

RESOLUTION NO. R-2012- 0280

RESOLUTION APPROVING ZONING APPLICATION ABN/EAC-2011-02626
(CONTROL NO. 1989-00130)
an Expedited Application Consideration
APPLICATION OF Ridge LLC
BY H & L Planning & Development, AGENT
(Country Day of Jupiter)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ABN/EAC-2011-02626 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2012; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ABN/EAC-2011-02626, the petition of Ridge LLC, by H & L Planning & Development, agent, for an Expedited Application Consideration to modify a Condition of Approval (Building and Site Design) and delete a Condition of Approval (Use) in the RTS 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 February 23, 2012, 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 Taylor and, upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	- Aye
Commissioner Steven L. Abrams, Vice Chairman	- Aye
Commissioner Karen T. Marcus	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on February 23, 2012.

Filed with the Clerk of the Board of County Commissioners on March 5, 2012.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Parcel 19: The East 200 feet of the West 425 feet of the North 221 feet of the South 281 feet of the Southwest Quarter of the Northwest Quarter of Section 35, Township 40 South, Range 42 East, Palm Beach County, Florida.

Together with an easement for road purposes over and across the South 60 feet of the West 825 feet of the Southwest Quarter of the Northwest Quarter of Section 35, Township 40 South, Range 42 East, A/K/A:

Lot 1, Kiddie Haven North, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County Florida recorded in Plat Book 66

Page 85.

Together with:

Parcel 18: The East 200 feet of the West 625 feet of the North' 221 feet of the South 281 feet of the Southwest Quarter of the Northwest Quarter of Section 35, Township 40 South, Range 42 East, Palm Beach County, Florida.

Together with an easement for road purposes over and across the South 60 feet of the West 825 feet of the Southwest Quarter of the Northwest Quarter of Section 35 Township 40 South, Range 42 East.

Subject to an easement for public utilities over the North 6 feet of the herein described parcel of land.

Containing 2.03 acres more or less.

EXHIBIT B
VICINITY SKETCH

Location Map

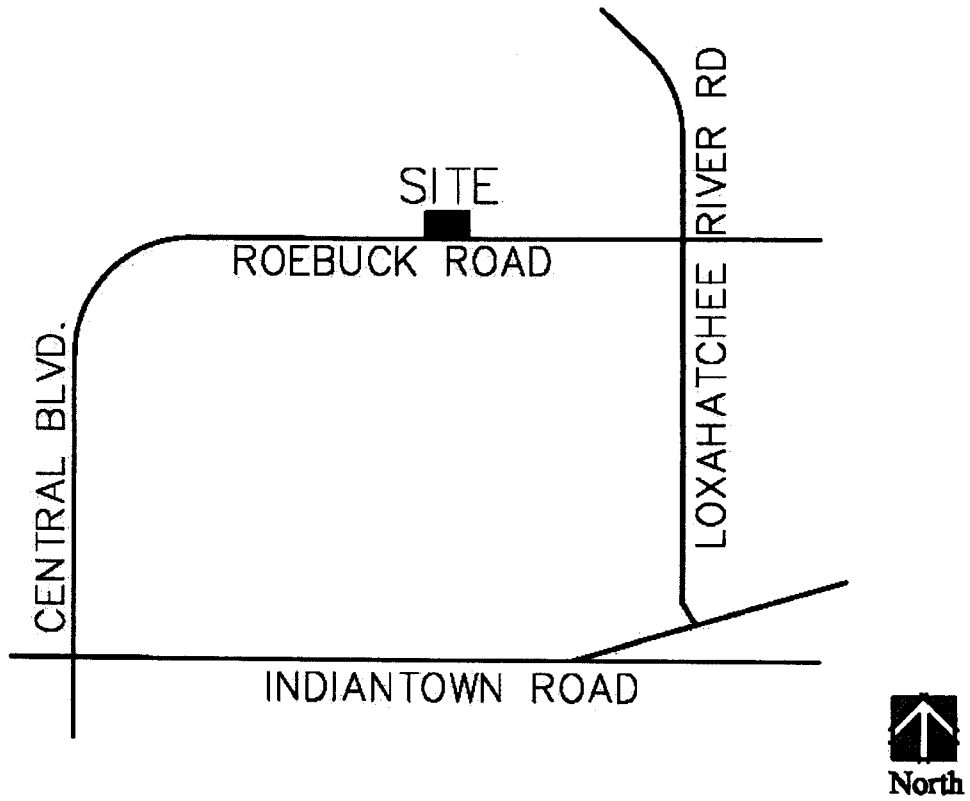


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1995-110 (Control 1989-130), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.The approved Preliminary Site plan is dated December 19, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3.The previous Class A Conditional Use approval for a Elementart, or Secondary school use applicable to the subject property, as contained in Resolution R-1995-110, (Control 1989-130), Is hereby revoked. (ONGOING: MONITORING - Zoning)

4.Prior to site plan certification, the site plan shall be amended to indicate the compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Previously Condition A.1 of R-1995-110, Control 1989-130) (ONGOING:LAND DEV - Zoning)

[Note: COMPLETED]

ENGINEERING

1.Prior to July 1, 1990 or prior to the issuance of the first building permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Roebuck Road, 60 feet from centerline 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E2 of Resolution R1995-110, Control No. 1989-130)

[Note: COMPLETED]

2.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 project presently is \$16,500.00 (300 trips X \$55.00 per trip). (ONGOING: ENGINEERING - Eng) (Previous Condition E3 of Resolution R1995-110, Control No. 1989-130)

[Note: COMPLETED]

3.Previous Condition E4 of Resolution R1995-110, Control No. 1989-130, which currently states:

The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (ONGOING: ENGINEERING - Eng) Completed - platted in Plat Book 66 Page 85.

Is hereby amended to read:

Prior to March 1, 2013, the property owner shall legally create the lot in accordance with Article 11. (DATE: MONITORING - Eng)

4. The Property owner shall construct a left turn lane, west approach on Roebuck Road at each of the project's entrances. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT/CO: MONITORING - Eng). (Previous Condition E5 of Resolution R1995-110, Control No. 1989-130)

[Note: COMPLETED]

5. 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 the proposed 242 student private school to be paid at the time of issuance of the Building Permit presently is \$59,950.00 (1,090 trips X \$55.00 per trip) (ONGOING: ENGINEERING - Eng) (Previous Condition E6 of Resolution R1995-110, Control No. 1989-130)

[Note: COMPLETED]

6. Prior to February 23, 2013, the property owner shall submit an acceptable application for Drainage Review confirming that no stormwater discharge leaves the property except through approved control structures. (DATE: MONITORING - Eng)

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH-Health) (Previously Condition D . 1 of Resolution R-95-110, Control 89-130)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH-HEALTH) (Previously Condition D.2 of Resolution R-95-110, Control 89-130)

LANDSCAPE - GENERAL

1. Prior to site Plan Review Committee approval, the site plan shall be amended to indicate:

a. Alternative landscape strip number 3 shall be provided along the north, east and west property lines. This buffer shall include ten (10) foot canopy trees, twenty (20) feet on center. All native vegetation in this strip shall be preserved. When existing vegetation does not provide a 36" landscape barrier, additional native materials shall be provided to achieve this requirement;

b. All native vegetation shall be preserved within the required fifteen (15) foot landscape buffer. (Previously Condition F.1 of R-1995-110, Control 1989-130) (CO: LANDSCAPE - Zoning)

2. A tree survey shall be submitted with the Site Plan Review Committee application. This survey shall be prepared at the same scale as the site plan. (Previously Condition F.2 of R-1995-110, Control 1989-130) (DRO: LANDSCAPE - Zoning)

3. No vegetation removal permit shall be issued until a site inspection has taken place. At the time of inspection, areas of clearing shall be delineated and protective barriers in place. (Previously Condition A.1 of R-1995-110, Control 1989-130) (BLDG PERMIT: ERM/LANDSCAPE- Zoning)

SIGNS

1. Point of purchase signage shall be limited to one (1) 30 square foot, ten (10) foot tall monument type sign. (Previously Condition G.1 of R-1995-110, Control 1989-130) (BLDG PERMIT: BLDG - Zoning)

2. Off-premise signs shall not be permitted on site. (Previously Condition G. 2 of R-

1995-110, Control 1989-130) (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. The petitioner shall submit a revised site plan to the Site Plan Review Committee prior to February 7, 1992. The plan shall indicate ten (10) 12'x20' drop office spaces located near the entrance of the day care or obtain a variance from the Board of Adjustment. Tabular data shall be revised to comply with Zoning Code requirements. No permits for interior renovations shall be issued prior to Site Plan approval. (Previously Condition B.1 of R-1995-110, Control 1989-130) (DRO:BULDING - Zoning)

2. Condition B.2 of R-1995-110, Control 1989-130, which currently states:

The daycare center shall be limited to a maximum of 5,150 square feet in building area, 25 feet in height, and a maximum total students of 108. (Previously Condition B.2 of R-1995-110, Control 1989-130)

Is hereby amended to read

The daycare center shall be limited to 15,495 square feet in building area, 25 feet in height and a maximum 329 children. (DRO: ZONING-Zoning)

3. The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and located away from the outdoor play area. (Previously Condition B.3 of R-1995-110, Control 1989-130) (DRO:ZONING - Zoning)

4. Play area shall be enclosed with a six (6) foot tall chain link fence. (Previously Condition B.4 of R-1995-110, Control 1989-130) (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Security lighting shall be low intensity and directed away from adjacent residential properties with reflective shields. (Previously Condition H.1 of R-1995-110, Control 1989-130) (ONGOING: CODE ENF - Zoning)

2. No loud speaker system shall be permitted on site. (Previously Condition H.2 of R-1995-110, Control 1989-130) (ONGOING: CODE ENF - Zoning)

3. Hours of operation shall be limited from 6:00 am to 9:00 pm, Monday through Saturday. (Previously Condition H.3 of R-1995-110, Control 1989-130) (ONGOING: CODE ENF - Zoning)

4. Previous Condition H.4 of Resolution R-1995-110, Control 1989-130 which states:

The school facility shall be limited to a maximum of 242 students and kindergarten and first grade only. (ONGOING: CODE ENF - Zoning)

Is hereby deleted: [Reason: Elementary or Secondary school use is abandoned.]

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)