

RESOLUTION NO. R-97-4

RESOLUTION APPROVING ZONING PETITION CA96-62  
CLASS A CONDITIONAL USE  
PETITION OF ALL STAR ACADEMY & PRIVATE SCHOOL CORP.  
BY KIERAN KILDAY, AGENT  
(ALL STAR ACADEMY AND SPORTS CAMP)

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~~ Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA96-62 was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; 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 recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with ~~the~~ requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA96-62, the petition of All Star Academy & Private School Corp., by Kieran Kilday, agent, for a Class A Conditional Uses (CA) to allow a 1) private school, elementary or secondary (980 total students) with accessory camp; 2) daycare, general (77 children) in the Residential Single Family (RS) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on December 2, 1996, subject to the conditions of approval 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 McCarty and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 6, 1997.

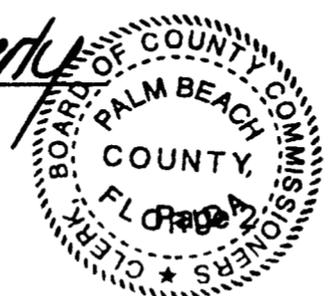
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

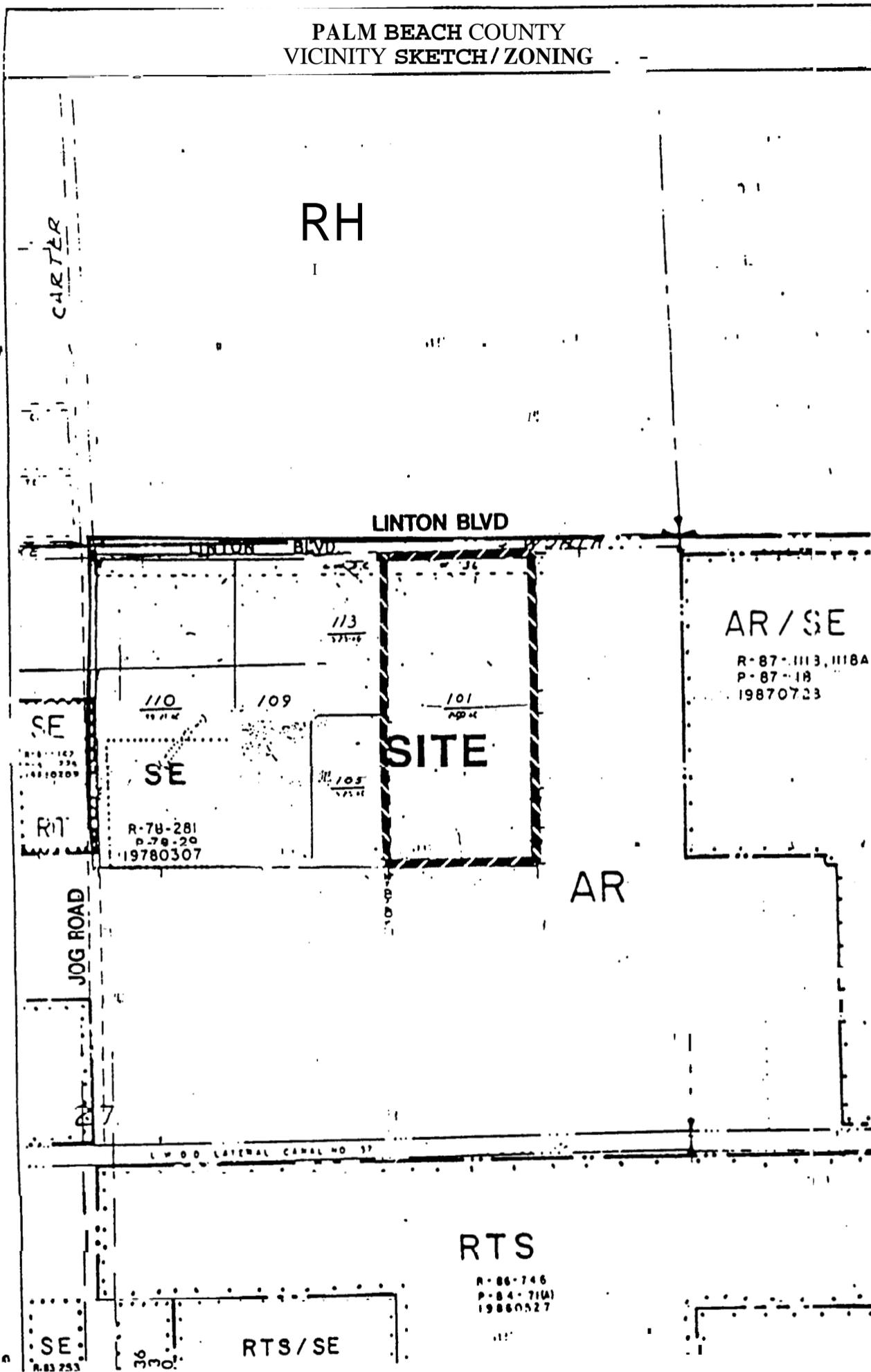


Petition CA96-62  
Project No.

EXHIBIT 'A'

THE WEST HALF ( W.1/2 ) OF THE NORTHEAST QUARTER ( N.E.1/4 ) OF THE NORTHEAST QUARTER ( N.E.1/4 ) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA , LESS THE NORTH 52.80 FEET THEREOF.

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses **and** site design **approved** by the Board of County Commissioners (site plan dated October 10, 1996). **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)

#### B. DAY CARE

1. The day **care** center shall be limited to a maximum of 77 children. (ONGOING: HEALTH)

#### C. HEALTH

1. **Architectural** plans for the day care facility and private school must **be** submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24FAC prior to **issuance** of a building permit. (BLDG PERMIT: HEALTH/BLDG)

#### D. MASS TRANSIT

1. Prior to final **certification** of the master plan or site plan by the Development Review Committee, whichever occurs first, **the** petitioner **shall** amend **the** plan to indicate bus access, shelters and/or a bus stop(s) on or **adjacent** to the subject property. Bus access, shelters **and/or** bus stops shall **be located and constructed** by the petitioner in a manner acceptable to the Palm Beach County **School Board**, Palm Tran, and County Engineer. The petitioner shall dedicate additional right-of-way to accommodate this requirement **for bus bays and/or bus shelters**, if requested by **the** County Engineer. Mass transit access, if required, shall include, at a minimum, a covered **shelter**, continuous paved pedestrian and bicycle access from the subject property **or** use, and a bicycle rack. (DRC: ENG - **School Board/Planning**)

#### E. ENGINEERING

1. Prior to **the** issuance of a building permit **the** property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right **turn** lane on Linton Boulevard at the project's entrance road. This **right-of-way shall be** a minimum of 200 feet in storage length, twelve feet in width and a taper length of 50 feet **or** as approved by the County Engineer. This additional **right of way shall be free of all** encumbrances and encroachments **and shall include "Corner Clips"** where appropriate **as** determined by **the** County Engineer. Property owner shall provide Palm Beach County with **sufficient documentation acceptable to the Right of Way Acquisition Section to ensure** that the property is free of all encumbrances **and encroachments**. (BLDG PERMIT: MONITORING - Eng)

2. The Property owner shall construct a right turn lane west approach on Linton Boulevard at the projects entrance road. 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. 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 issuance of the first Certificate of Occupancy. (CO: MONITORING - Eng)
3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$159,500.00 (2900 trips X \$55.00 per trip). (ONGOING: ACCOUNTING - Fair Share Fee Coord)
4. In order to comply with the mandatory Traffic Performance standards, the Developer shall be restricted to the following phasing schedule:
  - b) No Building Permits shall be issued until construction has begun for Jog Road as a 6 lane section from Clint Moore Road to Linton Boulevard plus the appropriate paved tapers. (BLDG PERMIT: MONITORING - Eng)
5. LANDSCAPE WITHIN MEDIAN
  - A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
  - B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)
  - C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng)

- D. The property owner shall participate in the Linton Boulevard Median Beautification Program and shall pay the pro rata share of the costs associated with this program. (ONGOING: ENG)
- 6. The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the project entrance and Linton Boulevard. (ONGOING: ENG)

**F. LANDSCAPING - STANDARD**

- 1. **All** canopy 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 ground.
  - 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.
  - 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 **meet** the following **minimum** standards at time **of** installation:
  - a. Palm heights: twelve (12) feet **clear** trunk **or** grey wood, whichever is greater;
  - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; **and**
  - c. Pruning: minimum six **(6)** fronds, no clipped or spiked cuts.
  - d. Credit may be given **for** existing or relocated palms **provided** they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

**G. LANDSCAPING ALONG SOUTH, EAST AND WEST PROPERTY LINES  
(ABUTTING FUTURE RESIDENTIAL)**

- 1. Landscaping and buffering along the south, east and west property lines shall **be** upgraded to include:
  - a. **A** continuous three (3) foot high **berm**;
  - b. **One** (1) canopy tree planted every twenty **(20)** feet on center. Laurel Oak, Mahogany, Loquat **or** acceptable species to the Development Review Committee (DRC), shall be utilized along the southern perimeter double row of trees to provide a **full** canopy at maturity **so** as to decrease glare from adjacent athletic field lights; and
  - c. Thirty (30) inch high shrub **or** hedge material, spaced no **more** than twenty **four** (24) inches **on** center at installation, to **be** planted **on** top **of** **berm** **and** maintained ~~at~~ a minimum height of thirty-six (36) inches.
  - d. A **six** **(6)** foot high vinyl coated chain link security fence shall **be** installed around **the** entire perimeter of **the** property. DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING R-O-W)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. A continuous three (3) foot high berm;
  - b. One (1) canopy tree planted every twenty (20) feet on center; and
  - c. One (1) palm for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a canopy tree in that location;
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be planted on top of berm and maintained at a minimum height of thirty-six (36) inches; and
  - e. A six (6) foot high vinyl coated chain link security fence shall be installed around the entire perimeter of the property, with openings for pedestrian and vehicular access. (DRC / CO: ZONING / LANDSCAPE)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs, excluding athletic fields only, shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF -Zoning)
2. All outdoor lighting fixtures, excluding athletic fields only, shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point (CO / ONGOING: BLDG / CODE ENF -Zoning)
5. All athletic field lighting shall be located a minimum of fifty (50) feet from any property line. (DRC: ZONING)

J. SIGNS

1. Freestanding Point of purchase sign fronting on Linton Boulevard 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); and

- d. Style - monument style only. (CO: BLDG)

**K. USE LIMITATION**

1. The school, camp and day care facility shall operate during the hours of 7:00 a.m. to 9:00 p.m. Monday thru Friday. The school, camp and day care shall operate during the hours of 8:00 a.m. to 6:00 p.m. Saturday and Sunday for extracurricular and recreational activities only. (ONGOING: CODE INF - Zoning)
2. The combined school, camp and general day care, shall have no more than 980 students/campers on site at any time. The daycare, general facility shall be limited to a maximum of 77 children at any given time. (ONGOING: CODE ENF - Zoning)
3. On or before 2002, the applicant shall remove all temporary modular buildings from the subject site. (DATE: MONITORING - Zoning)

**L. COMPLIANCE**

1. 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; 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.

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)