

RESOLUTION NO. R-99- 2249

RESOLUTION APPROVING ZONING PETITION CA99-049
CLASS A CONDITIONAL USE
PETITION OF CELEBRATION COMMUNITY CHURCH
BY CHUCK MILLAR, AGENT
(CELEBRATION 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 CA99-049 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 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 CA99-049, the petition of Celebration Community Church, by Chuck Millar, agent, for a Class A Conditional Use to allow a church or place of worship in the Residential Transitional Suburban (RTS) 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 December 2, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

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

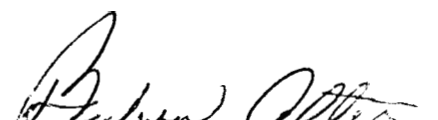
The Chair thereupon declared that the resolution was duly passed and adopted on December 2, 1999.

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

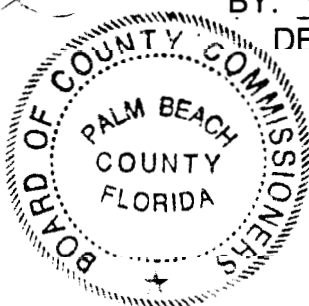


EXHIBIT A
LEGAL DESCRIPTION

THE EASTERLY ONE-HALF(1/2) OF TRACT 9 AND THE WESTERLY ONE-HALF(1/2) OF TRACT 10,BLOCK 1,THE PALM BEACH FARMS COMPANY PLAT NO. 9, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 32 FEET THEREOF.

EXHIBIT B
VICINITY SKETCH

OKEECHOBEE BLVD.

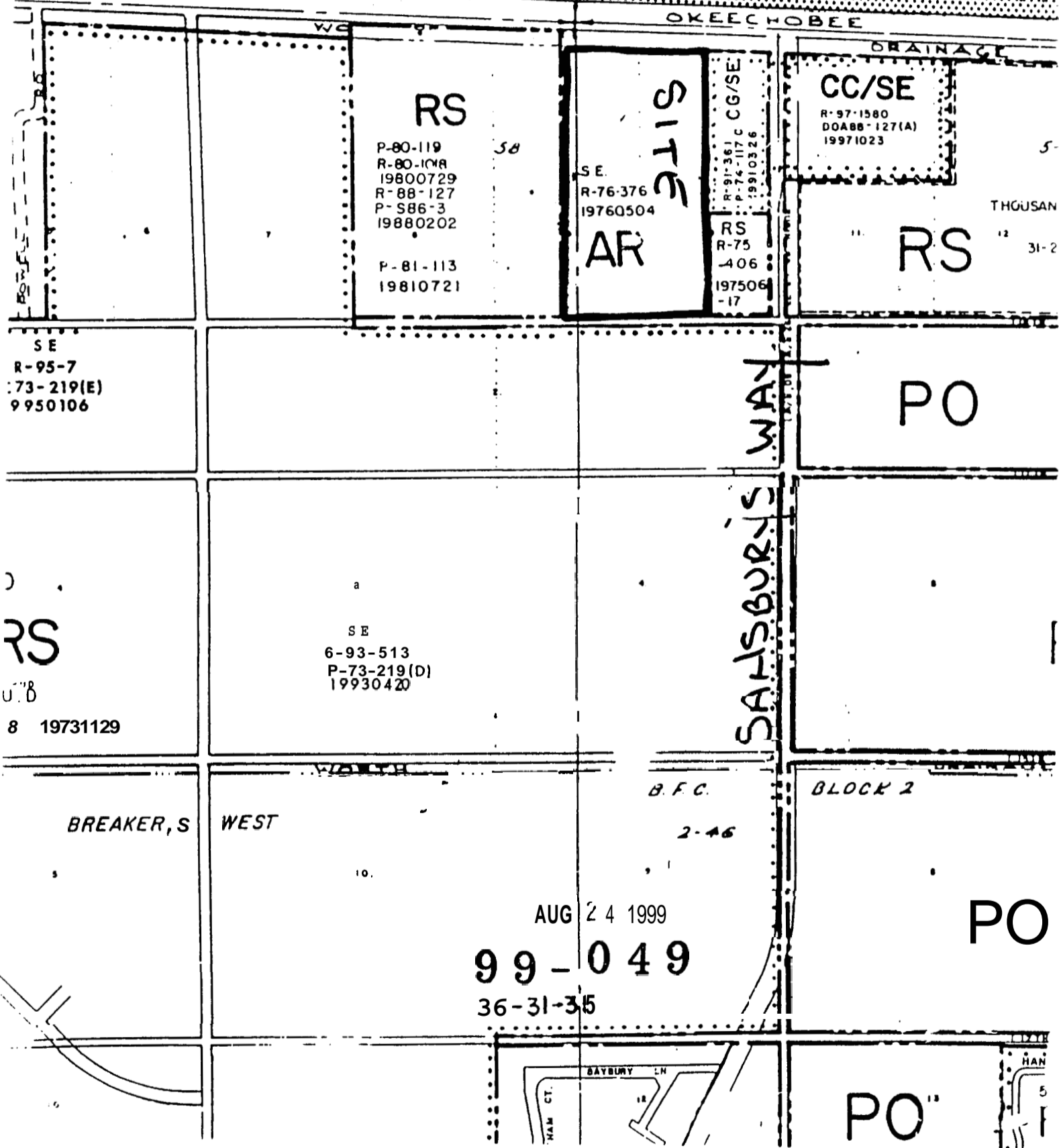


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Resolution R-76-376, granting approval of Petition 76-50, is hereby revoked. (MONITORING)
2. 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 November 15, 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. BUILDING AND SITE DESIGN

1. The church sanctuary shall be limited to a maximum of 500 seats. (DRC: ZONING)
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC: ZONING)
3. An amphitheater, outdoor seating, or similar facility is not permitted. (DRC: ZONING/ BLDG)
4. A pedestrian/bicycle cross-access easement shall remain located adjacent to the parcel to the west. (DRC: PLANNING)

C. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING OKEECHOBEE BOULEVARD)

1. Landscaping and buffering along the north property line on the east side of the access way shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip;
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center;
 - d. 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; A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees in that location; 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. (CO: LANDSCAPE)

D. LANDSCAPING ALONG SOUTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum thirty (30) foot wide landscape buffer strip;

- b. A six (6) foot high wood fence installed on the interior of the buffer. The fence shall extend along the west 250 of the south property line to screen the athletic field from the south property line. (CO: LANDSCAPE)
- 2. The following landscaping requirements shall be installed on the exterior side of the required fence, and along the south property line;
 - a. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet between clusters;
 - b. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, and,
 - c. Thirty (30) inch high shrub or hedge material, or native understory, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches;
 - d. The natural area located along the east 370 feet of the south property line shall include a twenty-four (24) inch high shrub, hedge material, or native understory, spaced no more than twenty-four (24) inches on center at installation, and be maintained at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE)
- 3. Along the interior side of the required fence, 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)
- 4. The developer shall preserve existing significant vegetation wherever possible on site, and shall incorporate said vegetation into the project design, buffer area and natural area on the southeast portion of the site. (CO: LANDSCAPE)
- 5. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. The Property owner shall construct a right turn lane west approach on Okeechobee Boulevard at the project entrance road.
 - a. This construction 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. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF OKEECHOBEE BOULEVARD

- 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 Okeechobee Boulevard Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. 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 landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing 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 materials shall be installed prior to issuance of a certificate of occupancy. (CO: MONITORING-Eng)
 - c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng)
3. Prior to issuance of a building permit, the developer shall replat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

F LANDSCAPING ALONG EAST PROPERTY LINE

1. Landscaping and buffering along the south 350 feet of the east property line shall include:
 - a. A minimum thirty (30) foot wide landscape buffer strip;

- b. One (1) canopy tree for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet between clusters;
 - c. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, 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;
 - e. The natural area located along the south 240 feet of the east property line shall include a twenty-four (24) inch high shrub, hedge material, or native understory, spaced no more than twenty-four (24) inches on center at installation, and be maintained at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE)
2. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning) (CO: LANDSCAPE)
 3. Landscaping and buffering along the remaining north portion of the east property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum fifty (50) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - c. One (1) additional palm for each twenty-five (25) linear feet of property line 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)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. One (1) canopy tree for each twenty-five (25) linear feet of frontage with a maximum spacing of thirty (30) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for a canopy tree in that location. A maximum fifty (50) percent of the required canopy trees within the buffer may be replaced by the palm or pine tree clusters;
 - c. One (1) additional palm for each twenty-five (25) linear feet of property line 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)
2. The above requirements may be exempted to accommodate the wetland area along the north 340 feet of the west property line as indicated on the site plan dated November 15, 1999. (CO: LANDSCAPE)

H. 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 and shall be setback a minimum of seventy (70) feet from the east and west property lines. (CO: BLDG-Zoning)
3. No lighting or night time events shall be permitted for the athletic fields. (CO/ONGOING: BLDG/CODE ENF - Zoning)

I. NATIVE VEGETATION

1. The wetland area adjacent to Okeechobee Boulevard on the northwest portion of the site shall be a minimum of 2.9 acres. (DRC: ERM)
2. The developer shall preserve existing significant vegetation wherever possible on site, and shall incorporate said vegetation into the project design and buffer area. Appropriate measures shall also be taken to protect these areas during site clearing and construction. (ERM)
3. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (CO: LANDSCAPE - Zoning)
4. Prior to final site plan approval by the DRC, the petitioner shall provide a phased removal of exotic species and approved vegetation replacement schedule. The schedule shall address existing vegetation on the south and east portion of the site in accordance with a vegetation permit and landscape plan as approved by ERM and PBC Zoning Division. (DRC: ERM/LANDSCAPE - Zoning)

J. SIGNS

1. Freestanding sign fronting on Okeechobee Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

K. 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)