

RESOLUTION NO. R-95- 725

RESOLUTION APPROVING ZONING PETITION CA94-29
CLASS A CONDITIONAL USE
PETITION OF JERRY AND PHYLLIS GORDON

11 12 95

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-29 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 1995; 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 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 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 CA94-29, the petition of Jerry & Phyllis Gordon, by: Robert Bentz, AGENT for a CLASS A CONDITIONAL USE allowing a day care, general (50 children maximum) and a private school, elementary or secondary (24 students maximum), in the Residential Transitional Suburban (RTS) 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 May 25, 1995, 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 Roberts and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of May, 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

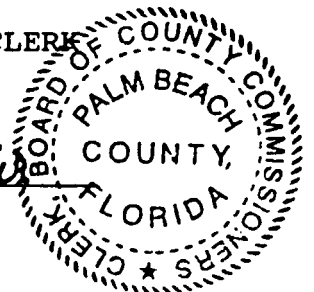
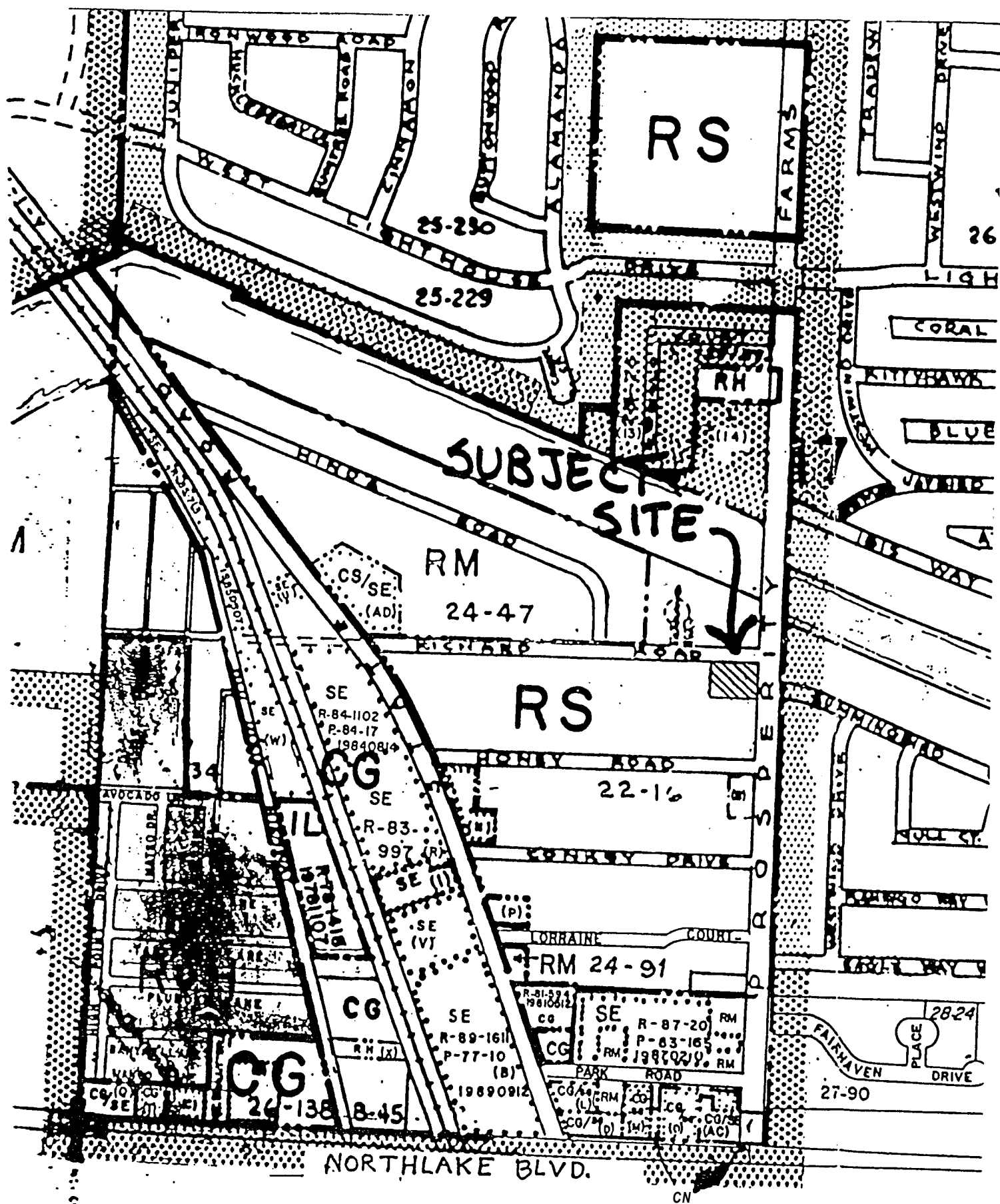


EXHIBIT A
LEGAL DESCRIPTION

Lots 1 & 2, Kelsey Acres, Plat Book 22, Page
16, Palm Beach County, Florida.

Less that triangular part of Lot 1 taken for
right-of-way for Prosperity Farms Road.

EXHIBIT B
VICINITY SKETCH



LAKE PARK

EXHIBIT C

CONDITIONS OF APPROVAL

A. DAY CARE/PRIVATE SCHOOL

1. Prior to site plan certification, the site plan shall be amended to indicate the minimum number of shade trees required in the outdoor play area (ZONING)
2. Prior to site plan certification, the site plan shall be amended to indicate the minimum perimeter landscape requirements around the outdoor play area. (ZONING)
3. Hours of operation for the day care and school shall be limited to **7:00** a.m. through **7:00** p.m. Monday through Friday only. (CODE ENFORCEMENT-Zoning)
4. Total enrollment for the day care center shall be limited to 50 children. Total enrollment for the private school shall be limited to **24** students. (HEALTH-Zoning)

B. DUMPSTER

1. Dumpsters and areas for garbage collection shall not be located within one hundred (**100**) feet of the south and west property lines. (BUILDING-Zoning)

C. HEALTH

1. Total enrollment for both the day care center and private school shall be limited to **74** children: (HEALTH)
2. **No** on site food processing shall be allowed. (HEALTH)
3. The site plan shall be amended to indicate a minimum 1360 square foot drainfield and fenced **OSDS** area. (HEALTH)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to the Department of Environmental Resources Management prior to DRC site plan certification. (**ERM**)

E. ENGINEERING

1. 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 this project, Zoning Petition 94-29, to be paid at the time of the issuance of the first interior renovation permit, is \$15,455 (221 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR)
2. Access to the site shall be limited to one ingress/egress on Richard Road and one egress only on Prosperity Farms Road. (ENGINEERING)

F. LANDSCAPING - GENERAL

1. The petitioner shall submit a landscape plan for the entire site meeting the requirements of the ULDC and conditions of approval at time of submittal for the first permit to the Building Division. (BUILDING-Zoning)

2. All required landscaping, buffering and site improvements shall be completed in accordance with the certified site plan and approved landscape plan prior to issuance of an occupational license for the day care or **school**.
(ZONING)

G. LANDSCAPING ALONG NORTH AND EAST PROPERTY LINES

1. Landscaping and buffering along the north and **east** property lines, as proposed by the petitioner, shall include:
 - a. canopy trees planted twenty **(20)** feet on center, and
 - b. hedge or shrub material, twenty four **(24)** inches in height, planted twenty four **(24)** inches on center.
(ZONING)
2. The existing wall along the north and east property lines shall remain. (BUILDING/ZONING)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE

1. Landscaping and buffering along the south property, as proposed by the petitioner, shall include:
 - a. a ten **(10)** foot wide Alternative 3 Compatibility Buffer with a **six (6)** foot high fence, minimum twelve **(12)** foot tall canopy trees spaced twenty **(20)** feet on center, and hedge **or** shrub material, twenty four **(24)** inches in height, planted twenty four **(24)** inches on center. (ZONING)

I. LANDSCAPING ALONG WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall be upgraded to include:
 - a. a minimum twenty five **(25)** foot wide buffer with a six **(6)** foot high opaque fence, fourteen **(14)** foot tall canopy trees spaced twenty **(20)** feet on center, and hedge or shrub material, twenty four **(24)** inches in height, planted twenty four **(24)** inches **on** center, to be maintained at a minimum height of forty eight **(48)** inches.
 - b. Adjacent to the parking area, the width of **the** buffer along the west property line may be reduced to ten **(10)** feet.
 - c. The required fence shall be setback twenty five **(25)** feet from the west property line, except adjacent to the parking area where the fence shall be setback ten **(10)** feet.
 - d. The landscaping requirements above (Condition H.1.a.) shall be installed on the exterior side of the required fence. (ZONING)
2. Prior to site plan certification, the site plan shall be amended to indicate removal of the existing handball court, proposed outdoor play area and concrete from the buffer along the west property line. (ZONING)

J. PARKING

1. Prior to site plan certification, the site plan shall be amended to include a detailed parking calculation based on the maximum number of employees and number/age of children in the day care center. (ZONING)

K. SIGNS

1. Freestanding signs shall not be permitted along Richard Road. (BUILDING-Zoning)

L. 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)