

RESOLUTION NO. R-2017-0840

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA-2016-01638  
(CONTROL NO. 1981-00233)  
a Development Order Amendment  
APPLICATION OF Lantana Charter LLC  
BY iPlan and Design LLC, AGENT  
(Palm Beach School for Autism)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/DOA-2016-01638 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2017;

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 ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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/DOA-2016-01638, the Application of Lantana Charter LLC, by iPlan and Design LLC, Agent, for a Development Order Amendment to reconfigure the Master Plan and Site Plan; modify square footage (Charter School); amend Conditions of Approval (Engineering and Use Limitations); and, to modify uses, on a parcel of land generally described as shown on the legal description 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 June 22, 2017, 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 Bernard and, upon being put to a vote, the vote was as follows:

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 22, 2017.

Filed with the Clerk of the Board of County Commissioners on June 28, 2017.

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 – TRACT "A" LANTANA CIVIC PAVILION

TRACT 'A', ACCORDING TO THE PLAT OF LANTANA CIVIC PAVILION, RECORDE IN PLAT BOOK 113, PAGES 13 AND 14, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



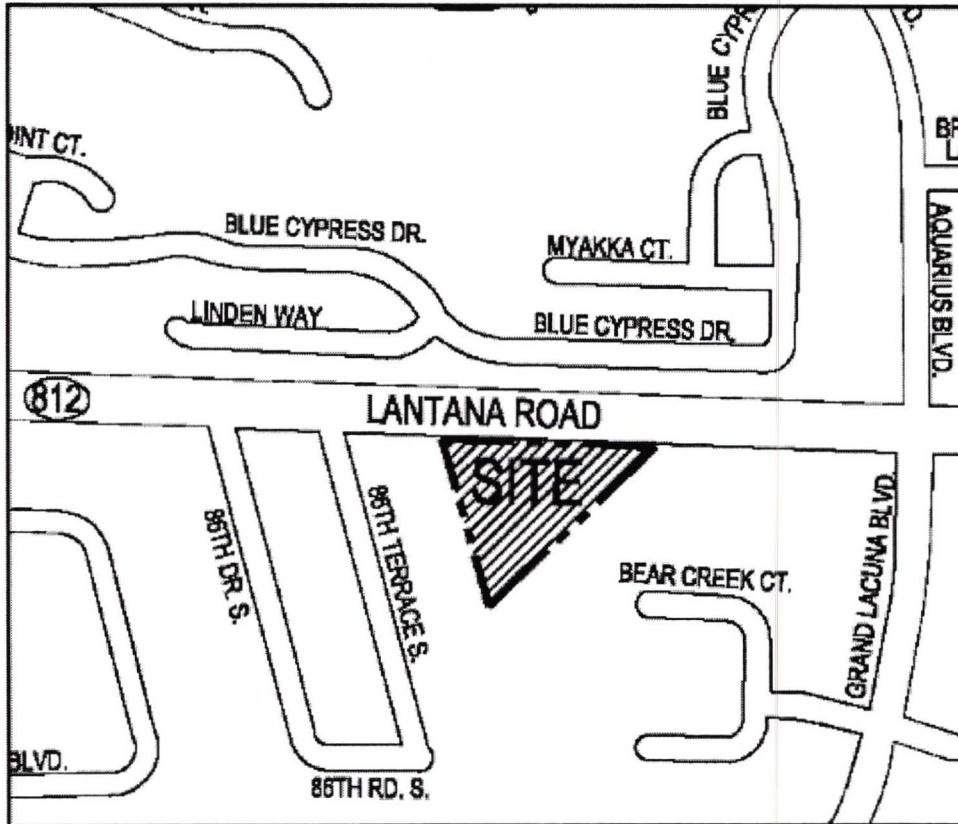
EXHIBIT B

VICINITY SKETCH

**VICINITY SKETCH**

00-42-44-41-08-001-0000  
LANTANA CIVIC PAVILION

**LOCATION MAP**



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-0643 (Petition EAC81-233(A)), and R-2006-2057 (DOA2006-950) shall remain in full force and effect. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2013-1520, Control No.1981-00233)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

The conditions of approval as contained herein shall apply to the Civic Parcel only, (the Affected Area) and development of the Civic Parcel is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan for the Civic Parcel is dated August 15, 2013. 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.

##### Is hereby amended to read:

The Conditions of Approval as contained herein shall apply to the Civic Parcel only, (the Affected Area) and development of Civic Parcel is limited to the site design approved by the Board of County Commissioners. The approved Preliminary Site Plan for the Civic Parcel is dated March 09, 2017. 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 - Zoning)

3. Prior to the Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a revised Master Plan for the Balmoral Country Club Planned Unit Development (PUD) showing the overall PUD including the Lantana Civic Pavilion parcel with the tabular data updated. The Plan shall be prepared in compliance with all related conditions of approval as contained herein. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2013-1520, Control No.1981-00233)

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2013-1520 (Control No. 1981-00233), 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: ZONING - Zoning)

##### ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

Prior to final approval by the Development Review Officer (DRO), the architectural elevations for the place of worship/school and daycare buildings shall be revised to indicate barrel style design metal roof tile for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements.



**Is hereby amended to read:**

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the School buildings shall be submitted for review and approval by the Zoning Division and shall include barrel style design metal roof tile. 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 17, 2017. 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)

2. The exterior elevations of all buildings shall include exterior colors that shall be earth tone colors compatible with the surrounding developments. Building colors shall be varied by providing contrasting, but complimentary colors. Roof and trim colors shall be coordinated with base colors. (BLDG/PMT/DRO/ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2013-1520, Control No.1981-00233)

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

Prior to final approval by the Development Review Officer (DRO), the architectural elevations for the place of worship/school shall include medallions and second paint color on textured stucco between the windows.

**Is hereby amended to read:**

Prior to Final Approval by the Development Review Officer (DRO), the architectural elevations for the Charter School shall include medallions and a second paint color on textured stucco between the windows. (BLDG/PMT/DRO: ZONING - Zoning)

**ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule: No Building Permits for the requested uses on the civic site:

- 1,600 sf Place of Worship (100 seat)
- 300 student Private School, or for the
- separate 9,315 square foot 155 children Daycare Center

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 Article 2 Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

**Is hereby amended to read:**

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, 2021. 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 - Engineering)

2. Prior to the issuance of a building permit the Property Owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the



construction of a right turn lane on Lantana Road at the project's east entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property Owner 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. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2013-1520, Control No.1981-00233)

3. Prior to issuance of a building permit, the Property Owner shall provide a temporary roadway construction easement along Lantana Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2013-1520, Control No.1981-00233)

#### 4. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Lantana Road 55 feet from centerline. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of a Building Permit. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property Owner 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. The Property Owner further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2013-1520, Control No.1981-00233)

5. The Property Owner shall:

- i. construct a right turn lane west approach on Lantana Road at the project's eastern entrance.
- ii. construct a full median opening on Lantana Rd at the project's eastern entrance, including an east approach left turn lane and west approach u-turn lane.
- iii. modify the eastern entrance to accommodate dual exit lanes.

These constructions shall be concurrent with the paving and drainage improvements for the site. 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]



b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]  
c. Modification of the site plan to reflect dual exit lanes at the eastern entrance shall be completed prior to DRO certification. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2013-1520, Control No.1981-00233)

6. Prior to issuance of a Building Permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2013-1520, Control No.1981-00233)

### **ENVIRONMENTAL**

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM - ERM) (Previous Environmental Condition 1 of Resolution R-2009-0019, Control No. 1981-233) (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2013-1520, Control No.1981-00233)

### **LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

Prior to the final approval by the Development Review Officer, the property owner shall submit a revised Landscape Plan for the overall site to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein.

#### **Is hereby amended to read:**

Concurrent with the submittal for Building Permits, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM/CO: ZONING - Zoning)

2. All palm or pine trees required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms or pines provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2013-1520, Control No.1981-00233)

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

Field adjustment of plant material may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: ZONING - Zoning)

#### **Is hereby deleted. [REASON: Code Requirement]**

### **LANDSCAPE - PERIMETER**

4. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall



meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: LANDSCAPE - Zoning) (Previous Zoning - Landscaping Condition 2 of Resolution R-2009-0019, Control No. 1981-00233)

**Is hereby amended to read:**

A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (ONGOING: ZONING - Zoning)

5. In addition to code requirements, the 15-foot incompatibility buffer along the southeast property line and the 25-foot incompatibility buffer along the southwest property line shall be upgraded to include a 6-foot chain link fence. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2013-1520, Control No.1981-00233)

6. In addition to code requirements, the landscape buffer along the north property line shall be upgraded to include:

- a. a minimum of one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2013-1520, Control No.1981-00233)

**LIGHTING**

1. Previous LIGHTING Condition 1 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: BUILDING DIVISION - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

2. Previous LIGHTING Condition 2 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

The lighting conditions above shall not apply to proposed security lighting attached to the buildings. (ONGOING: BUILDING DIVISION - Zoning)

**Is hereby deleted.** [REASON: Code Requirement]

**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 is required. (PLAT: ENG-PalmTran) (PLAT: ENGINEERING - Palm-Tran) [Note: COMPLETED] (Previous PALM TRAN Condition 1 of Resolution R-2009-19, Control No.1981-00233)

**SIGNS**

1. Freestanding signs fronting on Lantana Road shall be limited as follows:



- a. maximum sign face area per side - 100 square feet;
- b. maximum number of signs - two (2);
- c. style - monument style only;
- d. location - within fifty (50) feet of the access point measured from edge of pavement. (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2013-1520, Control No.1981-00233)

### **USE LIMITATIONS**

1. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2013-1520, Control No.1981-00233)
2. Previous USE LIMITATIONS Condition 2 of Resolution R-2013-1520, Control No.1981-00233, which currently states:

All services shall be held within the church building. The hours of operation for other buildings to be open to the public shall be limited to 7:00 a.m. 11:00 p.m. daily. All outdoor activities shall be limited to 7:00 a.m. to 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Church approval is abandoned.]

3. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, carnivals, circuses, auctions, or tent revivals, etc.), shall be limited to a maximum of three (3) events per year and shall be setback a minimum of one hundred (100) feet from all residential property lines and a minimum of fifty (50) feet from the north property line adjacent to Lantana Road. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2013-1520, Control No.1981-00233)

### **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: ZONING - 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: ZONING - Zoning)



## DISCLOSURE

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