

RESOLUTION NO. R-98- 1796

RESOLUTION APPROVING ZONING PETITION CA98-52  
CLASS A CONDITIONAL USE  
PETITION OF The HOLLAND NORTHLAKE DAYSCHOOL, INC.  
BY KIERAN KILDAY, 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 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

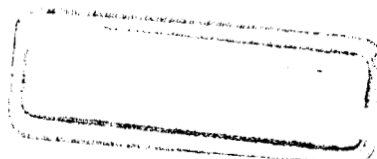
WHEREAS, Zoning Petition CA98-52 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; and

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 CA98-52, the petition of The Holland Northlake Dayschool, Inc., by Kieran Kilday, agent, for a Class A Conditional Use (CA) for a Private School (144 students) in the Residential Estate (RE) 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 October 22, 1998, 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:

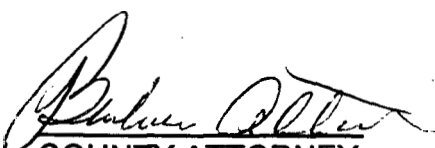
Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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**

LOTS 2 AND 3, CHARLES E. WALTER SUBDIVISION (P.U.D.), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 84 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPTING THEREFROM THE FOLLOWING REAL PROPERTY:

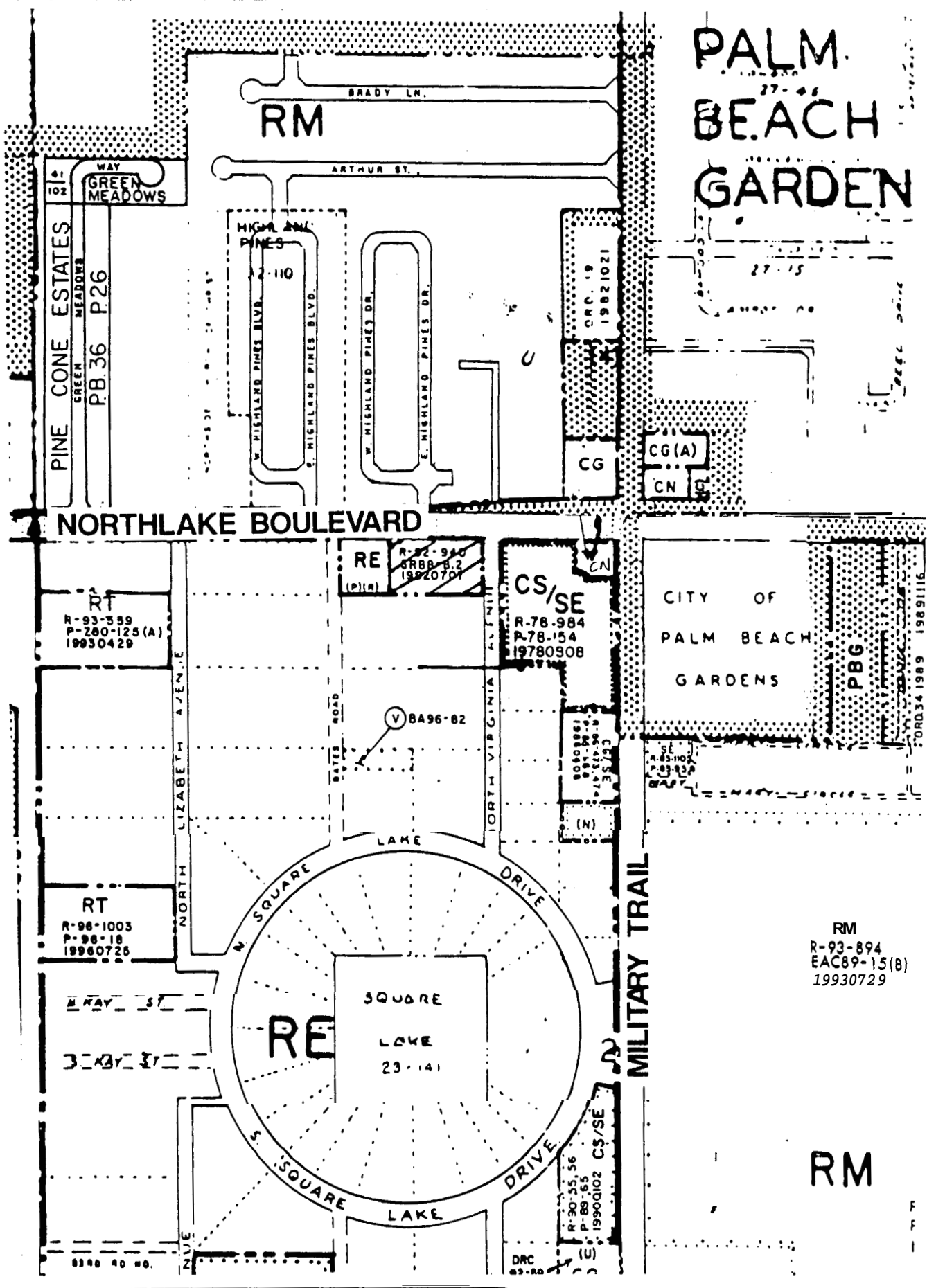
A PORTION OF LOTS 1 THROUGH 3, INCLUSIVE, OF THE PLAT OF CHARLES E. WALTER, P.U.D., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 32 AT PAGE 84, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 01 34' 50" EAST, ALONG A PORTION OF THE WEST LINE OF SAID LOT 1 A DISTANCE OF 200.03 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 01 34' 50" EAST, ALONG A PORTION OF THE LAST DESCRIBED COURSE A DISTANCE OF 20.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD AS SHOWN ON THE SAID PLAT OF CHARLES E. WALTER P.U.D., SAID POINT BEARING SOUTH 00 44' 14" WEST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5789.65 FEET, A CENTRAL ANGLE OF 03 19' 22" AND AN ARC DISTANCE OF 335.77 FEET; THENCE SOUTH 88 08' 10" EAST ALONG A LINE NOT RADIAL TO THE LAST DESCRIBED CURVE A DISTANCE OF 239.23 FEET TO A POINT, SAID POINT BEARING NORTH 02 57' 28" WEST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE, THE LAST TWO DESCRIBED COURSES BEING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHLAKE BOULEVARD; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5649.65 FEET, A CENTRAL ANGLE OF 00 00' 14" AND AN ARC DISTANCE OF 0.38 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 87 02' 18" WEST, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 5809.65 FEET, A CENTRAL ANGLE OF 03 42' 07" AND AN ARC DISTANCE OF 375.36 FEET TO THE POINT OF BEGINNING, THE LAST THREE DESCRIBED COURSES BEING 80.00 FEET SOUTH OF THE CENTERLINE OF NORTHLAKE BOULEVARD AS SHOWN ON THE SAID PLAT OF CHARLES E. WALTER, P.U.D.

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

#### A. ALL PETITIONS

1. **All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-567, Petition 7645, R-89-582, Petition 88-8, R-89-593, Petition 88-9 and R-91-1223, Petition 88-9 are hereby revoked. (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 October 9, 1998. 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. PRIVATE SCHOOL

1. The school shall be limited to a maximum of 144 students (Phase 1 eighty (80) students and Phase 2 sixty-four (64) students) (ONGOING: HEALTH: Zoning)
2. Total gross floor area shall be limited to a maximum of 3,825 square feet Phase I, and 2,240 square feet Phase II. (DRC: ZONING)
3. No outdoor loudspeaker system shall be permitted on site. (ONGOING: CODE ENF)
4. There shall be no outdoor recreation activity after 8:00 p.m. (ONGOING: CODE ENF)
5. Stationary outdoor play equipment with a permanent foundation shall be setback 50 feet from all property lines. (DRC: ZONING)
6. Prior to final site plan approval by the DRC the petitioner shall indicate bicycle parking. (DRC: ZONING - Bldg)

#### C. LANDSCAPING EXTERIOR

1. The required twenty five (25) foot wide landscape buffer adjacent to the to the north portion of the site abutting Northlake Boulevard shall be upgraded to include one (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. The petitioner shall incorporate or relocate native vegetation from the developed area in accordance with ULDC requirements. (CO: LANDSCAPE)
2. The petitioner shall provide a fifty (50) foot buffer located outside of the water detention area and adjacent to the south property line separating the outside activity areas for the school from residential to the south or obtain a variance from the Board of Adjustment. The 50 buffer is not required if the site is reconfigured to delete outside activity areas adjacent to existing residential. (DRC: ZONING: CO: LANDSCAPE)

D. LANDSCAPING INTERIOR

1. A six (6) foot vinyl coated chain link or decorative metal security fences shall be provided surrounding the perimeter of the outdoor activity area. (DRC / CO: ZONING / LANDSCAPE)
2. Prior to final site plan approval by the DRC the petitioner shall provide a tree survey. The petitioner shall preserve or relocate significant native trees as indicated on the tree survey and incorporate into the outdoor play area and interior site design to the maximum extent possible. (DRC / CO: ZONING / LANDSCAPE)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for a 25 foot corner clip at the intersection of North Virginia Avenue and Northlake Boulevard. This corner clip shall be free of all encumbrances and encroachments. 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. (BLDG PERMIT: MONITORING-Eng)
2. The Developer shall plat the subject property in accordance with provisions of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
3. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS
  - a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Northlake Boulevard right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.
  - b. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heil-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)
  - c. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignee; or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape

material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

- d. Declaration of Covenants and Restriction Documents shall be established or amended as required evidencing this obligation, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng.)

**F. ENVIRONMENTAL RESOURCES MANAGEMENT**

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

**G. LIGHTING**

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

**H. PARKING: SITE DESIGN**

1. The petitioner shall amend the site plan to provide additional visitor, employee or parent parking on the west side of the building, if warranted, prior to the construction of Phase II, and subject to approval by the DRC. (DRC: ZONING: Bldg Permit)

**I. SIGNS**

1. Freestanding point of purchase 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 - 80 square feet;
  - c. Maximum number of signs - two (2); and,
  - d. Style - monument style only.. (CO: BLDG)
2. **No** freestanding signs are permitted along North Virginia Avenue. (CO: BLDG)

J. 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)