

RESOLUTION NO. R-96-383

RESOLUTION APPROVING ZONING PETITION DOA89-64 (A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PAUL W. & HILDA K. MOSES
BY MANUEL A. RUBIERA, AGENT
LOXAHATCHEE PRE-SCHOOL

25/431

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA89-64 (A) was presented to the Board of County Commissioners at a public hearing conducted on March 28, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA89-64 (A) the petition of Paul W. & Hilda K. Moses, by Manuel A. Rubiera, agent, for a Development Order Amendment (DOA) to increase number of children (+ 25) for an existing general day care center 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 28, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 28, 1996.

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

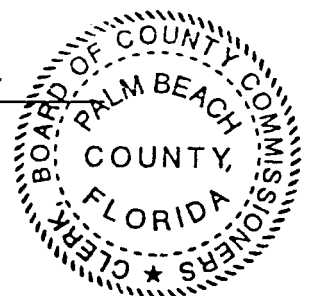


EXHIBIT A
LEGAL DESCRIPTION

THE NORTH 292.03 FEET OF THE EAST 230.00 FEET OF THE
WEST 2964.00 FEET OF SECTION 25, TOWNSHIP 43 SOUTH,
RANGE 40 EAST, SUBJECT TO AN EASEMENT OVER THE EAST
30.00 FEET THEREOF FOR DRAINAGE PURPOSES, BEING
LOCATED ON THE NORTH SIDE OF OKEECHOBEE BOULEVARD,
APPROXIMATELY .22 MILES EAST OF SEMINOLE PRATT
WHITNEY.ROAD. TOTAL ACREAGE (1.54 ACRES)

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BGLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-528 (Petition 89-64), R-90-528 (Petition 89-64), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

B. HEALTH

1. Prior to final site plan certification application and engineering plans to upgrade the existing onsite **sewage** treatment and disposal system (OSTDS), in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit. (DRC: HEALTH)
2. **No food** preparation or processing will **be** allowed onsite where an OSTDS **is** required. (ONGOING: HEALTH)
3. Prior to final site plan approval application to upgrade the existing system in accordance with Palm Beach County ECR II must **be** submitted to the Palm Beach County **Public** Health Unit. A non-transient non-community water system has previously been approved for this site. (DRC: HEALTH)
4. Prior to issuance of a building permit architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 FAC. (**BLDG PERMIT: HEALTH /BLDG**)

C. LANDSCAPING

1. All trees required for the outdoor play area by this approval shall meet the following minimum standard: at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) 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 3.5 feet in length. (CO: LANDSCAPE - Zoning)
2. A hedge, minimum of two (2) feet in height planted twenty-four (24) inches on center, adjacent to on the outside of the six (6) foot solid wooden fence surrounding the outdoor play area to be maintained at a height of **six feet**; (Previously Condition 1.c. Petition 89-64 of Resolution R-90-528) (ONGOING: ZONING)

3. Landscaping along Okeechobee Boulevard shall be upgraded to include one twelve (12) foot native canopy tree for each twenty (20) linear feet and one (1) native palm for each forty (40) linear feet; and a thirty-six (36) inch in height native hedge; ~~and~~ (Previously Condition 3.g. Petition 89-64 of Resolution R-90-528) (CO: LANDSCAPE - Zoning)
4. Condition 1.f. of Resolution R-90-528, Petition 89-64, which currently states:

Alternative perimeter landscape No.3 along the north, east and west property lines;

Is hereby renumbered and amended to state:

Prior to final site plan approval, the alternative landscape betterment plan shall be amended to reflect existing trees and shrubs and be approved by the DRC and the landscape inspectors **for** applicable landscape requirements pursuant to the ULDC. (DRC: ZONING - LANDSCAPE)

D. SITE DESIGN

1. Prior to the Site Plan Review Submittal, the site plan shall be amended to indicate:
 - a. A continuous six (6) foot solid wooden fence extending along the east side of the canal, along the eastern side of the site beginning at the ultimate right-of-way line for Okeechobee Road, north to the outdoor play area fence; (Previously Condition 1.a, Petition 89-64 of Resolution R-90-528) (DRC: ZONING)
 - b. The entrance drive off Okeechobee Road increased in width from fifteen (15) feet to twenty (20) feet and straighten to allow for efficient access to the parking area; (Previously Condition 1.b, Petition 89-64 of Resolution R-90-528) (DRC: ZONING)
 - c. Signage along Okeechobee Road shall be relocated outside of the required fifteen foot perimeter landscape buffer; (Previously Condition 1.d, Petition 89-64 of Resolution R-90-528) (DRC: ZONING)
 - d. A six (6) foot high solid wooden fence shall enclose the outdoor play area; (Previously Condition 1.e, Petition 89-64 of Resolution R-90-528) (CO: BLDG - Zoning)
 - e. Ten (10) foot safe triangles at the projects entrance roads onto Okeechobee Boulevard. (Previously Condition 1.h, Petition 89-64 of Resolution R-90-528) (DRC: ZONING - Eng)
 - f. The day care center shall be limited to a maximum of 87 pupils. (ONGOING: HEALTH)
2. Prior to Site Plan Review Committee submittal, the site development plan shall be amended to satisfy all minimum property development regulations and land development requirements. (Previously Condition 2, Petition 89-64 of Resolution R-90-528) (DRC: ZONING)

Condition to be deleted. Reason: Code requirement.

3. **The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval.** (Previously Condition 3, Petition 89-64 of Resolution R-90-528) (HEALTH)

Condition to be deleted. Reason: Duplicate condition.

4. Condition 4 of Resolution R-90-528, Petition 89-64, which currently states:

Signage shall be limited to one (1), fifty (50) square foot sign (double sided).

Is hereby amended to state:

Signage shall be limited to one (1), fifty (50) square foot sign (double sided) a maximum of ten (10) feet in height. (CO: ZONING)

5. **No off premise signs shall be permitted on site.** (Previously Condition 5, Petition 89-64 of Resolution R-90-528) (ONGOING: CODE ENF)

E. ENGINEERING

1. **The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida.** (Previously Condition 6, Petition 89-64 of Resolution R-90-528) (BLDG PERMIT: BLDG - Eng)
2. 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 Number 89-64(A), to be paid at the time of issuance of the Building Permit for the proposed addition for the proposed addition for the day care center presently is \$1,925.00 (35 trips X \$55.00 per trip). (BLDG PERMIT: FAIR SHARE FEE COORDINATOR)

F. COMPLIANCE

1. 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; 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.

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)