

RESOLUTION NO. R-2025- 0238

RESOLUTION APPROVING ZONING APPLICATION EAC-2024-01427
(CONTROL NO. 1978-00198)
a Development Order Amendment (Expedited Application Consideration)
APPLICATION OF Epiphany Evangelical Lutheran Church, Inc.
BY Land Research Management, Inc., AGENT
(Epiphany Lutheran 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 EAC-2024-01427 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2025;

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;

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 Development Order Amendment (Expedited Application Consideration);

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 EAC-2024-01427, the Application of Epiphany Evangelical Lutheran Church, Inc., by Land Research Management, Inc., Agent, for a Development Order Amendment (Expedited Application Consideration) to modify the Special Exception for a Church, Meeting Hall, and School Building Conditions of Approval in R-1998-1784 to modify the maximum height of a freestanding sign on 4.74 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 February 27, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	-	Aye
Commissioner Sara Baxter, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Joel G. Flores	-	Absent
Commissioner Marci Woodward	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Bobby Powel Jr.	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2025.

Filed with the Clerk of the Board of County Commissioners on March 6, 2025.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:



COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



DEPUTY CLERK

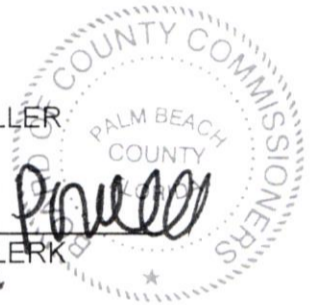


EXHIBIT A

LEGAL DESCRIPTION

THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY: TRACT 25, IN BLOCK 28 OF PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, (O.R.B. 4376, PG 1639)

LESS THE SOUTH ONE-HALF OF THE WEST 28 FEET OF TRACT 25, IN BLOCK 28, OF PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, (O.R.B. 3002, PG 1768) LESS THE EAST 6 FEET OF THE WEST 35 FEET OF THE SOUTH ONE-HALF OF TRACT 25, BLOCK 28, OF PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, (O.R.B. 8825, PG 422)

CONTAINING 4.735 ACRES, MORE OR LESS

EXHIBIT B

VICINITY SKETCH

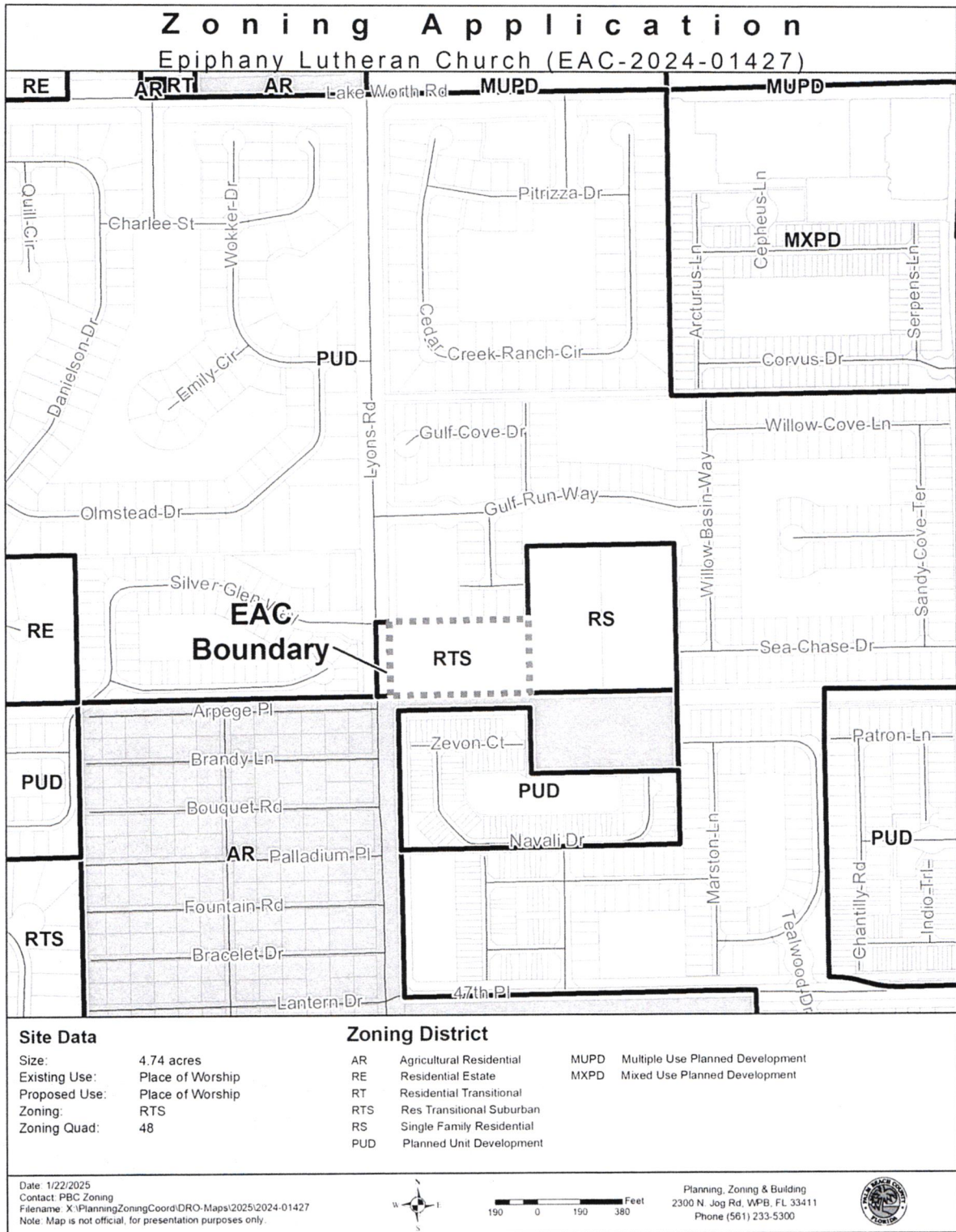


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-1998-1784, Control No.1978-00198, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-78-1263 (Petition78-198) and R-90-345 (Petition 78-1 98A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-1998-1784, have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-1998-1784, Control No.1978-00198, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 23, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The approved Site Plan is dated December 23, 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)

3. Phase 2 of the Development Order shall commence no later than February 27, 2029. (DATE: MONITORING – Zoning)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

2. Similar architectural character and treatment shall be provided on all sides of the building. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

3. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-1998-1784, Control No.1978-00198)

BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to 20,613 square feet and shall be limited to the following breakdown:

Phase 1

- a). Youth Room -1,144 square feet (existing)
- b). Fellowship hall - 4,190 square feet (existing)
- c). Daycare - 3,495 square feet and for 100 children
- d). Church offices - 1,288 square feet

Phase 2

a). The church shall be limited to a maximum of 400 seats and a total. (DRO/ONGOING: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

2. The maximum height for all structures, measured from finished grade to highest point, shall not exceed twenty-five (25) feet (except for structures permitted under Section 6.5.H.5). (BLDGPM: BUILDING DIVISION - Zoning) (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

3. A six (6) foot high black vinyl coated chain link fence shall be installed along the entire perimeter of the outdoor play area and shall be landscaped as per site plan dated December 23,2024. (BLDGPM: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-1998-1784, Control No.1978-00198)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

HEALTH

1. Application and engineering plans to permit the proposed lift station must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRO: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

2. The day care center shall be limited to a maximum of 100 children. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - GENERAL

1. All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: Twelve (12) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (CO: LANDSCAPE-Zoning)
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and

c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - INTERIOR

3. One landscape island shall be provided for every twelve (12) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred twenty (120) linear feet. (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

4. Landscape islands shall be provided along the facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape islands shall be no less than 50% of the accumulative length of the structure. All required landscape islands shall be planted with a minimum of one (1) tree or palm every 20 feet on center and appropriate ground cover. (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

5. Interior landscaping and foundation planting for Phase1 (refer to site plan dated July 23, 1998) shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

6. Landscaping and buffering along the above property lines shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip; and
- b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured top of curb.
- c. One (1) canopy tree planted every twenty (20) feet on center;
- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty four inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of seventy two (72) inches. (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

7. Landscaping along the east 335 feet of the north property line and the entire east property line shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPING - ALONG NORTH EAST NORTH PROPERTY LINE Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST 240 FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL AND CANAL)

8. Landscaping and buffering along the above property line shall include:

- a. A minimum five (5) foot wide landscape buffer strip; and
- b. One (1) canopy tree planted every twenty (20) feet on center, and
- c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- d. Twenty-four-inch-high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation to be planted at the plateau of the berm and to be maintained at a minimum height of seventy-two (72) inches. (Previous LANDSCAPING ALONG THE WEST 240 FEET OF SOUTH PROPERTY LINE Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

9. Landscaping along the east 240 feet of the south property line and the entire east

property line shall be completed prior to the issuance of the Occupational License of the Daycare (3,495 s.f.) and the church office (1,288 s.f.). (Previous LANDSCAPING ALONG THE WEST 240 FEET OF SOUTH PROPERTY LINE Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST 385 FEET OF THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL AND CANAL)

10. Landscaping and buffering along the above property line shall include:
- a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A minimum two- to four-foot-high undulating berm with an average height of three (3) feet measured from top of curb; and
 - c. One (1) canopy tree planted every twenty (20) feet on center.
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four-inch-high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of seventy-two (72) inches. (Previous LANDSCAPING ALONG THE WEST 385 FEET OF SOUTH PROPERTY LINE Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING LYONS ROAD)

11. Landscaping and buffering along the above property line shall include:
- a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A minimum two to four foot high undulating berm with an average height of three (3) feet measured from top of curb;
 - c. One (1) canopy tree planted every thirty (30) feet on center,
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three, or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty-four-inch-high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation to be planted a: the plateau of the berm and to be maintained at a minimum height of thirty-six (36) inches. (DRO/BLDGPM: ZONING – Zoning) (Previous LANDSCAPING ALONG THE WEST PROPERTY LINE Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDGPM/ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-1998-1784, Control No.1978-00198)
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDGPM: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-1998-1784, Control No.1978-00198)
3. All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding security lighting and holiday lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-1998-1784, Control No.1978-00198)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-1998-1784, Control No.1978-00198)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-1998-1784, Control No.1978-00198, which currently states:

New freestanding sign fronting on Lyons Boulevard shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point six (6) feet; and
- b. Maximum sign face area per side - 60 square feet; and
- c. Maximum number of signs - one (1); and
- d. Style - Monument style only. (CO: BLDGPMT)

Is hereby amended to read:

Freestanding sign fronting on Lyons Boulevard shall be limited as follows:

- a. Maximum sign height measured from finished grade to highest point - ten (10) feet; and
- b. Maximum sign face area per side - sixty (60) square feet; and
- c. Maximum number of signs - one (1); and
- d. Style – Monument style only – (BLDGPMT: ZONING - Zoning)

USE LIMITATIONS

1. All services shall be held within the church facilities and the hours of operation shall be limited to 7:00 a.m. - 9:30 p.m. daily, excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-1998-1784, Control No.1978-00198)

2. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, fun fairs etc.) shall be limited to a maximum of three (3) events per year (subject to special permits) and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events, (i.e. carnivals, circuses, auctions or tent revivals, etc.) are permitted on the site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-1998-1784, Control No.1978-00198)

3. No overnight parking of vehicles shall be permitted on the site except for the following:
a. vehicles for church uses; and
b. vehicles used temporarily for the construction of the church facility and shall be subject to special permits. (ONGOING: MONITORING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-1998-1784, Control No.1978-00198)

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.