

RESOLUTION NO. R-97- 372

RESOLUTION APPROVING ZONING PETITION **EAC94-86(A)**
DEVELOPMENT ORDER AMENDMENT
PETITION **OF** SMALL CREATION CHILDCARE
BY WILLIE MAE DEAN, AGENT
(SMALL CREATION CHILDCARE AND LEARNING CENTER)

3/44/42

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 **EAC94-86(A)** was presented to ~~the~~ Board of County Commissioners at a public hearing **conducted on March 27, 1997; 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.

- 0. 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 EAC94-86(A), the petition ~~of~~ **Small** Creation Childcare, by Willie Mae Dean, agent, for a Development **Order Amendment/Expedited** Application Consideration (EAC) **Modify** condition **A.1 of Resolution R-95-276** (maximum number of children) to allow an increase to maximum of **31 children**, 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 **attached as EXHIBIT B, attached hereto and made a part hereof**, was approved **on March 27, 1997**, 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 Foster and, upon being put to a vote, ~~the~~ vote was as follows:

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


The Chair **thereupon declared** that the resolution was duly passed and adopted on March 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

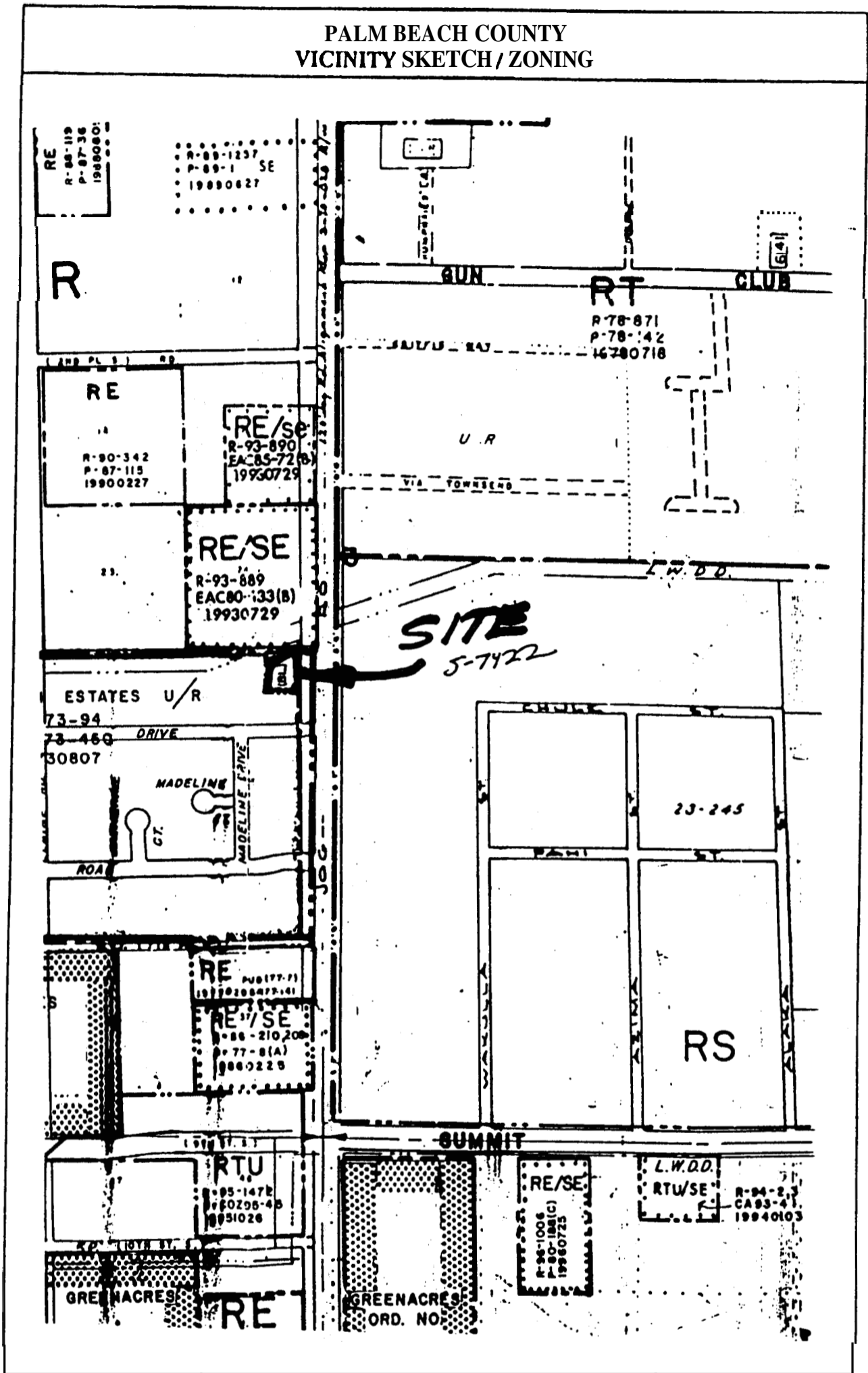
county of 'PALMBEACH

State of Florida 10 04:

The North 200 feet of Tract 25, Block 13, PALM BEACH FARMS CO. PLAT NO. 3, according to the Plat thereof recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida; Less the West 450 feet thereof. Together with that part of the Southwest 1/4 of Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, lying Easterly of above described land, less however, the East 40 feet thereof, being a part of the right of way for Jog Road; also described as the North 1/2 of Lot 1, MONMOUTH ESTATES, an unrecorded subdivision.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 1993.

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 94-86(A)
 Zoning Quad Page _____
 Date: 3/4/97



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)
2. 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).

B. DAY CARE

1. Condition A 1 of Resolution R-95-276, Petition CA94-86, ~~which~~ currently states:

The day care center shall **be** limited to a maximum of twenty **(20)** children.

Is hereby amended to read:

The day **care** center shall **be** limited to a maximum of ~~thirty-one~~ **(31)** 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. (Previously Condition **A2** of Resolution R-95-276, Petition CA94-86) (BLDG - Zoning)
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**. (Previously Condition **A3** of Resolution R-95-276, Petition ~~CA94-86~~) (BLDG - Zoning)
4. ~~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)

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)
6. All **outdoor** lighting shall **be** extinguished no later than **8:00 p.m.**, exc uding security lighting only. (ONGOING: CODE **ENF**)

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-4** must be submitted to **the Palm Beach County Public Health Unit** prior to issuance **of a building permit.** (Previously Condition 8.1 **of** Resolution R-95-276, Petition CA94-86) (HEALTH)
2. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordancs with Chapter **10D-24** **prior to issuance of a building permit.** (Previously Condition 8.2 **of** Resolution R-95-276, PetitionCA94-86) (HEALTH)
3. **No food preparation** for day care will be allowed **on site where an** onsite sewage disposal system **is** required. (Previously Condition **E.3** of ResolutionR-95-276, Petition CA94-86) (HEALTH)

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. (Previously Condition D.1 of ResolutionR-95-276, Petition CA94-86) (BLDG)

E. ENGINEERING

1. 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)** (Previously Condition **E.1** of Resolution R-95-276, Petition CA94-86) (IMPACT FEE COORDINATOR).

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. (Previously Condition **C.1** of Resolution R-95-276, PetitionCA94-86) (BLDG PERMIT: BLDG - Zoning)

G. 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)