

RESOLUTION NO. R-2022-0379

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01577
(CONTROL NO. 2004-00325)
a Development Order Amendment
APPLICATION OF Central Baptist Church of WPB FL, Inc.
BY Land Research Management, Inc., AGENT
(Central Baptist 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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/CA-2021-01577 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2022;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) 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/CA-2021-01577, the Application of Central Baptist Church of WPB FL, Inc., by Land Research Management, Inc., Agent, for a Development Order Amendment to modify the Site Plan and Conditions of Approval, and to delete square footage, 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, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	-	Aye
Commissioner Gregg K. Weiss, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2022.

Filed with the Clerk of the Board of County Commissioners on April 28th, 2022

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

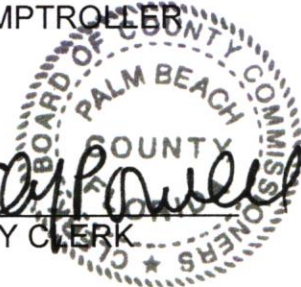


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: (PLAT WAIVER RECORDED IN ORB 20602 PAGE 1623)
A PARCEL OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF LOT 5, BLOCK 1, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH LOTS 49 THROUGH 51, WHISPERING PINES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 82 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 52 OF SAID PLAT OF WHISPERING PINES;

THENCE N01°25'56"E ALONG THE EAST LINE OF SAID LOT 52 FOR 124.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 52 AND THE WEST LINE OF THE EAST HALF OF SAID LOT 5, BLOCK 1, PALM BEACH PLANTATIONS;

THENCE N01°27'17"E ALONG SAID WEST LINE FOR 627.29 FEET TO THE EXISTING SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD;

THENCE S88°47'43"E ALONG SAID SOUTH RIGHT-OF-WAY FOR 330.00 FEET;

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, S01°27'17"W FOR 427.11 FEET;

THENCE N88°49'31"W FOR 165.00 FEET;

THENCE S01°27'17"W FOR 200.00 FEET TO THE NORTH PLAT BOUNDARY OF SAID PLAT OF WHISPERING PINES;

THENCE N88°49'31"W ALONG SAID NORTH PLAT BOUNDARY FOR 12.00 FEET TO THE NORTHWEST CORNER OF LOT 48 OF SAID PLAT OF WHISPERING PINES;

THENCE S01°25'56"W ALONG THE WEST LINE OF SAID LOT 48 FOR 124.37 FEET TO THE SOUTHWEST CORNER OF SAID LOT 48 AND THE NORTH RIGHT-OF-WAY OF MISS PINEY ROAD;

THENCE N88°50'36"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 153.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.43 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

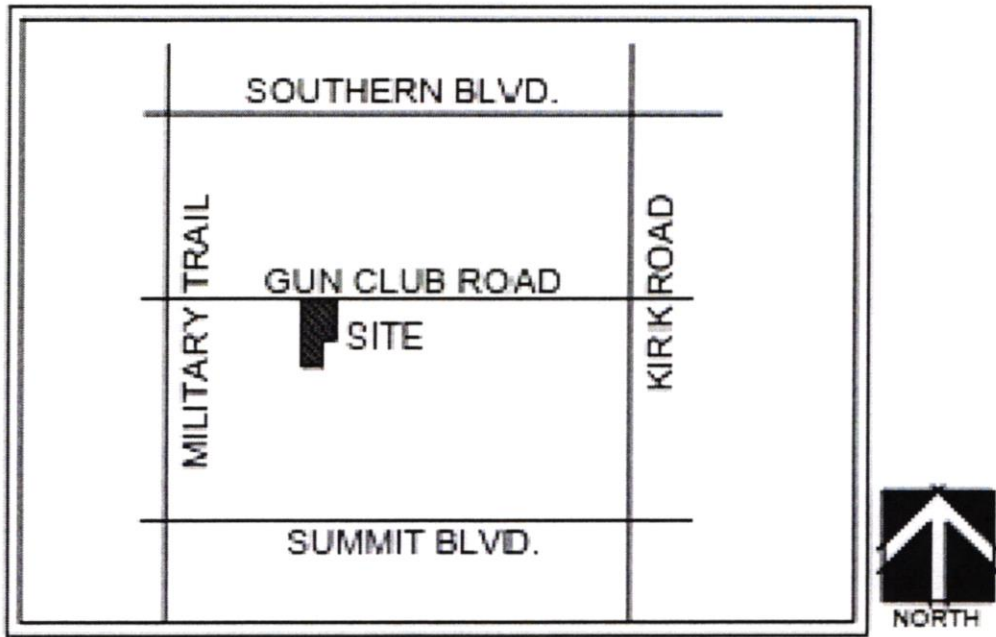


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment – Place of Worship and General Daycare

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2005-1, Control No.2004-00325, 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 October 1, 2004. 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.

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 February 16, 2022. 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. (ONGOING: MONITORING - Zoning)

2. All previous Conditions of Approval applicable to the overall development, as contained in Resolution R-2005-1 (Control 2004-00325) shall remain in effect, except as described 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final site plan approval by the Development Review Officer (DRO), the applicant/property owner shall provide architectural elevations indicating that the building will be designed consistent with the Architectural Guidelines as referenced in Article 5.C.H.1 of the Unified Land Development Code. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2005-1, Control No.2004-00325)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2005-1, Control No.2004-00325, which currently states:

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

No Building Permits for the site may be issued after January 10, 2008. 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.E of the Unified Land Development Code.

Is hereby amended to read:

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, 2025, or as amended. 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. Previous ENGINEERING Condition 2 of Resolution R-2005-1, Control No.2004-00325, which currently states:

The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: No longer needed]

3. The Property Owner shall modify the center turn lane on Gun Club Rd fronting the property through restriping, as approved by the County Engineer.

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

4. 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 or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to final DRO approval of the site plan, the property owner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2005-1, Control No.2004-00325)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES (FRONTAGES OF GUN CLUB ROAD AND MISSY PINEY ROAD, AND ABUTTING RESIDENTIAL)

2. In addition to ULDC requirements, landscaping and buffering along the north, south and west property lines shall be upgraded to include:

a. one (1) slash pine for every twenty (20) linear feet of the property line. Pines shall be planted in a cluster consisting of a minimum of five (5) pines. (BLDGPMT: LANDSCAPE - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2005-1, Control No.2004-00325)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2005-1, Control No.2004-00325)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2005-1, Control No.2004-00325)

3. Decorative lighting fixtures shall be provided subject to approval by the County Engineer. (BLDGPMT: ZONING - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2005-1, Control No.2004-00325)

4. All outdoor lighting shall be extinguished no later than 9:30 p.m. excluding security lighting only. This condition shall not apply to holiday services. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2005-1, Control No.2004-00325)

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2005-1, Control No.2004-00325)

SIGNS

1. New or replacement freestanding point of purchase signs 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) for the entire site;
- d. style - monument style only;
- e. sign shall be limited to identification of tenants and service hours only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2005-1, Control No.2004-00325)

2. New or replacement wall signs shall be limited to the north facade of the buildings and individual lettering size shall be limited to a maximum of twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2005-1, Control No.2004-00325)

USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2005-1, Control No.2004-00325)

2. Accessory outdoor uses such as temporary sales events shall be permitted subject to ULDC requirements, and shall be setback a minimum of one hundred (100) feet from the east and west property lines. No temporary amusements or special events shall be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2005-1, Control No.2004-00325)

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.