

RESOLUTION NO. R-96- 1006

RESOLUTION APPROVING ZONING PETITION DOA/CA80-188(C)
DEVELOPMENT ORDER AMENDMENT AND CLASS A CONDITIONAL USE
PETITION OF FLORIDA CONFERENCE ASSOCIATION OF
SEVENTH DAY ADVENTIST
BY ROBERT BENTZ, AGENT
(7TH DAY ADVENTIST 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA/CA80-188(C) was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment and Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment and Class A Conditional Use complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment and Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment and 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 Development Order Amendment and Class A Conditional Use, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment and Class A Conditional Use meets applicable local land development regulations.

7. This Development Order Amendment and 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 Development Order Amendment and Class A Conditional Use has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment and 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 Development Order Amendment and 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 DOA/CA80-188(C), the petition of Florida Conference Association of Seventh Day Adventist, by Robert Bentz, agent, for a Development Order Amendment (DOA) to amend the site plan; amend condition F.1. of Resolution R-91-254 (limitation on # children); add building square footage (+8,364); and increase number of students (+235); and for a Class A Conditional (CA) Use to allow a daycare, limited (20 children) in the Residential Estate (RE) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

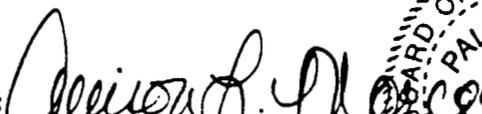
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

Petition DOA/CA80-188(C)
Project No.

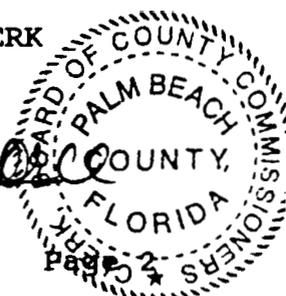


EXHIBIT A
LEGAL DESCRIPTION

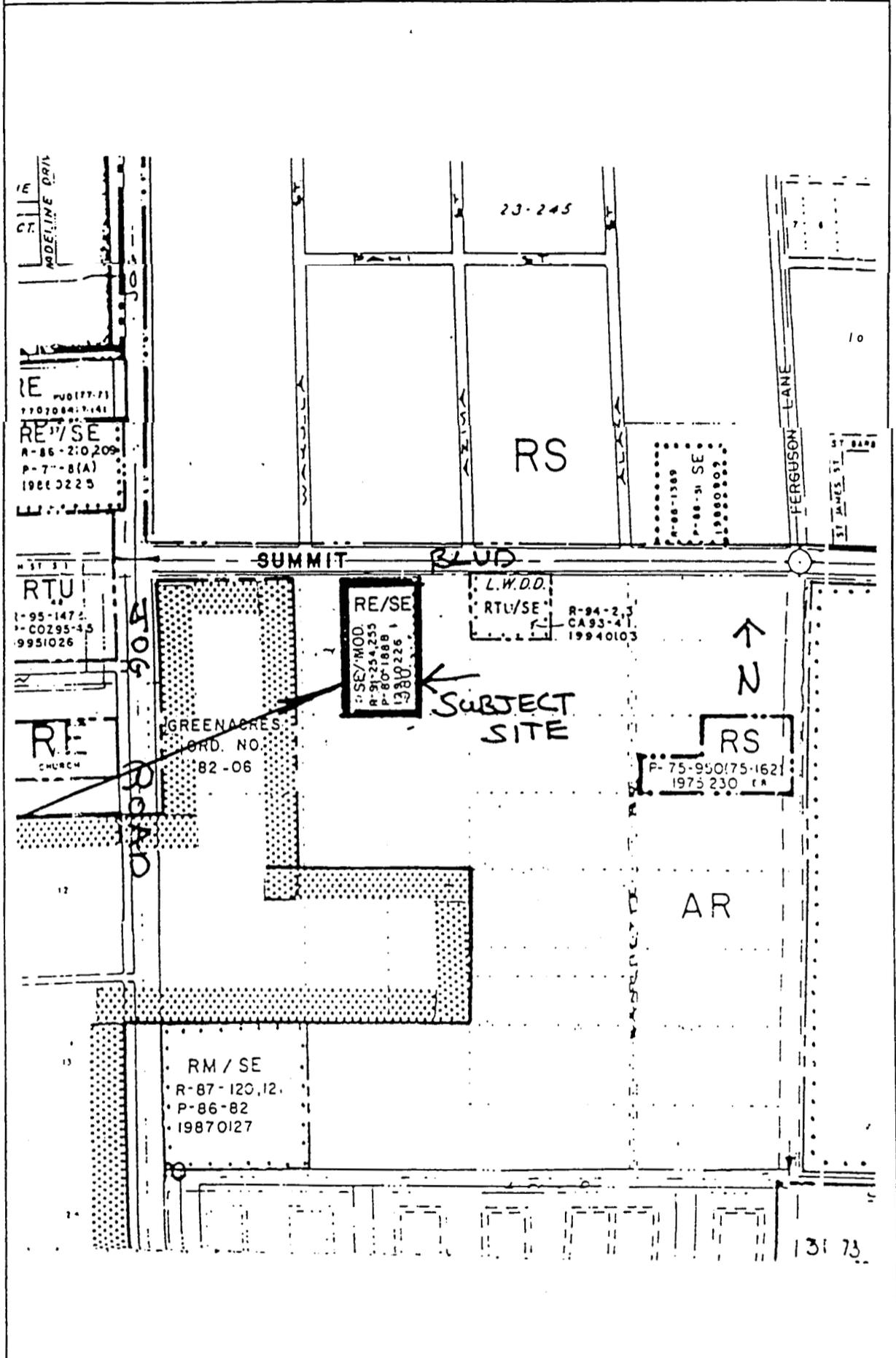
THE EAST **330** FEET OF THE WEST 510 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP **44** SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING: 203,670 **SQUARE FEET**, (**4.68** ACRES), MORE OR LESS. ✓

SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 80-188 C

Zoning Quad Page _____

Date: _____



NOR 1' H

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. **ALL PETITIONS**

1. Condition A.1 of Resolution R-91-254, Petition No, 80-188(B), which states:

The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-80-1424 (Petition 80-188), Resolution R-80-1424 (Petition 80-188A) and Resolution R-91-254 (Petition 80-188B), 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. (ONGOING: MONITORING - Zoning)

2. **The site plan shall be amended to indicate compliance with all minimum property regulations.** (Previously Condition A.2 of Resolution R-91-254, Petition No. 80-188(B)).

B. **HEALTH**

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previously Condition D.1 of Resolution R-91-254, Petition No. 80-188(B)).
2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previously Condition D.2 of Resolution R-91-254, Petition No, 80-188(B)).
3. **No portion of this project is to be approved on well and/or septic tank, existing or new. Existing septic tanks are to be abandoned in accordance with Chapter 10D-6 P.A.C.** (Previously Condition D.3 of Resolution R-91-254, Petition No, 80-188(B)).
4. Architectural plans for the day care facility and private school must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH / BLDG)

C. **LANDSCAPING**

1. All trees required to be planted shall meet the following minimum standards at time of 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. (CO: LANDSCAPE - Zoning)
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements; and,
 - e. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)
2. Condition 5 of Resolution R-80-1424, Petition 80-188, which states:

All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy.

Is hereby amended to state:

Incorporation of the native trees shall be shown on the final site plan prior to DRC certification. Tree preservation will be a requirement of the Vegetation Removal Permit. (DRC: LANDSCAPE - Zoning)

- 3. **Native vegetation removed to accommodate site improvements shall be relocated on site and credited to the tree requirements for the site or removed offsite subject to approval by the Zoning Division.** (Previously Condition C.1 of Resolution R-91-254, Petition No. 80-188(B)).
- 4. **A minimum six foot high solid wall or continuous fence shall be provided along all property lines separating outdoor play areas from adjacent residential uses. The exterior side of this fence or wall shall be landscaped within minimum 12 foot high native canopy trees planted 20 feet on center and a minimum 36 inches high continuous opaque hedge. Tree credit shall be given for existing native vegetation adjacent to the outdoor play area.** (Previously Condition E.1 of Resolution R-91-254, Petition No. 80-188(B)).
- 5. Condition E.2 of Resolution R-91-254, Petition No. 80-188(B), which states:

Prior to Site Plan Certification, the petitioners shall schedule a Site Inspection with the Zoning Division to locate the wall or fence with minimum disruption to existing native vegetation.

Is hereby deleted. [REASON: Condition completed]

D. USE LIMITATION

- 1. **10 kitchen facilities, or other food preparation capability, will be installed until the buildings on this site are connected to a public sewage system or other approved sewage treatment facility.** (Previously Condition 4 of Resolution R-80-1424, Petition 80-188).
- 2. The day care center shall be limited to a maximum of 20 children. (ONGOING: HEALTH)

3. Condition F.1 of Resolution R-91-254, Petition No, 80-188(B), which states:

The school shall be limited to a maximum of 45 children.

Is hereby amended to state:

The private school shall be limited to a maximum of 280 students. (DRC / ONGOING BUILDING - Zoning)

4. No outdoor loudspeaker system audible off site shall be operated on site. (Previously Condition F.2 of Resolution R-91-254, Petition No. 80-188(B)).
5. Petitioner shall construct a 6 ft. high privacy fence along the west property from the front setback line to the wooded preserve area. (Previously Condition 7 of Resolution R-80-1424, Petition 80-188).

E. ENGINEERING

1. Petitioner shall construct at the intersection of Summit Boulevard and the project's entrance:
 - a. Left turn lane, east approach
[Note: Completed]
 - b. One lane entering and two lanes exiting (Previously Condition 1 of Resolution R-80-1424, Petition 80-188).
2. Petitioner shall contribute One Thousand Seven Hundred Eighty-eight Dollars (\$1,788.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (Previously Condition 2 of Resolution R-80-1424, Petition 80-188).
3. The Lake Worth Drainage District will require the North 70 feet of the East 330 feet of the West 510 feet of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 10, 44/42 for the right-of-way for Lateral Canal No. 6. We will accept a Quit Claim Deed or an Easement, on our form, whichever the owner prefers. (Previously Condition 3 of Resolution R-80-1424, Petition 80-188).
4. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event; that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition B.E.1 of Resolution R-91-254, Petition No. 80-188(B)).
[May be deleted: Reason - Now code requirement.]

5. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$11,605 (211 trips X \$55.00 per trip). (Previously Condition B.E.2 of Resolution R-91-254, Petition No. 80-188(B)).
6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition 80-188 (C), to be paid at the time of issuance of the Building Permit presently is \$42,735 (777 additional trips X \$55.00 per trip). (BLDG. PERMIT; BLDG - Fair Share Fee Coordinator)
7. Prior to Development Review Committee approval the property owner shall revise the site plan to eliminate the median within the entrance road. (DRC)

F. SIGNS

1. Point of purchase and/or freestanding sign fronting on Summit Boulevard shall be limited as follows, or pursuant to the ULDC, whichever is less:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet; and,
 - c. Maximum number of signs - one (1). (CO: BLDC)

G. COMPLIANCE

1. Condition G.1 of Resolution R-91-254, Petition No. 80-188(B), which states:

As provided in the Palm Beach County Zoning Code, Elections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to state:

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 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.

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)