

RESOLUTION NO. R-2022- 1054

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01947
(CONTROL NO. 2000-00018)
a Development Order Amendment
APPLICATION OF First Romanian Baptist Church of WPB, Inc., Calvary Chapel of the
Palm Beaches, Inc.
BY Cotleur & Hearing, Inc., AGENT
(Calvary Chapel Church of the Palm Beaches)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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-2021-01947, submitted on behalf of First Romanian Baptist Church of WPB, Inc., Calvary Chapel of the Palm Beaches, Inc., by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to modify or delete Conditions of Approval; to reconfigure the Site Plan; and, to add square footage on the 4.96 acre and a Class A Conditional Use to allow a General Day Care on 4.96 acres was presented to the Board of County Commissioners at a public hearing conducted on September 22, 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-2021-01947, the Application of First Romanian Baptist Church of WPB, Inc., Calvary Chapel of the Palm Beaches, Inc., by Cotleur & Hearing, Inc., Agent, for a

Development Order Amendment to modify or delete Conditions of Approval; to reconfigure the Site Plan; and, to add square footage on the 4.96 acre DO, 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, 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 Sachs 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	-	Absent
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 22, 2022.

Filed with the Clerk of the Board of County Commissioners on September 22nd, 2022.

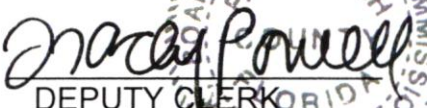
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

THE WEST ½ OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 44 SOUTH RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS AND EXCEPT THE NORTH 40 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

CONTAINING 215,840 SQUARE FEET, 4.9550 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

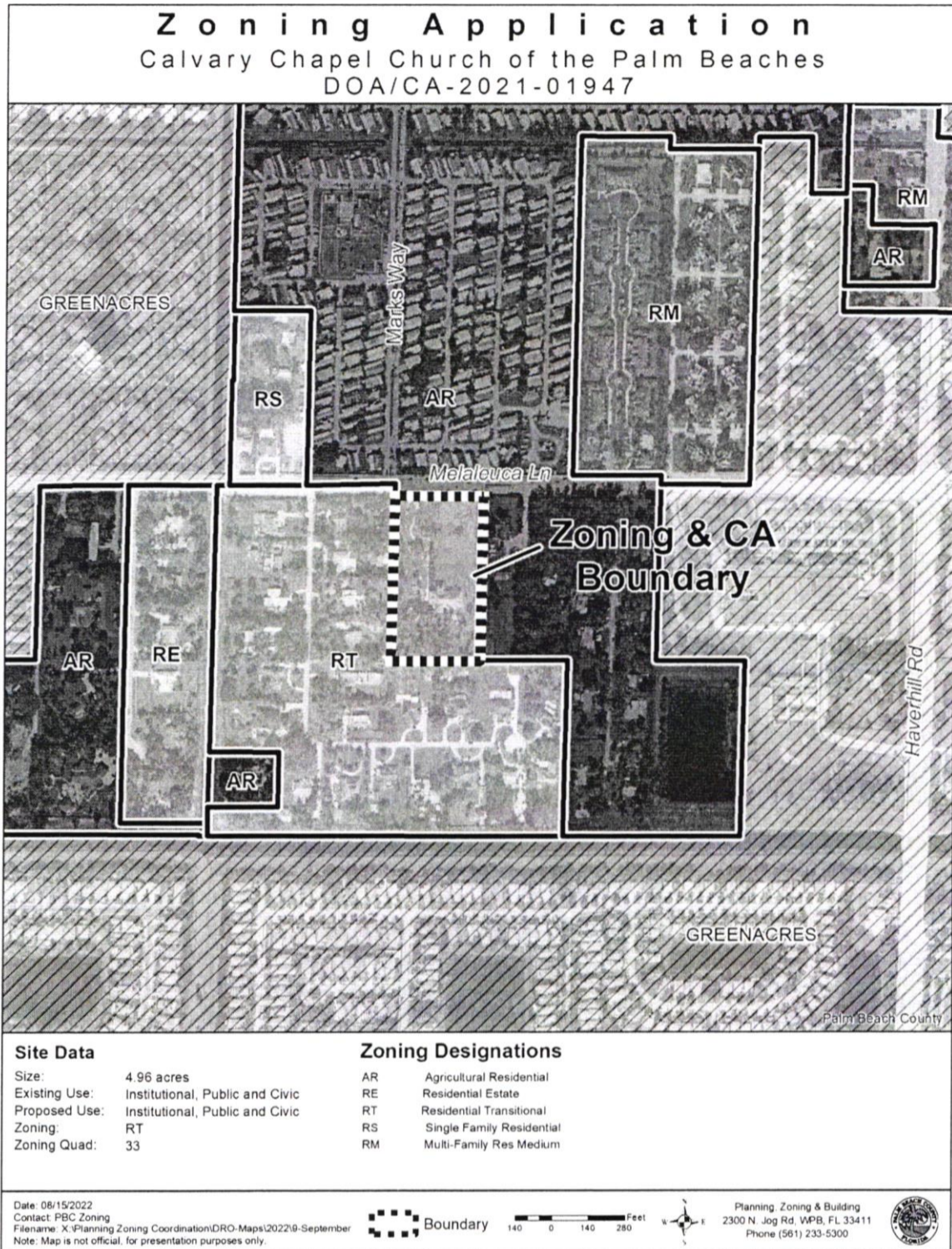


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2000-1562, Control No.2000-00018, 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 23, 2000. 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 July 14, 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: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

Prior to final Development Review Committee certification, the petitioner shall revise the Concurrency Reservation to match the uses and square footage as indicated on the site plan dated August 23, 2000.

Is hereby deleted. [REASON: No longer applicable.]

3. Previous ALL PETITIONS Condition 1 of Resolution R-2007-85, Control No.2000-00018, which currently states:

All previously approved conditions of approval continue to apply unless expressly modified herein

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-2007-085 and R-2000-1562 (Control 2000-00018), 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 and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to issuance of the first building permit, the petitioner shall submit architectural elevations to the Architectural Review Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

2. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the buildings. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2000-1562, Control No.2000-00018)

BUILDING AND SITE DESIGN

1. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2007-85, Control No.2000-00018, which currently states:

Development is limited to the existing 6,324 square foot fellowship hall. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable. As the ULDC will prevail.]

3. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

Prior to the issuance of a Certificate of Occupancy (CO) for the proposed 15,000 square foot church building, the 2,200 square foot sanctuary located in the fellowship hall shall cease from being utilized as a sanctuary.

Is hereby deleted. [REASON: No longer applicable. As the ULDC will prevail.]

4. All ground mounted air conditioning, mechanical equipment and satellite dishes 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. (ONGOING: ZONING - Zoning) (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2000-1562, Control No.2000-00018)

ENGINEERING

1. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Melaleuca Lane, 40 feet from centerline on or before December 1, 2000 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Melaleuca Lane to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG/PMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2000-1562, Control No.2000-00018)

3. Legal positive outfall for this site shall be provided into the Melaleuca Road drainage system. Also the Property Owner shall install a catch basin east of Waverly Woods Terrace within the Melaleuca Road Right of way and connect this structure to the existing catch basin west of Waverly Woods Terrace byway of a culvert. All drainage improvements shall be constructed concurrent with the paving and drainage improvements for the site and be subject to the approval of the County Engineer. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and restoration of the affected areas. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2000-1562, Control No.2000-00018)

4. 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, 2026, 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)

5. 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. (BLDG/PMT: MONITORING - Engineering)

ENVIRONMENTAL

1. A 25% upland set-aside preserve shall be shown on the site plan and approved by ERM prior to final DRC site plan certification. (Previous ENVIRONMENTAL Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

2. Previous ENVIRONMENTAL Condition 2 of Resolution R-2000-1562, Control No.2000-00018 which currently states:

The native vegetation in the undeveloped south portion of the site shall remain intact pursuant to Article 9.5.F. of the Unified Land Development Code (ULDC). The size and location of the native upland preserve shall remain 0.37 acres and be located pursuant to Article 9.5.F. of the ULDC.

Is hereby deleted. [REASON: no longer applicable as the requirements have been codified in the ULDC]

GRASS PARKING

1. Previous GRASS PARKING Condition 1 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

The parking spaces adjacent to the perimeter buffers (property lines) shall be limited to grassed parking only.

Is hereby amended to read:

The parking spaces adjacent to the east property line perimeter buffer shall be limited to grassed parking only. (ONGOING: ZONING - Zoning)

2. Previous GRASS PARKING Condition 2 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

No parking spaces shall be permitted adjacent to the west property line.

Is hereby amended to read:

No grass parking spaces shall be permitted adjacent to the west property line. (ONGOING: ZONING - Zoning)

3. Prior to Final Development Review Officer approval the site plan shall be revised to relocate the 4 new grass parking spaces to the west side of the development and to be shown as required parking spaces. (DRO: ZONING - Zoning)

HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to issuance of a building permit. (Previous HEALTH Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

LANDSCAPING ALONG THE EAST, SOUTH, AND WEST PROPERTY LINES

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

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. a minimum four (4) foot high opaque wood fence to be located on plateau of a minimum two (2) foot high continuous berm, excluding the preserve area;
- c. one (1) canopy tree shall be planted every twenty (20) feet on center; and
- d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of seventy-two (72) inches on the south and west property lines and thirty-six (36) inches on the east property line. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPING ALONG THE EAST, SOUTH, AND WEST PROPERTY LINES Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

ZONING - LANDSCAPING

2. Fifty (50) percent of the canopy trees required to be planted in the perimeter buffer 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; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

LIGHTING

1. Previous LIGHTING Condition 1 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

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. (ONGOING: ZONING - Zoning)

Is hereby deleted. [REASON: Code Requirement]

2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2000-1562, Control No.2000-00018)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2000-1562, Control No.2000-00018)

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 LIGHTING Condition 4 of Resolution R-2000-1562, Control No.2000-00018)

SIGNS

1. Freestanding sign fronting on Melaleuca Lane 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 - 50 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 1 of Resolution R-2000-1562, Control No.2000-00018)

2. Banners, flags, streamers, "A" type or sandwich style signs are prohibited on the site. (ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2000-1562, Control No.2000-00018)

SITE DESIGN

1. Prior to final Development Review Officer approval the site plan shall be revised to relocate the ADA spaces to the east side of the divider island. (DRO: ZONING - Zoning)

2. Prior to Final Development Review Officer approval the site plan shall be revised to relocate the required Drop-off spaces to the southern end of the parking lot and will include a minimum 5-foot wide sidewalk connecting to the proposed daycare structure. (DRO: ZONING - Zoning)

3. Prior to Final Development Review Officer approval the site tabular data shall be revised consistent with the requested Conditions of Approval revisions. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

The sanctuary located within the church building shall be limited to a maximum 4,000 square feet with 195 seats. The altar (stage, choir, and pulpit) area shall be limited to 1,000 square feet for a total of 5,000 square feet. The sanctuary shall be enclosed with solid walls.

Is hereby deleted. [REASON: No longer applicable. As the ULDC will prevail.]

2. Previous USE LIMITATIONS Condition 2 of Resolution R-2000-1562, Control No.2000-00018, which currently states:

Accessory outdoor uses such as temporary sales events shall be limited to a maximum of two (2) events per year and the duration of these events shall be limited to a maximum of three (3) days. Accessory outdoor uses shall end no later than 8:00 pm. Temporary amusements or special events, such as carnivals and flea markets, are prohibited on the site.

Is hereby amended to read:

Accessory outdoor uses for the Place of Worship such as temporary sales events shall be limited to a maximum of two (2) events per year and the duration of these events shall be limited to a maximum of three (3) days. Accessory outdoor uses shall end no later than 8:00 pm. Temporary amusements or special events, such as carnivals and flea markets, are prohibited on the site. (ONGOING: ZONING - Zoning)

3. Hours of operation/church activities shall end no later than 11:00 p.m. daily. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2000-1562, Control No.2000-00018)

4. No bells, chimes, or outdoor loud speakers shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2000-1562, Control No.2000-00018)

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: ZONING - Zoning)

DISCLOSURE

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