

RESOLUTION NO. R-96- 997

RESOLUTION APPROVING ZONING PETITION CA96-19
CLASS A CONDITIONAL USE
PETITION OF STEVE AND LINDA BALOGH
BY KEVIN MCGINLEY, AGENT
(BALOGH DAY CARE)

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 CA96-19 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1996; 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 CA96-19, the petition of Steve and Linda Balogh, by Kevin McGinley, agent, for a Class A Conditional Use (CA) to allow a day care, general (125 children) in the Agricultural Residential (AR) 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 June 24, 1996, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

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

LEGAL DESCRIPTION

THE NORTH **249** FEET OF THE WEST **832** FEET OF THE EAST HALF (LESS THE WESTERLY **483** FEET) OF SECTION **32**, TOWNSHIP **42** SOUTH, RANGE **41** EAST, PALM BEACH COUNTY, FLORIDA, SUBJECT TO EASEMENTS FOR ROAD RIGHT-OF-WAY AND DRAINAGE OVER THE NORTHERLY 40 FEET, THE EASTERLY 60 FEET AND THE WESTERLY **30** FEET THEREOF. ALSO KNOWN AS TRACT AL-1 OF SAID SECTION **32**, ROYAL PALM BEACH ACREAGE, UNRECORDED.

CONTAINING 2.0 ACRES, MORE OR LESS.

EXHIBIT B

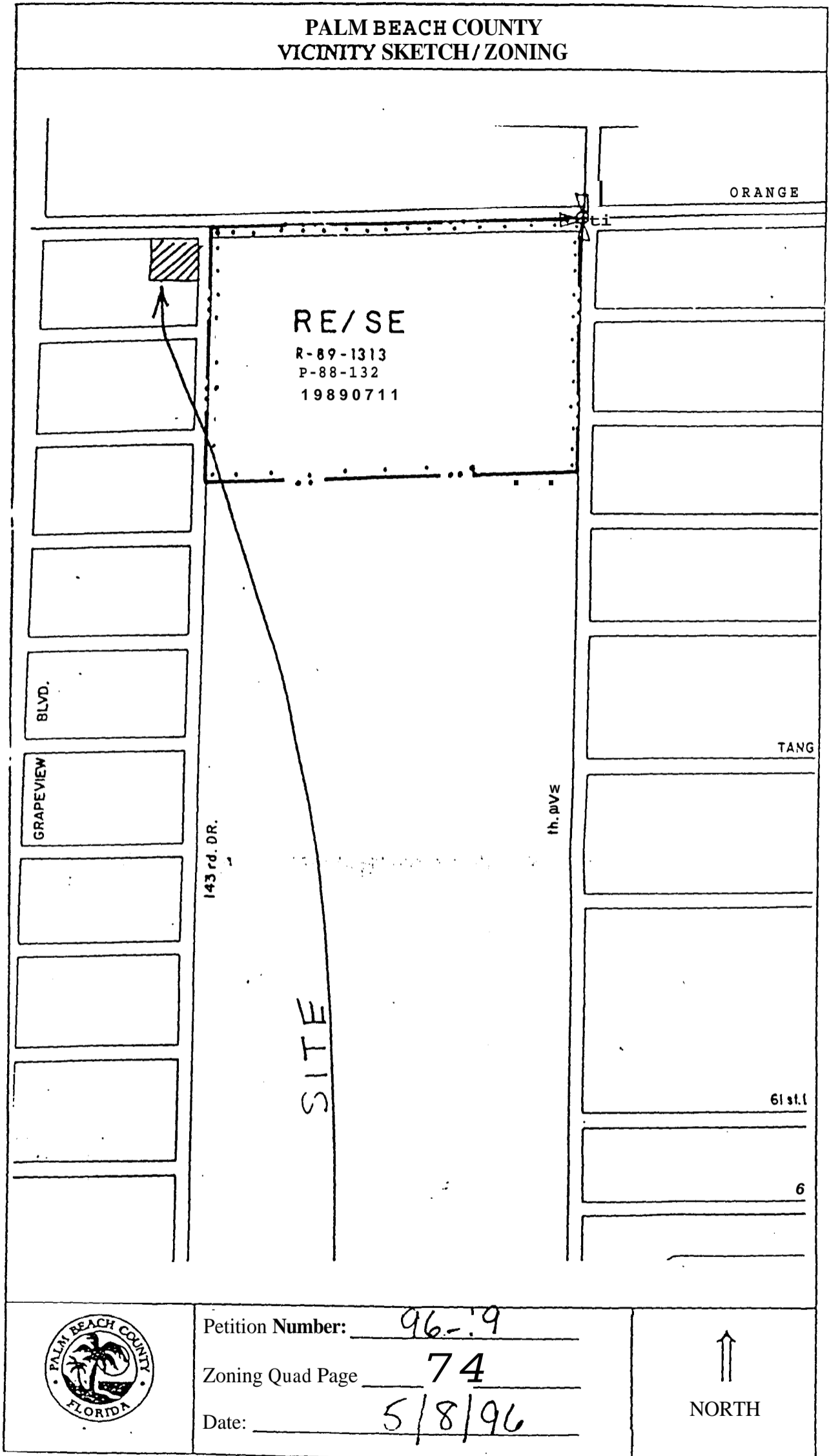


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners (site plan dated April 29, 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. (ONGOING: ZONING)

B. HEALTH

1. Proposed well and onsite sewage treatment and disposal system (OSTDS) location shall be shown on final site plan. (DRC: HEALTH)
2. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)
3. Application and engineering plans to construct a non-transient non-community water system in accordance with Chapter 62-555 and Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit prior to final site plan approval. (DRC: HEALTH)
4. Location and square footage of the outdoor fenced play area shall be shown on final site plan. (DRC: HEALTH)
5. No food processing will be allowed on this site with an OSTDS. (ONGOING: HEALTH/CODE ENF)
6. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit in accordance with Chapter 10D-24 FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

C. BUILDING AND SITE DESIGN

1. Prior to final site plan certification, the site plan shall be revised by having the building moved to reflect a 75 foot front yard setback. (DRC: ZONING)
2. Prior to final site plan certification, the site plan shall be revised to reflect six (6) parallel parking spaces measuring a minimum of 10 feet in width by 23 feet in length. This parking area shall include terminal landscaping islands in accordance with ULDC standards. Two (2) of these spaces shall also be identified as drop-off stalls and measure a minimum of 12 feet in width by 20 feet in length. All six (6) spaces shall also be marked per the ULDC. (DRC: ZONING)
3. Prior to final site plan certification, the proposed outdoor play area shall be reconfigured so as to be located 25 feet from the rear property line. (DRC: ZONING)

4. Prior to final site plan certification, the site plan shall be revised to reflect drainfield/septic tank areas instead of current "Bed No. 1 and 2" designations. (DRC: ZONING)
5. Prior to final site plan certification all stationary outdoor play equipment with a permanent foundation shall be shown on site plan and located 25 feet from any residentially zoned or used property line. (DRC:ZONING)
6. All outdoor lighting used to illuminate the subject property shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF-Zoning)

D. SIGNAGE

1. Signage for the property fronting on Orange Boulevard shall be located perpendicular to the front property line and be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - five (5) feet;
 - b. Maximum sign face area - 50 square feet;
 - c. Style - monument style only. (CO: BLDG)

E. ENGINEERING

1. The Property owner shall construct a left turn lane east approach on Orange Boulevard at the projects entrance road. 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. (CO: BLDG DIVISION - Eng)

F. MASS TRANSIT

1. Prior to final certification of the master plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRC: ZONING - School Board/Eng/Planning)

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until June 24, 1997. (DATE: MONITORING - Eng)

G. LANDSCAPING

1. Prior to final site plan certification, the site plan shall be revised to reflect the following landscaping for the outdoor play area:
 - a. A six (6) foot high perimeter fence with 14 foot tall trees placed 20 feet on center; and a 24 inch high hedge or shrub material placed 24 inches on center. This required landscape material shall be located on the exterior side of the fence.
 - b. A minimum of one (1) twelve (12) foot tall native canopy tree shall be provided per 750 square feet of outdoor activity area provided. (DRC: ZONING)

H. DAY CARE

1. The day care center shall be limited to a maximum of 125 children. (ONGOING: HEALTH)
2. The day care center hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. daily. (ONGOING: CODE EN:?)

I. COMPLIANCE

1. 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; 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.

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)