

RESOLUTION NO. R-98- 5

RESOLUTION APPROVING ZONING PETITION PDD97-85  
OFFICIAL ZONING ~~MAP~~ AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF MEADOWLAND DEVELOPMENT CORP.  
BY KIERAN KILDAY, AGENT  
(GATEWAY GARDENS PUD)

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 notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD97-85 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 1997; 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 recommendation of the Zoning Commission; and

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate **Public** Facilities) of the Palm Beach County Unified Land Development **Code**, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, **Article 5, Section 5.3.D.9** (Action by Board of County Commissioners) 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 PDD97-85, ~~the~~ petition of Meadowland Development Corp. by Kerian Kilday, agent, for an Official Zoning Map Amendment from AR to PUD with a church or place of worship (**120** seats) (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a **part** hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, ~~attached~~ hereto and made a part hereof, was approved on December 4, 1997, **subject to** ~~the~~ conditions of approval described in EXHIBIT C, attached hereto and made a part **hereof**.

Commissioner Roberts moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Absent
Maude Ford Lee, Vice Chair		Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 8, 1998.

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

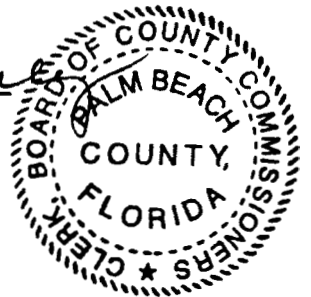


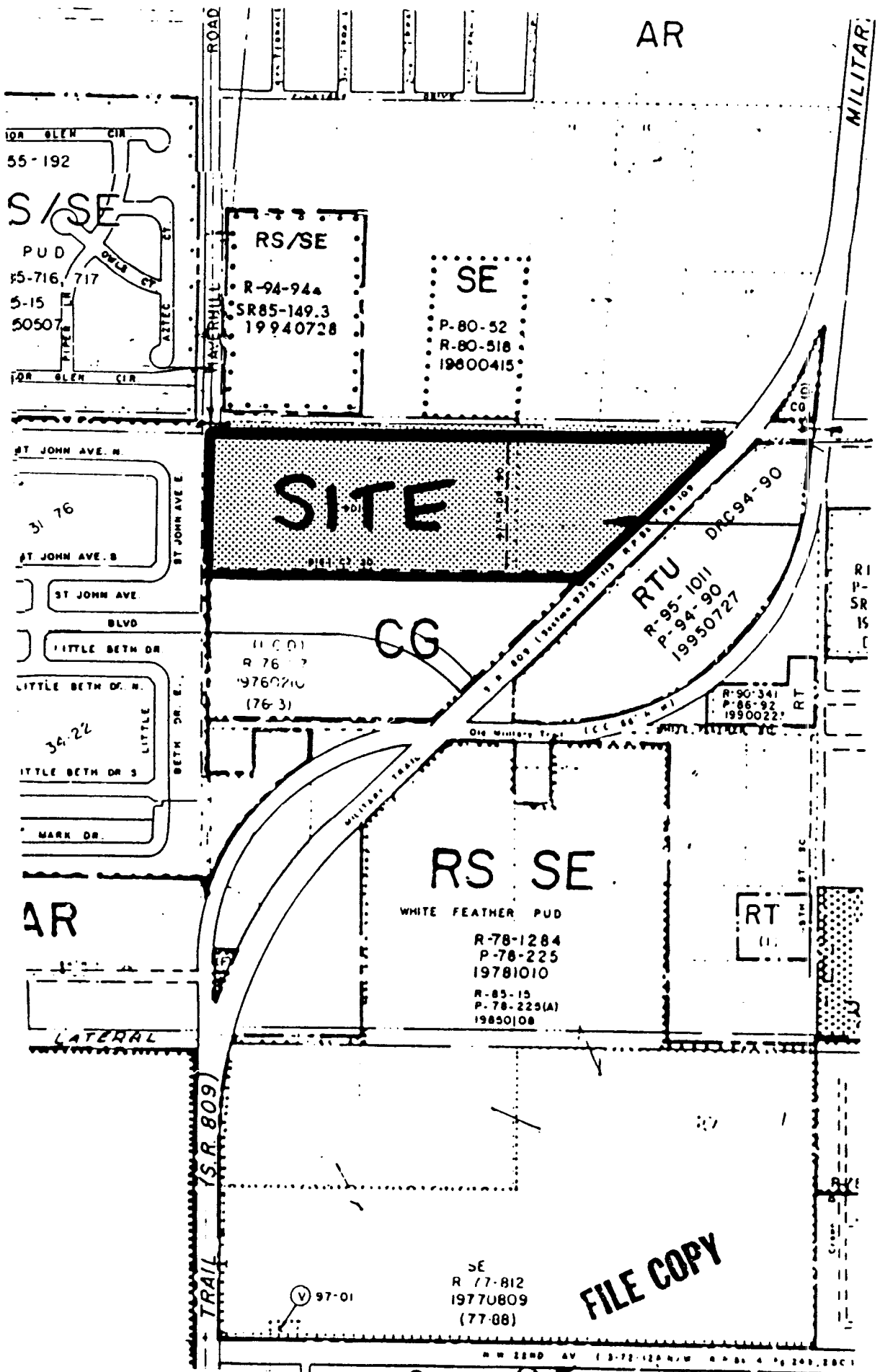
EXHIBIT A  
LEGAL DESCRIPTION

THE NORTH HALF (N  $\frac{1}{2}$ ) **OF** THE NORTHWEST QUARTER (NW **1/4**) ~~OF~~ THE NORTHWEST QUARTER (NW **1/4**) OF SECTION **13**, TOWNSHIP **45** SOUTH RANGE **42** EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST **40.00** FEET THEREOF, LESS **THE** NORTH **46.0** FEET THEREOF

AND

THE PART OF THE NORTH HALF (N $\frac{1}{2}$ ) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$ ) **OF** THE NORTHWEST QUARTER (NW **1/4**) **OF** SECTION **13**, TOWNSHIP **45** SOUTH RANGE **42** EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF MILITARY TRAIL (STATE ROAD **809**).

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 October 23, 1997. 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 FOR CIVIC POD (CHURCH)

1. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principle structure. (BLDG PERMIT: BLDG - Zoning)
3. Interior and exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN FOR CIVIC POD (CHURCH)

1. The church shall be limited to 120 seats and a total gross enclosed floor area of 27,500 square feet. (DRC ZONING)
2. 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 fifty (50) feet of the west property line of the civic pod. (DRC / ONGOING: ZONING / CODE ENF)
3. 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. (CO / ONGOING: BLDG / CODE ENF - Zoning)
4. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
5. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding lighting for holiday services and security lighting only. (ONGOING: CODE ENF)
6. 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)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval, except on individual residential lots, shall meet the following minimum standards at installation:
  - a. Tree height: fourteen **(14)** 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.
  - d. Credit may **be** given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to **be** planted on site by this approval, except on individual residential lots, 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. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to January 1, 1999 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 Haverhill Road, **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 the issuance of the first building permit the property owner shall convey a temporary roadway construction easement to Palm Beach County at the Projects Entrance Road(s). **This** roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips **across** this property owners road right of way. Construction by the applicant **within** this easement shall conform to Palm Beach County Standards. 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 issuance of a building permit the property owner shall convey a temporary roadway construction easement along Haverhill 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)

4. On or before **January 1, 1999**, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Haverhill Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING-Eng)

#### LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Military Trail right of way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property Owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)
5. The property owner shall construct a pedestrian pathway from the south property line of the subject property to the **south** property line of the adjacent property to the north (Zoning Petition **85-149**). Construction shall be completed prior to the issuance of the first Certificate of Occupancy (DATE: MONITORING - ENG)
- F. LANDSCAPING ALONG EAST AND WEST PROPERTY LINES (ALONG FIGHT-OF WAYS)
- 1. Landscaping and buffering along the east and west property lines shall be upgraded to include:
    - a. A minimum twenty **(20)** foot wide landscape buffer strip along the east property line and a fifteen **(15)** foot wide landscape buffer strip along the west property line;
    - b. One **(1)** canopy tree planted every thirty (30) feet on center;
    - c. One **(1)** palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;
    - d. A two **(2)** foot undulating berm, measured from the top of the curb; and,
    - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE.)
- G. LANDSCAPING ALONG NORTH PROPERTY LINE (ALONG LWDD L-20 CANAL)
- 1. Landscaping and buffering along the north property line shall include:
    - a. A minimum twenty **(20)** foot wide landscape buffer strip. A fifty (50) percent width reduction may be permitted subject to DRC approval of the final preliminary development plan;
    - b. **One (1)** canopy tree planted every twenty **(20)** feet on center;
    - c. **One (1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of fifty (50) feet on center between clusters; and,
    - d. twenty four **(24)** inch high shrub or hedge material. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of forty-eight **(48)** inches. (CO: LANDSCAPE)
- H. LANDSCAPING ALONG SOUTH PROPERTY LINE
- 1. Landscaping and buffering along the south property line shall include:
    - a. A minimum fifteen **(15)** foot wide landscape buffer strip. No reductions shall be permitted;
    - b. **a continuous** two **(2)** foot high berm measured from top of curb;
    - c. **one (1)** canopy tree for each twenty **(20)** linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
    - d. **one (1)** palm for each twenty-five (30) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters; and,
    - e. twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)



**I. LWDD**

1. Prior to the issuance of the first building permit, the property owner shall convey to the Lake Worth Drainage District an Easement over the North 45' ~~of~~ that portion of the referenced project in the NE ¼, NW ¼ of Sec 13/45/42 for the right-of-way for Lateral 20 Canal. (BLDG PERMIT: MONITORING - LWDD)

**J. MASS TRANSIT**

1. Prior to ~~final~~ certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tran. (DRC: ZONING)
2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of a building permit for the 30th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDG PERMIT: MONITORING - Eng)

**K. PARKS AND RECREATION**

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.
  - a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements.
  - b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet.
  - c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet.
  - d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development. (DRC: PARKS)

**L. PLANNED UNIT DEVELOPMENT**

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
2. Street trees shall be planted in or adjacent to all rights-of-way, pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (CO: LANDSCAPE - Eng)

3. Bike lanes shall **be** provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng)
4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENG -Zoning)
5. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the **subject property**, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG PERMIT / PLAT: MONITORING / ENF - Co

6. Flexible regulations or administrative deviations shall only be permitted for **pods** which have lots abutting open space areas such as a lake, park, perimeter buffers, and canals. Pods **which** support lots that are back-to-back will not be eligible for these reductions. (DRC: ZONING)

#### **M. SCHOOL BOARD**

1. **The** petitioner shall post in a clear and visible location in all sales offices and model homes a sign provided by the School Board of Palm Beach County which indicates that school age children in the development may **not be** assigned to the most proximate public school because of **overcrowding**, racial balancing, or other School Board policies. (ONGOING: SCHOOL BOARD)

#### **N. SIGNS**

1. **All** freestanding signs (i.e. point of purchase, entrance wall, directory) for the civic pod (church) shall be limited as follow:
  - a. Maximum sign height, measured from finished grade to highest point - eight (**8**) feet;
  - b. Maximum sign face area per side - 56 square feet;
  - c. Maximum number of signs - one (**1**);
  - d. Location - Within twenty-five (25) feet of the civic pod access driveway from Military Trail; and,
  - e. Style - monument style only. (CO: BLDG)

#### **O. USE LIMITATIONS FOR CIVIC POD (CHURCH)**

1. All services shall be held within the church and the hours of operation shall **be** limited to 7:00 a.m. - 9:00 p.m., excluding holiday services. (ONGOING: CODE ENF)

2. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, etc.), shall be limited to a maximum of three (3) events per year 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/SPECIAL PERMIT: CODE ENF - Zoning/ZONING)

P. COMPLIANCE

1. 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; 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 noncompliance, 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 majority vote ~~of the~~ Code Enforcement Board 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)