

RESOLUTION NO. R-2009-0899

RESOLUTION APPROVING ZONING APPLICATION CA-2008-01188
(CONTROL NO. 2008-00222)
CLASS A CONDITIONAL USE

Application of Rey De Reyes King Of Kings Inc
By Land Research Management, Inc., Agent
(King of Kings)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) 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 CA-2008-01188 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 (Monitoring) 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. This Class A Conditional Use complies with applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics. The proposed Class A Conditional Use also complies with all applicable portions of Article 4.B, Supplementary Use Standards;
3. This Class A Conditional Use, with conditions as adopted, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. 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;
6. This Class A Conditional Use, with conditions as adopted, will result in logical,

timely and orderly development patterns;

- 7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans in accordance with BCC policy;
- 8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC; and
- 9. The applicant has demonstrated changed conditions or circumstances that necessitate a modification.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 CA-2008-01188, the application of Rey De Reyes King Of Kings Inc, by Land Research Management, Inc., agent, for a Class A Conditional Use to allow a Place of Worship in the AR 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 May 28, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Steven Abrams moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
District 7	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 28, 2009.

Filed with the Clerk of the Board of County Commissioners on June 16th, 2009.

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

SHARON R. BOCK, CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK

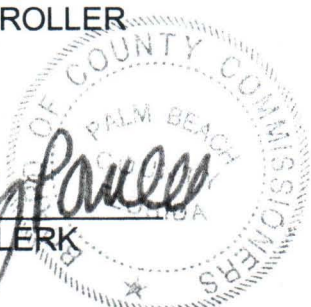


EXHIBIT A

LEGAL DESCRIPTION

The South 271 feet of the North 616.03 feet of the East 200 feet of the West 3794 feet of Section 25, Township 43 South, Range 40 East, Palm Beach County, Florida, less road right-of-way as recorded in Official Records Book 1533, Page 517, Public Records, Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

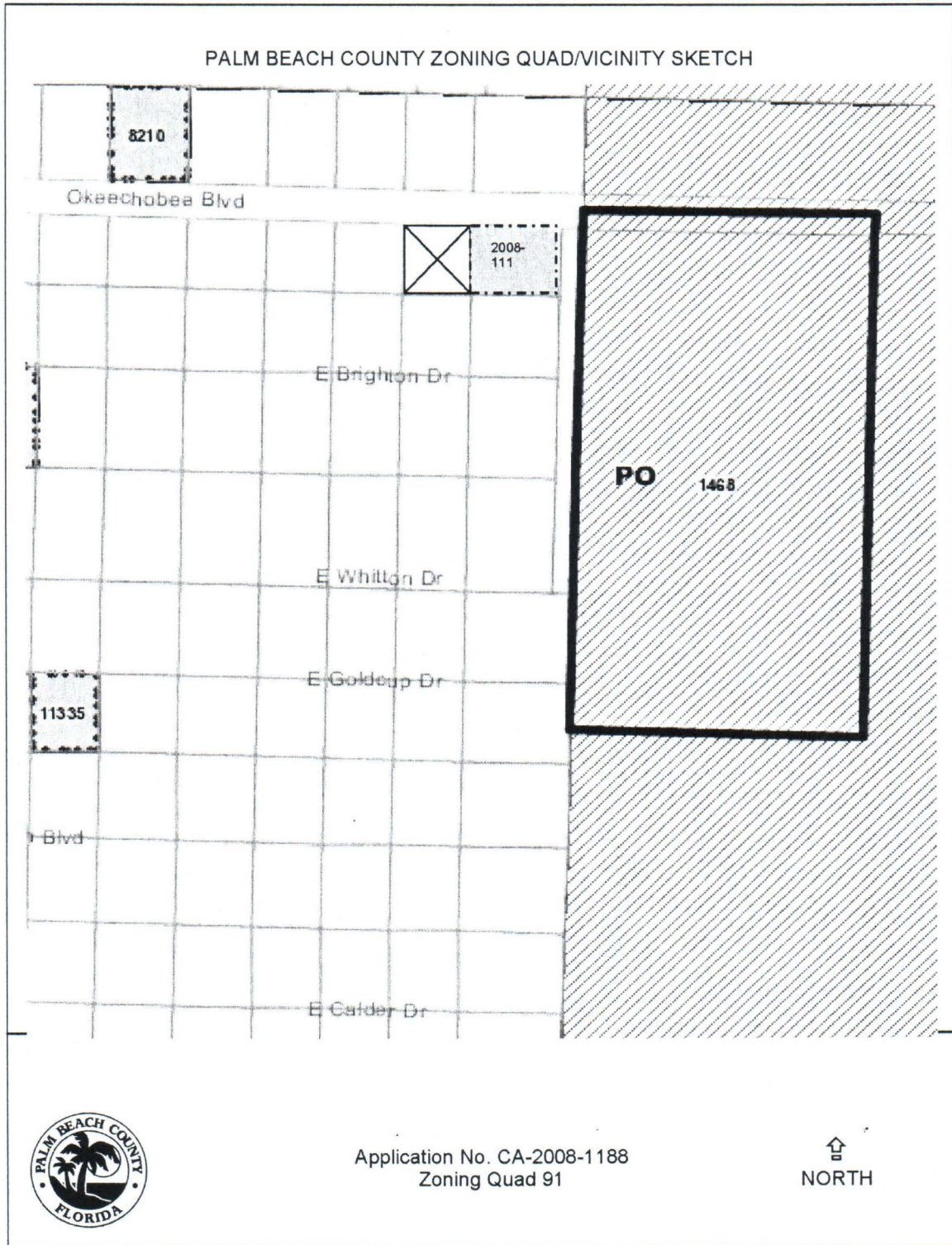


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 23, 2009. Modifications inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a.No building permits for the site shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng)

2. The property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 60 feet of right of way from centerline of Okeechobee Boulevard prior to November 28, 2009. Right of way conveyance shall be along the project's entire frontage and shall be free and clear 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, including a topographic survey. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer additional right of way for Expanded Intersections and corner clips. (DATE: MONITORING-Eng)

3. Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels. The project's stormwater management system shall be designed to accept any historical drainage. Required Drainage easements shall be provided to the not included parcel. (DRO: ENGINEERING-Eng)

4. The Property Owner shall construct a piped drainage system to connect the onsite stormwater management area to the point of legal positive outfall within the right of way for Okeechobee Boulevard, as determined by the County Engineer.

a.The Property Owner shall obtain required permits to construct within Okeechobee Boulevard right of way prior to issuance of permit for parking lot construction. (BLDG PERMIT:MONITORING-Eng)

b.Drainage system shall be completed prior to the May 28, 2010. (DATE:MONITORING-Eng)

ZONING - LANDSCAPING

1. Prior to final approval by the Development Review Officer the property owner shall submit a Landscape Plan and/or an Alternative 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. (DRO: LANDSCAPE - Zoning)

2. A minimum of sixty five (65) 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)

3. 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)

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)

ZONING - LANDSCAPING-ALONG THE NORTH PROPERTY LINE (FRONTING OKEECHOBEE BOULEVARD)

5. In addition to code requirements, landscaping along the north property line shall be upgraded to include:

- a. one (1) canopy tree planted for each twenty (20) linear feet of the property line; and,
- b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL PROPERTIES)

6. In addition to code requirements, the the 15-foot incompatibility buffers along the south and west property lines shall be upgraded to include:

- a. one (1) palm or pine tree for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and
- b. a 6-foot chain link fence. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)

2. 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 - Zoning)

SIGNS

1. Freestanding sign fronting on Okeechobee Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side - sixty (60) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and
- e. location - Okeechobee Boulevard adjacent to access drive. (BLDG PERMIT: BLDG Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the regulating plan as follows:

- a. to include wall signage; and
 - b. to reflect the maximum sign face area for the monument sign of 60 square feet.
- (DRO:ZONING - Zoning)

SITE DESIGN

1. Prior to use of the property as a place of worship, the property owner shall obtain all required building permits and inspections to convert the existing single family residence to meet commercial building requirements. (ONGOING:CODE ENF - Bldg)

2. No permit shall be issued for any site work, other than landscaping, changes to the septic system, and site drainage, prior to change of occupancy. (BLDG PERMIT:BLDG-Zoning)

3. Prior to use of the property as a place of worship, the owner shall upgrade the windows on the south side of the building to impact-resistant glass. (ONGOING:CODE ENF - Bldg)

USE LIMITATIONS

1. All services shall be held within the principal structure, and the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., including holiday services. (ONGOING: CODE ENF - Zoning)

2. No accessory outdoor uses such as temporary sales events shall be permitted on the property. (ONGOING: CODE ENF - Zoning)

3. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.(ONGOING: MONITORING - Zoning)