

RESOLUTION NO. R-2016- 1228

RESOLUTION APPROVING ZONING APPLICATION DOA-2016-00445
(CONTROL NO. 1997-00062)
a Development Order Amendment
APPLICATION OF Gods Church Of Faith Inc
BY Jose C. Huertas, P.E., AGENT
(Eternal Gospel 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 DOA-2016-00445 was presented to the Board of County Commissioners at a public hearing conducted on September 22, 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 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, 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 Development Order Amendment;

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 DOA-2016-00445, the Application of Gods Church Of Faith Inc, by Jose C. Huertas, P.E., Agent, for a Development Order Amendment to reconfigure the Site Plan, relocate an access point, add square footage and seats, and modify and delete Conditions of Approval (Architectural Control, Building and Site Design, Concurrency, Landscaping, Signs, Lighting and Use Limitations), 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 September 22, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Buridck moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay 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 September 22, 2016.

Filed with the Clerk of the Board of County Commissioners on October 4th, 2106.

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




EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 44 South, Range 42 East, Palm Beach County, Florida, and being more particularly described as follows:

Commencing at the West 1/4 of said Section 1, thence run South 01°23'16" West along the West line of said Section 1, said line also being the center line of Haverhill Road, a distance of 56.00 feet to a point on a line parallel with the North line of the Southwest 1/4 of said Section 1; thence South 88°51'19" East along said line, a distance of 40.00 feet to the Point of Beginning; thence continue South 88°51'09" East along said line, a distance of 293.93 feet to the East line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 1; thence South 01°23'35" West along said line, a distance of 262.14 feet to a point on a line parallel with the South line of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 1; thence North 88°52'48" West, along said line, a distance of 293.90 feet to the existing East right-of-way line of Haverhill Road, said line being parallel with the West line of said Section 1; thence North 01°23'16" East along said right-of-way line, a distance of 262.27 feet to the Point of Beginning.

EXHIBIT B
VICINITY SKETCH

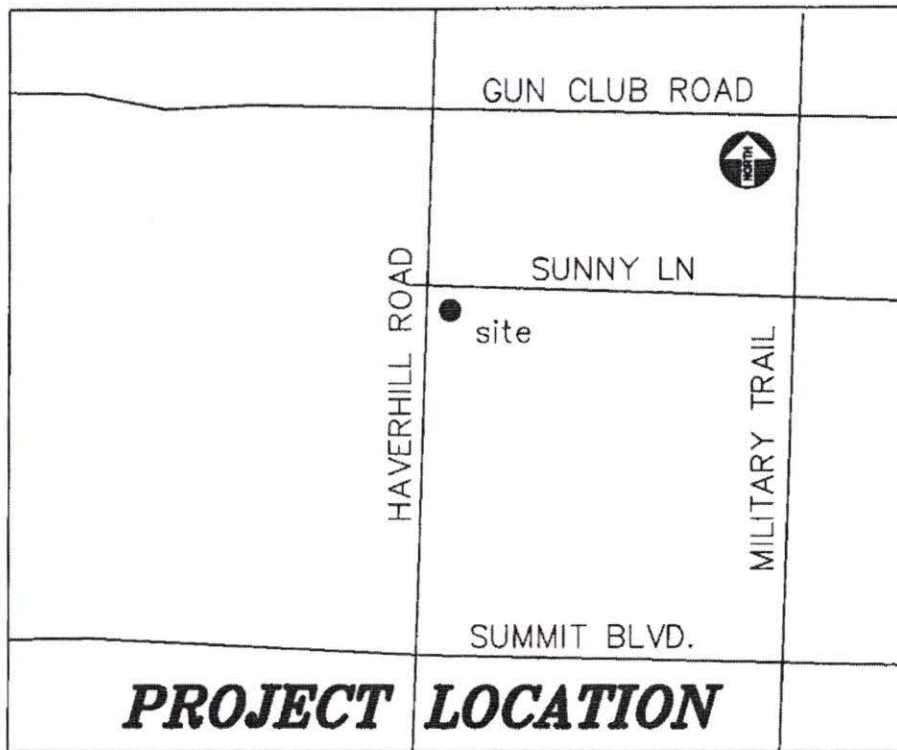


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 29,1997.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 accordam with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated 01/28/1998. 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.

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1997-1590 (Control 1997-00062). Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

3. Previous D Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated August 29,1997.

Is hereby deleted. [REASON: Proposed changes meet the requirements for Concurrency]

4. Prior to final approval of the Plans by the Development Review Officer, the Property Owner shall submit a Phasing Plan for the proposed demolition and redevelopment of the site. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous B Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

2. Previous B Condition 2 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Similar architectural character and treatment shall be provided on all sides of the building. (BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

3. Previous B Condition 3 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

4. Previous C Condition 3 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

The maximum height for all structures, measured from finished grade to highest point, shall not exceed 30 feet. (BLDGPMT/DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

5. The approved Architectural Elevations are dated July 14, 2016. 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. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for final approval by the Zoning Division. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPMT/DRO/ONGOING: 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, 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. Within 30 days of the request by the County Engineer, the Property Owner will be required to use a Police detail, during the peak Sunday services, at its own expense, if a need for traffic control at the entrance is determined by the County Engineer to protect public health and safety. (ONGOING: ENGINEERING - Engineering)

G

1. Petitioner shall connect to public water and sewer prior to the issuance of a Certificate of Occupancy. [Note: COMPLETED] (Previous G Condition 1 of Resolution R-1997-1590, Control No.1997-00062)

LANDSCAPE - GENERAL

1. Previous F Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

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.

d Credit may be given for existing or relocated trees provided they meet current ULDC

requirements. (CO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

2. Previous F Condition 2 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a Palm heights: twelve (12) feet dear trunk or grey wood, whichever is greater,
- 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 (CO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

LANDSCAPE - INTERIOR

3. Previous J Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

One landscape island shall be provided for every ten (10) parking spaces The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet.

Is hereby deleted. [REASON: Code requirement.]

4. Previous J Condition 2 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Landscape islands shall be provided along the facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 40% of the accumulative length of the structure. All required landscape islands shall be planeted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement has changed.]

LANDSCAPE - PHASING-NORTH PROPERTY LINE

5. In addition to the requirements of the Code, the landscaping along the north property line shall be:

- a. A minimum fifteen (15) foot wide buffer strip; and
- b. One (1) palm or pine for each twenty (20) linear feet. (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE

6. In addition to the requirements of the Code, the Type II Incompatibility landscape buffer along the south property line shall be:

- a. A minimum fifteen (15) foot wide buffer strip;
- b. one (l) palm or pine for each twenty-five (25) linear feet of property line; and,
- c. Revise the location of the landscape barrier, on the Site and Regulating Plans, to ensure 75% of the trees are located on the exterior side of the barrier. (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-EAST PROPERTY LINE

7. In addition to the requirements of the Code, the Type II Incompatibility landscape buffer along the east property line shall be:

- a. A minimum fifteen (15) foot wide, buffer strip; and,
- b. one (l) palm or pine for each twenty-five (25) linear feet of property line. (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-WEST PROPERTY LINE

8. Previous I Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Landscaping and Buffering along the west property line shall include:

- a. A minimum fifteen (15) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every thirty (30) feet on center;
- c. One (1) palm 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 or pine trees may supersede the requirement for a canopy tree in that location; and
- d. twenty four (24) 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.

Is hereby amended to read:

In addition to the requirements of the Code, the Right of Way landscape buffer along the west property line shall be:

- a. A minimum fifteen (15) foot wide, no drainage easement encroachment shall be permitted; and
- b. One (1) palm or pine for each twenty (20) linear feet, of the property line. (CO: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG NORTH, SOUTH, AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

9. Previous H Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Landscaping and buffering along the above property lines shall include:

- a. A minimum ten (10) foot wide landscape buffer strip; and
- b. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center,
- c. one (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy and
- d. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty eight (48) inches. (CO: ZONING - Zoning)

Is hereby deleted. [REASON: Replaced with new conditions.]

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity shielded and directed down and away from adjacent properties and streets. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous L Condition 1 of Resolution R-1997-1590, Control No.1997-00062)

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous L Condition 2 of Resolution R-1997-1590, Control No.1997-00062)

3. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous L Condition 3 of Resolution R-1997-1590, Control No.1997-00062)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: ZONING - Zoning) (Previous L Condition 4 of Resolution R-1997-1590, Control No.1997-00062)

SIGNS

1. Previous K Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

New freestanding sign fronting on Haverhill Road shall be limited as follows:

- a. Maximum sign measured from finished grade to highest point - six (6) feet; and
- b. Maximum sign face area per side - 60 square feet; and
- c. Maximum number of signs - one (1); and
- d. Style - Monument style only.

Is hereby amended to read:

Ground Mounted freestanding signs shall be limited as follows:

- a. Maximum sign measured from finished grade to highest point - nine (9) feet;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Maximum number of signs - one (1); and,
- d. Location: Fronting Haverhill Road. (BLDG/PMT/DRO: BUILDING DIVISION - Zoning)

2. All wall signs shall be limited to the west facade of the buildings. (BLDG/PMT/DRO/ONGOING: BUILDING DIVISION - Zoning) (Previous K Condition 2 of Resolution R-1997-1590, Control No.1997-00062)

SITE DESIGN

1. Previous C Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

The Place of Worship shall be limited to a maximum of 90 seats and a total gross enclosed floor area of 1,280 square feet. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Development Order Amendment.]

2. Previous C Condition 2 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

The Pastoral Residence shall be limited to a total gross enclosed floor area of 4,784 square feet. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Development Order Amendment.]

3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within twenty five (25) feet of any residential property lines and shall be confined to the areas designated on the site plan. (ONGOING: ZONING - Zoning) (Previous C Condition 4 of Resolution R-1997-1590, Control No.1997-00062)

USE LIMITATIONS

1. Previous M Condition 1 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m. daily, excluding holiday services. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code limits hours of operation within proximity to residential uses]

2. Previous M Condition 2 of Resolution R-1997-1590, Control No.1997-00062, which currently states:

Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and

pumpkin sales, rummage sales, bake sales, etc.) shall be limited to a maximum of three (3) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (DRO/ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code requirement.]

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.