

RESOLUTION NO. R-99- 1607

RESOLUTION APPROVING ZONING PETITION DOA82-184(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF GET READY, SET, GROW
BY H. P. TOMPKINS, JR., AGENT
(GET READY, SET, GROW)

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 DOA82-184(B) was presented to the Board of County Commissioners at a public hearing conducted on August 26, 1999; 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 DOA82-184(B), the petition of Get Ready, Set, Grow, by H. P. Tompkins, Jr., agent, for a Development Order Amendment (DOA) to reconfigure site plan and add building square footage 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 August 26, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts 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 26, 1999.

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

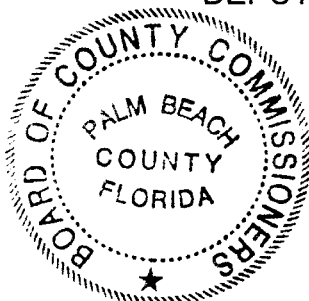


EXHIBIT A
LEGAL DESCRIPTION

East 1/2 of the Southeast 1/4 of the Northeast
1/4 of the Southwest 1/4 less the East 60 feet
for road right-of-way and the South 30 feet for
road right-of-way, Section 27, Township 46
South, Range 42 East, Palm Beach County,
Florida.

EXHIBIT B
VICINITY SKETCH

To W. Atlantic

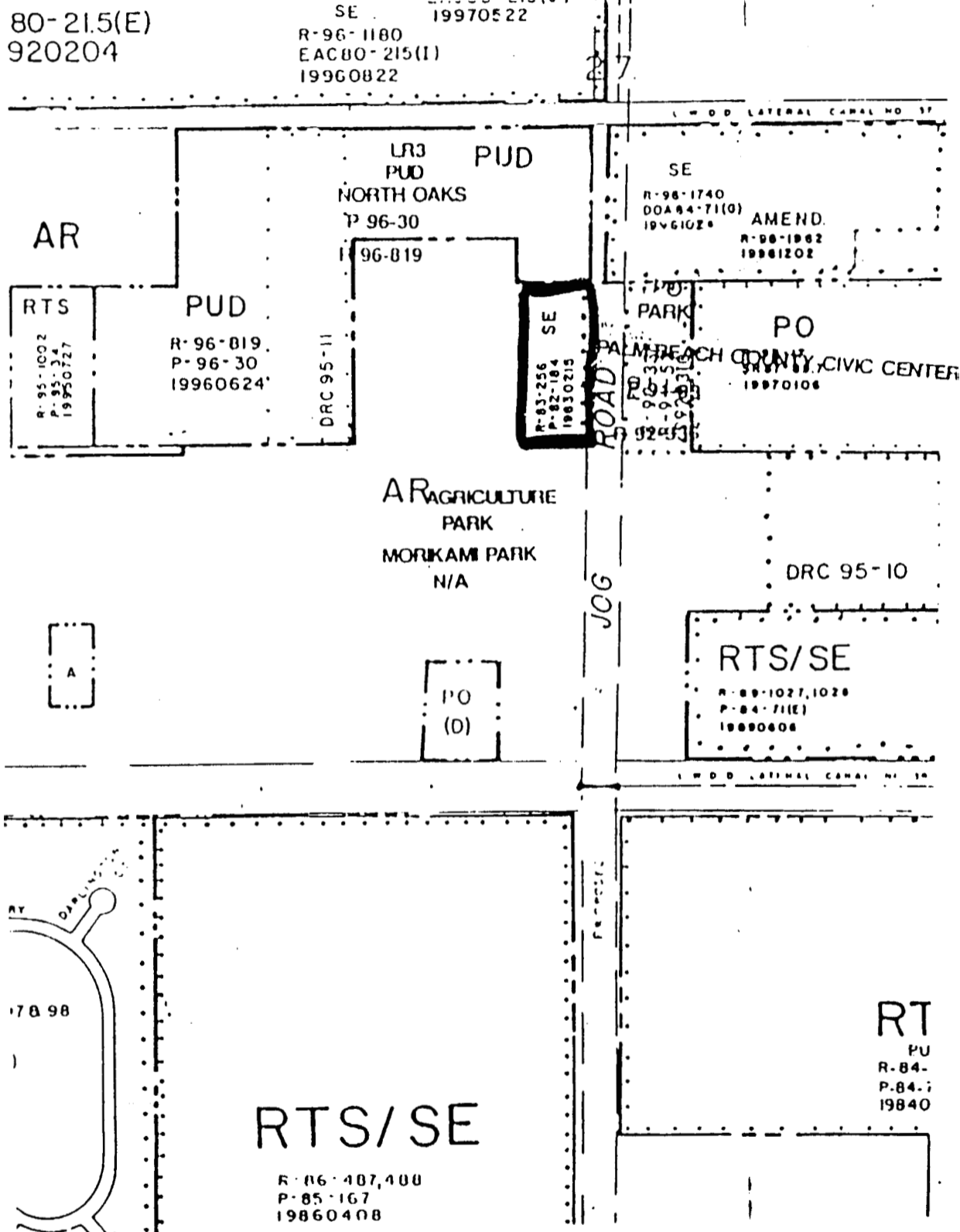


EXHIBIT C

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. Previous condition A.1 of Resolution R-98-1111, Petition 82-184(A), which currently states:

Resolution R-83-256, and associated conditions, granting approval of Petition 82-184, is hereby revoked. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-98-1111 (Petition 82-184(A)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section E.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Previous Condition A.2 of Resolution R-98-1111, Petition 82-184(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 May 12, 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.

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 June 9, 1999. 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. The day care center shall be limited to a maximum of two hundred and fifty (250) children. (Previously Condition B.1 of Resolution R-98-1111, Petition 82-184(A)) (ONGOING: HEALTH)

2. Condition B.2 of Resolution R-98-1111, Petition 82-184(A) which currently states:

Total gross floor area shall be limited to a maximum of 13,650 square feet.

Is hereby amended to state:

Total gross floor area shall be limited to a maximum of 17,500 square feet.
(BUILDING - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRC site plan certification. (Previously Condition C.1 of Resolution R-98-1111, Petition 82-184(A) (DRC: ERM))

D. HEALTH

1. Previous Condition D.1 of Resolution R-98-1111, Petition 82-184(A), which currently states:

Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Department, in accordance with Rule 10D-24 FAC prior to issuance of a building permit.

Is hereby amended to read:

Architectural plans must be submitted to the Institutional/Child Care section, Palm Beach County Health Department in accordance with "Rule 10D-24 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

E. ENGINEERING

1. Previous Condition E.1 of Resolution 98-1111, Petition 82-184(A), which currently states:

Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed right of way to provide for a "Corner Clip" at the intersection of Morikami Park Road and Jog Road. 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)

Is hereby amended to state:

MEDIAN LANDSCAPE: "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF JOG ROAD

- a. Prior to issuance of a building permit, the property owners shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide for landscape cutouts within the concrete median of Jog Road Right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way Concrete Median Cutout; Landscape and Paver Block Installation Agreement, including appropriate Maintenance, Removal, and Indemnification agreements. When landscape plantings and the installation of paver blocks or similar materials are permitted by the County Engineer, the landscape material within the concrete cutouts shall be consistent with the landscaping theme approved by Palm Beach County for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Streetscape Standards. Alternative species

and paver block material other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng.)

- b. All required median landscaping, including an irrigation system, the cost of cutting out the concrete median and the installation of all landscape material, and paver block or similar materials shall be funded at the property owners expense. All landscape material, and paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation to the cut out areas. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)
- c. Property Owners Documents or other restrictive covenant documents, evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng.)

- 2. Condition E.2 of Resolution R-98-1111, Petition 82-184(A), which currently states:

Prior to DRC approval, the site plan shall be revised to relocate the entrance onto Jog Road a minimum distance of 200 feet south of the north property line subject to the approval of the County Engineer.

Is hereby deleted: REASON [Site plan modified]

- 3. The Property owner shall construct a left turn lane west approach on Morilrami Blvd. at Jog Road.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

- F. Condition F.1 of Resolution R-98-1111, Petition 82-184(A) which currently states:

LANDSCAPING ALONG NORTH PROPERTY LINE (ACROSS FROM RESIDENTIAL)

- 1. **Landscaping and buffering along the north property line shall include:**
 - a. **A minimum ten (10) foot wide landscape buffer strip;**
 - b. **One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**

- c. One **(1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty **(60)** feet on center **between** clusters. A group of three **(3)** palms shall not be substituted for a perimeter canopy tree; and,
- d. Twenty four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches.

Is hereby amended to state:

LANDSCAPING ALONG NORTH AND WEST PROPERTY LINE (ADJACENT TO RESIDENTIAL)

- 1. Landscaping and buffering along the north and west property line shall include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip;
 - b. A continuous two (2) foot high berm measured from top of curb;
 - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;
 - d. One (1) palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree; and,
 - e. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING MORIKAMI PARK ROAD)

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
 - a. A minimum fifteen **(15)** foot wide landscape buffer strip;
 - b. An undulating berm with an average height of two **(2)** feet: as measured from top of curb;
 - c. One **(1)** canopy tree planted every thirty **(30)** feet on center;
 - d. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - e. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches. (Previously Condition G.1 of Resolution R-98-1111, Petition 82-184(A) (CO: LANDSCAPE)

H. Condition F.1 of Resolution R-98-1111, Petition 82-184(A) which currently states:

LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING JOG ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty **(20)** foot wide landscape buffer strip;

- b. an undulating berm with an average height of three **(3)** feet measured from top of curb;
- c. One **(1)** canopy tree planted every twenty-five **(25)** feet on center;
- d. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty **(60)** feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
- e. Twenty four **(24)** inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches. (Previously condition F.1 of Resolution R-98-1111, Petition 82-184(A) (CO: LANDSCAPE)

Is hereby amended to state:

LANDSCAPING ALONG EAST PROPERTY LINE (ABUTTING JOG ROAD)

- 1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2 ½) feet measured from top of curb;
 - c. One (1) canopy tree planted every twenty-five (25) feet on center;
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (Previously condition F.1 of Resolution R-98-1111, Petition 82-184(A) (CO: LANDSCAPE)

- I. Condition G.1 of Resolution 98-1111, Petition 82-184(A) which currently states:

LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

- 1. Landscaping and buffering along the west property line shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One **(1)** canopy tree for each twenty **(20)** linear feet of frontage with a maximum spacing of twenty-five **(25)** feet on center;
 - c. One **(1)** palm for each twenty-five **(25)** linear feet of property line with a maximum spacing of sixty **(60)** feet on center between clusters. A group of three **(3)** palms shall not be substituted for a perimeter canopy tree; and,
 - d. Twenty four **(24)** inch high shrub or hedge material spaced no more than twenty four **(24)** inches on center and maintained at a minimum height of thirty six **(36)** inches.

Is hereby deleted. REASON [Addressed in new condition.]

J. SIGNS

1. Freestanding point of purchase signs fronting on Jog Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one ~~and~~
 - d. Style-monument style only. (Previously Condition H.1 of Resolution 98-1111, Petition 82-184(A) (CO: BLDG)
2. Signs fronting on Morikami Park Road shall be limited to **directional signage** only. (Previously Condition H.2 of Resolution 98-1111, Petition 82-184(A) (CO: BLDG)

K. COMPLIANCE

1. Previous Condition J.1 of Resolution R-98-1111, Petition 82-184(A), which currently states:

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)

Is hereby amended to read:

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. Previous Condition J.2 of Resolution R-98-1111, Petition 82-184(A), which currently states:

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)

Is hereby amended to read:

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)