

RESOLUTION NO. R-93- 387

RESOLUTION APPROVING ZONING PETITION NO. 92-25
REZONING PETITION OF PALM BEACH COMMUNITY COLLEGE

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. 92-25 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 30, 1992; 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 the Zoning Code, Section 402.6 (Compliance with Conditions of Approval and time certain requirements) 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, Chapter 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. 92-25, the petition of PALM BEACH COMMUNITY COLLEGE, BOARD OF TRUSTEES, BY WARREN NEWELL, AGENT., for a REZONING FROM THE MULTIPLE FAMILY RESIDENTIAL (RH) DISTRICT (HIGH DENSITY) TO THE PUBLIC OWNERSHIP (PO) DISTRICT on a parcel of land lying in Tract 81, LESS the North 210.81 feet, all of Tract 95, MODEL LAND COMPANY'S SUBDIVISIONS OF Section 20, Township 44 South, Range 43 East, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as recorded in Plat Book 5, Page 79; TOGETHER WITH, the east 2.73 acres of Tract 96, MODEL LAND COMPANY SUBDIVISION of Section 20, Township 44 South, Range 43 East, according to the plat thereof on file in the office of the clerk of the circuit court in and for Palm Beach County, Florida, in Plat Book 5, Page 79, as is more fully described below: PARCEL "A": from the southeast corner of Tract 96, MODEL LAND COMPANY SUBDIVISION of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79, Palm Beach County public records, run thence northerly on the east line of said Tract 96 a distance of 163.00 feet to the POINT OF BEGINNING; thence continue northerly on same course a distance of 463.20 feet to the northeast corner of said Tract 96, thence run westerly on the north line of said Tract 96, angling 90°25'52" from south to west, a distance of 191.07 feet, thence run southerly angling 89°34'34" from east to south, a distance of 463.17 feet; thence run easterly parallel to the south line of said Tract 96, and angling 90°26'07" from north to east, a distance of 191.12 feet to the POINT OF BEGINNING; TOGETHER with a 24 foot easement for ingress and egress, between the north right-of-way line of Second

Avenue, North and the south line of the above described property, said easement being described as follows: from the southeast corner of said Tract 96, run thence westerly on said south line (North right of way line of Second Avenue, North) a distance of 167.16 feet to the POINT OF BEGINNING; thence continue westerly on the same course a distance of 24 feet; thence run northerly, angling 90°26'07" from east to north a distance of 163 feet to the southwest corner of parcel "A" as described above; thence run easterly on the south line of said parcel "A" a distance of 24 feet; thence run southerly a distance of 10 feet to a POINT in the said northerly right of way line of Second Avenue, North, the POINT OF BEGINNING; PARCEL "B": BEGINNING at the southeast corner of Tract 96 MODEL LAND COMPANY SUBDIVISION of Section 20, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 79, Palm Beach County public records; run thence northerly on the east line of said Tract 96 a distance of 163 feet; thence run westerly, parallel to the south line of said Tract 96 (north right of way line of Second Avenue, North), a distance of 191.12 feet; thence run southerly, angling 89°33'53" from east to south, a distance of 163 feet to a point in the south line of said tract 96 (north right of way line of Second Avenue, North); thence run easterly on said north right of way line a distance of 191.16 feet to the POINT OF BEGINNING, subject to an easement for ingress and egress over the westerly 24 feet thereof, and being located N. SIDE OF SECOND AVE. N., .3 MILE W. OF BOUTWELL RD., IN THE R ZONING DISTRICT, was approved on July 30, 1992, subject to the following voluntary commitments:

A. BUILDING AND SITE DESIGN

1. The maximum height, from grade to roof line, for all structures shall not exceed thirty (30) feet. (BUILDING)
2. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BUILDING)
3. All air conditioning and mechanical equipment shall be screened from view on all sides in a manner consistent with the color and character of the principle structure. (BUILDING)
4. Setbacks for all structures shall be as follows:
 - a) Setbacks from all property lines shall be a minimum of twenty five (25) feet;
 - b) Minimum separation between structures shall be fifteen (15) feet side to side and twenty (20) feet side to rear separation. (ZONING/BUILDING)
5. The petitioner shall receive site plan certification from the Development Review Committee prior to September 30, 1992. (ZONING)

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within twenty-five (25) feet of the east property line of the southeast parcel; the north and south property lines of the northwest parcel; shall be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (BUILDING/ZONING-Code Enforcement)
2. All exterior sides of such enclosures, except the open end, shall be landscaped with thirty (30) inch high shrub and hedge material planted twenty-four (24) inches on

center at installation. Alternative landscaping may be permitted which **is** acceptable to the Zoning Division. This provision shall not apply to litter containers provided for the convenience of pedestrians. (BUILDING/ZONING/CODE ENFORCEMENT)

C. HEALTH

1. Water service and sewer service are available to the property. Therefore, no potable well or on site sewage disposal system shall be permitted on the site. (HEALTH-Building)

D. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

E. ENGINEERING

1. 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. (ENGINEERING)
2. Prior to Site Plan approval, the property owner shall amend the proposed Site Plan to provide for a minimum fifty (50) foot centerline radius and a minimum of a fifty (50) foot tangent on the project's entrance road at Second Avenue North. (ENGINEERING)
3. Prior to Site Plan approval, the property owner shall submit to Palm Beach County Engineering verification that the proposed Site Plan meets all South Florida Water Management District criteria for compensating storage for the C-51 Canal Basin, in addition to other applicable drainage requirements. (ENGINEERING)
4. Prior to January 15, 1993 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for Second Avenue North, forty (40) feet from centerline free of all encumbrances and encroachments. Developer 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. (MONITORING/PLANNING)

5. The property owner shall convey to the Lake Worth Drainage District the required right-of-way for the "FRITZ DITCH". The required description for the right of way shall be determined by the District. A Quit Claim Deed or an Easement Deed in the form provided by the District shall be submitted prior to January 15, 1993.
(ENGINEERING)
6. The Property owner shall construct a left turn lane west approach on Second Avenue North at the project's entrance road. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be concurrent with the on site paving and drainage improvements and construction shall be completed prior to the issuance of the first Certificate of Occupancy.
(ENGINEERING)
7. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently at the time of the Building Permit is \$264,000 (1,600 trips X \$165.00 per trip). If, at the time of permitting, the facilities being constructed hereunder are publicly owned governmental buildings or facilities, impact fees will be exempt.
(IMPACT FEE COORDINATOR)
8. The Developer shall provide for all historical off site drainage presently discharging either onto or through the subject site. (ENGINEERING)

F. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (ZONING)
2. All 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. (ZONING)

G. LANDSCAPING ALONG ALL PROPERTY LINES

1. Landscaping and buffering along all property lines shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide landscape buffer strip.
 - b. A six (6) foot high visually opaque landscape barrier consisting of a hedge, wall, fence, berm or combination.
 - c. One (1) native canopy tree planted every twenty (20) feet on center.

- d. One (1) native palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
- 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 six (6) feet.
- f. Landscape hedge shall be installed on the outside of any proposed chain link fence abutting residential land uses. (ZONING)

H. LIGHTING

- 1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
- 2. All pole mounted lighting fixtures shall not exceed fifteen (15) feet in height. (BUILDING)
- 3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT)

I. RECYCLE SOLID WASTE

- 1. The property owner shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

J. RESTRICTIVE COVENANT:

- 1. The property owner shall record a restrictive covenant, in a manner and form acceptable to the County Attorney, that would restrict the development to an affordable student housing dormitory facility. (ATTORNEY/ZONING)

K. SIGNS

- 1. Point of purchase signs fronting on Second Avenue North shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - ten (10) feet;
 - b. Maximum sign face area per side - 50 square feet;
 - c. Maximum number of signs - one (1). (BUILDING)
- 2. Prior to site plan certification, the petitioner shall submit a Master Sign Program to the Zoning Division which specifies sign location, sign dimensions, unified color, unified graphics, typical base planting details, and conformance to all sign related conditions of approval. (ZONING)
- 3. Each primary structure within the development shall clearly display a street address or building identification number on the facade of the building which is legible from the street. (CODE ENFORCEMENT)

L. USE LIMITATION

1. Use of the site shall be limited to 160 units of student housing and accessory uses. (BUILDING)
2. No outdoor loudspeaker system audible off site shall be permitted. (CODE ENFORCEMENT)
3. No storage or placement of any material, refuse, equipment or debris shall be permitted on site. (CODE ENFORCEMENT)

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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

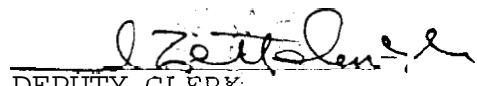
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK