

RESOLUTION APPROVING ZONING PETITION NO. 92-24
REZONING PETITION OF 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. 92-24 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. 92-24, the petition of PALM BEACH COUNTY SCHOOL BOARD, for a REZONING FROM THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT TO THE PUBLIC OWNERSHIP (PO) ZONING DISTRICT on a parcel of land lying in Part of Section 6, Township 44 South, Range 37 East, Palm Beach County, Florida, more particularly described as commencing at the West one-quarter corner of said Section 6: then N 89° 44' 37" E, a distance of 1291.04 feet along the East-West one-quarter section line of said Section to a POINT OF BEGINNING; thence continue N 89° 44' 37" E, along the East-West one-quarter section line a distance of 2664.14 feet; thence S 01° 24' 02" W, a distance of 914.01 feet; thence S 89° 42' 59" W, a distance of 1097.67 feet; thence S 01° 24' 02" W, a distance of 1097.67 feet; thence S 89° 42' 59" W, a distance of 1068.21 feet; thence N 01° 56' 14" W, a distance 753.20 feet; thence S 89° 43' 48" W, a distance of 504.89 feet to reference point "A"; thence N 01° 24' 59" E, a distance of 1319.90 feet; to the POINT OF BEGINNING, Containing 87.40 Acres, More or Less; Subject to a 60 foot easement for ingress and egress purposes more particularly described as beginning at reference point "A"; then N 01° 24' 59" E, 60.03 feet; thence N 89° 43' 48" E, 565.48 feet; thence S 01° 56' 14" E, 693.17 feet; thence S 89° 42' 58" W, 60.05 feet; thence N 01° 56' 14" E, 693.17 feet; thence S 89° 43' 48", 504.89 feet to the POINT OF BEGINNING; Also subject to a bike and pedestrian easement over lands described as follows:

A portion of the tract of land conveyed to Palm Beach County, Florida, as recorded in O.R. Book 3042, Page 341, 342, and 343, of the Public Records of Palm Beach County, Florida; being a strip of land 20 feet wide, lying 10 feet on either side and parallel with, as measured at right angles to, the following described center line:

Commencing at the southwest corner of said Section 6; thence north along the west line of said Section 6 a distance of 1320.21 feet; thence N 88° 18' 58" E, a distance of 1291.05 feet; thence N 01° 24' 59" E, a distance of 1325 feet to the POINT OF BEGINNING of the herein described strip of land; thence N 89° 44' 00" E, a distance of 44 feet; thence N 00° 30' 58" E, a distance of 1375 feet, more or less, to the point of terminus (said point being further described as lying on the north line of the south 1379.80 feet of the northwest quarter of said Section 6). The side lines of said strip are to be prolonged or shortened so as to terminate at said north line of the south 1379.80 feet of the northwest quarter of said Section 6.

Less and excluding, however, that portion of the property title to which was vested in Palm Beach County, a political subdivision of the State of Florida, pursuant to that certain "Order of Taking on Plaintiff's Complaint" entered March 16, 1988, and recorded March 22, 1989, at Official Record Book 6005, Page 784, Public Records of Palm Beach County, and being located E. OF PALM BEACH COUNTY PIONEER PARK, 1/8 MILE NORTH, E. OF SR 80 AND SR 715., was approved on July 30, 1992, subject to following voluntary commitments:

A. ANTENNA

1. Palm Beach County shall have the right to co-locate County communication equipment on the subject tower/antenna provided that the placement of County equipment does not interfere with the petitioner's equipment or operations. (PREM)
2. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower/antenna. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department. (Building)

B. BUILDING AND SITE DESIGN

1. The petitioner shall receive site plan certification from the Development Review Committee prior to any development or construction in the subject property. The site plan shall be amended to comply with the land development regulations of Palm Beach County in effect at that time. The School Board shall develop the site in accordance with the certified site plan. (ZONING)
2. Prior to site plan certification, the site plan shall be amended to provide for access from the dedicated **access** easement in conformance with the requirements of the County Engineer. The parking area shall be reconfigured to conform with the requirements of Section 500.17 of the Zoning Code. (ENGINEERING/ZONING)

C. HEALTH

1. Sewer and Water service **is** available to the property. Therefore no on-site sewerage disposal system or well for potable water shall be permitted on the site. (HEALTH)

D. CHEMICAL APPLICATIONS AND COMMITMENT

1. The School Board shall contact the surrounding agricultural operations and obtain a definitive list of all chemicals, application methods, and associated health risks. The School Board shall work with the surrounding agricultural operations to schedule aerial application of chemicals to minimize any risks of overspray to the school site when in use. (ERM)

E. ENGINEERING

1. The Property owner shall construct:
 - a) Left turn lane, west approach and a separate right turn lane east approach on State Road 80 at the project's proposed entrance road. Construction of this turn lane shall be concurrent with the construction of the project's entrance road onto State Road 80.
 - b) Construct SR 715 as a 3-lane section from the park entrance road to Southwest Avenue M.
 - c) Right turn lane, east approach on Southwest Avenue M at State Road 715.
 - d) Right turn lane, south approach on State Road 715 at Southwest Avenue M. Minimum length of this turn lane shall be 200 feet.

Permits for the construction of the turn lanes referenced in B C and D above shall be applied for prior to the start of the paving and drainage improvements for the School Site, construction shall be concurrent with the onsite paving and drainage improvements for the site. Construction of the above turn lanes shall completed prior to the School opening. (ENGINEERING/Monitoring)

2. The property owner shall construct a pedestrian pathway from:
 - a) State Road 715 to the proposed bicycle parking areas along Southwest Avenue M and;
 - b) From State Road 80 north to the proposed bicycle parking area and;
 - c) From the existing Palm Beach County's Pioneer Park access from State Road 715 to the proposed bicycle parking area. (ENGINEERING/ Monitoring)
3. Property owner shall fund the cost of signalization when warranted as determined by the County Engineer and the Florida Department of Transportation at the project's entrance road(s) and State Road 715 as well as State Road 80 and the project's entrance road. (ENGINEERING/Monitoring)
4. Property owner shall overlay and install appropriate pavement markings and signing of Southwest Avenue M from State Road 715 east to the project site. This asphaltic overlay shall be concurrent with on-site paving and drainage permits and shall be completed prior to the school opening. (ENGINEERING/Monitoring)

F. 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 one hundred (100') feet of any property line; 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)
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)

G. 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)

H. LAKES

1. All lakes shall be designed and planted with littoral zones. Plans for the design of all lakes shall be submitted to the Department of Environmental Resources Management for approval prior to site plan certification. (ERM)

I. 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 conditions of approval. The petitioner shall install the required landscape prior to occupancy. (ZONING)

J. LANDSCAPING ALONG PROPERTY LINES

1. The following landscaping requirements shall be installed:
 - a) One (1) native canopy tree planted every twenty (20) feet on center.
 - b) 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.
 - c) Thirty (30) 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 forty-eight (48) inches. (ZONING)

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:

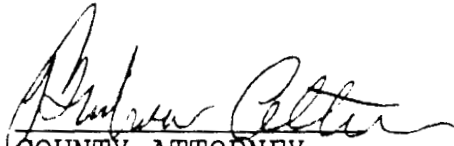
Mary McCarty, Chair	--	aye
Ken Foster	--	aye
Burt Aaronson	--	aye
Maude Ford Lee	--	aye
Karen T. Marcus	--	aye
Warren H. Newell	--	aye
Carol A. Roberts	--	aye

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