

RESOLUTION NO. R-89-1167

RESOLUTION APPROVING ZONING PETITION NO. 88-128  
SPECIAL EXCEPTION PETITION OF  
THE SCHOOL BOARD OF PALM BEACH COUNTY

WHEREAS, the Board of County Commissioners, as the governing body, 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 Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-128 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 1988; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition NO. 88-128 the petition of THE SCHOOL BOARD OF PALM BEACH COUNTY, by Linda S. Howell, Agent, for a SPECIAL EXCEPTION TO PERMIT AN EDUCATIONAL INSTITUTION (PUBLIC HIGH SCHOOL) on a parcel of land lying on 60.00 acres of land in, out of, and a part of Tracts 1, 2, 3, 4, 5, 6, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 together with a 30 foot platted street, all located in Block 77, Palm Beach Farms Plat No. 3 as recorded in Plat Book 2, pages 45 through 54, in Section 18, Township 47 South, Range 42 East, being more particularly described as follows, to wit:

Beginning at a point found by the intersection of the West Right-of-Way of Lyons Road and the South Right-of-way of L.W.D.D. Ditch L-44, said point being 30.0 feet South the North line of the heretofore mentioned Tract 1 and said point being the Point of Beginning of the herein described 60.0 acres of land; thence, South along and with the West Right-of-way of said Lyons Road 1600.00 feet, more or less to a point 15.0 feet North of an extension of the top of bank of an East-West drainage and

irrigation canal; thence, West along a line 15.0 feet North of and parallel with the top of bank of said East-West drainage and irrigation canal for a distance of 1633.5 feet, more or less to a point; thence, North, parallel with said West Right-of-way of Lyons Road for a distance of 1600.00 feet, more or less to a point in the ultimate South Right-of-way of heretofore mentioned L.W.D.D. Ditch L-44; thence, East along and with said ultimate South Right-of-way for a distance of 1633.5 feet, more or less to the Point of Beginning and containing 60.00 acres of land, no more, no less, being located on the west side of Lyons Road (90th Avenue South), approximately .5 mile north of Glades Road (SR 808), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Correct access dimensions at Lyons Road;
  - b. Required trees in terminal island;
  - c. Required landscape island and one (1) tree for every twelve (12) parking stalls;
  - d. Required handicap spaces; and,
  - e. Minimum tree planting requirements.
2. The petitioner shall remove the required landscape buffer along the northern property line from the L-44 Lake Worth Drainage District Canal right-of-way.
3. The buffer along the northern property line shall be upgraded by installing a fifteen (15) foot landscape buffer. The buffer shall be supplemented with twelve (12) foot high native canopy trees planted a maximum of twenty (20) feet on center and a continuous hedge to reach a minimum height of six (6) feet within two (2) years. This landscape shall extend along the entire length of the northern property line.
4. The petitioner shall submit prior to Site Plan Certification, a pedestrian access/bike path and cross-walk plan for the school subject to approval by the County Engineer.
5. The petitioner shall preserve and incorporate the existing cypress trees on site into the project design to the greatest extent possible.
6. The petitioner shall install a six (6) foot security fence along the entire length of the northern property line.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The petitioner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
10. Within 90 days of approval of this project, the petitioner shall convey to Palm Beach County by road right-of-way warranty deed for the construction of a right turn lane, north approach on Lyons Road at the project's south entrance, a minimum of 12 feet in width, 150 feet in length and a taper length of 180 feet free of all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
11. The petitioner shall construct at each of the projects entrances onto Lyons Road a separate right turn lane, north approach and a left turn lane, south approach concurrent with onsite paving and drainage improvements.
12. The Lake Worth Drainage District owns the north 26 feet of Tract 1 Block 77, Deed Book 148, Page 400; the north 26.4 feet of Tract 2 Block 77 per Chancery Case No. 407; the north 26 feet of Tract 3, Block 77, Deed Book 148 Page 336; the north 26 feet of Tract 4, Block 77 Deed Book 129 Page 75; the north 26.4 feet of Tract 5 and 6 Block 77 Chancery Case No. 407. However the Lake Worth Drainage District will require the north 30 feet of these tracts for the Lake Worth Drainage District Lateral Canal No. 44. All by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of Special Exception approval.
13. Failure to comply with any conditions of approval may result in the denial or revocation of a building

permit; the issuance of a stop work order: the denial of a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Roberts moved for approval of the petition. The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:


Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

