

RESOLUTION NO. R-2016- 1553

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA-2016-01042
(CONTROL NO. 1981-00170)
a Development Order Amendment
APPLICATION OF Tjac Boca Grove LLC
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Grove Center Office MUPD)

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 ZV/ABN/DOA-2016-01042 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 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 ZV/ABN/DOA-2016-01042, the Application of Tjac Boca Grove LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Development Order Amendment to reconfigure the Site plan, add square footage, and modify and delete Conditions of Approval (Architecture, Building and Site Design), 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 October 27, 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 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	- Absent
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 October 27, 2016.

Filed with the Clerk of the Board of County Commissioners on October 31st, 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



EXHIBIT A

LEGAL DESCRIPTION

Legal Description of Grove Center:

A parcel of land lying in Section 22, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of Section 22, Township 47 South, Range 42 East; thence South 00 degrees 10 minutes 25 seconds West, 1358.00 feet along the West line of Section 22 to the Point of Beginning of the herein described parcel; thence continue South 00 degrees 10 minutes 25 seconds West, 598.00 feet; thence South 89 degrees 49 minutes 35 seconds East, 15.05 feet to a tangent curve concave Southerly, having a central angle of 18 degrees 49 minutes 24 seconds and a radius of 331.64 feet; thence 108.95 feet Easterly along the arc of said curve to a tangent line thence South 71 degrees 00 minutes 11 seconds East, 2.54 feet along said tangent line; thence North 63 degrees 57 minutes 10 seconds East, 35.38 feet to a non-tangent curve, being concave Easterly, having a central angle of 00 degrees 05 minutes 19 seconds, a radius of 2271.64 feet and a tangent bearing of North 18 degrees 54 minutes 30 seconds East; thence Northeasterly 3.51 feet along the arc of said curve to a tangent line, thence North 18 degrees 59 minutes 49 seconds East, 17.45 feet to a tangent curve concave Easterly having a central angle of 11 degrees 06 minutes 53 seconds, and a radius of 1946.47 feet; thence Northeasterly 377.59 feet along the arc of said curve to a tangent line thence North 30 degrees 06 minutes 42 seconds East, 72.18 feet along said line to a tangent curve concave Easterly, having a central angle of 00 degrees 08 minutes 09 seconds and a radius of 2313.38 feet; thence Northerly 5.49 feet along the arc of said curve to a non-tangent line; thence North 13 degrees 57 minutes 22 seconds West, 34.86 feet along said line; thence North 58 degrees 09 minutes 36 seconds West, 173.95 feet to a tangent curve concave to the South, having a central angle of 32 degrees 12 minutes 39 seconds and a radius of 306.54 feet; thence Westerly along the arc of said curve 172.33 feet to a tangent line; thence South 89 degrees 37 minutes 44 seconds West, 36.95 feet along said line to the POINT OF BEGINNING.

Said land having an area of approximately 150,660.30 s.f. = 3.46 acres more or less.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP



EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1981-1377 (Control No. 1981-170), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-1386(Control No. 1981-170), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 3 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated June 16, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated August 31, 2016. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed church building 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: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: The Place or Worship is no longer a valid use.]

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the professional Office new building 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).

(DRO/ONGOING: ZONING - Zoning)

BUILDING AND SITE DESIGN

1. Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

The maximum height of the Place of Worship shall be thirty-five (35) feet, excluding any religious spires, domes or ornamentation. All heights shall be measured from finished grade to the highest point of the building, including air-conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCHITECTURAL REVIEW - Zoning)

Is hereby deleted. [REASON: The Place or Worship use is no longer a valid use]

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Prior to issuance of a Certificate of Occupancy (CO) for the Place of Worship, the handicapped parking spaces located at the Southwest corner of the existing three-story office building shall be reconstructed as indicated on the Proposed Site Plan dated June 16, 2008. (CO: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: The Place or Worship use is no longer a valid use]

3. Prior to Development Review Officer (DRO) approval of the Final Site Plan, the applicant shall provide all legal documentation guaranteeing that any parking and landscaping located in utility easements, as well as the six (6) foot wall, hedge and trees required along the western property lines are permitted imperpetuity by the easement holders. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2008-1386, Control No.1981-00170)

DUMPSTER

1. 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 fifty (50) feet of the west property line. (DRO: ZONING - Zoning) (Previous DUMPSTER Condition 1 of Resolution R-2008-1386, Control No.1981-00170)

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, 2019. 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, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements / agreements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

ZONING - LANDSCAPING-ALONG WEST PROPERTY LINE ABUTTING RESIDENTIAL

1. In addition to the wall requirement of Condition 5 of Variance Resolution ZV2007-0016, the applicant shall be required to install a minimum of one (1) canopy tree for each twenty (20) linear feet of the property line, spaced a minimum of twenty (20) feet on center. (CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2008-1386, Control No.1981-00170)

LANDSCAPE - STANDARD-AFFECTED AREA OF REQUESTED USE AND VARIANCES

2. Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Prior to the Development Review Officer (DRO) approval of the Final Site Plan, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with any Variance Conditions of Approval, ULDC requirements including upgraded landscaping for the affected area, and with any other landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to the Development Review Officer (DRO) approval of the Final Site Plan, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with any Variance Conditions of Approval, ULDC requirements including upgraded landscaping for the affected area, and with any other landscape related conditions of approval as contained herein. (DRO: ZONING - Zoning)

LANDSCAPE - STANDARD

3. Previous LANDSCAPE - STANDARD Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Prior to the issuance of a Certificate of Occupancy (CO) for the Place of Worship, the property owner shall replace all dead and missing plant materials on the subject property. Trees required in the eastern perimeter buffer shall comply with the Florida Power and Light "Plant the Right Tree in the Right Place Guidelines." (CO: ZONING - Zoning)

Is hereby deleted. [REASON: The Place of Worship is no longer a permitted use]

4. The existence of any utility or related mechanical equipment that was installed without the proper approvals or easements shall not be deemed as justification to be exempt from any landscape island, perimeter buffer, foundation planting or other landscaping requirements, for both the unaffected and affected areas of the project. Where necessary, an Alternative Landscape Plan (ALP) shall be required to address any inconsistencies. (DRO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2008-1386, Control No.1981-00170)

LIGHTING-AFFECTED AREA

1. All existing non-conforming light fixtures located within 220 feet of the south property line shall be removed or upgraded to comply with current ULDC outdoor lighting standards. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2008-1386, Control No.1981-00170)

SIGNS-POWERLINE ROAD

1. Freestanding signs fronting on Powerline Road in the affected area of the request(s) 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 - North side of Powerline Road entrance. (BLDG/PMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2008-1386, Control No.1981-00170)

SIGNS-PLACE OF WORSHIP - BUILDING MOUNTED SIGNS

2. Previous SIGNS Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Building mounted signage for the place of worship shall be limited to wall signage, consisting of the identification of the tenant only. Individual lettering size shall be limited to

a maximum twelve (12) inches high. (BLDG PERMIT: BLDG - Zoning) (BLDGPMT: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: The Place of Worship is no longer a valid use.]

USE LIMITATIONS-PLACE OF WORSHIP

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

All services shall be held within the principal structure, and the hours of operation, including deliveries, shall be limited to 6:00 a.m. to 11:00 p.m., excluding holiday services only. (ONGOING: CODE ENF - Zoning) (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: The Place of Worship is no longer a permitted use]

2. Previous USE LIMITATIONS Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

Accessory temporary sales events shall be limited to a maximum of two (2) events per year. No special events, temporary retail sales, or other accessory uses are permitted on the property. (ONGOING: CODE ENF - Zoning) (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [REASON: The Place of Worship is no longer a permitted use.]

USE LIMITATIONS

3. Previous USE LIMITATIONS Condition 3 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

USELIMIT 3 - By January 5, 2012, worship services being conducted on this property without the benefit of proper approvals shall cease until proper approvals are obtained, and the property comes into compliance. (DATE: MONITORING - Code Enforcement) (DATE/ONGOING: MONITORING - Monitoring)

Is hereby deleted. [REASON: The Place of Worship is no longer a valid use.]

VARIANCE

1. Prior to the submittal for final approval by the Development Review Officer (DRO), the approved variance(s) and any associated conditions of approval shall be reflected on the Final Site Plan. (DRO: ZONING - Zoning) (Previous VARIANCE Condition 1 of Resolution R-2008-1386, Control No.1981-00170)

2. Previous VARIANCE Condition 2 of Resolution R-2008-1386, Control No.1981-00170, which currently states:

The Development Order for this variance shall be tied to the Time Limitations of the Development Order for Application DOA/R-2007-1401, Control No. 1981-170. (ONGOING: MONITORING - Zoning)

Is hereby deleted. [REASON: The Place of Worship is no longer a permitted use]

DISCLOSURE

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