

RESOLUTION NO. R-2011- 0422

RESOLUTION APPROVING ZONING APPLICATION Z/DOA/CA-2010-01729
(CONTROL NO. 2003-00009)
an Official Zoning Map Amendment
APPLICATION OF Iglesia Cristo Mi Redentor, Inc
BY Cotleur & Hearing, Inc., AGENT
(Iglesia Cristo Mi Redentor)

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 Z/DOA/CA-2010-01729 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2011; 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.1.B.

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 Z/DOA/CA-2010-01729, the application of Iglesia Cristo Mi Redentor, Inc, by Cotleur & Hearing, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the Multifamily Residential (RM) Zoning District to the Single Family Residential (RS) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on March 31, 2011 subject to the conditions described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2011.

Filed with the Clerk of the Board of County Commissioners on April 4th, 2011.

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

LEGAL DESCRIPTION

PARCEL 1

(PCN 00-42-44-01-00-000-7670)

THE SOUTH 250 FEET OF THE NORTHWEST QUARTER (1/4) OF LOT 6, BLOCK 3, PALM BEACH PLANTATIONS, A SUBDIVISION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING THE WEST 40 FEET THEREOF AS CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES.

TOGETHER WITH:

PARCEL 2

(PCN 00-42-44-01-00-000-7640)

THE NORTH 165 FEET OF THE SOUTH 297 FEET OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, EXCEPTING THEREFROM THE EAST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT OVER THE EAST 20 FEET OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, FOR INGRESS AND EGRESS.

TOGETHER WITH:

PARCEL 3

(PCN 00-42-44-01-00-000-7080)

THE SOUTH 132 FEET OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 20 FEET THEREOF.

TOGETHER WITH RIGHT OF INGRESS AND EGRESS OVER SAID TWENTY (20) FOOT STRIP ALONG THE EAST BOUNDARY OF THE LAND HEREIN CONVEYED, AND OVER A TWENTY (20) FOOT STRIP RUNNING FROM THE NORTHEAST CORNER OF SAID LAND TO SUNNY LANE AVENUE OVER OTHER LANDS.

TOGETHER WITH:

PARCEL 4

(PCN 00-42-44-01-00-000-7570)

PARCEL A: THE WEST QUARTER (1/4) OF THE NORTH HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 55.00 FEET THEREOF FOR CANAL RIGHT-OF-WAY.

PARCEL B: THE EAST HALF (1/2) OF THE WEST HALF (1/2) OF THE NORTH HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42

EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 55.00 FEET THEREOF FOR CANAL RIGHT-OF-WAY.

PARCELS A AND B ALSO DESCRIBED AS THE NORTH HALF (1/2) OF THE WEST HALF (1/2) OF THE NORTH HALF (1/2) OF TRACT 5, BLOCK 3, PLAT NO. 1, PALM BEACH PLANTATIONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, AT PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 5
(PCN 00-42-44-01-00-000-7620)

THE NORTH 132 FEET OF THE SOUTH 429 FEET OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, SUBJECT TO AN EASEMENT FOR RIGHT-OF-WAY IN COMMON WITH ADJOINING OWNERS OVER THE EAST 20 FEET OF SAID LAND.

AND TOGETHER WITH THE EASEMENT FOR ROAD RIGHT-OF-WAY IN COMMON WITH ADJOINING OWNERS OVER THE EAST 20 FEET OF LANDS LYING NORTH OF THE SAID LAND WHICH WAS CONVEYED BY WILLIAM T. BOATWRIGHT AND WIFE TO ALBERT M. MILLER AND WIFE BY THE WARRANTY DEED WHICH IS RECORDED IN DEED BOOK 1012, AT PAGE 84, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

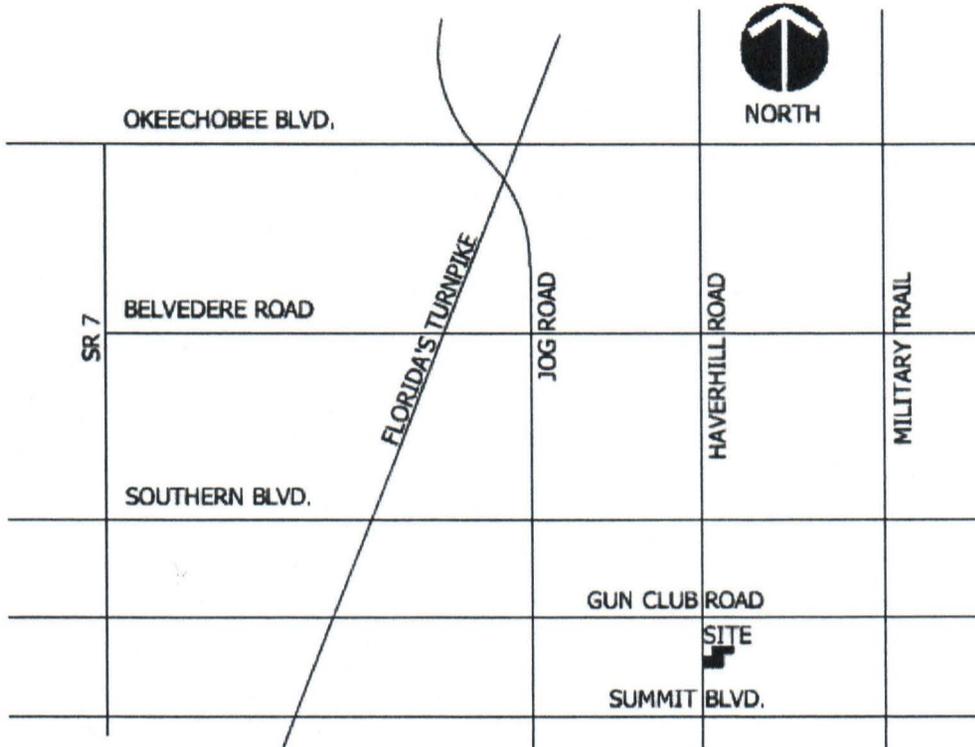


EXHIBIT C-1

CONDITIONS OF APPROVAL

ENGINEERING

1. Previous condition E.1 of Resolution R-2003-1123, Control No. 2003-009, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2006. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

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, 2012. 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-Eng)

2. Previous condition E.2 of Resolution R-2003-1123, Control No. 2003-009, which currently states:

Prior to Final DRC approval of the site plan, the site plan shall be amended to show the required divider median for the site's entrance drive aisle. (DRC:ENG-Eng)

Is hereby deleted - [Reason: Site Plan Revised]

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (DRO:ENGINEERING-Eng) (Previous condition E.3 of Resolution R-2003-1123, Control No. 2003-009)

4. Prior to issuance of the first building permit the property owner shall combine the property into a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

5. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING-Eng)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (PLAT/BLDG PERMIT: MONITORING-Eng)

6. Access to the site shall be limited to ingress and egress only onto Haverhill Road. The property shall not be accessed from Sunny Lane Court except as required for maintenance of the portion of the site east of Sunny Lane Court. (ONGOING: CODE ENF - Eng)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to platting, approval from LWDD for Technical Compliance, or the issuance of any LWDD permits, the owner shall convey to LWDD either by warranty deed or exclusive easement deed the South 15 feet of the North 70 feet of the N of the W of the N of Tract 5, Block 3, PALM BEACH PLANTATIONS, PB 10, PG 20, Section 1/44/42 for the L-5 Canal. PLAT: ENG-LWDD

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 (CO); 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; 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 (ULDC) 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; 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)