

RESOLUTION NO. R-2002- 1964

RESOLUTION APPROVING ZONING PETITION CA2002-034
CLASS A CONDITIONAL USE
PETITION OF LAWRENCE FISHER
BY KIM GLAS-CASTRO & BONNIE MISKEL, AGENT
(THE CAMBRIDGE SCHOOL)

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 CA2002-034 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; 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 CA2002-034, the petition of Lawrence Fisher, by Kim Glas-Castro & Bonnie Miskel, agent, for a Class A Conditional Use in the Residential Transitional Urban Zoning District to allow a general daycare 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 October 24, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	Aye
Carol A. Roberts, Vice Chair	Absent
Karen T. Marcus	Aye
Mary McCarty	Absent
Burt Aaronson	Aye
Tony Masilotti	Absent
Addie L. Greene	Aye


The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

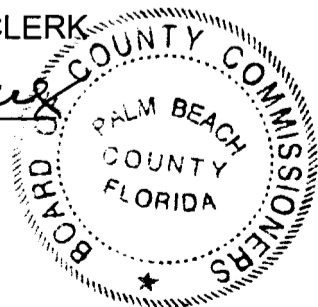


EXHIBIT A

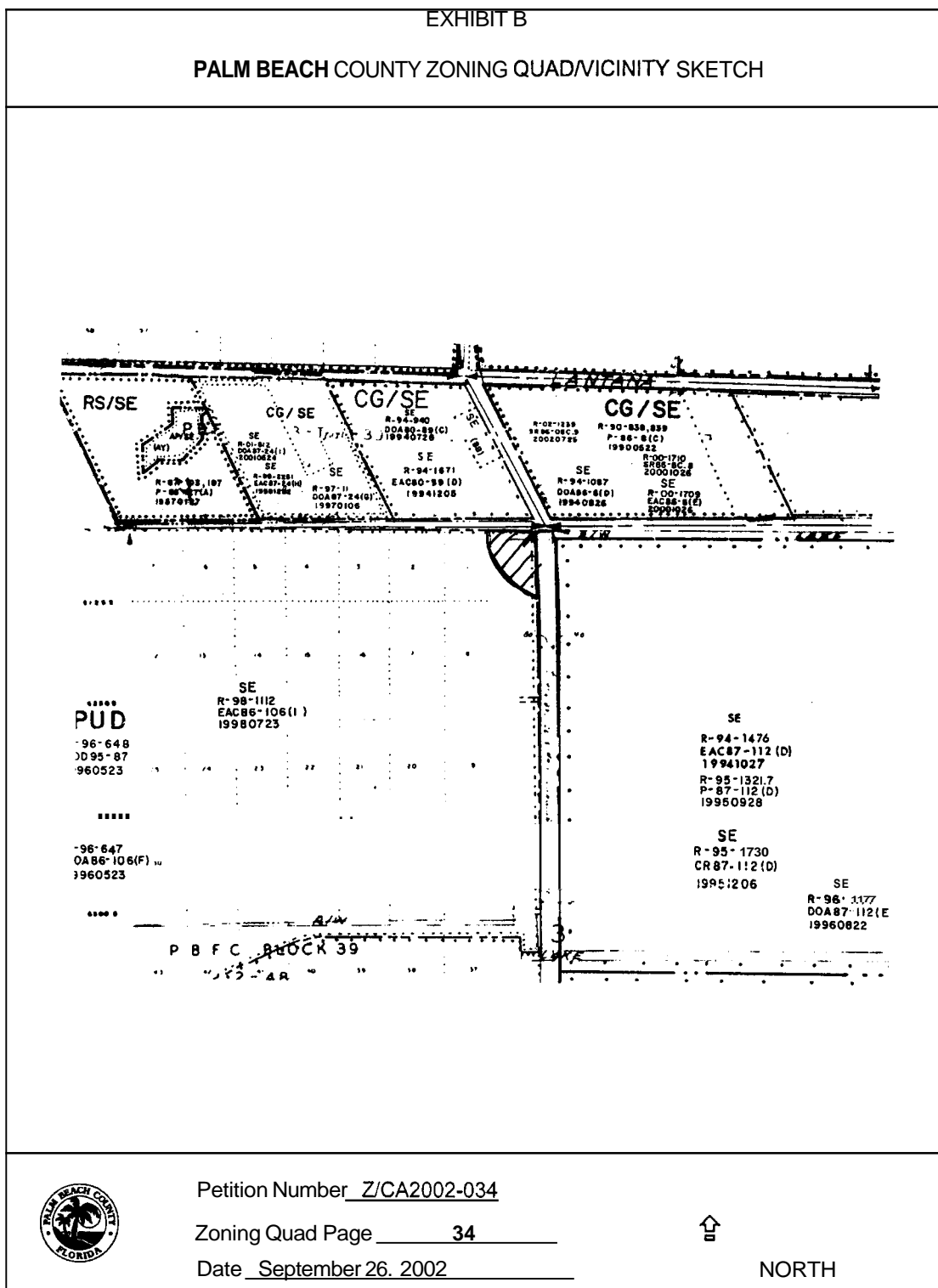
LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER (NW ¼); THENCE SOUTH 89° 15' 59" WEST ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW ¼), A DISTANCE OF 91.32 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 6314, PAGE 958 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAME BEING THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1577.02 FEET (A RADIAL LINE TO SAID POINT BEARS NORTH 74° 33' 23" EAST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 13° 28' 15", AN ARC DISTANCE OF 370.77 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89° 12' 47" WEST, 104.78 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 231.70 FEET; THENCE WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 03' 12", AN ARC DISTANCE OF 364.17 FEET; THENCE NORTH 00° 44' 01" WEST, 134.74 FEET TO THE NORTH LINE OF AFORESAID NORTHWEST ONE-QUARTER (NW ¼); THENCE NORTH 89° 15' 59" EAST, 285.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 2.414 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



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Date September 26, 2002



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 16, 2002. 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 – Zoning)

B. ARCHITECTURAL

1. At time of submittal for final DRC certification, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REV – Zoning)
2. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure. (ARCH REV/BLDG PERMIT: ZONING – Zoning)
3. Design of gutters and downspouts shall be integrated into the architectural design of the buildings. Painting of the gutters and downspout shall not constitute architectural integration. (DRC: ARCH REV – Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to issuance of building permits, the petitioner shall enter into an agreement with the Lake Worth Drainage District to allow for development in the L-16 canal easement, to include but not be limited to: landscaping, piping and paving. (BLDG PRMT: BLDG – Zoning)
2. The petitioner shall be required to install a six (6) foot high picket fence around the outdoor activity area, in the location indicated on the site plan dated August 16, 2002. (BLDG PRMT: BLDG – Zoning)

D. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within sixty (60) feet of any adjacent residential property line. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane north approach on Jog Road at the project's entrance road. This right-of-way shall be a minimum of 250 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County

Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. 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. (BLDG PRMT: MONITORING – Eng)

2. The Property owner shall construct a right turn lane north approach on Jog Road at the Projects Entrance Road.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. 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.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PRMT: MONITORING – Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)
3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. Building permits for no more than 4,750 square feet shall be issued until the construction contract has been awarded for Lantana Road from Jog Road to Military Trail to a 6-lane divided section. (BLDG PRMT: MONITORING – Eng)
 - b. No building permits shall be issued after December 31, 2004. A time extension for this condition may be approved by the County Engineer only if 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
4. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PRMT: MONITORING – Eng)

F. HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG – Health)
2. Prior to site plan review, the petitioner will coordinate this project with the institutional childcare section of the Palm Beach County Health Department. (DRC: HEALTH – Health)

G. LANDSCAPING STANDARD

1. All trees to be planted in the right-of-way buffers shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
 - d. This condition does not apply to the five (5) foot wide compatibility buffer or where a single row of shrubs is required on one or both sides of a fence or wall. (CO: LANDSCAPE – Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING – INTERIOR

1. Foundation planting or grade level planters shall be provided along sides of the day care facility, and upgraded as follows:
 - a. The length of the required landscaped areas along the north, south and west facade shall be no less than 50% of the total length of each side of the structure. (DRC/CO: LANDSCAPE – Zoning)
2. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to indicate an opaque Areca Palm hedge along the south side of the swimming pool area. (DRC: ZONING/LANDSCAPE – Zoning)

I. LANDSCAPING ALONG EAST PROPERTY LINE (JOG ROAD FRONTAGE)

1. Landscaping along the south property line abutting Jog Road shall be upgraded to include:
 - a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb;
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
 - e. One (1) flowering or multi-trunk tree for each fifty (50) linear feet of property line;
 - f. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - g. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - h. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

J. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES
(ABUTTING RESIDENTIAL)

1. Landscaping along the south and west property lines shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
 - b. A continuous two (2) foot berm measured from finished grade to top of berm. Field adjustment of berm may be permitted if required to accommodate utility easements;
 - c. A six (6) foot high opaque concrete block or screen panel wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on each side of the wall. Tree spacing may be adjusted to accommodate bisecting utility easements; and
 - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, alternating on each side of the wall. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required along the interior side of the required wall:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)
3. Along the exterior side of the required wall, the property owner shall install thirty (30) inch high shrub or hedge material space no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)
4. Prior to issuance of building permits for the principal structure, the petitioner shall install the required berm and wall along the south and west property lines. (BLDG PRMT: BLDG/MONITORING – Zoning)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor, freestanding lighting fixtures be setback a minimum of fifty (50) feet from abutting residential property lines. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished no later than 9:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning)

L. SIGNAGE

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: eight (8) feet;
 - b. Maximum sign face area per side: fifty (50) square feet;
 - c. Maximum number of signs: one (1);
 - d. Location: Jog Road frontage; and
 - e. Style: monument. (CO: BLDG – Zoning)

M. USE LIMITATIONS

1. The day care facility shall be limited to a maximum of 250 children. (ONGOING: CODE ENF – Zoning)
2. Hours of operation for outdoor playground activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. (ONGOING: CODE ENF – Zoning)
3. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
4. Prior to issuance of building permits, the petitioner shall record a restrictive covenant on the site, subject to review and approval by the County Attorney, prohibiting the following uses on the property:
 - a. Commercial communication tower;
 - b. Electrical power facility;
 - c. Packing plant;
 - d. Solid waste transfer station; and
 - e. Water or wastewater treatment plant. (BLDG PRMT: BLDG – Zoning)

N. 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 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 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. (ONGOING: MONITORING – Zoning)