

RESOLUTION NO. R-2001- 0136

RESOLUTION APPROVING ZONING PETITION DOA94-086(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF WILLIE DEAN
BY WILLIE DEAN, AGENT
(SMALL CREATIONS LEARNING 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, 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 DOA94-086(B) was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2001; 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 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 DOA94-086(B), the petition of Willie Dean, by Willie Dean, agent, for a Development Order Amendment (DOA) to add square footage, children and modify/delete conditions of approval on a parcel of land legally described in EXHIBITA, 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 January 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Warren H. Newell, Chair	-	Aye
Carol A. Roberts, Vice Chair	-	Aye
Karen T. Marcus		Aye
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Absent
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 2001.

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

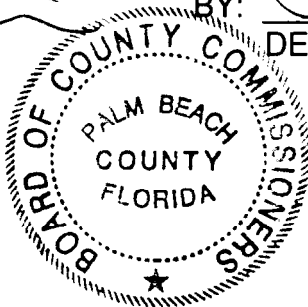


EXHIBIT A
LEGAL DESCRIPTION

The North 200 feet of Tract 25, Block 13, PALM BEACH FARMS COMPANY, PLAT NO. 3, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Page 46, LESS the West 450 feet thereof. ALSO, that part of the Southwest quarter of Section 3, Township 44 South, Range 42 East, lying Easterly of the above described land, less, however, the East 40 feet thereof, being the part of the right-of-way for Jog Road. ALSO described as the North half of Lot 1, MONMOUTH ESTATES, an unrecorded Subdivision.

Containing 0.668 Acres

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

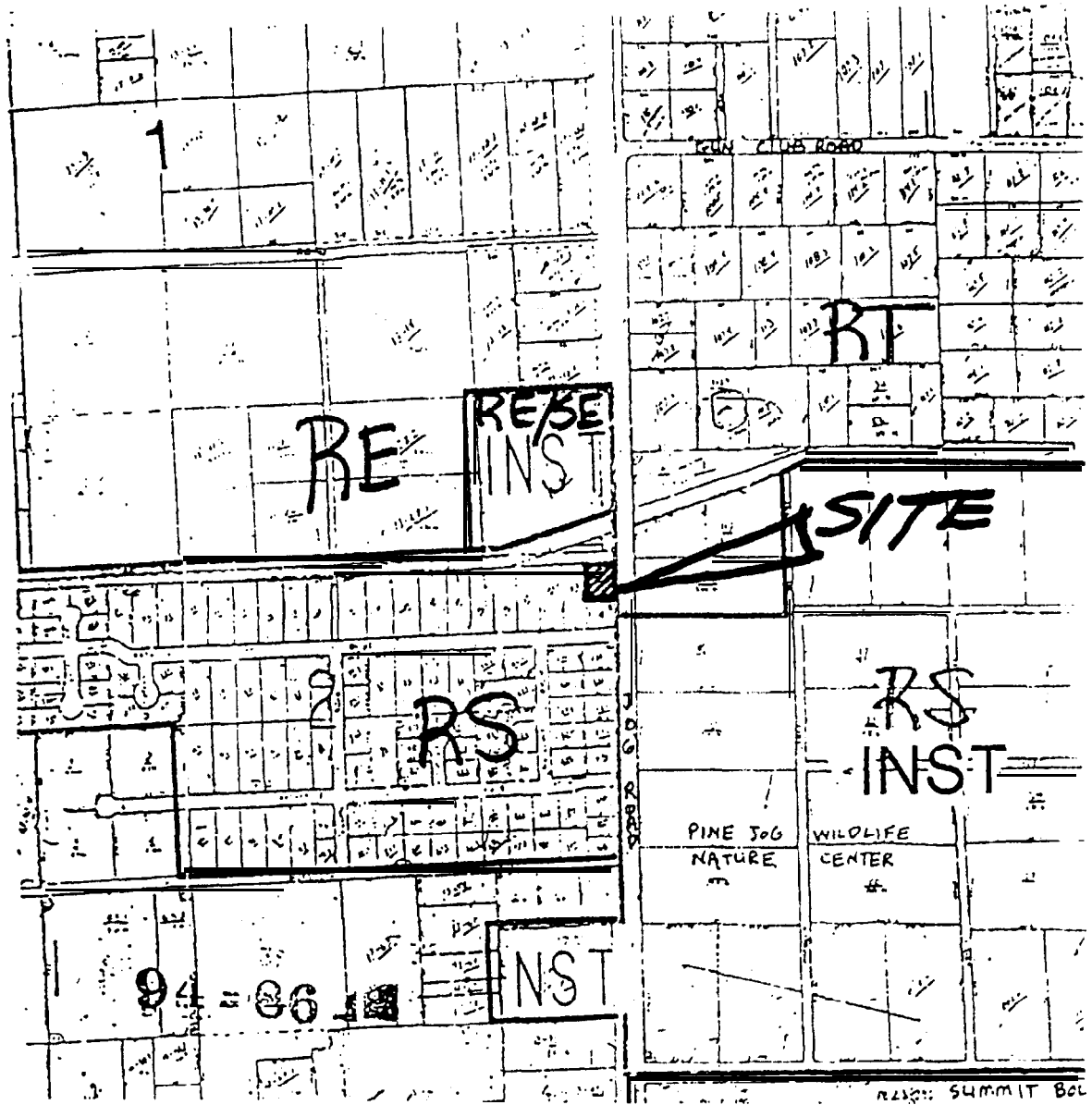


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** 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-95-276 (Petition 94-86), 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) (Previously Condition A. 1 of Resolution R-97-0372, Petition EAC94-086(A))**

2. Condition A.2 of Resolution R-97-0372, Petition EAC94-086(A) which currently states:

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 January 22, 1997. 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)

Is hereby amended to read:

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 November 22, 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) (Previously Condition A.2 of Resolution R-97-0372, Petition EAC94-086(A))

B. DAY CARE

1. Condition B. 1 of Resolution R-97-0372, Petition EAC94-086(A) which currently states:

The day care center shall be limited to a maximum of thirty-one (31) children. (ONGOING: BLDG/HEALTH - Zoning)

Is hereby amended to read:

The day care center shall be limited to a maximum of forty-eight (48) children. (ONGOING: BLDG/HEALTH - Zoning)

2. **The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 1,500 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. (BLDG -Zoning) (Previously Condition B.2 of Resolution R-97-0372, Petition EAC94-086(A))**

3. **Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. All perimeter landscape material shall be installed on the exterior side of the required fence. (BLDG -Zoning) (Previously Condition B.3 of Resolution R-97-0372, Petition EAC94-086(A))**

4. Condition B.4 of Resolution R-97-0372, Petition EAC94-086(A) which currently states:

If the chain link/hedge material combination does not provide a minimum six (6) foot opaque screening by April 1, 1998, the petitioner shall install a six (6) foot wooden fence along the west and south sides of the outdoor play area. (DATE/LANDSCAPE - Zoning)

Is hereby amended to read:

Prior to issuance of Certificate of Occupancy (CO) for the addition, the petitioner shall install a six (6) foot wooden fence along the west and south sides of the outdoor play area. (CO: BLDGILANDSCAPE)

5. **The outdoor play area shall not be used for activities after 8:00 p.m. or before 9:00 a.m. (ONGOING: CODE ENF) (Previously Condition B.5 of Resolution R-97-0372, Petition EAC94-086(A))**

6. **All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF) (Previously Condition B.6 of Resolution R-97-0372, Petition EAC94-086(A))**

C. HEALTH

1. **The application and engineering plans to upgrade the onsite sewage disposal system in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to issuance of a building permit. (HEALTH) (Previously Condition C.1 of Resolution R-97-0372, Petition EAC94-086(A))**

2. **Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter IOD-24 prior to issuance of a building permit. (HEALTH) (Previously Condition C.2 of Resolution R-97-0372, Petition EAC94-086(A))**

3. **No food preparation for day care will be allowed on site where an onsite sewage disposal system is required. (HEALTH) (Previously Condition C.3 of Resolution R-97-0372, Petition EAC94-086(A))**

4. Architectural plans must be submitted to the Institutional /Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINE

1. **All landscape material required along the north property line shall be installed along the interior side of the fence. (BLDG) (Previously Condition D. 1 of Resolution R-97-0372, Petition EAC94-086(A))**

E. ENGINEERING

1. Condition E.I of Resolution R-97-0372, Petition EAC94-086(A)) which currently states:

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 day care expansion to be paid at the time of issuance of the Building Permit presently is \$7,865 (143 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR)

Is hereby deleted. [REASON: Code Requirement]

F. SIGNS

1. **Point of purchase signs fronting on Jog Road shall be limited as follows:**
 - a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
 - b. **Maximum sign face area - 80 square feet;**
 - c. **Maximum number of signs - one (1)**
 - d. **Monument style.** (BLDG PERMIT: BLDG - Zoning) (Previously Condition E. 1 of Resolution R-97-0372, Petition EAC94-086(A))

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; 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) (Previously Condition G. 1 of Resolution R-97-0372, Petition EAC94-086(A))