

RESOLUTION NO. R-2004-1375

RESOLUTION APPROVING RECOMMENDATION OF  
STATUS REPORT NO. SR 1986-114B.3  
TO APPROVE A DEVELOPMENT ORDER AMENDMENT  
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-97-148  
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF  
SUMMIT CHRISTIAN SCHOOL  
PETITION NO. 1986-114(B)

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Article 2.E of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E, Status Report SR 1986-114B.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 16, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1986-114B.3 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E of the Palm Beach County Unified Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. To be consistent with the Unified Land Development Code, a project must meet the County Wide Traffic Performance Standards (TPS).
2. A recent amendment to the Countywide Traffic Performance Standards (TPS) affects reviews required by Section 5.8 of the Unified Land Development Code.
3. Property owners must submit a new traffic study for staff to be able to determine if a previously approved project meets the Countywide Traffic Performance Standards (TPS).
4. A new traffic study documented that the project can meet the Countywide Traffic Performance Standards with the approval of the recommended conditions of approval.
5. With the amendment of conditions of approval, the project will be consistent with the Unified Land Development Code.
6. The amendment of conditions of approval is consistent with the Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. SR 1986-114B.3, to amend Conditions of Approval of Resolution No. R-97-148, the Development Order Amendment of Summit Christian School, Petition No. 1986-114(B), which 1) added land area 2) added square footage (90,760); 3) added access (2); to a previously approved Special Exception to allow a private educational institution including a day care facility, property being legally described in Exhibit "A", being located on the southeast corner of Haverhill Road and Summit Boulevard in the RM-Multiple Family Residential (Medium Density) Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein. (ONGOING)
2. No more than 1175 students shall be enrolled in the school until contracts are awarded for the construction of Haverhill Road from 10th Avenue North to Purdy Lane to a 5 lane cross section. On September 1 and February 1 of each year, the property owner shall submit a notarized copy of documentation as to the number of students enrolled at the beginning of each school term to the County Engineer's Office until the contract is awarded for construction of this road improvement. (DATE: MONITORING-Eng)
3. No building permits shall be issued until final approval occurs for the Palm Beach County Comprehensive Plan amendment allowing for the adopted level-of-service (critical sum of 1400) at intersections to be exceeded by 30% for evaluating the traffic impacts of public and private schools. (BLDG PERMIT: MONITORING-Eng)
4. No building permits shall be issued after December 31, 2010 unless a time extension has been approved by the County Engineer's Office based upon an approved traffic study which complies

with the mandatory Traffic Performance Standards in place at the time of the request.  
(DATE: MONITORING-Eng)

Commissioner Masilotti moved for approval of the Resolution.

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

KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Absent
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 16 day of June, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

DOROTHY SCHWILKEN, CLERK



Filed with the Clerk of the Board of County Commissioners on the 13 day of July, 2004.

**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 150 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 HAVENHILL 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.