

RESOLUTION NO. R-2014- 0209

RESOLUTION APPROVING ZONING APPLICATION SV/Z/CA-2012-03112
(CONTROL NO. 1975-00145)
a Class A Conditional Use
APPLICATION OF Scott Freeland
BY Charles Putman & Associates, AGENT
(Learning Place Academy)

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;

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;

WHEREAS, Zoning Application SV/Z/CA-2012-03112 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 Class A Conditional Use; and,

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 SV/Z/CA-2012-03112, the petition of Scott Freeland, by Charles Putman & Associates, agent, for a Class A Conditional Use (CA) to allow a General Day Care Center in the Residential Transitional (RT) 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 27, 2014, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2014.

Filed with the Clerk of the Board of County Commissioners on March 4th, 2014.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

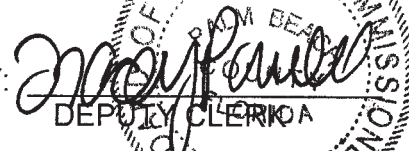
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

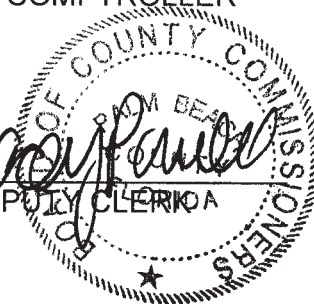


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF LOT 8, BLOCK 1, PALM BEACH RANCHES, UNRECORDED, ALSO KNOWN AS A PORTION OF THE SOUTH $\frac{1}{2}$, NORTHWEST $\frac{1}{4}$, NORTHWEST $\frac{1}{4}$, NORTHEAST $\frac{1}{4}$, SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST $\frac{1}{4}$, NORTHWEST $\frac{1}{4}$, NORTHEAST $\frac{1}{4}$, SECTION 10. TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUN N 86 24'29"E, ALONG THE SOUTH LINE OF SAID LOT 8 AND THE SOUTH LINE OF SAID NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SECTION 10 AND THE CENTERLINE OF RANCHES ROAD, A 60 FOOT ROAD RIGHT-OF-WAY, 40.22 FEET TO THE EASTERLY RIGHT-OF-WAY OF JOG ROAD; THENCE RUN N 0 23'38" E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 30.07 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF RANCHES ROAD AND THE POINT OF BEGINNING;

THENCE CONTINUE N 0 23'38" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD, 193.34 FEET TO A POINT; THENCE RUN N 3 02'32" E, ALONG SAID RIGHT-OF-WAY LINE, 119.47 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID LOT 8 AND THE NORTH LINE OF SAID S $\frac{1}{2}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$; THENCE RUN N 86 24'29" E, ALONG SAID NORTHERLY LINE OF SAID LOT 8, 156.44 FEET TO A POINT; THENCE RUN S 0 23'38" W, 165.30 FEET (MEASURED AND CALCULATED) (172.40 FEET DEED); THENCE RUN S 86 24'29"W, , 27.18 FEET TO A POINT; THENCE RUN S 0 23'38" W, 147.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF RANCHES ROAD; THENCE RUN S 86 24'29" W, ALONG SAID RIGHT-OF-WAY LINE, 134.80 FEET TO THE POINT OF BEGINNING.

THE TOTAL AREA IS 46148.5059 S.F. = 1.0594 AC.

EXHIBIT B
VICINITY SKETCH

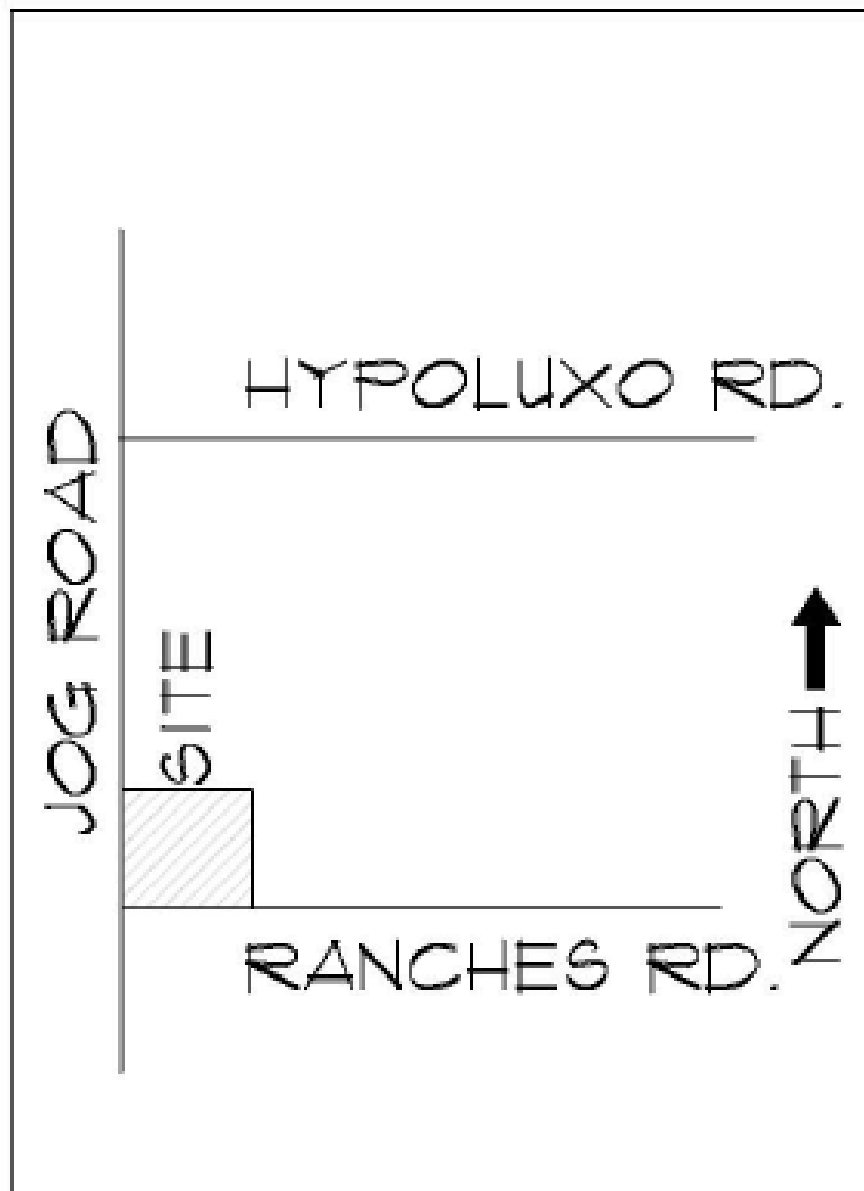


EXHIBIT C-2

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 9, 2013. 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)

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:

a 25 foot corner clip at the northeast corner of the intersection of Jog Road and Ranches Road. The corner clip shall be based on the chord of a 25 foot radius circle placed against to the adjacent rights of way of Jog Road and Ranches Road. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT/ONGOING: MONITORING-Eng)

3. Prior to February 27, 2015 or at six months of operation of the day care, whichever shall occur first, the Property Owner shall submit an intersection study prepared by a licensed engineer to the Land Development Division, as required by the County Engineer. (DATE/ONGOING: ENGINEERING - Engineering)

HEALTH

1. Water and sanitary sewer are available to the site. Therefore, no potable water well or onsite sewage treatment and disposal system will be permitted on the property. (ONGOING: HEALTH - Health)

PARKING

1. No off street parking shall occur in the swales along Ranches Road or block driveway

entrances. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Ground Mounted Freestanding signs fronting on Ranches Road shall be limited as follows:

- a. maximum sign height - Six (6) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - Fifty (50) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

USE LIMITATIONS - DAY CARE

1. The applicant shall implement staggered hours for the arrival/departure of students. The intent is to ensure the traffic associated with this use is evenly distributed during the operation hours of 6:00 a.m. to 6:00 p.m. (ONGOING: CODE ENF - Zoning)

2. The maximum number of children is limited to Eighty Seven (87). (ONGOING: CODE ENF - Zoning)

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; 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; the 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 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 of Approval; 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.