

RESOLUTION NO. R-94- 789

RESOLUTION APPROVING ZONING PETITION Z94-16  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PALM BEACH COUNTY SCHOOL BOARD

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z94-16 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

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

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

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County 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 **Z94-16**, the petition of Palm Beach County School Board, for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) ZONING DISTRICT to the Public Ownership (PO) ZONING DISTRICT on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 1994, subject to the voluntary commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

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

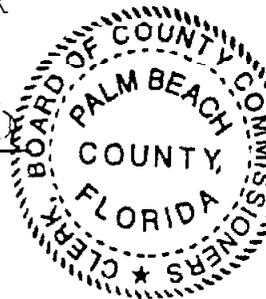


EXHIBIT A  
LEGAL DESCRIPTION

OVERALL DESCRIPTION:

THAT PART OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 10; THENCE S. 88° 22' 12" E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10, 46.29 FEET TO THE POINT OF BEGINNING; THENCE S. 6° 11' 56" W., 325.27 FEET; THENCE S. 5° 06' 20" W., ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10 AND ALONG THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 5895, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 1138.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY WITH A RADIUS OF 2560.00 FEET AND A CENTRAL ANGLE OF 24° 50' 44"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE SAID EAST RIGHT OF WAY LINE OF JOG ROAD, 1110.11 FEET TO A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACT 71, BLOCK 40, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 49 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S. 88° 32' 03" E., ALONG SAID PARALLEL LINE, 197.34 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10; THENCE S. 5° 06' 20" W., ALONG SAID WEST LINE, 247.74 FEET TO THE SOUTH LINE OF SAID SECTION 10; THENCE S. 88° 27' 56" E., ALONG SAID SOUTH LINE, 2656.41 FEET TO THE SOUTHEAST CORNER OF SECTION 10; THENCE N. 5° 30' 57" E., ALONG SAID EAST LINE, 2768.20 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10; THENCE N. 88° 22' 12" W., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10, 2629.70 FEET TO THE SAID POINT OF BEGINNING, LESS AND NOT INCLUDING THE SOUTH 327 FEET OF THE NORTH 402 FEET OF THE EAST 400 FEET OF THE WEST 740 FEET OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

MODLEY TO SHOW 102.0 ACRES

DESCRIPTION OF SCHOOL SITE:

THAT PART OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SAID SECTION 10; THENCE S. 88° 22' 12" E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10, 46.29 FEET; THENCE S. 6° 11' 56" W., 325.27 FEET; THENCE S. 5° 06' 20" W., ALONG A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10 AND ALONG THE EAST RIGHT OF WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 5895, PAGE 10 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 1138.10 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY WITH A RADIUS OF 2560.00 FEET AND A CENTRAL ANGLE OF 19° 34' 01"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE AND ALONG THE SAID EAST RIGHT OF WAY LINE OF JOG ROAD, 70.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY, ALONG THE ARC OF SAID CURVE WITH A RADIUS OF 2560.00 FEET AND A CENTRAL ANGLE OF 23° 16' 43", AN ARC DISTANCE OF 1040.10 FEET TO A LINE 25.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACT 71, BLOCK 40, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 49 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S. 88° 32' 03" E., ALONG SAID PARALLEL LINE, 197.34 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION 10; THENCE S. 5° 06' 20" W., ALONG SAID WEST LINE, 247.74 FEET TO THE SOUTH LINE OF SAID SECTION 10; THENCE S. 88° 27' 56" E., ALONG SAID SOUTH LINE, 2656.41 FEET TO THE SOUTHEAST CORNER OF SECTION 10; THENCE N. 5° 30' 57" E., ALONG SAID EAST LINE, 1955.00 FEET; THENCE N. 88° 27' 56" W., 1514.00 FEET; THENCE S. 5° 30' 57" W., 716.00 FEET; THENCE N. 79° 36' 03" W., 551.59 FEET; THENCE S. 79° 09' 08" W., 396.40 FEET; THENCE N. 88° 27' 56" W., 180.00 FEET TO THE SAID POINT OF BEGINNING.

CONTAINING 102.00 ACRES.

EXHIBIT B  
VICINITY SKETCH

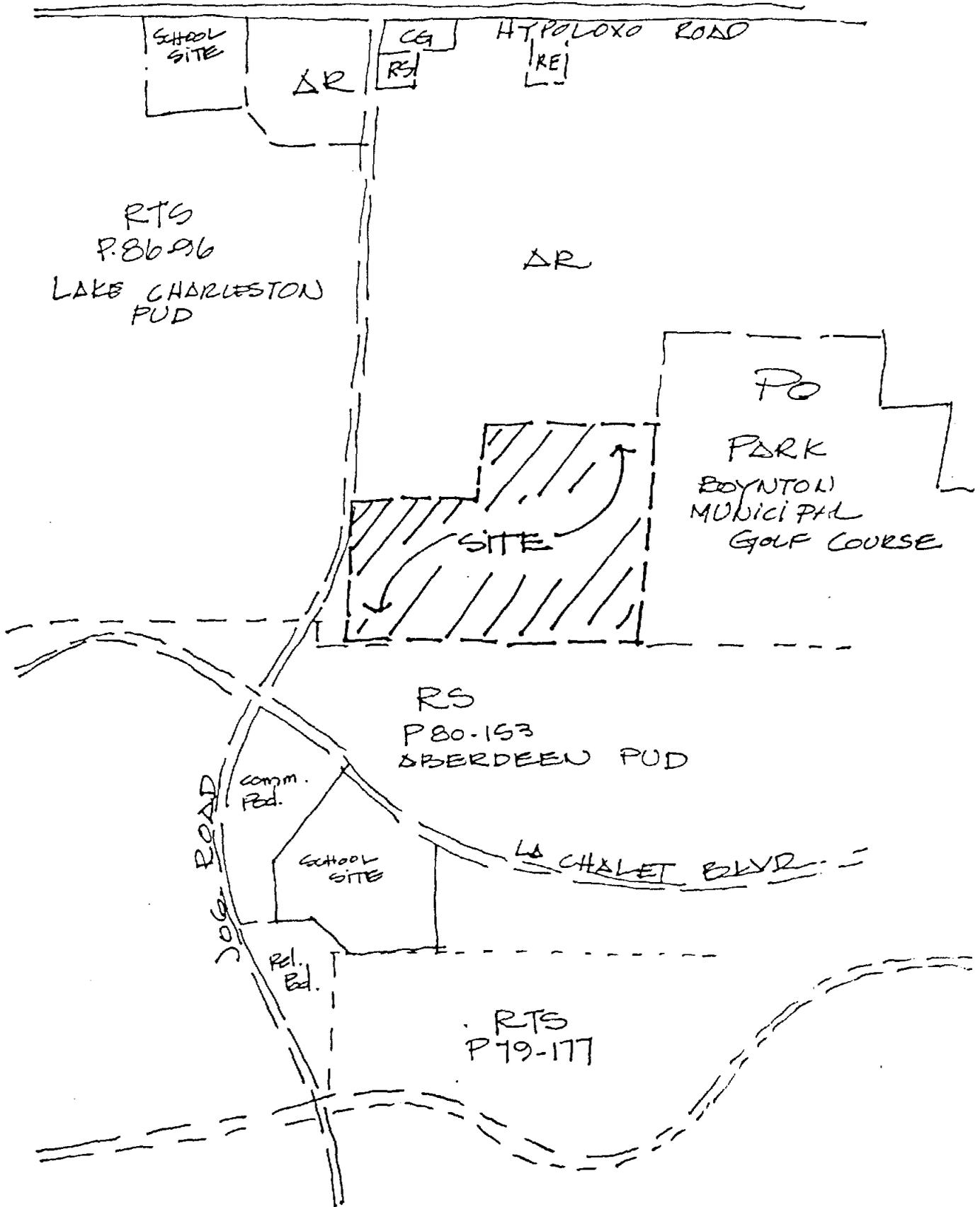


EXHIBIT C

VOLUNTARY COMMITMENTS

A. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval 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. (BUILDING - Zoning)

B. LANDSCAPING ALONG THE WEST AND SOUTH PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

1. Landscape buffer strips along the west and south property lines shall be as follows:
  - a. the west, abutting Jog Road, shall be a minimum of fifteen (15) feet wide; and,
  - b. the south, abutting Joe Delong Road, shall be a minimum of twenty five (25) feet wide. (ZONING)
2. Landscaping within the required buffers along the west and south property lines abutting Joe Delong Road and Jog Road shall be upgraded to include:
  - a. One (1) native canopy tree planted every twenty (20) feet on center;
  - b. One (1) native palm tree for each thirty (30) linear feet of frontage: and,
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)

C. PARKS

1. Prior to site plan certification by the Development Review Committee (DRC), the Parks and Recreation Department shall arrange and meet with representatives from COWBRA and the Master Homeowners Associations of the Aberdeen, Northtree and Lake Charleston Developments to finalize the design for the district park. (PARKS)

D. SITE DESIGN

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall amend the site plan to indicate sidewalks along Jog Road. (ZONING)
2. No access from Joe Delong Road to the site shall be permitted. (ZONING/ENGINEERING)

E. ENGINEERING

1. The Property owner shall construct:
  - a. Left turn lane north approach on Jog Road at project's entrance(s)

b. Right turn lane south approach on Jog Road at project's entrance(s)

The 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 not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the opening of the school by the Palm Beach County School Board. (Engineering).

2. The Developer shall install signalization if warranted as determined by the County Engineer on:

a) Jog Road at project's north entrance

Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition (ENGINEERING - Building).

3. Prior to July 15, 1995 or prior to the issuance of the first Building Permit, the Property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Jog Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Hagen Ranch Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (engineering).
4. Prior to July 15, 1995 the property owner shall convey to Palm Beach County by road right-of-way warranty deed additional right-of-way required for the construction of a right turn lane, south approach on Jog Road at the project's north entrance road. This right-of-way shall be 72 feet from centerline, 150 feet in length, with a taper length of 180 feet. Additional road right of way shall be free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. (MONITORING/Engineering)
5. Prior to certification by DRC the site plan shall be revised to provide a connection between bus area and visitor and staff parking area to allow bus access to signalized intersection at project's north entrance. (ENGINEERING)