

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2019-02186
(CONTROL NO. 2001-00077)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Planet Kids IX, Inc.
BY Schmidt Nichols, AGENT
(PLANET KIDS SEMINOLE PRATT WHITNEY)

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Resolution.

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


Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Absent
Amir Kanel	- Yes
John Kern	- Yes
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on September 3, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA-2019-02186 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY
for Asst. County Attorney Scott Stone

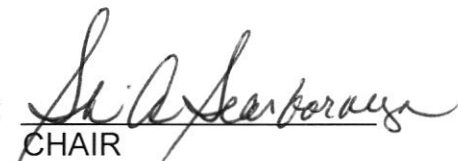
BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 285.2 FEET OF THE SOUTH 1561.2 FEET, LESS THE WEST 2571.1 FEET OF THE EAST 1/2 OF THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST. SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET, THE EAST 30 FEET AND THE SOUTH 40 FEET; ALSO KNOWN AS TRACT 6, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST; THENCE NORTH 01°25'21" EAST, ALONG THE EAST LINE OF SAID SECTION 13 (BASIS OF BEARINGS), A DISTANCE OF 1276.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°53'31" WEST, ALONG THE CENTERLINE OF MURCOTT BOULEVARD, A DISTANCE OF 120.04 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 40.01 FEET; THENCE SOUTH 89°53'31" WEST, A DISTANCE OF 24.34 FEET; THENCE NORTH 45°39'28" EAST, A DISTANCE OF 34.88 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 165.26 FEET; THENCE NORTH 44°20'34" WEST, A DISTANCE OF 35.82 FEET; THENCE NORTH 89°53'51" EAST, A DISTANCE OF 25.68 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 30.01 FEET TO A POINT IN THE CENTERLINE OF 92ND LANE NORTH; THENCE NORTH 89°53'31" EAST, ALONG THE CENTERLINE OF 92ND LANE NORTH, A DISTANCE OF 120.04 FEET TO A POINT ON THE CENTERLINE OF SEMINOLE PRATT WHITNEY ROAD, SAID CENTERLINE ALSO BEING THE EAST LINE SAID SECTION 13; THENCE SOUTH 01°25'21" WEST, A DISTANCE OF 285.30 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:

TRACT P-15:

THE EAST 209.6 FEET OF THE WEST 2571.1 FEET OF THE NORTH 285.2 FEET OF THE SOUTH 1561.2 FEET OF THE EAST 1/2 OF THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST. SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET AND THE SOUTH 40 FEET THEREOF.

CONTAINING 2.591 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

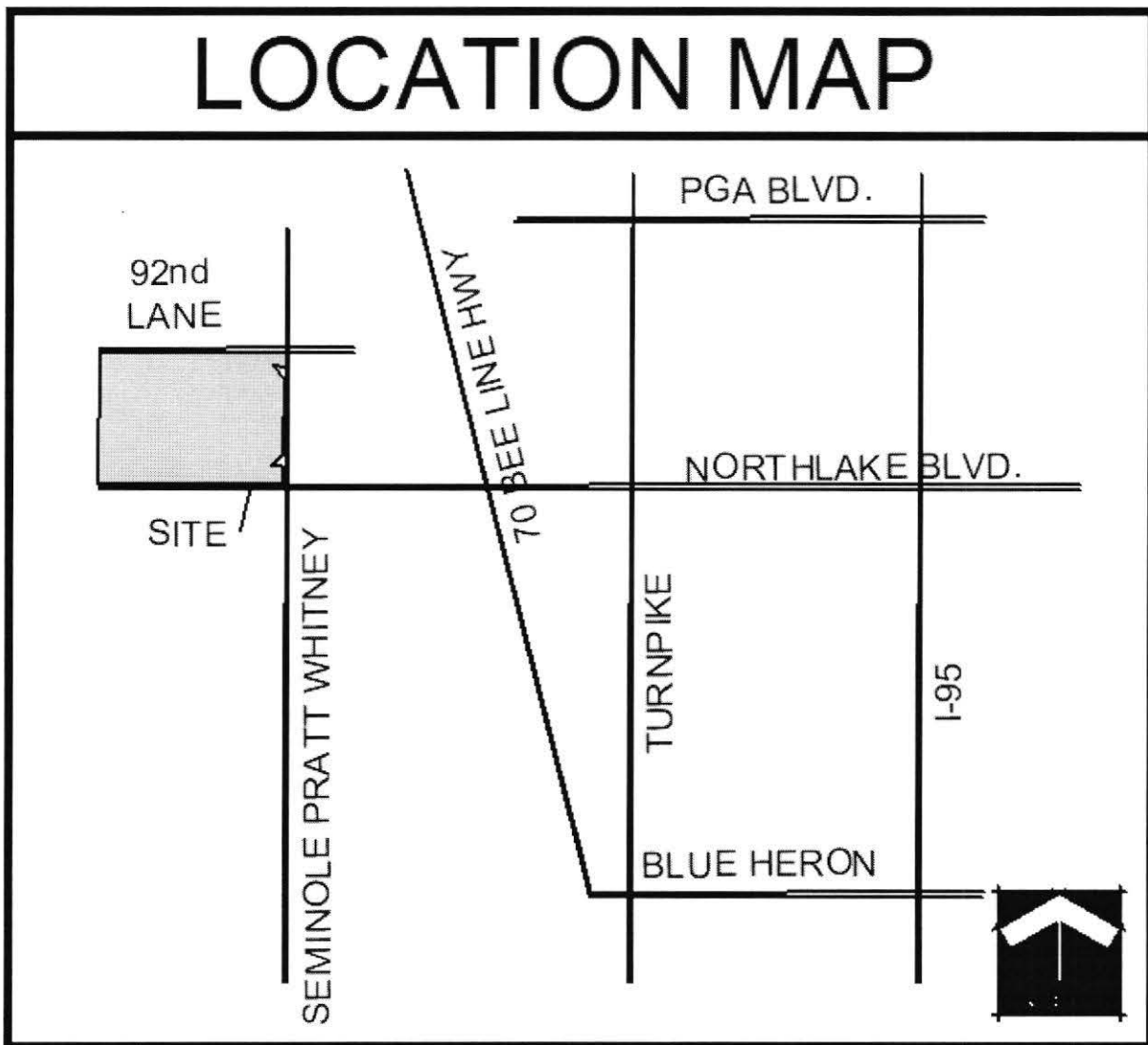


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)
2. This Variance is approved for the General Day Care. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)
3. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA-2019-02186. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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; 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.

EXHIBIT D
REQUEST

TYPE 2 VARIANCE SUMMARY

V#	ULDC Article	Required	Proposed	Variance
V1	7.C.3.B.1.a, Foundation Planting Applicability	12 foot (ft.) wide foundation planting area	9 ft. wide foundation planting along front facade of east building	-3 ft.
V2	7.C.4.A, Landscape Islands	12 ft. wide landscape island	9 ft. wide landscape terminal island at terminus of northwestern and northeastern rows of parking within the east parking lot area	-3 ft.