

RESOLUTION APPROVING ZONING PETITION DOA/CA89-130(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF COUNTRY DAY OF JUPITER

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA89-130(B) was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency reservation and therefore complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 **DOA/CA89-130(B)**, the petition of Country Day of Jupiter, for a DEVELOPMENT ORDER AMENDMENT to increase land area (+1.02) and a CLASS A CONDITIONAL USE (CA) to allow a school, elementary or secondary, (private school; 242 students maximum) in the Residential Transitional (RT) Zoning District, previously approved 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus 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:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of January, 1995.

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

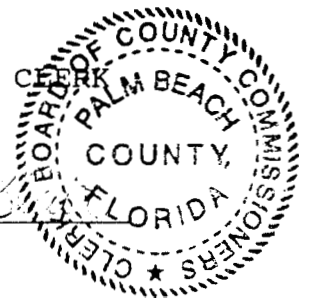


EXHIBIT A
LEGAL DESCRIPTION

"Exhibit A"

LEGAL DESCRIPTION:

PARCEL 18: THE EAST **200** FEET OF THE WEST **625** FEET OF THE NORTH **221** FEET OF THE SOUTH **281** FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION **35**, TOWNSHIP **40** SOUTH, RANGE **42** EAST. (PALM BEACH COUNTY, FLORIDA)

PARCEL 19: THE EAST **200** FEET OF THE WEST **425** FEET OF THE NORTH **221** FEET OF THE SOUTH **281** FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION **35**, TOWNSHIP **40** SOUTH, RANGE **42** EAST. (PALM BEACH COUNTY, FLORIDA)

CONTAINING: **2.09** ACRES MORE OR LESS

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS THE SOUTH **60** FEET OF THE WEST **825** FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION **35**, TOWNSHIP **40** SOUTH, RANGE **42** EAST. (PALM BEACH COUNTY, FLORIDA)

SUBJECT TO AN EASEMENT FOR PUBLIC UTILITIES OVER THE NORTH **6** FEET OF THE HEREIN DESCRIBED PARCELS OF LAND.



WM. R. VAN CAMPEN
FLORIDA PROFESSIONAL LAND SURVEYOR NO. 2424

DATE: 7-12-94

EXHIBIT B
VICINITY SKETCH

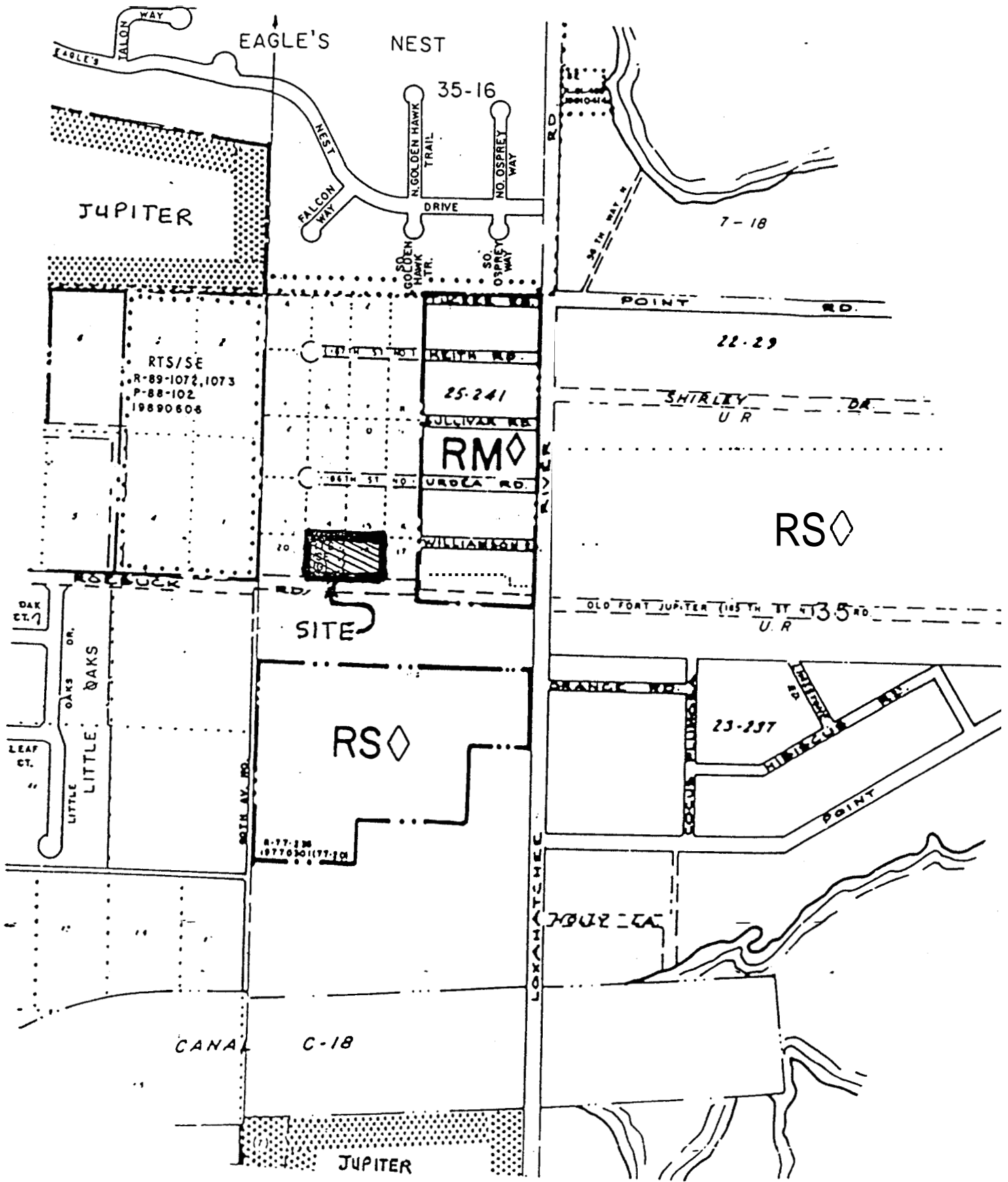


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-855 and R-92-188, have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, unless expressly modified. (MONITORING)

A. STANDARD CONDITIONS

1. **Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.** (Previously Condition A.1 of Resolution R-92-188, Petition 89-130(A))

B. BUILDING AND SITE DESIGN

1. **The petitioner shall submit a revised site plan to the Site Plan Review Committee prior to February 7, 1992. The plan shall indicate ten (10) 12'x20' drop off spaces located near the entrance of the day care or obtain a variance from the Board of Adjustment. Tabular data shall be revised to comply with Zoning Code requirements. No permits for interior renovations shall be issued prior to Site Plan approval.** (Previously Condition B.1 of Resolution R-92-188, Petition 89-130(A))
2. **The day care center shall be limited to a maximum of 5,150 square feet in building area, 25 feet in height and a maximum total student population of 108.** (Previously Condition B.2 of Resolution R-92-188, Petition 89-130(A))
3. **The trash receptacle shall be completely screened by a six (6) foot high solid wood fence and located away from the outdoor play area.** (Previously Condition B.3 of Resolution R-92-188, Petition 89-130(A))
4. **Play area shall be enclosed with a six (6) foot tall chain link fence.** (Previously Condition B.4 of Resolution R-92-188, Petition 89-130(A))

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **A plan to address the on-site Gopher Tortoise population shall be submitted to the Dept. of Environmental Resources Management for approval prior to site plan certification.** (Previously Condition C.1 of Resolution R-92-188, Petition 89-130(A))

D. HEALTH

1. **Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.** (Previously Condition D.1 of Resolution R-92-188, Petition 89-130(A))
2. **Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.** (Previously Condition D.2 of Resolution R-92-188, Petition 89-130(A))

E. ENGINEER 1

1. Condition E.1 of Resolution R-92-188, which currently states:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

Is hereby deleted. [REASON: now a code requirement]

2. Prior to July 1, 1990 or prior to the issuance of the first building permit whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Roebuck Road, 60 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. E.2 of Resolution No. R-92-188)

Completed - recorded in ORD Book 6249 Page 508.

3. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$16,500.00 (300 trips X \$55.00 per trip). (Previously Condition No. E.3 of Resolution No. R-92-188).
4. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended. (Previously Condition No. E.4 of Resolution No. R-92-188). Completed - platted in Plat Book 66 Page 85.
5. The Property owner shall construct a left turn lane, west approach on Roebuck Road at each of the project's entrances. 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).

6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed 242 student private school to be paid at the time of issuance of the Building Permit presently is \$59,950.00 (1,090 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

F. LANDSCAPE

1. Prior to site Plan Review Committee approval, the site plan shall be amended to indicate:
 - a. Alternative landscape strip number 3 shall be provided along the north, east and west property lines. This buffer shall include ten (10) foot canopy trees, twenty (20) feet on center. All native vegetation in this strip shall be preserved. When existing vegetation does not provide a 36" landscape barrier, additional native materials shall be provided to achieve this requirement.
 - b. All native vegetation shall be preserved within the required fifteen (15) foot landscape buffer. (Previously Condition F.1 of Resolution R-92-188, Petition 89-130(A))
2. A tree survey shall be submitted with the Site Plan Review Committee application. This survey shall be prepared at the same scale as the site plan. (Previously Condition F.2 of Resolution R-92-188, Petition 89-130(A))
3. No vegetation removal permit shall be issued until a site inspection has taken place. At the time of inspection, areas of clearing shall be delineated and protective barriers in place. (Previously Condition F.3 of Resolution R-92-188, Petition 89-130(A))

G. SIGNS

1. Point of Purchase signage shall be limited to one (1) 30 square foot, ten (10) foot tall monument type sign. (Previously Condition G.1 of Resolution R-92-188, Petition 89-130(A))
2. Off-premise signs shall not be permitted on site. (Previously Condition G.2 of Resolution R-92-188, Petition 89-130(A))

H. USE

1. Security lighting shall be low intensity and directed away from adjacent residential properties with reflective shields. (Previously Condition H.1 of Resolution R-92-188, Petition 89-130(A))
2. No loud speaker system shall be permitted on site. (Previously Condition H.2 of Resolution R-92-188, Petition 89-130(A))
3. Hours of operation shall be limited from 6:00 a.m. to 9:00 p.m., Monday through Saturday. (Previously Condition H.3 of Resolution R-92-188, Petition 89-130(A))
4. The school facility shall be limited to a maximum of 242 students and kindergarten and first grade only. (ZONING)

I. COMPLIANCY

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. The revocation of any special exception for the property, as well as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of the Zoning Code. (Previously Condition 1.1 of Resolution R-92-188, Petition 89-130(A))
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previously Condition 1.2 of Resolution R-92-188, Petition 89-130(A))