

RESOLUTION NO. R-2005- 1128

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 2001-057A
TO APPROVE THE REVOCATION OF A CONDITIONAL USE "A"
PREVIOUSLY GRANTED BY RESOLUTION NO. R-2002-0621
PETITION NO. 2001-057
AND TO APPROVE THE REVOCATION OF THE
DEVELOPMENT ORDER AMENDMENT
PREVIOUSLY GRANTED BY RESOLUTION NO. R-2003-0757
PETITION NO. 2001-057(A)
THE PETITIONS OF THE WILLIAM CHINNICK CHARITABLE FOUNDATION INC.

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; and

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

WHEREAS, pursuant to Article 2.E., Status Report SR 2001-057A was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 15, 2005; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 2001-057A and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to approve a zoning map amendment; 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 Resolutions R-2002-0621 and R-2003-0757 meet 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 revocation of conditional uses and development order amendments is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the 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 2001-057A, to approve the revocation of 1) the Class A Conditional Use to allow a private school and a church or place of worship and 2) the Development Order Amendment which modified/deleted conditions of approval and added students, previously granted by the approval of the petitions of The William Chinnick Charitable Foundation Inc., Petition Nos. 2001-057 and 2001-057(A), confirmed by the adoption of Resolutions R-2002-0621 and R-2003-0757, on property legally described as TRACT 73 THROUGH 76, INCLUSIVE, LESS THE NORTH 352.50 FEET THEREOF, AND TRACTS 85 THROUGH 88, INCLUSIVE, TRACTS 103 THROUGH 106, INCLUSIVE, TRACT 115, LESS THE SOUTH 30 FEET OF SAID TRACT 115 AND LESS THAT PORTION OF TRACT 115 AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 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 THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 49, PALM BEACH COUNTY RECORDS.

CONTAINING 54.95 ACRES, MORE OR LESS, being located on the NW corner of Boynton Beach Boulevard and Acme Dairy Road, is approved.

Commissioner AARONSON 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:

TONY MASILOTTI, CHAIRMAN	—	AYE
ADDIE L. GREENE, VICE CHAIRPERSON	—	AYE
JEFF KOONS	—	AYE
WARREN H. NEWELL	—	AYE
MARY MCCARTY	—	ABSENT
BURT AARONSON	—	AYE
KAREN T. MARCUS	—	ABSENT

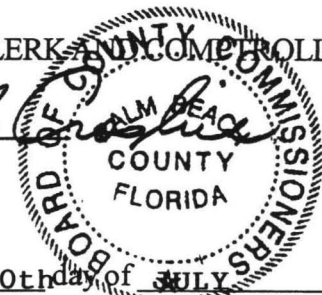
The Chair thereupon declared the resolution was duly passed and adopted this 18th day of JUNE, 2005.

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 20th day of JULY, 2005.

PALM BEACH COUNTY

STATUS REPORT SR 2001-057A
(For Zoning Petition 2001-057(A))Staff Recommendation

Staff recommends the adoption of a resolution to revoke the Class A Conditional Use to allow a private school and a church or place of worship and the Development Order Amendment which modified/deleted conditions of approval and added students. This recommendation is based on the following:

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 Resolutions R-2002-0621 and R-2003-0757 meet 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 revocation of conditional uses and development order amendments is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

Development Approval Being Reviewed: Zoning Petitions 2001-057 and 2001-057(A) were approved by the adoption of Resolutions R-2002-0621 and R-2003-0757 on April 25, 2002 and May 22, 2003, respectively. The resolutions approved a Class A Conditional Use to allow a private school and a church or place of worship and a Development Order Amendment to modify/delete conditions of approval and add students in the Agricultural Reserve Zoning District. The zoning action is now being reviewed pursuant to Article 2.E., "Monitoring," of the Palm Beach County Unified Land Development Code for failure to commence development.

Property Description: The property is approximately 54.95 acres and is on the NW corner of Boynton Beach Boulevard and Acme Dairy Road.

Property Owners: The William Chinnick Charitable Foundation, Inc. and Swaney Properties LLC

Required Action: Article 2.E. of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval, 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, deny a Certificate of Occupancy, revoke any concurrency, deny or revoke any permit or approval.

REVIEW FACTORSConsistency with Land Use Plan and Unified Land Development Code

The land use category for the property is Agricultural Reserve. The current approval is consistent with the land use designation of the Palm Beach County Comprehensive Plan.

To be consistent with the Unified Land Development Code (ULDC), a project must meet the Countywide Traffic Performance Standards. This determination cannot be made. See "Performance

Standards." 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.

Performance Standards

For staff to determine if a project meets the Countywide Traffic Performance Standards (TPS), property owners must submit a new traffic impact study or documentation sufficient to establish that the project meets the standards of Article 15 of the ULDC. The property owner was notified that this must be done by May 1, 2005. The property owner has not responded. Staff therefore cannot determine if the project meets the Countywide Traffic Performance Standards, and therefore whether it is consistent with the ULDC.

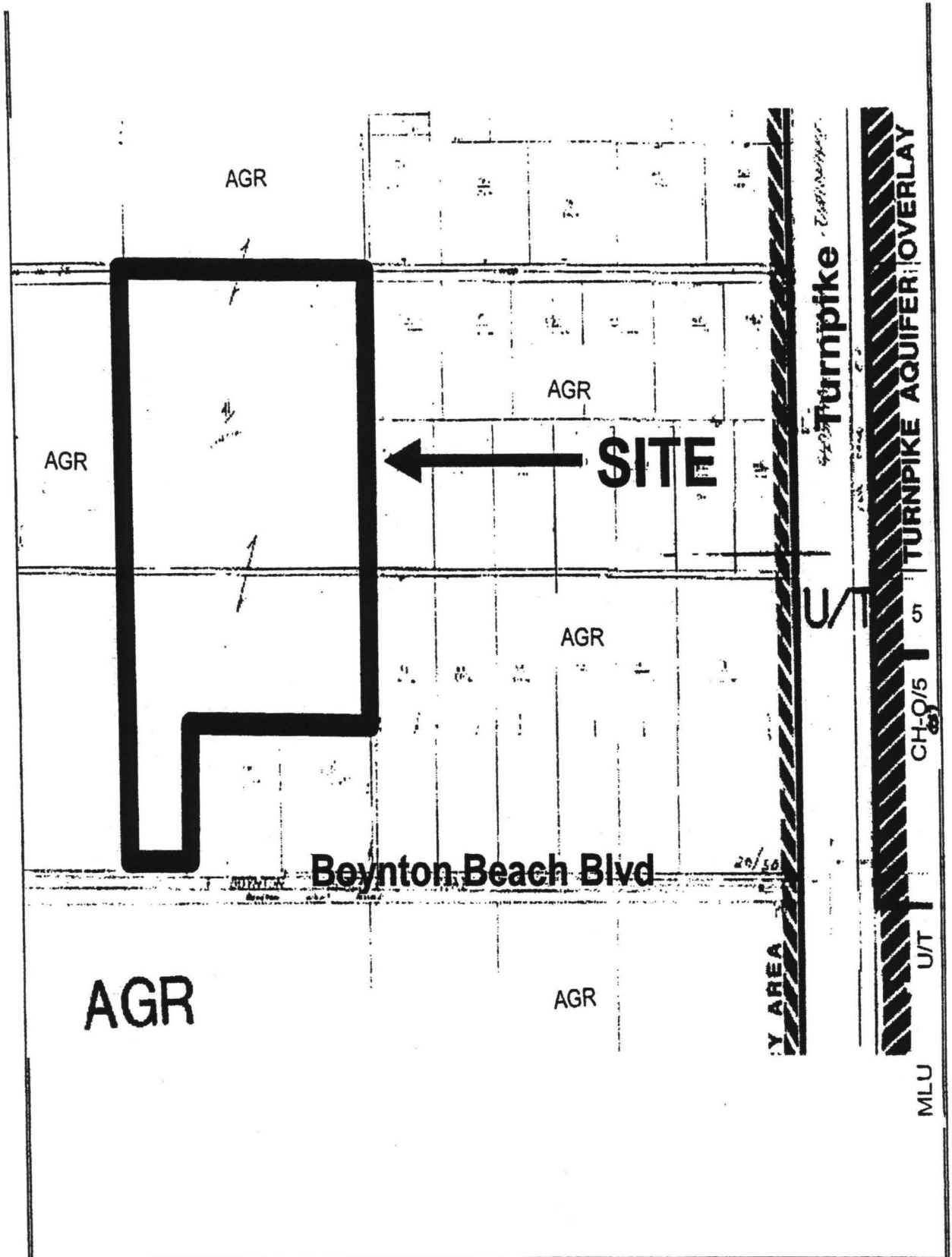
Supplemental Information

The property owner has complied with the following time certain conditions of approval:

- E.3. Fund construction plan changes and construction of turn lane on Boynton Beach Boulevard.
- E.5. Fund design; right-of-way acquisition; and construction engineering, inspection costs as well as construction of links of Boynton Beach Boulevard and Woolbright Road.

June 2005

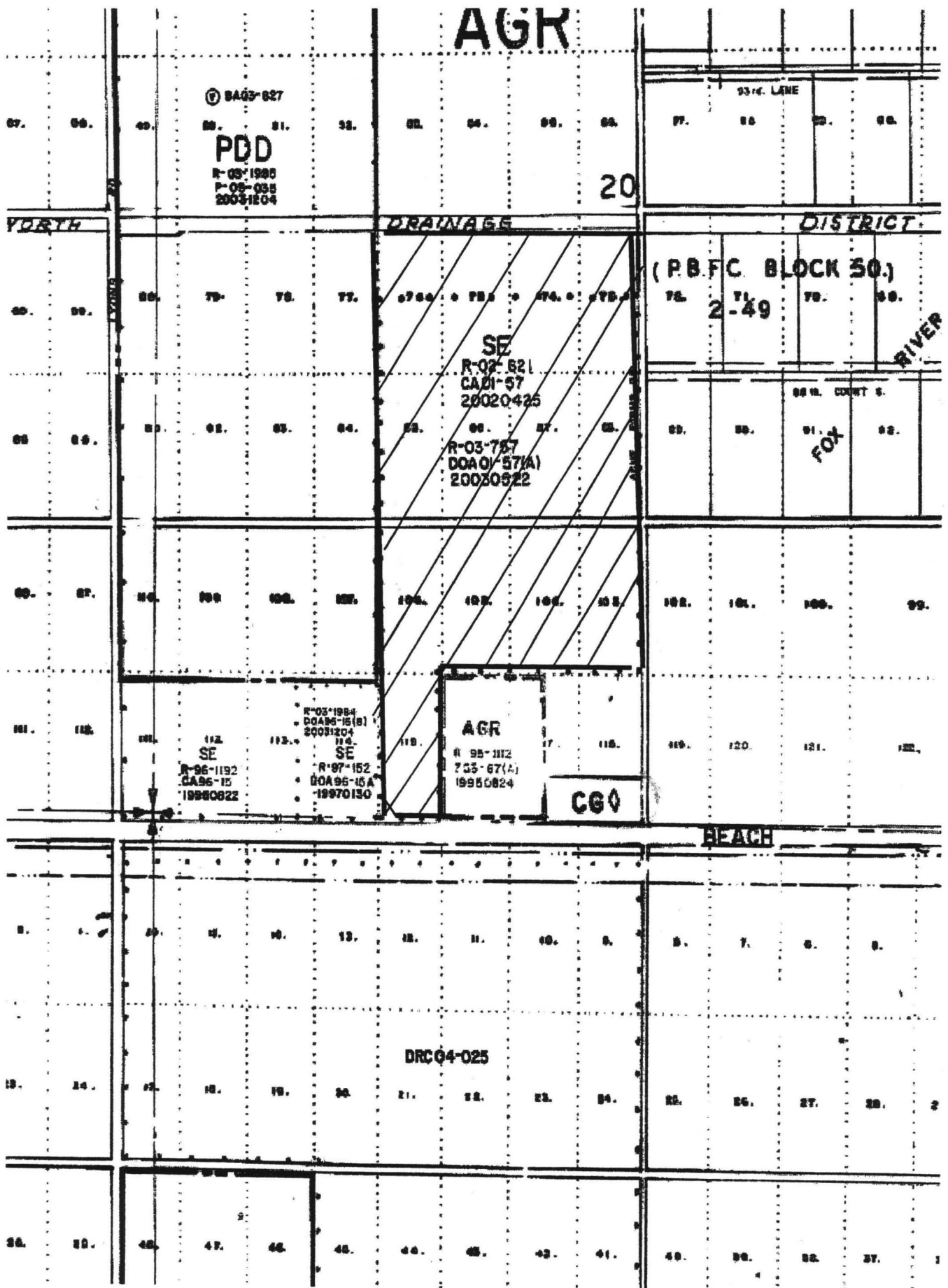
PALM BEACH COUNTY FUTURE LAND USE (FLU) ATLAS MAP



Petition No. 2001-057A
FLU Atlas Map 89
Date June 15, 2005

↑
NORTH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH

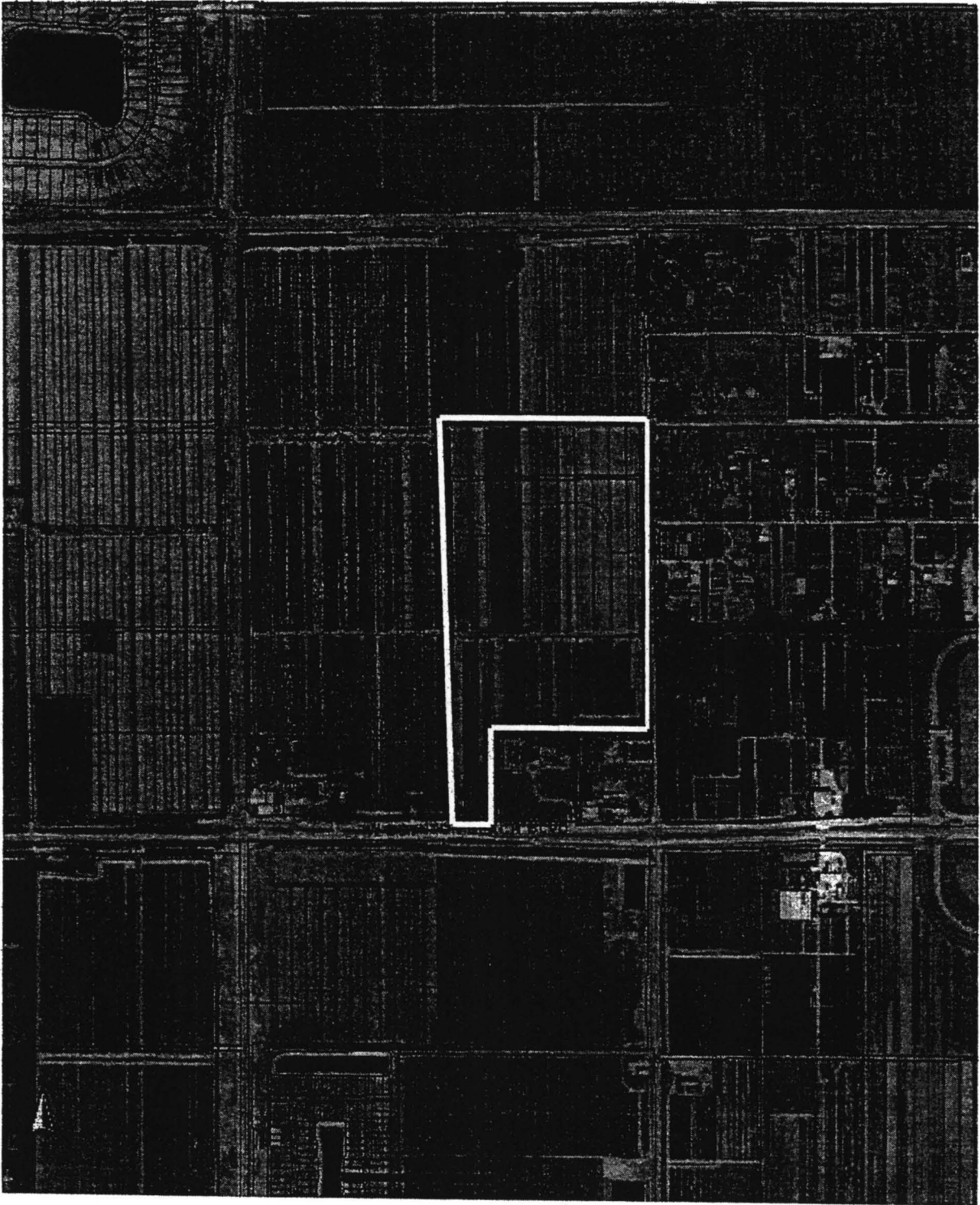


Petition No. 2001-157A
Zoning Quad 50



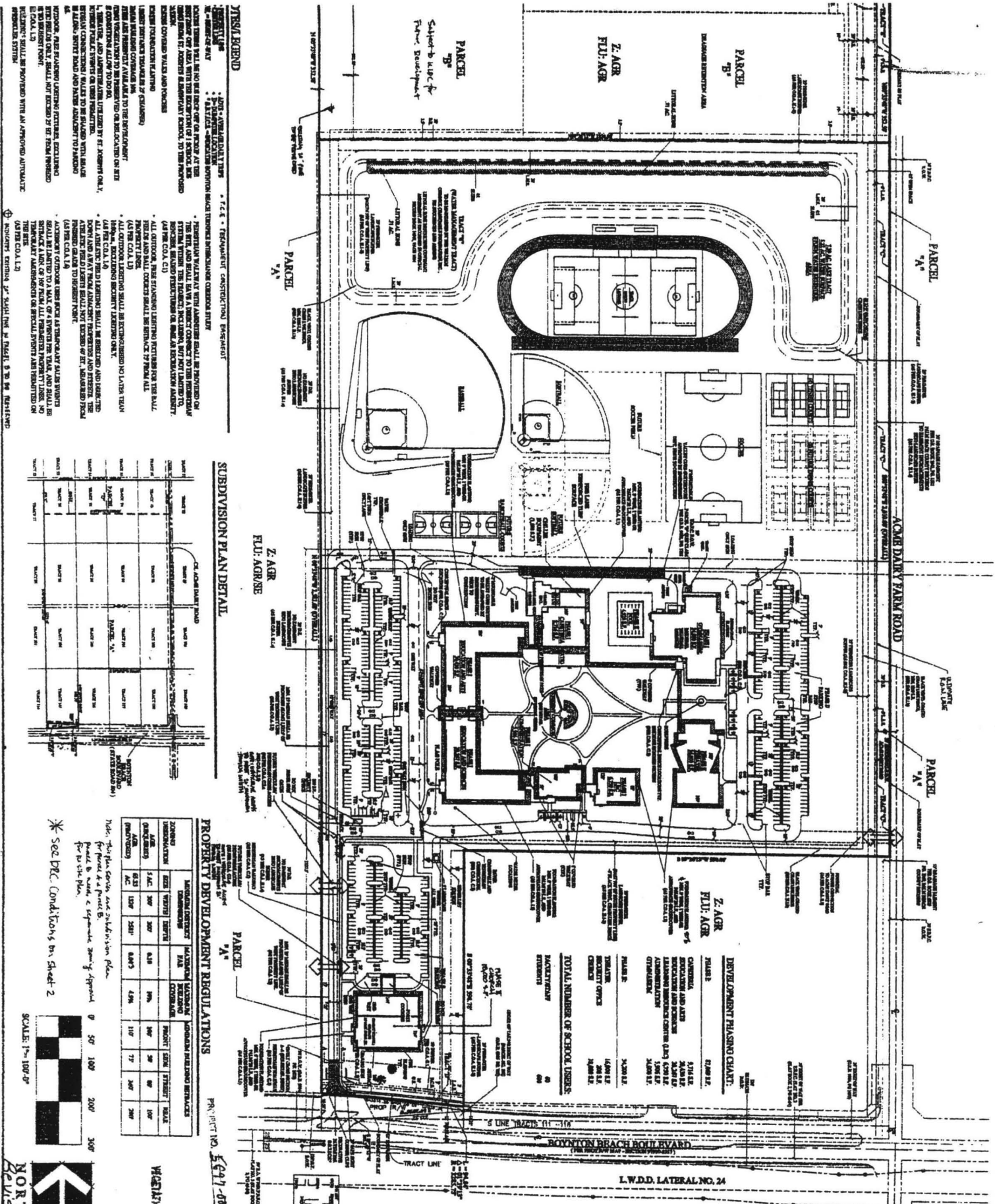
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AERIAL



Petition No. 2001-057
Date June 15, 2005

↑
NORTH
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GENERAL NOTES

- 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PALM BEACH COUNTY DEPARTMENT OF PUBLIC WORKS AND ENGINEERING.
- 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PALM BEACH COUNTY DEPARTMENT OF PUBLIC WORKS AND ENGINEERING.
- 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PALM BEACH COUNTY DEPARTMENT OF PUBLIC WORKS AND ENGINEERING.

SUBDIVISION PLAN DETAIL

TRACT NO.	AREA (AC)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)
TRACT 1	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 2	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 3	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 4	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 5	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 6	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 7	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 8	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 9	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800
TRACT 10	1.00	136,800	136,800	136,800	136,800	136,800	136,800	136,800	136,800

PROPERTY DEVELOPMENT REGULATIONS

PROPERTY TYPE	MINIMUM LOT AREA (AC)	MINIMUM LOT WIDTH (FT)	MINIMUM LOT DEPTH (FT)	MINIMUM FRONT SETBACK (FT)	MINIMUM SIDE SETBACK (FT)	MINIMUM REAR SETBACK (FT)	MINIMUM FRONT YARD SETBACK (FT)	MINIMUM SIDE YARD SETBACK (FT)	MINIMUM REAR YARD SETBACK (FT)
RESIDENTIAL SINGLE-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL TWO-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL THREE-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL FOUR-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL FIVE-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL SIX-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL SEVEN-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL EIGHT-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL NINE-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00
RESIDENTIAL TEN-FAMILY	5.00	30.00	100.00	10.00	5.00	5.00	10.00	5.00	5.00

ZONING STAMPS

PERMIT NO. 2401-037A
 DATE SUBMITTED: 9/16/03
 EXHIBIT NO. 5 (1/2)
 SUPERSEDES 97-1

FINAL PLAN APPROVED AT
 9/16/03, DRG

LOCATION MAP

ACORN DRIVE ROAD
 BOYNTON BEACH BOULEVARD

ST. JOSEPH'S SCHOOL
 PREPARED FOR THE MILORD COMPANY
 PALM BEACH COUNTY, FLORIDA

LAND DESIGN SOUTH

200 Countyway West Drive
 Suite 800
 West Palm Beach, FL 33408
 (561) 833-8800

SCALE: 1"=100'-0"

DRAWN BY: DAP
 CHECKED BY: FMS
 DATE: 9/26/03

REVISIONS:
 1 OF 3

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