

RESOLUTION NO. R-2012- 1169

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/DOA/CA-2012-00696
(CONTROL NO. 2005-00589)
a Class A Conditional Use
APPLICATION OF Florida Charter Foundation, Inc, Precious Property Management Llc,
Capstone Resdev LLC
BY Urban Design Kilday Studios, AGENT
(Franklin Academy - Boynton)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/Z/DOA/CA-2012-00696 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Class A Conditional Use .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ABN/Z/DOA/CA-2012-00696, the petition of Florida Charter Foundation, Inc, Precious Property Management Llc, Capstone Resdev LLC, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a School, Elementary or Secondary School (Charter) in the Single-family Residential (RS) 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 August 23, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams 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:

Commissioner Shelley Vana, Chair	-	Aye
Commissioner Steven L. Abrams, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2012.

Filed with the Clerk of the Board of County Commissioners on September 4th, 2012

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

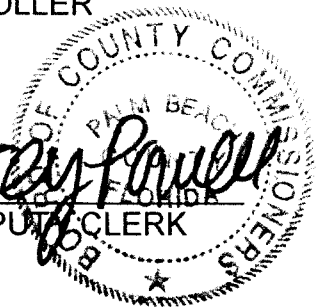


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION- COMBINED PARCELS:

(SOUTH PARCEL)

TRACT 15, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ALSO BEING DESCRIBED AS THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING:

2 ACRES MORE OR LESS, CONSISTING OF A STRIP 132 FEET BY 660 FEET FROM THE NORTHERN BOUNDARY OF TRACT 15 OF THE SOUTHEAST QUARTER, BEING THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS RUNNING EAST FROM THE CENTER OF MILITARY TRAIL 660 FEET; THENCE SOUTH 132 FEET; THENCE WEST 660 FEET; THENCE NORTH 132 FEET ALONG MILITARY TRAIL TO CLOSE AS SET FORTH IN DEED BOOK 1018, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FURTHER LESS AND EXCEPTING:

THE SOUTH 25 FEET OF SAID TRACT 15 ABUTTING AND LYING NORTH OF THE PLATTED 15' ROAD RIGHT OF WAY; SAID PLATTED ROAD RIGHT OF WAY AS SHOWN ON THE PLAT OF AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

FURTHER LESS AND EXCEPTING:

THAT PORTION LYING WITHIN 33 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL; SAID CENTERLINE BEING THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12.

TOGETHER WITH:

(NORTH PARCEL)

A PORTION OF TRACT 15, AMENDED PLAT OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MARY A. LYMAN, ET AL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 74, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; CONSISTING OF A PARCEL OF LAND 132 X 660 FEET FROM THE NORTHERN BOUNDARY OF TRACT 15 OF THE SOUTHEAST QUARTER (1/4), BEING THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS RUNNING EAST FROM THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12, 660 FEET: THENCE SOUTH 132 FEET: THENCE WEST 660 FEET, THENCE NORTH 132 FEET, ALONG OLD MILITARY TRAIL TO CLOSE: AS SET FORTH IN DEED BOOK 1018, PAGE 145, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

LESS AND EXCEPT:

THAT PORTION CONVEYED TO THE STATE OF FLORIDA BY VIRTUE OF THAT QUIT CLAIM DEED RECORDED IN DEED BOOK 909, PAGE 208 FOR RIGHT OF WAY OF MILITARY TRAIL (SR 809);

AND ALSO LESS AND EXCEPT:

THAT PORTION VESTED TO PALM BEACH COUNTY BY VIRTUE OF THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5969, PAGE 1908 UNDER CASE NO. CL-89-308-AI FOR RIGHT OF WAY OF MILITARY TRAIL (SR 809) AS LAID OUT AND IN USE;

AND ALSO LESS AND EXCEPT:

THAT PORTION LYING WITHIN 15 FEET OF THE CENTER LINE OF OLD MILITARY TRAIL, SAID CENTER LINE BEING THE WEST LINE OF THE SOUTHEAST QUARTER (1/4) OF SECTION 12.

EXHIBIT B
VICINITY SKETCH

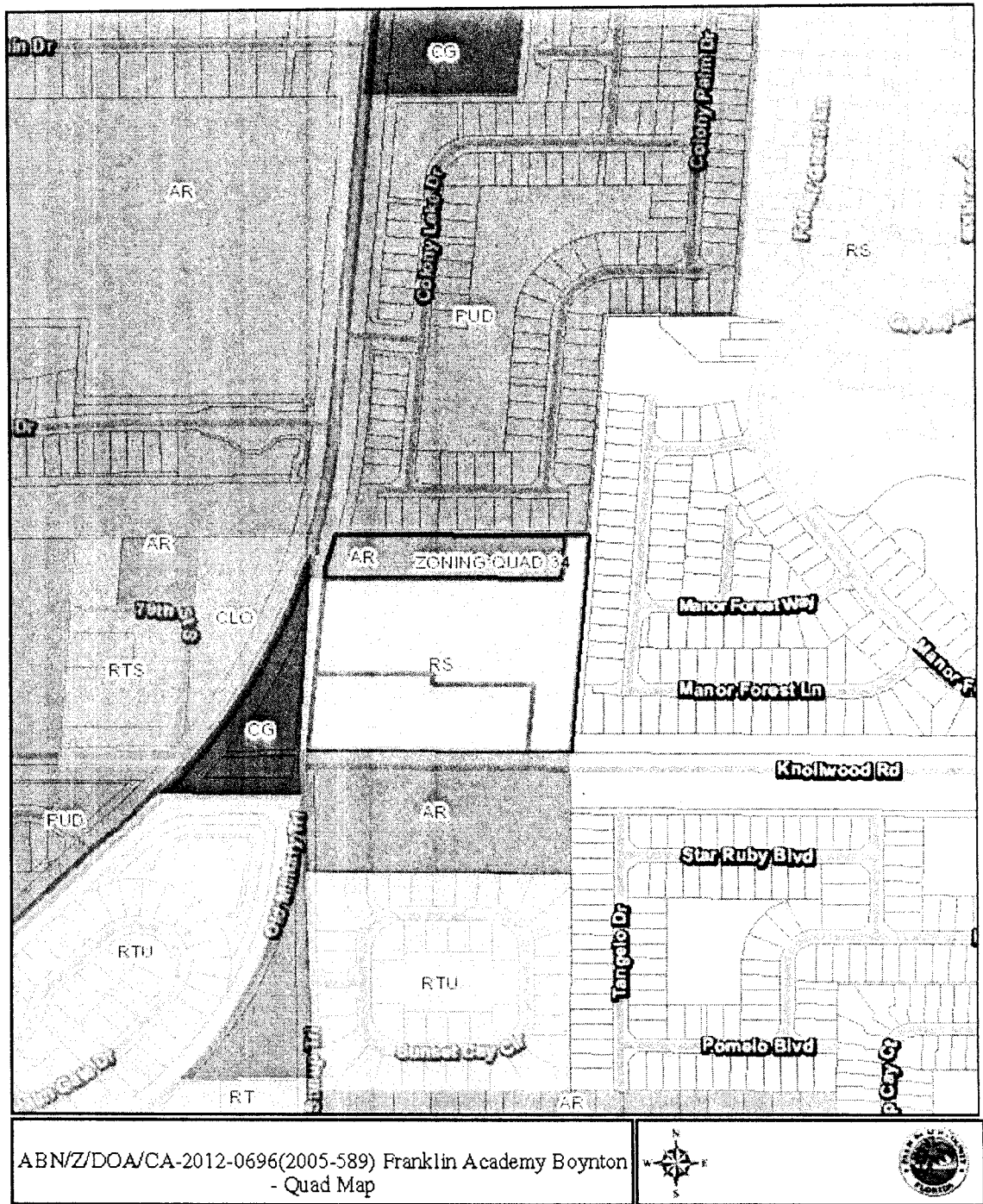


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved Preliminary Site Plan is dated May 10, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be designed to be generally consistent with the facade elevations prepared by McGarvey Development Company and dated May 10, 2012. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Architectural Elevations for the proposed school shall be modified to include:
a. the pitched roof portions of the proposed building shall be covered with architectural asphalt shingles or other material approved by the Zoning Division. (DRO: ZONING - Zoning)

USE LIMITATIONS

1.The number of children shall be limited to a maximum of 1,340 children. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)