

RESOLUTION NO. R-2017- 0365

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2015-02509
(CONTROL NO. 2013-00345)
a Class A Conditional Use
APPLICATION OF Pho Chieu Buddhist Center Inc
BY Sycamore Engineering, Inc., AGENT
(Pho Chieu Buddhist Center)

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 Z/CA-2015-02509 was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2017;

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 Class A Conditional Use;

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 Z/CA-2015-02509, the Application of Pho Chieu Buddhist Center Inc, by Sycamore Engineering, 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 23, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2017.

Filed with the Clerk of the Board of County Commissioners on March 30th, 2017.

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 O.R. 25454 PG. 931

PARCEL I:

THE NORTH 160 FEET OF THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL II:

THE SOUTH 80 FEET OF THE NORTH 240 FEET OF THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL III:

THE EAST 115 FEET OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 240 FEET AND THE SOUTH 267.84 FEET THEREOF.

SUBJECT TO ROAD RIGHT OF WAY FOR INGRESS AND EGRESS PURPOSES ACROSS THE WEST 10 FEET OF THE ABOVE DESCRIBED PARCEL.

TOGETHER WITH A PERPETUAL EASEMENT FOR ROADWAY PURPOSES ACROSS THE WEST 20 FEET OF THE EAST 125 FEET OF SAID TRACT 61.

PARCEL IV:

BEGINNING AT A POINT 57.84 FEET NORTH OF THE SOUTHEAST CORNER OF TRACT 61, BLOCK 24, ACCORDING TO THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH POINT OF BEGINNING BEING WHERE THE EAST BOUNDARY OF SAID TRACT 61 INTERSECTS THE NORTH BOUNDARY OF THE RIGHT OF WAY OF STATE ROAD 802; THENCE RUN NORTH 210 FEET ALONG THE EAST BOUNDARY OF SAID TRACT 61 TO A POINT; THENCE, RUN WEST 105 FEET TO A POINT; THENCE RUN SOUTH ALONG A LINE, PARALLEL TO THE EAST BOUNDARY OF THE SAID TRACT 61 FOR A DISTANCE OF APPROXIMATELY 210 FEET TO A POINT WHERE THE SAID LINE INTERSECTS THE NORTH BOUNDARY OF THE RIGHT OF WAY OF STATE ROAD 802; THENCE RUN IN AN EASTERLY DIRECTION ALONG THE NORTH BOUNDARY OF THE RIGHT OF WAY OF SAID STATE ROAD 802 TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

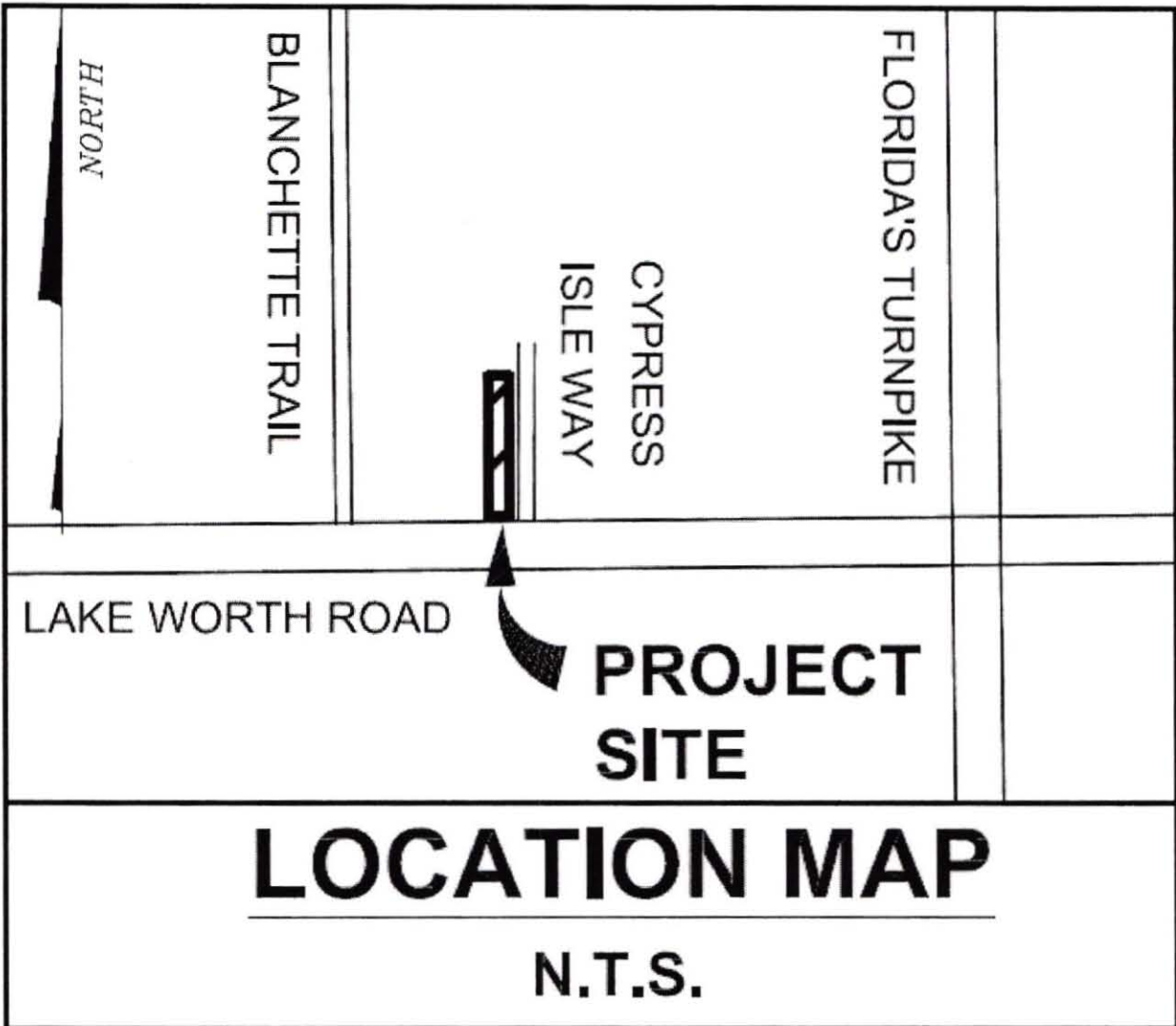


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site and Regulating Plans are dated January 12, 2017. 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)

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 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 Lake Worth Road along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), unless FDOT deems this additional drainage to be unnecessary and the condition can be marked complete. 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 through 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. (BLDGPM: MONITORING - Engineering)

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall modify the existing entrance to meet the minimum curb radii for a minor driveway per the Land Development Design Standards Manual and as approved by FDOT. (BLDGPM/CO: MONITORING - Engineering)

5. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Lake Worth Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lake Worth Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

USE LIMITATIONS

1. The existing Single Family Dwelling may only be utilized as a residence during the development of the Place of Worship. Building permits will be required for any use other than Single Family Dwelling. (ONGOING: BUILDING DIVISION - Code Enforcement)

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.