

RESOLUTION NO. R-2001- 0598

RESOLUTION APPROVING ZONING PETITION PDD87-049(D)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT(PDD)
PETITION OF NEW HOPE CHARITIES INC.
BY GEORGE GENTILE, AGENT
(SANTA MARIA VILLAGE 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 PDD87-049(D) was presented to the Board of County Commissioners at a public hearing conducted on April 26, 2001; 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) with approved conditions 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) with approved conditions 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) with approved conditions 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) with approved conditions 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 PDD87-049(D), the petition of New Hope Charities Inc. by George Gentile, agent, for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Planned Unit Development (PUD) with general daycare, charter school, health/education center and to modify/delete conditions of approval 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 April 26, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti 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:

| | | |
|------------------------------|---|--------|
| Warren H. Newell, Chair | - | Aye |
| Carol A. Roberts, Vice Chair | - | Absent |
| Karen T. Marcus | | Aye |
| Mary McCarty | - | Aye |
| Burt Aaronson | | Aye |
| Tony Masilotti | | Aye |
| Addie L. Greene | - | Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on April 26, 2001.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Altar*
COUNTY ATTORNEY

BY: *Joan Newell*
DEPUTY CLERK

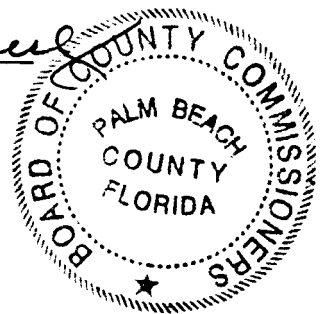


EXHIBIT A
LEGAL DESCRIPTION

The Northwest Quarter of the Southeast Quarter of Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida.

NOTE: East Beach Water Control District claims prescriptive rights over the West 44 feet of the Northwest Quarter of the Southeast Quarter of Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida

LESS AND NOT INCLUDING: Additional right-of-way for the Florida Department of Transportation as follows:

Beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida;
thence North 0 16' 25" West 1320.54 feet along the West line of the Northwest Quarter of the Southeast Quarter of said Section 29;
thence North 89, 55' 59" East, 1.70 feet along the North line of the Northwest Quarter of the Southeast Quarter of said Section 29;
thence South 0 11' 59" East, 1320.54 feet to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 29, and the Point of Beginning.

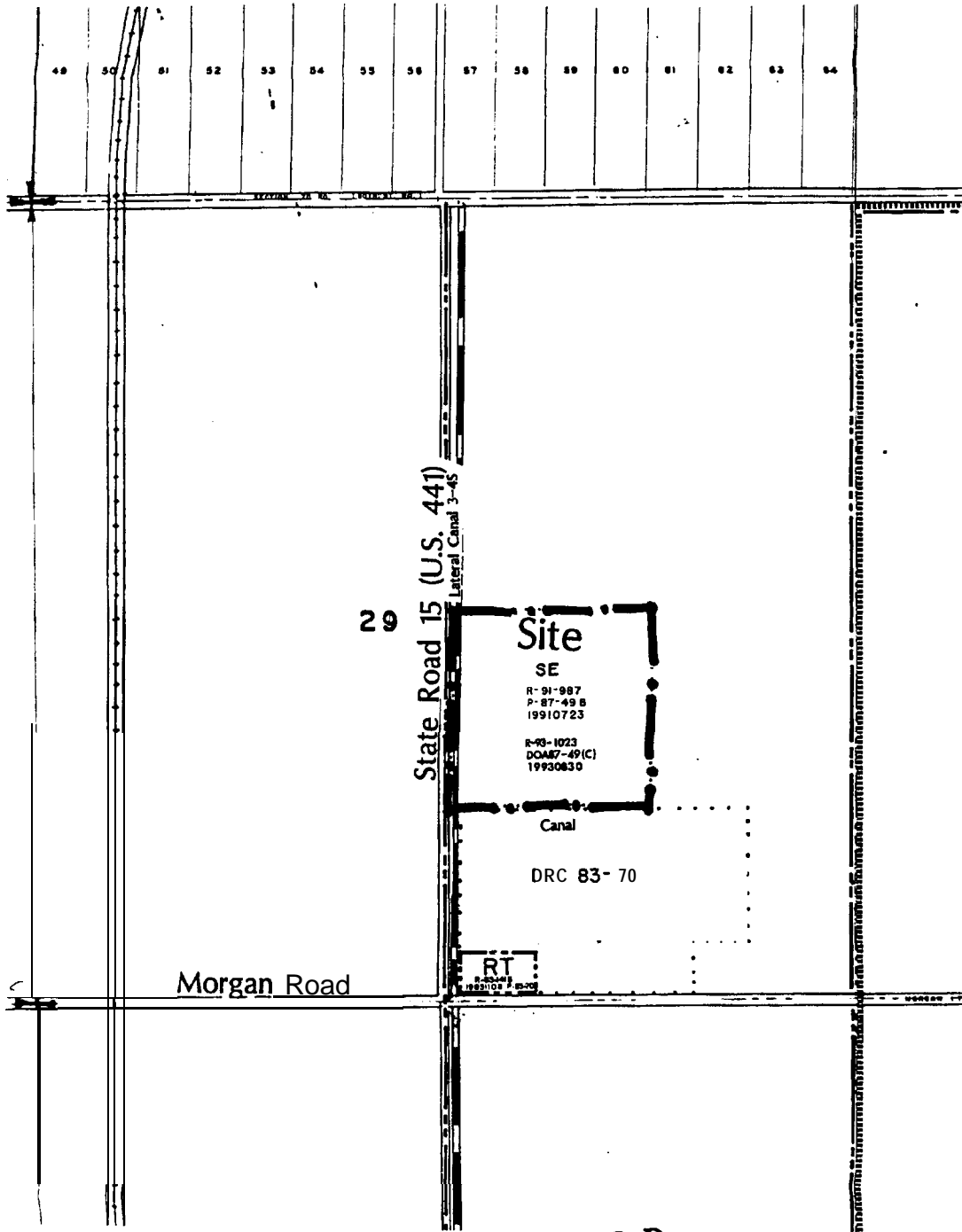
Containing: 39.98 Acres.

EXHIBIT B

VICINITY SKETCH

Santa Maria Village

New Hope Foundation



87 - 049D

Existing Zoning: AR
Proposed Zoning: PUD



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-93-I 023, Petition DOA87-049(C)) which currently states:

All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines pursuant to Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-I 023, Petition DOA87-049(C) have been consolidated 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. Condition A.2 of Resolution R-93-I 023, Petition DOA87-049(C)) which currently states:

Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements. (ZONING)

Is hereby deleted. [REASON: Code Requirement].

3. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved regulating/site plan is dated **February 28, 2001**. 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. DAY CARE

1. Condition B.I of Resolution R-93-1023, Petition DOA87-049(C) which currently states:

Maximum occupancy of the day care center shall be limited to 102 children. (ONGOING: CODE ENF)

Is hereby deleted. [REASON: superceded with revised Condition M.2]

2. Condition B.2 of Resolution R-93-I 023, Petition DOA87-049(C), which currently states:

The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty (20) feet long. (ZONING)

Is hereby deleted. [REASON: Code Requirement.]

3. **The site plan shall be amended to reflect a four (4) foot wide paved walkway running in front of the drop-off spaces and connecting to the day care entrance. (DRC: ZONING) (Previously Condition B.3 of Resolution R-93-I 023, Petition DOA87-049(C))**

4. Condition B.4 of Resolution R-93-1023, Petition DOA87-049(C) which currently states:

The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred and fifty (750) square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area and in compliance with HRS requirements. (DRC: ZONING)

Is hereby deleted. [REASON: Code Requirement.]

5. **The outdoor play area shall have a twenty-four (24) inch minimum height hedge planted twenty-four (24) inches on center and twelve (12) foot tall native canopy trees planted thirty (30) feet on center on the outside of the required fence. (ZONING) (Previously Condition B.5 of Resolution R-93-1023, Petition DOA87-049(C))**

C. HEALTH

1. Condition D. 1 of Resolution R-93-I 023, Petition DOA87-049(C) which currently states:

The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval (or prior to issuance of Building Permit for straight rezoning). (HEALTH)

Is hereby deleted. [REASON: Code Requirement.]

2. Condition 0.2 of Resolution R-93-I 023, Petition DOA87-049(C) which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH)

Is hereby deleted. [REASON: Code Requirement.]

D. IRRIGATION QUALITY WATER

1. **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. (UTILITIES) (Previously Condition F. 1 of Resolution R-93-I 023, Petition DOA87-049(C))**

E. ENGINEERING

1. Condition E.I of Resolution R-93-I 023, Petition DOA87-049(C), which currently states:

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. (ENG)

Is hereby deleted. [REASON: Code Requirement.]

2. **Prior to September 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 Roadway Production Division by road right-of-way warranty deed for State Road 15, 60 feet from centerline free of all encumbrances and encroachments. Developer 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. (ENG) (Previously Condition E.2 of Resolution R-93-I 023, Petition DOA87-049(C)) Data Base indicates compliance with this condition.**
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along SR 15 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. The Property owner shall construct a left turn lane north approach, or an alternative traffic control device which may be approved and accepted by the Florida Department of Transportation and County Engineer, on SR 15 at the project's entrance road.
 - A) 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 and acquisition of any additional required right-of-way.
 - B) Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of building permits for more than 60 residential units. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 60 residential units. (CO: **MONITORING-Eng**)

F. LANDSCAPE

1. Condition G. 1 of Resolution R-93-I 023, Petition DOA87-049(C), which currently states:

Landscaping shall be upgraded along the north and west property lines, from the northwest corner measured to a distance of 300 feet from the corner in each direction, to include:

- a. **Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.**
- b. **A hedge, wall, fence, berm or combination thereof presenting a visually opaque barrier a minimum of six (6) feet in height.**
(ZONING)

Is hereby deleted. [REASON: Code Requirement.]

2. Condition G.2 of Resolution R-93-1023, Petition DOA87-049(C), which currently states:

Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained in accordance with Arbor Society Standards.
(ZONING)

Is hereby deleted. [REASON: Code Requirement.]

3. Condition G.3 of Resolution R-93-1023, Petition DOA87-049(C), which currently states:

All plant material shall be fully irrigated and maintained in a healthy viable condition. (ZONING)

Is hereby deleted. [REASON: Code Requirement.]

G. LIGHTING

1. Condition H.I of Resolution R-93-I 023, Petition DOA87-049(C) which currently states:

Outdoor lighting used to illuminate the premises shall be a maximum of twenty(20) feet in height, low intensity, shielded and directed away from adjacent properties and streets. (ZONING/BUILDING)

Is hereby amended to read:

All outdoor lighting used to illuminate the subject property shall be a maximum of twenty (20) feet in height, and shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)

H. PLANNING

1. Prior to final site plan certification, the petitioner shall provide documentation to the Planning Division that an off-site contribution was calculated and a written receipt demonstrated that the contribution has been paid to the County for the purpose of implementing the Glades Beautification Master Plan. (DRC: PLANNING-ZONING)

2. Prior to final site plan approval by the Development Review Committee, the notation at the northern and southern property lines where an arrow indicates cross access to adjacent sites shall be amended to read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING)
3. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to indicate a future stub street to the property to the east of the site and the notation shall read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel". (DRC: PLANNING)
4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northern, southern, and eastern property lines at the locations shown on the site plan which read "proposed vehicular and pedestrian cross access. ..". (CO/BLDG PERMIT: MONITORING-BUILDING)

I. RECYCLE SOLID WASTE

1. Condition I.1 of Resolution R-93-1023, Petition DOA87-049(C), which currently reads:

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. (SWA)

Is hereby deleted. [REASON: Code Requirement.]

J. SCHOOL BOARD

1. The property owner shall post the following notice of annual boundary school assignments for students from this development on an 11" X 17" sign in a clear and visible location in all sales offices and models:

"NOTICE TO HOME BUYERS/TENANTS"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding overcrowding or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD)

K. SIGN

1. Condition J. 1 of Resolution R-93-1 023, Petition DOA87-049(C), which currently states:

Signs fronting on State Road 15 shall be limited as follows:

- a. **Maximum sign height -ten (10) feet.**
- b. **Maximum total sign face area - fifty (50) square feet.**
- c. **Maximum number of signs - one (1). (ZONING)**

Is amended to read:

Signs fronting on State Road 15 shall be limited as follows:

- a. Maximum sign height - eight (8) feet
 - b. Maximum total sign face area - fifty (50) square feet.
 - c. Maximum number of monument signs -two (2). (BLDG PERMIT: BLDG - Zoning)
2. **No off-premise signs shall be permitted on site. (ZONING)**

Previously Condition J.2 of Resolution R-93-I 023, Petition DOA87-049(C))

L. SITE DESIGN

1. Condition K.I of Resolution R-93-I 023, Petition DOA87-049(C), which currently states:

All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area or be screened by a visually opaque landscape barrier the height of the equipment. (ZONING/BUILDING)

Is hereby deleted: [REASON: Code Requirement.]

M. USE LIMITATION

1. Condition L.1 of Resolution R-93-I 023, Petition DOA87-049(C), which currently states:

Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives. (ZONING)

Is hereby deleted: [REASON: Code Requirement.]

2. Condition L.2 of Resolution R-93-1023, Petition DOA87-049(C), which currently states:

Use of the site shall be limited to a day care center and permitted AR zoning uses only. (ZONING/BUILDING)

Is amended to read:

Use of the private civic parcel shall be limited to the following:

- a. **Daycare** center with a maximum of 102 children;
- b. Charter School with a maximum of 140 children; and
- c. Aquatic Center with a maximum of 7,200 square foot building and accessory pool. (ONGOING: CODE ENF/ZONING)

N. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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: MONITORING - 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; 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 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.

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)