

RESOLUTION NO.ZR-96-01

RESOLUTION APPROVING ZONING PETITION CB95-89  
CLASS B CONDITIONAL USE  
PETITION OF IMMANUEL MISSION CHURCH  
BY KEVIN MCGINLEY, AGENT

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B 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 CB95-89 was presented to the Zoning Commission at a public hearing conducted on March 18, 1996; and

WHEREAS, the Zoning Commission 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 Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B 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 B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, 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 Class B 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 B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency exception/reservation and therefore complies with Art. 11, Adequate Public Facility Standards.

9. This Class B 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 B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB95-89, the petition of Immanuel Mission Church for a Class B Conditional Use (CB) to allow a church or place of worship 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 March 18, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foley moved for the approval of the Resolution.

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

Frank Barbieri, Chair	--	Absent
Sherry Hyman, Vice Chair	--	Aye
Peter Carney	--	Absent
Kevin Foley	--	Aye
Mikel Jones	--	Absent
Allan Kaplan	--	Aye
William Anderson	--	Aye
Jeff Phipps, at large	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on March 18, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

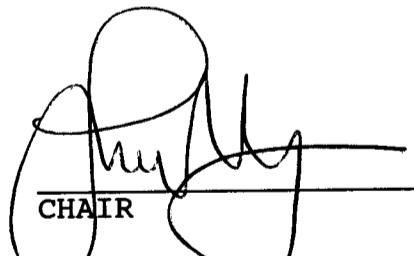
  
CHAIR

EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION  
IMMANUEL MISSION CHURCH

LOTS **21** THROUGH 30 AND 54 THROUGH 57, BLOCK 34, **WESTGATE** ESTATES,  
(NORTHERN SECTION), ACCORDING TO THE PLAT THEREOF ON FILE IN  
THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 38.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS  
OF WAY OF RECORD.

CONTAINING **40,684.7** SQ. FT. OR 0.93 ACRES

EXHIBIT B  
VICINITY SKETCH

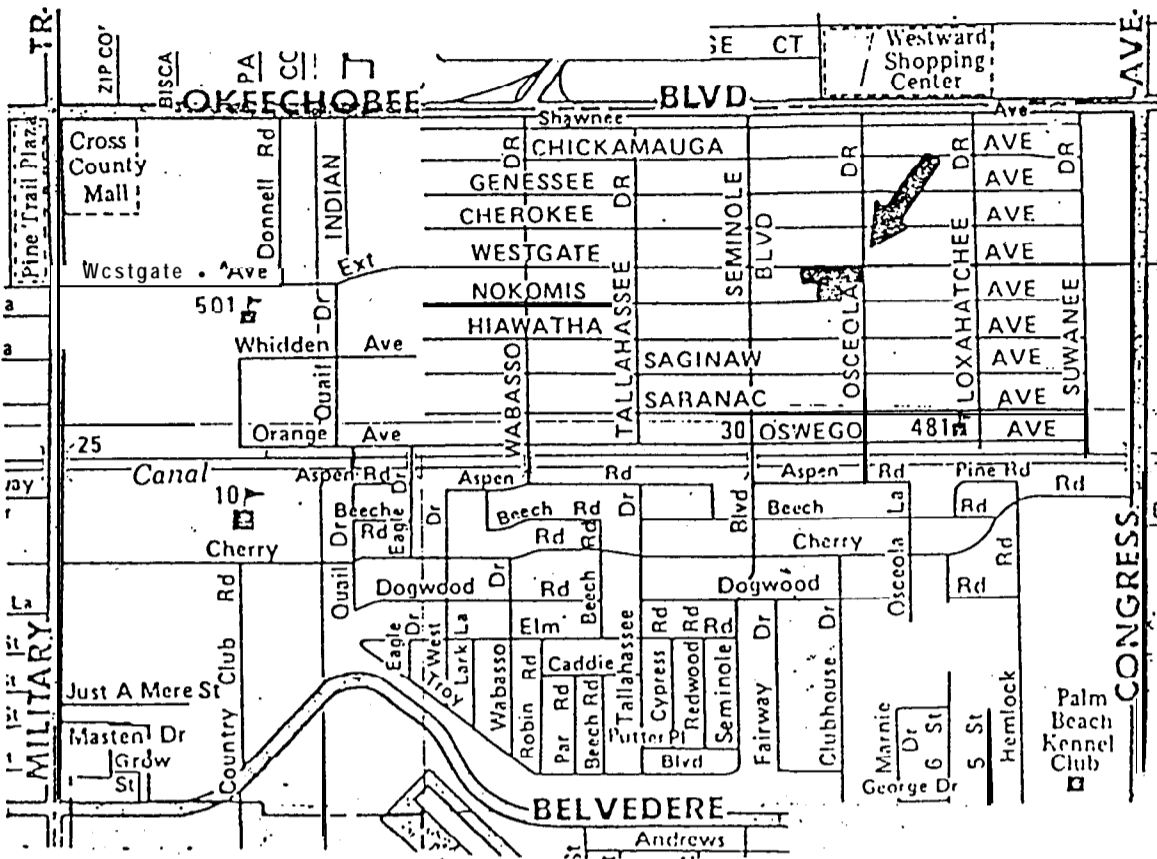


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Resolution R-91-994, Zoning Petition 91-19, is hereby revoked. (ONGOING: MONITORING-Zoning)

B. BUILDING AND SITE DESIGN

1. Total gross floor area of Phase II shall be limited to one story with a maximum of five thousand (5,000) square feet. (DRC: ZONING)
2. Use of the property shall be limited to a place of worship with classrooms and parish hall only. Permanent or temporary residents on site shall not be permitted. (ONGOING: CODE ENF.)
3. The subject property shall not be used as a soup kitchen or shelter for transients. (ONGOING: CODE ENF.)
4. No bingo or flea markets shall be conducted on the property. (ONGOING: CODE ENF.)
5. Church services shall be limited to the existing 3,600 square foot building. (CO: BLDG-LANDSCAPE-Zoning)
6. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of title for the entire subject property. The unity of title shall be recorded in a form and manner acceptable to the County Attorney. (DRC: CO ATTY)

C. LANDSCAPING STANDARDS

1. Prior to April 1, 1997, required improvements within Phase I shall be completed. (DATE: MONITORING-Code Enf)
2. Prior to April 1, 1997 all perimeter landscaping shall be installed. (DATE: MONITORING)
3. Prior to April 1, 1997, the existing chain link fence on the north and east property lines shall be removed. (DATE: MONITORING-Code Enf)
4. All 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. (CO: LANDSCAPE-Zoning)
5. Prior to April 1, 1997, the exterior side of the perimeter wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (DATE: MONITORING-Bldg)
6. Landscaping required by the conditions of approval shall be credited toward meeting the streetscape design guidelines of the Westgate/Belvedere Homes Community Redevelopment Plan. (CO: BLDG-Zoning)

D. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (PHASE I ADJACENT TO WESTGATE AND OSCEOLA AVENUE)

1. Landscaping and buffering along the north and east property lines shall meet the following minimum requirements at installation:
  - a. A minimum ten (10) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every twenty (20) feet on center;
  - c. One (1) palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native 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. (CO: LANDSCAPE-Zoning)

E. ENGINEERING

1. Prior to DRC certification or prior to June 1, 1996, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a corner clip in the southwest corner of the intersection of Osceola Drive and Westgate Avenue, free of all encumbrances and encroachments. Property owner 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 at intersections as determined by the County Engineer. (DATE/DRC: MONITORING/ENG)
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 from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$4,235.00 (77 trips X \$55.00 per trip). (ONGOING: ACCOUNTING - Impact fee coordinator)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (PHASE II ADJACENT TO NOKOMIS AVENUE)

1. Landscaping and buffering along the south property line adjacent to Nokomis Avenue shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer.
  - b. A concrete wall with a minimum height of six (6) feet. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed alternating on both sides of the wall:
  - a. One (1) canopy tree planted every twenty (20) feet on center; and
  - b. One (1) palm tree or pine tree for each twenty (20)

linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location.

3. 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 on the exterior edge of the wall. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG REMAINDER OF SITE: SOUTH, EAST AND WEST INTERIOR LOT LINES ADJACENT TO COMMERCIAL

1. Landscaping along the south, east, and west interior lot lines shall meet the following requirements at installation:

- a. A minimum width of five (5) feet;
- b. A concrete wall with a minimum height of six (6) feet;
- c. Interior lot line adjacent to Phase One: (1) canopy tree planted every twenty (20) feet on center on the interior side of the existing wall;
- d. Interior lot line adjacent to Phase Two: One (1) canopy tree planted every twenty (20) feet on center on alternating sides of the existing wall; and,
- e. Interior lot line adjacent Phase Two: 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 on the exterior side of the existing wall. (CO: LANDSCAPE-Zoning)

H. COMPLIANCE

1. 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; 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)