

RESOLUTION NO. R-89-2216

RESOLUTION APPROVING ZONING PETITION NO. 86-32(H)
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. 86-32(H) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 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. 86-32(H) 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 WELLINGTON PLANNED UNIT DEVELOPMENT (PETITION NO. 86-32(F)) TO (1) REDESIGNATE A PORTION OF A COMMERCIAL SITE AS A CIVIC SITE AND (2) INCLUDE AN EDUCATIONAL INSTITUTION (PUBLIC ELEMENTARY SCHOOL) on a parcel of land lying on a part of Parcel "J" of Greenview Shores No. 2 of Wellington " P.U.D. in Section 16, Township 44 South, Range 41 East, Plat Book 31, Pages 120-136, inclusive; more particularly described as follows: Beginning at the Northwest corner of said Parcel "J"; thence Northeasterly along the Southerly right-of-way of Greenbriar Boulevard on the arc of a curve concave to the North, whose tangent bears North 86 degrees 19' 55" East at this point, having a central angle of 01 degree 49' 45" and a radius of 3765.02 feet, a distance of 120.20 feet; thence south 01 degree 18' 31" East, a distance of 180.00 feet; thence South 13 degrees 41' 29" West, a distance of 155.00 feet; thence South 21 degrees 18' 31" East a distance of 25.00 feet; thence South 75 degrees 48' 31" East a distance of 345.00 feet; thence South 60 degrees 48' 31" East a distance of 150.00 feet; thence South 10 degrees 48' 31" East a distance of 232.43 feet to a point; thence Southwesterly along- the-arc of a curve concave to

the East whose tangent bears South 21 degrees 16' 50" West at this point having a radius of 2093.52 feet and a central angle of 17 degrees 21' 20", a distance of 634.15 feet to a point on the south line of said Parcel "J" said point being North 89 degrees 08' 37" West, 170.52 feet from the Northeast corner of Lot 10, Block 66 of said Greenview Shores No. 2 of Wellington; The next nine (9) courses being coincident with the Southerly and Westerly boundary of Parcel "J" of said Greenview Shores No. 2: thence North 89 degrees 08' 37" West, a distance of 449.48 feet; thence North 00 degrees 51' 23" East, a distance of 50.00 feet thence North 42 degrees 36' 59" West, a distance of 363.26 feet: thence North 89 degrees 08' 37" West, a distance of 100.00 feet: thence North 00 degrees 51' 23" East, a distance of 384.31 feet to the beginning of a curve concave to the Southeast having a radius of 138.85 feet and a central angle of 54 degrees 05' 06"; thence Northerly and Northeasterly along the arc of said curve, a distance of 131.07 feet: thence North 54 degrees 56' 29" East along the tangent of said curve, a distance of 126.99 North 54 degrees 56' 29" East along the tangent of said curve, a distance of 126.99 feet to the beginning of a curve concave to the Northwest having a radius of 379.50 feet and a central angle of 56 degrees 15' 00"; thence Northeasterly and Northerly along the arc of said curve, a distance of 372.57 feet: thence North 01 degree 18' 31" West along the tangent of said curve, a distance of 133.19 feet to a point on the Southerly right-of-way line of Greenbriar Boulevard of said Greenview Shores No. 2 and the Point of Beginning, . being located on the south side of Greenbriar Boulevard, approximately 200 feet north of Yarmouth Drive. Wellington Planned Unit Development is bounded on the north by Southern Boulevard (SR 80), on the south by Acme Drainage District C-23 Canal, on the east by U.S. 441 (SR 7), and on the west by the Lake Worth Drainage District C-1 Canal, in an AR-Agricultural Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. The petitioner shall provide a minimum fifty (50) foot wide landscape buffer wherever the perimeter of the school site abuts residential lots. This landscape buffer shall be supplemented with a six (6) foot high hedge and/or berm combination and twelve (12) foot high native canopy trees spaced an equivalent of one (1) tree per twenty (20) lineal feet of this landscape buffer.
2. Prior to certification, the site plan for the school site shall be amended to indicate all areas of tree preservation including individual trees.
3. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
4. Water service is available to the property. therefore, no well shall be permitted on the site to provide potable water.
5. 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 three (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.

6. The property owner shall construct a left turn lane east approach and right turn lane, west approach on Greenbriar Boulevard at the project's entrance concurrent with onsite paving and drainage improvements. Construction shall be completed prior to opening of the proposed school.
7. The Developer shall install signalization if warranted as determined by the County Engineer at the project's entrance road and Greenbriar Boulevard. Should signalization not be warranted after twelve (12) months of the final Certificate **of** Occupancy, this property owner shall be relieved from this condition.
8. Lighting shall be shielded, low intensity and directed away from adjacent properties and streets, shining only on the site.
9. Prior to site plan certification, the petitioner shall develop a pedestrian access/bicycle plan for access to the school site from surrounding neighborhoods subject to County Engineer's approval.
10. Prior to Site Plan Certification, the petitioner shall submit:
 - a. A site plan for the open space recreation area; and,
 - b. Appropriate executed agreement with Acme Improvement District for joint use **of** the Acme owned recreation area.
11. 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 Resolution.

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

Carol J. Elmquist, Chair	--	Absent
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 December, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Robert Allen
COUNTY ATTORNEY

BY:

June J. Williams
DEPUTY CLERK

