

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2023-00657
(CONTROL NO. 1997-00062)
a Class A Conditional Use
APPLICATION OF Gods Church Of Faith Inc
BY Land Research Management, Inc., AGENT
(Eternal Gospel 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/Z/CA-2023-00657, the Application of Church Of Faith Inc by Land Research Management, Inc., Agent, for a Development Order Abandonment to abandon a Class A Conditional Use for a Place of Worship on 1.77 acres; an Official Zoning Map Amendment to allow a rezoning from the Multifamily (RM) Residential Zoning District to the Single-Family Residential (RS) Zoning District on 0.67 acres, and a Class A Conditional Use to allow a General Day Care on 2.44 acres was presented to the Board of County Commissioners at a public hearing conducted on April 25, 2024;

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:

1. The foregoing recitals are true and correct and are incorporated herein

2. Zoning Application ABN/Z/CA-2023-00657, the Application of Gods Church Of Faith Inc, by Land Research Management, Inc., Agent, for a Class A Conditional Use to allow a General Daycare on 2.44 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 April 25, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Woodward moved for the approval of the Resolution.

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

- Commissioner Maria Sachs, Mayor - Aye
- Commissioner Maria G. Marino, Vice Mayor - Aye
- Commissioner Gregg K. Weiss - Aye
- Commissioner Michael A. Barnett - Aye
- Commissioner Marci Woodward - Aye
- Commissioner Sara Baxter - Aye
- Commissioner Mack Bernard - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 25, 2024.

Filed with the Clerk of the Board of County Commissioners on April 25, 2024.

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

DESCRIPTION:

PARCEL 1:

THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, EXCEPTING, THE WEST 133 FEET THEREOF, OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 133 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING ALSO DESCRIBED AS THE NORTH 100 FEET OF THE SOUTH 350 FEET OF THE WEST 133 OF THE NORTHWEST 1/4 OF LOT 6, BLOCK 3, PALM BEACH PLANTATIONS, A SUBDIVISION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO A RIGHT OF WAY OVER THE WEST 40 FEET THEREOF.

PARCEL 3:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 OF SAID SECTION 1, THENCE RUN SOUTH 01°23'16" WEST ALONG THE WEST LINE OF SAID SECTION 1, SAID LINE ALSO BEING THE CENTER LINE OF HAVERHILL ROAD, A DISTANCE OF 56.00 FEET TO A POINT ON A LINE PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH 88°51'19" EAST, ALONG SAID LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°51'19" EAST, ALONG SAID LINE, A DISTANCE OF 293.93 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1; THENCE SOUTH 01°23'35" WEST ALONG SAID LINE, A DISTANCE OF 262.14 FEET TO A POINT ON A LINE PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE NORTH 88°52'48" WEST, ALONG SAID LINE, A DISTANCE OF 293.90 FEET TO THE EXISTING EAST RIGHT OF WAY LINE OF HAVERHILL ROAD, SAID LINE BEING PARALLEL WITH THE WEST LINE OF SECTION 1; THENCE NORTH 01°23'16" EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 262.27 FEET TO THE POINT OF BEGINNING.

FURTHER DESCRIBED AS:

A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

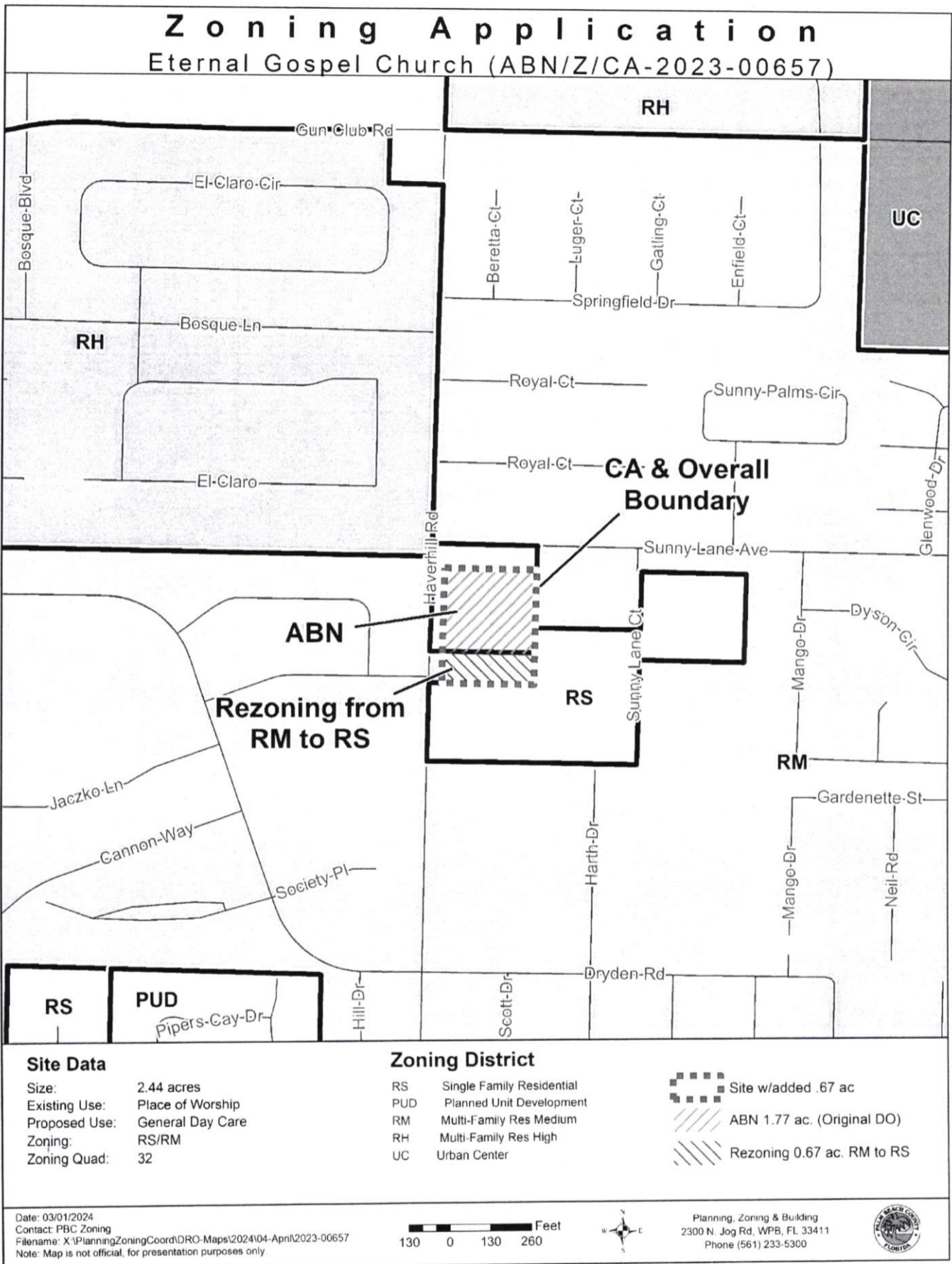
COMMENCE AT THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE S 01°23'13"W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 56.00 FEET TO THE INTERSECTION OF SAID WEST LINE OF SAID SECTION 1 AND WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L- 5 CANAL, PLAT OF ROYAL PINES, ACCORDING THE

PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 79, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 88°51'23" E, ALONG SAID EASTERLY EXTENSION, 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 27271, PAGE 1236, SAID PUBLIC RECORDS; THENCE CONTINUE, S 88°51'23" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF SAID L-5 CANAL, A DISTANCE OF 293.94 FEET TO EAST LINE OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SECTION 1, TOWNSHIP 44 S, RANGE 42 E; THENCE S 01°23'33" W, ALONG SAID EAST LINE, A DISTANCE OF 362.24 FEET TO THE NORTH LINE OF TRACT "A", IGLESIA CRISTO MI REDENTOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGE 137, SAID PUBLIC RECORDS; THENCE N 88°52'51" W, ALONG SAID NORTH LINE, 293.91 FEET TO THE EAST RIGHT OF WAY OF HAVERHILL ROAD, ACCORDING TO OFFICIAL RECORDS BOOKS 27182, PAGE 190, AND 27182, PAGE 1236 OF SAID PUBLIC RECORDS; THENCE N01°23'13"E, ALONG SAID EAST RIGHT-OF-WAY LINE, 362.37 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 106,491 SQUARE FEET (2.4447 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH






Site Data

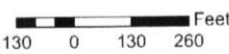
Size: 2.44 acres
 Existing Use: Place of Worship
 Proposed Use: General Day Care
 Zoning: RS/RM
 Zoning Quad: 32

Zoning District

RS Single Family Residential
 PUD Planned Unit Development
 RM Multi-Family Res Medium
 RH Multi-Family Res High
 UC Urban Center

-  Site w/added .67 ac
-  ABN 1.77 ac. (Original DO)
-  Rezoning 0.67 ac. RM to RS

Date: 03/01/2024
 Contact: PBC Zoning
 Filename: X:\Planning\ZoningCoord\DR0-Maps\2024\04-April\2023-00657
 Note: Map is not official, for presentation purposes only



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use on 2.44 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 14, 2024. 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)

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering)

2. The existing driveway to the pastoral residence shall be removed and the right-of-way section for Haverhill Road shall be restored. This construction shall be concurrent with the construction shall be paid by the Property Owner.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

3. 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 to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat recordation or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMPT/PLAT: ENGINEERING - Engineering)

4. No Building Permits for the site may be issued after December 31, 2027, or as amended. 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)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 9:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding signs fronting on Haverhill Road shall be limited as follows:

a. maximum sign height - six (6) feet, measured from finished grade to highest point;

b. maximum sign face area per side - 60 square feet;

c. maximum number of signs - one (1); and,

d. style - monument style only. (BLDGPMPT: BUILDING DIVISION - Zoning)

USE LIMITATIONS-DAY CARE

1. As indicated in the Parking Study provided by the applicant, Hours of operation for the General Day Care facility shall be limited to Monday through Friday only from 6:00 am. to 6:00 pm. Operation during Saturday and Sunday are prohibited.(ONGOING: ZONING - Code Enforcement)

2. The Day Care shall be limited to a maximum capacity of 160 children (at any one time).
(ONGOING: CODE ENF - Zoning)

3. Outdoor speakers or public address systems shall not be permitted on site.
(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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.