

RESOLUTION NO. R-2022- 1055

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2021-01947
(CONTROL NO. 2000-00018)
a Class A Conditional Use
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 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-2021-01947 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 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 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.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 Class

A Conditional Use to allow a General Day Care on 4.96 acres, 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

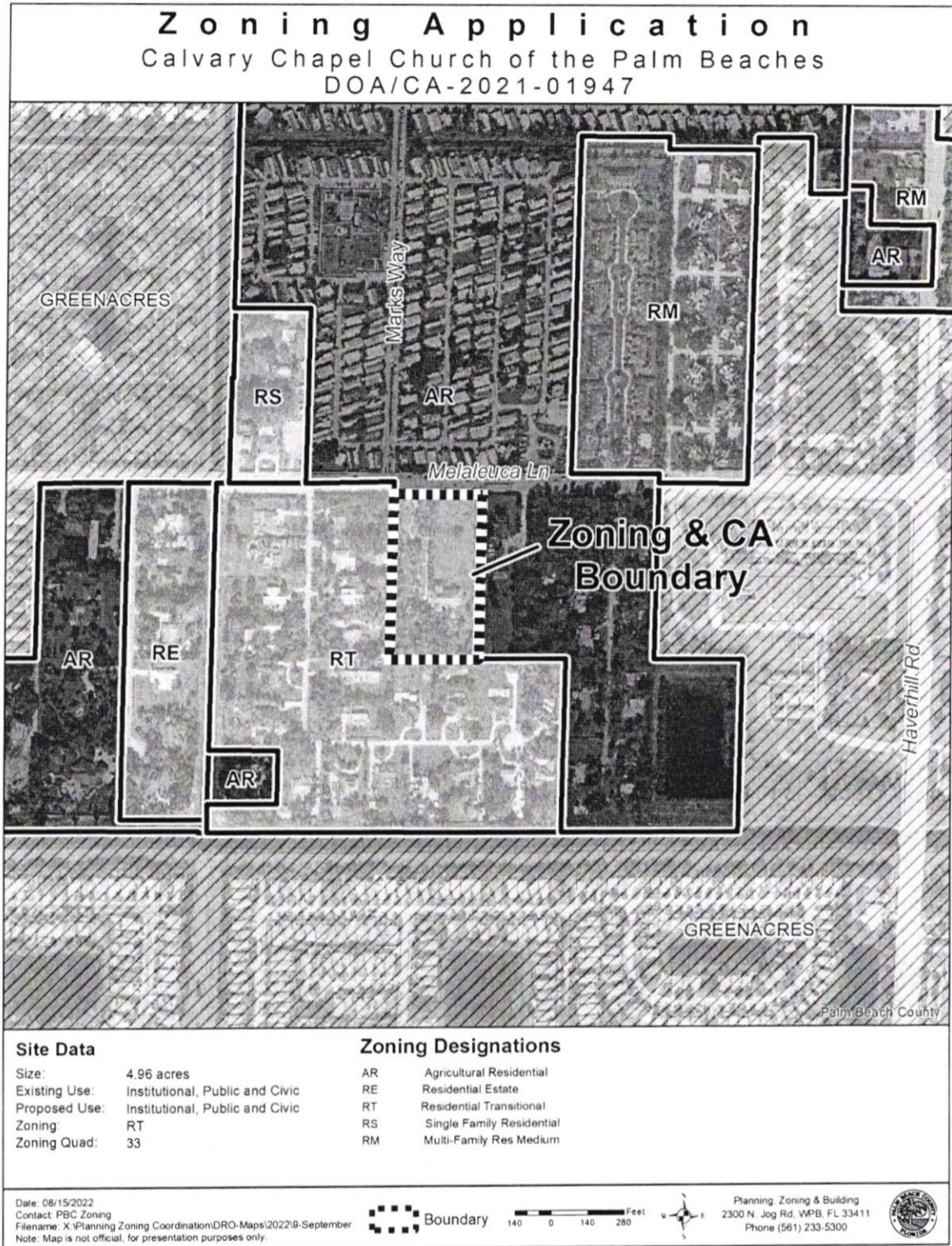


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 14, 2022. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Building Permit for the proposed daycare structure the applicant shall submit Architectural Elevations. The elevations shall be consistent with the approved elevations for the Place of Worship. (BLDGPM: ZONING - Zoning)

ENVIRONMENTAL

1. The native preserve area(s) shall be surrounded by a permanent barrier (e.g., a fence) with a minimum height of four feet and utilize signage on all sides to indicate the area is under preservation. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, the applicant shall submit an updated Preserve Management Plan to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. 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. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG THE EAST, SOUTH, AND WEST PROPERTY LINES

2. 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. (ONGOING: ZONING - Zoning)

LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (ONGOING: ZONING - Zoning)

2. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: ZONING - Zoning)

3. 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)

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)

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)

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)

USE LIMITATIONS - DAY CARE

1. The Daycare shall be limited to 50 children/adults. (ONGOING: ZONING - Zoning)

2. No bells, chimes, or outdoor loud speakers shall be permitted on site. (ONGOING: ZONING - Zoning)

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.