

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2015-01921
(CONTROL NO. 2000-00027)
a Class A Conditional Use
APPLICATION OF Life Covenant Church, Inc.
BY Wantman Group Inc., AGENT
(Life 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application SV/Z/CA-2015-01921 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2016;

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 recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 SV/Z/CA-2015-01921, the Application of Life Covenant Church, Inc., by Wantman Group Inc., Agent, for a Class A Conditional Use to allow a Place of Worship, on a parcel of land generally described as shown on the legal description 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 24, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

| | |
|---|-------|
| Commissioner Mary Lou Berger, Mayor | - Aye |
| Commissioner Hal R. Valeche, Vice Mayor | - Aye |
| Commissioner Paulette Burdick | - Aye |
| Commissioner Shelley Vana | - Aye |
| Commissioner Steven L. Abrams | - Aye |
| Commissioner Melissa McKinlay | - Aye |
| Commissioner Priscilla A. Taylor | - Aye |

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2016.

Filed with the Clerk of the Board of County Commissioners on April 14th, 2016.

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:


COUNTY ATTORNEY

BY:


DEPUTY CLERK FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

LIFECHURCH.TV
ALL PARCELS

DESCRIPTION:
PARCEL 1

ALL OF TRACT 4, BLOCK 5, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 136.00 FEET THEREOF, AND LESS THE NORTH 56 FEET AND NORTHWESTERLY 56 FEET THEREOF FOR THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL NO. 3; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 4, BLOCK 5, THE PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE RUN SOUTH 02°41'44" EAST, ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 56.06 FEET TO A POINT ON THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 3 CANAL, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°41'44" EAST, ALONG SAID EAST LINE OF TRACT 4, A DISTANCE OF 781.25 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 87°51'23" WEST, ALONG THE SOUTH LINE OF SAID TRACT 4, A DISTANCE OF 523.96 FEET TO A POINT THAT IS 136.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID TRACT 4; THENCE NORTH 02°18'47" WEST, PARALLEL WITH THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 604.32 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 3 CANAL; THENCE NORTH 87° 41'13" EAST ALONG THE SAID SOUTH CANAL LINE, A DISTANCE OF 96.02 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID CANAL; THENCE NORTH 00° 02'58" EAST, ALONG THE SAID EAST CANAL LINE, A DISTANCE OF 192.28 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID CANAL; THENCE NORTH 89°59'58" EAST, ALONG THE SAID SOUTH CANAL LINE, A DISTANCE OF 415.13 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE LANDS DESCRIBED IN THE QUIT CLAIM DEED TO LAKE WORTH DRAINAGE DISTRICT RECORDED IN OFFICIAL RECORDS BOOK 4280, PAGE 996, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2

THE WEST 136 FEET OF TRACT 4, BLOCK 5 OF THE PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 3

ALL OF THAT PART OF THE FOLLOWING DESCRIBED PARCEL, LYING EAST OF JOG ROAD RIGHT OF WAY, AS LAID OUT AND IN USE:

THE EAST ¼ OF TRACT 5, BLOCK 5 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES OVER THE NORTH 65 FEET OF THE WEST 136 FEET OF TRACT 4, BLOCK 5 OF SAID PALM BEACH FARMS CO. PLAT NO. 3

LESS AND EXCEPT THE NORTH 26 FEET THEREOF PER DEED BOOK 67, PAGE 412, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 4

THAT PORTION OF TRACT 20, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH LIES SOUTHERLY OF BELVEDERE ROAD RIGHT-OF-WAY AND EASTERLY OF JOG ROAD RIGHT-OF-WAY SAID PORTION OF LAND LYING IN SECTION 34 TOWNSHIP 43 SOUTH, RANGE 42 EAST.

BEING PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 20, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34, THENCE SOUTH 01°23'43" WEST ALONG THE CENTERLINE OF A 50 FOOT PLATTED ROAD WAY AS SHOWN ON SAID PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, A DISTANCE OF 170.61 FEET. THENCE SOUTH 89°03'03" WEST A DISTANCE OF 25.02 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 20 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. THENCE CONTINUE SOUTH 89°03'03" WEST ALONG THE SOUTH LINE OF SAID TRACT 20 A DISTANCE OF 163.08 FEET. THENCE NORTH 03°13'49" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF JOG ROAD PER OFFICIAL RECORD BOOK 7270, PAGE 1421 AND OFFICIAL RECORD BOOK 6440, PAGE 501, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 76.49 FEET TO A POINT ON A NON-TANGENT CURVE. THENCE EASTERLY ALONG SAID CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 1860.08 FEET, A CHORD BEARING OF NORTH 77°01'11" EAST, A CHORD DISTANCE OF 174.58 FEET, AND AN ARC DISTANCE OF 174.64 FEET TO THE END OF SAID CURVE. THE AFOREMENTIONED CURVE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF BELVEDERE ROAD ACCORDING TO DEED BOOK 1072, PAGE 540, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE SOUTH 01°23'43" WEST ALONG A NON-TANGENT LINE, SAID LINE ALSO BEING THE EAST LINE OF SAID TRACT 20, A DISTANCE OF 112.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,018.47 SQUARE FEET OR 0.368 ACRES, MORE OR LESS.

TOTAL AREA: 516235.388 SQUARE FEET OR 11.851 ACRES.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

N.T.S.

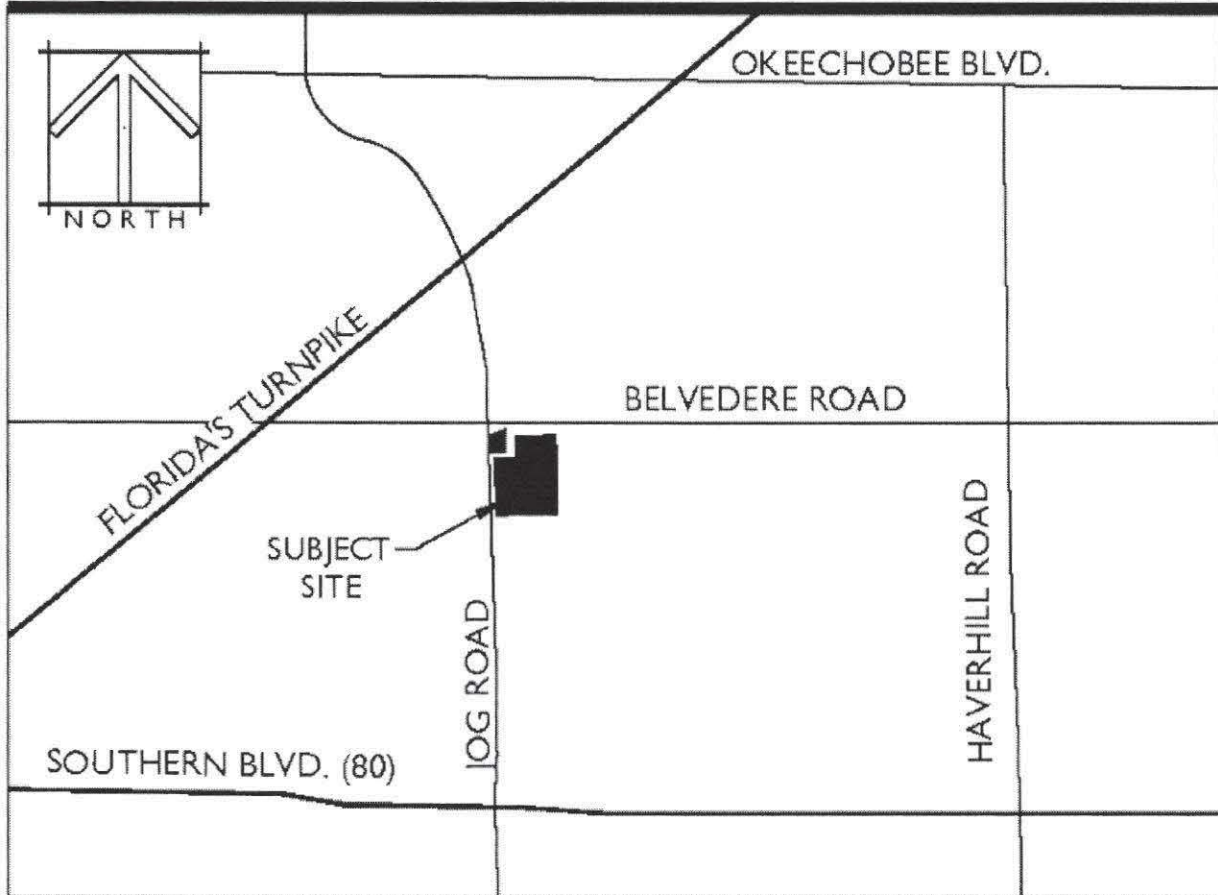


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 14, 2016 and the Preliminary Regulating Plan is dated December 23, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated December 23, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

ENGINEERING

1. TPS PHASING

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2020. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. 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. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT: MONITORING - Engineering)

3. Prior to the issuance of the first building permit or within ninety (90) days of a request

by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Belvedere Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. The right of way for the storage lane of the right turn shall continue west to Jog Road. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. 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. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall construct a right turn lane south approach on Jog Road at the project's entrance.

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.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

5. The Property Owner shall construct a right turn lane, west approach on Belvedere Road at the project's entrance, as required by the County Engineer.

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.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

6. Prior to issuance of a Building Permit, the Property Owner shall combine all lots for the development parcel into a single legal lot of record in accordance with Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

7. Prior to issuance of a Certificate of Occupancy, the Property Owner shall design, permit, construct and receive final sign off for a minimum 6-foot sidewalk along the property frontages on Belvedere Road and Jog Road in locations as required by the County Engineer. (BLDGPMT/CO: MONITORING - Engineering)

8. Prior to recordation of the plat, the Property Owner shall abandon/release/relocate any easement in conflict with the proposed improvements. (PLAT: MONITORING - Engineering)

9. Prior to DRO approval, the Property Owner shall provide a drainage study that addresses historical flows from adjacent properties onto the site. (DRO: MONITORING - Engineering)

10. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Belvedere Road and Jog Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG/PMT: MONITORING - Engineering)

11. On the Jog Road frontage, the site shall be limited to one (1) driveway connection that shall be in accordance with Palm Beach County intersection spacing standards for thoroughfare plan and as approved by the County Engineer. (DRO: MONITORING - Engineering)

12. No access from major roads shall be permitted to the parcel utilized for signage at the corner of Belvedere Road and Jog Road. (ONGOING: ENGINEERING - Engineering)

13. TRAFFIC CONTROL DURING SERVICE

Police officers are required at both driveways to direct traffic during weekend services. (ONGOING: ENGINEERING - Engineering)

LAKE WORTH DRAINAGE DISTRICT

1. LWDD will require the petitioner to convey the North 29 feet of Parcel 3 for the L-3 Canal right-of-way as shown on the Survey prepared by Caulfield and Wheeler dated August 18, 2015 prior to platting. LWDD will prepare the easement deed upon submittal of a Sketch of Description and Chain of Title for the subject easement. (PLAT: ENGINEERING - Lake Worth Drainage District)

LANDSCAPE - GENERAL

1. All existing trees to remain in the affected area (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (ONGOING: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection

devices are installed. (BLDGPMT: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG THE EAST PROPERTY LINE

3. In addition to Code requirements, landscaping along the east property line shall be upgraded to include:

- a. a six (6) foot high vinyl coated chain link fence. Height of the fence shall be measured from the highest grade of the two adjoining properties or from the nearest adjacent finished floor of the proposed structure. Method of measuring height of the fence shall be finalized subject to the review and approval by the Landscape Section to ensure screening effect is achieved for the adjacent property;
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line and,
 - c. the seven (7) existing Palm Trees must be relocated within the site.
- (BLDGPMT/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/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; the 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 Unified Land Development Code 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 of Approval; 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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.