

RESOLUTION APPROVING ZONING APPLICATION DOA-2014-01111  
(CONTROL NO. 1998-00052)  
a Development Order Amendment  
APPLICATION OF World Class Academy Inc  
BY Jon E Schmidt & Associates, AGENT  
(World Class 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 DOA-2014-01111 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2015;

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 Development Order Amendment; 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 DOA-2014-01111, the petition of World Class Academy Inc, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to reconfigure the site plan; add square footage; add children; and, modify Conditions of Approval (Engineering; Use Limitation, and Landscaping)., 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 January 29, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.



Commissioner Taylor moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on January 29, 2015.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2015.

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

**The Holland Northlake Day School aka  
World Class Academy Inc. - Legal Description  
Palm Beach County (PBC) Application Submittal  
Original Submittal: June 18, 2014**

LEGAL DESCRIPTION

*PARCEL "A", CHARLES E. WALTER, P.U.D., REPLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING A REPLAT OF ALL OF LOTS 2 AND 3, CHARLES E. WALTER, P.U.D., AS RECORDED IN PLAT BOOK 32, PAGE 84 THROUGH 85, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 WEST, PALM BEACH COUNTY, FLORIDA.*

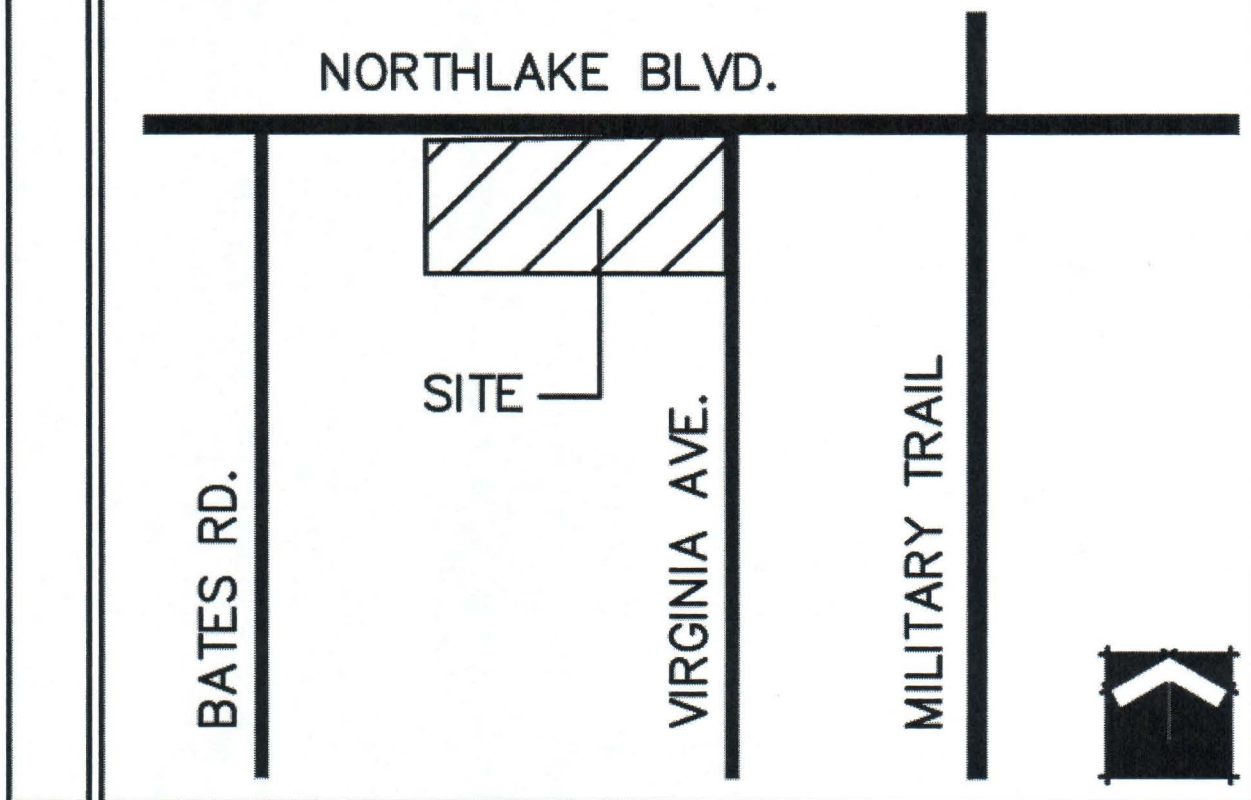
*SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.*

*CONTAINING: 92,611 SQ. FT. 2.13 ACRES MORE OR LESS.*

EXHIBIT B  
VICINITY SKETCH

# Location Map

PROPERTY ADDRESS: 4560 NORTHLAKE BLVD.  
PALM BEACH GARDENS, FL 33418





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2010-445, Control No.1998-00052, which currently states:

Development of the site shall be generally consistent with the preliminary site plan dated December 23, 2009, and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO.

All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING-Zoning )

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated October 27, 2014. 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)

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2010-0444 (Control 1988-00052), and Resolution R-2010-0445 (Control 1988-00052), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Day Care Center shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 25, 2014. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

##### ENGINEERING

1. Previous ENGINEERING condition 1 of Resolution R-2010-445, Control No.1998-00052, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

##### Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property owner



shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to Final DRO approval of the site plan associated with Application ABZ/Z/CA-2009-4537, the site plan shall be amended as follows:

a. A 45-foot turning outer turning radius for Fire Department access on North Virginia Avenue, or as otherwise approved by the County Engineer and the Fire Department. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. The sign proposed near the entrance on North Virginia Avenue as well as any existing trees shall be relocated, as necessary, to accommodate Fire Department Access. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

c. The ingress on North Virginia Avenue shall be a minimum of 15.6 feet in width at the right of way line. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

d. The signage for the site shall include a message for the Fire Department that access to the site is from North Virginia Avenue. (BLDG/PMT/DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 2 of Resolution R-2010-445, Control No.1998-00052)

3. Previous ENGINEERING condition 3 of Resolution R-2010-445, Control No.1998-00052, which currently states:

Prior to February 25, 2011, the property owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for sufficient right of way along Northlake Boulevard such that the sidewalk on the south side of Northlake Boulevard is entirely within Palm Beach County right of way. Right of way conveyance shall be free and clear of all encumbrances and encroachments, except said sidewalk. 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. 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.

**Is hereby amended to read:**

Prior to December 31, 2015, the Property Owner shall provide by easement submitted to Palm Beach County Land Development Division for sufficient right of way along Northlake Boulevard such that the sidewalk on the south side of Northlake Boulevard is entirely within right of way or covered by easement. (DATE: MONITORING - Engineering)

4. The developer shall modify the western driveway on Northlake Boulevard to be egress only and modify the driveway on North Virginia Avenue to allow ingress only from the north. 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.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to February 25, 2011. (DATE: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to use of the site for a general daycare. (BLDG/PMT/CO/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 4 of Resolution R-2010-445, Control No.1998-00052)

5. The Property Owner shall lengthen the existing east approach left-turn lane on Northlake Blvd. at Bates Rd. to a minimum of 400 feet in length plus 50-foot paved taper, or as approved by the County Engineer. 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 right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

### **ENVIRONMENTAL**

1. Previous ENVIRONMENTAL condition 1 of Resolution R-2010-445, Control No.1998-00052, which currently states:

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

#### **Is hereby amended to read:**

A Wellfield Affidavit of Notification shall be submitted to Environmental Resources Management prior to DRO site plan certification. (DRO: ERM-erm) (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

### **LIGHTING**

1. All outdoor lighting shall be upgraded to meet current code requirements in effect at the time of this approval of March, 2010. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous LIGHTING condition 1 of Resolution R-2010-445, Control No.1998-00052)

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING condition 2 of Resolution R-2010-445, Control No.1998-00052)

3. Any exterior lighting south of a seventy-five (75) foot setback from Northlake Boulevard shall be extinguished by 7:30 PM. This condition excludes security lighting for the building. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING condition 3 of Resolution R-2010-443, Control No.1998-00052)

4. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous LIGHTING condition 4 of Resolution R-2010-445, Control No.1998-00052)

### **SIGNS**

1. Freestanding 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 - sixty (60) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS condition 1 of Resolution R-2010-445, Control No.1998-00052)

2. Freestanding signs fronting on North Virginia Avenue 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 - sixty (60) square feet;
- c. maximum number of signs - one (1);
- d. style - monument style only; and
- e. location - at the intersection of Northlake Boulevard and North Virginia Avenue. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS condition 2 of Resolution R-2010-445, Control No.1998-00052)

### **USE LIMITATIONS - DAY CARE**

1. Hours of operation for outdoor activities shall be limited to 6:00 a.m. to 7:00 p.m. daily. (ONGOING: CODE ENF - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS -



DAY CARE condition 1 of Resolution R-2010-445, Control No.1998-00052)

2. Previous USE LIMITATIONS - DAY CARE condition 2 of Resolution R-2010-445, Control No.1998-00052, which currently states:

The daycare shall be limited to one-hundred forty-four persons. (ONGOING: CODE ENF - Zoning)

**Is hereby amended to read:**

The daycare shall be limited to two-hundred and twenty-four (224) persons. (ONGOING: CODE ENF - Zoning)

**USE LIMITATIONS**

3. Hours of operation are limited to 6:00 AM to 8:00 PM. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 3 of Resolution R-2010-443, Control No.1998-00052)

4. The property owner shall notify the Square Lake neighborhood residents of any change of use from child day care to adult day care and shall hold a community meeting to discuss the neighborhood concerns. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS condition 4 of Resolution R-2010-443, Control No.1998-00052)

5. All structures, play equipment or day care outdoor activity areas, shall maintain a minimum fifty (50) foot setback from the south property line and a twenty-five (25) foot setback from the west property line. (ONGOING: ZONING - Code Enforcement)

**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) (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: ZONING - Zoning)



## DISCLOSURE

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