

Agenda Item # _R-12_____

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

ADOPTION OF RESOLUTION NO. 07-05 APPROVING A REQUEST BY RED CARDINAL CORPORATION TO MODIFY CONDITION OF APPROVAL 2.D IMPOSED BY RESOLUTION 06-18 AND ADDING CONDITION 2.J, TO PROVIDE FOR MAXIMUM NUMBER OF STUDENTS AND A PHASING SCHEDULE, LOCATED IN THE ROYAL COMMERCE CENTER WHICH IS LOCATED BEHIND THE ROYAL PLAZA SHOPPING CENTER, NORTH OF SOUTHERN BOULEVARD AND EAST OF ROYAL PALM BEACH BOULEVARD.; PETITION 67(B) (MCIC): AGENT, MARK SEACH.

Issue:

This is a request by the applicant for modification of condition 2.D regarding the maximum number of students and adding condition 2.J requiring completion of phase 2 by December 31, 2008. All other conditions of approval imposed by Resolution 06-18 shall remain in full force and effect.

Recommended Action:

Approval of Petition 67(B) (MCIC) through adoption of Resolution 07-05.

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
Senior Planner Planning & Zoning		3-1-2007	

RESOLUTION NO. 07-05

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 67 (B) (MCIC) - THE APPLICATION OF RED CARDINAL CORPORATION - PERTAINING TO MODIFICATION OF COUNCIL IMPOSED CONDITIONS OF SITE PLAN APPROVAL MODIFYING CONDITION 2.D IMPOSED BY RESOLUTION NO. 06-18 ON APRIL 20, 2006; AND ADDING CONDITION 2.J TO PROVIDE FOR A MAXIMUM NUMBER OF STUDENTS AND A PHASING SCHEDULE, PROVIDING THAT ALL OTHER CONDITIONS OF APPROVAL IMPOSED BY RESOLUTION NO. 06-18 REMAIN IN FULL FORCE AND EFFECT; LOCATED BEHIND THE ROYAL PLAZA SHOPPING CENTER, NORTH OF SOUTHERN BOULEVARD AND EAST OF ROYAL PALM BEACH BOULEVARD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach, Florida ("Village"), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

WHEREAS, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

WHEREAS, Application No. 67 (B) (MCIC) was presented to the Village Council at its public hearing conducted on March 1, 2007; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

WHEREAS, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPLICATION NO. 67 (B) (MCIC), THE APPLICATION OF RED CARDINAL CORPORATION, AGENT MARK SEACH, ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

_____ moved for approval of the application. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Mayor David A. Lodwick
Vice Mayor Matty Mattioli
Councilman David Swift
Councilman Fred Pinto
Councilman Barbara Isenberg.....

The foregoing Resolution was declared duly passed and adopted this 1st day of March 2007, confirming the action of Village Council of March 1, 2007.

Approved as to form and
legal sufficiency by:

VILLAGE ATTORNEY

MAYOR DAVID A. LODWICK

The Village of Royal Palm Beach,
Palm Beach County, Florida,
By its Village Council

APPLICATION NO. 67 (B) (MCIC)

VILLAGE CLERK

Exhibit A
Legal Description
Ideal School
67 (B) (MCIC)
Resolution No. 07-05

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 80 (SOUTHERN BOULEVARD); THENCE, A NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 600.50 FEET TO THE SOUTHEAST CORNER OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 4162, PAGE 1508, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID SOUTHEAST CORNER BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE, CONTINUE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE EAST LINE OF SAID LANDS RECORDED IN OFFICIAL RECORDS BOOK 4162, PAGE 1508 AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 283.60 FEET; THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 186.88 FEET; THENCE, SOUTH 00°30'31" WEST, A DISTANCE OF 160.01 FEET; THENCE, SOUTH 90°00'00" WEST, A DISTANCE OF 34.54 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.33 FEET; THENCE, SOUTH 88°51'31" EAST, A DISTANCE OF 5.61 FEET; THENCE, SOUTH 01°08'29" WEST, ALONG THE CENTERLINE OF AN EXISTING WALL SEPARATING TWO DUMPSTER BAYS, AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 31.47 FEET; THENCE, SOUTH 89°48'12" EAST, ALONG THE SOUTH LINE OF SAID LANDS RECORDED IN OFFICIAL RECORDS BOOK 4162, PAGE 1508, AND ITS WESTERLY PROLONGATION, A DISTANCE OF 220.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 57,429 SQUARE FEET, OR 1.32 ACRES, MORE OR LESS.

TOGETHER WITH AND CONTIGUOUS WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH ONE-QUARTER SECTION LINE OF SAID SECTION 35, WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80; SAID INTERSECTION POINT BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4104, PAGE 1057, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, THENCE, NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 884.10 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12619, PAGE 1306; THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH ONE-QUARTER SECTION LINE AND ALONG THE NORTH LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12619, PAGE 1306, A DISTANCE OF 186.88 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12619, PAGE 1306, FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH 90°00'00" WEST, ALONG THE PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 5.66 FEET; THENCE, NORTH 00°00'00" EAST, A DISTANCE OF 5.95 FEET; THENCE, NORTH 90°00'00" WEST, A DISTANCE OF 150.00 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 165.95 FEET; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 116.70 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.27 FEET; THENCE, SOUTH 88°51'31" EAST, A DISTANCE OF 3.00 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED

IN OFFICIAL RECORDS BOOK 12619, PAGE 1306 ; THENCE, NORTH 02°07'18" EAST, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF 91.33 FEET; THENCE, NORTH 90°00'00" EAST CONTINUING ALONG SAID WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 12619, PAGE 1306, A DISTANCE OF 34.54 FEET; THENCE, NORTH 00°30'31" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 160.01 FEET TO THE POINT OF BEGINNING.

CONTAINING: 25,959 SQUARE FEET, MORE OR LESS.

COMBINED PARCELS CONTAIN: 83,388 SQUARE FEET, OR 1.91 ACRES, MORE OR LESS.

Exhibit B
Conditions of Approval
Ideal School
67 (B) (MCIC)
Resolution No. 07-05

1. Development Order:

This development order constitutes approval for:

Modification of condition 2.D and addition of condition 2.J attached to Resolution 06-18 as set forth here below in strikethrough and underline format.

This constitutes the only approval granted by this resolution. All other conditions of approval as set forth in Resolution 06-18 shall remain in full force and effect. Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

2. Site Specific Conditions:

D. The school shall be limited to grades preschool thru 8. The school inclusive of both sites shall be limited to a maximum of 299 full time students, and the middle school enrolment shall not exceed a maximum of 75 full time students. ~~Prior to commencement of operations, the applicant shall also provide approval through the Palm Beach County Fire Marshall that the school may operate at these enrollment levels without exceeding occupancy load for the structure.~~ The project is subject to and shall remain consistent with the provisions of the Florida Fire Code.

J. Phase 2 shall be completed no later than December 31, 2008.