

RESOLUTION NO. R-2022- 1056

RESOLUTION APPROVING ZONING APPLICATION SV/DOA/CA-2022-00478
(CONTROL NO. 1987-00150)
a Development Order Amendment
APPLICATION OF Florence Fuller Child Development Center
BY Cotleur & Hearing, Inc., AGENT
(Florence Fuller Child Development Center)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application SV/DOA/CA-2022-00478, submitted on behalf of Florence Fuller Child Development Center, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to reconfigure the site plan and modify Conditions of Approval and a Class A Conditional to allow an Elementary or Secondary School, was presented to the Board of County Commissioners at a public hearing conducted on September 22, 2022;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/DOA/CA-2022-00478, the Application of Florence Fuller Child Development Center, by Cotleur & Hearing, Inc., Agent, for a Development Order Amendment to reconfigure the site plan and modify Conditions of Approval, on a parcel of land generally described as shown on the legal description 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 September 22, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 22, 2022.

Filed with the Clerk of the Board of County Commissioners on September 22nd, 2022

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

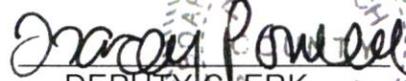
BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF TRACT 49 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THEREFROM THE EAST 577.67 FEET, SAID LAND LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA. ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT 49, FLORIDA FRUIT LANDS NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LESS THERE FROM THE EAST 191.00 FEET, ALSO LESS THE WEST 580.00 FEET OF THE EAST 771.00 FEET OF THE NORTH 220.00 FEET OF SAID TRACT 49. (O.R.B. 5212, PAGE 247) AND:

THE NORTH 220.00 FEET OF THE WEST 193.33 FEET OF THE EAST 771.00 FEET OF TRACT 49, FLORIDA FRUIT LANDS NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (O.R.B. 5212, PAGE 255) LESS AND EXCEPT,

THE WEST 386.67 FEET OF THE EAST 577.67 FEET LESS THE NORTH 220.00 FEET THEREOF, TRACT 49, FLORIDA FRUIT LAND NO. 2, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (O.R.B. 5212, PAGE 253)

CONTAINING 5.97 ACRES (260,135.3 SQ. FEET) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

NTS

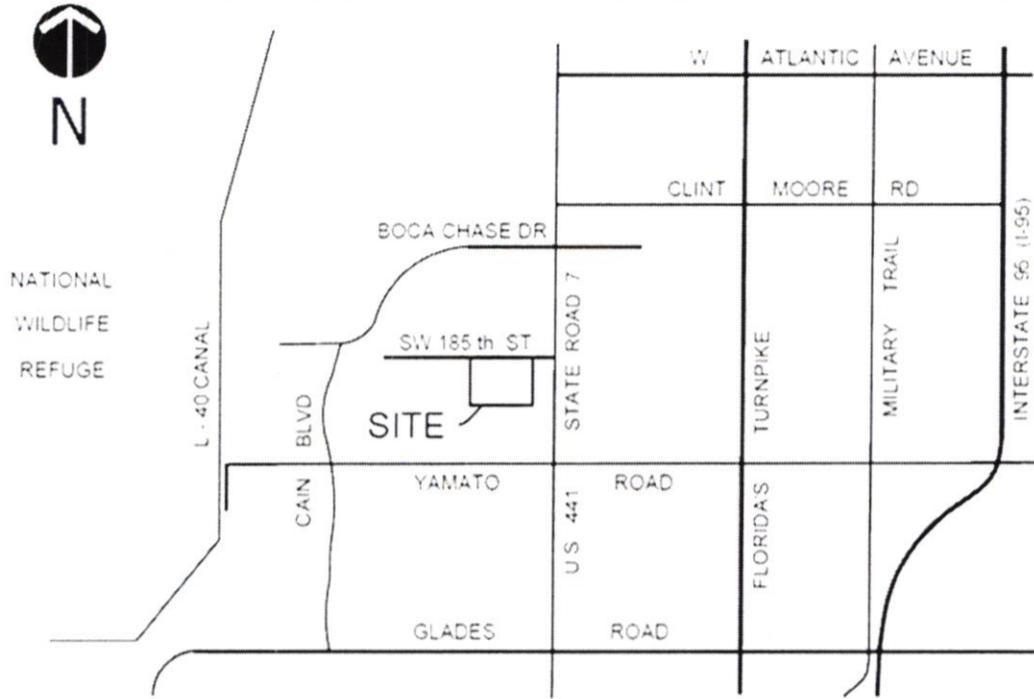


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment – General Daycare

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2015-1082, Control No.1987-00150, which currently states:

The approved Preliminary Site Plan is dated July 21, 2015. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated June 6, 2022. 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. (ONGOING: MONITORING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2015-1082 (Control 1987-00150), 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 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 Activity Center Building I 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 March 12, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

ENGINEERING

1. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

2. 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2015-1082, Control No.1987-00150)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall

construct:

- a. A left turn lane, south approach on State Road 7 at 185th Street South [NOTE: Completed]; (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]
- b. Paved access to the site (minimum 2-10 foot travel lanes local street standards) including drainage for the roadway as well as drainage outfall for the project, as required by the County Engineer. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2015-1082, Control No.1987-00150)

4. 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, 2027. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

5. The Property Owner shall extend the left turn lane south approach on SR-7 at 185th Street if the County Engineer/FDOT determines, at its sole discretion, based on field observation that this turn lane needs to be extended for public safety and efficient traffic operation. The Property Owner shall complete construction of this turn lane within 12 months of notice from the County Engineer in writing. Noncompliance will result in appropriate County Code Enforcement action. To be relieved of this condition, the Property Owner shall submit a written notification to the County Engineer that the maximum approved enrollment has been reached for this project and a final determination of the turn lane extension need to be made. The County shall have 30 days after the receipt of this notice to make that determination. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - INTERIOR-BETWEEN THE 16,000 SQUARE FOOT WATER DETENTION AREA AND BUILDING I ACTIVITY CENTER.

1. A minimum of one (1) pine tree for each for sixty (60) linear feet shall be installed between the 16,000 square foot water detention area and Building I Activity Center. All pines required to be planted in this location shall meet the following minimum standards at installation:

- a. pines shall be planted in clusters of three (3) to five (5) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation; and,
- b. credit may be given for existing pines provided they meet current Unified Land Development Code requirements. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

LANDSCAPE - PERIMETER

2. In addition to code requirements for a Right of Way buffer, landscaping and buffering along the west 270 feet of the north property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip;
- b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2015-1082, Control No.1987-00150)

3. In addition to code requirements for the Type II Incompatibility buffer, landscaping along the west property line shall be upgraded to include:

- a. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2015-1082, Control No.1987-00150)

SIGNS

1. Any Off-Site Directional signage shall receive a Building Permit prior to installation. The Final Master Sign Plan or Final Regulating Plan shall be amended to indicate the sign location. (BLDGPMT/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

SITE DESIGN

1. The Property Owner shall maintain a minimum fifty (50) feet clearance from the west property line and the 150-foot antenna of the adjacent site. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

SITE DESIGN-FENCE AROUND BASKETBALL COURT

2. A minimum ten (10) foot high fence shall be provided around the basketball court in the rear of Activity Center Building I. The fence shall be lowered to eight (8) feet in height where located in the rear setback. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2015-1082, Control No.1987-00150)

USE LIMITATIONS - DAY CARE

1. The Day Care Center shall be limited to a maximum of 307 children. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 1 of Resolution R-2015-1082, Control No.1987-00150)

UTILITIES

1. Owner to provide easement over two existing fire hydrants within six months (DATE: PBC WATER UTILITIES - PBC Water Utilities)

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.