

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



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**Application No.:** DOA-2009-00567  
**Control No.:** 1973-00216  
**Applicant:** Palm Beach Baptist Church Inc  
**Owners:** Palm Beach Baptist Church Inc  
**Agent:** Jon E Schmidt & Associates - Chris Barry  
**Telephone No.:** (561) 684-6141  
**Project Manager:** Anthony Wint, Site Planner II

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**Location:** West side of Military Trail approximately 1,000 feet south of Lantana Road. (Montessori Academy)

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**TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the site plan, add square footage, amend the number of students, and modify a condition of approval (Use Limitation).

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment for the Palm Beach Baptist Church. The 13.58-acre site was last approved by the Board of County Commissioners on August 21, 2002 which approved a reconfiguration of the site plan, additional square footage, and the addition of 6.03-acres to the existing 7.55-acres for a total of 13.58-acres. The applicant is requesting reconfigure the site plan, add square footage and increase the number of students from 60 to 108. The preliminary site plan indicates three existing buildings for the Place of Worship: Building A at 24,500 square feet, Building B at 4,200 square feet and Building C at 5,800 square feet. Also shown is an existing Building D at 12,800 square feet consisting of classrooms and a fellowship hall, and proposed are Buildings E, F and G, (modular structures) each 846 square feet to be used as classrooms. The total square footage proposed is 47,300 square feet. In addition, the preliminary site plan indicates a 2.71 acre preserve area and a 17,436 dry detention area. There will be 379 parking spaces and access to the site will remain from Military Trail.

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**ISSUES SUMMARY:**

o Project History

On December 18, 1973, via Resolution R-1973-816 the site was approved for a Special Exception to allow a church (place of worship) with accessory facilities within the Agricultural Residential (AR) Zoning District. On January 2, 1990 an Official Zoning Map Amendment was approved, rezoning the property from AR to Single Family Residential (RS) (R-1990-057). On the same date the Special Exception was amended to increase the square footage for the church and allow an education institution for a maximum of 60 students, K-12 grades (R-1990-058). The most recent approval was on August 21, 2002 to allow a Development Order Amendment and Rezoning (from AR to RS) for the addition of 6.03-acres of land, reconfiguration of the site plan and the addition of square footage for the expansion of the church, family life center and future additions (R-2002-1236 and R-2002-1237).

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and determined the proposal is consistent with the site's Medium Residential five units per acre (MR/5) and an Institutional (INST) Future Land Use (FLU) designations. See Planning's comment for additional information.

- o Compatibility with Surrounding Land Uses

To the north of the subject site across the Lake Worth Drainage District L-16 Canal, on the western portion of the northern property line is land zoned Single-Family Residential District (RS), a FLU designation of CH/5. The parcel supports townhouses. Also to the north on the eastern portion of the northern property line is land zoned Multiple Use Planned Development (MUPD). It also has a FLU designation of CH/5. It supports a mix of commercial uses. To the south are single family residential units in the Concept Homes of Lantana Subdivision, the property is zoned Single-Family Residential District (RS) and has a Low Residential -3 (LR-3) FLU designation. To the west is land zoned Single-Family Residential District (RS), a FLU designation of CH/5.

- o Modification of Conditions

The applicant is requesting to amend the following conditions to increase the number of children:

USE LIMITATION

Applicant's Request: On September 24, 2008 the School Board of Palm Beach County approved the Charter School Charter for the Montessori Academy of Early Enrichment and granted them the ability to have a total enrollment of 108 students. The applicant requests to modify Use Limitation No. 1, in order to allow the additional students.

1. *Use of the site shall be limited to a ~~church~~ Place of Worship with accessory a s School, Elementary or Secondary (Charter) (K-12) (max 108 students), Sunday School and a family life care center (Previous Condition 2 of Resolution 90-58, Petition 73-216 (A)) (Previous Condition L.1 of Resolution No. R-2002-1237, Petition 73-216(B).*

Staff Response: Staff has no objection to the modification of this condition and supports the applicant's request to add students. The school was allowed a maximum of 60 students by Resolution No. R-90-58. The addition of the three modular structures totaling 2,538 square feet will accommodate the increase in students from 60 to 108 students.

- o Landscape/Buffering

Pursuant to Table 7.F.9.B-8, Incompatibility Buffer Types, the current Code requires a 15-foot Type II buffer between civic and residential uses. However, the existing buffer along the west property line was not installed in accordance with code. Instead, a 5-foot wide buffer was installed adjacent to the dry detention area. The affected area exceeds code and the proposed site plan indicates an existing 21-foot landscape buffer on the southwestern property line. Since the square footage of the school increased by 2,538 square feet and there is a portion of the existing buffer that is less than code, staff is recommending additional planting along the affected area of the southern buffer where the three modular class rooms will be located.

- o Traffic

The Palm Beach County Engineering Department has determined that the request will generate 677 trips per day, a total increase of 268 over the previous approval of 409 trips per day. See Engineering comments for further information.

- o Parking

The applicant has submitted a shared parking study that allows the site to have 379 parking spaces for the existing sanctuary, whereas the Code requires 388 parking spaces. The school will operate during weekdays and day hours as opposed to the church which currently operates weeknights and

during weekends. The Development Review Officer authorized a reduction in the number of required parking spaces for multiple and mixed use projects and for uses that are in close proximity to one another and which have different peak parking demands and operating hours per Article 6.A.1.D.10. Due to the difference in operating hours for the school and the sanctuary the applicant has accounted for 100 percent of the reduction granted through shared parking.

- o Signs

No additional signage is requested with this proposal. There is an existing sign monument style sign along the Military Trail frontage. The dimensions for this sign are 9 feet in width by 7.5 feet in height with an overall sign face of 80 square feet.

- o Architectural Review

The proposed development is subject to Article 5.C Architectural Guidelines. Staff is recommending that at time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed building be submitted simultaneously with the site plan for final architectural review and approval. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements.

- o Development Order Amendment – Changed Circumstances

On December 18, 1973, the subject site was approved by the Board of County Commissioners for a 5,810-square foot church and a 4,300-square foot office. In 1990 the church expanded to include a 12,936-square foot family life center, and 10,989-square feet for future development. A subsequent approval on July 25, 2002 allowed the church to add 6.03-acres of land area to the site. The added parcel was rezoned from the Agricultural Residential (AR) to the Residential Single Family (RS) Zoning District to allow a 24,500-square foot church with 1,140 seats.

The Montessori School was approved for a charter by the School District of Palm Beach County on September 24, 2008. The applicant is seeking a DOA approval to reconfigure the site plan, add square footage and increase the number of students from 60 to 108 in order to utilize the Charter School designation. The addition of the three modular structures will still meet the requirements of Table 3.D.1.A Property Development Regulations and will comply with Article 4.B.1.A.118 which is the use regulations for a School, Elementary or Secondary.

- o August 6, 2009, Zoning Commission (ZC) Hearing

At the August 6, 2009, Zoning Commission hearing, this item was on the Regular Agenda. The main concerns from Ms. Vickie McGinnis, an adjacent property owner, who spoke on behalf of the neighbors on Tall Pines Drive was that the residents on Tall Pines Drive were not contacted by the Palm Beach Baptist church or the agent Jon Schmidt & Associates. Ms. McGinnis was concerned that there are only three houses on the street and the impact of this request would greatly affect the residents. Ms. McGinnis stated that the church rents out the facilities to a Haitian church, a Spanish church and an Asian church. They also put on events such as rummage sales, movie night, choir practice and scouts meetings. The traffic is too much for a street with only three houses. Ms McGinnis showed photos of the street and stated that there is flooding when it rains and that it drains towards her house. She is concerned that the homes along this street utilize well and septic and we have to drink the water despite the drainage problem. Ms. McGinnis brought up concerns on the hours of operation for the church, as there are times when the church has meetings up until midnight with no security and there has been vandalism and car break-ins. In addition, Ms. McGinnis stated that the church should cut their hedges because the vision of the motorist is not clear and coupled with negligent cell phone use and the absence of speed bumps it makes for a dangerous situation.

Ken Lassiter president of the Coalition of Boynton West Residential Association (COBWRA) stated that COBWRA reviewed the project and is in support of the applicant's request. Mr. Lassiter stated that he has driven down the street but was not aware of Ms. McGinnis' concerns.

Zoning Commissioner Zucaro stated that Ms. McGinnis raised serious issues. He suggested that the applicant meet with the residents of Tall Pines Road by the next Zoning Commission hearing which is on September 3, 2009.

Commissioner Zucaro made a motion to postpone the project until the September 3, 2009 ZC hearing. The motion was seconded by Commissioner Scarborough. The motion carried 7-0 in favor of a 30-day postponement.

- o August 6, 2009, Zoning Commission (ZC) Hearing

A meeting has been scheduled between the applicant and the residents of Tall Pines Road on Tuesday, August 25 at 6:00 p.m. to discuss issues raised at the August 6, 2009 ZC hearing. The applicants and residents will give a verbal summary to the ZC.

**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-42-45-01-00-000-3050	Same
<b>Land Use Designation:</b>	Institutional and Public Facilities (INST) Medium Residential (MR-5)	Same
<b>Zoning District:</b>	Single-Family Residential District (RS)	Same
<b>Tier:</b>	Urban/Suburban	Same
<b>Use:</b>	Church or Place of Worship School, Elementary or Secondary	Same
<b>Acreage:</b>	13.58 acres	Same
<b>Parking:</b>	379 spaces; Code Requires 388 spaces.	Same (The DRO authorized shared parking per Article 6.A.1.D.10)
<b>Access:</b>	Military Trail	Same

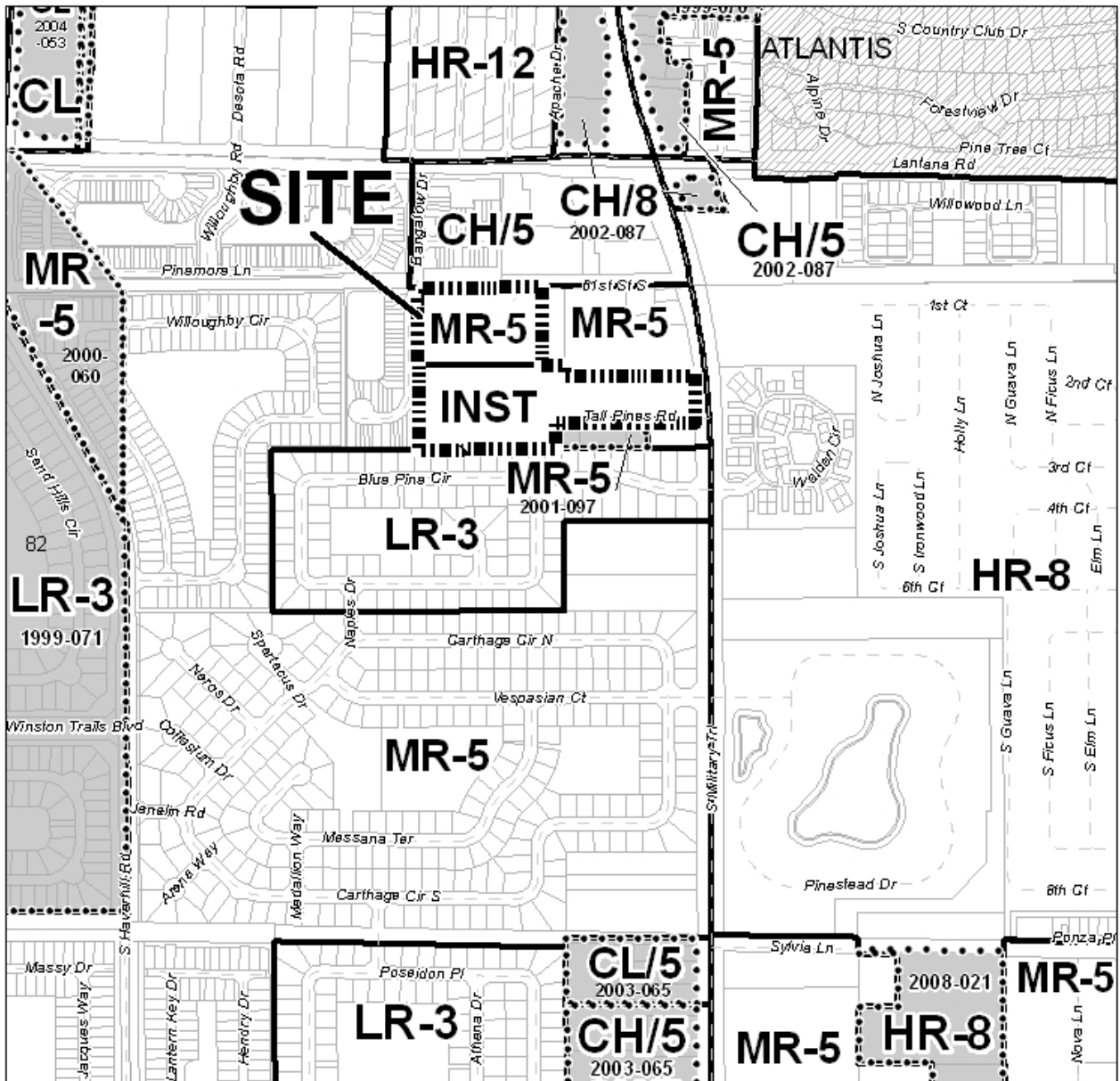
**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 4 letters in opposition including a letter and photos from Ms. Vickie McGinnis. The reasons for opposition to the project were due to: an increase in traffic, noise, crime, improper road drainage, events held on-site, and the church not maintaining landscaping.

**RECOMMENDATION:** Staff recommends approval of the request subject to 32 conditions of approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION:** August 6, 2009: Motion to recommend a 30-day postponement carried by a vote of 7-0.

**MOTION:** To recommend approval of a Development Order Amendment to reconfigure the site plan, add square footage, amend the number of students, and modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval as indicated in Exhibit C.

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

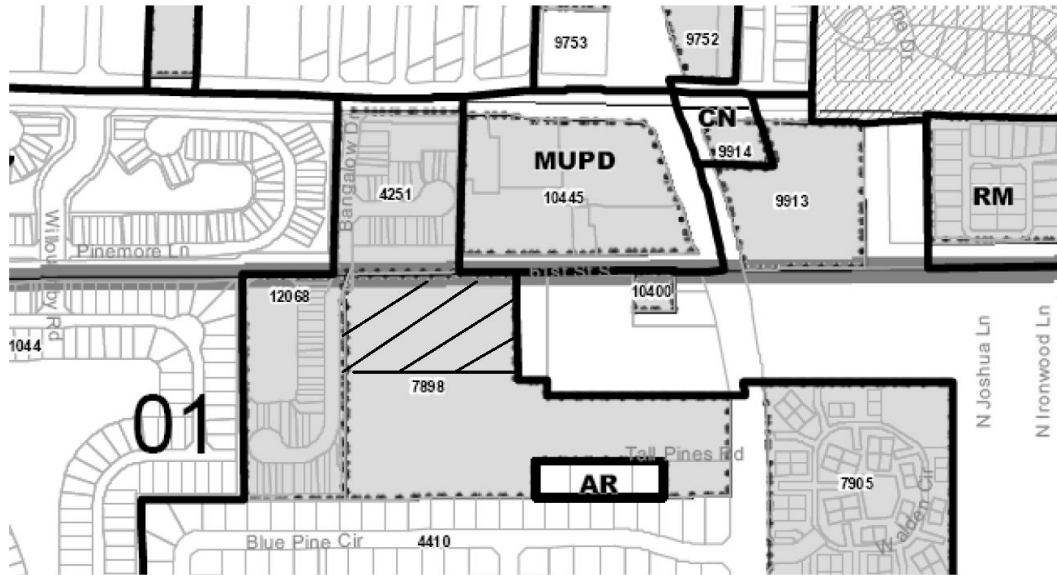


Application Number:	<u>DOA-2009-00567</u>
Control Number:	<u>1973-216</u>
Land Use Atlas Page:	<u>82</u>
Date:	<u>07/02/2009</u>



Figure 1 Land Use Atlas Map

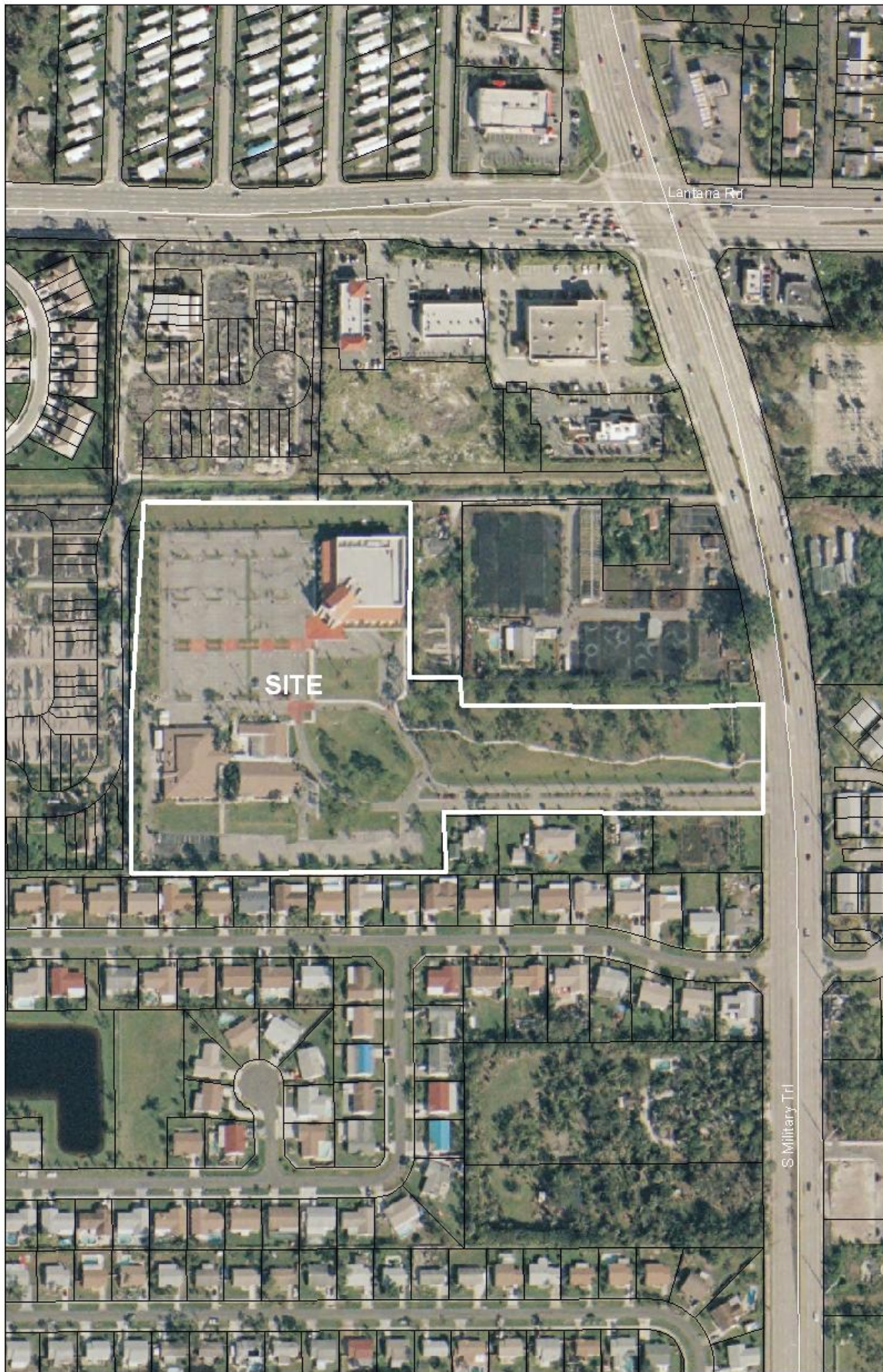
PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH




Application No. 2009-0567  
Zoning Quad 33  
Date May 4, 2009



Figure 2 Zoning Quad Map



<b>ZONING APPLICATION</b> Control 1973-216 (DOA 2009-0567)	<b>PROJECT NAME</b> Montessori Academy
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Planning, Zoning and Building Department - GIS  2300 N. Jog Road West Palm Beach, FL 33411 (561) 233-2000 <a href="mailto:planning@co.palm-beach.fl.us">planning@co.palm-beach.fl.us</a> <a href="http://www.pbcgov.com">www.pbcgov.com</a>	
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**Figure 3 Aerial**



**Jon E. Schmidt and Associates**  
 Landscape Architecture & Site Planning  
 2247 Palm Beach Lakes Blvd., Suite 101  
 Palm Beach, Florida 33480  
 Tel: (561) 884-6144 • Fax: (561) 859-4142  
 E-mail: jeschmidt@jse.com  
 License No. LC22000232

# Montessori Academy of Early Enrichment

Palm Beach County, Florida

Date: 2/19/09  
 Design By: JES  
 Drawn By: Coy  
 Checked By: JES  
 File No. 544.01  
 Job No. 08-36

REVISIONS / SUBMISSIONS  
 04/27/09 DRG Re-Submittal  
 5/18/09 DRG Re-Submittal

## Site Plan

SP-1 of 2

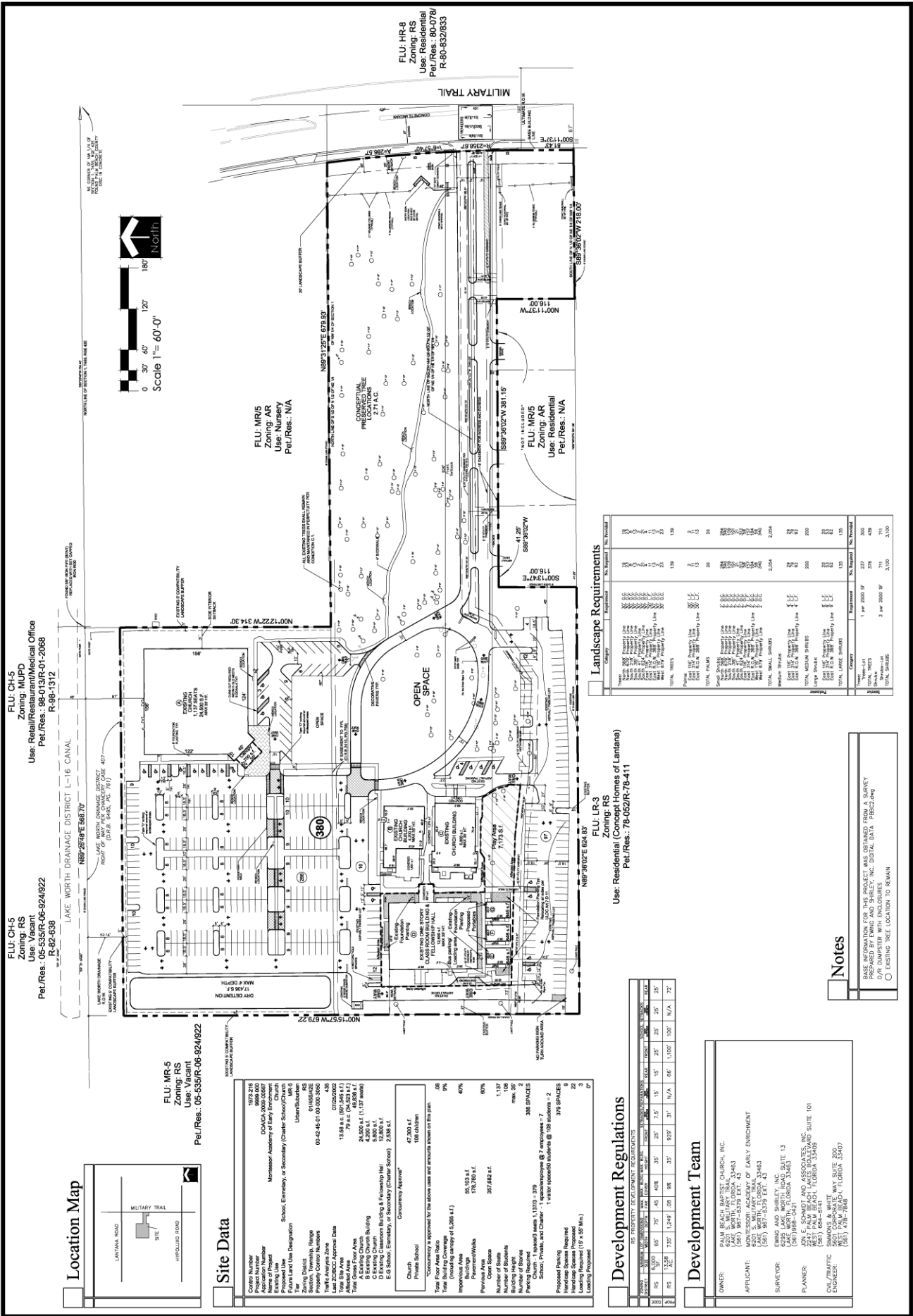


Figure 4 Preliminary Site Plan dated May 18, 2009.

ZC  
 Application No. DOA-2009-00567  
 Control No. 1973-00216  
 Project No. 09999-000

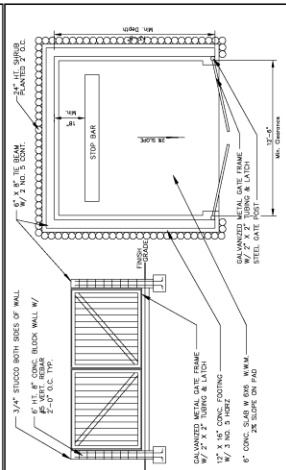
September 3, 2009  
 BCC District 03



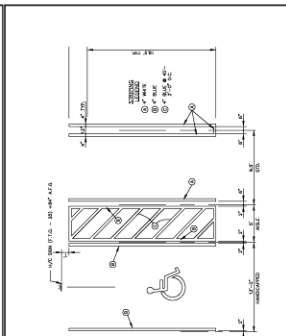
# Landscape Notes

- Easements shall not encroach landscape buffers more than 5 feet.
- Landscape in right-of-way buffers shall be installed on the exterior side of walls or fences.
- Walls & fences shall be setback a min. of 10' from the ultimate R-O-W.
- FDOT Type D or F curb shall be provided along the perimeter of all landscape, open space, drainage and grassed areas adjacent to paved vehicular use areas, except where wheel stops are provided.
- Safe sight triangles shall be maintained clear of vegetation to provide unobstructed visibility between 30" and 8' above crown of road.
- Light poles, fire hydrants, electrical/mechanical equipment, signs, drainage structures, etc. shall not interfere with landscaping in terminal islands, parking islands, medians, buffers or other landscaped areas.

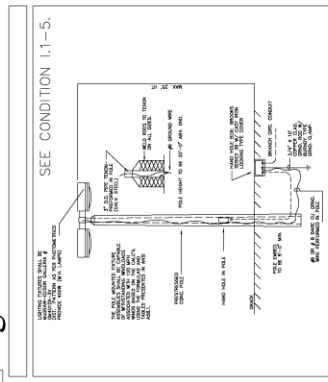
## Dumpster Detail



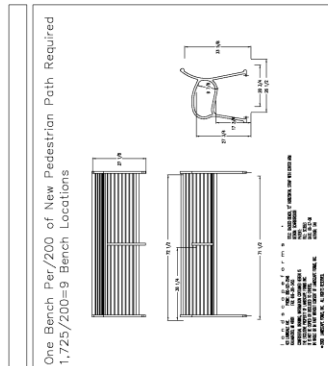
## Parking and Striping



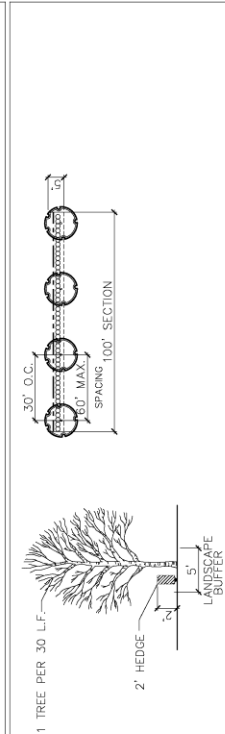
## Light Fixture Detail



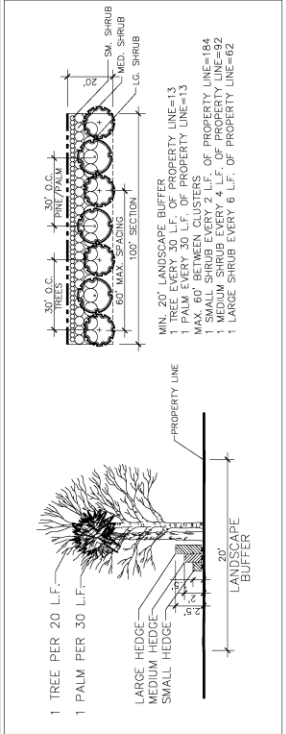
## Beach Detail



## Existing 5' Compatibility Landscape Buffer (West, North, South, East)



## 20' R.O.W. Landscape Buffer (East)



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www.jesap.com  
License No.: LC2600232

Montessori Academy  
Of Early Enrichment  
Palm Beach County, Florida

Date: 2/18/09  
Design By: JES  
Drawn By: Coy  
Checked By: JES  
File No. 169.01  
Job No. 01-43

REVISIONS / SUBMISSIONS  
04/27/09 DRO Re-Submittal

Regulating Plan

SP-2 of 2

Figure 5 Preliminary Regulating Plan dated May 18, 2009.

## STAFF REVIEW AND ANALYSIS

### **PLANNING DIVISION COMMENTS:**

FUTURE LAND USE (FLU) PLAN DESIGNATION: The site has a Medium Residential five units per acre (MR/5) and an Institutional (INST) Future Land Use (FLU) designation.

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is located within the future annexation area of the Town of Lantana.

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the City of Greenacres and the City of Atlantis.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to add square footage and allow a Class A Conditional Use Approval for the expansion of the School, Elementary or Secondary (Charter School) and has determined that this request is consistent with the site's MR-5 and INST FLU designations.

The proposed request of 49,838 square feet would be consistent with the maximum Floor Area Ratio (FAR) of .45 allowed for a project with an MR-5 and an INST FLU designation. The FAR currently requested is approximately 0.08 ( $49,838 / 13.58 \times 43,560 = 0.08$ ).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The site is not located within any neighborhood plan.

FINDINGS: The request is consistent with the land use designations of the Palm Beach County Comprehensive Plan.

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### **ENGINEERING COMMENTS:**

REQUIRED ENGINEERING RELATED PERMITS: The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

Application is to add additional square footage to the site via portables. No modifications are proposed to the existing access points.

#### TRAFFIC IMPACTS:

Petitioner has estimated the build-out of the project to be December 31, 2013.

Total net new traffic expected from this project is 268 trips per day, 18 trips in the PM peak hour.

Additional traffic is subject to review by the Traffic Performance Standards.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

#### PROJECTED PM PEAK HOUR LOS:

SEGMENT: Military Trail between Hypoluxo Rd and Lantana Rd

EXISTING COUNT: 3,017

BACKGROUND GROWTH: 845

FROM PETITION: 9

TOTAL: 3,871

PRESENT LANEAGE: 6LD

LOS "D" CAPACITY: 4,680

PROJECTED LEVEL OF SERVICE: D

**PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Staff Review Analysis

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The site has been developed.

WELLFIELD PROTECTION ZONE: The parcel is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: At the time of report there were no available comments.

CONCURRENCY: Concurrency has been for a 30,300 square feet of sanctuary 4,200 square feet of class room, a 12, 800 Fellowship Hall and three modular structures 846 square feet each for a total of 47,300 square feet.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

FINDING: The proposed Development Order Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

**Development Order Amendment:**

When considering a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. **Consistency with the Plan** – The proposed development order amendment consistent with the site's Medium Residential five units per acre (MR/5) and an Institutional (INST) Future Land Use (FLU) designations purpose, goals and policies of the Comprehensive Plan.
2. **Consistency with the Code** - Pursuant to the ULDC Table 4.A.3.A-1, Use Matrix for Civic Uses, School, Elementary or Secondary is a Class A Conditional Use that is allowed in all residentially zoned districts if approved by the Board of County Commissioners (BCC). The proposed use of the school has already been approved and is consistent with the ULDC and

complies with applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The addition of the three modular structures will still meet the requirements of Table 3.D.1.A Property Development Regulations.

3. **Compatibility with Surrounding Uses** – To the north of the subject site across the Lake Worth Drainage District L-16 Canal, on the western portion of the northern property line is land zoned Single-Family Residential District (RS) with a Future Land Use (FLU) designation of Commercial High with an underlying MR-5 (CH/5). The lot is vacant. Also to the north on the eastern portion of the northern property line is land zoned Multiple Use Planned Development (MUPD) with a Future Land Use (FLU) designation of Commercial High, with an underlying MR-5 (CH/5) and supports commercial uses. To the south are single family residential units in the Concept Homes of Lantana Subdivision zoned Single-Family Residential District (RS) and has a Low Residential -3 (LR-3) Future Land Use designation. To the west is land zoned Single-Family Residential District (RS), a Future Land Use (FLU) designation of MR-5. The proposed Civic Uses, School, Elementary or Secondary is a Class A Conditional Use and is allowed in all residentially zoned districts. Therefore it is compatible with the surrounding residential uses to north of the subject site across the Lake Worth Drainage District L-16 Canal. The properties to the south and the west of the subject property are also compatible. The proposed use is a transitional use from the commercial property on the eastern portion of the northern property line.
4. **Design Minimizes Adverse Impact** – This civic use is compatible with the residential uses surrounding the subject property. There are residential uses south of the subject site and commercial uses north of the subject site. The site serves as a transition between the commercial and residential. Conditions of approval are proposed that address additional landscaping along the south property line adjacent to the affected area. This upgrade will meet or exceed minimum Code requirements in order to mitigate any potential negative impacts. The school is utilizing an design that places the proposed expansion in the south west corner of the property. It is furthest away from the entrance on Military Trail.
5. **Design Minimizes Environmental Impact** – The proposed use will not adversely affect the natural environment as the use on the site will not change as a result of this request. The proposed expansion of the approved use and design will minimize environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. **Development Patterns** – The site is mostly surrounded by residential properties, which the proposed civic use proposes to serve. The property is already developed and there is an existing school. The proposed use is a transitional use from the commercial property on the eastern portion of the northern property line. This use will not adversely affect any logical, timely or orderly development patterns and is generally consistent with the overall development pattern in the area.
7. **Consistency with Neighborhood Plans** – The subject property is not within the boundaries of a Neighborhood Plan.
8. **Adequate Public Facilities** – Concurrency has been approved for Building A at 24,500 square feet, Building B at 4,200 square feet and Building C at 5,800 square feet, Building D at 12,800 square feet consisting of classrooms and a fellowship hall, and Buildings E, F and G, (modular structures) each 846 square feet. The total square footage proposed is 47,300 square feet. The proposed development order amendment complies with Article 2.F., Concurrency (Adequate Public Facilities).
9. **Changed Conditions or Circumstances** – The Montessori School was approved for Charter by the School District of Palm Beach County on September 24, 2008. The Charter School designation gave the Montessori Academy the ability to have a total enrolment of 108 students. The applicant is seeking a DOA approval to reconfigure the site plan, add square footage and increase the number of students from 60 to 108 in order to utilize the Charter School designation. The applicant believes that the proposed school expansion would be addressing a civic and community demand. The request for a School, Elementary or

Secondary will complement the existing and future residential uses and will forward the Goals and Policies of the Comprehensive Plan and the provisions of the ULDC. Staff has determined that there is sufficient justification in the property owner's application/statements; and recommends approval of these requests subject to conditions of approval.

## CONDITIONS OF APPROVAL

### EXHIBIT C Development Order Amendment

#### ALL PETITIONS

1. All petitions Condition A 1 of Resolution R-2002-1237, Petition 73-216(B) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-73-0816 (Petition 73-21 6), R-90-57, R-90-58 (Petition 73-21 6(A)) have been consolidated as contained 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 R-2002-1236 and R-2002-1237 (Petition 73-216(B)) have been consolidated as contained herein. The petitioner 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: MONITORING-Zoning)

2. All Petitions Condition A 2 of Resolution R-2002-1237(Petition 73-216(B)) 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 site plan is dated May 10, 2002. 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 )

Is hereby amended to read:

The approved site plan is dated May 18, 2009. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. All Petitions Condition A 4 of Resolution R-2002-1237(Petition 73-216(B)) which currently states:

Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed, or amended without written approval from the Zoning Director. (DRC: ZONING - CO Atty)

Is hereby amended to read:

Prior to Final Site Plan approval by the Development Review Officer (DRO), the petitioner shall record in the public record a unity of control/title for the entire subject property. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed, or amended without written approval from the Zoning Director. (DRO: ZONING - CO Atty)

## ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification, the architectural elevations shall be submitted for final architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E and 6.6.C of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REVIEW - Zoning)(Previous Architectural Control Condition B.1 of Resolution R-2002-1237, Petition 73-216(B))

## ENGINEERING

1. Developer shall construct, at his expense, the required left and right turning lanes onto Military Trail (S.R.809) (ONGOING:ENGINEERING-Eng) (Previous Engineering Condition 1 of Resolution R-2002-1237, Control No. 1973-0216) [Note: Completed]

2. Previous Engineering Condition 2 of Resolution R-2002-1237, Control No. 1973-0216, which currently states:

Prior to the issuance of any building permits the developer shall deed to Palm Beach County the additional right-of-way required to provide for a one hundred twenty (120) foot right-of-way for Military Trail (S.R. 809) and the forty (40) feet for a limited access road. The total of the right-of-way being one hundred (100) feet from the centerline of Military Trail (S.R. 809). (BLDG PERMIT:MONITORING-Eng)

Is hereby deleted. [Reason: Engineering Condition 3 now applies]

3. The petitioner shall comply with all previous conditions of approval unless expressly modified herein, except for condition No. 2. of Resolution No. R-73-0816, which shall hereby be amended to require sixty-seven (67) feet, rather than one hundred (100) feet from centerline at Military Trail, at no cost to Palm Beach County. Prior to site plan approval, this property owner shall reimburse Palm Beach County for any funds previously paid for this right-of-way. (DRO:ENGINEERING-Eng) (Previous Engineering Condition 3 of Resolution R-2002-1237, Control No. 1973-0216) [Note: Completed]

4. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. This requirement shall apply to any existing drainage problem as well. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition that the drainage system is not adequately maintained as determined by the County Engineer this matter will be referred to the code Enforcement Board for enforcement. (ONGOING:ENGINEERING-Eng) (Previous Engineering Condition 4 of Resolution R-2002-1237, Control No. 1973-0216) [Note: Completed]

5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2013. 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.E of the Unified Land Development Code. (DATE: MONITORING - Eng)

## ENVIRONMENTAL

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (DRC\ONGOING: ERM-ERM)(Previous Condition No. C-1 of Resolution No. R-2002-1237, Control No. 1973-216(B))

## HEALTH

1. Previous condition D.1 of Resolution R-20021237: Control 1973-216B which reads:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (BLDG PERMIT: HEALTH-Health)

Is hereby DELETED-----Reason: Code Requirement

2. Previous condition D.2 of Resolution R-2002-1237; Control 1973-216B which reads:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (BLDG PERMIT: HEALTH-Health)

Is hereby DELETED-----Reason: Code Requirement

## LANDSCAPE - GENERAL

1. Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 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 3.5 feet in length;
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE-Zoning) (Previous Landscape Condition F1 of Resolution R-2002-1237, Petition 73-216(B))

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm 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 provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F2 of Resolution R-2002-1237, Petition 73-216(B))

3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub; and,
- d. this condition does not apply to the five (5) foot wide compatibility buffer. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F3 of Resolution R-2002-1237, Petition 73-216(B))

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition F4 of Resolution R-2002-1237, Petition 73-216(B))

## LANDSCAPE - INTERIOR-LANDSCAPE -INTERIOR FOR THE 5 ACRE PARCEL ONLY

5. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING-Zoning) (Previous Landscape Condition H.1 of Resolution R-2002-1237, Petition 73-216(B))



## LANDSCAPE - INTERIOR

6. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO:ZONING/LANDSCAPE-Zoning) (Previous Landscape Condition H.2 of Resolution R-2002-1237(Petition 73-216(B))

## LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF MILITARY TRAIL ONLY)

7. Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree for each thirty (30) feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO : LANDSCAPE-Zoning ) (Previous Landscape Condition G.1 of Resolution R-2002-1237, Petition 73-216(B))

## LANDSCAPE - PERIMETER-LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINES (FRONTING AFFECTED AREA)

8. In addition to code requirements, landscaping along the south property line shall be upgraded to include:

- a. 1 canopy tree planted for each twenty (20) linear feet of the property line; and,
- b. 1 palm or pine tree for each 30 linear feet of the property line with a maximum spacing of 90 feet between clusters. (CO: LANDSCAPE - Zoning)

## LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs 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. (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Lighting Condition I.1 of Resolution R-2002-1237, Petition 73-216(B))

2. All outdoor, freestanding lighting fixtures shall not exceed twenty- five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Lighting Condition I.2 of Resolution R-2002-1237, Petition 73-216(B))

3. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the north and west property lines. (CO: BLDG - Zoning) (Previous Lighting Condition I.3 of Resolution R-2002-1237, Petition 73-216(B))

4. All outdoor lighting shall be extinguished no later than 10:30 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition I.4 of Resolution R-2002-1237, Petition 73-216(B))

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning) (Previous Lighting Condition I.5 of Resolution R-2002-1237, Petition 73-216(B))

## PALM TRAN

1. In the event the overall development exceeds 50,000 square feet the property owner shall be required to provide a Bus Stop Boarding and Alighting Area along Military Trail in the prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, 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 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. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

## SIGNS

1. There shall be no off premise sign permitted on site. (CO: BLDG-Zoning) (Previous Signs Condition J.1 of Resolution R-2002-1237, Petition 73-216(B))

2. Proposed Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:

a. maximum sign height, measured from finished grade to highest point - ten (10) feet;

b. maximum sign face area per side - 100 square feet;

c. maximum number of signs - one (1);

d. style - monument style only; and,

e. location - within 50 feet of the access point on Military trail.

f. Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning) (Previous Lighting Sign Condition J.2 of Resolution R-2002-1237, Petition 73-216(B))

3. The existing wood signs shall be removed from the site prior to the final DRC certification of the site plan. (DRO: LANDSCAPE - Zoning) (Previous Sign Condition J.3 of Resolution R-2002-1237, Petition 73-216(B))

## USE LIMITATIONS

1. Use Limit Condition 1 of Resolution R-2002-1237, Petition 73-216(B) which currently states:

Use of the site shall be limited to a church with accessory school (K-12), Sunday school and a family life care center.

Is hereby amended to read:

Use of the site shall be limited to a Place of Worship with a School, Elementary or Secondary (Charter) (K- 12), with a maximum of 108 students, Sunday School and a family life care center. (ONGOING: CODE ENF - Zoning)

2. No outdoor loudspeaker system shall be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Use Limit Condition L.2 of Resolution R-2002-1237(Petition 73-216(B))

3. Vehicle parking shall be limited to the parking spaces designated on the site plan. There shall be no parking in landscape areas, rights-of-way or interior drives. (ONGOING: CODE ENF - Zoning) (Previous Use Limit Condition L.3 of Resolution R-2002-1237, Petition 73-216(B))

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previous Compliance Condition 1 of Resolution R-2002-1237, Control 1973-216(B))

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; 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 ULDC 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; 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 Conditional Use, Type II Variance, 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) (Previous Compliance Condition 2 of Resolution R-2002-1237, Control 1973-216(B))

Print Form

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

**DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT**

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Myra J. Ranck \_\_\_\_\_, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [] Registered Agent [position—e.g., president, partner, trustee] of Montessori Academy of Early Edu [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 317 Swain Blvd., Greenacres, FL 33463

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Myra J. Ranck  
Myra J. Ranck, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 4 day of February, 2009, by Myra Ranck, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

Holly Hawkins

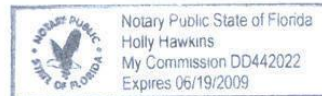
Notary Public

Holly Hawkins  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 6/19/09



**EXHIBIT "A"**

**PROPERTY**

**LEGAL DESCRIPTION:**

The South half of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the East 41.25 feet of the South 116 feet thereof;

AND the South half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, excepting there from the South 220 feet and the right of way for Military Trail;

AND the North 38 feet of the South 154 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

AND the North 66 feet of the South 220 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

AND the East 285.00 feet of the South 116.00 feet of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 1, Township 45 South, Range 42 East, Palm Beach County, Florida, LESS the right of way for Military Trail;

AND the West % of the North % of the North % of the Northeast % of the Northwest % of Section 1, Township 45 South, Range 42 East, less the East 98 feet thereof, and less that portion as described in Chancery Case 407 as recorded by Lake Worth Drainage District in Official Record Book 6495, page 195 of the public records of Palm Beach County, Florida; said lands situated, lying and being in Palm Beach County, Florida.

SUBJECT TO easements, reservations, restrictions and rights of way of record, if any.

Containing: 13.581 Acres, more or less

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Non-Profit, Does Not Apply	