

RESOLUTION NO. R-2013-1066

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2013-00758  
(CONTROL NO. 1987-00049)  
a Development Order Amendment  
APPLICATION OF New Hope Charities Inc  
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT  
(Santa Maria Village PUD)

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 DOA/R-2013-00758 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2013; 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 Development Order Amendment.

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 DOA/R-2013-00758, the petition of New Hope Charities Inc, by Gentile Glas Holloway O'Mahoney & Assoc Inc., agent, for a Development Order Amendment to modify the Preliminary Master Plan to reconfigure the Pods to increase the square footage of the Elementary or Secondary School (Charter); increase the number of students; to delete/modify Conditions of Approval (Daycare and Use Limitation); and to restart the commencement date of the Development in the Planned Unit Development (PUD) 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 22, 2013, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Absent
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 22, 2013.

Filed with the Clerk of the Board of County Commissioners on August 29th, 2013.

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

BY:   
COUNTY ATTORNEY

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

Parcel A of SANTA MARIA VILLAGE P.U.D. according to the plat thereof as recorded in Plat Book 100, Pages 146 and 147 of the Public Records of Palm Beach County, Florida  
AND

PARCEL B:

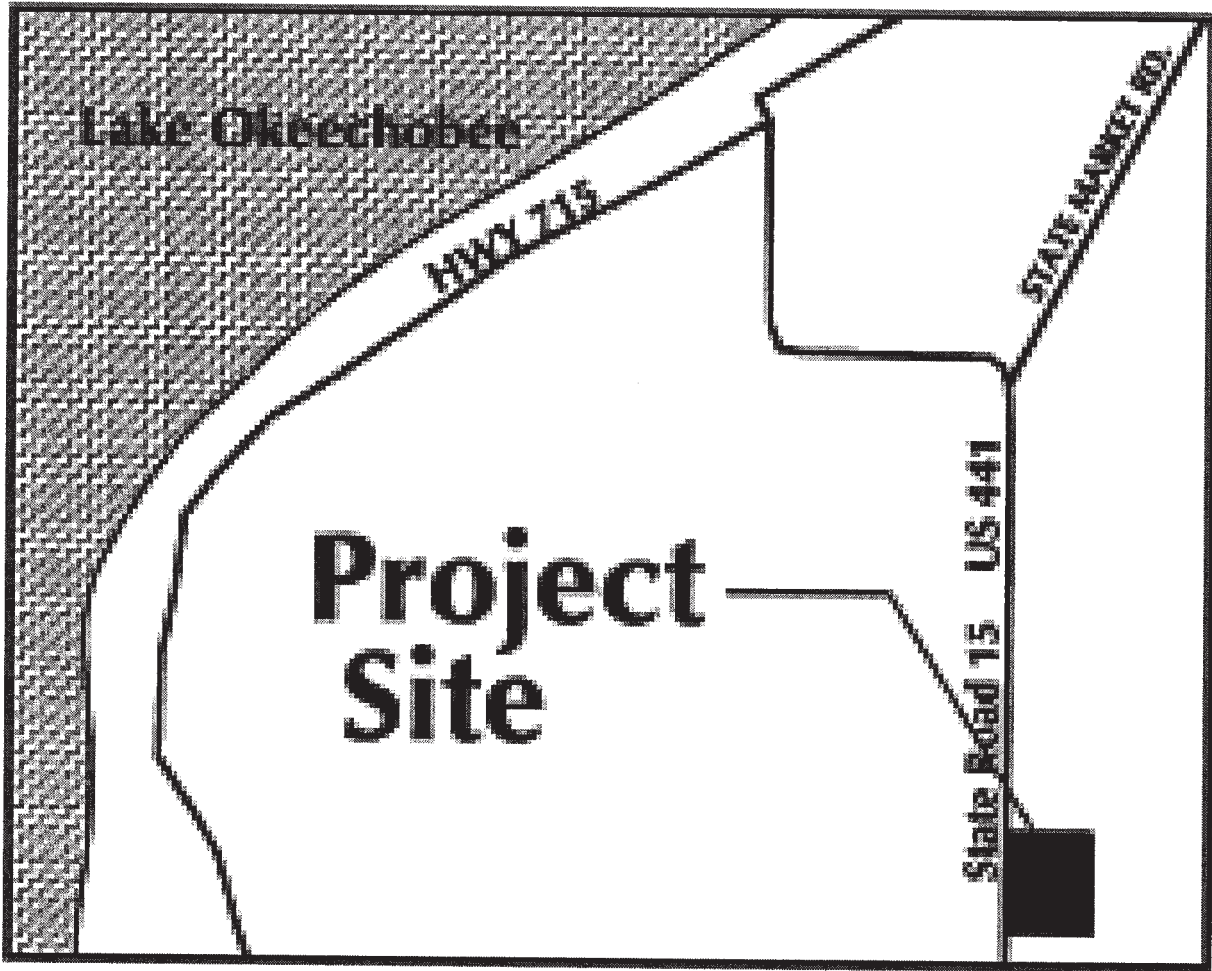
A parcel of land lying within the boundaries of the Northwest Quarter of the Southeast Quarter

of Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida, more particularly described as follows:

"Beginning at the Northeast corner of the Plat of SANTA MARIA VILLAGE, PUD, as recorded in Plat Book 100, pages 146 and 147, of the Public Records of Palm Beach County, Florida;

Thence North 89°53'11" East 179.00 feet along the Easterly prolongation of the North line of the aforementioned Plat of SANTA MARIA VILLAGE, which is the same as the North line of the Northwest Quarter of the Southeast Quarter of Section 29, Township 42 South, Range 37 East; thence South 0°02'32" East 382.00 feet along a line parallel with the East line of the plat of SANTA MARIA VILLAGE; thence South 89°53'11" West 179.00 along a line parallel with the North Line of said SANTA MARIA VILLAGE to a point on the East line of said plat; thence North 0°02'32" West 382.00 feet along said East line to the Point of Beginning'

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A.1 of Resolution R-2001-0598, Control No. 87-049, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1023, Petition DOA87-049(C) have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2001-0598, Control No. 87-049, have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.3 of Resolution R-2001-0598, Control No. 87-049, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved regulating/site plan is dated February 28, 2001. 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)

Is hereby amended to read:

The approved Preliminary Master Plan is dated June 13, 2013. 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)

#### ENGINEERING

1. Prior to September 1, 1991 or prior to the issuance of the first Building Permit whichever shall first occur, the Property Owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for State Road 15, 60 feet from centerline free of all encumbrances and encroachments. Developer 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 onveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Condition E.2 of Resolution R-2001-0598, Control No. 1987-0049) [Note: COMPLETED]

2. Prior to issuance of a building permit the Property Owner shall convey a temporary roadway construction easement along SR 15 to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.3 of Resolution R-2001--598, Control No. 1987-0049) [Note: COMPLETED]



3. The Property Owner shall construct a left turn lane north approach, or an alternative traffic control device which may be approved and accepted by the Florida Department of Transportation and County Engineer, on SR 15 at the project's entrance road.

a. 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.

b. Permits required by Florida Department of Transportation for this construction shall be obtained prior to the issuance of building permits for more than 60 residential units. (BLDG PERMIT: Monitoring-Eng) (Previous Condition E.4.b of Resolution R-2001-0598, Control No. 1987-0049)

c. Construction shall be completed prior to the issuance of the Certificates of Occupancy for more than 60 residential units. (CO: MONITORING-Eng) (Previous Condition E.4.c of Resolution R-2001-0598, Control No. 1987-0049)

4. Prior to issuance of the first building permit the Property Owner shall combine the property into a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

5. The Property Owner shall continue to offer transportation to all students attending the charter school, as well as to children enrolled at New Hope Charities. (ONGOING: MONITORING-Eng)

6. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2018. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

#### LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be a maximum of twenty (20) feet in height, and 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. (BLDG PERMIT: CODE ENF - Zoning) (Condition G.1 of Resolution R-2001-0598, Control No. 87-049)

#### PLANNING

1. Prior to final site plan certification, the petitioner shall provide documentation to the Planning Division that an off-site contribution was calculated and a written receipt demonstrated that the contribution has been paid to the County for the purpose of implementing the Glades Beautification Master Plan. (Previous Planning Condition 1 of Resolution R-2001-0598, Control 1987-049) (DRO:PLANNING-ZONING) [Note: COMPLETED]

2. Prior to final site plan approval by the Development Review Committee, the notation at the northern and southern property lines where an arrow indicates cross access to adjacent sites shall be amended to read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel". (Previous Planning Condition 2 of Resolution R-2001-0598, Control 1987-049) (DRO: PLANNING-Planning) [Note: COMPLETED]

3. Prior to final site plan approval by the Development Review Committee, the site plan shall be amended to indicate a future stub street to the property to the east of the site and the notation shall read "proposed vehicular and pedestrian cross access/stub street to be paved to the property line for future access to adjacent parcel." (Previous Planning

Condition 3 of Resolution R-2001-0598, Control PDD 1987-049(D)) (DRO: PLANNING-Planning) [Note: COMPLETED]

4. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the northern, southern, and eastern property lines at the locations shown on the site plan which read "proposed vehicular and pedestrian cross access." (Previous Planning Condition 4 of Resolution R-2001-0598, Control 1987-049) (CO: MONITORING-BUILDING) [Note: COMPLETED]

#### SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

#### **"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous Condition School Board 1 of Resolution R-2001-0598, Control No.1987-049)

#### SIGNS

1. Signs fronting on State Road 15 shall be limited as follows:

- a. Maximum sign height - eight (8) feet;
- b. Maximum total sign face area - fifty (50) square feet;
- c. Maximum number of monument signs - two (2). (BLDG: BLDG PERMIT - Zoning) (Previous Condition K.2 of Resolution R-2001-0598, Control No. 87-049)

2. No off-premise signs shall be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition K.2 of Resolution R-2001-0598, Control No. 87-049)

#### USE LIMITATIONS - DAY CARE

1. Condition B.3 of Resolution R-2001-0598, Control No. 87-049, which currently states:

The site plan shall be amended to reflect a four (4) foot wide paved walkway running in front of the drop-off spaces and connecting to the day care entrance. (DRO: ZONING - Zoning)

Is hereby deleted - [Reason: Code Requirements]

2. The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred and fifty (750) square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area and in compliance with HRS requirements. (BLDG PERMIT: BLDG PERMIT Landscape)

3. The outdoor play area shall have a twenty-four (24) inch minimum height hedge planted twenty-four (24) inches on center and twelve (12) foot tall native canopy trees planted thirty (30) feet on center on the outside of the required fence. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Condition B.5 of Resolution R-2001-0598, Control No. 87-049)

#### USE LIMITATIONS

1. Use of the private civic parcel shall be limited to the following:

Previous Condition M.2 of Resolution R-2001-0598, Control No. 87-049, which currently states:

Use of the private civic parcel shall be limited to the following:

- a. Daycare center with a maximum of 102 children;
- b. Charter School with a maximum of 140 children; and
- c. Aquatic Center with a maximum of 7,200 square foot building and accessory pool.  
(ONGOING: CODE ENF Zoning)

Is hereby amended to read:

Use of the private civic parcel shall be limited to the following:

- a. Daycare center with a maximum of 102 children;
- b. Charter School with a maximum of 272 students; and
- c. Aquatic Center with a maximum of 7,200 square foot building and accessory pool.  
(ONGOING: CODE ENF/ZONING)

#### UTILITIES

##### 1. IRRIGATION QUALITY WATER

Condition D.1 of Resolution R-2001-0598, Control No. 87-049, which currently states:

When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

Is hereby deleted - [Reason: There are no plans to provide reuse water to the property).

#### 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; 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; the 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 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 of Approval; 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)