

RESOLUTION NO. R-2013- 0115

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2011-03176
(CONTROL NO. 2010-00073)
a Class A Conditional Use
APPLICATION OF Iglesia De Cristo Misionera
BY Land Research Management, Inc., AGENT
(Iglesia De Cristo Misionera)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application SV/Z/CA-2011-03176 was presented to the Board of County Commissioners at a public hearing conducted on January 24, 2013; and

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; and

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Class A Conditional Use .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 SV/Z/CA-2011-03176, the petition of Iglesia De Cristo Misionera, by Land Research Management, Inc., agent, for a Class A Conditional Use to allow a Place of Worship in the RS Zoning District, on a parcel of land legally described 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 January 24, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor 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 Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 24, 2013.

Filed with the Clerk of the Board of County Commissioners on January 31st, 2013.

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
FLORIDA

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "FLORIDA" at the bottom, separated by a star on the left. The inner ring contains the text "DEPUTY CLERK" and "FLORIDA".

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

PARCEL 1

THE EAST 210.0 FEET OF THE WEST 658.58 FEET OF THE NORTH 234.67 FEET OF LOTS 1, 2, 3, AND 4, OF MODEL LAND COMPANY SUBDIVISION OF THE NORTH ONE-HALF OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 76, IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, LESS THE EAST 20 FEET AND LESS THE NORTH 50.0 FEET FOR ROAD RIGHT-OF-WAY PURPOSES.

PARCEL 2:

THE EAST 105.0 FEET OF THE WEST 658.58 FEET OF THE SOUTH 244.66 FEET OF THE NORTH 479.33 FEET OF LOTS 1, 2, 3, AND 4 OF MODEL LAND COMPANY SUBDIVISION OF THE NORTH ONE-HALF OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 76, PALM BEACH COUNTY, FLORIDA. SUBJECT TO A 10 FOOT DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTH LINE THEREOF.

PARCEL 3:

THE EAST 105.0 FEET OF THE WEST 553.58 FEET OF THE SOUTH 244.66 FEET OF THE NORTH 479.33 FEET OF LOTS 1, 2, 3, AND 4 OF MODEL LAND COMPANY SUBDIVISION OF THE NORTH 1/2 OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42

EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 76. SUBJECT TO A 10 FOOT DRAINAGE AND UTILITY EASEMENT ALONG THE SOUTH LINE THEREOF.

SUBJECT TO AND EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 60 FEET OF THE ABOVE DESCRIBED PROPERTY.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRSSS OVER THE NORTH 60 FEET OF THE SOUTH 244.66 FEET OF THE NORTH 479.33 FEET OF LOTS 1, 2, 3 AND 4 OF MODEL LAND COMPANY SUBDIVISION, OF THE NORTH 1/2 OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 5, PAGE 76, LESS THE WEST 448.58 FEET THEREOF AND LESS THE EAST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRSSS OVER THE EAST 20.0 FEET OF THE WEST 658.58 FEET OF THE NORTH 234.67 FEET OF LOTS 1, 2, 3 AND 4 OF MODEL LAND COMPANY SUBDIVISION, OF THE NORTH 1/2 OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY,

FLORIDA, IN PLAT BOOK 5, PAGE 76, LESS THE NORTH 50 FEET THEREOF.

PARCEL 4

THE EAST 20.0 FEET OF THE WEST 658.58 FEET OF THE NORTH 234.67 FEET, LESS THE NORTH 50.0 FEET FOR ROAD RIGHT OF WAY PURPOSES, OF LOTS 1, 2, 3, AND 4, OF MODEL LAND COMPANY SUBDIVISION OF THE NORTH ONE-HALF OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 76, IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR

**PALM BEACH COUNTY, FLORIDA.
SUBJECT TO 20 FOOT INGRESS AND EGRESS EASEMENT AS RECORDED IN
OFFICIAL RECORDS BOOK 5912, PAGE 1764; PUBLIC RECORDS OF PALM
BEACH COUNTY, FLORIDA.**

EXHIBIT B
VICINITY SKETCH

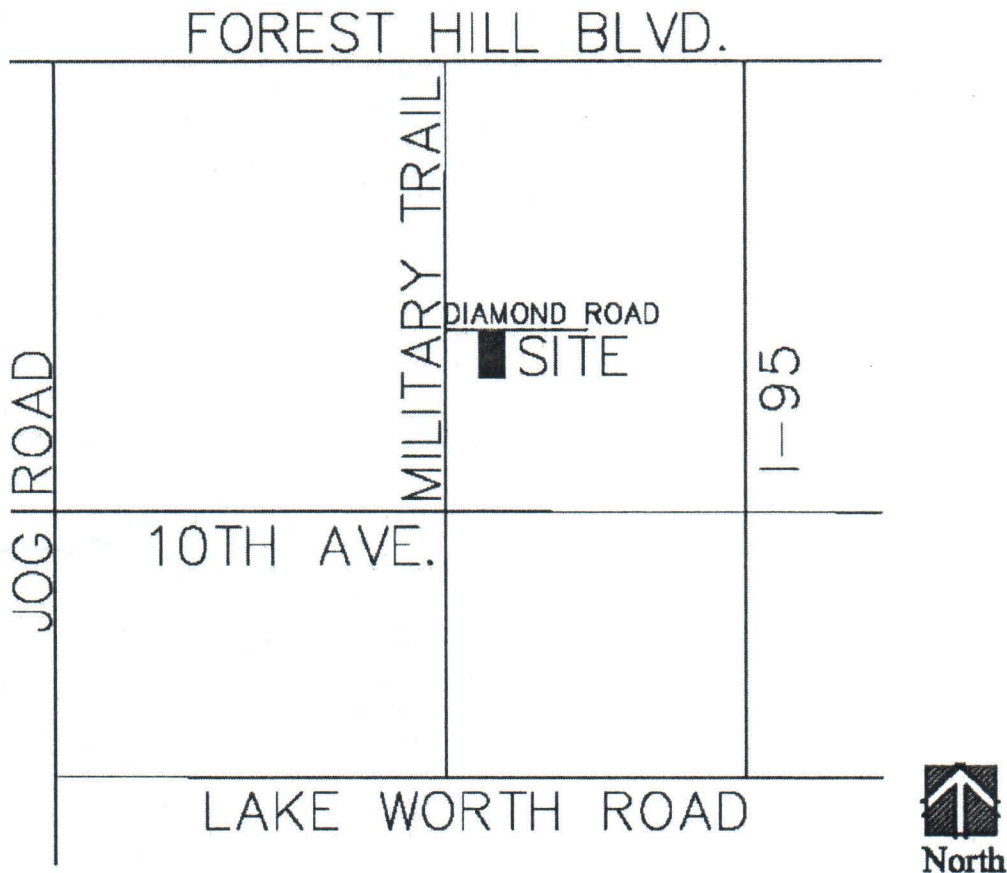


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Site Plan is dated November 30, 2012. 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)

ARCHITECTURAL REVIEW

1.At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Place of Worship 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) and shall be generally consistent with the Architectural Elevations dated October 29, 2012. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

BUILDING

1.By June 30, 2013 and prior to beginning the new use, permits shall be obtained and certificates of occupancy or completion issued for 1) a change of occupancy classification and alteration to convert an existing accessory residential garage to office/storage for a place of worship and 2) to permit or remove an undocumented storage shed. (DATE/CERTIFICATE OF OCCUPANCY: MONITORING/BLDG - Building)

ENGINEERING

1.Prior to issuance of the first building permit, the property owner shall combine the existing parcels into one legal lot of record in accordance with the provisions of Article 11 of the Unified Land Development Code. The existing single family unit may not be subdivided into a separate parcel without compliance with Subdivision Ordinance requirements. (BLDG PERMIT: MONITORING-Eng)

2.Prior to issuance of the first building permit, the property owner shall provide an additional ingress / egress easement along the north portion of the east side of the property, as approved by the County Engineer. The length and width of the additional easement shall be sufficient to encumpass the entire driveway, as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

3.Prior to final site plan approval by the DRO, the property owner shall abandon, and relocate if necessary, the existing east-west 60-foot ingress and egress easement as well any required portions of the north-south 20-foot road easement. (DRO: ENGINEERING - Eng)

4.Prior to issuance of the first Certificate of Occupancy, the property owner shall submit a recorded road maintenance agreement, acceptable to the County Attorney and County Engineer, identifying the entity(ies) responsible for maintaining the road as well as required improvements to the road. (CO: MONITORING - Eng)

USE LIMITATIONS

1.Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - 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: 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)