

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.:	ABN-2021-01941
Application Name:	Christ Fellowship Boca (fka) Boca West United Meth. Church
Control No./Name:	1974-00122 Christ Fellowship Boca (fka) Boca West United Methodist Church
Applicant:	Christ Fellowship Church Inc
Owners:	Christ Fellowship Church Inc
Agent:	Cotleur & Hearing, Inc. - Melissa Kostelia Cotleur & Hearing, Inc. - Don Hearing
Telephone No.:	(561) 747-6336
Project Manager:	Zubida Persaud, Site Planner II

TITLE: a Development Order Abandonment - Class B concurrent Conditional Use for a Daycare granted, corrected and amended under ZR-1999-09; ZR-2000-005; and ZR-2004-001 - ZC	REQUEST: to abandon a Class B
TITLE: a Development Order Abandonment (Place of Worship) including sanctuary facilities, educational building and administrative offices granted under R-1974-0765 - BCC	REQUEST: to abandon a Special Exception for a Church

APPLICATION SUMMARY: Proposed are two abandonment requests for the 4.21-acre Christ Fellowship Boca development.

These requests will abandon two prior Development Orders (DO), a General Daycare and a Place of Worship with Administrative Buildings. The daycare use is no longer required by the applicant and will cease upon the approval of this abandonment. All current structures are proposed to be demolished as the Applicant intends to redevelop the site with a Place of Worship Use which is allowed within the Commercial General Zoning District subject to Development Review Officer (DRO) approval based on the proposed 19,000 square foot structure.

SITE DATA:

Location:	Northwest corner of the intersection of Glades Road and Lyons Road.
Property Control Number(s)	00-42-43-27-05-077-0941
Future Land Use Designation:	Commercial High, with an underlying MR-5 (CH/5)
Zoning District:	General Commercial District (CG)
Total Acreage:	4.21 acres
Tier:	URBAN/SUBURBAN
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 5 Mile	Boca Raton
Future Annexation Area	N/A
BCC District	District 5 - Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the requests.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
CA-74-122	Special Exception to allow a Church including sanctuary facilities, educational building and administrative offices, in the Residential Single Family zoning district;	R-74-765	August 29, 1974
CB-74-122(A)	Class B Conditional Use (CB) to allow a daycare, general in the General Commercial (CG) Zoning District	ZR-1999-009	September 2, 1999
Z-74-122(A)	Official Zoning Map Amendment (Rezoning) from the Residential Single Family (RS) zoning district to the General Commercial (CG) Zoning District;	R-99-1683.2	September 23, 1999
ZR-99-009	Correcting Resolution to correct a Condition of Approval A.2 of prior approval ZR-1999-009.	ZR-2000-0005	April 6, 2000
DOA-1974-122B	Development Order Amendment to modify Condition of Approval for the number of children and to reconfigure the site plan.	ZR-2004-001	April 4, 2004

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures Art. 2.B.7.F, Development Order Abandonment (ABN) and pursuant to Art. 2.B, Public Hearing Processes. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of Art.2.B.7.F. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6. Standards.

a. Consistency with the Plan - The proposed abandonment is consistent with the Plan.

In accordance with Future Land Use Element of the Comprehensive Plan, the plan encourages revitalization, redevelopment and infill in urban areas.

The subject site is within the urban/ suburban tier and is considered an infill site. Approval of the abandonments facilitate the approval of the concurrent application for a Place of Worship on the subject site, through the Administrative Review process, and allows for redevelopment and expansion. The abandonment of both prior Dos are consistent with the Plan. While, it is the intent not to reestablish the General Daycare use, the Applicant is seeking approval of the Place of Worship through the Administrative process, and will continue to be consistent with the Plan.

b. Consistency with the Code - The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.

The proposed abandonments are not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code. There is a concurrent request for a Place of Worship and proposed final site plan complies with all parking, setbacks, lot coverage, signage, pedestrian amenities, site circulation, landscape and architectural standards.

The buildings and site were originally developed in 1974 and are now dilapidated. The Property Owner is proposing to demolish all existing structures and improve the majority of the existing infrastructure in substantial compliance with the Code. No non-conformities exists on the site today and the request does not create any new non-conformities. The proposed plans incorporates the two existing conservation easements on the site. The conservations easements are proposed to be revitalized with new plant material and fencing. The property owner has submitted an application for a proposed 19,000 square foot and 462-seat Place of Worship facility, which is subject to Development Review Officer (DRO) review and all current Code standards.

c. Adequate Public Facilities - The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards)Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of

the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

The site has existing adequate potable water, sanitary sewer, solid waste, drainage, and mass transit public facilities, and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities in accordance with Art. 2. F, Concurrency. Concurrently with the abandonment applications, a DO application is in process for site plan approval for the new Place of Worship. The abandonment and concurrency will be reevaluated with the concurrent Use approval request.

- d. ***Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.***

In 2021, Christ Fellowship Church, Inc. purchased the property from First United Methodist Church and the new property owners do not wish to continue the daycare use and have submitted a concurrent Place of Worship application for approval from the Development Review Officer (DRO). All conditions of approval have been satisfied, completed or are no longer applicable to the current request. Ownership was and continues to be under a single owner so there is no reliance by other parties regarding the prior DOs.

CONCLUSION: Staff finds that the requests meets the Development Order Abandonment Standards and is recommending approval of the requests.

Figure 1 - Land Use Map

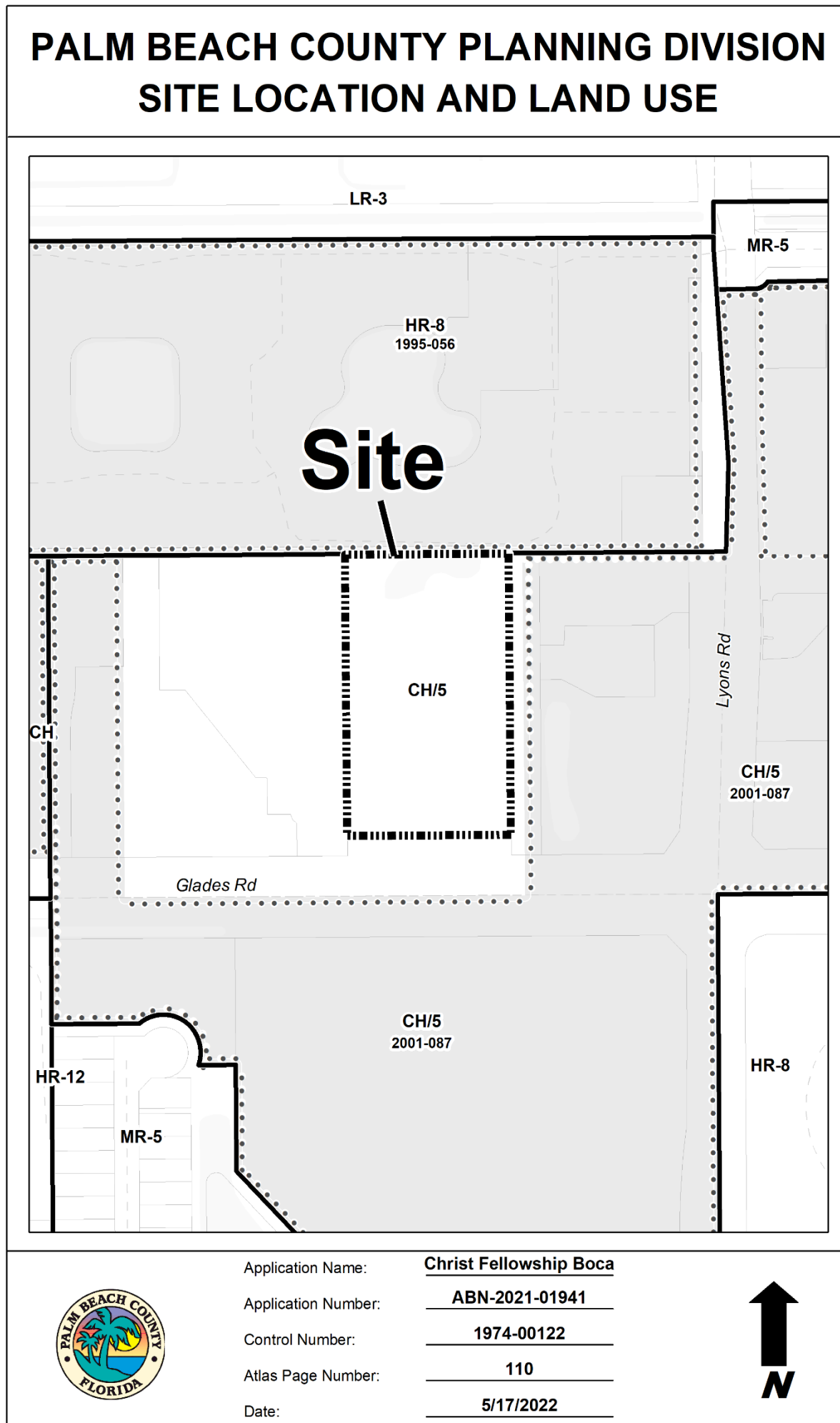


Figure 2 - Zoning Map

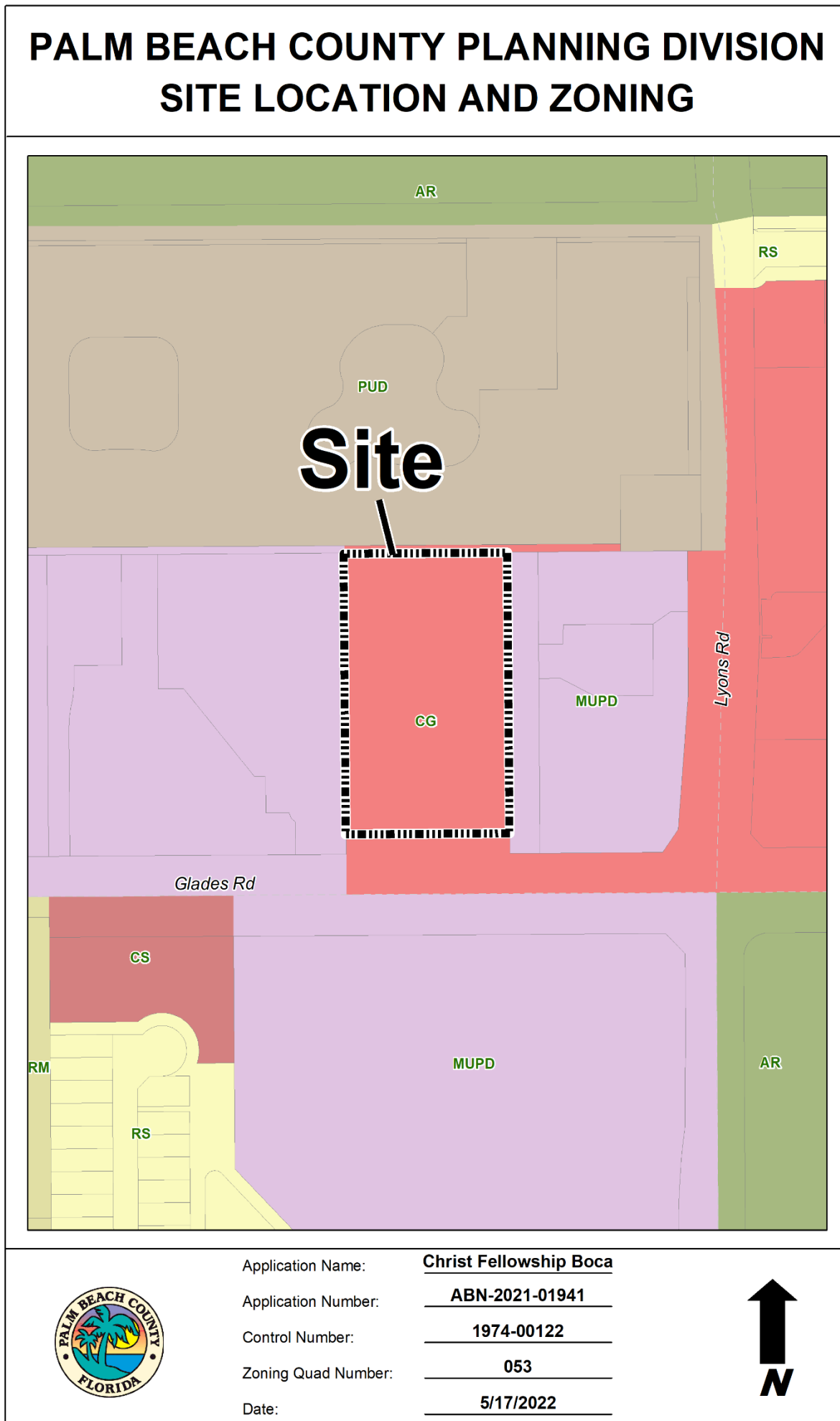
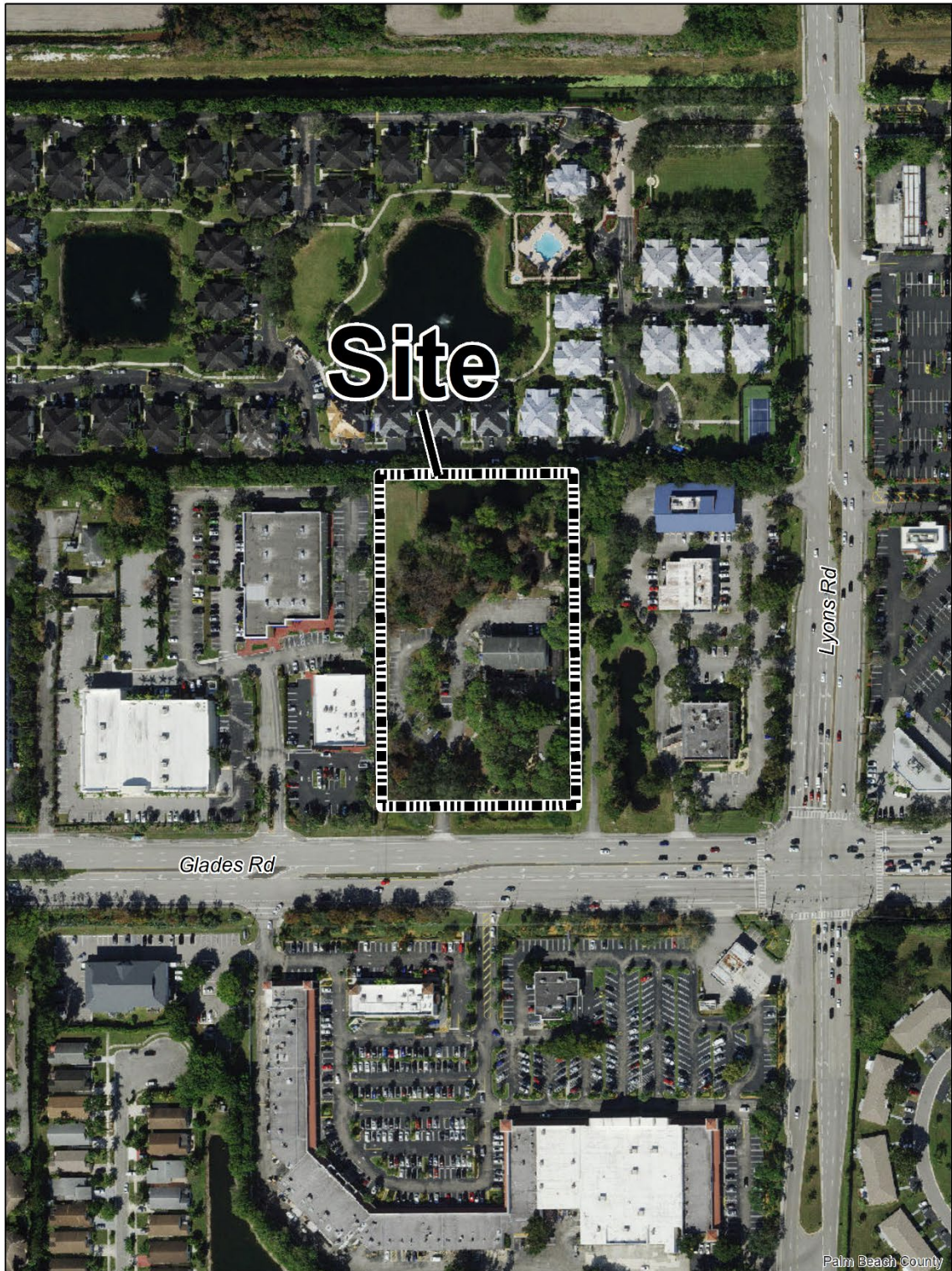


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Christ Fellowship Boca</u>
Application Number:	<u>ABN-2021-01941</u>
Control Number:	<u>1974-00122</u>
Atlas Page Number:	<u>110</u>
Date:	<u>5/17/2022</u>



Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Stephen P. Austin, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Director/Treasure of Christ Fellowship Church, Inc [position - e.g., president, partner, trustee] of Christ Fellowship Church, Inc [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 5343 Northlake Blvd.
Palm Beach Gardens, FL 33418
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Stephen P. Austin
Stephen P. Austin, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION: STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 1st day of November, 2021 by Stephen Austin (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

 TIKHA JENKINS
(Name - type, stamp, or print name) (Signature)

My Commission Expires on: July 6th, 2025

EXHIBIT “A”

PROPERTY

DESCRIPTION:

THE EAST 60 FEET OF TRACT 94 AND ALL OF TRACT 95, LESS THE EAST 60 FEET THEREOF, BLOCK 77, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, LESS THE RIGHT OF WAY FOR STATE ROAD 808 CONVEYED BY DEEDS RECORDED IN DEED BOOK 917, PAGE 179 AND O.R. BOOK 2417, PAGE 507, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 182,981 SQUARE FEET / 4.201 ACRES MORE OR LESS.

LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

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EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Not Applicable, Not for profit organization.	

Exhibit E – Applicant’s Justification Statement dated April 25, 2022

Christ Fellowship Boca
Development Order Abandonment
JUSTIFICATION STATEMENT
February 14, 2022
Revised April 25, 2022

REQUEST

On behalf of the owner Christ Fellowship Church, Inc, we are requesting an abandonment of Resolution ZR-2004-001 for the Daycare use and partial abandonment of Resolution R-19740765 for the Place of Worship. The property is 4.20 acres and located 420 feet west of Lyons Road and north of Glades Road. The site has a CH/5 future land use designation and is within the CG zoning district.

TIMELINE OF EVENTS

There are two existing uses on the site: a daycare and place of worship. The owner has a concurrent request for a place of worship. The following is a timeline of the zoning process and construction.

- The daycare is leasing one of the buildings from Christ Fellowship Church (the place of worship). The lease expires on June 30, 2022.
- The daycare is vacating the site immediately after the lease expires.
- The place of worship is utilizing the other two building until June 30, 2022, or immediately after the public hearing.
- Certification of both applications are contingent upon each other. It is anticipated the requests are approved and scheduled for the July public hearing.
- Construction documents are currently in progress and due to be completed and submitted on July 1, 2022, or after the public hearing.
- All structures are proposed to be demolished.
- Church is prepared to commence construction immediately after building permit issuance with an anticipated 12-month construction timeline. (see attached Gant chart, for additional information).

PRIOR DEVELOPMENT ORDER APPROVALS

Resolution R-1974-0765, the BCC approved the rezoning from AG-Agriculture to RS- Residential single-family district and a special exception to allow a church including sanctuary facilities, educational building, and administrative offices.

ZR-1999-0009 CB approval for Daycare and consolidated all conditions of approval from Resolution R-1974-0765.

Resolution R-1999-1683-2 approved a rezoning from RS to CG. ZR-2000-0005 approved a corrective resolution for Condition A.2 of Exhibit C of Resolution ZR-99-009.

ZR-2004-001 approved modification of condition for number of children and modified site plan and consolidated all conditions from R-1999-0009. All resolutions currently active.

CONCURRENT REQUEST

Christ Fellowship Church, Inc, is requesting a concurrent site plan approval from the Development Review Officers (DRO) for a 19,000 square foot and 462 seat Place of Worship facility. In accordance with Article 4.B.4.C.13 Existing Approvals, applicants may seek abandonment of the existing Place of Worship approval and apply for DRO approval at any time.

Article 2.B.7.F.6 – Abandonment Standards

Article 2.B.7.F.6 states that to authorize an abandonment, when considering an ABN application, the BCC and ZC shall consider the standards indicated below:

a. Consistency with the Plan The proposed abandonment is consistent with the Plan;

RESPONSE: In accordance with Future Land Use Element of the Comprehensive Plan, the plan encourages revitalization, redevelopment and infill in urban areas.

The subject site is within the urban/ suburban tier and is considered an infill site. Approval of the abandonment facilitates the approval of the concurrent application for a place of worship on the subject site.

The buildings and site were originally developed in 1974 and are now dilapidated. The owner is redeveloping and revitalizing the site by demolishing the existing buildings and rebuilding the infrastructure. The proposed plans incorporate the two existing conservation easements on the site. The conservations easements are proposed to be revitalized with new plant material and fencing.

The owner is proposing a 19,000 square foot and 462 seat Place of Worship facility. The church will offer many benefits to the community from youth groups, support services, substantial economic revenue, provide for substantial social capital through civic and community networks, and foster human capital growth (physical and emotional needs) to the Boca area.

b. Consistency with the Code The proposed abandonment is not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new nonconformities;

RESPONSE: The concurrent request for a Place of Worship and proposed final site plan complies with all parking, setbacks, lot coverage, signage, pedestrian amenities, site circulation, landscape and architectural standards. The owner is requesting to demolish all structures and improve the majority of all the existing infrastructure in substantial compliance with the code. No nonconformities exist on the site today and the request does not create any new nonconformities.

c. Adequate Public Facilities - The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards); DO was implemented, the entire use will be abandoned and the concurrency will be revaluated with the concurrent use approval request ;

RESPONSE: The site has existing adequate potable water, sanitary sewer, solid waste, drainage, and mass transit public facilities, and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities in accordance with Art. 2. F, Concurrency. Concurrently with the abandonment application a DO application is in process for site plan approval. The abandonment and concurrency will be revaluated with the concurrent use approval request.

d. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO;

RESPONSE: In 2021, Christ Fellowship Church, Inc. purchased the property from First United Methodist Church and they do not wish to continue the daycare use and have submitted a concurrent Place of Worship application for approval from the Development Review Officers (DRO). All conditions of approval have been satisfied, completed or are no longer applicable to current request. See attached "Status of Conditions of Approval" with this request.