

RESOLUTION NO. R-2000- 1946

RESOLUTION APPROVING ZONING PETITION DOA85-089(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF LAKEVIEW INVESTMENT PARTNERSHIP
BY JOSEPH VERDONE, AGENT
(LAKE CRYSTAL SCHOOL)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA85-089(A) was presented to the Board of County Commissioners at a public hearing conducted on November 30, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code 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 Petition DOA85-089(A), the petition of Lakeview Investment Partnership, by Joseph Verdone, agent, for a Development Order Amendment (DOA) to redesignate land use from residential to civic, to allow a secondary or elementary school and add an access point on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 30, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren Newell, Chair		Aye
Carol A. Roberts, Vice Chair	—	Absent
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 30, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

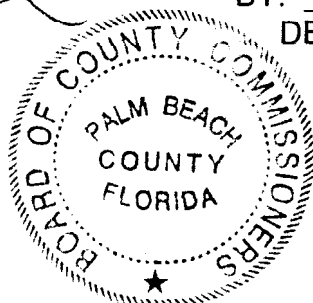
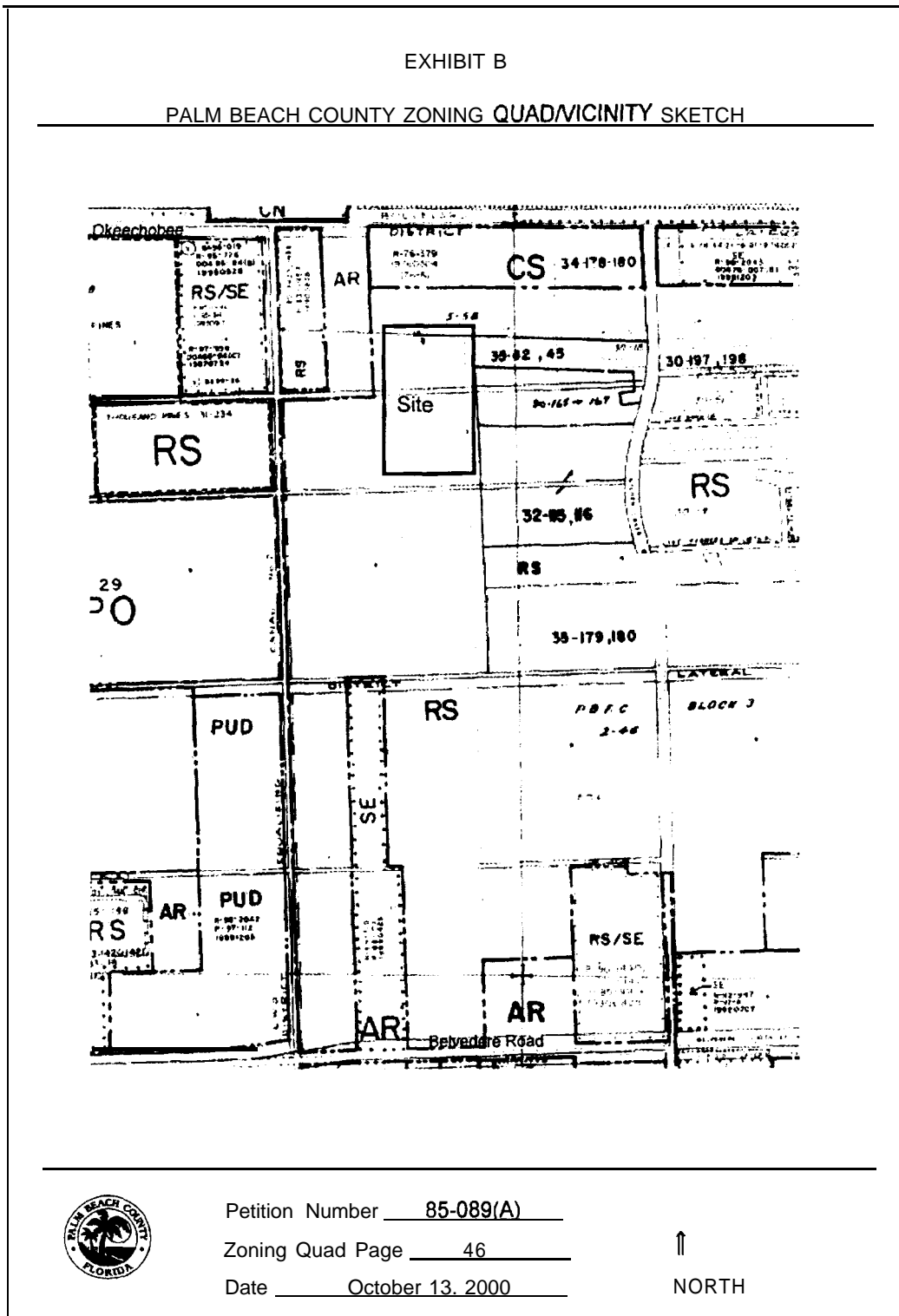


EXHIBIT A
LEGAL DESCRIPTION

Being all of Plat No. 3 of Lake Crystal, of Golden Lakes Villages PUD, as recorded in Plat Book 78, Pages 56 through 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA. Containing 19.33 acres more or less.

EXHIBIT B
VICINITY SKETCH



Petition Number 85-089(A)

Zoning Quad Page 46

Date October 13, 2000



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The proposed site plan is dated September 27, 2000. 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 and permitted as a Minor Deviation subject to Development Review Committee approval. (ONGOING/DRC: ZONING)
2. Development of this 19.33 acre site with a maximum of 308 designated multi-family units may be permitted if the property is not purchased by the School Board. (DRC: ZONING)

B. LANDSCAPING - STANDARDS

1. Fifty (50) percent of all canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall be booted native palms and 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)
3. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)

C. LANDSCAPING ALONG EAST PROPERTY LINE (BENOIST FARMS ROAD)

1. Landscaping and buffering along the east frontage shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet on center,

- d. one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet between clusters;
- e. twenty-four (24) inch high shrub or hedge material installed on the plateau of the berm, spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. Fifty (50) percent of shrub or hedge material shall be installed on the plateau of the berm,
- f. proposed six (6) feet high fencing shall be black vinyl colored coated,
- g. all landscaping and berming to be installed on the exterior side of the required fence (CO: LANDSCAPE)

D. LANDSCAPING AND BUFFERING ALONG THE NORTH, SOUTH AND WEST PROPERTY LINES

- 1. Landscaping and buffering along the north, south and west property lines shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip with a maximum five (5) foot easement encroachment;
 - b. one (1) canopy tree for each thirty (30) linearfeet of property line with a maximum spacing of forty (40) feet on center,
 - c. one (1) palm or pine tree for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
 - d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.
 - e. proposed six (6) feet high fencing shall be black vinyl colored coated,
 - f. all landscaping to be installed on the exterior side of the required fence (CO: LANDSCAPE)

E. ENGINEERING

- 1. The Property owner shall construct a Right turn lane north approach on Benoist Farms Road at the parent drop off entrance:
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
- 2. Prior to master plan approval the Golden Lakes PUD Preliminary Development Plan shall be amended to show deletion of the approved 308 multi family dwelling units, (MASTER PLAN APPROVAL-ENG)
- 3. Prior to June 1, 2001 the Developer shall replat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

4. Prior to May 1, 2001 the Developer shall abandon the existing water management tract currently identified on the existing plat of the site. (DATE: MONITORING-Eng)
5. The Property owner shall modify the existing pavement markings on Benoist Farms Road at the Visitor/Staff entrance to provide for a Left turn lane south approach.
 - A) The revisions to the pavement markings shall be concurrent with the paving and drainage improvements for the site.
 - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. LIGHTING

1. No outdoor lighting shall be provided for the recreational areas. (ONGOING: CODE ENF)

G. PARKING

1. Prior to final site plan certification by the Development Review Committee (DRC), the site plan shall be amended to designate staff and teacher parking spaces. (DRC: ZONING)

H. 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)
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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)