

RESOLUTION NO. R-2000- 0590

RESOLUTION APPROVING ZONING PETITION CA84-005(B)
CLASS A CONDITIONAL USE
PETITION OF UNITED CEREBRAL PALSY
BY DONNA REED, AGENT
(UNITED CEREBRAL PALSY DAYCARE)

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA84-005(B) was presented to the Board of County Commissioners at a public hearing conducted on April 27, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition CA84-005(B), the petition of United Cerebral Palsy, by Donna Reed, agent, for a Class A Conditional Use to allow a general daycare in the Residential Single Family (RS) 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 April 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	--	Aye
Warren Newell, Vice Chair	--	Absent
Karen T. Marcus	--	Aye
Carol A. Roberts	--	Aye
Mary McCarty	--	Aye
Burt Aaronson	--	Aye
Tony Masilotti	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on April 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

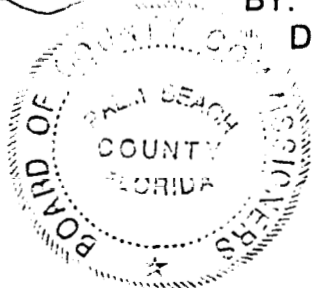
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition CA84-005(B)
Project No. 1000-643



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EXHIBIT A
LEGAL DESCRIPTION

LOTS 21 AND 22, LAKEWOOD GARDENS PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SUBJECT TO THE ROAD RIGHT-OF-WAY FOR COCOANUT ROAD OVER THE WEST 15 FEET THEREOF.

CONTAINING 3.29 ACRES OF LAND, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

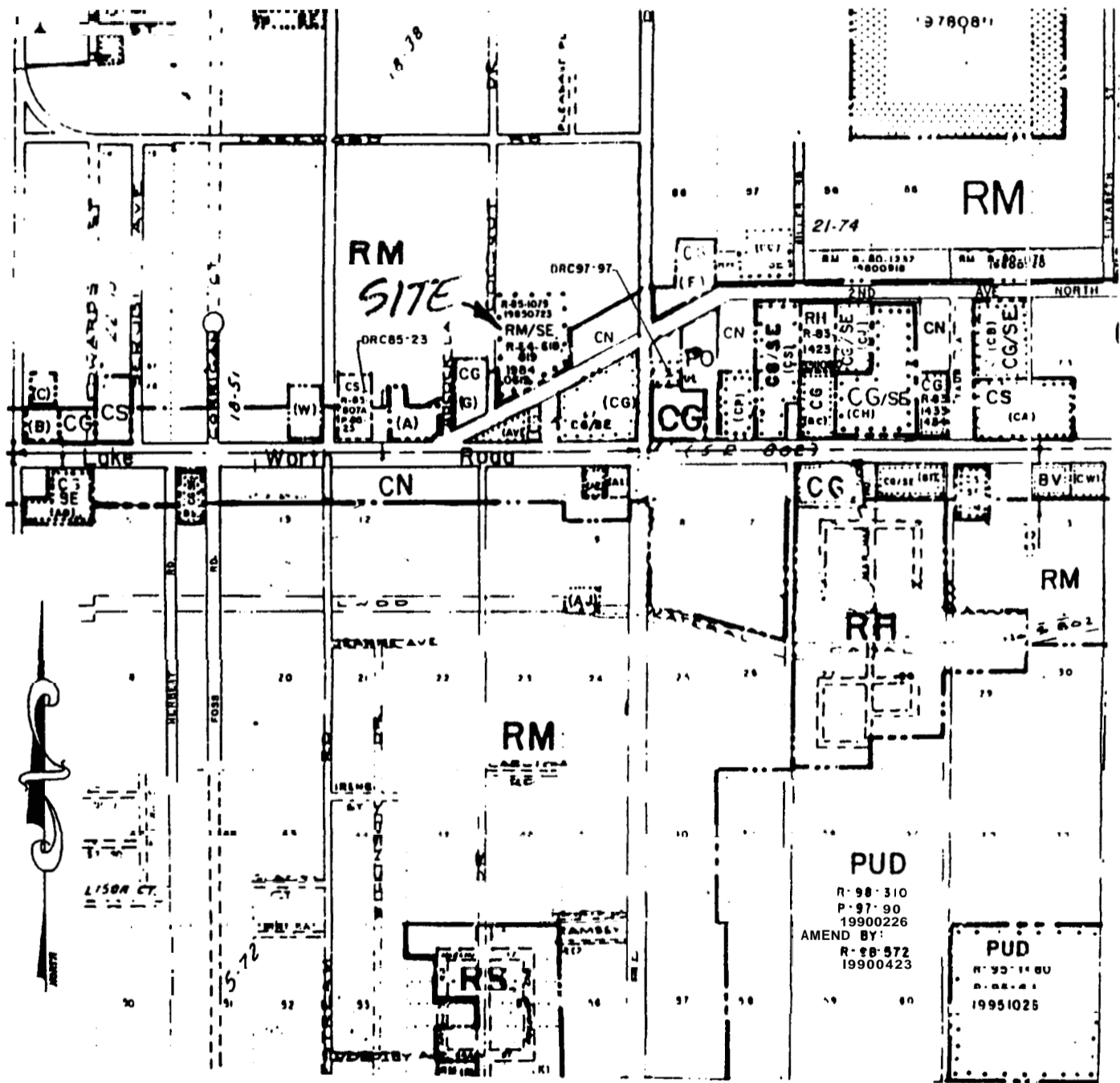


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-84-818 (Petition 84-005), R-85-1079 (Petition 84-005A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Development of the site is limited to the use as approved by the Board of County Commissioners. The approved site plan is dated February 25, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)
3. Condition 3 of Resolution R-85-1079, Petition SE84-005(A) which currently states:

The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

Is hereby deleted: No longer required

B. DAY CARE

1. The day care center shall be limited to a maximum (licensed capacity) of 120 adults and 60 children (at any one time). (ONGOING: HEALTH)

C. HEALTH

1. Condition 5 of Resolution R-84-0819, Petition SE84-005 which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted: Code Requirement

2. Condition 6 of Resolution R-84-0819, Petition SE84-005 which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted: Code Requirement

3. Connection to the Palm Springs Sewage collection system shall be made within **120** days of notification by the Health Department that service is available within **500** feet of this property. (Previously Condition 7 of Resolution R-84-0819, Petition SE84-005). Note: Complete

D. LANDSCAPE

1. Prior to certification, the site plan shall be amended to provide:
 - a. A **six** foot high **solid** wood fence along the northern **340** feet frontage of Coconut Road to screen the Club's **proposed** parking area. This fence shall be supplemented by **8'** canopy trees planted at thirty feet on center.
 - b. An opaque hedge or fence shall be constructed along the north property line. Previously Condition 8 of Resolution R-84-0319, Petition SE84-005 (CO: LANDSCAPE - Zoning)
2. The existing hedge along the north, east, and west property lines shall be maintained at a height of six (6) feet to provide a continuous opaque screen. (CO: LANDSCAPE - Zoning)
3. Credit may be given for existing hedges and fences provided they meet current ULDC standards pursuant to Section 7.3. (CO: LANDSCAPE - Zoning)
4. Prior to building permit the petitioner shall replace any existing damaged or dead and missing plant materials pursuant to the previously approved site plan (Exhibit 13 of Petition 84-005) for the entire site. The replacement landscape material shall meet the current ULDC requirements at time of installation. (DRC: ZONING)

E. ENGINEERING

1. Condition 1 of Resolution R-84-0819, Petition SE84-005 which currently states:

This development shall retain **onsite 100%** of the stormwater **run off** generated by a three (3) year storm per requirements of the Permit Section. Land Development Division.

~~Is~~ hereby deleted: Code Requirement
2. This project's access shall be limited to the parcel's Southeast corner on **2nd** Avenue. The developer shall construct at this turnout,
 - a) left turn lane west approach,
 - b) right turn lane east approach. (Previously Condition 2 of Resolution R-84-0819, Petition SE84-005) [NOTE: completed]
3. Condition 3 deleted by Resolution R-85-1079, Petition DOA84-005(A).

4. Condition 4 of Resolution R-84-0819, Petition SE84-005 which currently states:

The developer shall contribute Two Thousand Five Hundred Dollars (\$2,500.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of the Building Permit.

Is hereby deleted: Impact fees are code requirement

5. Within 90 days of this approval, the property owner shall convey to Palm Beach County for the ultimate right of way of:

- a. 2ND Avenue North, 40 feet from centerline, approximately an additional 7 feet, and
- b. Coconut Road, 30 feet from centerline, approximately an additional 15 feet.

All conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit. (Previously Condition 10 of Resolution R-84-0819, Petition SE84-005). Note: Complete

6. This development shall clean and maintain existing drainage ditch along the northern right-of-way to its ultimate outfall. (Previously Condition 11 of Resolution R-84-0819, Petition SE84-005). (ONGOING: ENG)
7. The Developer shall cooperate with the surrounding neighbors and the Engineering Department for a Comprehensive Drainage Program for Coconut Road. (Previously Condition 12 of Resolution R-84-0819, Petition SE84-005). (ONGOING: ENG)
8. Prior to January 1, 2001 the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for a corner clip at the intersection of 2nd Avenue North and Coconut Road a 25 foot "Corner Clip." The 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. (DATE: MONITORING-Eng)

F. LANDSCAPE ALONG 2ND AVENUE NORTH FRONTAGE

1. Landscaping shall be upgraded to include:
 - a. One group of three (3) palms every 90 feet.
(CO: LANDSCAPE - Zoning)

G. USE LIMITATION

1. Condition 9 of Resolution R-84-0819, Petition SE84-005 which currently states:

Because this approval is for a private club, this facility shall not be open to the general public.

Is hereby deleted: not applicable to this petition request

2. Condition 13 of Resolution R-84-0819, Petition SE84-005 which currently states:

This facility shall limit its hours of operation from:

c. 7:00 a.m. to 10:00 p.m. Sunday through Thursday and,

d. 7:00 a.m. to 1:00 a.m. Friday through Saturday.

Bingo shall be limited to the hours between 6:P.M. and 10:30 P.M.

Is hereby deleted: not applicable to this petition request

3. Condition 14 of Resolution R84-0819, Petition SE84-005 which currently states:

If overflow parking from this site becomes a nuisance to this neighborhood, the Petitioner shall provide additional parking on-site.

Is hereby deleted: not applicable to this petition request

H. SIGNS

1. In the event, the existing sign is relocated, the sign shall be replaced with freestanding point of purchase sign fronting on 2nd Avenue North and be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest paint - ten (10) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)

I. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)