

RESOLUTION NO. R-95-1

RESOLUTION APPROVING ZONING PETITION **DOA77-21(C)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF ALL STAR SPORTS CAMP

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA77-21(C)** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1995; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance **with** Time Limitations), of the Palm Beach County Unified Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency reservation and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition **DOA77-21(C)**, the petition of All Star Sports **Camp**, for a DEVELOPMENT ORDER AMENDMENT in the Agricultural Residential (AR) Zoning District, to increase square footage; increase number of children in school (228 to 294); amend Condition B.1 (maximum square footage) & delete Condition N.5 (use limitation) of Resolution R-93-760, previously approved 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

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

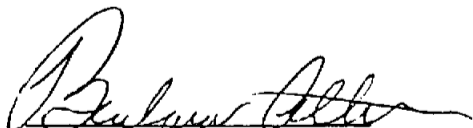
The Chair thereupon declared that the resolution was duly passed and adopted this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

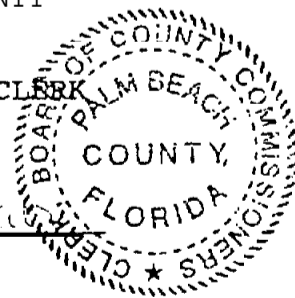


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION: *(OVERALL PARCEL)*

THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THEREFROM THE EAST 970.00 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

LESS THE WEST 60 FEET THEREOF FOR RIGHT-OF-WAY FOR JOG ROAD.

AND LESS THE SOUTH 60 FEET OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST FOR THE RIGHT-OF-WAY FOR CLINT MOORE ROAD.

(99.75 ACRES)

EXHIBIT B
VICINITY SKETCH

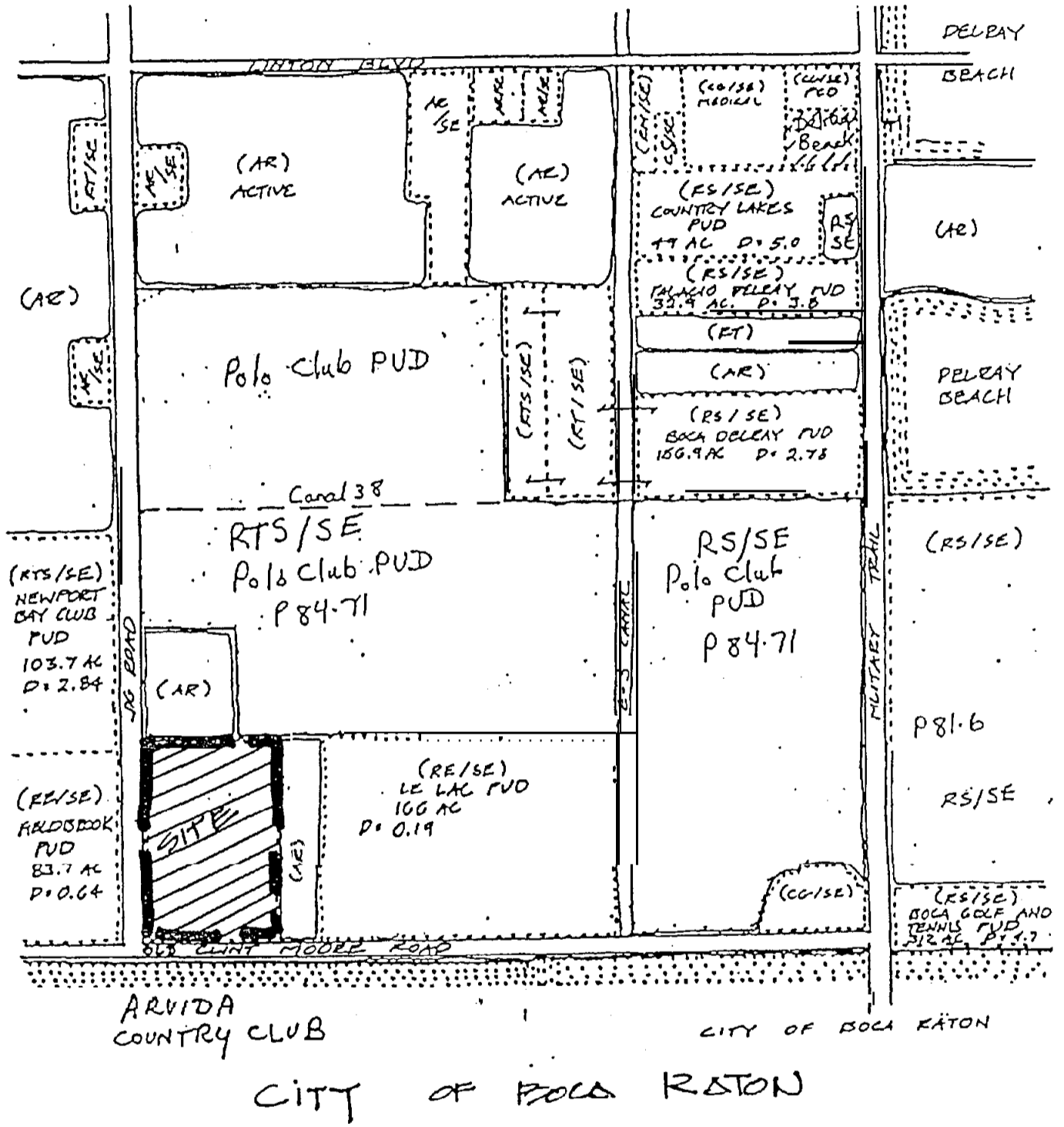


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-93-760, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, including original deadlines, Section 5.8 of the Palm Beach county Unified Land Development Code, as amended, unless expressly modified. (Previously **Condition A.1 of Resolution No. R-93-760**) (MONITORING)
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. Dated November 14, 1994). Any modifications must be approved by the Board **of County** Commissioners unless the proposed use **or** design changes are permitted pursuant to Section 5.4.E.13 (Minor Deviations) **of the PBCULDC** or required by the conditions of approval contained herein. (Previously **Condition A.3 of Resolution No. R-93-760**) (ZONING)

B. BUILDING AND SITE DESIGN

1. **Condition B.1 of Resolution No. R-93-760, which currently states:**

Total gross floor area shall be limited to a maximum of **183,728** square feet.

Is hereby amended to state:

Total gross floor area shall be limited to a maximum of **188,348** square feet. (ZONING)
2. All proposed air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (Previously **Condition No. B.2 of Resolution No. R-93-760**) (BUILDING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Department of Environmental Resources Management prior to site plan certification. (Previously **Condition No. D.1 of Resolution No. R-93-760**) (ERM)

D. HEALTH

1. Potable water supply shall be provided by the existing non-community water supply system. (Previously **Condition F.1 of Resolution No. R-93-760**) (HEALTH)
2. Sewage treatment **and** disposal shall be provided by the existing sewage treatment plant. Therefore, no septic tank system shall be permitted on site. (Previously **Condition F.2 of Resolution No. R-93-760**) (HEALTH)
3. All repair, maintenance and upgrading to the existing non-community water supply system shall be in **compliance** with the Palm Beach County Public Health Unit requirements, prior to Board of County **Commissioners'** approval. (Previously **Condition F.3 of Resolution No. R-93-760**) (HEALTH)

6. The Property owner shall fund the construction of a right turn lane, south approach on Jog Road at the project's entrance road. Any and all construction costs associated with the construction of this right turn lane in the amount of **\$5,000.00** shall be paid available to Palm Beach County prior to January 1, 1996. Construction of this right turn lane shall be completed by Palm Beach County concurrent with the six lane construction of Jog Road. (MONITORING - Engineering).
7. The property owner 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 **DOA77-21(C)** to be paid at the time of issuance of the Building Permit presently is **\$10,890.00** (198 trips X \$55.00 per trip) (IMPACT FEE 'COORDINATOR).

F. 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. Previously Condition **G.1** of Resolution No. R-93-760. (UTILITIES)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall work with Zoning staff to develop an in-fill landscape plan based on the minimum requirements of the Landscape Code. The petitioner shall revise the tabular data on the site plan to reflect conformance with this plan. Where appropriate credit shall be given for playing field areas and existing vegetation. (Previously Condition H.1 of Resolution No. R-93-760)
2. All trees required by the approval of this petition shall:
 - a. Be a minimum of fourteen (14) feet in height at installation
 - b. Have a minimum diameter **of** three and one-half (3.5) **inches measured** at a point which is at least four and one-half (4.5) feet above existing grade level.
 - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Previously Condition H.2 of Resolution No. R-93-760)

H. LANDSCAPING ALONG LEASE PARCEL'S WEST PROPERTY LINE AND EXTENDING FIFTY FEET EAST

1. Landscaping and buffering shall **be** upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip.

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 on-site 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. (Previously Condition No. E.1 of Resolution No; R-93-760) (ENGINEERING)
2. The property owner 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**. (Previously Condition E.2 of Resolution No. R-93-760) (FAIR SHARE FEE COORDINATOR)
3. The property owner shall convey to the Lake Worth Drainage District the north 95 feet of the southeast **one** quarter of Section 34, Township 46 South, Range 42 East **less the east 970 feet and also less the west 60 feet** thereof for the required right-of-way **for** Lateral Canal No. 39, by Quit Claim Deed or an Easement Deed in **the** form provided by said District prior to January 15, 1992. (Previously Condition E.3 of Resolution No. R-93-760) (ENGINEERING/MONITORING)

(NOTE: The Lake Worth Drainage District has indicated compliance with this condition.)
4. Property **OWNER** shall amend the proposed site plan prior to DRC approval to provide **for** a **pedestrian** pathway from Jog Road **into** this site. This pedestrian pathway shall also integrate the proposed uses for the school. This pedestrian pathway shall be constructed concurrent with the overall improvements **for** the middle/high school and shall be completed prior the issuance **of** a certificate of occupancy. (Previously Condition E.4 of Resolution R-93-760) (ENGINEERING)
5. Prior to January 1, 1996, the property owner shall convey to Palm Beach County **Land Development Division** by road **right-of-way** warranty deed **additional** right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "**Safe Sight Corners**" where appropriate as determined by the County Engineer. 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. MONITORING - Engineering)

- b. A six (6) foot high opaque hedge, in accordance with Compatibility Buffer Alternative 3 (**Section 500.35, Landscape Code**). The hedge shall consist of wax myrtle, a minimum of four (4) feet in height, subject to availability, and shall be installed within 60 days of this approval. (Previously Condition I.1 of Resolution No. R-93-760) (ZONING)
- 2. The following landscaping requirements shall be installed on the interior side of the existing four (4) foot fence:
 - a. **One** fourteen (14) foot tall native canopy tree planted every twenty (**20**) feet on center. (Previously Condition I.2 of Resolution No. R-93-760) (ZONING)
 - 3. Landscaping and buffering shall be installed prior to the issuance of a Certificate of Occupancy for any of the trailers. (Previously Condition I.3 of Resolution No. R-93-760) (ZONING)
 - 4. Existing Australian pine trees:
 - a. May continue to be used as a hedge in accordance with Section 500.35.H.13.a. of the Zoning Code.
 - b. Shall not exceed twelve (12) feet in height.
 - c. **May** supersede the landscaping and buffering requirements of Conditions 1.1. and 1.2. in those locations.
 - d. Shall be supplemented to create a solid opaque barrier in accordance with Section 500.35.H.13. of the Zoning Code. (Previously Condition I.4 of Resolution No. R-93-760) (ZONING)
 - 5. Prior to site plan certification, staff shall determine the exact location of the fifty (50) foot extension east from the west property line. (Previously condition I.5 of Resolution No. R-93-760) (ZONING)

I. PARKING

- 1. Prior to site plan certification, the applicant shall delete the "**staff parking**" designation on the site plan. (Previously Condition K.1 of Resolution No. R-93-760) (ZONING)
- 2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, **right-of-way** or **interior drives**. (Previously Condition K.2 of Resolution No. R-93-760) (ZONING)

J. RECYCLE SOLID WASTE

- 1. The property owner and lessees 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**. (Previously Condition L.1 of Resolution No. R-93-760) (SWA)
- 2. Prior to site plan certification, **receptacles for recycled material shall be designated on the site plan**, located in the parking area or adjacent to the dumpster location. (Previously Condition L.2 of Resolution No. R-93-760) (SWA)

K. SIGNS

1. Any new or replaced signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 sq. ft. total.
 - c. Maximum number of signs - two (2). (Previously Condition No. of Resolution No. R-93-760) (ZONING)
2. Prior to issuance **of** permits for **any** new or replaced signs, the petitioner shall submit a Raster 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. (Previously Condition M.2 of Resolution No. R-93-760) (ZONING)
3. There shall be no additional signs permitted on Old Clint Moore Road. The applicant shall be limited to the two signs that are existing on this road. (Previously Condition No. M.3 of Resolution No. R-93-760) (ZONING)
4. No signs shall encroach into the perimeter landscape buffers or vegetation preservation areas. (Previously Condition M.4 of Resolution No. R-93-760) (ZONING)

L. USE LIMITATIONS

1. The summer camp shall be limited to a maximum of 525 students from three (3) to fourteen (**14**) years of age. (Previously Condition N.1 of Resolution No. R-93-760) (CODE ENFORCEMENT)
2. No new outdoor loudspeaker system audible off site shall be permitted. (Previously Condition N.2 of Resolution No. R-93-760) (CODE ENFORCEMENT)
3. No outdoor camp activities, excluding drop-off/pick-up, shall be allowed on the site prior to 9:00 a.m. nor continue later than 4:00 p.m. All camp activities are limited to Monday through Friday. (Previously Condition N.3 of Resolution No. R-93-760) (CODE ENFORCEMENT)
4. Operation of the camp shall be limited to the months of June, July and August of each year. (Previously Condition **N.4** of Resolution No. R-93-760) (CODE ENFORCEMENT)
5. Condition No. N.5 of Resolution No. R-93-760, which presently states:

The fifteen (15) trailers (9,380 square feet) shall be removed from the site during the months that the summer day camp is not in operation.

Is hereby deleted.
6. The operator of the **Oxley's** Restaurant shall limit hours of operation to after **5:30 pm** Monday through Friday, with the exception of preparing lunches for the school. (Previously Condition **N.6** of Resolution No. R-93-760) (CODE ENFORCEMENT-Planning)

7. **The** operator of the Chukkers Lounge shall not sell alcoholic beverages before **5:30** pm, Monday through Friday. (Previously Condition N.7 of Resolution No. R-93-760) (CODE ENFORCEMENT-Planning)
8. The operator of the Hay Barn outdoor picnic area shall not serve alcoholic beverages before **5:30** pm Monday through Thursday, and before 5 pm on Friday. All events will be scheduled in advance to not coincide with the regular school hours of 8: 30 am to 5 pm. (Previously Condition N.8 of Resolution No. R-93-760) (CODE ENFORCEMENT-Planning)
9. The school shall be closed during *annual events* held elsewhere in the vicinity **of** the school that *conflict* with the regular school day, i.e. the circus, the antique car show, and the rodeo. (Previously Condition N.9 of Resolution No. R-93-760) (CODE ENFORCEMENT-Planning)
10. Prior to site plan certification by the Development Review Committee, the site plan shall be amended to indicate:
 - a) The maximum student enrollment, **employee** count and required/provided parking spaces pursuant to Election 7.2 **of** the Palm Beach County Unified Land Development Code:
 - b) The required school parking shall be separated from the stadium, restaurant, lounge and hay barn parking areas; and
 - c) Landscaping along the perimeter of the school site where it abuts the stadium, restaurant, lounge and hay barn. (Previously Condition N.10 of Resolution No. R-93-760) (PLANNING/ZONING)
11. The private school shall limited to a maximum of 294 students. (ZONING/CODE ENFORCEMENT)
12. No temporary structures for the school or day camp shall be permitted. (BUILDING/ZONING)
13. The private school and summer camp facility shall not operate concurrently. (CODE ENFORCEMENT)

M. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist 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; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;

- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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 Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)