

RESOLUTION NO. R-89-1621

RESOLUTION APPROVING ZONING PETITION NO. 83-54(A)
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 have been satisfied; and

WHEREAS, Petition No. 83-54(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 25, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 83-54(A) the petition of THE SCHOOL BOARD OF PALM BEACH COUNTY, by Linda S. Howell, Agent, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BOCA RIO PLANNED UNIT DEVELOPMENT TO INCLUDE AN EDUCATIONAL INSTITUTION (PUBLIC ELEMENTARY SCHOOL - **MAXIMUM** 685 STUDENTS) (PETITION NO. 83-54) on a parcel of land lying on a parcel lying in the South 1/2 of Section 29, Township 47 South, Range 42 East, being a portion of Tracts 72, 73, 74, **81 and 82**, Block 80, together with abutting 30.00 foot road right-of-way, all shown on Palm Beach Farms Company Plat No. 3, Plat Book 2, pages 45-54, described as follows: Commencing at the Northwest corner of said Tract 72, thence with a bearing of South, along the West line of Tract 72, a distance of 40.00 feet to the Point of Beginning; thence with a bearing of South **89** degrees 57' 03" East, along a line 40.00 feet South of and parallel to the North line of Tracts 72, 73 and 74, a distance of 725.02 feet to a point; thence with a bearing South 44 degrees **58'** 32" East, a distance of 35.34 feet to a point; thence with a bearing of South, along a line lying 750.00 feet East of and parallel to the said West line of Tract 72, a distance of 400.00 feet to a point; thence with a bearing of East, a distance of **10.00** feet to a point; thence with a bearing of South, a distance of 440.77 feet to a point; thence

with a bearing of North 89 degrees 57' 03" West, a distance of 760.00 feet to a point lying on the West line of the said Tract 82; thence with a bearing of North, along the West line of Tracts 82 and 72, a distance of 865.74 feet to the Point of Beginning, being located on the southeast corner of 85th Avenue South and S.W. 8th Street and Boca Rio Planned Unit Development is bounded on the north by S.W. 8th Street, the south by the Lake Worth Drainage District L-50 Canal, the east by Florida's Turnpike (Sunshine State Parkway) in a RS-Single Family Residential Zoning District, was approved on May 25, 1989, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. The required twenty-five (25) foot buffer along the west and north property line.
 - b. A twenty-five (25) foot landscape strip separating vehicular use areas from abutting right-of-ways. These landscape strips shall be landscape in accordance with Alternative Perimeter Landscape No. 3 and upgraded with ten (10) foot high native canopy trees.
 - c. Graphic depiction of areas for preservation and areas to be transplanted to perimeter buffers and landscape strips.
 - d. Additional landscape buffering along the perimeter of the site abutting residential areas and the proposed play areas consisting of a thirty-six (36) inch high hedge at time of installation and relocated canopy and under story native vegetation. There shall be one (1) canopy tree planted for each twenty (20) lineal feet of property line along the south and west property line.
 - e. The petitioner shall provide a bike path on site connecting with existing and proposed pedestrian circulation systems in the area.
 - f. Inclusion of total number of classrooms in the tabular data to demonstrate conformance to minimum parking requirements for elementary and junior high schools as defined in Section 500.17.B.5 of the Zoning Code.
3. The petitioner shall submit at time of application for Site Plan Review Committee, a complete vegetation inventory, written assessment and evaluation. All native vegetation within open space areas and the perimeters of the site shall be preserved and incorporated into the project design.
4. A vegetation relocation program shall be submitted to the Zoning Division indicating an inventory of transplantable vegetation. The inventory shall consist of canopy and under-story native vegetation that will be relocated to the perimeter buffers, landscape strips and open space areas.

5. The petitioner shall redesign the proposed **Bus** Loop on the site plan to:
 - a. Eliminate the encroachment of the bus loop into the required twenty-five (25) landscape strip along the north property.
6. All lighting shall be of low intensity, shielded, and directed away from surrounding residential properties and rights-of-ways.
7. Dumpster and trash receptacles shall be screened from view from adjacent residential properties and streets.
8. **No** off premise signs shall be permitted on site.
9. The Developer 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. The Property owner shall construct a left turn lane, east approach and a right turn lane, west approach on **S.W.** 8th Street at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of a Certificate of Occupancy.
11. Prior to Site Plan certification the Site Plan shall be revised to reflect relocation of the west entrance entirely on the 15 acre school site or the adjacent Right-of-way **to** the west.
12. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
13. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
14. Water service is available to the property. Therefore, **no** well shall be permitted **on** site to provide potable water.
15. **No** access shall be permitted **from** Thames Boulevard.

16. 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 Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Ron Howard	--	AYE
Karen T. Marcus	--	AYE
Carole Phillips	--	AYE
Carol Roberts	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of September, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY OWNERS
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY :


DEPUTY CLERK

