

RESOLUTION NO. R-2013- 1524

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2013-00493  
(CONTROL NO. 2013-00085)  
a Class A Conditional Use  
APPLICATION OF MG3 ALF Military LLC, Hernan Leonoff  
BY Miller Land Planning, AGENT  
(Trails Charter School)

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;

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;

WHEREAS, Zoning Application Z/CA-2013-00493 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2013;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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; and

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 Z/CA-2013-00493, the petition of MG3 ALF Military LLC, Hernan Leonoff, by Miller Land Planning, agent, for a Class A Conditional Use to allow an Elementary School (Charter) in the Residential Multifamily (RM) 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 October 24, 2013, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

The motion was seconded by Commissioner Taylor 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	-	Nay
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Nay

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 24, 2013.

Filed with the Clerk of the Board of County Commissioners on November 1, 2013.

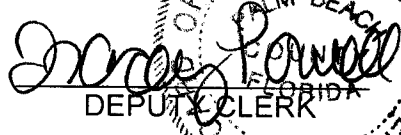
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THEREFROM THE WEST 50 FEET FOR STATE ROAD 809 RIGHT OF WAY.

PARCEL 2:

THE SOUTH 1/2 OF THE WEST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THEREFROM THE WEST 53 FEET FOR STATE ROAD 809 RIGHT OF WAY.

PARCEL 3:

THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION NO. 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH UNDIVIDED 1/4 INTEREST IN THE NORTH 30 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH 40 FEET OF THE PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST LYING EAST OF EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (A/K/A S.R. 809).

SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE EAST 20 FEET THEREOF.

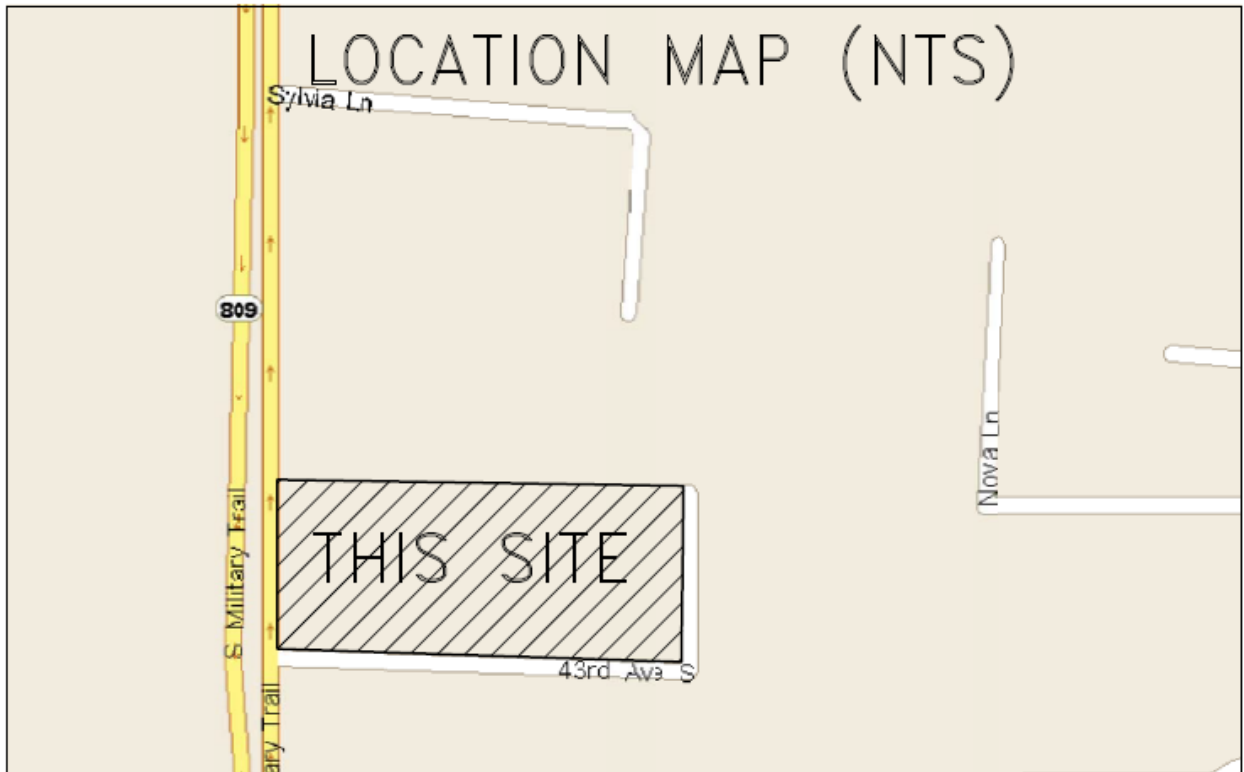
LESS AND EXCEPT THE FOLLOWING:

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 0°11'39" WEST ALONG THE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 1372.70 FEET; THENCE NORTH 89°48'21" EAST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY OF MILITARY TRAIL, AS SHOWN ON STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, ROAD NO. 809, SECTION 9375-113, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°45'50" EAST, A DISTANCE OF 3.00 FEET; THENCE SOUTH 0°11'39" EAST PARALLEL WITH AND 3.00 FEET EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 40.00 FEET; THENCE SOUTH 89°45'50" WEST, A DISTANCE OF 3.00 FEET TO THE EXISTING EASTERLY RIGHT-OF-WAY OF SAID MILITARY TRAIL; THENCE NORTH 0°11'39" WEST ALONG THE EXISTING EASTERLY RIGHT-OF-WAY OF SAID MILITARY TRAIL A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. The Preliminary Site Plan is dated July 11, 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)

#### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the School shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated February 20, 2013. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

#### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. Lighting utilized for the illumination of ball fields is excluded from this requirement. (BLDG PERMIT: BLDG - Zoning)

2. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)

#### PALM TRAN

1. Prior to Plat Recordation, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. PLAT:MONITORING -Palm Tran)

#### PLANNING

1. Prior to the issuance of a certificate of occupancy, the property owner shall pave the cross access to the edge of the southern property line (67nd Place South), at the location shown on the site plan that reads "Proposed vehicular and pedestrian cross access to be paved to the southern property line for future cross access to the adjacent property subject to the agreement of the adjacent property owner." The cross access shall be designed and built in a manner that is acceptable to the County Attorney, the Planning Division, and the Traffic Division. (CO: MONITORING/County Attorney/Traffic-Planning)

2. Prior to the issuance of a certificate of occupancy, the property owner shall pave the cross access to the edge of the eastern property line (43rd Avenue South), at the location shown on the site plan that reads "Proposed vehicular and pedestrian cross access to be paved to the eastern property line for future cross access to the adjacent property subject to the agreement of the adjacent property owner." The cross access shall be designed and built in a manner that is acceptable to the County Attorney, the Planning Division, and the Traffic Division. (CO: MONITORING/County Attorney-Traffic/Planning)

#### 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)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.