

RESOLUTION NO. R-2005-0601

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1973-157A.4
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-91-243
WHICH APPROVED THE SPECIAL EXCEPTION OF
KING'S ACADEMY, INC.
PETITION NO. 1973-157(A)

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 1973-157A.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 24, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1973-157A.4 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. Article 2.E. of the Unified Land Development Code (ULDC) requires staff to determine if previously approved development orders are consistent with the ULDC.
2. Article 15 of the ULDC requires development orders to comply with the Countywide Traffic Performance Standards (TPS).
3. The Countywide Traffic Performance Standards require the submission of a new traffic study for staff to be able to determine if Resolution R-91-243 meets current TPS.
4. A new traffic study has not been submitted to Palm Beach County.
5. Staff cannot determine if the development order is consistent with the Traffic Performance Standards because a new traffic study has not been submitted.
6. Staff therefore cannot determine if the development order is consistent with the Unified Land Development Code.

7. Article 2.E. only permits the approval of a time extension if a development order is consistent with the ULDC, or can be made consistent by the amendment of conditions of approval.
8. The amendment of conditions of approval will prohibit the construction of any additional square feet.
9. The approval of a development order amendment is consistent with the Palm Beach County 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 1973-157A.4, to amend Conditions of Approval of Resolution No. R-91-243, the Special Exception of King's Academy, Inc., Petition No. 1973-157(A), which approved a Special Exception to amend the site plan for a private school, to increase the square footage, property being legally described in Exhibit A, being located on the north side of Cherry Road, approximately 0.1 mile east of Military Trail 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.
2. Condition number 3 of Resolution No. R-91-243 which currently states:

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) .

Is hereby amended to state:

Development of the site is limited to the buildings existing on site as of March 24, 2005.

3. Condition number 13. of Resolution No. R-91-243 which currently states:

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

Is hereby amended to state:

Student population shall be limited to a maximum of 1,351 students.

Commissioner Koons moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 24 day of March, 2005.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

BY: 
COUNTY ATTORNEY

SHARON R. BOCK, CLERK AND COMPTROLLER
BY: 
DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 20 day of April, 2005.

EXHIBIT A

The legal description of the subject property is as follows:

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.

Section 5.8 of the Code requires a review of the zoning of the above-described property because development has not commenced in a timely manner after the zoning for the property was changed or after a special exception was granted. The review may result in the Board of County Commissioners 1) granting a time extension of up to two years; 2) rezoning the property and/or revoking the special exception/conditional use; 3) imposing entitlement density/intensity; 4) adding or modifying conditions of approval, 5) permitting the property owner to file a petition to add or modify conditions of approval; 6) directing staff to cite the property owner for Code violation; and/or 7) denying or revoking a building permit, issuing a stop work order, denying a Certificate of Occupancy, denying or revoking any permit or approval. Until this review is completed and action taken to release the property from this notice, Palm Beach County will not issue any new development permits for the subject property.