

RESOLUTION NO. R-2002-0621

RESOLUTION APPROVING ZONING PETITION CA2001-057
CLASS A CONDITIONAL USE
PETITION OF THE WILLIAM CHINNICK CHARITABLE FOUNDATION, INC.
BY LAND DESIGN SOUTH, AGENT
(ST. JOSEPH'S HIGH 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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA2001-057 **was** presented to the Board of County Commissioners at a public hearing conducted on April 25, 2002; 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.
7. This 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 Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This 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 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 CA2001-057, the petition of The William Chinnick Charitable Foundation, Inc., by Land Design South, agent, for a Class A Conditional Use to allow a private school and a church or place of worship in the Agricultural Reserve 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 25, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on April 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 29 day of May, 2002.

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

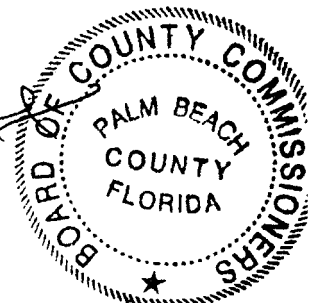


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 73 THROUGH 76 INCLUSIVE, LESS THE NORTH 335.00' THEREOF, AND TRACTS 85 THROUGH 88, INCLUSIVE; TRACTS 103 THROUGH 106, INCLUSIVE; AND THAT 30 FOOT PLATTED ROADWAY LYING BETWEEN TRACTS 85 THROUGH 88 AND 103 THROUGH 106; ALL IN BLOCK 50 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGE 49, PALM BEACH COUNTY RECORDS.

SAID LANDS CONTAINING 22,110.00 SQUARE FEET, 50.8 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

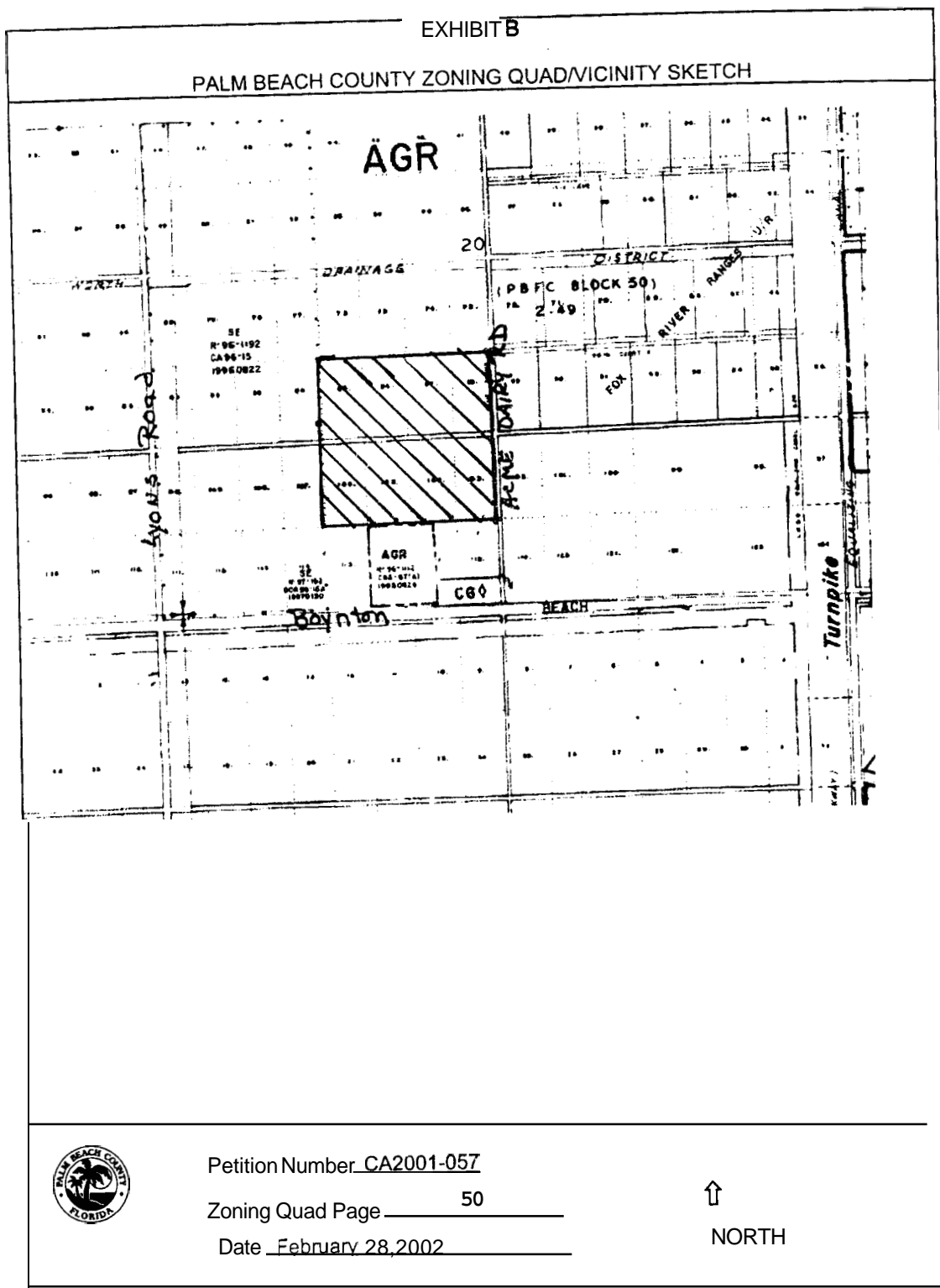


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 April 9, 2002. 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)
2. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to limit development phases to a maximum of two phases. (DRC:ZONING-Zoning)

B. ARCHITECTURAL CONTROL

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the Phase 1 buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Prior to the issuance of the Building permit(s) of the remaining buildings, architectural elevations shall be submitted to the Architectural Review Section, Zoning Division for review and approval. Elevations shall be designed to be consistent with the Boynton Beach Turnpike interchange Corridor, Design Guidelines & Standards for Future Development dated November 12, 1996, and the Architectural Design Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT - Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to final DRC certification of the site plan, a pedestrian walkway with amenities shall be provided on the site. Such amenities shall have a direct connection to the pedestrian system within the project; including, but not limited to, benches, shaded structures or similar recreation amenity subject to approval of the Zoning Division. (DRC: ZONING-Zoning)
2. Prior to final DRC certification of the site plan, the petitioner shall indicate the future vehicular/pedestrian connections to the parcel directly adjacent to the west property line on the site plan. The petitioner is required to provide a vehicular/pedestrian access to the adjacent west property, and the proposed location shall be a minimum of six hundred (600) feet north of the south property line. (DRC:ZONING – Zoning)

D. LANDSCAPING - STANDARD

1. Trees to be planted in the Boynton Beach Boulevard right-of-way buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length.
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
4. All shrub materials shall be planted in overlapping masses, and in a meandering and naturalistic pattern consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. thirty (30) to thirty-six (36) inches – medium shrub; and,
 - c. forty-eight (48) to sixty (60) inches – large shrub, unless specified herein. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a) Acme Dairy Road, 40 feet from centerline,
 - b) Boynton Beach Boulevard 60 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)
2. When right-of-way to the south is available, this property owner shall construct a project's entrance onto Acme Dairy Road. The Property owner shall also construct:
 - A. Acme Dairy Road as a 3 lane section from the project's entrance to Boynton Beach Boulevard. This construction shall also include a closed piping system for the existing roadside swale along the west side of Acme Dairy Road.
 - B. Right Turn Lane North Approach on Acme Dairy Road at Boynton Beach Boulevard.
 - C. Separate through lane on Acme Dairy Road at Boynton Beach Boulevard.
 - D. Five foot concrete pedestrian pathway along the west side of Acme Dairy Road from the project's entrance to Boynton Beach Boulevard.
 - 1) This construction shall be concurrent with the construction of the project's access onto Acme Dairy Road. 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 for the improvements identified above.
 - 2) Permits required by Palm Beach County for this construction shall be obtained prior to any construction work within the Acme Dairy Road right of way. (ENGINEERING)

- 3.) The Property owner shall fund the construction of a right turn lane east approach on Boynton Beach Blvd. at Acme Dairy Road. Funding for this construction shall be based on a certified cost estimate provided by the developers Engineer and approved by the County Engineer. Funding shall include all construction costs, plan revision changes, and the acquisition of any additional right-of-way for this right turn lane. Funding for the plan changes shall be completed prior to August 1, 2002. Funding for the construction of the right turn lane and/or any additional right of way shall be completed prior to the issuance of the first building permit or prior to April 1, 2003 whichever shall first occur. (DATE/BUILDING PERMIT: MONITORING-Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a) Building Permits which would allow for more than:
 - 18,000 square foot Church,
 - **2,115** square foot security quarters,
 - Private School with enrollment of no more than 73 students
 shall not be issued until the contract has been awarded for the construction of the 4 lane widening of Boynton Beach Boulevard from the Florida Turnpike to SR7 plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)
 4. At the time of the construction of the project's entrance road onto Acme Dairy Road the Property Owner shall fund a proportionate cost of signal installation if signalization has not been installed at Boynton Beach Blvd. & Acme Dairy Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Amount of the funding for this signalization shall be determined by the County Engineer. If signalization is already existing at Boynton Beach Blvd. & Acme Dairy Road, the property owner shall fund the cost of signal modifications at this intersection. Amount of the funding for this signal modification shall be determined by the County Engineer. (ENGINEERING)
 5. The Developer shall plat this subject property, plus the overall parent tract, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
 6. Prior to the issuance of a building permit the developer shall provide documentation that adequate provisions for westbound U turn movements on Boynton Beach Boulevard at its intersection with Lyons Road has been accommodated for during the widening of Boynton Beach Boulevard. (BLDG PERMIT: MONITORING - Eng)

F. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum of fifty (50) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted. (CO:LANDSCAPE-Zoning)
 - b. one (1) canopy tree for each twenty (20) linear feet of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between

- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE EAST 990 FEET OF THE SOUTH PROPERTY LINE, THE EAST PROPERTY AND THE NORTH 970 FEET OF THE WEST PROPERTY LINE (ABUTTING AGRICULTURAL RESERVE AND ACME DAIRY ROAD)

- 1. Landscaping and buffering along the north property line, the east-990 feet of the south property line, the east property line, and the north 970 feet of the west property line shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
 - b. a six (6) foot high black vinyl coated chain link fence for the east 990 feet of the south property line, and portion of the west property line (south of the retention area, measuring a minimum of 1,250 linear feet). A maximum of two openings with gates may be permitted for pedestrian and maintenance access for each property line. Opening may not exceed eight (8) foot in width. (CO: LANDSCAPE - Zoning)
- 2. The following landscaping requirements shall be installed in the buffers:
 - a. one (1) canopy tree for each thirty (30) feet of the property line;
 - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - c. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
 - d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
 - e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING - INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)
- 2. A minimum of fifteen (15) foot wide landscape median shall be provided along the south 1,335 feet of the west property line. Openings shall be permitted to allow vehicular/pedestrian access to the adjacent western parcel(s). Planting for the median shall consist of the following:
 - a. One (1) Palm for each ten (10) linear feet of the median;
 - b. One (1) flowering trees for each twenty (20) linear feet of the median;
 - c. One (1) small shrub for each two (2) linear feet of the property line; and,

- d. One (1) medium shrub for each four (4) linear feet of the property line. (CO:LANDSCAPE-Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs, 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)
2. All outdoor, freestanding lighting fixtures, excluding athletic fields only, shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING-Zoning)
3. All outdoor, freestanding lighting fixtures for the ball fields and ball courts shall be setback seventy-five (75) feet from all property lines. (DRC/BLDG PERMIT: ZONING-Zoning)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)
6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point. (CO / ONGOING: BLDG / CODE ENF - Zoning)

J. PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the petitioner shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation for the pathways shown on the campus site with the exception of the covered walkway areas. (DRC: PLANNING-Planning)

K. SIGNS

1. Freestanding point of purchase signs fronting on Boynton Beach 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 – sixty (60) square feet;
 - c. maximum number of signs - one (1) pair;
 - d. style - monument style only; and,
 - e. location - on both sides of the main access pointSigns shall be limited to identification of tenants only. (CO: BLDG-Zoning)

L. USE LIMITATION

1. Total gross floor area shall be limited to a maximum of 134,841 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage of any building or 1,000 square feet of any building, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING- Zoning)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four events per year, and shall be setback a minimum of one hundred (100) feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning)

M. 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 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 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)