

RESOLUTION NO. R-2000-1943

RESOLUTION APPROVING ZONING PETITION CA00-050  
CLASS A CONDITIONAL USE  
PETITION OF MICHAEL CHRISTIAN  
BY ROBERT BASEHART, AGENT  
(HANDS ON LEARNING 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 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 CA00-050 was presented to the Board of County Commissioners at a public hearing conducted on November 30 , 2000; 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 CA00-050, the petition of Michael Christian, by Robert Basehart, agent, for a Class A Conditional Use (CA) to allow a private school in the Agricultural Residential (AR) Zoning District, on a parcel of land legally described in EXHIBITA, 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 November 30, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

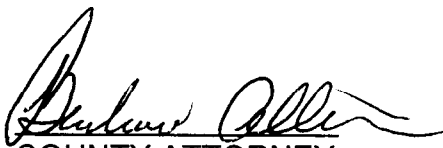
The Chair thereupon declared that the resolution was duly passed and adopted on November 30, 2000.

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

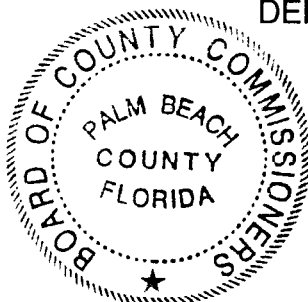


EXHIBIT A  
LEGAL DESCRIPTION

THE NORTH 289.11 FEET OF THE SOUTH 928.36 FEET OF THE EAST 418 FEET OF THE WEST 2190 FEET OF THE WEST HALF OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

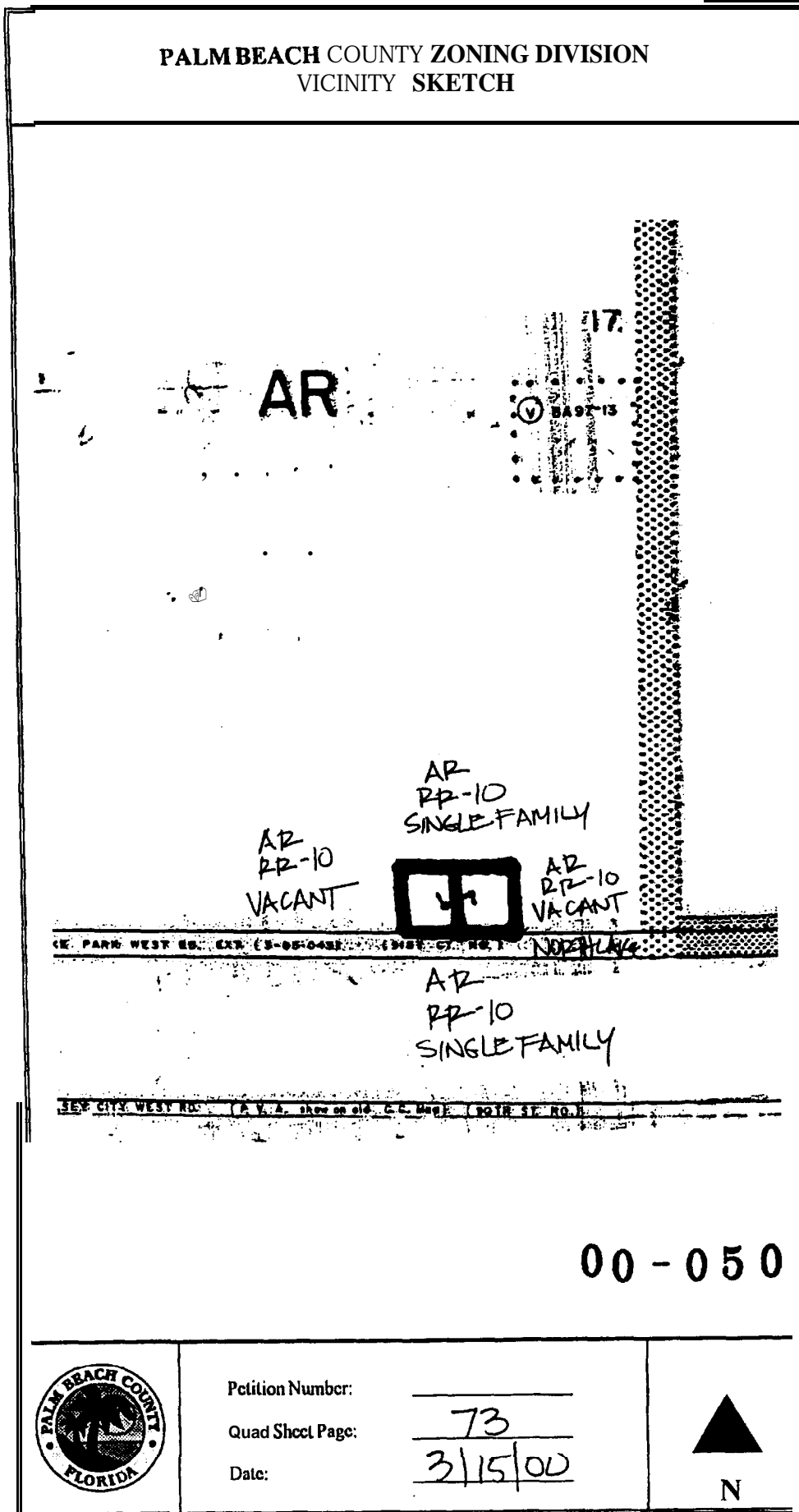
SUBJECT TO AN EASEMENT FOR ROAD AND DRAINAGE PURPOSES OVER THE SOUTHERLY 50 FEET AND AN EASEMENT FOR DRAINAGE PURPOSES OVER THE NORTHERLY 30 FEET THEREOF.

ALSO KNOWN AS TRACTS 154 AND 187, UNRECORDED MAP, ROYAL PALM BEACH COLONY, INC.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

GROSS AREA: 120,676 SQUARE FEET OR 2.77 ACRES  
NET AREA: 87,137 SQUARE FEET OR 2.0 ACRES

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 October 17, 2000. 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)
2. Prior to final DRC approval, the petitioner shall revise the data on the site plan to revise the maximum number of children to eighty-five (85). (DRC: ZONING)

#### B. ARCHITECTURAL CONTROL

1. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
2. Prior to final site plan certification by the Development Review Committee (DRC), (Per Policy 1.3-i of the Future Land Use Element) the petitioner shall submit to the Planning Division and the Zoning Division architectural elevations depicting a design compatible with the rural character of the area. Development shall be consistent with the approved architectural elevations and shall include the following:
  - a. Porch with railings on the 60% (minimum) of the north, south and east facades;
  - b. Exterior building finishes of finished wood or cement based fiberglass wood textured products with a wood appearance, vertical board and batten, or split face masonry block on 80% of the south, east and west facades;
  - c. Dimensional shingles for the roof. (DRC: PLANNING: BLDG PERMIT - Zoning)
3. The proposed building shall be designed and constructed to be consistent with the facade elevations by Weyant Engineering, Civil & Structural Engineers dated October 26, 2000. In addition, the following shall be required:
  - a. Additional railings shall be provided along the north and east facades in accordance to Condition B.2. (DRC: PLANNING: BLDG PERMIT - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 4,872 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)
2. The maximum height for all structures including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

3. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

D. SCHOOL

1. The school facility shall be limited to a maximum capacity of 85 children. (ONGOING: HEALTH)
2. Hours of operation for the facility shall be limited from 6:30 a.m. to 6:00 p.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)
3. The outdoor play area shall not be used for activities after 6:00 p.m. or before 8:00 a.m. Monday to Saturday. (ONGOING: CODE ENF- Zoning)

E. ENGINEERING

1. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Northlake Boulevard 70 feet from centerline plus a separate 50 feet of parkway easement adjacent to the additional Northlake Boulevard Right of Way. This additional right of way and landscape easement shall be conveyed prior to the issuance of the first Building Permit or prior to June 1, 2001 whichever shall first occur. Right of way conveyances 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING/PLANNING -Eng)
2. Prior to the issuance of a building permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
3. The Property owner shall construct at the projects entrance and Northlake Boulevard a Left turn lane west approach.
  - A) 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.
  - B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

F. HEALTH

1. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department, in accordance with Rule 64E-13FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

2. Application and engineering plans to construct a non-transient non-community water supply system in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
3. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-1 must be submitted to the Palm Beach County Health Department prior to the final site plan approval. (DRC: HEALTH)
4. No food service or processing will be allowed on this site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)

G. LANDSCAPING-STANDARD

1. Fifty percent (50%) of the canopy 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: 2.5 inches measured 3 feet above grade;
  - c. Canopy diameter: six (6) 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 3.0 feet in length; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING AND BUFFERING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north property line:
  - a. a minimum fifteen (15) foot wide landscape buffer strip.
  - b. one (1) native canopy tree planted every twenty (20) feet on center;
  - c. one (1) pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
  - d. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
  - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

I. LANDSCAPING AND BUFFERING ALONG THE EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the east and west property lines:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reductions shall be permitted;
  - b. one (1) native canopy tree planted every twenty (20) feet on center;
  - c. one (1) pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
  - d. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation; and,
  - e. all pines and shrubs shall be planted in a naturalistic pattern. (CO: LANDSCAPE)

J. LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE (NORTH LAKE BOULEVARD FRONTAGE)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum fifty (50) foot wide landscape buffer strip. This buffer strip shall be dedicated to the Palm Beach County as a Parkway Easement in accordance to Engineering Condition E. 1;
  - b. the north twenty (20) foot wide of the Parkway Easement shall be landscaped to the following:
    - c. one (1) native canopy tree planted every thirty (30) feet on center;
    - d. one (1) additional pine tree for each fifty (50) linear feet of frontage;
    - e. a minimum of one native shrub for every fifty (50) square feet. Shrubs shall be a minimum of twenty four (24) inch high at installation;
    - f. all pines and shrubs shall be planted in a naturalistic pattern; and,
    - g. the installation of the above landscape requirements shall be completed at the issuance of the Certificate of Occupancy for the daycare building. (CO: LANDSCAPE/PLANNING - Zoning)

K. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the front and side facades of all structures 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 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)

L. ALTERNATIVE LANDSCAPE PLAN

1. Prior to final certification of the site plan, an Alternative Landscape Plan shall be submitted for landscaping along the north twenty (20) feet of the south property line and/or any portion of the site where existing vegetation might affect the proposed landscaping. (DRC: LANDSCAPE-Zoning/Planning)

M. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point and shall be setback a minimum of fifty (50) feet from all residential property line. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. 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)



N. SIGNS

1. Freestanding point of purchase signs fronting on Northlake Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - sixty (60) square feet;
  - c. Maximum number of signs - one (1) for the entire site; and
  - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to the south facade of the building and shall be limited to eighteen (18) inches in height. (CO: BLDG)

O. USE LIMITATION

1. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning)
2. No overnight parking of vehicles (except for school buses, a maximum of two school buses) shall be permitted on the site. (ONGOING: CODE ENF -Zoning)

P. 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 majority vote of the Code Enforcement Board 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)