

RESOLUTION NO. **R-89-1313**

RESOLUTION APPROVING ZONING PETITION NO. **88-132**
SPECIAL EXCEPTION PETITION OF THE SCHOOL BOARD
OF PALM BEACH COUNTY

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter **163** and Chapter **125**, Florida Statutes, is authorized and empowered to consider petitions relating to zoning: and

WHEREAS, the notice and hearing requirements as provided for in Chapter **402.5** of the Palm Beach County Zoning Code have been satisfied: and

WHEREAS, Petition No. **88-132** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **31, 1989**: and

WHEREAS, the Board of County Commissioners, sitting **as** the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission: and

WHEREAS, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner: and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings **of** fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS **OF** PALM BEACH COUNTY, FLORIDA, that Petition No. **88-132** the petition of THE SCHOOL BOARD **OF** PALM BEACH COUNTY, by Linda Howell, Agent, for **a** SPECIAL EXCEPTION **TO** PERMIT AN EDUCATIONAL INSTITUTION (PUBLIC ELEMENTARY SCHOOL) INCLUDING A PRIVATE UTILITY SERVICE (SEWER & WATER TREATMENT PLANT) on a parcel of land lying in the North **50** acres of the East **1/2** less the West **100** acres Section **32**, Township **42** South, Range **41** East, said North **50** acres being more particularly described as follows:

Beginning at the Northeast Section corner **of** Said Section **32**, also being the Northeast corner of herein described parcel of land and Point of Beginning. Thence; South **89** degrees **00' 00"** West along the North line **of** said Section and herein described parcel for a distance of **1774.39** feet to the Northeast corner of the West **100** acres **of** the East **1/2** of Said Section **32** and Northwest corner **of** the herein described parcel, thence; South **03**

degrees 22' 55" West along the East line of said West 100 acres and West line of the herein described parcel for a distance of 1222.57 feet to the Southwest corner of the herein described parcel, thence; North 89 degrees 00' 00" East, parallel with the North line of said Section, same being the South line of the herein described parcel for a distance of 1799.01 feet of a point lying on the East line of the Northeast 1/4 of said Section 32, said point also being the Southeast corner of the herein described parcel, thence; North 02 degrees 13' 48" East along the said East line of Section 32 and the herein described parcel for a distance of 1220.94 feet to the Point of Beginning, being located on the southwest corner of the intersection of Orange Boulevard and 140th Avenue and bounded on the west by 143rd Drive, in a RE-Residential Estate Zoning District, was approved on March 31, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. A fifty (50) foot side interior setback from the west property line; and,
 - b. Labelling, including acreage, of the vegetation preservation and wetland areas.
2. Simultaneously with Site Plan Review Committee application, the petitioner shall submit a detailed vegetation analysis to the Zoning Division. The vegetation analysis shall clearly indicate vegetative areas to be preserved and those areas proposed to be relocated onsite.
3. The petitioner shall schedule a preclearing inspection with the Zoning Division, the Department of Environmental Resources Management, and the South Florida Water Management District to finalize the preservation plan.
4. The wetland areas shown on the site plan, exhibit number 3, shall be preserved. Boardwalks and education learning stations may be constructed within the wetland area. Plans for this area shall be subject to approval by the Zoning Division, South Florida Water Management District and Environmental Resource Management. Future development of the southern +25 acres shall be subject to future Board of County Commissioners' approval. This site shall be limited to one elementary school and an environmental learning center.
5. The petitioner 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. 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 as approved by the County Engineer. In the event 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.

- 6, The petitioner shall construct Orange Boulevard adjacent to the site (collector street standards) 2-12 foot travel lanes concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the opening of this School. The portion of roadway from a point 150 feet east of the project's east entrance west to the project's west entrance shall be constructed as a 3-lane section plus the appropriate paved tapers. The intersection of Orange Boulevard and the project's west entrance shall further include a right turn lane, west approach on Orange Boulevard.
7. Applications to construct the water and sewage treatment plants must be submitted to the Palm Beach County Health Unit, together with construction drawings and an engineering report, in compliance with the above noted regulations. Particular attention must be given to the design and location of the sewage treatment plant so that the facility does not become a nuisance (noise, odors, etc.) to neighboring properties; special attention would also have to be given to the design of the effluent disposal system, considering the soil and stormwater drainage characteristics of the site.
8. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
9. The School Board shall enter into an Agreement with Indian Trails Water Control District for the paving and improvement of Orange Boulevard from the western boundary of the 50 acre school site to Coconut Boulevard. This condition shall be of no force and effect if no satisfactory resolution for the paving and improvements of Orange Boulevard as set forth above is made within six (6) months of the date of the resolution approving this petition. This condition shall not result in the delay of the development of the school. Palm Beach County will assume no responsibility for road maintenance for Orange Boulevard.

10. Prior to site plan certification the petitioner shall develop a pedestrian access/bicycle plan for the access to the school site from surrounding neighborhoods subject to the County Engineer's approval.

Commissioner Marcus moved for adoption of the Resolution.

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

Carol J. Elmquist, Chair	--	
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye
		Absent

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Pauline Altman*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Lune J. Hardy*
DEPUTY CLERK

