

RESOLUTION NO. R-2018- 1481

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2018-00406
(CONTROL NO. 1998-00061)
a Class A Conditional Use
APPLICATION OF Family Church 6 LLC
BY Urban Design Kilday Studios, AGENT
(Jupiter Farms 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 ABN/DOA/CA-2018-00406 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2018;

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 ABN/DOA/CA-2018-00406, the Application of Family Church 6 LLC, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use to allow a Day Care General, 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 24, 2018, 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 Abrams and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2018.

Filed with the Clerk of the Board of County Commissioners on October 1st, 2018

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**

THE EAST 1/2 OF THE SOUTH 517.00 FEET OF THE WEST 1,746.00 FEET OF THE EAST 3517.00 FEET, LYING NORTH OF STATE ROAD 706, SECTION 33, TOWNSHIP 40 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. SUBJECT TO THE RIGHT-OF-WAY OF 134TH WAY.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 33, TOWNSHIP 40 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION POINT OF THE WEST LINE OF THE EAST 2,614.00 FEET OF SAID SECTION 33 AND THE NORTH RIGHT-OF-WAY LINE OF INDIANTOWN ROAD (STATE ROAD NO. 706 AS IT APPEARS ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PROJECT MAP NO. 9319 103); THENCE NORTH 90°00'00" EAST (BEARING BASIS) ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET; THENCE NORTH 44°49'57" WEST, A DISTANCE OF 35.25 FEET TO THE INTERSECTION WITH SAID WEST LINE OF THE EAST 2614.00 FEET; THENCE SOUTH 00°20'06" WEST ALONG SAID WEST LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.35 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

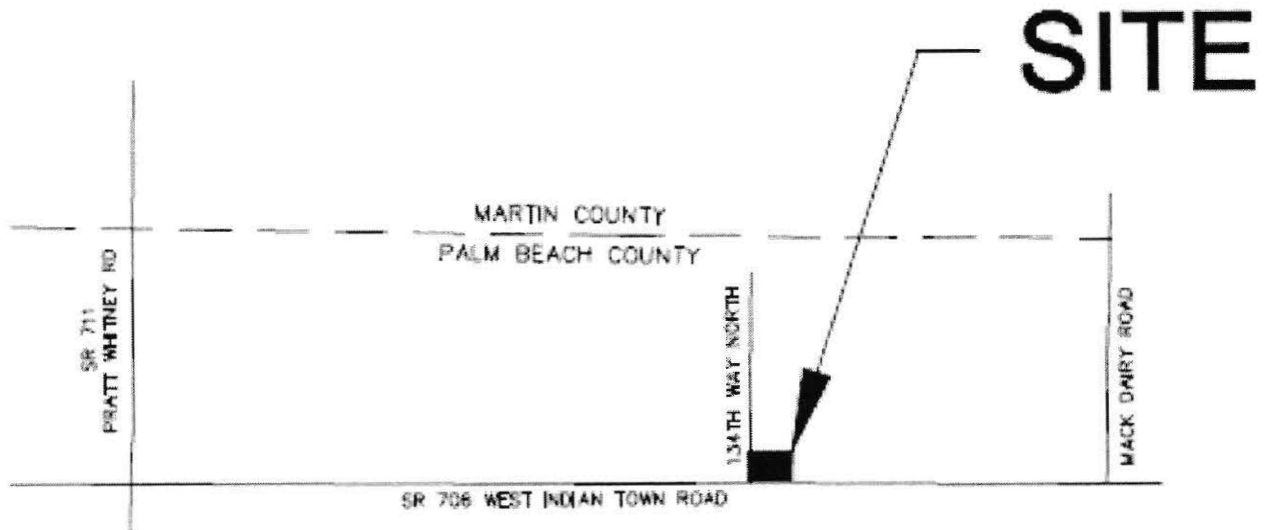


EXHIBIT C
CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 25, 2018. 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. (DRO: 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, 2023. 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. No driveway connections shall be permitted to Indiantown Rd. Any driveway connections shown on the project's site plan shall be removed prior to Final Site Plan approval by the Development Review Officer. (ONGOING: ENGINEERING - Engineering)

3. The Property Owner shall fund the construction plans and construction of 134th Way North from Indiantown Road to the project entrance or 300 feet, whichever is greater, to be consistent with Palm Beach County standards for an arterial, collector, or local commercial street. This construction shall be concurrent with the paving and drainage improvements for the site. 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 acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy or October 31, 2019, whichever shall occur first. (BLDG/PMT/CO/DATE: MONITORING - Engineering)

4. The Property Owner shall remove the existing curb cut on Indiantown Road and restore the right-of-way to Palm Beach County standards prior to the issuance of the first Certificate of Occupancy or October 31, 2019, whichever shall occur first.. (BLDG/PMT/CO/DATE: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Tree Survey and Tree Disposition Chart to the Zoning division and amend the Final Site Plan as follows for review and approval:

a. The temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;

b. The location for the preserved vegetation and identify what type of temporary tree barricades and/or permanent tree protection devices will be utilized;

c. The above requirements shall be updated in the Tree Disposition Chart; and

d. Revise the Final Site Plan to indicate and label all trees as shown on the previous approved Final Site Plan, to be preserved, relocated, replaced or mitigated. (DRO: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits, except permits required to resolve existing Code Enforcement Violations that do not include site work, to ensure preserved trees are properly marked and protection devices are installed. (ONGOING: BUILDING DIVISION - Zoning)

3. Landscape Buffer width along the north and east property line shall be a minimum of twenty (20) foot wide. (DRO: ZONING - Zoning)

4. Landscape Buffer width along the west property line shall be a minimum of forty (40) foot

wide. (DRO: ZONING - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: ZONING - Code Enforcement)

USE LIMITATIONS-GENERAL DAY CARE LIMITATIONS

1. The Day Care General use with a maximum capacity of 30 Children is limited to a maximum capacity of 20 children until such time that 134th Way North is constructed to Palm Beach County Engineering standards for non-residential access along the south 300 feet of the west property line. (ONGOING: ZONING - Code Enforcement)

2. At time of submittal for Final Approval by the Development Review Officer, the Final Site Plan shall be revised to relocate, indicate and label the two required Day Care drop off spaces the south side of Building A, and adjacent to a minimum four foot wide sidewalk connecting to the Day Care General entrance along the west side of building A. (DRO: 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.