

RESOLUTION NO. R-2006- 1209

RESOLUTION APPROVING ZONING APPLICATION CA2005-1461
(CONTROL NO. 2005-508)
CLASS A CONDITIONAL USE
PETITION OF SANDY COSTELLO
BY LAND RESEARCH MANAGEMENT, INC., AGENT
(PALM BEACH CHINESE CHRISTIAN CHAPEL)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2005-1461 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; 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 2.E (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 has considered the findings in the staff report and 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 4.B, 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 2.F, Concurrency 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 2 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 Application CA2005-1461, the petition of Sandy Costello, by Land Research Management, Inc., agent, for a Class A Conditional Use to allow a place of worship in the Residential Transitional 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 June 22, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons 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:

Tony Masilotti, Chair	-	Absent
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.


Filed with the Clerk of the Board of County Commissioners on 11th day of July, 2006

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER
BY: 
DEPUTY CLERK

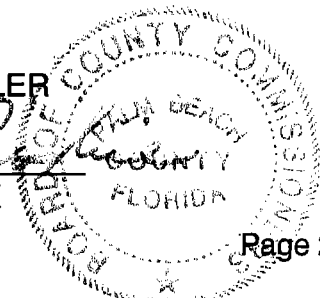
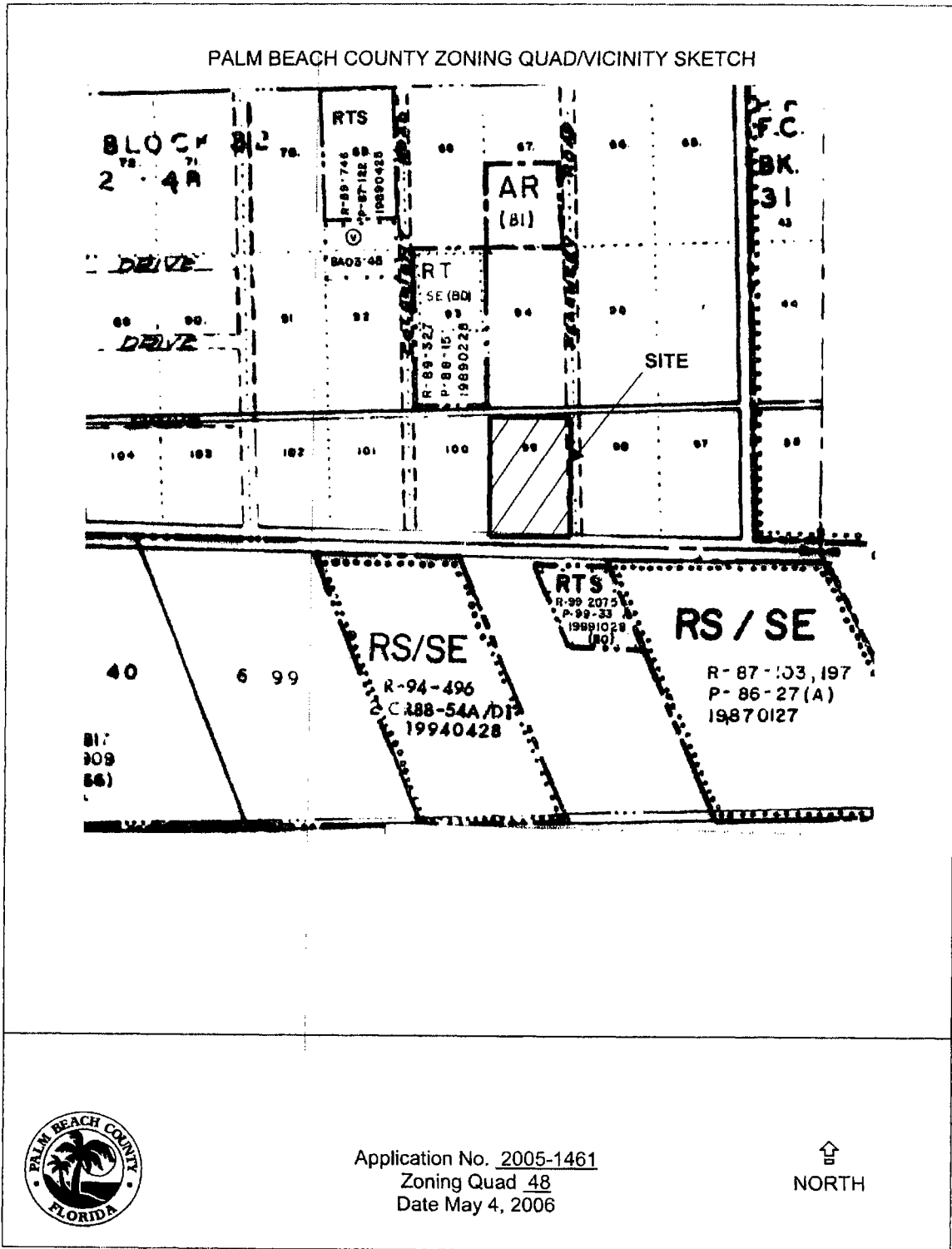


EXHIBIT A
LEGAL DESCRIPTION

TRACT 99, BLOCK 32, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, LYING NORTH OF THE RIGHTS OF WAY FOR LANTANA ROAD IN DEED BOOK 1023, PAGE 170 AND THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 6589, PAGE 1725, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS THE EAST 20 FEET OF SAID TRACT 99 AS CONVEYED FOR ROAD RIGHT-OF-WAY PURPOSES FOR FEARNLEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1872, PAGE 693.

EXHIBIT B

VICINITY SKETCH



Application No. 2005-1461
Zoning Quad 48
Date May 4, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated February 21, 2006. 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 - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for all buildings shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of all buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. Landscape Within the Median of Lantana Road
 - a. The applicant shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by applicant shall be perpetually maintained by the applicant, his successors and assigns, without recourse to Palm Beach County, unless applicant provides payment for maintenance as set forth in Paragraph d below.
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
 - c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
 - d. At applicant's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the applicant installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the applicant. The applicant shall first

be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Applicant.

- e. Alternately, at the option of the applicant, and prior to the issuance of a Building Permit, the applicant may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG PERMIT: MONITORING-Eng)
2. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after May 25, 2009 . A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
 3. The Property owner shall construct:
 - a. left turn lane north approach on Fearnley Drive at Lantana Road;
 - b. 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;
 - c. permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit; and, (BLDG PERMIT: MONITORING-Eng)
 - d. construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
 4. The Property owner shall fund 55% of the cost of design, construction, and construction administration of a left turn lane north approach on Fearnley Drive at Lantana Road.
 - a. funding of this construction shall be completed prior to the issuance of the first Certificate of Occupancy, and shall be based upon a certified cost estimate by the Property Owner's Engineer and approved by the County Engineer. (CO: MONITORING-Eng)

ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan dated February 21, 2006 to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING: ERM – ERM)

ZONING – LANDSCAPING - STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE – Zoning)
2. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
3. A minimum of seventy (70) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
 - a. tree height: fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
4. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE – Zoning)
5. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE – Zoning)
6. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
 - a. prior to final approval by the Development Review Officer (DRO), documentation that demonstrates native preserve area vegetation will meet or exceed the screening provided by required perimeter landscaping shall be submitted to the Landscape Section for review and approval; and,
 - b. additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (DRO: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. In addition to the code requirements, landscaping along the north and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. a continuous two (2) foot high berm;
 - c. a six (6) foot high black vinyl-coated chain link fence to be installed at the plateau of the berm;

- d. a six (6) foot high hedge to be installed on the interior side of the fence. Hedge to be maintained at a six (6) foot high in perpetuity; and,
- e. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point and maintain a setback of forty (40) feet from the north and west property lines. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding security lighting and periodic events and functions only. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding signs fronting on Lantana Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - seven (7) feet;
 - b. maximum sign face area per side fifty six (56) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. sign content shall be limited to tenants and service only. (BLDG PERMIT: BLDG - Zoning)
2. Freestanding sign fronting on Fearnley Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. maximum sign face area per side thirty (30) square feet;
 - c. maximum number of signs - one (1); and,
 - d. style - monument style only; and,
 - e. sign content shall be limited to tenants and service only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. No parking shall be permitted in the detention areas or landscape buffers. This condition shall also be applicable to special events and temporary sales pursuant to Use Limitations Condition 2. (ONGOING: CODE ENF - Zoning)
2. Temporary sales shall be located with a minimum setback of one hundred (100) feet from the north and west property lines. Setbacks for Special Events shall be subject to the ULDC requirements. No circuses, carnivals or tent revivals shall be permitted. (ONGOING: CODE ENF - Zoning)
3. Outdoor speaker or public address systems shall be permitted during temporary sales, special events, picnics and holiday services only. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

4. Uses such a day care, school, retreat site, camp, congregate living facility, and community center shall be prohibited. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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. (ONGOING: MONITORING - Zoning)

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 Article 2.E 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. (ONGOING: MONITORING - Zoning)