

RESOLUTION NO. R-97- 255

RESOLUTION APPROVING ZONING PETITION DOA86-114(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SUMMIT CHRISTIAN SCHOOL
BY DR. DAVID FRAZIER, AGENT
(SUMMIT CHRISTIAN 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, 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 DOA86-114(B) was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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 is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment 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 is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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, 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 meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment 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, 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, 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 DOA86-114(B), the petition of Summit Christian School, by Dr. David Frazier, agent, for a Development Order Amendment (DOA): **1) add land area; 2) add square footage (+90,760); 3) add access (2)**, 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 **January 30, 1997**, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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


The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 1997.

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

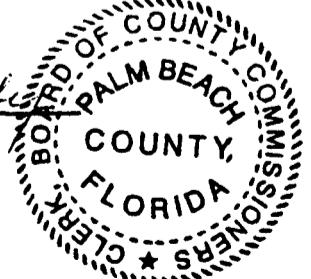


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A

THE EAST HALF OF LOT 6, BLOCK 2, PALM BEACH PLANTATIONS, SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20.

ALSO, DESCRIBED AS THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH PARCEL B

THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF LOT 6, BLOCK 2, OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, AT PAGE 20, PALM BEACH COUNTY RECORDS.

ALSO, DESCRIBED AS THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SAID SECTION 12.

EXCEPTING THEREFROM, THE WEST 20 FEET THEREOF HERETOFORE EXCEPTED AND RESERVED FOR PUBLIC ROAD PURPOSES; AND

EXCEPTING THEREFROM, THE SOUTH 150 FEET THEREOF AS MEASURED ALONG THE WEST LINE OF SAID LOT 6.

TOGETHER WITH, AN EASEMENT AND RIGHT-OF-WAY, IN COMMON WITH OTHERS ENTITLED THERETO, AT TIMES AND FOR ALL PURPOSES, WITH OR WITHOUT VEHICLES AND ANIMALS, TO AND FROM THE LAND CONVEYED OR ANY PART THEREOF, OVER AND UPON THE EAST 5 FEET OF THE WEST 25 FEET OF SAID LOT 6, AND ALSO THE NORTH 20 FEET OF THE SOUTH 180 FEET OF SAID LOT 6 HEREINABOVE EXCEPTED, ALSO DESCRIBED AS THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 12, LESS THAT PART CONVEYED BY THIS DEED.

SUBJECT TO AN EASEMENT AND RIGHT-OF-WAY IN COMMON WITH OTHER ENTITLED THERETO, AT ALL TIMES AND FOR ALL PURPOSES WITH OR WITHOUT VEHICLES AND ANIMALS OVER AND UPON THE SOUTH 20 FEET OF SAID PROPERTY HEREIN CONVEYED BY THIS DEED LESS THE EAST 20 FEET OF THE WEST 40 FEET FOR ROAD RIGHT-OF-WAY.

ALSO TOGETHER WITH PARCEL C

THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF LOT 6, BLOCK 2, PALM BEACH PLANTATIONS, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, 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 10, PAGE 20, LESS THE WEST 20 FEET THEREOF.

TOGETHER WITH, AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 25 FEET OF SAID LOT 6, BLOCK 2, OF SAID SUBDIVISION ABOVE DESCRIBED.

AND ALSO TOGETHER WITH PARCEL D

THE NORTH HALF OF THE WEST HALF OF LOT 6, LESS THE WEST 20 FEET THEREOF, BLOCK 2, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, IN PALM BEACH PLANTATIONS, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, 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 10, PAGE 20.

LESS HOWEVER THE ADDITIONAL RIGHT-OF-WAY FOR HAVERHILL ROAD AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 4864, PAGES 1559 AND 1560 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA OF PARCELS A THROUGH D ACCORDING TO THE ANNOTATED BOUNDARY AS SHOWN HEREON: 17.43 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

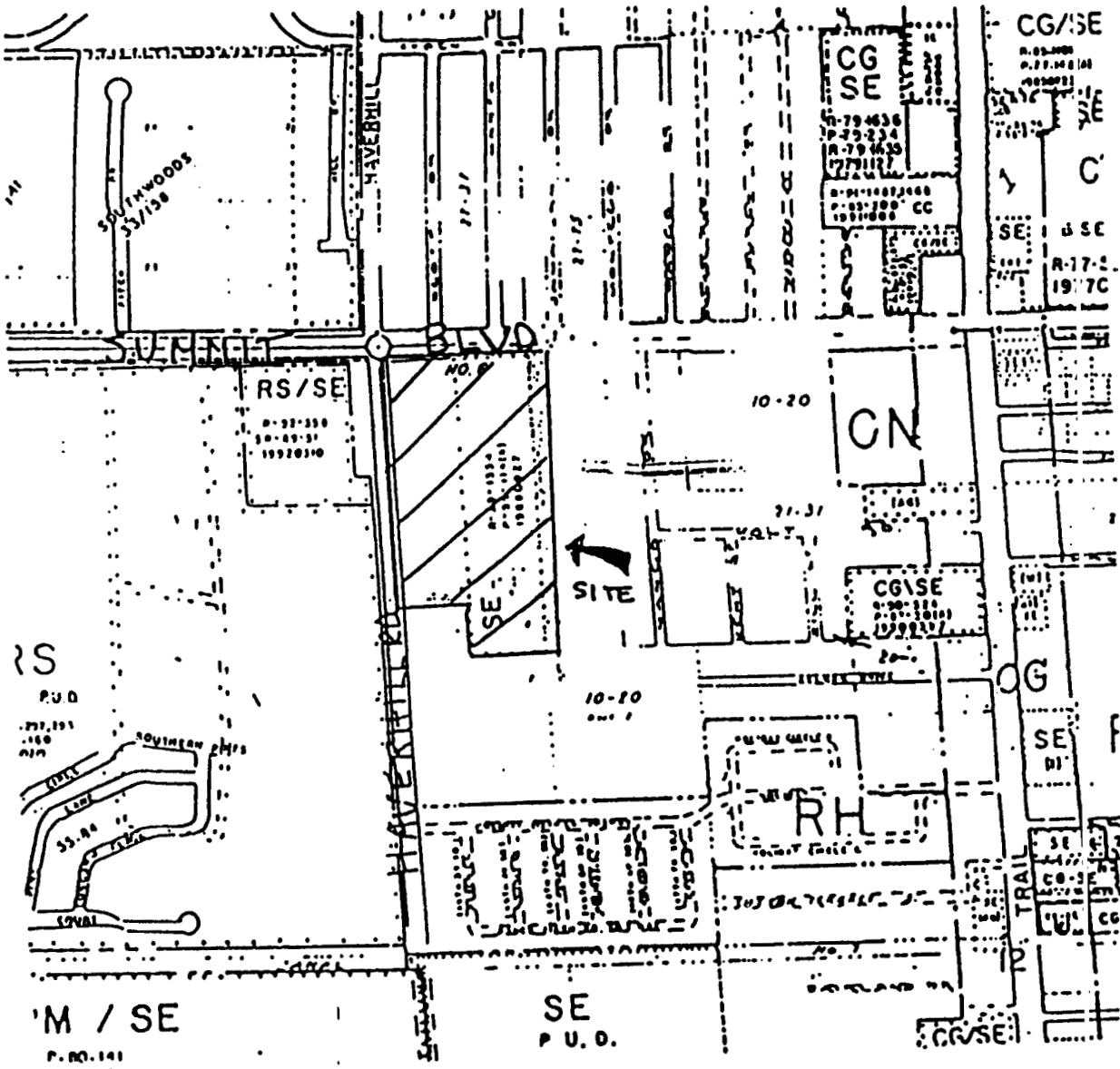


EXHIBIT C

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-88-1554 (Petition 86-114(A)) and R-87-508 (Petition 86-114), have been consolidated as contained herein. The petitioners 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. 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 January 17, 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)
3. Condition 1 of Resolution R-88-1554, Petition 86-114(A), which states:

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

~~Is~~ hereby deleted. [REASON: superseded by new condition].

B. HEALTH

1. Since sewer service **is** available to the property, septic **tank** shall not be approved for use on said property. (Previously Condition 4 of Resolution R-88-1554, Petition 86-114(A)) (ONGOING: HEALTH)
2. Since water service **is** available to the property, a potable **water well** shall not be approved for use on said property. (Previously Condition 5 of Resolution R-88-1554, Petition 86-114(A)) (ONGOING: HEALTH)
3. Architectural plans must **be** submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 1(D)-24 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

C. ERM

1. The developer shall preserve the stand of pine trees located **north** of the proposed football ~~field~~. The trees shall be designated on the approved site plan as "Preservation **Area**". (Previously Condition 3 of Resolution R-88-1554, Petition 86-114(A)) (DRC: ERM)

D. LANDSCAPING - STANDARD

1. **Prior** to site plan certification, the site plan shall be amended to **reflect** the following:
 - a. The required number of trees to be preserved **or** planted
 - b. One **(1)** of three **(3)** alternative perimeter landscape strips where required
 - c. **Signage** located outside of the required front landscape strip
 - d. **A** terminal landscape island along the northern end-west side of the **45** degree one-way parking **aisle**. **A** minimum of **20 feet** shall be maintained as open drive between **this** terminal island and the interior island on the east side of this aisle
 - e. Appropriate signage indicating **direction** of traffic. (Previously Condition **2** of Resolution **R-87-508**, Petition 86-114)

2. All canopy trees required to be planted on site by this approval 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. (CO: LANDSCAPE - Zoning)
 - d. Credit may **be** given for existing **or** relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

3. All palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:
 - a. Palm heights: twelve (12) feet grey wood;
 - b. Clustering: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Pruning: minimum six (6) fronds, no clipped or spiked **cuts**.
 - d. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. southerly right-of-way line of Summit Boulevard, with subsequent relocation of the landscape strip and signage to accommodate the right-of-way. (Previously Condition **2** of Resolution **R-88-1554**, Petition 86-114(A)) (ENG)

2. 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 **presently** is **and** additional **\$30,468.00 (1,137 trips X 26.79 per trip)**. (Previously Condition **6** of Resolution **R-88-1554**, Petition 86-114(A)) (IMPACT FEE COORDINATOR)

3. Based on the Traffic Performance Standards (Category "B"), the developer shall contribute an additional **\$7,615.00** toward Palm Beach County's existing Roadway Improvement Program, these total funds of **\$38,075.00** to be paid prior to the issuance of the first building permit or January 1, 1988 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$7,615.00** shall be credited toward the increased Fair Share Fee. (Previously Condition 7 of Resolution R-88-1554, Petition 86-14A) (ENG)

4. Condition 5 of Resolution R-87-508, Petition 86-114, which states:

The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineers approval.

Is hereby deleted. [REASON: Code requirement].

5. The property owner shall construct a right turn lane, west approach on Summit Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements. (Previously Condition 6 of Resolution R-87-508, Petition 86-114) (ENG)
[Complete]
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 presently is **\$12,136.00 (453 trips X \$26.79 per trip)**. (Previously Condition 7 of Resolution R-87-508, Petition 86-114) (IMPACT FEE COORDINATOR)
7. Based on the Traffic Performance Standards (Category "B") the Developer shall contribute an additional **\$3,034.00** toward Palm Beach County's existing Roadway Improvement Program. These total funds of **\$15,170.00** shall be paid prior to June 1, 1987 or prior to the issuance of a building permit, whichever shall first occur. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$3,034.00** shall be credited toward the increased Fair Share Fee. (Previously Condition 8 of Resolution R-87-508, Petition 86-114) (ENG)
8. Prior to the issuance of the first building permit, the property owner shall convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:
 - a) Haverhill Road - 60.5 feet from centerline; and
 - b) Summit Boulevard - 54.5 feet from centerline

Right of way shall be in accordance with Palm Beach County Typical Expanded intersection detail and shall be 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)

9. Prior to the **issuance** of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's north entrance road. This right-of-way shall **be** a minimum of 280 feet in storage length, twelve feet in **width** and a taper length of 50 feet or as approved by **the** County Engineer. This additional right of way shall **be** free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (BLDG PERMIT: MONITORING - Eng)
10. The Property owner shall construct a right turn lane south **approach** on Haverhill Road at the project's north entrance. This construction shall be concurrent with phase one paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to utility relocations. Permits required by Palm Beach County for this construction shall be obtained prior to **the** issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING - Eng)
11. The Property owner shall **restripe** the existing pavement markings on Haverhill Road, at the projects north and south entrance(s) on Haverhill Road, to provide for a separate **left** turn lane north approach. This restriping shall **be** concurrent with the paving and drainage improvements for **the** site. The method used to remove the existing pavement markings may include an overlay of pavement, **or** grinding of the existing pavement markings subject **to the** approval of **the** County Engineer. Restriping shall be completed prior to **the** issuance of **the** first Certificate of Occupancy. (CO: MONITORINGIENG)
12. ~~The~~ property ~~owner~~ shall fund **the** cost of signal installation if warranted as determined by the County Engineer at the intersection of **the** project's south entrance and Haverhill Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from **this** condition. (CO: ENG - Bldg)
13. Prior to final DRC, **the** Property owner shall submit for approval by the County Engineer a schedule of staggered hours for operation of the **Daycare**, Elementary School, Middle School and High School on-site that shall prevent **the** stacking of drop-off and pick-up vehicles beyond the site entrance onto Summit Boulevard. This schedule of staggered hours shall apply to **both** the **start** and end times for the **school** facilities on-site. (DRC: ENG).

F. LANDSCAPE - INTERIOR

1. Landscape islands shall **be** provided along the front and side facades of all structures. The minimum width of the required landscape islands shall be five (5) feet. The combined length of the required landscape island shall **be** no less than **40%** of the total length of the applicable side of **the** structure. All required landscape islands shall be planted with a minimum of **a ~~one~~ (1)** tree every 20 feet on center and appropriate ground cover. (DRC/CO: ZONING / LANDSCAPE)

G. LANDSCAPING ALONG NORTH, SOUTH AND WEST PROPERTY LINE OF ADDITIONAL LAND AREA (+7.23 ACRES) (ABUTTING RIGHT-OF-WAY ON HAVERHILL ROAD AND SUMMIT BOULEVARD AND RESIDENTIAL ON THE SOUTH)

1. Landscaping and buffering along the north, south and west property lines shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer;
 - b. A continuous three (3) foot high berm;
 - c. A double row of canopy trees thirty (30) feet on center of which 50% can be planted on the interior side of the berm and the remaining 50% on the exterior side of the berm;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
 - e. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be planted at the top of berm. (DRC / CO: ZONING / LANDSCAPE)

H. MASS TRANSIT

1. **A.** Prior to final certification of the master 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)

B. 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 the Certificate of Occupancy. 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. (CO: MONITORING - Eng)

I. SIGNS

1. Freestanding signs fronting on Haverhill Road and Summit Boulevard 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 - **72** square feet;
 - c. Maximum number of signs per frontage - **two (2)**; and
 - d. Style - monument only. (CO: BLDG)

J. USE LIMITATION

1. The approval of this petition shall not include the **ITV** Tower shown on the site. The tower approval shall **be** processed separately pursuant to the provisions of the ULDC. (DRC: ZONING)

K. 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.

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)