

RESOLUTION NO. R-2003-0558

RESOLUTION APPROVING ZONING PETITION CA2002-054  
CLASS A CONDITIONAL USE  
PETITION OF TREVOR & MERNA FAIRCLOUGH  
BY KEVIN MCGINLEY, AGENT  
(BETHEL CHURCH OF GOD)

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 CA2002-054 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2003; 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 has considered the findings in the staff report and 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 CA2002-054, the petition of Trevor & Merna Fairclough, by Kevin McGinley, agent, for a Class A Conditional Use to allow a church or place of worship 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 April 24, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 24, 2003.

Filed with the Clerk of the Board of County Commissioners on 28 day of May, 2003.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: [Signature]  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY: [Signature]  
DEPUTY CLERK

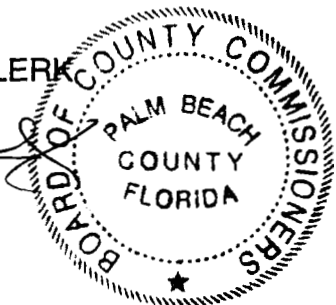
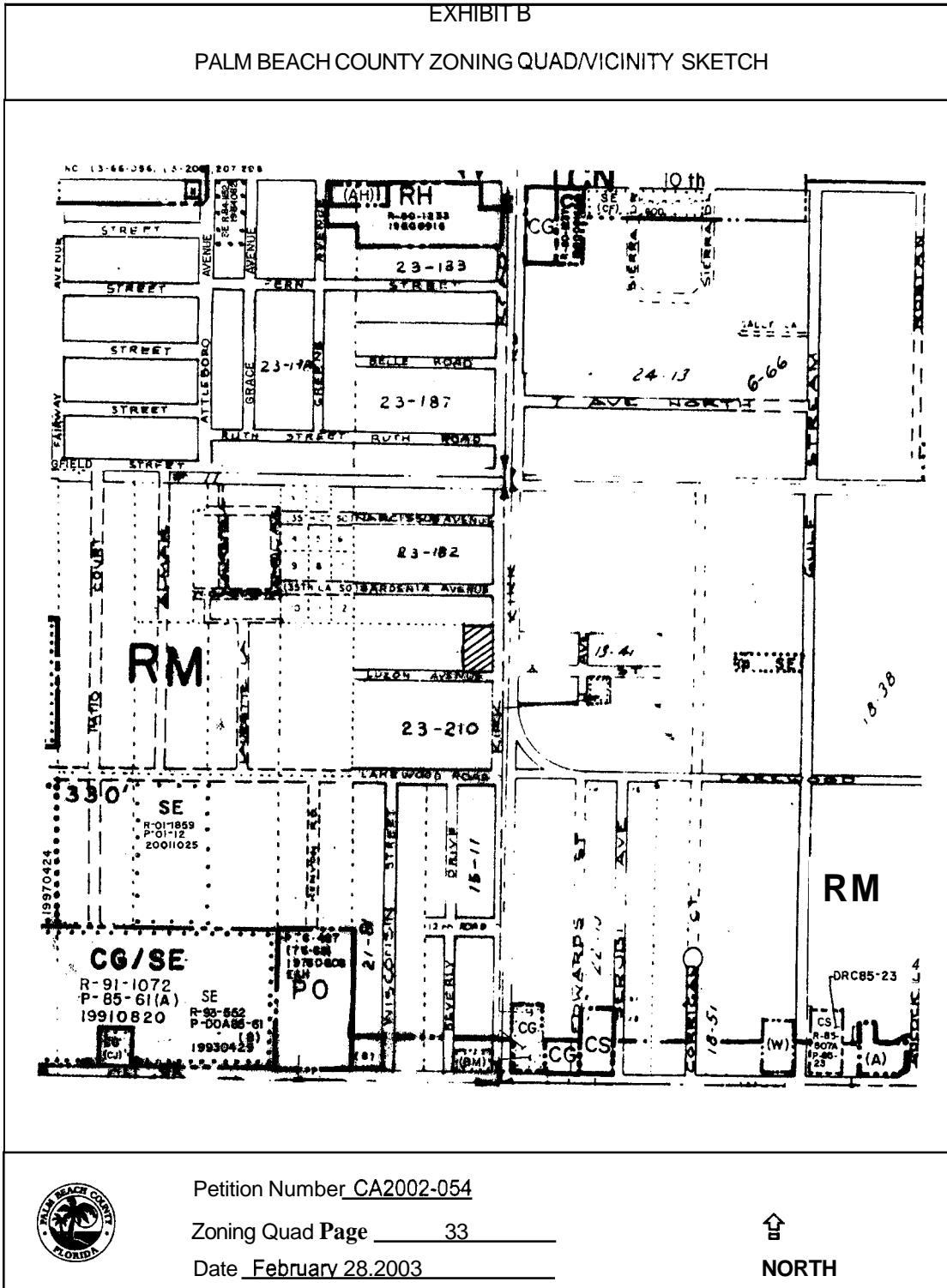


EXHIBIT A  
LEGAL DESCRIPTION

LOTS 1,2, AND 3, MANILA PARK, 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 23, PAGE 210. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

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 March 11, 2003. 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)

#### B. ARCHITECTURAL REVIEW

1. At the time of submittal for final DRC certification of the site plan, architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Development of phases I and II shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT - Zoning)

#### C. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer 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; and,
  - 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 the property 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 materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. 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 does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the fence. (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)

D. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES  
(FRONTAGE OF LUZON AVENUE AND KIRK ROAD)

1. Landscaping and buffering along the south and east property lines shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip;
  - b. a minimum two (2) foot high continuous berm measured from top of curb;
  - c. one (1) native canopy tree for each twenty (20) linear feet of the property line;
  - d. one (1) flowering tree for each forty (40) linear feet of the property line;
  - e. a group of three (3) palm trees for each ninety (90) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
  - f. 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;
  - g. 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
  - h. one (1) large shrub for each ten (10) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.  
(CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Kirk 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. (BLDG. PERMIT: MONITORING-Eng)
2. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed a 25 foot corner clip at Kirk Road and Luzon Avenue. Developer 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map. (BLDG. PERMIT: MONITORING-Eng)

F. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES  
(ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and west property lines 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. a six (6) foot high black or green vinyl coated chain link fence;

- d. one (1) canopy tree planted for each twenty (20) linear feet of the property line, alternating on both sides of the fence;
- e. 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, alternating on both sides of the fence;
- f. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, to be planted on the exterior side of the fence;
- g. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation, to be planted on the exterior side of the fence; and
- h. Along the interior side of the fence, the petitioner 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. Shrubs shall be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE - Zoning)

#### G. 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 twenty (20) feet from the west property line and seventy-five (75) feet from the north property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 9:30 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)

#### H. 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 vehicle access crosswalk on Luzon Avenue, on the south side of the site. This pedestrian pathway is to be constructed of decorative brick pavers to clearly indicate that the pathway is intended for pedestrians. In addition, the notation for the 5' concrete sidewalk that connects to Kirk Road shall be revised on the site plan to be a 5' decorated sidewalk. (DRC:PLANNING-Planning)
2. Prior to final site plan approval by the Development Review Committee, the Planning Division shall determine whether the revised site plan conforms with those recommendations of the Lake Worth Corridor Study Area incorporated into the revisions. (DRC:PLANNING-Planning)

#### I. SIGNS

1. Sign 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 – thirty (30) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only;
- e. location - Frontage of Kirk Road; and
- f. Sign shall be limited to identification of tenants only and schedule of service. (CO: BLDG - Zoning)

J. USE LIMITATIONS

- 1. The site shall be limited to the use as a church or place of worship only. (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 9:00p.m. daily, excluding holiday services. (ONGOING: CODE ENF - Zoning)
- 3. 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 fifty (50) feet from all perimeter property lines. No temporary amusements or special events are permitted on the property. (ONGOING/ SPECIAL PERMIT: CODE ENF - Zoning)
- 4. The church shall be limited to a total maximum of sixty (60) seats. (ONGOING: CODE ENF-Zoning)
- 5. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

K. 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)