

RESOLUTION NO. R-2001-2072

RESOLUTION APPROVING ZONING PETITION CA2000-111
CLASS A CONDITIONAL USE
PETITION OF TABERNACULO DE SALVACION, INC.
BY KEVIN MCGINLEY, AGENT
(SALVATION TABERNACLE)

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) 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 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2000-111 was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County 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.
5. 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,
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition CA2000-111, the petition of Tabernaculo de Salvacion, Inc., by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a church or place of worship in the Residential (Medium Density) (RM) 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, was approved on November 29, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 29, 2001.

Filed with the Clerk of the Board of County Commissioners on 29 day of November, 2001

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

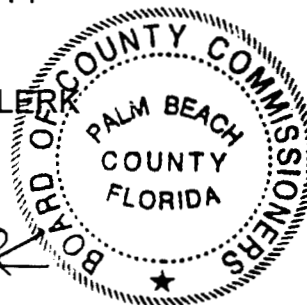


EXHIBIT A
LEGAL DESCRIPTION

Lots **A, B, C, AND D**, Block 111, Palm Beach Farms Co. Plat # **7**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page **72**.

Subject to Right-of-way Deed for North **25** feet of Lot A, recorded in Deed Book **866**, Page **42**, Palm Beach County, Florida Records.

Further subject to Right-Of -Way Acquisition for Melaleuca Lane as described in Official Records Book **4516**, Pages **1704** through **1706** and in Official Records Book **6997**, Page **1887**.

Further subject to Right-of-way Acquisition for Mathis Street as Described in Official Records Book **1660**, Page **492**, being described as: The East 10 feet of Lots **A, B, C, AND D** Block 111 Palm Beach Farms Company Plat **No. 7** as recorded in Plat Book **5** at page **72** Palm Beach County Public Records.

EXHIBIT B
VICINITY SKETCH

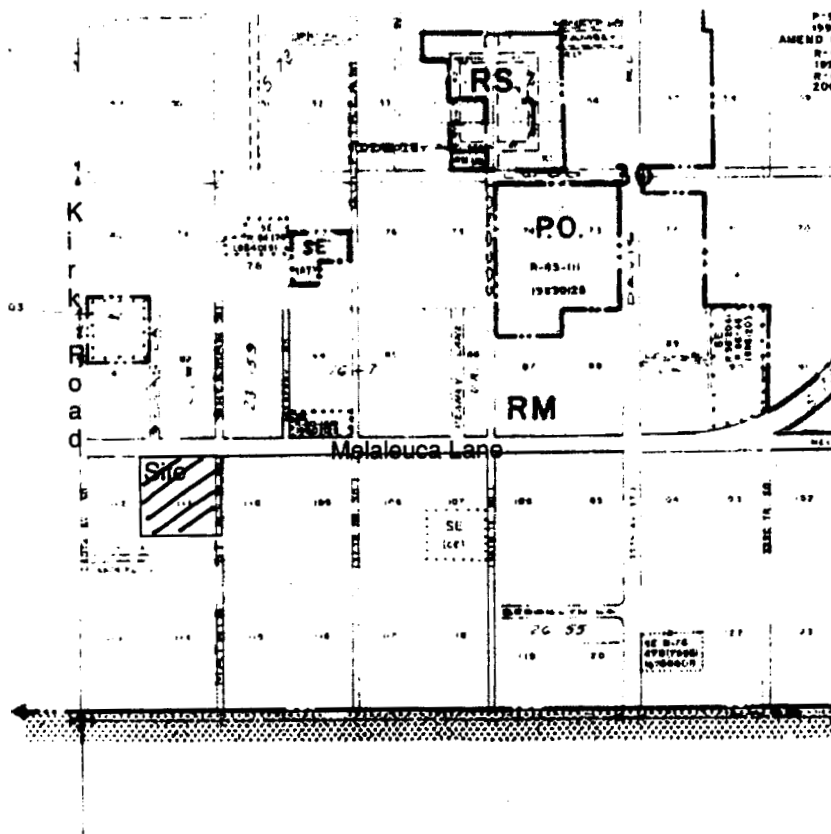


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 September 27, 2001. 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. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on **all** sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Architectural Review Section of the Zoning Division for approval. Elevations shall be designed to be consistent with the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Developments shall be consistent with the approved architectural elevations. (DRC: BLDG PERMIT - Zoning)
3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed thirty-five (35) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within 150 feet of the south property line, or 100 feet of the west property line. (DRC/ONGOING: ZONING/CODE ENF)

D. CONCURRENCY

1. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated September 27, 2001. (DRC: ZONING)

E. ENGINEERING

No Engineering comments

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All existing native vegetation depicted on the site plan shall be maintained in perpetuity. Tree Preservation areas shall be maintained free from invasive, exotic and non-native species. (ERM:DRC)

G. LANDSCAPING STANDARD

1. Fifty-percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

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; and
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet.

Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. All shrub or hedge materials shall be planted in a hierarchy of layers, consisting of a minimum of three (3) varying heights, as follows:

- a. Eighteen (18) to twenty-four (24) inches – ground cover and small shrubs;
- b. Twenty-four to thirty-six (36) inches – medium shrubs; and
- c. Forty-eight (48) to seventy-two (72) inches – large shrub.

These heights shall be continuously maintained to achieve the hierarchal effect. (CO: LANDSCAPE – Zoning)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy trees. (CO: LANDSCAPE - Zoning)

6. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

7. Prior to final DRC certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO MELALEUCA AVENUE)

- I. Landscaping along the north property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide right-of-way buffer. No width reduction or easement encroachment shall be permitted;
 - b. One (1) native canopy tree for each thirty (30) linear feet of property line;
 - c. One pine or canopy tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;

- d. One eighteen (18) inch high shrub for each two **(2)** linear feet of property line, to be maintained at a minimum height of twenty **(24)** inches; and
- e. One twenty-four **(24)** inch high shrub for each four **(4)** linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING ALONG EAST PROPERTY LINE (MATHIS STREET FRONTAGE)

- 1. Landscaping along the east property line shall be upgraded to include:
 - a. A minimum fifteen (15) foot right-of-way buffer. No width reduction or easement encroachment shall be permitted;
 - b. A continuous two **(2)** foot high berm measured from top of curb, excepting those areas with existing native vegetation to be preserved;
 - c. One **(1)** native canopy tree for each thirty (30) linear feet of property line;
 - d. One palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - e. One twenty-four **(24)** inch high shrub for each two **(2)** linear feet of property line to be maintained at a minimum height of thirty-six (36) inches; and
 - f. One thirty (30) inch high shrub for each four **(4)** linear feet of property line, to be maintained at a minimum height of forty-eight **(48)** inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

- 1. Landscaping along the south and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip. No buffer width reduction or easement encroachment shall be permitted;
 - b. One **(1)** native canopy tree for each twenty **(20)** linear feet of property line;
 - c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet;
 - d. One eighteen (18) inch high shrub for each two **(2)** linear feet of property line, to be maintained at a minimum height of twenty-four inches;
 - e. One twenty-four **(24)** inch high shrub for each four **(4)** linear feet of property line, to be maintained at a minimum height of thirty-six (36) inches; and
 - f. One thirty (30) inch high shrub for each two **(2)** linear feet of property line, spaced no more than twenty-four **(24)** inches on center at installation, to be maintained at a minimum height of seventy-two **(72)** inches. (CO: LANDSCAPE)

K. LIGHTING

- 1. All outdoor lighting used to illuminate the subject property and identification signs shall be of the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty-five **(25)** feet in height, measured from finished grade to highest point. (BUILDING)

3. All outdoor lighting (including parking lot lighting) shall be extinguished no later than 10:00 p.m. or 30 minutes after the completion of evening services or special events. (ONGOING: CODE ENF)
4. The lighting condition above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

L. PARKING

1. Proposed grade changes shall be minimal to incorporate existing native vegetation. (CO: LANDSCAPE)

M. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) on the two (2) pathways that bisect vehicular driveways. These decorative pedestrian pathway areas are to be constructed of decorative brick pavers, brick, or decorative concrete to clearly indicate that the pathway is intended for pedestrians. (DRC: PLANNING)
2. Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to incorporate benches and trash receptacles. (DRC: PLANNING)
3. Prior to Development Review Committee approval, the Planning Division shall verify that the site plan conforms with the recommendations of the Lake Worth Road Corridor Study Area. (DRC: PLANNING)

N. SIGNS

1. Freestanding signs 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: Sixty (60) square feet;
 - c. Maximum number of signs: One (1);
 - d. Style: Monument style only; and
 - e. Location: Melaleuca Lane. (CO: BLDG)
2. Directional signage may also be permitted at the site's entrance, subject to the following:
 - a. Sign language shall be limited to communicating directions, including but not limited to "Church Entrance;" and
 - b. Maximum sign height: Three (3) feet - measured from finished grade to highest point. (CO: BLDG)

O. USE LIMITATIONS

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., excluding holiday services. (ONGOING: CODE ENF)
2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF/ZONING)
3. Maximum number of church seating shall be a total of three hundred (300) seats at anytime. (ONGOING: CODE ENF - ZONING)

4. No outdoor or amplified music shall be audible from the property lines. (ONGOING: CODE ENF)

P. COMPLIANCE

1. In granting this approval, the Board of County Commissioners 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 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; 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)