

RESOLUTION NO. R-98- 411

RESOLUTION APPROVING ZONING PETITION Z95-10(A)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PBC SCHOOL BOARD  
BY AUGUSTIN HERNANDEZ, AGENT  
(MORIKAMI ELEMENTARY 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, is authorized and empowered to consider petitions relating to zoning; and

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

WHEREAS, Zoning Petition Z95-10(A) was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; 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 Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified 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 Standards) of the Palm Beach County Unified Land Development Code; 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 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 Z95-10(A), the petition of PBC School Board, by Augustin Hernandez, agent, for an 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 March 26, 1998 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 Lee and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 26, 1998.

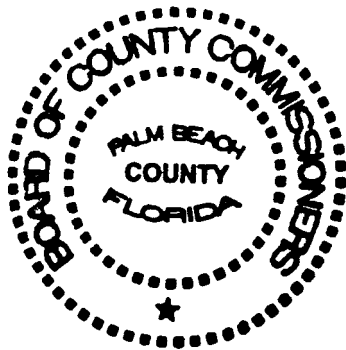
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Altman*  
COUNTY ATTORNEY

BY: *Joan Harvick*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEGAL DESCRIPTION

PARCEL A:

EAST 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST. PALM BEACH COUNTY, FLORIDA. CONTAINING 5 ACRES, MORE OR LESS:

AND

WEST 1/2 OF THE NE 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. CONTAINING 5 ACRES. MORE OR LESS.

PARCEL B

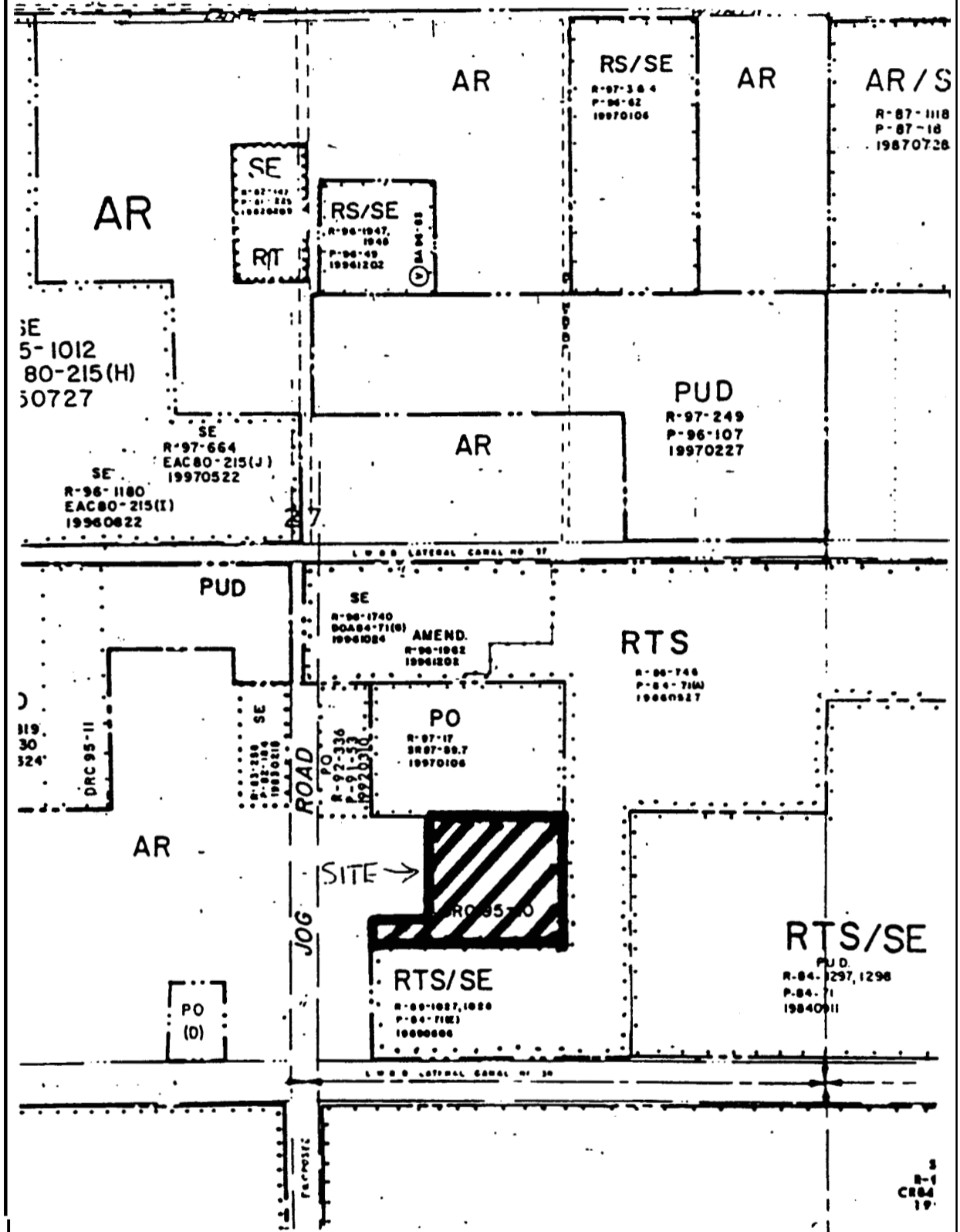
WEST 1/2 SOUTH ONE ACRE OF EAST 1/2 OF NW 1/4 OF SW 1/4 OF SE 1/4 OF SECTION 27, TOWNSHIP 46, RANGE 42. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. EXCEPTING THEREFROM THE N25 FEET THEREOF WHICH BY THIS INSTRUMENT IS RESERVED AS EASEMENT FOR ROAD RIGHT-OF-WAY.

PARCEL C

EAST 1/2 OF SOUTH ONE ACRE OF E1/2 OF NW 1/4 OF SW 1/4 OF SE 1/4 OF SECTION 27, TOWNSHIP 46, RANGE 42. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. EXCEPTING THEREFROM THE N25 FEET THEREOF WHICH BY THIS INSTRUMENT IS RESERVED AS EASEMENT FOR ROAD RIGHT-OF-WAY.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 95-10A  
 Zoning Quad Page \_\_\_\_\_  
 Date: 8/20/97



## EXHIBIT C

### VOLUNTARY COMMITMENTS

NOTE: There is no Voluntary Commitment D. Engineering Department has requested the letter "E" **be** reserved for ~~the~~ Engineering Conditions. **Compliance** is always placed last in ~~the~~ *order*.

#### 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 approved revised site plan is dated November **18, 1997**. **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. 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 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.
  - 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 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)

#### C. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall be upgraded to include:
  - a. **A** minimum **twenty five (25)** foot wide landscape buffer strip; **and**
  - b. **A** **three (3)** foot high **continuous** berm measured from finished grade; **and**
  - c. One **(1)** canopy tree planted every **twenty (20)** feet on center;
  - d. One **(1)** palm ~~or~~ pine tree for each **twenty (20)** linear feet, with a maximum spacing of **sixty (60)** feet on center. A group **of three (3)** or more palm or pine trees may not supersede the requirement **for** a canopy tree in that location; **and**
  - e. **Thirty six (36) 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 **eighty four (84)** inches. **(CO: LANDSCAPE)**

## E. ENGINEERING

1. Prior to site plan approval the Palm Beach County ~~School~~ Board shall record an egress/ingress easement along the south property line from Jog Road west to the this projects west property line. (DRC: ENG)
2. Prior to recordation of the plat the Palm Beach County School Board shall:
  - a) abandon the existing 25 foot right-of-way easement along the north property line of Parcels B & C as shown on the 5/21/97 Site Plan.
  - b) convey an access easement to the property owner to the west of the proposed school. (PLAT RECORDATION: ENG)
3. The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (ONGOING: ENG)
4. Prior to July 1, 1998 the property owner shall provide grading plans for the 25 foot buffer area along the east and west property lines. These grading plans shall indentify how the back slope drainage shall be accommodated. (DATE: MONITORING - Eng)

## F. 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.

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)