

RESOLUTION NO. R-2018- 0127

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/Z/CA-2017-00810
(CONTROL NO. 2007-00238)
a Class A Conditional Use
APPLICATION OF KidSanctuary Campus, Inc.
BY Cotleur & Hearing, Inc., AGENT
(Kid Sanctuary)

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 ZV/ABN/Z/CA-2017-00810 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2018;

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 Class A Conditional Use;

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 ZV/ABN/Z/CA-2017-00810, the Application of KidSanctuary Campus, Inc., by Cotleur & Hearing, Inc., Agent, for a Class A Conditional Use to allow a Type 3 Congregate Living Facility, 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 January 25, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on January 25, 2018.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2018.

This resolution shall not become effective unless or until the effective date of Small Scale Land Use Amendment No. SCA-2017-00019.

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 South 1/2 of the East 330 feet of the West 430 feet of Tract 24, Block 12, the Palm Beach Farms Co. Plat No. 3, according to the map or plat thereof as recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida, together with and subject to an easement over the East 20 feet of the North 1/2 of the East 330 feet of the West 430 feet of Tract 24, Block 12, the Palm Beach Farms Co. Plat No. 3, Plat Book 2, Page 45.

Parcel 2: The East 330 feet of the West 430 feet of Tract 24, Block 12, Palm Beach Farms Plat No. 3, according to the map or plat thereof as recorded in Plat Book 2, Page 45, Less the North 18 feet for right-of-way of Pioneer Road and the South 330 feet thereof, Public Records of Palm Beach County, Florida.

Parcel 3: All of the Plat of Kid Sanctuary, according to the Plat thereof as recorded in Plat Book 114, Page 110, Public Records of Palm Beach County, Florida.

Consisting of 10.272 Acres More or Less

EXHIBIT B
VICINITY SKETCH

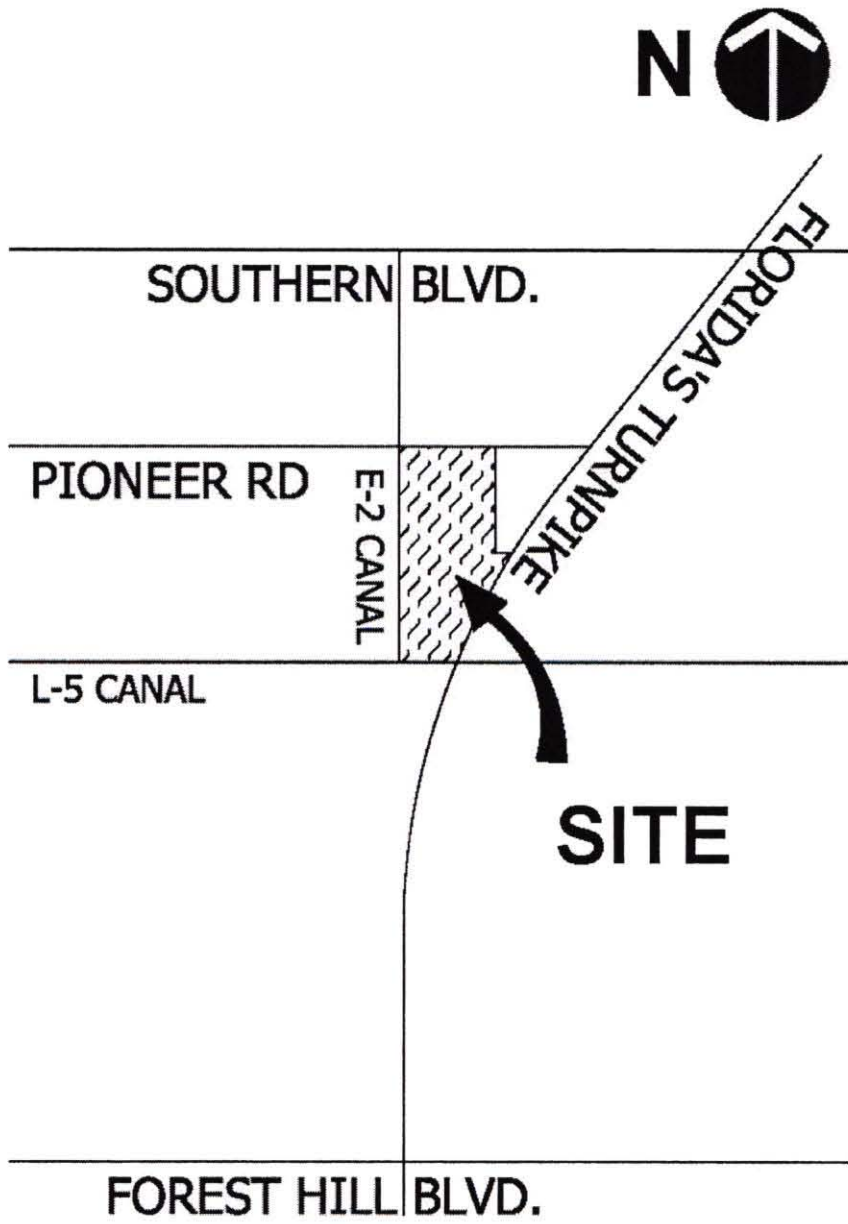


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 4, 2017. 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. 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 the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer (DRO), the Final Site Plan shall be amended to show the stand of native trees located on the northeastern quadrant of the development labeled as a "Tree Preservation Area". (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Field adjustment of wall, fence and plant material location may be permitted to accommodate pedestrian sidewalks and bike paths, and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER-INCOMPATIBILITY BUFFER - ALONG WESTERN BOUNDARY

2. Prior to Final Approval by the Development Review Officer, documentation shall be submitted confirming the extinguishment of the 100-ft. Rights in Reservation (ORB 1994 PG 1615). The Final Site Plan shall be revised to show it has been removed. Should the Rights in Reservation (ORB 1994 PG 1615) not be extinguished the Final Site Plan shall be amended to provide the full 15-ft. Incompatibility buffer extending from Building D to the south property line along the east boundary of said Reservation. (DRO/ONGOING: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

3. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Final Site Plan, and Final Regulating Plan with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a. the temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b. the location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c. a Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and,
- d. the above requirements (a thru c) shall be updated in the Tree Disposition Chart. (DRO: ZONING - Zoning)

4. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Tree Disposition Chart with the barricade permit application;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (DRO: ZONING - Zoning)

5. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Conditions 3 and 4 are satisfied. (ONGOING: ZONING - Zoning)

6. Failure to comply with the Landscape - Preservation of Vegetation Conditions 3 thru 5 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING: ZONING - Zoning)

PLANNING

1. Per SCA 2017-019: "Development of the site under the Institutional and Public Facilities future land use designation is limited a Congregate Living Facility and related uses." (ONGOING: PLANNING - Planning)

SITE DESIGN

1. Should the Rights in Reservation (ORB 1994 PG 1615) not be extinguished, the Property Owner shall revise the Final Site Plan to relocate the loading space adjacent to Building D to a location permitted by the ULDC. (DRO: ZONING - Zoning)

2. At the time of Platting, the 20-ft. Ingress/Egress Easement (ORB 4940, PG 1139) and FPL Easement (ORB 5401, PG 1623) shall be abandoned and the Final Site Plan shall be amended indicating the abandonment. (PLAT: ZONING - Zoning)

USE LIMITATIONS

1. The Accessory Offices shall only be used in support of the operations of the Congregate Living Facility on the subject property. (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; 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.