

RESOLUTION NO. R-91-243

RESOLUTION APPROVING ZONING PETITION NO. 73-157(A)
SPECIAL EXCEPTION PETITION OF
KING'S ACADEMY, INC., BY KIERAN J. KILDAY, AGENT.

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 73-157(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 26, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 73-157(A), the petition of KING'S ACADEMY, INC., BY KIERAN J. KILDAY, AGENT, FOR A SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PRIVATE SCHOOL, TO INCREASE THE SQUARE FOOTAGE, on a parcel of land known as Parcel 1: All that portion of the East 1/2 of the Northwest 1/4 of the southeast 1/4 less the South 60.00 feet of the North 797.00 feet, Section 25, Township 43 South, Range 42 East, lying North of Cherry Road right-of-way. Parcel 2: Beginning at a point on the West line of the East 1/2 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East, said point being 1950.00 feet North of the South line of Section 25; Thence continue northerly along said West line a distance of 700.00 feet; Thence run easterly at an angle of 90 degrees 21'00" with preceding course measured from South to East, a distance of 615.00 feet; Thence run southerly at an angle of 89 degrees 39'00" with preceding course, measured from West to South a distance of 700.00 feet; Thence run westerly a distance of 615.00 feet to a Point of Beginning, less the East 30.00 feet thereof, previously conveyed for drainage and ditch purposes with right of egress and ingress over said strip, recorded in Deed Book 999, Page 444, and less that portion of the above described property conveyed to the County of Palm Beach in Official Record Book 770, Page 123, and being located on the NORTH SIDE OF CHERRY RD., APPROXIMATELY .1 MILE E. OF MILITARY TR., IN

THE RM ZONING DISTRICT, was approved on July 26, 1990, as advertised, subject to the following conditions:

STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development regulations.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E) 2 (b) (Site Plan Review Committee Powers and Standards of Review).

ENGINEERING

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.
5. Prior to January 1, 1991, 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 Cherry Road, 40 feet from centerline 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
6. The property owner shall convey to the Lake Worth Drainage District the north 52 feet of East 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 25, Township 43 South, Range 42 East and the South one foot of the North 52 feet of the West 585 feet of the Southeast 1/4 of said Section 25 for the required right-of-way for Lateral Canal No. 2, by Quit Claim Deed or an Easement Deed in the form provided by said District prior to January 1, 1991. This condition does not preclude any future agreement between the petitioner and the Lake Worth Drainage District for the use of the easement for access and fence purposes.

HEALTH

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

IRRIGATION QUALITY WATER

9. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

LANDSCAPE

10. Landscaping along the front property line shall consist of ten (10) foot tall native canopy trees or native palms spaced thirty (30) feet on center.
11. Prior to Site Plan Review Committee approval, a phased eradication plan shall be submitted to eliminate prohibited tree species from the site.

NOISE LIMITATIONS

12. The petitioner shall incorporate into the project design noise reduction measures which demonstrate a noise level reduction to 25 db for all offices and classrooms.

POPULATION

13. Student population shall be limited to a maximum of 1,734 students.

RECYCLE SOLID WASTE

14. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

VEGETATION PROTECTION

15. Prior to issuance of a Vegetation Removal Permit for this site, the following shall be completed:
 - a. All trees to be relocated, preserved, or removed shall be identified in the field, tagged and numbered according to a tree survey;
 - b. Trees to be preserved shall receive appropriate protection during site development. Protection devices shall be in place and approved by the Zoning Division prior to commencing any clearing activity; and,
 - c. No vegetation removal or development activity such as trenching, grade changes or grubbing that may cause injury to the vegetation shall be permitted in required buffer areas or preservation areas.

Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division.

16. Oak, slash pine and native palms on site shall be preserved or relocated wherever possible.

WESTGATE CRA CONDITIONS

17. This site lies within the Westgate Community Redevelopment area and is subject to the provisions of Section 627 of the Zoning Code in addition to other zoning and land development regulations.
18. Free-standing signs on Cherry Road frontage shall be limited to a maximum of two (2) signs at 150 square feet of total face area each and not to exceed ten (10) feet in height.

COMPLIANCE

19. As provided in the Palm Beach County Zoning Code, Sections 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.

Commissioner Phillips moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of February, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

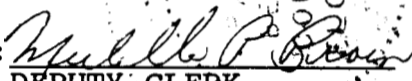
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS' ; ; ; '

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

