

RESOLUTION NO. R-2010- 0445

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA-2009-04537
(CONTROL NO. 1998-00052)
a Class A Conditional Use
APPLICATION OF Holland Northlake
BY Urban Design Kilday Studios, AGENT
(Holland Northlake Dayschool)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/Z/CA-2009-04537 was presented to the Board of County Commissioners at a public hearing conducted on March 31, 2010; and

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; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ABN/Z/CA-2009-04537, the petition of Holland Northlake, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a Daycare, General. in the Residential Transitional (RT) 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 March 31, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on March 31, 2010.

Filed with the Clerk of the Board of County Commissioners on April 2, 2010.

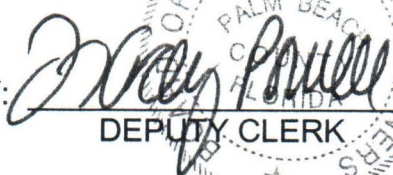
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

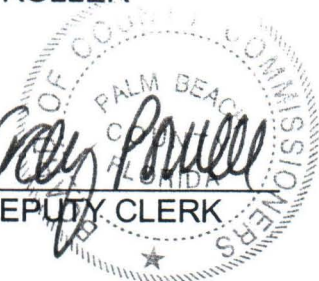


EXHIBIT A
LEGAL DESCRIPTION

PARCEL "A", CHARLES E. WALTER, P.U.D., REPLAT NO. 1, ACCORIDNG TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF ALL OF LOTS 2 AND 3, CHARLES E. WALTER, P.U.D., AS RECORDED IN PLAT BOOK 32, PAGE 84 THROUGH 85, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 WEST, PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING: 92,921.0 SQ. FT. 2.1 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

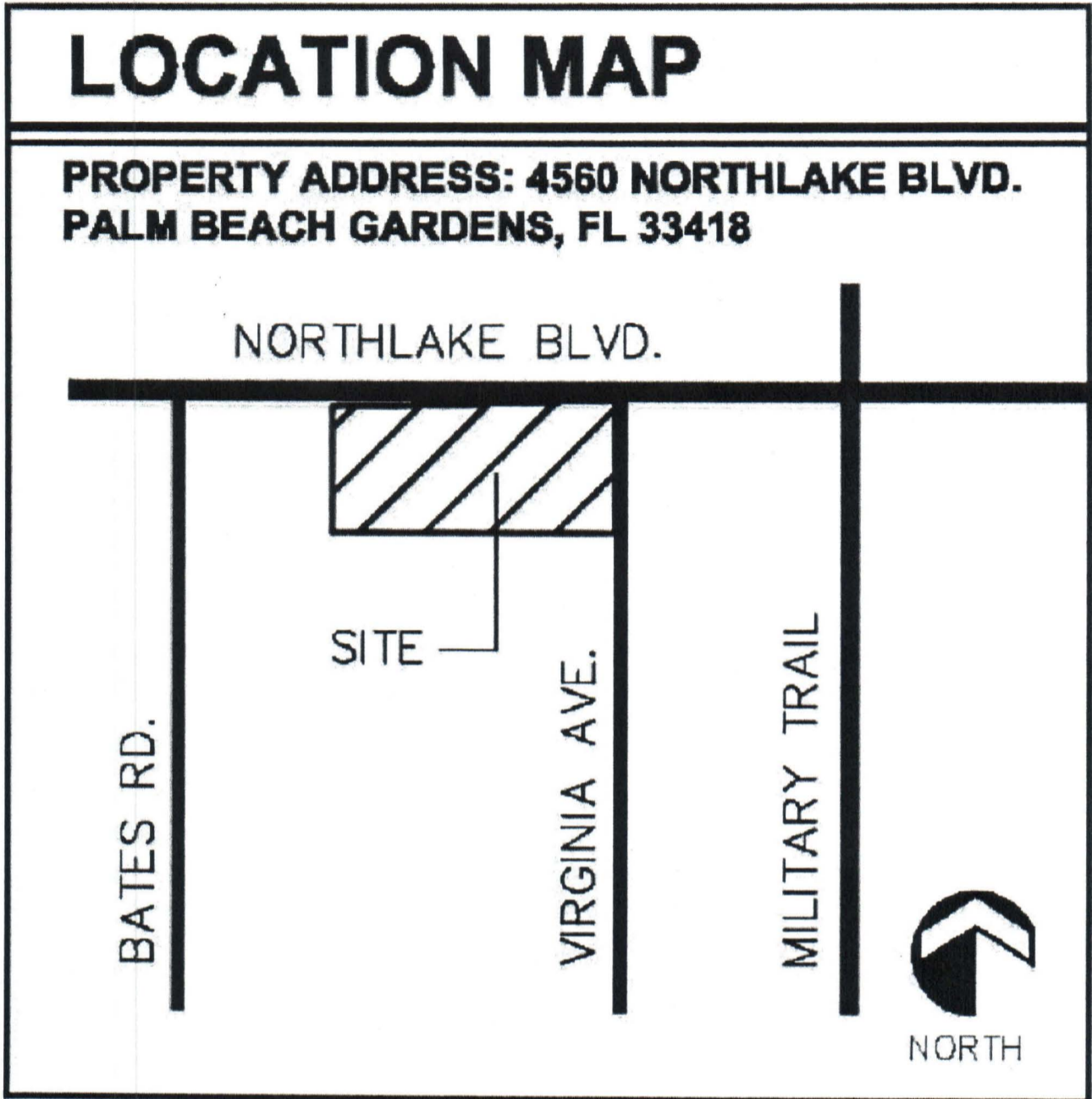


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site shall be generally consistent with the preliminary site plan dated December 28, 2009, and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roofline, shall be provided on all sides of all buildings. (BLDG PERMIT: ARCH REVIEW - Zoning)

2. Additional new buildings or structures shall be subject to architectural review and approval prior to building permit. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDG PERMIT: ARCH REVIEW - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2012. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Prior to Final DRO approval of the site plan associated with Application ABN/Z/CA-2009-4537, the site plan shall be amended as follows:

a. A 45-foot turning outer turning radius for Fire Department access on North Virginia Avenue, or as approved otherwise approved by the County Engineer and the Fire Department. (DRO: FIRE DEPT/ENGINEERING - Eng)

b. The sign proposed near the entrance on North Virginia Avenue as well as any existing trees shall be relocated, as necessary, to accommodate Fire Department Access. (DRO: FIRE DEPT/ENGINEERING- Eng)

c. The ingress on North Virginia Avenue shall be a minimum of 15.6 feet in width at the right of way line. (DRO: FIRE DEPT/ENGINEERING - Eng)

d. The signage for the site shall include a message for the Fire Department that access to the site is from North Virginia Avenue. (DRO: FIRE DEPT/ENGINEERING- Eng)

3. Prior to February 25, 2011, the property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for sufficient right of way along Northlake Boulevard such that the sidewalk on the south side of Northlake Boulevard is entirely within Palm Beach County right of way. Right of way conveyance shall be free and clear of all encumbrances and encroachments, except said sidewalk. 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. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING-Eng)

4.The developer shall modify the western driveway on Northlake Blvd to be egress only and modify the driveway on N. Virginia Ave to allow ingress only from the north. 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.

a.Permits required for improvements identified above shall be obtained from Palm Beach County prior to February 25, 2011. (DATE: MONITORING-Eng)

b.Construction shall be completed prior to use of the site for a general daycare. (ONGOING: ENGINEERING-Eng)

ENVIRONMENTAL

1.A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (DRO: ERM-erm)

LANDSCAPE

1. The tier required shrubs installed in the south landscape buffer to fill in the gaps in the existing buffer shall be Saw Palmetto or other plant material deemed acceptable by the Zoning Division, and located on the plateau of the berm. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

1.All outdoor lighting shall be upgraded to meet current code requirements in effect at the time of this approval of March, 2010. (ONGOING: CODE ENF - Zoning)

2.All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

3.Any exterior lighting south of a seventy-five (75) foot setback from Northlake Boulevard shall be extinguished by 7:30 PM. This condition excludes security lighting for the building. (ONGOING: CODE ENF - Zoning)

4. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

SIGNS

1.Freestanding 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);
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

2.Freestanding signs fronting on North Virginia Avenue 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);
- d. style - monument style only; and
- e. location - at the intersection of Northlake Boulevard and North Virginia Avenue. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS - DAY CARE

1.Hours of operation for outdoor activities shall be limited to 6:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF-Zoning)

2.The daycare shall be limited to one-hundred forty-four persons. (ONGOING: CODE ENF - Zoning)

3. Hours of operation are limited to 6:00 AM to 8:00 PM. (ONGOING: CODE ENF – Zoning)

4. The property owner shall notify the Square Lake neighborhood residents of any change of use from child day care to adult day care and shall hold a community meeting to discuss the neighborhood concerns. (ONGOIN: CODE ENF – 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 (CO); 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 Unified Land Development Code (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 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)