

RESOLUTION NO. R-2003-1288

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 79-134A.4
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-99-1145
WHICH APPROVED THE DEVELOPMENT ORDER AMENDMENT OF
THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
STATUS REPORT NO. SR1979-134A.5

WHEREAS, the Board of County Commissioners, as the governing body, 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report CR 79-134A.4 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 28, 2003; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 79-134A.4 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. A building on the property at time of development order approval has been demolished.
2. With the demolition of the building, there is no need for immediate compliance with conditions A.2. and A.3.
3. The amendment of conditions of approval will provide deadlines for compliance prior to utilization of the special exception.
4. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 79-134A.4, to amend Conditions of Approval of Resolution No. R-99-1145, the Development Order Amendment of the Palm Beach County Board of County Commissioners, which revoked the part of the Special Exception which increased the capacity of the day care center to a

maximum of 134 children, and amended conditions of approval, on a parcel of land being a portion of Tract 57, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, No. 2, recorded in Plat Book 1, Page 102. Commencing at the Southeast corner of Section 25, Township 47 South, Range 41 East; thence Northerly along the East line of said Section 25, a distance of 330.00 feet; thence Westerly along a line which forms an angle of 89 degrees 32'26" to the left, with a prolongation of last described course, a distance of 1652.32 feet to a point on the North line of said Tract 57 and the POINT OF BEGINNING; thence Southerly along a line which forms an angle of 90 degrees 34'00" to the left with a prolongation of last described course, a distance of 315.17 feet to a point on the South line of said Tract 57; thence Westerly along the South line of said Tract 57 which forms an included angle of 89 degrees 26'30" with last described course a distance of 188.21 feet; thence Northerly along a line which forms an included angle of 90 degrees 33'30" with last described course, a distance of 315.19 feet to a point on the North line of said Tract 57; thence Easterly along the North line of said Tract 57, a distance of 138.21 feet to the POINT OF BEGINNING, being located on the south side of Sandalfoot Boulevard, 1/4 mile west of SR7/US 441, in the RM-Multiple Family (Medium Density) Residential Zoning District, is approved, subject to the following conditions:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number A.2. of Resolution No. 99-1145 which currently states:

Development of the site is limited to the uses and site design approved by the Development Review Committee (site plan Exhibit #40 dated October 23, 1996). 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. Prior to July 1, 2000, the site plan shall be amended to reflect the conditions of this approval. (DATE: MONITORING - Zoning)

Is hereby amended to state:

Development of the site is limited to the uses and site design approved by the Development Review Committee (site plan Exhibit #40 dated October 23, 1996). 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. Prior to the issuance of a building permit, the site plan shall be amended to reflect the conditions of this approval. (BLDG PERMIT: MONITORING - Zoning)

3. Condition number A.3. of Resolution No. 99-1145 which currently states:

All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed prior to July 1, 2000. (DATE: MONITORING - Zoning)

Is hereby amended to state:

All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed

prior to the issuance of a certificate of occupancy. (CO: MONITORING - Zoning)

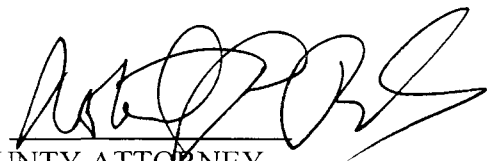
Commissioner Masiolotti moved for approval of the Resolution.

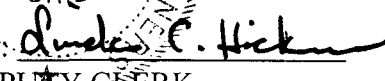
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

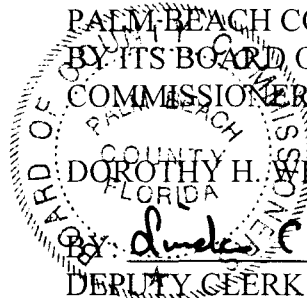
KAREN T. MARCUS, CHAIR	—	Aye
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Aye
WARREN H. NEWELL	—	Absent
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 28 day of August, 2003.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALEMBEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS
 DOROTHY H. WILKEN, CLERK
 BY: 
 DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 6 day of October, 2003.

STATUS REPORT CR 79-134A.4
(For Zoning Petition 1979-134(A))

Staff Recommendation

Staff recommends the amendment of conditions of approval as follows:

1. All previously approved conditions of approval continue to apply unless expressly modified herein.
2. Condition number A.2. of Resolution No. 99-1145 which currently states:

Development of the site is limited to the uses and site design approved by the Development Review Committee (site plan Exhibit #40 dated October 23, 1996). 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. Prior to July 1, 2000, the site plan shall be amended to reflect the conditions of this approval. (DATE: MONITORING - Zoning)

Is hereby amended to state:

Development of the site is limited to the uses and site design approved by the Development Review Committee (site plan Exhibit #40 dated October 23, 1996). 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. Prior to the issuance of a building permit, the site plan shall be amended to reflect the conditions of this approval. (BLDG PERMIT: MONITORING - Zoning)

3. Condition number A.3. of Resolution No. 99-1145 which currently states:

All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed prior to July 1, 2000. (DATE: MONITORING - Zoning)

Is hereby amended to state:

All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Zoning)

This recommendation is based on the following:

1. The approval is consistent with the land use designation of the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The project meets the Countywide Traffic Performance Standards.
3. A building on the property at time of development order approval has been demolished.
4. With the demolition of the building, there is no need for immediate compliance with conditions A.2, and A.3.
5. The amendment of conditions of approval will provide deadlines for compliance prior to utilization of the special exception.
6. The amendment of conditions of approval is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code.

Development Approval and Conditions Being Reviewed: Zoning Petition 1979-134(A) was approved by the adoption of Resolutions R-90-1430 and R-90-1431 on August 28, 1990. The resolutions rezoned property to the RM-Multiple Family (Medium Density) Residential Zoning District and approved a Special Exception to amend the site plan for a day care center. A Development Order Amendment to revoke the

part of the Special Exception which increased the capacity of the day care center to a maximum of 134 children, and amend conditions of approval of Resolution No. R-99-1145 was adopted on June 29, 1999. The zoning action is now being reviewed pursuant to Section 5.8 of the Palm Beach County Unified Land Development Code, "Compliance with Time Limitations," for failure to comply with the following conditions of approval:

- A.2. Development of the site is limited to the uses and site design approved by the Development Review Committee (site plan Exhibit #40 dated October 23, 1996). 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. Prior to July 1, 2000, the site plan shall be amended to reflect the conditions of this approval. (DATE: MONITORING - Zoning)
- A.3. All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed prior to July 1, 2000. (DATE: MONITORING - Zoning)

Property Description: The property is approximately 1.00 acre and is on the south side of Sandalfoot Boulevard, 1/4 mile west of SR7/US 441.

Property Owner: Mutual Trust, LLC

Required Action: Section 5.8 of the Unified Land Development Code requires that the Board of County Commissioners take one or more of the following actions: 1) grant a time extension of up to two years; 2) rezone the property and/or revoke the special exception/conditional use; 3) impose entitlement density/intensity; 4) add or modify conditions of approval, 5) permit the property owner to file a petition to add or modify conditions of approval; 6) direct staff to cite the property owner for Code violation; and/or 7) deny or revoke a building permit, issue a stop work order, deny a Certificate of Occupancy, revoke any concurrency, deny or revoke any permit or approval.

REVIEW FACTORS

Consistency with Land Use Plan and Unified Land Development Code

The Land Use Plan category for the property is High Residential 8. The current approval is consistent with the land use designation of the Palm Beach County Comprehensive Plan.

The parking requirements contained in the ULDC were amended after approval of this project. To be consistent with the Unified Land Development Code, the number of children had to be reduced to 50 based on the number of parking spaces shown on the certified site plan. Through the Section 5.8 review process, a condition of approval was added in 2001 to limit the number of children to 50. The ULDC permits day care centers in all districts.

Performance Standards

This project qualifies as an insignificant project, and therefore meets the Countywide Traffic Performance Standards. It is an insignificant project due to its small size, a 3,007 square foot daycare center with traffic accessing 6-lane State Road 7. In addition, the original building can be rebuilt within five years of demolition, and can be increased to add an additional ten percent traffic.

Supplemental

Time extensions totaling three years have previously been approved for all three conditions. Staff has reviewed the conditions and determined that since the building has been demolished, the conditions can be amended to require compliance prior to issuance of a building permit for condition number A.2., and

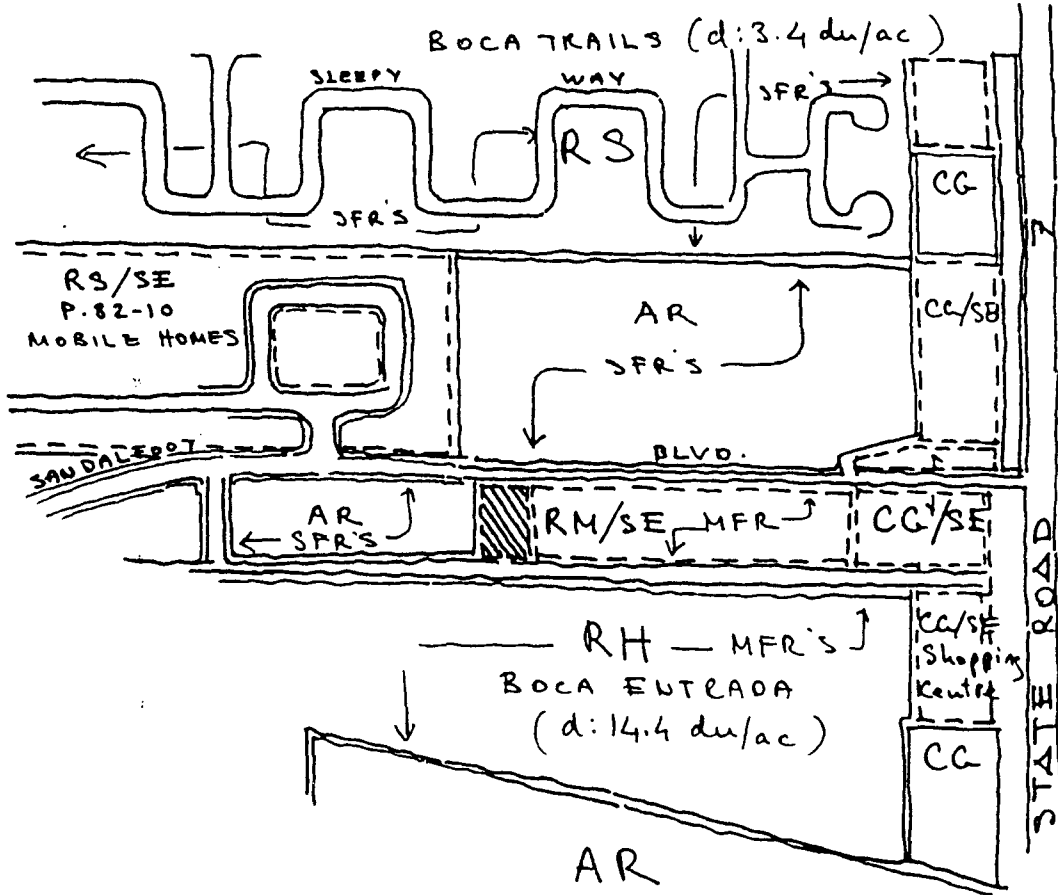
certificate of occupancy for A.3.. With the amendment of condition number A.2., a building permit cannot be issued until the site plan is amended. With the amendment of condition A.3., compliance will be ensured prior to the impacts of the project occurring. The Zoning Division recommends approval of the amendments.

On June 29, 1999, the BCC approved a Development Order Amendment to revoke the part of the Special Exception which had previously increased the capacity of the day care center to a maximum of 134 children, and amended conditions of approval. The conditions of approval which are the subject of this status report were the result of this amendment.

July 2003

Sec. 25 Twp. 47 Rng. 41
Quadrant Sheet: 69
Aerial Page: 416

Vicinity Sketch



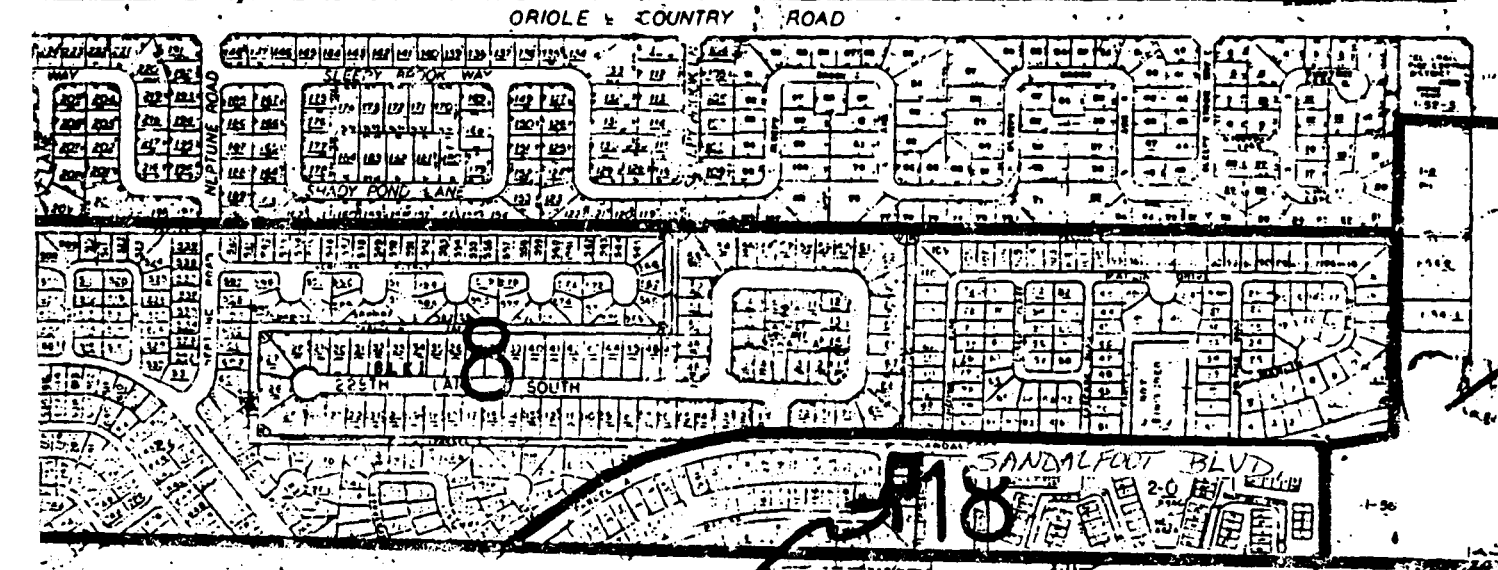
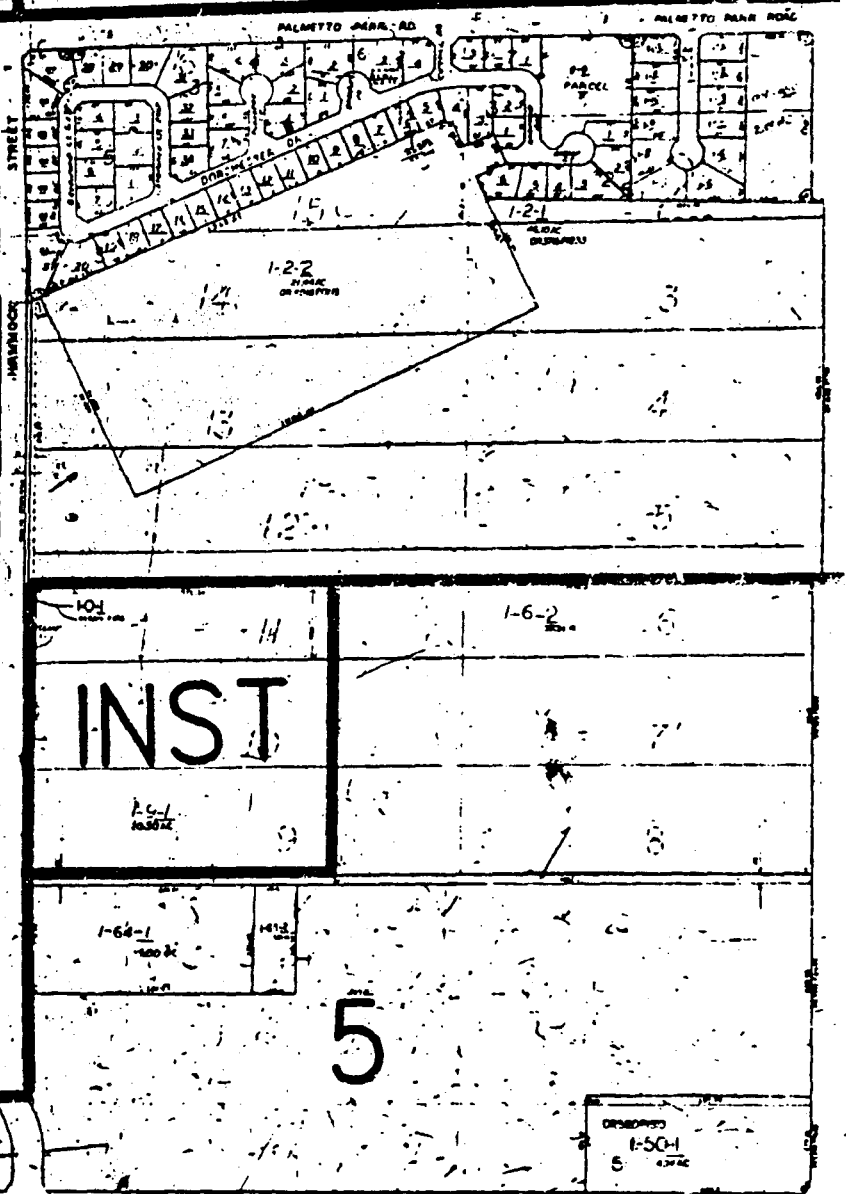
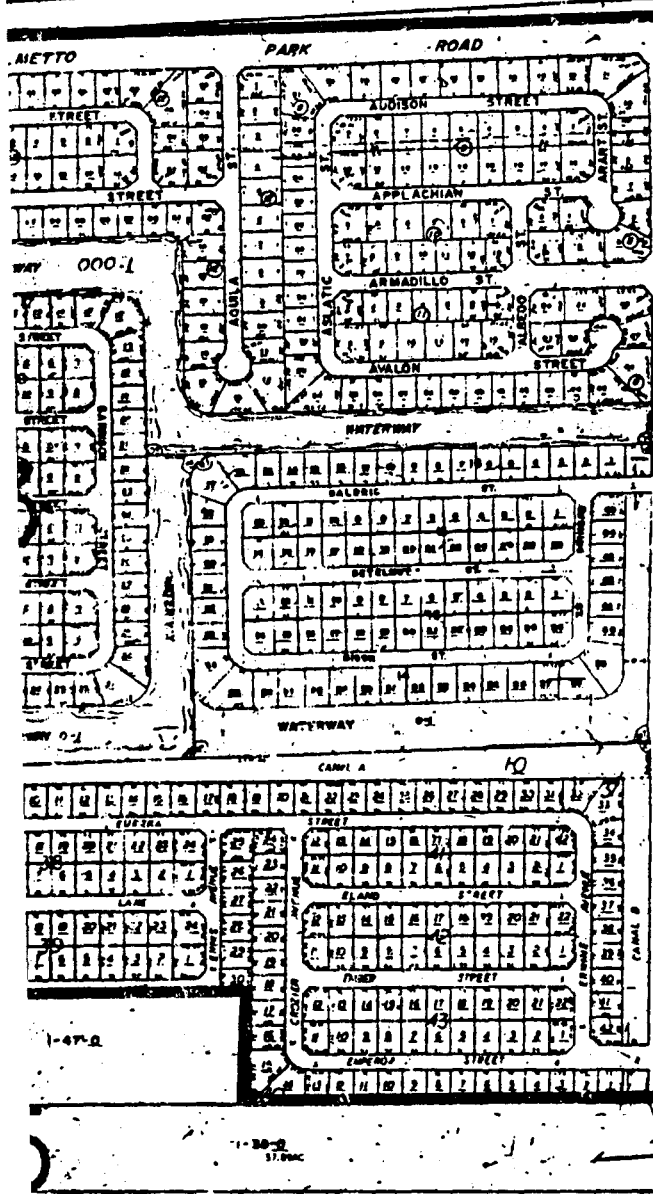
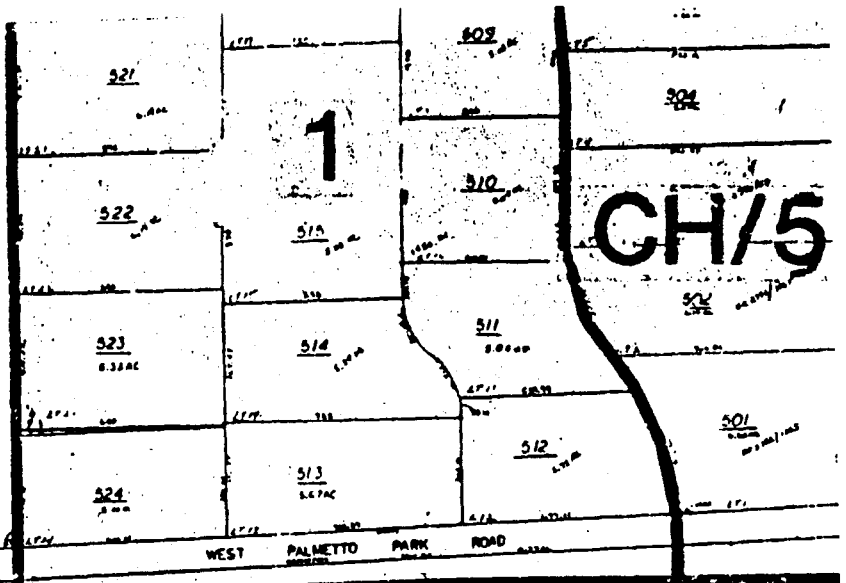
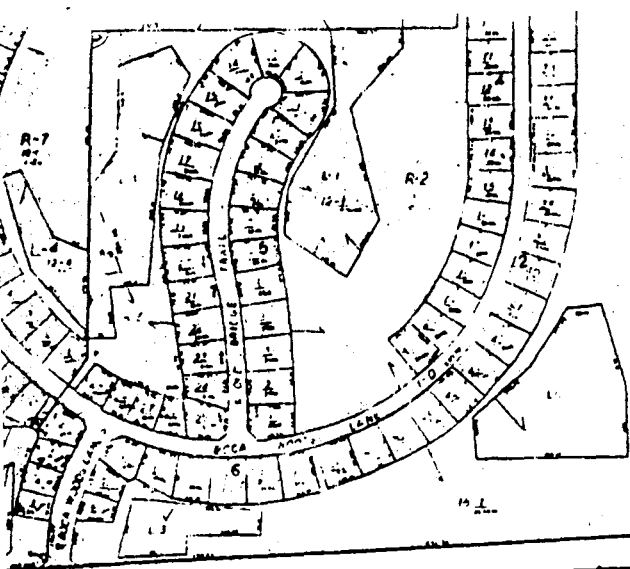
(1990 SKETCH)

Request:

SPECIAL EXCEPTION: AMEND THE SITE PLAN FOR A DAY CARE CENTER;
INCREASE THE CAPACITY TO 134 CHILDREN

PETITION NO: 79-134 A

BCC DISTRICT: 4



79-134(A)

SITE