

RESOLUTION NO. 2008-011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES APPROVING ZONING APPLICATION CA-2007-053 (CONTROL NO. 2003-071) CLASS A CONDITIONAL USE APPLICATION OF COMMUNITY OF HOPE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AND EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of Loxahatchee Groves, Florida pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA-2007-053 was presented to the Council at a public hearing conducted on May 22, 2007; and

WHEREAS, the Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of Town and County staff; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report and makes the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including

2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Town of Loxahatchee Groves Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Town of Loxahatchee Groves Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

Section 3. Article 2.A.1.K.3.b of the Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves, Zoning Application CA-2007-053, the application of Community of Hope, submitted by Joe E. Schmidt and Associates, agent, for a Class A Conditional Use to allow a Place of Worship in the Agricultural Residential 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 subject to the conditions of approval described in **EXHIBIT "C"**, attached hereto and made a part hereof.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 20th day of May, 2008.

ATTEST:

Matthew Stymian
TOWN CLERK

APPROVED AS TO LEGAL FORM:

DNTA
Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

David Browning
Mayor David Browning

Mary H. H. H.
Vice Mayor

Alvin D. D.
Council Member

A
Council Member

W. W. W.
Council Member

DNT:js

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EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION:
PARCEL "A"

PARCEL NO. 1: (OFFICIAL RECORD BOOK 1827, PAGE 1344)

THE EAST 448 FEET OF TRACT 12, BLOCK "D", LOXAHATCHEE GROVES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 12, PAGE 29.

CONTAINING: 229,614.7 GROSS SQUARE FEET OR 5.27 GROSS ACRES, MORE OR LESS

PARCEL CONTROL NO: 00-41-43-17-01-412-0010.

AND

PARCEL "A"

PARCEL NO. 2: (OFFICIAL RECORD BOOK 5127, PAGE 1660)

THE SOUTH ONE-HALF (S 1/2) OF TRACT 42, BLOCK "D", LOXAHATCHEE GROVES, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 12, PAGE 29.

CONTAINING: 436,301.9 GROSS SQUARE FEET OR 10.02 GROSS ACRES MORE OR LESS.

PARCEL CONTROL NO: 00-41-43-17-01-442-0020.

TOTAL COMBINED ACREAGE: 665,916.6 SQUARE FEET OR 15.29 GROSS ACRES MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses as approved by the Town of Loxahatchee. The approved site plan is dated November 19, 2007. All modifications must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for buildings A, B, C and D shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Prior to final approval by the Development Review Officer (DRO) the site plan shall be revised to include porches in the 100% of the front facade of buildings "B" and "D". (DRO: ARCH. REVIEW - Zoning)

3. The exterior elevations of all buildings shall combine the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute compliance. (DRO: ARCH REVIEW / 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 January 1, 2013. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

- "E" Road 80 feet on an alignment approved by the County Engineer
- an Expanded Intersection at "E" Road and Okeechobee Boulevard as shown on the applicants accompanying site plan

All right of way deed(s) and associated documents shall be provided and approved prior to April 1, 2009 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable

permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

3. The Property owner shall construct

- left turn lane west approach on Okeechobee Boulevard at the project entrance road
- right turn lane east approach on Okeechobee Boulevard at the project entrance road

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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

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

ENVIRONMENTAL

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRO:ERM-ERM)

ZONING – LANDSCAPING

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

2. Field adjustment of fence and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting and periodic events and functions only. (ONGOING: ZONING - Zoning)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

2. Prior to issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT: MONITORING-Palm Tran)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: ZONING - Zoning)

SIGNS

1. Freestanding sign fronting on Okeechobee Boulevard shall be limited as follows:

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

b. maximum sign face area per side fifty (50) square feet;

a. style - monument only; and

b. maximum number of signs one (1) for the entire site. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS

1. Outdoor speaker or public address systems shall be permitted during temporary sales, special events, picnics and holiday services only. No outdoor activities shall be conducted after 9:00 p.m. daily. (ONGOING: ZONING - Zoning)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of six (6) events per year and shall be setback a minimum of one hundred (100) feet from all perimeter property lines. No temporary amusements or special events are permitted on the property. (ONGOING / SPECIAL PERMIT: ZONING - Zoning)

UTILITIES

1. If any relocation/modifications to the County's existing facilities are required that are aq direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING:PBCWUD-PBCWUD)

COMPLIANCE

1. In granting this approval, the Town of Loxahatchee Groves relied upon the oral and written representations of the petitioner 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 Zoning Commission 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; 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 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 Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)



TOWN CLERK, LOXAHATCHEE GROVES

14579 Southern Blvd, Suite 2

Loxahatchee Groves, FL 33470

Phone: (561) 793-2418 | Fax: (561) 793-2420 | clerk@loxahatcheegroves.org

Applicant Name: Community of Hope

Control #: CA-2007-053

Additional Conditions of Approval:

- (1) All outdoor lighting must comply with the Rural Vista Guidelines.
- (2) All parking areas must have a pervious surface as stated in the Rural Vista Guidelines.
- (3) If the E-Road/140th Thoroughfare is removed from the Palm Beach County Thoroughfare Improvement Map, the condition relating to the additional right of way needed for E Road will be removed.
- (4) No more than a total of six (6) special events or temporary amusements may occur on the property each year, subject to the applicable provisions of the ULDC and the Town's Code of Ordinances, and pursuant to the Town's approval.
- (5) Prior to final DRO certification, the final site plan shall be submitted to the Town Council for review and approval.



Town of Loxahatchee Groves

14579 Southern Boulevard ■ Suite 2 ■ Loxahatchee Groves, Florida 33470 ■ Phone: 561.793.2418 ■ clerk@loxahatcheegroves.org

November 1, 2008

Jon Schmidt and Associates
Attention: Chris Barry
2247 Palm Beach Lakes Blvd.
Suite 101
West Palm Beach, Florida 33409

**Re: Community of Hope Church Clarification of Conditions of Approval
Town of Loxahatchee Groves Resolution No. 2008-011
(Control No. 2007-053)**

Chris,

This letter is in response to your September 5, 2008 letter to Mayor David Browning.

Condition of approval Number 2 reads as follows: "All parking areas must have a pervious surface as stated in the Rural Vista Guidelines." Following a review of the conditions of approval in the Palm Beach County Staff report, as well as the Rural Vista Guidelines, Condition Number 2 should have only requested that the property owner provide pervious parking surfaces consistent with the Rural Vista Guidelines. To the extent that it is feasible, the Town requests that the property owner provide as much pervious parking as is possible on the site.

Condition of approval Number 4 reads as follows: "No more than a total of six (6) special events or temporary amusements may occur on the property each year, subject to the applicable provisions of the ULDC and the Town's Code of Ordinances, and pursuant to the Town's approval." After reviewing the minutes from the Town Council meeting, the Uniform Land Development Code, as well as the Palm Beach County staff report, the following clarifies Condition of Approval Number 4:

- Accessory outdoor uses such as **temporary sales** events shall be limited to a maximum of **six (6) events** per year.
- **Special Events** are defined as a temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals. Based upon this definition, the Town will amend Condition of Approval Number 4 to reflect the language as stated in the Unified Land Development Code, Article 4, Section 124e, which reads as follows: "There shall be no more than **three (3) special events** permitted in any one calendar year per parcel of land."

These recommendations and amendments to Resolution 2008-011 were unanimously passed by the Town Council of Loxahatchee Groves at the September 16, 2008 Town Council Meeting.

Thank you,

Matthew Lippman

Matthew Lippman,
Town Clerk