

RESOLUTION NO. R-2002- 1254

RESOLUTION APPROVING ZONING PETITION CA2001-027
CLASS A CONDITIONAL USE
PETITION OF TRUE TABERNACLE MINISTRIES
BY RON UPHOFF, AGENT
(TRUE 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 CA2001-027 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2002; 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 CA2001-027, the petition of True Tabernacle Ministries, by Ron Uphoff, agent, for a Class A conditional Use to allow a church or place of worship and a general daycare in the Residential Medium Density 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 July 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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	-	May
Tony Masilotti	-	Absent
Addie L. Greene	-	Nay

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

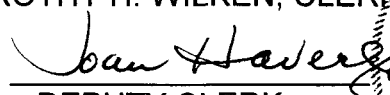
Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Residential Medium Density

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

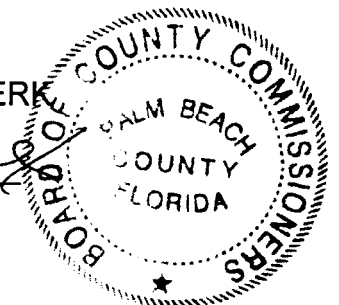


EXHIBIT A
LEGAL DESCRIPTION

Being a part of Tract 98, Model Land Company Subdivision, of Section 20, Township 44 South, Range 43 East, recorded in Plat Book 5, Page 79, Records of Palm Beach County, Florida, and further described as follows: (For the purposes of this description, 2nd Avenue North is assumed to be due East-West, and all other bearings relative thereto): Beginning at the north west corner of said tract 98, (also being the northeast corner of Lot 1, Block 19, Plat of Englewood Manor, recorded in Plat book 24, Page 52, Palm Beach County Records), thence running North 89° 59' 30" East along the North line of said tract 98, a distance of 506.58 feet to the westerly right-of-way line of Keller's Canal, thence running South 21° 19' 45" West, along the westerly right-of-way of said Keller's Canal, a distance of 281.51 feet, thence running North 69° 25' 27" West, a distance of 59.43 feet, thence running south 41° 15' 00" West, a distance of 151.00 feet, thence running south 04° 15' 00" West, a distance of 272 feet to the north right-of-way line of 2nd Avenue North as now laid out and in use, thence running due west along said north right-of-way line a distance of 224.62 feet, thence running north 0° 23' 00" West along the East line of said Englewood Manor, a distance of 626.12 feet to the point of beginning, and containing 4.796 acres of land, more or less.

EXHIBIT B
VICINITY SKETCH

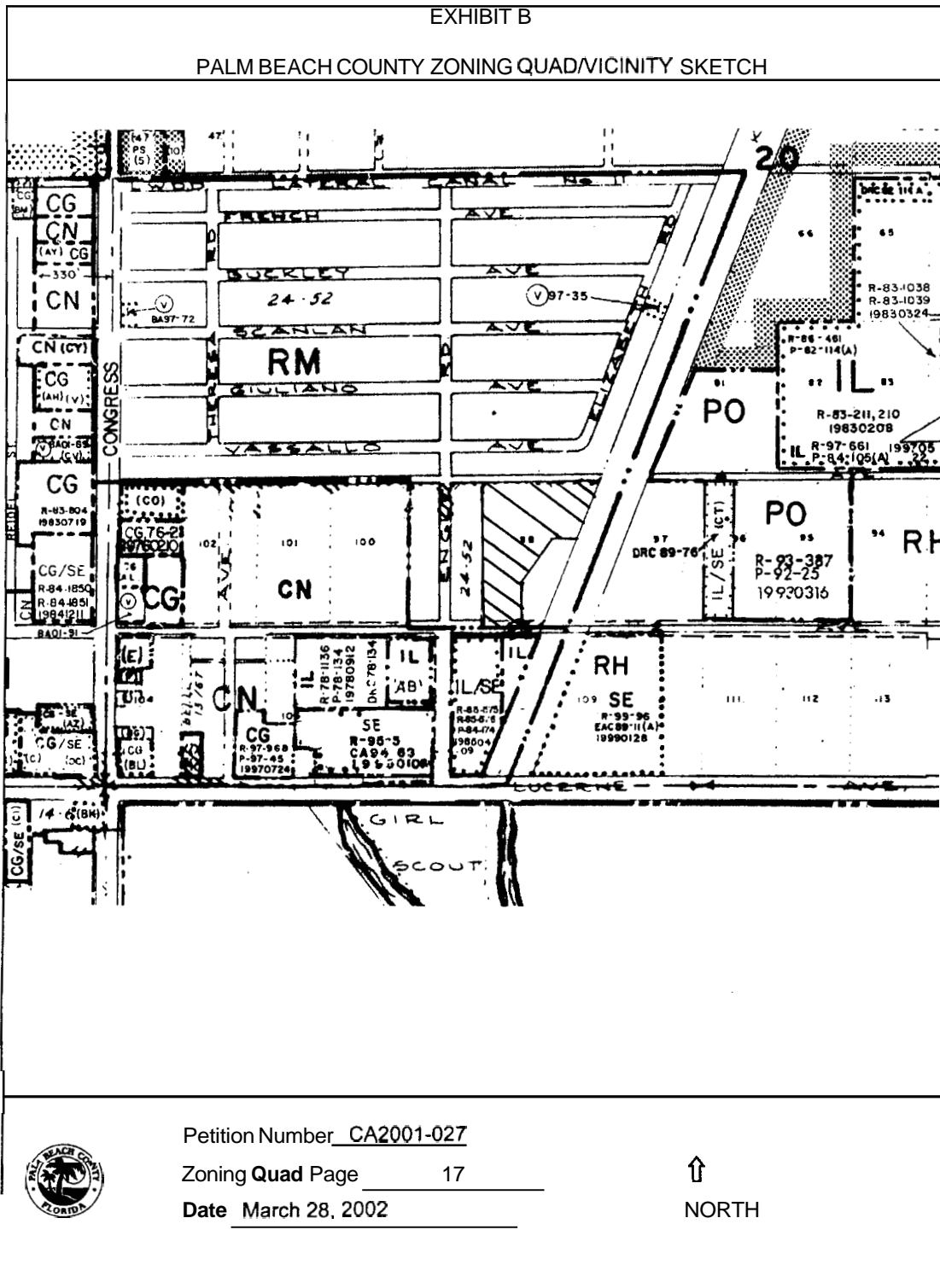


EXHIBIT C

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 May 21, 2002. 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-Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall revise concurrency to be consistent with the site plan dated May 21, 2002. (DRC:ZONING –Zoning)
3. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to show the required wall and fence pursuant to Condition G.1. (DRC: ZONING –Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

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. (DRC: ERM-ERM)

D. LANDSCAPING - STANDARD

1. Fifty (50) percent of the trees to be planted in the required buffers shall be native canopy trees and 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;
 - d. 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;
 - 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. (CO: LANDSCAPE - Zoning)

3. All shrub or hedge material shall be planted in continuous masses in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) layers. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and
 - d. this condition shall not be applied to an area where a single row of hedge materials is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
4. All trees and palms 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 tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the A Plant the Right Tree in the Right Place's guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to January 15, 2003 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for 2nd Avenue North, 40 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 2nd Avenue North 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. (BLDG. PERMIT: MONITORING-Eng)
3. Prior to site plan approval for the site the applicant shall provide a drainage study approved by County Engineer for this site. This drainage study shall incorporate any existing storm water drainage onto this site. The recommendation contained within this study shall be incorporated into the proposed site plan. (BLDG. PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF 2nd AVENUE)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a continuous two (2) foot high berm measured from top of curb;
 - c. one (1) native canopy tree for each (20) linear feet of the property line;

- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
(CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG PORTION OF THE SOUTH PROPERTY LINE, THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL FROM 2ND AVENUE TO EDGE OF REAR PARKING LOT)

1. Landscaping and buffering along portion of the south property line, the east and west property lines from 2nd Avenue to edge of the rear parking lot shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum six (6) foot high concrete panel wall, along the east 59 feet of the south property line, the south 423 feet of the east property line, and the south 390 feet for the west property line. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - c. one (1) native canopy tree for each twenty (20) linear feet of the property line to be planted alternating on both sides of the wall; and,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the wall.
(CO:LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.
(CO: LANDSCAPE-Zoning)
3. Along the interior side of the required wall, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING ALONG THE NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND ADJACENT TO THE RETENTION AREA OF THE CHURCH)

1. Landscaping and buffering along the north, east and west property lines adjacent to the retention area shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum of six (6) foot black vinyl coated chain link fence shall be provided along the entire north property line and the remaining portions of the east (minimum 260 linear feet) and west (minimum 230 linear feet) property lines, adjacent to the retention area, and shall be connected to the wall described in Condition G. 1.b;

- c. one (1) native canopy tree for each twenty (20) linear feet of the property line to be planted alternating on both sides of the fence; and,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on both sides of the fence (CO:LANDSCAPE – Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - b. one (1) large shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE-Zoning)
 3. Along the interior side of the required fence, the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

I. LANDSCAPE – INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING/ LANDSCAPE)
3. Along the northern edge of the rear parking lot, the following landscape requirements shall be installed:
 - a. a minimum ten (10) foot wide landscape buffer strip;
 - b. a minimum six (6) foot high concrete panel wall shall be provided at the eastern and western ends of the buffer. Each wall shall measure a minimum of fifty (50) linear feet, and shall connect to the wall as per Condition G.1.b to partially enclose the rear parking lot. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - c. one (1) native canopy tree planted at twenty (20) feet on center; (trees to be planted on the exterior side of the wall); and,
 - d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, and to be planted on both sides of the wall. A single row of hedge material of the buffer shall be provided in the section where there is no wall required.-Shrubs to be maintained at a minimum height of thirty-six (36) inches (CO: LANDSCAPE-Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of 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, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures be setback thirty-five (35) feet from the north, east and west property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)

K. PLANNING

1. Prior to final site plan approval by the Development Review Committee, the site plan shall provide for a pedestrian pathway (decorative sidewalk) at the specified location as indicated on the site plan dated May 21, 2002. This decorative pedestrian pathway is to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians. (DRC: PLANNING-Planning)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether this site plan conforms with those recommendations of the Lake Worth Corridor Study Area incorporated onto the site plan dated May 21, 2002. (DRC: PLANNING-Planning)

L. SIGNS

1. Freestanding point of purchase signs fronting on 2nd Avenue shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point – eight (8) feet;
 - b. maximum total sign face area per side - sixty (60) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. location – within eighty (80) feet of the access drive on 2nd Avenue;
 - f. Signs shall be limited to identification of tenants and schedules of services only. (CO: BLDG-Zoning/Planning)
2. No wall signs shall be permitted. (CO: BLDG-Zoning/Planning)

M. USE LIMITATIONS

1. The church and fellowship hall shall be limited to a combined maximum of two hundred and eighty eight (288) seats. (ONGOING: CODE ENF-Zoning)
2. 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. weekdays, and 8:00 a.m. to 6 p.m. weekends, excluding holiday services. (ONGOING: CODE ENF-Zoning)

3. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of two (2) events per year and a maximum of seven (7) days per event, and limited to local parishioners only. Location of these events shall be setback a minimum of one hundred (100) feet from the north property line, and fifty (50) feet from the east and west property lines. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning)
4. The day care center shall be limited to a maximum of sixty (60) children. (ONGOING: HEALTH-Zoning)
5. Hours of operation for the daycare center shall be limited to 6:00 a.m. to 7 p.m. weekdays. Outdoor activities shall be limited to 8 a.m. to 6 p.m. weekdays. (ONGOING: CODE ENF-Zoning)
6. On-site parking shall be limited to the areas designated on the site plan dated May 21, 2002. No parking shall be permitted in the dry retention areas or landscape buffers. This condition is also applicable to the special events pursuant to Condition M.3 (ONGOING: CODE ENF-Zoning)
7. No outdoor speaker systems or amplified music shall permitted on the site. (ONGOING: CODE ENF-Zoning)

N. HEALTH

1. Architectural plans shall be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG PERMIT:HEALTH-HEALTH)
2. The petitioner shall comply with "Rules and Regulations Governing Child Care facilities in Palm Beach County." (ONGOING: HEALTH –HEALTH)

O. 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. (ONGOING: MONITORING - Zoning)