

RESOLUTION NO. R-2019- 0696

RESOLUTION APPROVING ZONING APPLICATION SV/ABN/Z/CA-2018-00774  
(CONTROL NO. 1975-00168)  
a Class A Conditional Use  
APPLICATION OF Els For Autism Foundation Inc  
BY Cotleur & Hearing, Inc., AGENT  
(Els Center for Excellence)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 24 have been satisfied;

WHEREAS, Zoning Application SV/ABN/Z/CA-2018-00774 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2019;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) 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 SV/ABN/Z/CA-2018-00774, the Application of Els For Autism Foundation Inc., by Cotleur & Hearing, Inc., Agent, for a Class A Conditional Use to allow an Elementary or Secondary School (Charter), 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 May 23, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Absent
Commissioner Dave Kerner, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Absent
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 23, 2019.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2019.

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:

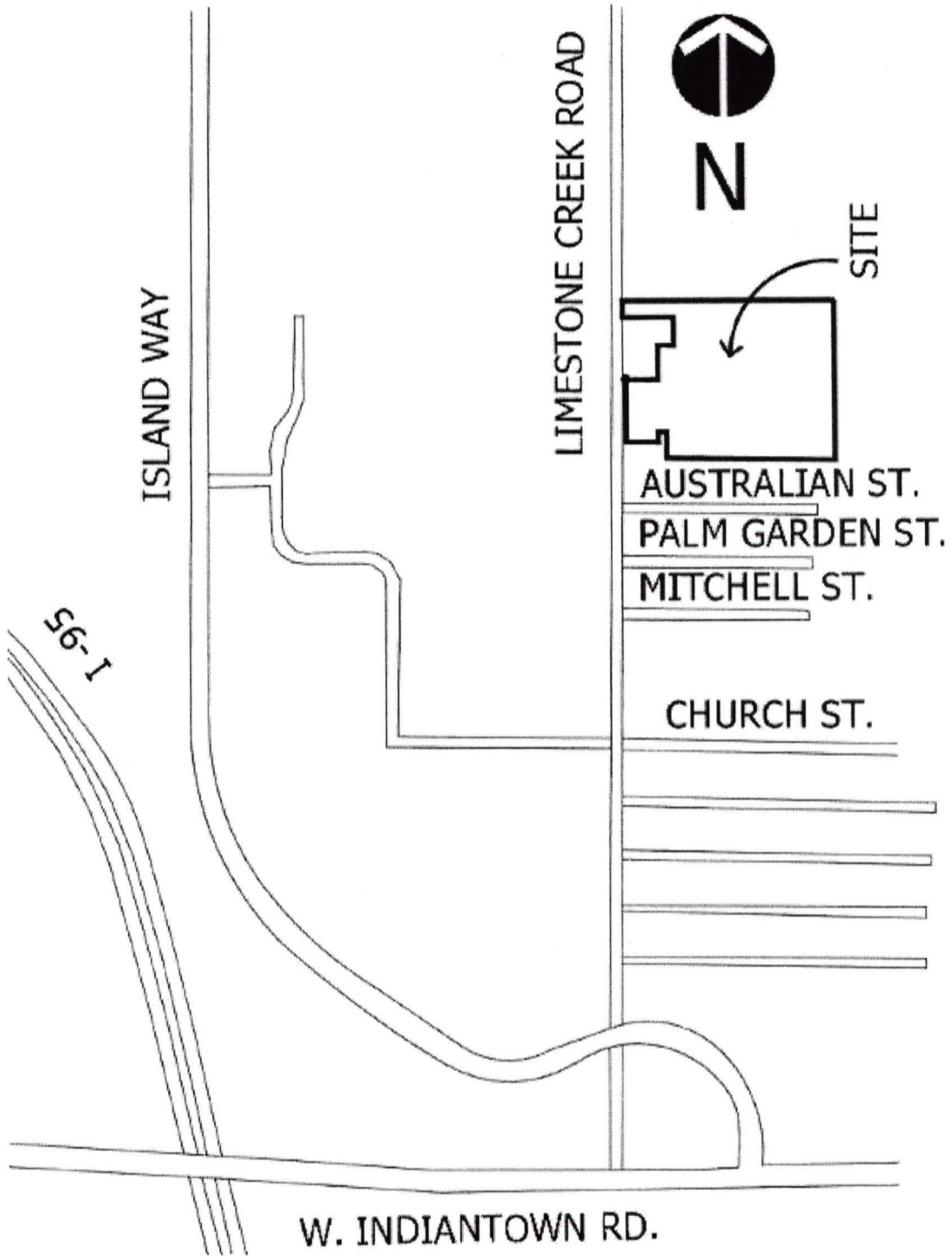
  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

TRACT "A" OF ELS CENTER OF EXCELLENCE PLAT II, AS RECORDED  
IN PLAT BOOK 124, PAGE 170-171 OF THE PUBLIC RECORDS OF PALM  
BEACH COUNTY, FLORIDA.  
CONTAINING 1,169,631 SQUARE FEET OR 26.851 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A- Elementary or Secondary School (Charter)

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 11, 2019. 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) (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, 2023. 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)

##### LANDSCAPE - GENERAL

1. 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. [Note: COMPLETED] (BLDGPM: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a Landscape Plan showing the incorporation of a bioswale along the northwest portion of the subject property. The bioswale shall be designed and planted with native materials to provide additional screening to the residential properties located north of the subject property. [Note: COMPLETED] (DRO: ZONING - Zoning)

3. Prior to the issuance of the First Building Permit, the Property Owner shall provide a letter of acceptance of the Landscape Plan from the President of the Shores of the Jupiter Homeowners Association, Inc. (ONGOING: ZONING - Zoning)

##### LANDSCAPE - PERIMETER-ALONG THE 200 FEET OF THE SOUTH PROPERTY LINE FOR THE NORTH ACCESS POINT ABUTTING RESIDENTIAL PROPERTIES

4. In addition to the Code requirements, landscaping along the 200 feet of the south property line for the north access point abutting residential properties shall be upgraded to include:

- a. a minimum twenty five (25) feet wide landscape buffer strip. No easement encroachment shall be permitted;
- b. a minimum six (6) foot high wall; and
- c. one (1) palm or pine for each for each fifteen (15) linear feet of the property line. (ONGOING: ZONING - Zoning)

##### LANDSCAPE - PERIMETER-ALONG THE 200 FEET OF THE WEST PROPERTY LINE ABUTTING RESIDENTIAL PROPERTIES

5. In addition to the Code requirements, landscaping along the 200 feet of the west property line abutting residential properties shall be upgraded to include:

- a. a minimum twenty five (25) feet wide landscape buffer strip. No easement encroachment shall be permitted;
- b. a minimum six (6) foot high wall; and

c. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (ONGOING: ZONING - Zoning)

### **LIGHTING**

1. Other than the security lighting, no outdoor lighting shall be installed for the athletic field or the recreational uses. (ONGOING: ZONING - Zoning)

2. The parking lot lights on the north side of the property will be turned off at 8:00 p.m. unless evening activities require that they be on, in which case they will be turned off no later than 10:00 p.m. (ONGOING: ZONING - Zoning)

### **PLANNING**

1. Per LGA 2018-026; Ord. 2019-08 condition 1: Development of the site is limited to a total maximum net daily trips of 1,757 and a maximum peak hour trips of 311. (ONGOING: PLANNING - Planning)

### **SIGNS**

1. The Property Owner shall indicate a directional sign at the north access point fronting on Limestone Creek Road which states: emergency, large event, and construction access only. (ONGOING: ZONING - Zoning)

### **USE LIMITATIONS**

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

2. The Property Owner shall provide opportunities for the residents of the Limestone Creek Community and the West Jupiter Tutorial Center to utilize the public areas of the Charter School including but not limited to the gymnasium, cafeteria and the recreation amenities. (ONGOING: CODE ENF - Zoning)

3. The secondary driveway access shall be limited to temporary construction access, large events such as graduation, and emergency medical and service vehicles only. (ONGOING: ZONING - 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.