

RESOLUTION NO. R-2016- 1845

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/DOA/CA-2016-01040
(CONTROL NO. 1992-00049)
a Class A Conditional Use
APPLICATION OF Ldr Academy Inc
BY Carlton Fields, P.A., AGENT
(Batt School)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/Z/DOA/CA-2016-01040 was presented to the Board of County Commissioners at a public hearing conducted on December 7, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use ;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 Application ZV/Z/DOA/CA-2016-01040, the Application of Ldr Academy Inc, by Carlton Fields, P.A., Agent, for a Class A Conditional Use to allow a Private School, on a parcel of land generally described as shown on the legal description 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 December 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on December 7, 2016.

Filed with the Clerk of the Board of County Commissioners on December 19th, 2016

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



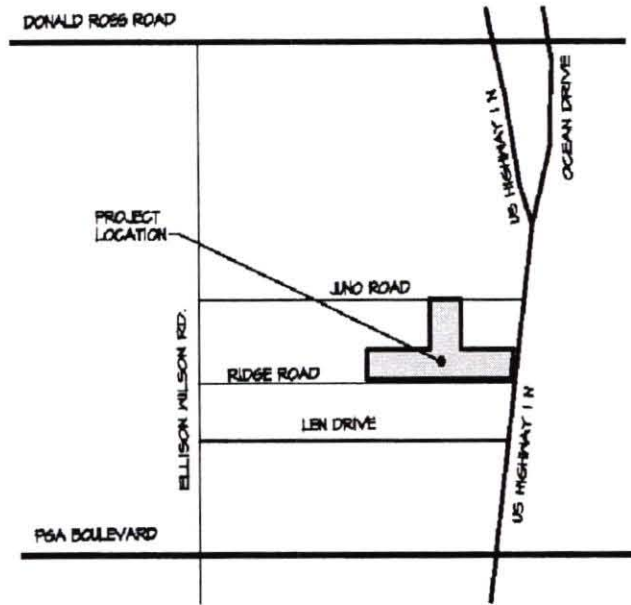
EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LOTS 16, 17 AND 18, OF ORANGE TERRACE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 23, PAGE 118;
ALSO ALL THAT CERTAIN PARCEL OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF STATE HIGHWAY NO. 5 (U.S. HIGHWAY NO. 1) WITH THE SOUTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 4, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND RUN THENCE NORTHEAST ALONG THE CENTERLINE OF SAID HIGHWAY 2850 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE CENTER LINE OF SAID HIGHWAY 100 FEET; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION AND TO THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE INTERSECTION OF A LINE FROM THE POINT OF BEGINNING AND PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EAST ALONG SAID LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; LESS THE WEST 1000 FEET THEREOF (AS MEASURED ALONG THE SOUTH LINE OF ORANGE TERRACE), AND LESS THE RIGHT OF WAY OF U.S. HIGHWAY NO. 1. CONTAINING 2.13 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



VICINITY SKETCH
NOT TO SCALE



EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 19, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

2. Prior to the issuance of a building permit the Applicant shall submit Form 38 detailing the cost of renovations for the existing structure (Daycare and Private school) and a list of total cost of renovations to the building over the past 5 years. The total cost plus the proposed renovations shall not exceed the threshold for Non-conforming Site Elements established in Article 1. The cost of renovations for the proposed building shall be consistent with the value provided to the Building Division. (BLDG/PMT: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2020. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to January 31, 2018, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing structures. (DATE/ONGOING: MONITORING - Engineering)

USE LIMITATIONS-PRIVATE SCHOOL

1. The site shall be limited to a maximum of twenty-five (25) students. (ONGOING: ZONING - Zoning)

2. Prior to final site plan approval by the Development Review Officer (DRO) the Applicant shall provide a certified survey indicating setbacks of the approved school classrooms from the west property line. Setbacks may be measured from the interior room configuration as indicated in Site Plan Exhibit 5 dated October 19, 2016. (DRO: ZONING - Zoning)

3. To protect the adjacent residential uses, no outdoor lighting shall be provided for the existing outdoor play court, excluding security lighting only. If provided, security lighting shall be properly shielded, oriented, and directed away from adjacent residential uses. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.