessory recreational equipments and structures shall be 80' from the south property line and 75' from the west property line. (DRC: ZONING)**

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 principle **structures or** equivalent landscaping materials. The antenna shall **not be roof mounted**. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

**D. LANDSCAPING - STANDARD**

1. **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)
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 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)
3. A group of **three or more** palm or pine trees may not **superseide** the **requirement for** a perimeter canopy tree *in that location*. (CO: LANDSCAPE - Zoning)

**E. ENGINEERING**

1. The **property owner** shall convey to Palm Beach County **Land Development Division** by road right-of-way **warranty deed** for:
  - a) **Lake Worth Road, 76 feet from centerline and**
  - b) **Kirk Road, 54.5 feet from centerline**

This additional **right of way** shall be dedicated **prior** to **September 1, 1998 or prior to the issuance of the** first Building Permit whichever shall first occur. Right of way conveyance shall in accordance with Palm Beach County's **Typical Expanded Intersection Detail** and shall be **free** of all **encumbrances and encroachments**. The developer 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 "Corner Clips" where **appropriate** as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

2. Prior to issuance of a building permit the property owner shall convey a **temporary** roadway construction easement along Kirk Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

3. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

A Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Lake Worth Road abutting Florida Department of Transportation Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the south property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. A six (6) foot high opaque prefabricated concrete wall setback a minimum of eight (8) feet from the south property line. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)

2. The following landscaping requirements shall **be** installed ~~on~~ the exterior side of the required wall and **shall** not encroach into the LWDD easement:
  - 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)
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)

**G. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING MOBIL HOME PARK)**

1. Landscaping and buffering along the south property line **shall be** upgraded to include:
  - a. A minimum five (5) foot wide landscape **buffer strip**; and,
  - b. A six (6) foot high opaque prefabricated concrete wall, set back a minimum of three (3) feet from the west property line. The exterior side of the wall **shall be** given a finished architectural treatment **which** is **compatible** and harmonious with abutting development. (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 (30) 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)

**H. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING LAKE WORTH AND KIRK ROADS)**

1. Landscaping and buffering along the north and the 404' portion of the east property line shall **be** upgraded to include:
  - a. A minimum **fifteen (15)** foot wide landscape **buffer strip**; **and**,
  - 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)
2. Landscaping **and** buffering along the 150' and 272 portions of the east property line ~~the~~ **abutting** nonresidential zoning district (Salvation Army Thrift Store) shall **be** upgraded to include:



- a. A minimum ten (10) foot wide landscape buffer strip along the 272' portion and five (5) foot wide landscape buffer strip along 150' portion; and,
- b. One (1) canopy tree planted every (20) 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 thirty-six (36) inches. (CO: LANDSCAPE)

#### I. LIGHTING

1. 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)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 9:00 p.m. excluding security lighting only. (ONGOING: CODE ENF)
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)

#### J. MASS TRANSIT

1. prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

#### K. SIGNS

1. All signage, including wall signs, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet on Kirk Road and ten (10) feet on Lake Worth Road;
  - b. Maximum sign face area per side - 60 square feet for Kirk Road and 100 square feet for Lake Worth Road;
  - c. Maximum number of signs - one (1) for Kirk Road and (1) for Lake Worth Road; 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)

L. USE LIMITATION

1. Hours of operation for all uses shall be limited to the following:
  - a. **Indoor:** 7:00 a.m. - 9:00 p.m. Sunday through Thursday  
7:00 a.m. - 10:00 p.m. Friday through Saturday; and,
  - b. **Outdoor:** 8:00 a.m. - 9:00 p.m. (ONGOING: CODE ENF)
2. The gymnasium shall not be advertised, converted, leased ~~or~~ sold as a commercial fitness center. (ONGOING: CODE ENF)
3. No overnight accommodations for the public ~~or~~ employees. Any future caretaker ~~or~~ priest/minister/church official's residence shall be within the approved building footprint, shall be limited to a maximum of 1,000 square feet and shall comply with all ULDC provisions. (ONGOING: CODE ENF)
4. The use of the 17,000 square foot Assembly/Gymnasium Building is limited to social and recreation functions sponsored by the Salvation Army church in conjunction with other public or non-profit institutions. These are limited to dances, wedding receptions, banquets, arts and crafts activities and card games (excluding bingo). No employee training conferences or seminars, limited or general day cares, soup kitchens, medical services ~~or~~ alcohol/drug-related treatment or counseling uses shall be permitted. (ONGOING: CODE ENF)
5. Outdoor events shall be limited to three (3) events per year. (ONGOING: CODE ENF)

M. COMPLIANCE

1. Failure to comply with any of the conditions of approval ~~or~~ violation of any condition of approval for the subject property at any time shall result in the petition being brought back to the Board of County Commissioners to consider the following:
  - 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 an) 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.

**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)**