

RESOLUTION NO. R-2024- 0003

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2023-00532
(CONTROL NO. 2023-00035)
a Class A Conditional Use
APPLICATION OF United Spectrum Corp.
BY Urban Design Studio, AGENT
(Boca Raton Achievement Center)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application SV/CA-2023-00532, the Application of United Spectrum Corp. by Urban Design Studio, Agent, for a Class A Conditional Use to allow a Private Elementary or Secondary School on 5.00 acres, was presented to the Board of County Commissioners at a public hearing conducted on January 4, 2024;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/CA-2023-00532, the Application of United Spectrum Corp., by Urban Design Studio, Agent, for a Class A Conditional Use to allow a Private Elementary or Secondary School on 5.00 acres, on a parcel of land generally described as shown on the legal description 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 January 4, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	- Aye
Commissioner Maria G. Marino, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Michael A. Barnett	- Absent
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 4, 2024.

Filed with the Clerk of the Board of County Commissioners on January 4th, 2024.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1

THAT PORTION OF TRACT 51, OF SECTION 20, THE PALM BEACH FARMS CO., PLAT NO.1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN THE WEST 990 FEET OF THE NORTH WEST QUARTER (NW ¼) OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE EASTERLY 23.40 FEET THEREOF.

PARCEL 2

THE EAST 23.40 FEET OF TRACT 51, SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

TRACT 51, PLAM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 51; THENCE S01°22'55"E, ALONG THE WEST LINE OF TRACT 52 OF SAID PLAT 653.30 FEET TO THE NORTH RIGHT-OF-WAY LINE OF L.W.D.D. CANAL LATERAL 35, AS RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S89°52'50"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 332.36 FEET TO THE EAST LINE OF THE TRACT 50 OF SAID PLAT; THENCE N01°22'27"W, ALONG SAID EAST LINE OF TRACT 50, A DISTANCE OF 653.31 FEET TO THE SOUTH LINE OF TRACT 46 OF SAID PLAT; THENCE N89°52'59"E, ALONG SAID SOUTH LINE OF TRACT 49, A DISTANCE OF 332.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 217,051 SQUARE FEET (5.0 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

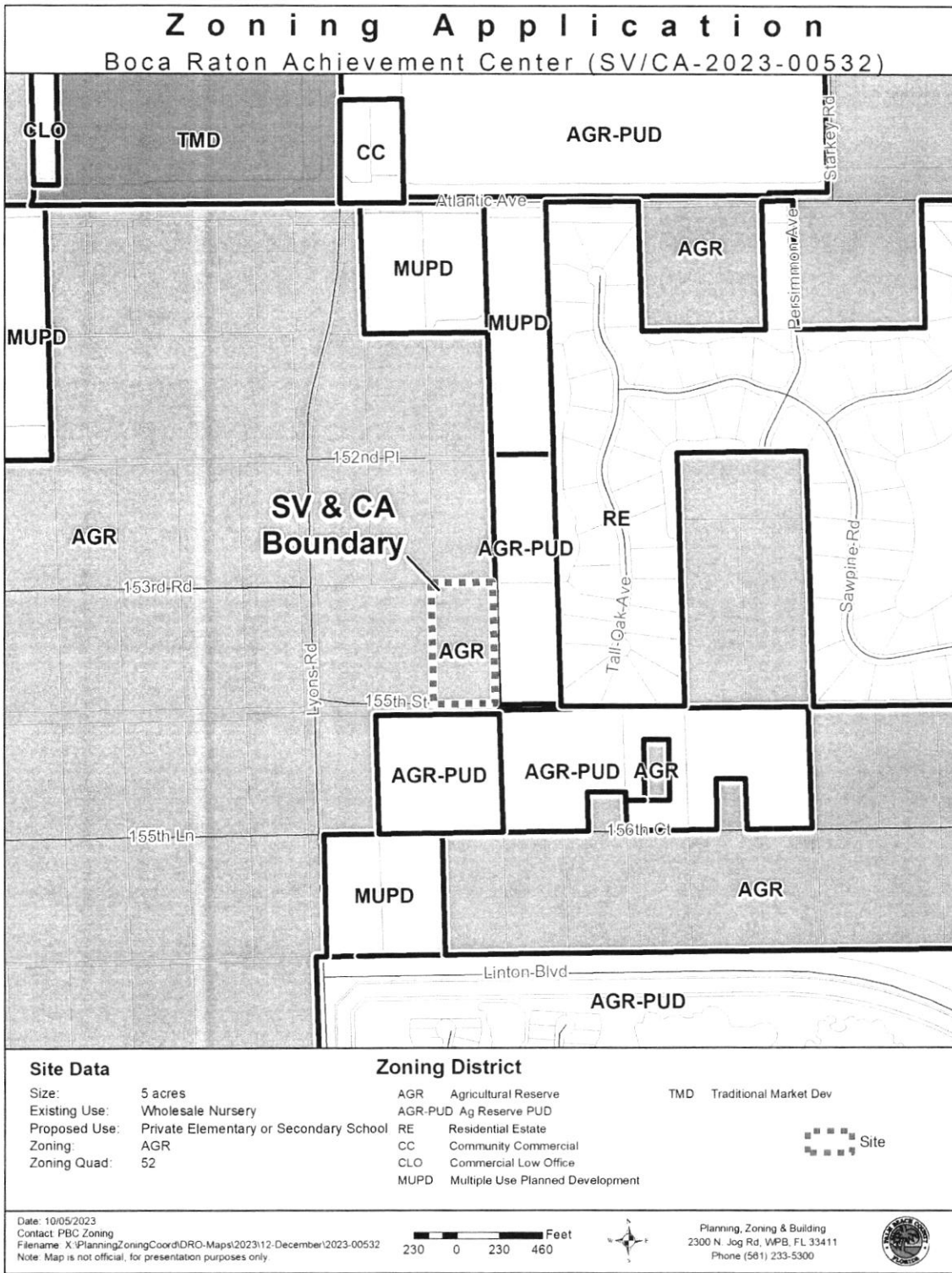


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use on 5.00-acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 25, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ACCESS

1. Prior to recordation of the Plat, the Property Owner shall record a Cross Access Agreement from the subject property to the property to the north in a form and manner that is acceptable to the County Attorney's office. (PLAT: ZONING - Zoning)

2. The proposed Fire Rescue emergency cross access, to the west, shall be constructed when a cross access easement connection is provided and constructed on the adjacent western property and the Property Owner shall record a Cross Access Agreement in a form and manner that is acceptable to the County Attorney's office. The location of the cross access may be relocated administratively, in order to ensure alignment with drive aisle(s). (ONGOING/PLAT: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall provide dual exit lanes on 155th St S at Lyons Rd, as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. If construction of dual exit lanes is not feasible due to ROW constraints, as determined by the County Engineer, construction of a single exit lane will be acceptable and this condition will be considered satisfied. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

4. Prior to final site plan approval by the Development Review Officer, the Property Owner shall record a forty (40) foot access easement from the west property line to the east property line as shown on the accompanying Site Plan. The easement shall be approved by the County Engineer prior to recordation by the Property Owner. (DRO: ENGINEERING - Engineering)

5. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall construct 155th Street South from Lyons Road to the eastern project limits, including a 6 feet wide sidewalk, Type "F" curb & gutter on both north & south sides of roadway, and guardrail on the canal side along with an approved turn-around, to be consistent with Palm Beach County standards for a non-plan collector/local commercial roadway, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility

relocations and acquisition of any additional required right-of-way. (BLDG/PMT/CO: MONITORING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDG/PMT/PLAT: MONITORING - Engineering)

7. The Property Owner shall construct a left turn lane at the north approach on Lyons Road at 155th Street South, as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

8. No Certificate of Occupancy for the School shall be issued prior to the completion of the widening of Lyons Rd from a 2 lane section to a 4 lane divided section from Atlantic Ave to L-38 canal or August 1, 2025, whichever is earlier. (ONGOING: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be provided to ERM for review (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, the applicant shall demonstrate compliance with the distance criteria and construction standards identified in the ULDC, Article 4.B.10. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Prior to final approval by the DRO, the Property Owner shall submit a "No Further Action" letter from the Florida Department of Environmental Protection (FDEP) to the Florida Department of Health (FDOH). (DRO: HEALTH DEPARTMENT - Health Department)

LANDSCAPE - PERIMETER

1. Prior to final approval by the DRO, the Site Plan shall be revised to add a note to the proposed emergency access connection to the west property to indicate that the required landscape buffer will be provided until such time that the connection can be established. (DRO: ZONING - Zoning)

2. Prior to final approval by the DRO, the Site Plan shall be revised to indicate a continuous barrier (fences, gates, and/or walls) within the north, west, south and east buffers, and to indicate a fence surrounding any water retention onsite. (DRO: ZONING - Zoning)

3. Prior to final approval by the DRO, the Site Plan shall be revised to indicate a minimum 10 foot buffer along the west property line. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.