

RESOLUTION NO. R-93- 1023

RESOLUTION APPROVING ZONING PETITION DOA87-49(C)
DEVELOPMENT ORDER AMENDMENT
PETITION OF VANDEGRIFT-WILLIAMS FARMS, INC.

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 notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA8-49(C) was presented to the Board of County Commissioners at a public hearing conducted on August 30, 1993; 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 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 relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, **is** compatible as defined in the Palm Beach county 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 standards imposed on it by applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County 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.
11. This Development Order Amendment is consistent with Section 6.7.D of the ULDC (Glades Area Economic Development Overlay District).

WHEREAS, Article 5 of the Palm Beach County 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 DOA87-49(C), the petition of VANDEGRIFT-WILLIAMS FARMS, INC. for a DEVELOPMENT ORDER AMENDMENT in the AGRICULTURAL RESIDENTIAL (AR) Zoning District, to amend a previously approved Day Care, General to increase the number of children from 62 to 102, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on August 30, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of August, 1993.

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

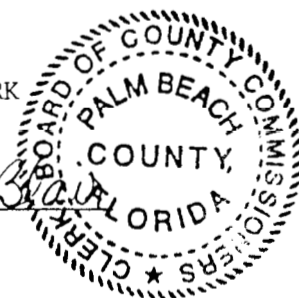



EXHIBIT A
(legal description)

DESCRIPTION: 40-Acre Tract.

The Northwest Quarter, of the Southeast Quarter **of** Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida.

NOTE: East Beach Water Control District claims prescriptive rights over the West **44** feet of the Northwest Quarter of the Southeast Quarter of Section **29**, Township 42 South, Range 37 East, Palm Beach County, Florida.

DESCRIPTION:  ADDITIONAL RIGHT-OF-WAY

Beginning at the Southwest corner of the Northwest Quarter (NW- $\frac{1}{4}$) of the Southeast Quarter (SE- $\frac{1}{4}$) **of** Section 29, Township 42 South, Range 37 East, Palm Beach County, Florida;

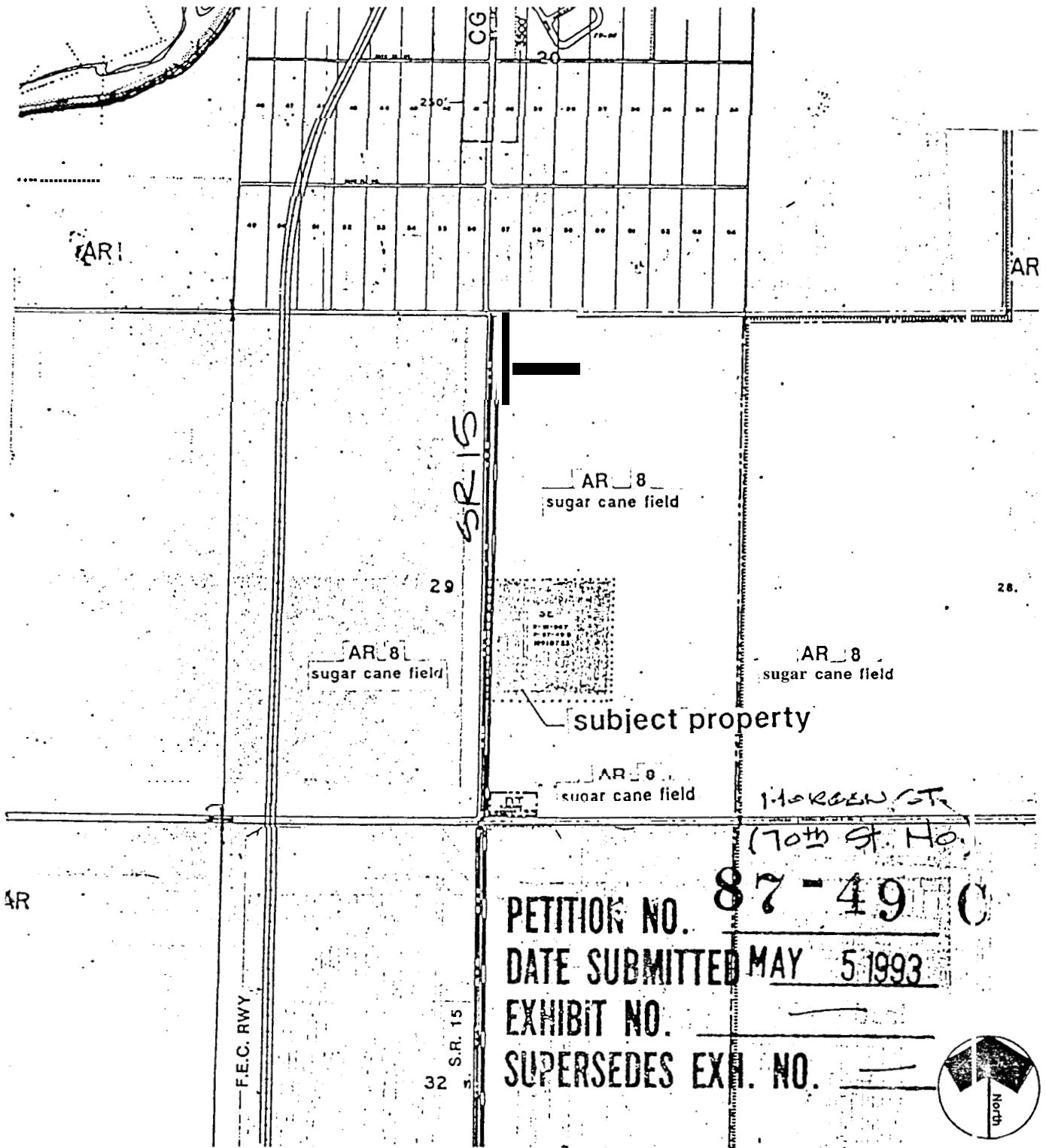
thence North 0 degrees 16 minutes 25 seconds West, 1320.54 feet along the West **line** of the Northwest Quarter (NW- $\frac{1}{4}$) of the Southeast Quarter (SE- $\frac{1}{4}$) of said Section 29, to the Northwest corner of the Northwest Quarter (NW- $\frac{1}{4}$) **of** the Southeast Quarter (SE- $\frac{1}{4}$) of said Section 29;

thence North 89 degrees 55 minutes 59 seconds East, 1.70 feet along the North line of the Northwest Quarter (NW- $\frac{1}{4}$) of the Southeast Quarter (SE- $\frac{1}{4}$) of said Section 29;

thence South 0 degrees 11 minutes 59 seconds East, 1320.54 feet to the Southwest corner **of** the Northwest Quarter (NW- $\frac{1}{4}$) of the Southeast Quarter (SE- $\frac{1}{4}$) **of** said Section 29, and the Point of Beginning.

Containing: 1120 square feet.

EXHIBIT B
(location sketch)



**EXHIBIT C
CONDITIONS OF APPROVAL**

A. STANDARD CONDITIONS:

1. All previous conditions of approval applicable to the subject property have been consolidated as contained herein. The petitioner shall comply with all **previous conditions of approval**, including original deadlines pursuant to Section 5.8 of the ULDC, as amended, unless expressly modified. (MONITORING)
2. **Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.** (Previously Condition A. 1 of Resolution R-91-987) (ZONING)
3. Condition A. 2 of Resolution R-91-987, which currently states:

Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review).

Is hereby deleted. [REASON: Code Requirement]

B. DAY CARE

1. Condition B.1 of Resolution R-91-987, which currently states:

The day care center shall be limited to a maximum of sixty-two (62) students and a minimum of 2,170 square feet of net building area.

Is hereby amended to state:

Maximum occupancy of the day care center shall be limited to 102 children. (CODE ENFORCEMENT)

2. **The site plan shall be amended to reflect five (5) drop-off stalls a minimum of twelve (12) feet wide by twenty (20) feet long.** (Previously Condition B.2 of Resolution R-91-987) (ZONING)
3. **The site plan shall be amended to reflect a four (4) foot wide paved walkway running in front of the drop-off spaces and connecting to the day care entrance.** (Previously Condition B.3 of Resolution R-91-987) (ZONING)
4. **The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per seven-hundred and fifty (750) square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area and in compliance with HRS requirements.** (Previously Condition B.4 of Resolution R-91-987) (ZONING)
5. **The outdoor play area shall have a twenty-four (24) inch minimum height hedge planted twenty-four (24) inches on center and twelve (12) foot tall native canopy trees planted thirty (30) feet on center on the outside of the required fence.** (Previously Condition B.5 of Resolution R-91-987) (ZONING)

C. DUMPSTER

1. Condition C.1 of Resolution R-91-987, which currently states:

All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind an enclosure having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscuring, opaque gate.

Is hereby deleted. [REASON: Code Requirement]

D. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to site plan approval (or prior to issuance of Building Permit for straight rezoning). (Previously Condition D.1 of Resolution R-91-987) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (Previously Condition D.2 of Resolution R-91-987) (HEALTH)

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 on-site 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 Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. (Previously Condition E.1 of Resolution R-91-987) (ENGINEERING). May be deleted. Reason, now a code requirement.
2. Prior to September 1, 1991 or prior to the issuance of the first Building Permit whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for State Road 15, 60 feet from centerline free of all encumbrances and encroachments. Developer 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition E.2 of Resolution R-91-987) (ENGINEERING). Data Base indicates compliance with this condition,

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. Previously Condition F.1 of Resolution R-91-987. (UTILITIES)

G. LANDSCAPE

1. Landscaping shall be upgraded along the north and west property lines, from the northwest corner measured to a distance of 300 feet from the corner in each direction, to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center.
 - b. A hedge, wall, fence, berm or combination thereof presenting a visually opaque barrier a minimum of six (6) feet in height. Previously Condition G.1 of Resolution R-91-987. (ZONING)
2. Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained in accordance with Arbor Society Standards. Previously Condition G.2 of Resolution R-91-987. (ZONING)
3. All plant material shall be fully irrigated and maintained in a healthy viable condition. Previously Condition G.3 of Resolution R-91-987. (ZONING)

H. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum of twenty (20) feet in height, low intensity, shielded and directed away from adjacent properties and streets. Previously Condition H.1 of Resolution R-91-987. (ZONING/BUILDING)

I. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. Previously Condition I.1 of Resolution R-91-987. (SWA)

J. SIGN

1. signs fronting on State Road 15 shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - fifty (50) square feet.
 - c. Maximum number of signs - one (1). Previously Condition J.1 of Resolution R-91-987. (ZONING)
2. No off-premise signs shall be permitted on site. Previously Condition J.2 of Resolution R-91-987. (ZONING)

3. Condition J.3 of Resolution R-91-987, which currently states:

In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code,

Is hereby deleted. [REASON: Code has been amended.]

K. SITE DESIGN

1. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area or be screened by a visually opaque landscape barrier the height of the equipment. Previously Condition K.1 of Resolution R-91-987. (ZONING/BUILDING)

L. USE LIMITATION

1. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, right-of-way or interior drives. Previously Condition L.1 of Resolution R-91-987. (ZONING)
2. Use of the site shall be limited to a day care center and permitted AR zoning uses only. Previously condition L.2 of Resolution R-91-987. (ZONING/BUILDING)

M. COMPLIANCE

1. Condition M.1 of Resolution R-91-987, which currently states:

As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit, the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby deleted. [REASON: Code Requirement.]