

RESOLUTION NO. R-2000- 1225

RESOLUTION APPROVING ZONING PETITION CA00-038
CLASS A CONDITIONAL USE
PETITION OF SARAH ZOLTEN
BY BURT SMITH, AGENT
(CANINE TO FIVE)

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 CA00-038 was presented to the Board of County Commissioners at a public hearing conducted on August 24, 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 CA00-038, the petition of Sarah Zolten, by Burt Smith, agent, for a Class A Conditional Use (CA) to allow a dog daycare facility in the General Commercial (CG) 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 August 24, 2000, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 24, 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

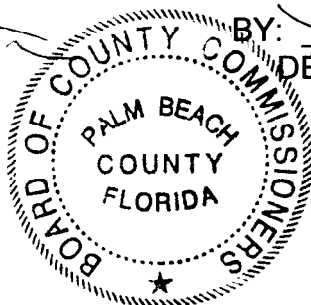


EXHIBIT A

LEGAL DESCRIPTION

That certain piece, parcel or tract of land, situate lying and being in the Northwest quarter (NW ¼) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the North Quarter corner of said Section 25 and run South along the centerline of Military Trail 63.01 feet to a point, Thence West parallel to the North line of said Section 25, 190.00 feet to the POINT OF BEGINNING;

Thence, South parallel to the centerline of Military Trail, a distance of 174.99 feet to a point; Thence East parallel to the North line of said Section 25, 150 feet to a point on the West right of way line of Military Trail; Thence South along said right of way line, a distance of 15.0 feet to a point; Thence West, along a line parallel to the North line of said Section 25, a distance of 240.00 feet to a point; Thence South parallel to the centerline of Military Trail, a distance of 213.66 feet more or less, to a point 200 feet north of the south line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4); Thence East along a line parallel to the South line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Northwest Quarter (NW1/4) of Section 25, a distance of 240.00 feet to a point on the West right of way line of Military Trail; Thence South along said right of way, a distance of 20.0 feet to a point; Thence West along a line parallel to the South line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Northwest Quarter (NW1/4) of Section 25, a distance of 200.00 feet to a point; Thence South along a line parallel to said centerline of Military Trail, a distance of 180.00 feet, more or less to a point on the south line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25; Thence West along said South line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25, a distance of 426.71 feet to the Southwest corner of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25; Thence North along the West line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25, a distance of 605.65 feet a point on a line 63.01 feet South of and parallel to the North line of said Section 25, also being the South right of way line of Lake Worth Road; Thence East along said right of way line of Lake Worth Road, a distance of 426.45 feet to the POINT OF BEGINNING.

Less that portion of the above described parcel lying North of the proposed South right of way line of Lake Worth Road (State Road 802) as shown on the right of way map recorded in Road Plat Book 5, pages 126 to 138, inclusive, Public Records of Palm Beach County, Florida.

And Also Less a parcel of land in the Northwest Quarter (NW1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25; Thence running South, along the West line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of said Section 25, a distance of 63.01 feet; Thence running East, parallel to the North line of said Section 25, a distance of 21 .0 feet to the POINT OF BEGINNING;

EXHIBIT A
LEGAL DESCRIPTION

Thence continuing east, along the extension of the previous course, a distance of 68.01 feet, Thence south, parallel to the West line of the Northeast Quarter (**NE1/4**) of the Northeast Quarter (**NE1/4**) of the Northwest Quarter (**NW1/4**) of Section 25, a distance of 99.93 feet; Thence running West, perpendicular to the previous course, a distance of 68.0 feet; Thence running North, perpendicular to the previous course, a distance of 101.10 feet to the POINT OF BEGINNING.

And ALSO LESS that portion conveyed to Palm Beach County in Official Record Book 5887 at Page 1971. Subject to easements, reservations, restrictions and rights of way of record. Containing 5.856 acres, more or less.

EXHIBIT B
VICINITY SKETCH

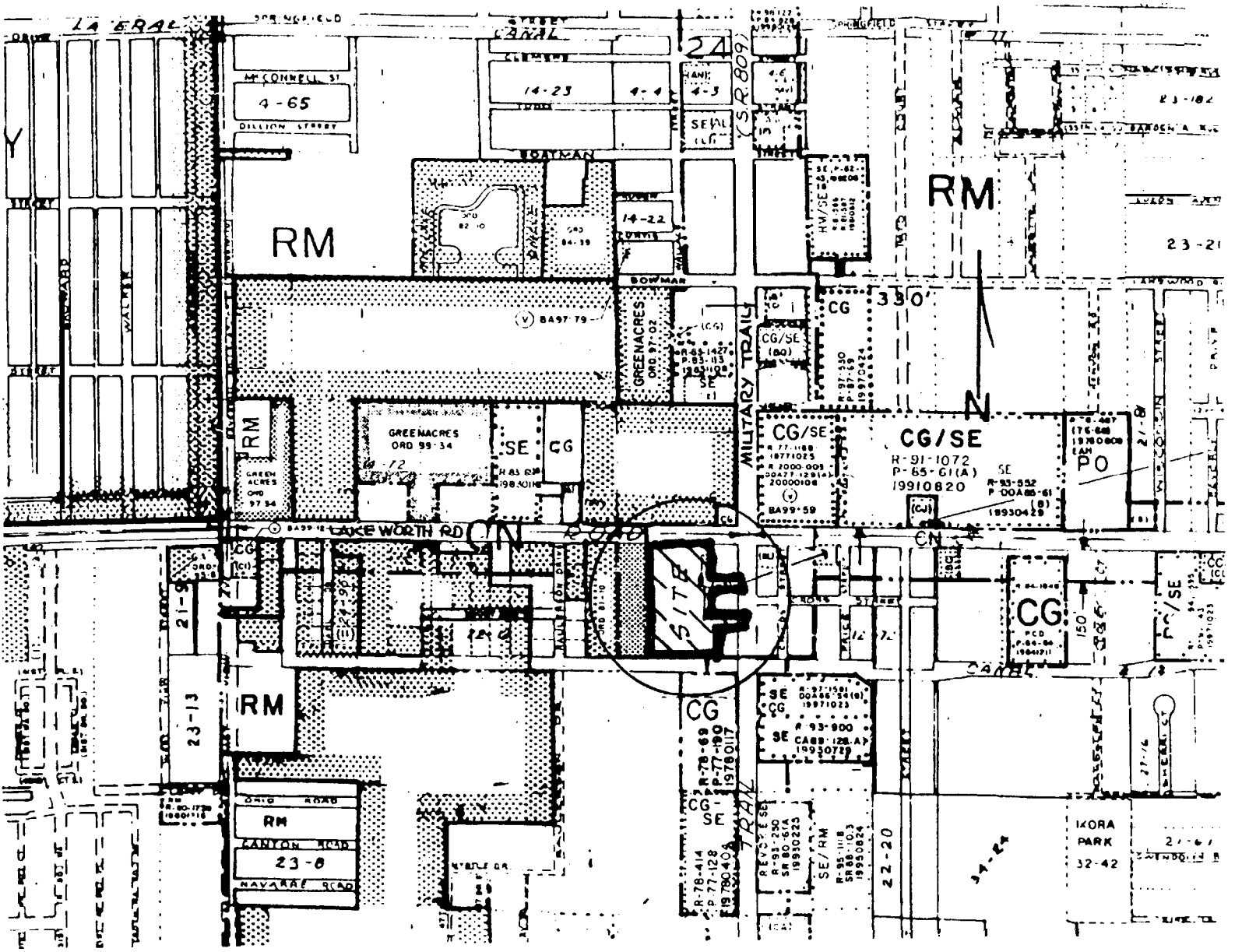


EXHIBIT C

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 May 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)

B. BUILDING AND SITE DESIGN

1. Total gross floor area of the dog **daycare** center shall be limited to a maximum of 1,560 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)

C. INTERIOR LANDSCAPING

1. Foundation planting or grade level planters shall be provided along the north facade of the dog **daycare** facility to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the north side of the dog **daycare** facility; 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)

D. DOG DAYCARE

1. The dog **daycare** center shall be limited to a maximum of thirty (30) dogs. (ONGOING: HEALTH)
2. Hours of operation for the dog **daycare** center shall be limited to 6:00 a.m. to 9 p.m. daily. (ONGOING: CODE ENF)
3. No outdoor activities for dogs (except getting access to Military Trail) shall be permitted on the premise and along the LWDD CANAL L-12 easement. (ONGOING: CODE ENF)
4. Outdoor activities such as drop-off/pick-up shall be permitted only in the designated area of the premise and as shown on the site plan dated May 17, 2000. (ONGOING: CODE ENF)
5. The petitioner shall dispose of all dog waste generated on or off the subject property in accordance with section 6.4.D.30.1 of the ULDC. (ONGOING: CODE ENF)

E. ENGINEERING

No comments.

F. SIGNS

1. No additional freestanding signs shall be permitted on the site. (CO: BLDG)
2. Wall signs shall be limited to the north facade of the building and shall be limited to twenty-four (24) inches high. (CO: BLDG)

G. 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)