

RESOLUTION NO. R-2006- 0019

RESOLUTION APPROVING ZONING APPLICATION CA2004-968  
(CONTROL NO. 2004-589)  
CLASS A CONDITIONAL USE  
PETITION OF RONALD SIMON  
BY KILDAY & ASSOCIATES, INC., AGENT  
(RANDAZZO 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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA2004-968 was presented to the Board of County Commissioners at a public hearing conducted on January 5, 2006; 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 2.E (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 has considered the findings in the staff report and 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 4.B, 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 2.F, Concurrency 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 2 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 Application CA2004-968, the petition of Ronald Simon, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow an elementary or secondary school in the Agricultural Reserve 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 January 5, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Absent
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on January 5, 2006.

Filed with the Clerk of the Board of County Commissioners on 5th day of January, 2006.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
COUNTY ATTORNEY

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



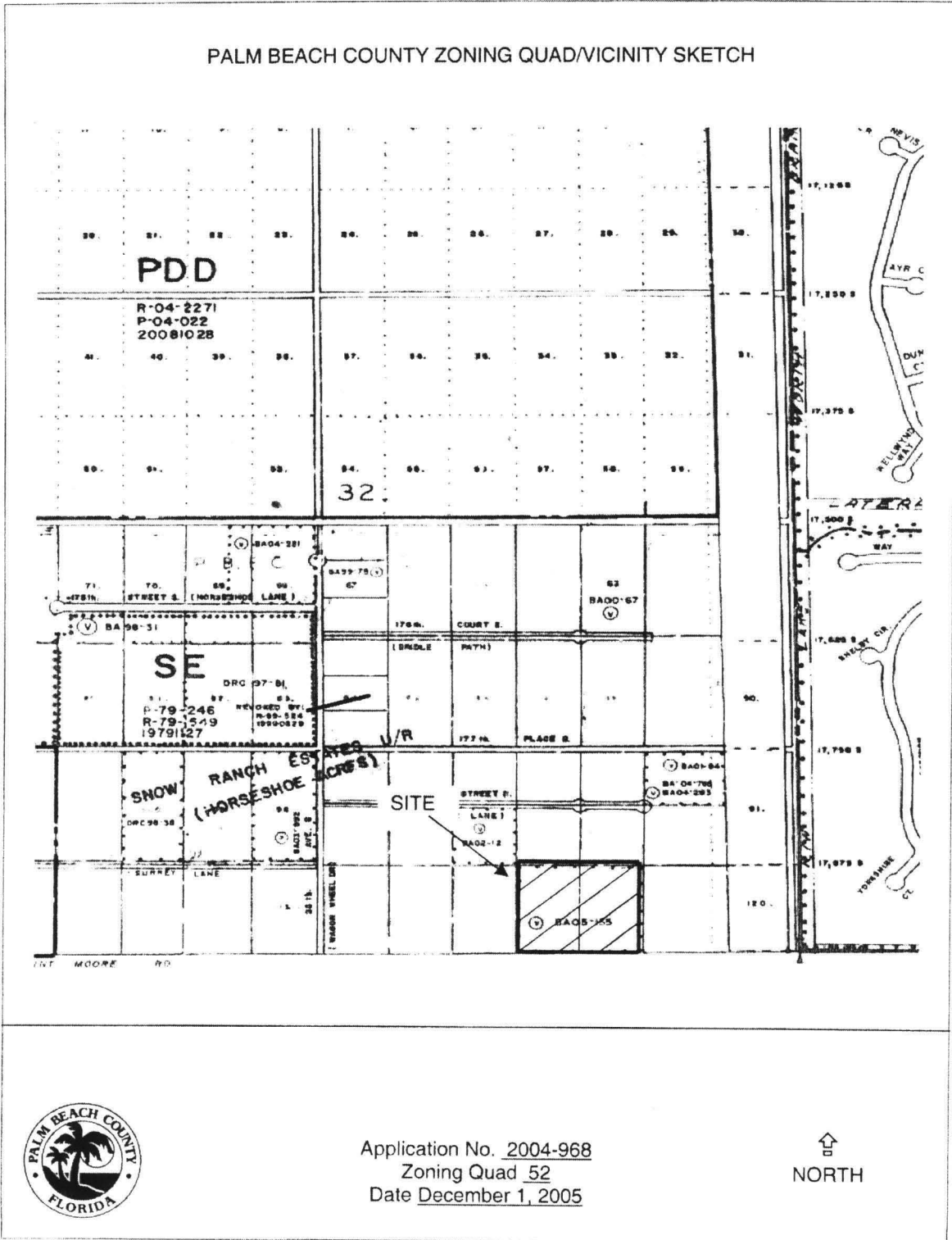
EXHIBIT A

LEGAL DESCRIPTION

Lots 117 and 118, Block 71, PALM BEACH FARMS COMPANY, PLAT NO. 3, according to the Plat thereof, as recorded in Plat Book 2, Pages 45-54, inclusive, of the Public Records of PALM BEACH County, Florida, more particularly described as follows:

COMMENCE at a #60 nail located at the intersecting point of the centerline of Wagon Wheel Drive and the South line of said Block 71, run thence North  $89^{\circ}58'50''$  East along the said South line, a distance of 1005.21 feet to a concrete monument #LB3763 marking the Southwest corner of said Lot 117; said monument also being the POINT OF BEGINNING of the herein described tract; run thence North  $00^{\circ}02'50''$  West along the West line of said Lot 117, a distance of 660.13 feet to a concrete monument #LB3763 marking the Northwest corner of said Lot 117; run thence North  $89^{\circ}59'42''$  East along the Northerly line of said Lots 117 and 118, a distance of 660.04 feet to a concrete monument marking the Northeast corner of said Lot 118; run thence South  $00^{\circ}02'38''$  East, along the Easterly line of said Lot 118, a distance of 660.18 feet to a concrete monument #LB3763 marking the Southeast corner of said Lot 118; run thence West, a distance of 660.00 feet to the said POINT OF BEGINNING of the herein described tract, lying and being in Section 32, Township 46 South, Range 42 East, PALM BEACH County, Florida.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissions. The approved site plan is dated October 20, 2005. 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 - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. The maximum height for all buildings shall be twenty-five (25) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW - Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of all buildings. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)

#### BUILDING AND SITE DESIGN

1. Any chain link fence installed on the property shall include a black, brown or green vinyl coating. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a minimum five (5) foot wide sidewalk(s) as follows:
  - a. one (1) on each side of the vehicular access drive from Clint Moore Road;
  - b. one (1) within the vehicular use area on lot 117;
  - c. two (2) within the vehicular use area located south of the proposed buildings;
  - d. one (1) adjacent to the loading and outdoor refuse receptacles;
  - e. all sidewalks shall provide a continuous connection to a primary building entrance; and,
  - f. the location and alignment of each sidewalk shall be subject to review and approval by the Development Review Officer (DRO). (DRO: ZONING - Zoning)
3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a maximum of one (1) vehicular drive aisle with a maximum width of sixteen (16) feet located adjacent to the designated drop-off lane. (DRO: ZONING - Zoning)

4. Prior to final approval by the Development Review Officer (DRO), the terminal landscape island in the southwest corner of the site (at the point of ingress/egress to the eastern parking lot) shall be expanded or reconfigured in a manner that is acceptable to the Development Review Officer (DRO). This revised landscape island shall better clarify internal circulation routes and regulate inappropriate turning movements. (DRO: ZONING - Zoning)

## ENGINEERING

1. The property owner shall be restricted to the following phasing schedule:
  - a. No Building Permits for the site shall be issued after January 1, 2010. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING - ENG)
2. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENG - ENG)
3. Prior to issuance of a building permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Clint Moore Road at the project's entrance road. This right of way shall be a minimum of 280 feet in 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. The 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)
4. The property owner shall construct:
  - i. Left turn lane east approach on Clint Moore Road at the existing median opening west of this project's entrance road; and,
  - ii. Right turn lane east approach on Clint Moore Road at the project's entrance road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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.

- a. Permits required by Palm Beach County for the construction in both improvements shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
  - b. Construction for these improvements shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - ENG)
5. Prior to issuance of the first building permit, the property owner shall convey a temporary roadway construction easement along Clint Moore Road to Palm Beach County. Construction by the property owner within this easement shall conform to all Palm Beach County Standards and

Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING - ENG)

6. LANDSCAPE WITHIN THE MEDIAN OF CLINT MOORE ROAD

The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Clint Moore Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING - ENG)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - ENG)
- c. At the property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the property owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the property owner. The property owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the property owner. (ONGOING: ENG - ENG)
- d. Also, prior to the issuance of a building permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Clint Moore Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - ENG)

HEALTH

1. Prior to the issuance of a building permit, the property owner must provide proof to the Palm Beach County Health Department that adequate infrastructural improvements will be completed for connection of the proposed facility to a community water system. No well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems shall be abandoned in accordance with Palm Beach County ECR-II. (BLDG PERMIT: MONITORING - Health)

2. Prior to the issuance of a building permit, the property owner must provide proof to the Palm Beach County Health Department that adequate infrastructural improvements will be completed to provide sanitary sewer service to the property. No onsite sewage treatment and disposal system (OSTDS) shall be permitted on this site. All existing OSTDS must be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. (BLDG PERMIT: MONITORING - Health)

#### ZONING – LANDSCAPING-STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of seventy percent (70%) of all trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:
  - a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted on the property by this approval shall be native species 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of fence and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

#### ZONING - LANDSCAPING-NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL AND UNDEVELOPED PROPERTY)

1. Landscaping and buffering along the north, east and west property lines shall consist of the following:
  - a. a minimum fifteen (15) foot wide landscape buffer. No width reduction or easement encroachment shall be permitted;
  - b. a six (6) foot high opaque wood fence or other opaque fence barrier that is acceptable to the Landscape Section. The fence shall be setback ten (10) feet from the perimeter property lines;
  - c. a minimum of one (1) canopy for each twenty (20) linear feet of the property line, planted alternating on both sides of the fence; and,
  - d. a minimum of one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet



between clusters. Palms or pines shall be planted alternating on both sides of the fence. (BLDG PERMIT: LANDSCAPE - Zoning)

2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - b. one (1) large native shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (BLDG PERMIT: LANDSCAPE - Zoning)
3. Along the interior side of the required fence, the property owner shall install thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center. (BLDG PERMIT: LANDSCAPE - Zoning)

#### LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
2. All outdoor lighting shall be extinguished no later than 8:30 p.m., excluding security lighting and periodic events and functions only. (ONGOING: CODE ENF - Zoning)
3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

#### MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the site plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN - Palm Tran)
2. Prior to issuance of the first building permit or recordation of the plat, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (BLDG PERMIT/PLAT: MONITORING/ENG - ENG)

#### PARKING

1. All required drop-off and employee parking spaces, as required by the ULDC and as shown on the site plan approved by the Development Review Officer (DRO), shall be identified by appropriate signage at all times. (ONGOING: CODE ENF - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

## SIGNS

1. Freestanding signs fronting on Clint Moore Road shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side - eighty (80) square feet;
  - c. style - monument only;
  - d. location - a maximum distance of fifty (50) feet from either side of the access drive measured from edge of pavement; and,
  - e. maximum number of signs one (1) for the entire site. (BLDG PERMIT: BLDG - Zoning)
2. Building mounted signs shall be prohibited on either school building, unless required by law. (BLDG PERMIT: BLDG - Zoning)

## USE LIMITATIONS

1. Use of lot 117 shall be limited to access, parking, loading, drop-off, stormwater detention/retention, and outdoor refuse containers only. Use of lot 117 for any activities, improvements, or other purpose(s) not authorized on the site plan approved by the Development Review Officer (DRO) shall be prohibited. Any future use of lot 117 shall be subject to approval of a Development Order Amendment (DOA) in accordance with the Unified Land Development Code (ULDC). (ONGOING: CODE ENF - Zoning)
2. Use of any vehicular drive aisle for purposes of drop-off or pick-up of children or students, excluding the designated drop-off lane, shall be prohibited. (ONGOING: CODE ENF - Zoning)
3. Outdoor speaker or public address systems shall not be permitted on the property, excluding emergency warning and security systems. (ONGOING: CODE ENF - Zoning)

## UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant 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: ZONING - 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 the Code Enforcement Special Master 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 2.E 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. (ONGOING: ZONING - Zoning)