

RESOLUTION NO. R-99-2065

RESOLUTION APPROVING ZONING PETITION CA99-045  
CLASS A CONDITIONAL USE  
PETITION OF GATEWAY COMMUNITY CHURCH  
BY MARK SEACH, AGENT  
(GATEWAY COMMUNITY 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, 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 CA99-045 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 1999; 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 CA99-045, the petition of Gateway Community Church, by Mark Seach, agent, for a Class A Conditional Use (CA) to allow a church or place of worship 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 28, 1999, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

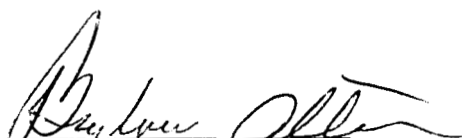
The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 1999.

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

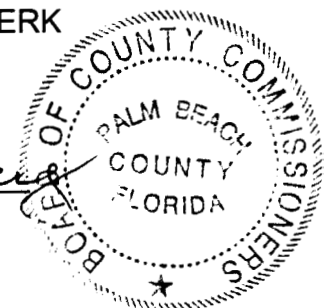


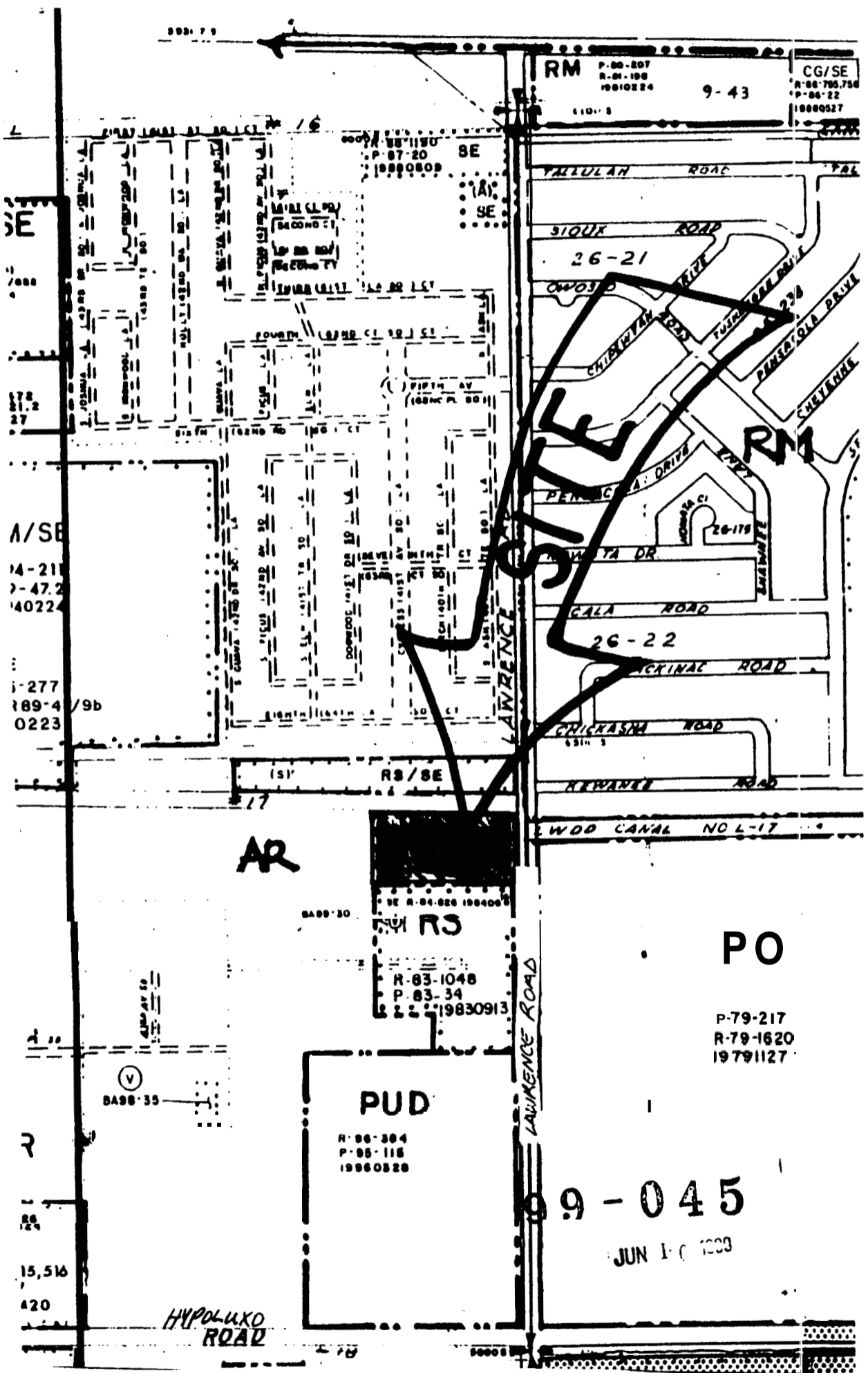
EXHIBIT A  
LEGAL DESCRIPTION

BEING THAT PORTION OF THE NORTHEAST ONE QUARTER (NE ¼) OF THE NORTHEAST ONE QUARTER (NE ¼) OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LYING SOUTH OF THE REQUIRED RIGHT OF WAY (R.O.W.) OF LAKE WORTH DRAINAGE DISTRICT LATERAL L-17, AS SHOWN ON SHEET 58 OF 240 OF THE LAKE WORTH DRAINAGE DISTRICT RIGHT OF WAY MAPS ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY AND BEING PART OF THE RECORDS RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612 PALM BEACH COUNTY RECORDS; LESS THE SOUTH 96.29 FEET THEREOF, AND LESS THE EAST 40 THEREOF FOR THE RIGHT OF WAY OF LAWRENCE ROAD.

THE ABOVE DESCRIBED PARCEL CONTAINS 5.206 ACRES (DEED), 5.308 ACRES (CALCULATED)

EXHIBIT B  
VICINITY SKETCH

# ATLANTIS



## 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. 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 August 26, 1999. 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. Similar architectural character and treatment, including but not limited to color, material, architectural details, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. The proposed buildings shall be designed and constructed to be consistent with the color rendering by Raymond Berry Architects dated October 7, 1999. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 20,000 square feet supporting the uses below:
  - a. Phase 1 - 6,500 square foot building (~~3,500~~ square feet of Sunday School and 3,000 square foot of Fellowship Hall/temporary Sanctuary uses); and,
  - b. Phase 2 - 10,000 square foot permanent Sanctuary building and a 3,500 square foot Sunday School expansion.

Subject to the Development Review Committee approval, expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less. (DRC BLDG PERMIT: ZONING/BLDG/ZONING)

2. The minimum setback for all structures adjacent to the west and south property lines shall be fifty (50) feet. (DRC BLDG PERMIT: ZONING/BLDG/ZONING)
3. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes, shall be limited to the following:
  - a. Thirty-five (~~35~~) feet for all buildings except 10,000 square foot Sanctuary building in Phase 2. Decorative unoccupied architectural design elements which are not the major component of the roofing system (i.e. spires, belfries, etc.) may exceed this height requirement up to an overall building height of forty-five (45) feet. All heights shall be measured from finished grade to highest point;
  - b. Building height and roof design of the 10,000 square foot Sanctuary building in Phase 2 shall be limited to the building height detail dated October 7, 1999. (BLDG PERMIT: BLDG - Zoning)

4. All roof mounted air conditioning and mechanical equipment shall be screened from view on all sides by the roof treatment (i.e. pitched roof, cupola, etc.). (BLDG PERMIT: BLDG - Zoning)
5. All ground mounted 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 principal structure or equivalent landscape material. (CO: BLDG - Zoning)
6. The minimum setback for the outdoor playfield and all accessory recreational equipment shall be one hundred (**100**) feet from the west and south property lines. (DRC: ZONING)
7. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall be relocated along the north property line and setback a minimum of one hundred and fifty (**150**) feet from the west property line. (DRC/ONGOING: ZONING/CODE ENF)
8. The parking spaces adjacent to perimeter buffer areas shall be limited to grassed parking. (DRC: 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: Twelve (**12**) feet;
  - b. Trunk diameter: 2.5 inches measured 3 feet above grade;
  - c. Canopy diameter: Six (6) 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 feet in length; and,
  - 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;
  - 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 (3) or more palm or pine trees may not supersede the requirement for perimeter canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. The Property owner shall restripe the existing pavement marking to provide for a left turn lane south approach on Lawrence Road at the project entrance road.
  - A) Pavement marking restriping shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner.

- B) Permits required by Palm Beach County for pavement marking restriping shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring - Eng)
  - C) Pavement marking restriping shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
2. Prior to the issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lawrence 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)

F. LANDSCAPING - INTERIOR

- 1. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum width of this median shall be six (6) feet. The minimum length of this median shall be twenty five (25) feet. A minimum width of five (5) feet of landscaped area shall be provided. One canopy or a cluster of three palms or pine trees and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC: ZONING)
- 2. Landscaped terminal islands and curbing shall be provided on both sides of each row of parking and be delineated from proposed sidewalks. The size and landscape materials within these islands shall be pursuant to Sections 7.2 and 7.3 of the ULDC. (DRC/BLDG PERMIT: ZONING/MONITORING - Landscape)
- 3. In addition to the ULDC length requirement, foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
  - a. The minimum width of the required landscape areas shall be eight (8) feet; and,
  - b. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE)

G. LANDSCAPING ALONG WEST AND SOUTH PROPERTY LINES (ADJACENT TO RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A two (2) foot high continuous berm, measured from finished grade;
  - c. A five (5) foot high black or green vinyl coated chain link fence located a minimum of five (5) feet from the south property line;
  - d. One (1) canopy tree planted every thirty (30) feet on center;
  - e. One (1) additional palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and,

- f. Forty-eight(48) 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 and located on the exterior side of the required fence. (CO: LANDSCAPE)
2. Landscaping and buffering along the south property line shall be upgraded to include:
- a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A two (2) foot high continuous berm, measured from finished grade;
  - c. A five (5) foot high black or green vinyl coated chain link fence located at the plateau of the berm;
  - d. One (1) canopy tree planted every thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
  - e. One (1) additional palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet between clusters; and,
  - f. Forty-eight(48) 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 and located on the exterior side of the required fence. (CO: LANDSCAPE)

H. LANDSCAPING ALONG EAST PROPERTY LINE (ADJACENT TO LAWRENCE ROAD)

- Landscaping and buffering along the east property line shall be upgraded to include:
- a. A minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
  - b. One (1) medium canopy tree planted every thirty (30) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
  - c. One (1) additional palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; 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)

I. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, 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 five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
- 3. All outdoor lighting shall be extinguished no later than 9:30 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. SIGNS

1. Freestanding signs, including point of purchase, entrance wall sign, and directional signs, fronting on Lawrence Road shall be limited as follow::
  - a. Maximum sign height, measured from finished grade to highest point - Six (6) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - One (1);
  - d. Location - Clear of all safe sight corners and site lines and within thirty (30) feet of the entrance or exit driveways; and,
  - e. Style - Monument style only. (CO: BLDG)
2. No advertising flags, foreign flags, pennants, streamers, balloons, objects, gimmicks or similar signs designed to attract the attention of the general public shall be permitted outdoors on any building, vehicle or wall. (ONGOING: CODE ENF - Zoning)

K. USE LIMITATION

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m. daily, excluding holiday services. (ONGOING: CODE ENF)
2. Accessory outdoor uses shall be setback a minimum of 100 feet from all perimeter property lines and limited to the following:
  - a. 8:00 a.m. - 8:00 p.m. Monday through Thursday, 9:30 a.m. - 8:00 p.m. Friday through Sunday;
  - b. Temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.), shall be limited to a maximum of two (2) events per year; and,
  - c. Outdoor temporary amusements or special events shall be limited to a maximum of two (2) events per year. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)
3. No overnight accommodations for the public or employees. (ONGOING: CODE ENF)
4. The site shall be limited to a maximum of 600 seats at any one time. Simultaneous use of all facilities on site shall not exceed the 600 seat total. (BLDG PERMIT/ONGOING: BUILDING/ZONING/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 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)