

RESOLUTION NO. R-2016- 0541

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/CA-2014-00451
(CONTROL NO. 2014-00216)
a Class A Conditional Use
APPLICATION OF Gospel Tabernacle of Faith, Inc
BY Land Research Management, Inc., AGENT
(Gospel Tabernacle of Faith)

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/ZV/CA-2014-00451 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 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/ZV/CA-2014-00451, the Application of Gospel Tabernacle of Faith, Inc, by Land Research Management, 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 April 28, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner 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 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 April 28, 2016.

Filed with the Clerk of the Board of County Commissioners on May 6th, 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

PARCEL A

THE NORTH 350 FEET OF THE WEST 135 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA LESS THE NORTH 50 FEET THEREOF FOR ROAD AND DITCH RIGHT-OF-WAY. \

TOGETHER WITH,

PARCEL B

THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND FURTHER DESCRIBED AS THE WEST ONE-HALF OF LOT 5, BLOCK 2, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THEREFROM THE FOLLOWING: THE NORTH 350 FEET OF THE WEST 135 FEET THEREOF AND THE NORTH 50 FEET OF THE EAST 198.6 FEET FOR ROAD AND DITCH RIGHT OF WAY AND LESS AND EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5027, PAGE 908, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH,

PARCEL C

A PARCEL OF LAND BEING THE NORTH 155.58 FEET AS MEASURED ALONG THE EAST AND WEST LINE S OF THE FOLLOWING DESCRIBED PARCEL:

BEING A PARCEL OF LAND LYING IN LOT 5, BLOCK 2 OF PLAT NO. 1, PALM BEACH PLANTATIONS, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 49, AS SHOWN ON PLAT OF HOLT ESTATES RECORDED IN PLAT BOOK 21, PAGE 31, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°29'16" EAST, ALONG THE WEST LINE OF SAID LOT 49, A DISTANCE OF 38.85 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE, CONTINUE SOUTH 01°29'16" EAST, ALONG THE WEST LINE OF SAID PLAT OF HOLT ESTATES, A DISTANCE OF 311.15 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5, BLOCK 2, THENCE NORTH 88°53'16" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 140.14 FEET; THENCE NORTH 01°29' 16" WEST, A DISTANCE OF 311.15 FEET; THENCE SOUTH 88° 53'16" EAST, A DISTANCE OF 140.14 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH,

PARCEL 1:

BEING A PARCEL OF LAND LYING IN LOT 5, BLOCK 2, OF PLAT NO. 1, PALM BEACH PLANTATIONS, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 49, AS SHOWN ON THE

PLAT OF HOLT ESTATES, RECORDED IN PLAT BOOK 21, PAGE 31, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°29' 16" WEST, ALONG THE WEST LINE OF SAID LOT 49, A DISTANCE OF 11.15 FEET TO THE POINT OF BEGINNING OF AN INGRESS-EGRESS EASEMENT; THENCE NORTH 88°53' 16" WEST, A DISTANCE OF 140.14 FEET; THENCE NORTH 01° 29' 16" WEST, A DISTANCE OF 21.00 FEET; THENCE NORTH 88°14' 57" EAST, A DISTANCE OF 140.00 FEET TO A POINT ON THE SAID WEST LINE OF LOT 49; THENCE SOUTH 01°29' 16" EAST, ALONG THE SAID WEST LINE, A DISTANCE OF 28.00 FEET, TO THE POINT OF BEGINNING

ALSO TOGETHER WITH AN INGRESS-EGRESS EASEMENT OVER AND THROUGH THE EAST 20 FEET OF SUBJECT PROPERTY, AS SET OUT IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2284, PAGE 1431, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 20 FEET OF- THE WEST 112 OF THE EAST 112 OF THE NORTHWEST 114 OF THE NORTHWEST 114 OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THE SOUTH 200 FEET THEREOF.

EXHIBIT B
VICINITY SKETCH

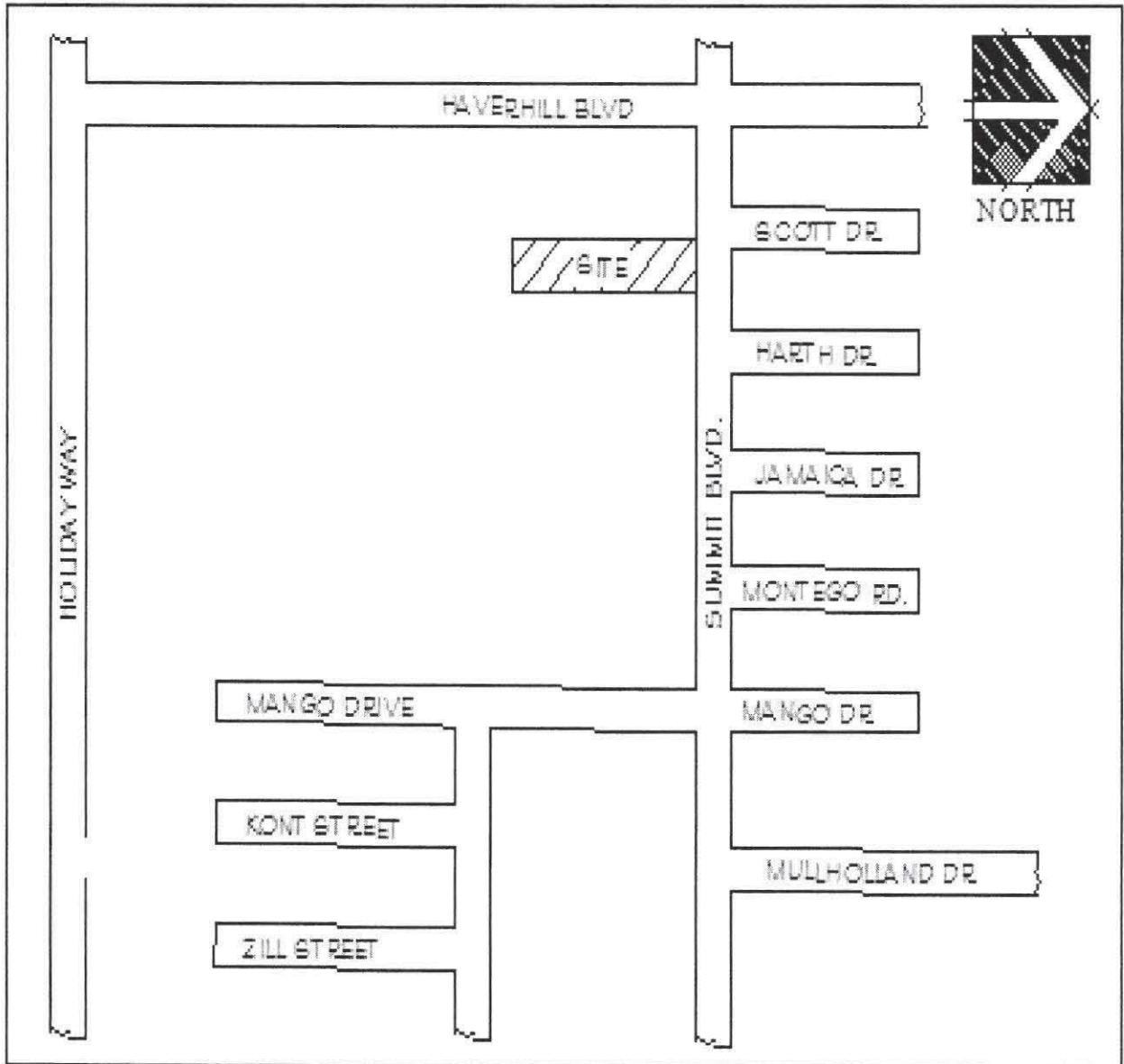


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A – Place of Worship

ALL PETITIONS

1. The approved Preliminary Site Plan and the Preliminary Regulating Plan is dated February 18, 2016. 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 for the Place of Worship 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: ZONING - Zoning)

ENGINEERING

1. 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, 2018. 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 - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall reconfigure the site into a legal lot of record in accordance with the applicable with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to the recordation of the plat, the Property Owner shall abandon the access easement connection from Mango Drive. (PLAT: MONITORING - Engineering)

4. The Property Owner shall construct a right turn lane west approach on Summit Blvd at Project entrance. This turn lane must be the maximum length possible.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of building permits for more than 20,000 square feet. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of Certificates of Occupancy for more than 20,000 square feet. (CO: MONITORING - Engineering)

5. A Police Detail must be used during the weekend Church Services in the Place of Worship building to direct traffic in and out of the site. (ONGOING: ENGINEERING - Engineering)

6. The Property Owner will be required to modify the striping of the center-turn lane on Summit Blvd fronting the property and beyond (impacted by project traffic) within forty-five (45) days after being notified by the County Engineer to do so. Striping requirements will be evaluated after the Church services have commenced. (ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Incorporate existing native trees and under-story into the site plan and label them. If this cannot be accomplished, documentation describing why the trees cannot be incorporated shall be necessary. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for Building Permits, 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. (BLDGPM/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER

2. Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer strip;
- b. a six (6) foot high vinyl coated chain link fence measured from the nearest top of curb, crown of adjacent road, or nearest finished floor elevation, whichever is highest, shall be installed along the east property line; and
- c. one (1) palm or pine tree for each twenty (20) linear feet of the property line. Palms or pines shall be planted alternating on both sides of the fence in a group of five (5) to seven (7) palms/pines per cluster. (ONGOING: ZONING - Zoning)

SIGNS

1. Ground Mounted Freestanding signs fronting on Summit Boulevard shall be limited as follows:

- a. maximum sign height - six (6) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - seventy-two (72) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDGPM/ONGOING: ZONING - Zoning)

UTILITIES-NON-COMPLIANCE WITH PBCWUD CONNECTION POLICY

1. Prior to site plan approval or 10/1/2016, whichever comes first, the property owner shall connect to the Palm Beach County Water Utilities Department water main with a stand-alone water service and meter for the property. (DATE/DRO: PBC WATER UTILITIES - PBC Water Utilities)

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: ZONING - 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

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