

RESOLUTION APPROVING ZONING PETITION CA96-102
CLASS A CONDITIONAL USE
PETITION OF LEE BROTHERS
BY CARLOS GONZALEZ, AGENT
(LEE BROTHERS DAYCARE 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 CA96-102 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 1997; 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 Z/CA96-102, the petition of Lee Brothers, by Carlos Gonzalez, agent, for a Class A Conditional Use (CA) for a Daycare, general (200 children) in the Residential Single Family (RS) 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 February 27, 1997, ~~subject to~~ the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster 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:

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

The Chair thereupon declared that ~~the~~ resolution was duly passed and adopted on February 27, 1997.

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

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LEE ESTATES PLAT 1, AS AS RECORDED IN PLAT BOOK 69, PAGES 109 THRU 111, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE SOUTH 89°58'08" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 286.97 FEET, THENCE NORTH 00°35'36" WEST DEPARTING FROM SAID RIGHT-OF-WAY LINE, A DISTANCE OF 316.01 FEET TO A POINT ON THE SOUTH LINE OF LAND IN PLAT BOOK 58, PAGES 80 AND 81, OF THE COUNTY RECORDS; THENCE SOUTH 00°D1'3" A DISTANCE OF 316.01 FEET TO THE AFC CONTAINING 2.1 ACRES MORE OR LESS.

*Bad legal
35/44/42*

EXHIBIT B

VICINITY SKETCH

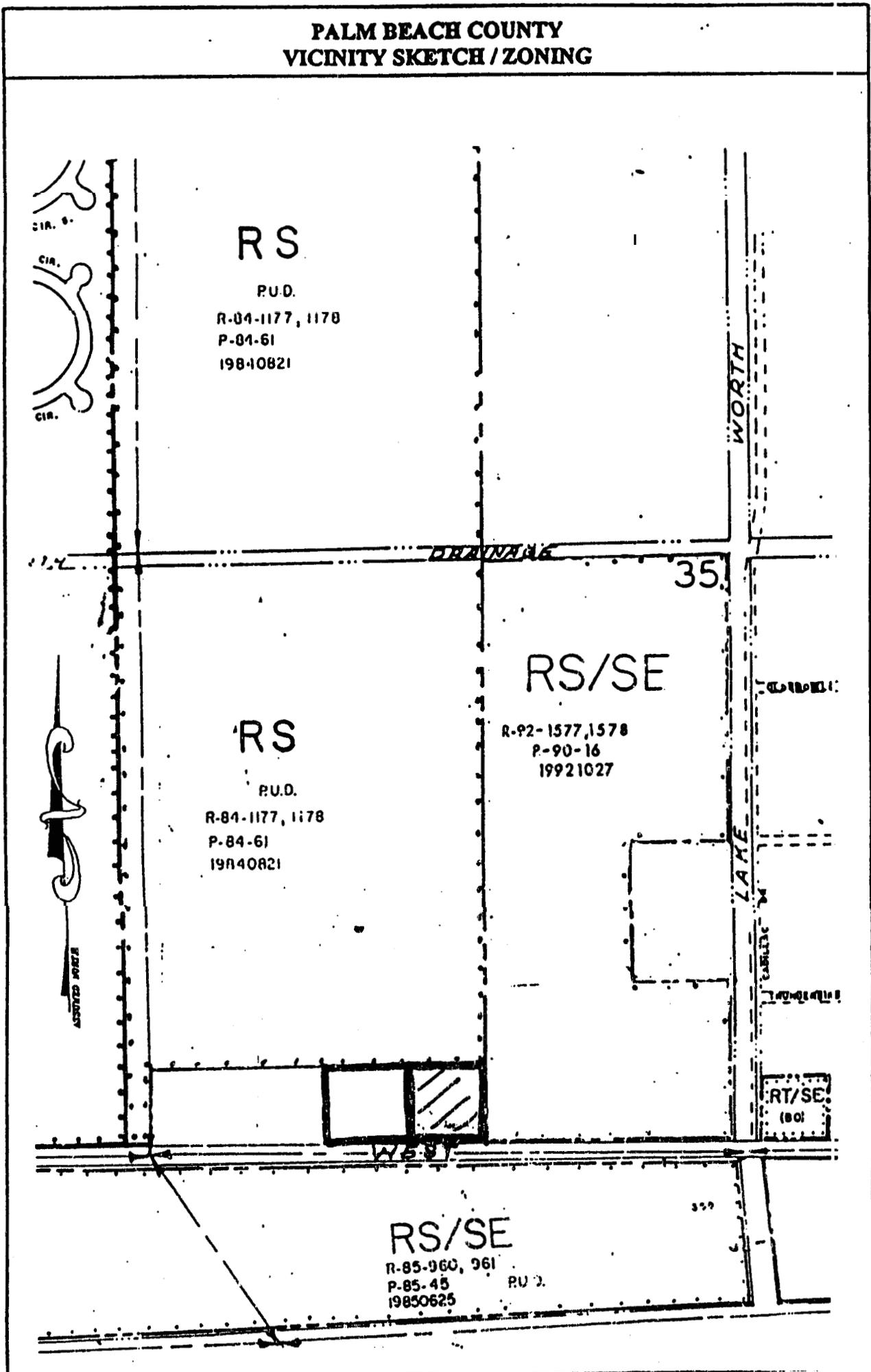


EXHIBIT C

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 December **10, 1996**. 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. (ONGC ING: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 9,000 square feet. (DRC: ZONING)
2. The maximum height for the proposed one story building shall not exceed twenty (20) feet measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. All air conditioning and mechanical equipment shall be screened from view **on all** sides by a visually opaque barrier consistent with the color, **character** and architectural style of **the** principal structure **or** equivalent landscape material. (CO: BLDG - Zoning)
4. Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: MONITORING - Bldg)
5. The **outdoor** playground area shall be enclosed by a **six (6)** foot high **wood** fence **setback** a minimum distance of thirty-five (35) feet from the north, east and west property lines (DRC/BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

D. LANDSCAPING - STANDARDS

1. All trees to be planted on site shall meet the following minimum standards at time of 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.
 - d. Credit may **be** given for existing **or** relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms to **be** planted on site shall meet **the** following minimum standards at time of installation:
 - a. Palm heights: twelve **(12)** feet clear trunk or grey **wood**, whichever is greater;
 - b. Clusters: staggered heights twelve **(12)** to eighteen **(18)** feet; and
 - c. Credit may **be** given for existing or relocated palms **provided** they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to the issuance **of** the first Building Permit, the property owner shall **convey** to Palm Beach County **Land** Development Division by road right-of-way warranty deed for Lantana Road, 55 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owner 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 at intersections **as** determined by the County Engineer. (BLDG PERMIT: MONITORING/Eng.)
2. 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. LANDSCAPE **WITHIN** MEDIAN
 - A. Prior to issuance of a building permit, the property owner shall apply to **the** Land Development Division, Permit Section, of the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by **the** Land Development Division Palm Beach County Department of Engineering and Public **Works**, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public **Works** Department **March 1994** Streetscape Standards and shall be consistent with the landscaping theme adopted for **this** roadway. **All** landscape material, installation, and maintenance requirements shall be **subject** to the standards set forth by the Streetscape Standards. If all **xeriscape** material is utilized, **the** watering of the plant material during the initial heal-in period shall be **the** responsibility of the property owner. Alternative species other than those listed in the County standards may **be** allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
 - B. All required median landscaping, including an irrigation **system** if required shall **be** installed at the property owners expense. **All** landscape material shall also be **the** perpetual maintenance obligation **of the** petitioner and its successors, heirs or **assignees** or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: **MONITORING** - Eng)

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation. (CO: MONITORING - Eng.)

F. LANDSCAPING ALONG SOUTH PROPERTY LINE (LANTANA ROAD FRONTAGE)

1. Landscaping and buffering along the south property line shall include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. Continuous two (2) foot high berm with the height of the berm measured from the top of curb.
 - c. one (1) canopy tree planted for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center; and
 - d. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center planted on the plateau of the berm. (DRC/CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and west property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted for each twenty (20) linear feet of property line with a maximum spacing of twenty-five (25) feet on center; and
 - c. the property owner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center to be maintained at a minimum height of forty-eight (48) inches. (DRC/CO: ONGOING/ LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. Foundation landscaping shall be provided on all facades of the proposed building. The minimum width for the foundation landscaping shall be five (5) feet and no less than fifty (50) percent of the total length of the applicable side of the building. The required foundation landscaping shall consist of a minimum of one (1) tree or palm every 20 feet on center with appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the wood fence for the outdoor playground area:
 - a. One (1) canopy tree planted every twenty (20) feet on center; and
 - b. 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. (DRC/CO: ONGOING/ LANDSCAPE)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, 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 (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting fixtures shall be setback a minimum thirty-five (35) feet from the north, east and west property lines. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than 7:00 p.m., excluding security lighting only. (ONGOING: **CODE ENF**),

J. SIGN

1. **Signage** for **the** property shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
 - e. Location - maximum twenty-five (25) feet from entrance
 - f. No **other signage** shall be permitted on the property. (CO/BLDG PERMIT : BLDG)

K. USE LIMITATION

1. The day care center shall be limited to a maximum of 200 children. (ONGOING: DRC/ **HEALTH**)
2. The operation of **the** day care center shall not exceed **the** hours of 7:00 a.m. to 7:00 p.m. and open on weekdays only. (ONGOING: CODE ENF)

L. 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 noncompliance, 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)**