

RESOLUTION NO. R-2002- 1003

RESOLUTION APPROVING ZONING PETITION CA2001-064
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH ATLANTIC COLLEGE
BY PAUL DAVIS, AGENT
(PALM BEACH ATLANTIC COLLEGE)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA2001-064 was presented to the Board of County Commissioners at a public hearing conducted on June 19, 2002; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11 , Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA2001-064, the petition of Palm Beach Atlantic College, by Paul Davis, agent, for a Class A Conditional Use to allow a college or university (recreational facility) in the Institutional and Public Facilities Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 19, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	- Absent
Carol A. Roberts, Vice Chair	- Aye
Karen T. Marcus	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Tony Masilotti	- Absent
Addie L. Greene	- Aye

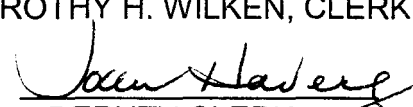
The Chair thereupon declared that the resolution was duly passed and adopted on June 19, 2002.

Filed with the Clerk of the Board of County Commissioners on 27 day of June, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

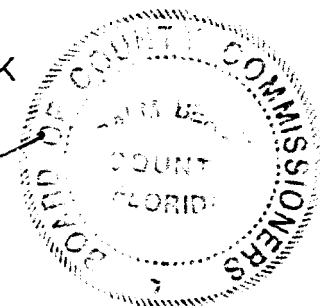


EXHIBIT A
LEGAL DESCRIPTION

TRACTS 40,41,60 AND 61, BLOCK 5, **PALM BEACH FARMS COMPANY PLAT NO. 3**, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, LESS AND EXCEPT THE FOLLOWING:

(A) THE RIGHT OF WAY FOR SOUTHERN BOULEVARD AS CURRENTLY LAID OUT AND IN USE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACTS 42 AND 59, BLOCK 5, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THAT PORTION OF TRACT 59, BLOCK 5, IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 2822, PAGE 1048, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 60.22 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

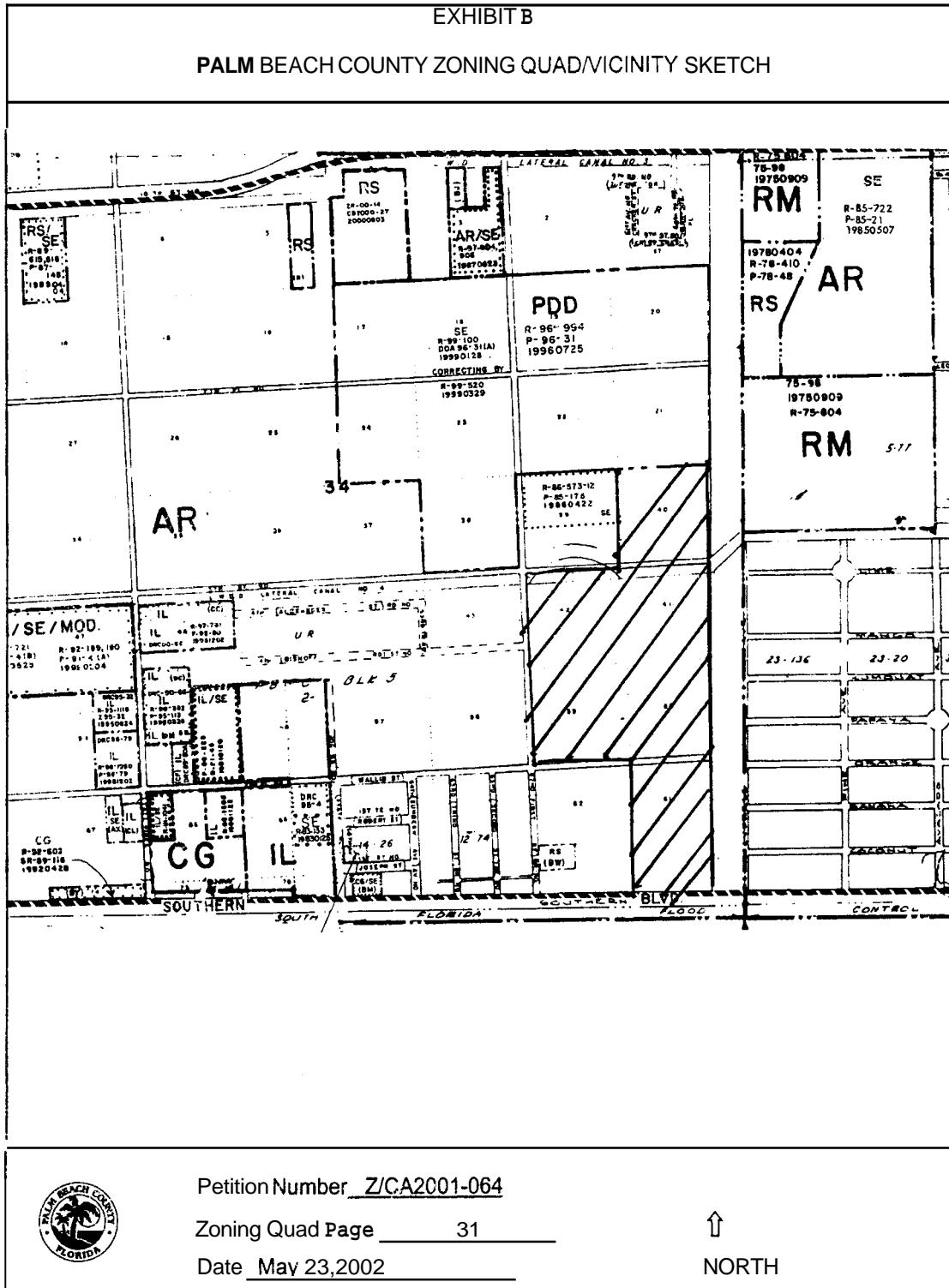


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 13, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)
2. Prior to final Development Review Committee (DRC) certification of the site plan, the petitioner shall revise the plan to show a minimum of one hundred (100) foot setback for the soccer practice fields (located at the northeastern portion of the site) from the north property line. (DRC:ZONING-Zoning)

B. LANDSCAPING - STANDARD

1. Fifty-percent of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven feet – diameter shall be determined by the average canopy radius measured at three points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval, shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
3. **All** shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of **two** (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub.
 - d. credit may be given for existing or relocated shrubs provided they meet current ULDC requirements; and
 - e. This Condition does not apply to landscape buffers where a single row of shrubs is required along either side of a fence. (CO: LANDSCAPE - Zoning)
4. All trees, palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

5. A group of three or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)
6. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE-Zoning)

C. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGES OF SOUTHERN BOULEVARD AND WALLIS ROAD, EXCLUDING PRESERVATION AREAS)

1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip.
 - b. a minimum six (6) foot high black or green vinyl coated chain link fence along the entire property line. Field adjustment of fence location may be permitted to accommodate preserve area;
 - c. one (1) native canopy tree for each thirty (30) feet of the property line; and
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation
3. Along the interior side of the required fence, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINES (ABUTTING RESIDENTIAL AND THE WEST 660 FEET OF THE LWDD L-4 CANAL, EXCLUDING PRESERVATION AREAS)

1. Landscaping and buffering along the north property lines shall be upgraded to include:
 - a. a minimum twenty-five (25) foot wide landscape buffer strip along the east 300 feet of the north property line; and a minimum twenty (20) foot wide landscape buffer strip along the west 660 feet of the north property line;
 - b. a minimum six (6) foot high black or green vinyl coated chain link fence along the entire property line. Field adjustment of fence location may be permitted to accommodate preserve area;
 - c. one (1) canopy tree for every twenty (20) feet of the property line to be planted alternating on both sides of the fence; and,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE-Zoning)

2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. one (1) small shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of eighteen **(18)** inches at installation; and
 - b. one (1) medium shrub for each four **(4)** linear feet of the property line. Shrub shall be a minimum height of twenty-four **(24)** inches at installation. (CO: LANDSCAPE-Zoning)
3. Along the interior side of the required fence, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

E. E I E E R I N G

1. Prior to September 15, 2002, the property owner shall convey a temporary roadway construction easement along Southern Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING-Eng)
2. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for First Street 30 feet from centerline. This additional right of way shall be conveyed prior to the issuance of the first building permit. Right of way conveyance shall be along the projects entire frontage and shall be 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. (BLDG PERMIT: MONITORING-Eng)
3. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Southern Boulevard an irregular parcel of property, which is 93.81 feet at the west property line, and 86.88 feet at the east property line. This right of way shall be conveyed on or before **September 15, 2002**. Right of way conveyance shall be along the projects entire frontage and shall be 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng)
4. Prior to issuance of the first building permit the property owner shall combine these existing lots by either platting the subject property or a waiver of plat in accordance with Article 8 of Unified Land Development Code. (BLDG PERMIT: MONITORING - ENG)

F. LANDSCAPING ALONG THE EAST PROPERTY LINE EXCLUDING PRESERVATION AREAS)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum twenty (20) foot wide landscape buffer strip;

- b. a minimum six (6) foot high black or green vinyl coated chain link fence along the entire property line. Field adjustment of fence location of fence may be permitted to accommodate existing preserve;
 - c. one (1) canopy tree for every twenty (20) feet of the property line to be planted alternating on both sides of the fence; and,
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
 - b. one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty- four (24) inches at installation. (CO: LANDSCAPE-Zoning)

G. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL, EXCLUDING PRESERVATION AREAS)

1. Landscaping and buffering along the west property line shall be upgraded to include:
- a. a minimum twenty-five (25) foot wide landscape buffer strip along the west property line;
 - b. a minimum six (6) foot high black or green vinyl coated chain link fence along the entire property line. Field adjustment of fence location of fence may be permitted to accommodate existing preserve;
 - c. one (1) canopy tree for every twenty (20) feet of the property line to be planted alternating on both sides of the fence; and
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and to be planted alternating on both sides of the fence. (CO: LANDSCAPE-Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. one (1) small shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and
 - b. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty- four (24) inches at installation. (CO: LANDSCAPE-Zoning)
3. Along the interior side of the required fence, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches at maturity. (CO: LANDSCAPE-Zoning)

H. LANDSCAPING - INTERIOR

1. A minimum of one landscape island shall be provided for every ten parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

2. Foundation planting or grade level planters shall be provided along the front and side facades of the 15,000 square foot athletic building to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet
 - b. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs, excluding athletic fields only, shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor, freestanding lighting fixtures, excluding athletic fields only, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING-Zoning)
3. All outdoor, freestanding lighting fixtures for the ball fields and ball courts shall have a minimum setback as follows:
 - a. the north property line – one hundred (100) feet;
 - b. the south, the east property lines, except for the north 660 feet of the east property line – fifty (50) feet;
 - c. the west property line – seventy-five (75) feet; and
 - d. the north 660 feet of the east property line – thirty (30) feet (DRC/BLDG PERMIT: ZONING-Zoning)
4. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)
6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. Height of the athletic field lights shall not exceed the heights as shown on the plan dated June 13, 2002. All heights shall be measured from finished grade to highest point. (CO / ONGOING: BLDG / CODE ENF - Zoning)

J. PLANNING

1. The use on the site shall be restricted to outdoor athletic fields, courts, and accessory structures as specified in the Unified Land Development Code (ULDC) thereto, to support a college; or residential use of the site governed by the MR-5 land use designation. (ONGOING-Planning)
2. Prior to final Development Review Committee certification of the site plan, the primary athletic field or venue shall be limited to a maximum of 2,500 seats (or if more than one primary field, the combination of such fields shall not exceed 2,500 seats); each additional athletic field or venue shall be limited to a maximum of 500 seats. (DRC/ONGOING: Planning)
3. Access to the site shall be limited to Southern Boulevard. (DRC: PLANNING-Planning)

4. Native slash pine trees shall be preserved within the perimeter buffer of the site. (CO: LANDSCAPE-Planning)
5. Lighting should be contained primarily on-site rather than having it broadcast to adjacent residential neighborhoods. (ONGOING: CODE ENF - Planning)
6. Prior to final Development Review Committee certification of the site plan, the twenty-five (25) percent set aside for native upland ecosystems shall include:
 - a. Located contiguous to the linear strip of land to the east (a proposed park)
 - b. In a location where ERM determines is optimum for native species preservation. (DRC/ONGOING: ERM/PLANNING - Planning)

K. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. **A requirement** of the development to conform with the standards of the ULDC 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; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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 an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment 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)