

RESOLUTION NO. R-98- 1517

RESOLUTION APPROVING ZONING PETITION CA98-12
CLASS A CONDITIONAL USE
PETITION OF JORGE SARRIA
BY CARLOS GONZALEZ, AGENT
(PLANET KIDS III)

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 CA98-12 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 1998; 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 CA98-12, the petition of Jorge Sarria, by Carlos Gonzalez, agent, for a Class A Conditional Use to allow a Daycare, general (350 children) in the Residential Transitional (RT) 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 September 24, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on September 24, 1998.

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

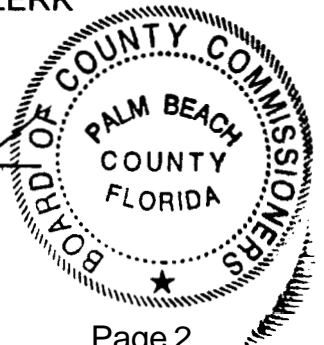


EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

The East one-half (E 1/2) of the following described parcel:

Tract 55 LESS the East one-third (E 1/3) and LESS the West one-third (W 1/3), Block 25, of the PALM BEACH FARMS COMPANY PLAT NO. 3, Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, excepting therefrom for road purposes that part of the above description contained in the following described tract:

Starting at the Southwest corner of Tract 55 run North along the West line 56.48 feet; thence North 90 degrees 26 minutes 29 seconds East to the East line of Tract; thence South along East line Tract 56.67 feet to the Southeast corner of Tract 55; thence South 89 degrees 27 minutes 29 seconds West along South line of Tract to Point of Beginning.

PARCEL II

PER TITLE COMMITMENT NO. C-9912, EFFECTIVE DATE: April 8, 1998.

The East one-third (E 1/3) of Tract fifty-five (55), Block twenty five (25), PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, pages 45 to 54, inclusive, in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida.

LESS AND EXCEPT THE FOLLOWING THREE PARCELS:

1. The West 45.28 feet of the East 130.28 feet of the North 199.8 feet thereof;
2. The East 100 feet thereof;
3. Starting at the Southwest corner of Tract 55, run North along West line 56.48 feet; thence North 89 26' 29" East to the East line of Tract, thence South along the East line of Tract, 56.67 feet to the Southeast corner of Tract 55; thence South 89 27' 29" West along South line of Tract to the point of beginning. Being for road purposes.

PARCEL B; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

The **South 453.32 feet** of the West 15 feet of the East 100 feet of Tract 55, less the **right-of-way of Lake Worth Road** over the **South 50 feet** thereof, in **Tract 55**, Block **25**, Palm Beach Farms Company No. **3**, according to the Plat thereof on file in the Office of the Clerk of the Circuit **Court** in and for Palm Beach County, Florida, in Plat Book **2**, Page 45.

EXHIBIT B
VICINITY SKETCH

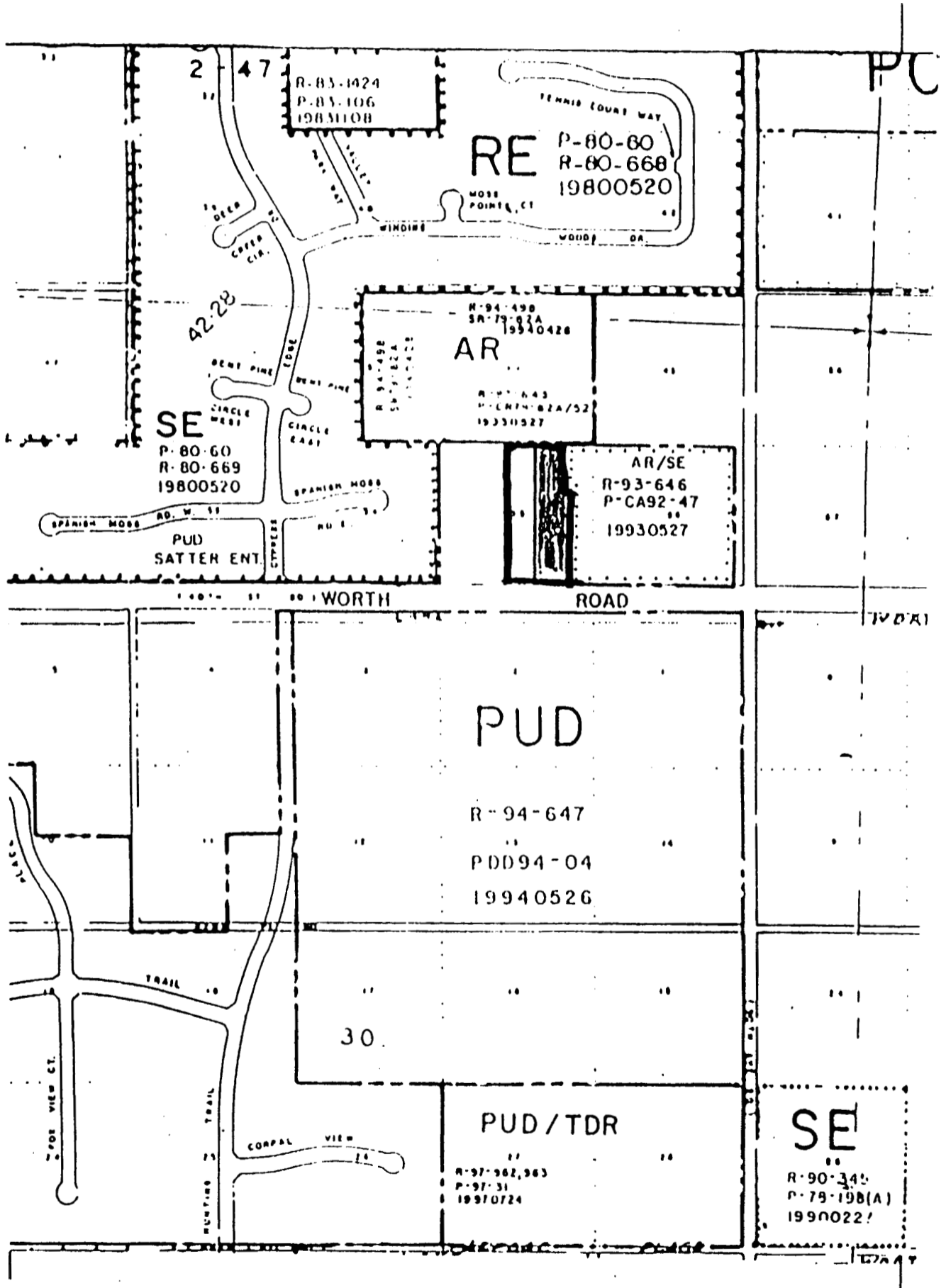


EXHIBIT C

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. The approved site plan is dated August 26, 1998. 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. (DRC: ZONING)
2. Prior to DRC site plan application, the site plan shall be revised to indicate the required landscaping along the outdoor play area. The site plan shall also be revised to indicate the required foundation planting along the front and the sides of the buildings. (DRC: ZONING)
3. Prior to DRC site plan application, the shaded canopy of the north building shall be relocated to provide the twenty five (25) foot rear setback as required by the ULDC. (DRC: ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 14,400 square feet. (DRC: ZONING)
2. Similar architectural character and treatment, including but not limited to color (earth tones and pastel colors), material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty five (25) feet. (BLDG PERMIT: BLDG - Zoning)
4. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)

C. DAY CARE

1. The day care center shall be limited to a maximum of 350 children at one time with a maximum enrollment of 700 children. (ONGOING: HEALTH)
2. The minimum setback for the outdoor play/recreational equipment shall be twenty five (25) feet from all residentially zoned or used property lines. (DRC: ZONING)
3. Hour of operation for the daycare facility shall be limited from 6:00 a.m. to 5:00 a.m. daily. (ONGOING: CODE ENF- Zoning)
4. The outdoor play areas shall not be used for activities after 7:00 p.m. or before 8:00 a.m. daily (ONGOING: CODE ENF- Zoning)

D. HEALTH

1. Architectural plans for the day care facility must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Rule 10D-24FAC prior to issuance of a building permit. (BLDG: HEALTH/BLDG)

E. ENGINEERING

1. Prior to the issuance of any Building Permits, the Developer shall plat the subject property, including the 1.52 acre residential parcel to the west showing all easements and buffers of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of all Lake Worth Road Right-of-way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)
- C. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG.PERMIT: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet., Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval, except on individual residential lots, 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. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet;
 - b. The length of the required landscaped areas shall be no less than 50% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

H. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property lines shall include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. One (1) native canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and

- d. Thirty six (36) inch high shrub or hedge material spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of seventy-two (**72**) inches.
- e. Canopy trees around outdoor play area to be a minimum height of fourteen (**14**) feet at installation. (CO: LANDSCAPE)

I. LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LAKE WORTH ROAD)

- 1. Landscaping and buffering along the west property line shall include:
 - a. A minimum twenty (**20**) foot wide landscape buffer strip; and
 - b. **An** undulating berm with an average height of three foot high measured from finished grade to top of berm; and
 - c. One (**1**) native canopy tree planted every thirty (30) feet on center;
 - d. One (**1**) palm or pine tree for each thirty (30) linear feet of front age. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (**24**) inch high shrub or hedge material shall be planted at the plateau of the berm , spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG THE NORTH OUTDOOR PLAY AREA

- 1. Landscaping and buffering along the entire perimeter of the outdoor play area shall include:
 - a. A six (6) foot high black, vinyl coated chain link fence. (CO: LANDSCAPE)
- 2. Landscaping along the south side (seventy (**70**) feet) of the outdoor play area shall include: (all planting shall be installed on the exterior side of the required fence)
 - a. One (1) native canopy tree planted every twenty (**20**) feet on center; and
 - b. Canopy trees around outdoor play area to be a minimum height of fourteen (**14**) feet at installation; and
 - c. Thirty six (36) inch high shrub or hedge material spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of seventy two (**72**) inches. (CO: LANDSCAPE)

K. LANDSCAPING ALONG THE SOUTH OUTDOOR PLAY AREA

- 1. Landscaping and buffering along the entire perimeter of the outdoor play area shall include:
 - a. A six (6) foot high black, vinyl coated chain link fence. (CO: LANDSCAPE)
- 2. Landscaping along the north side (fifty (50) feet) and the west side (ninety (90) feet) of the outdoor play area shall include: (all planting shall be installed on the exterior side of the required fence)
 - a. One (**1**) canopy tree planted every twenty (**20**) feet on center; and
 - b. Canopy trees around outdoor play area to be a minimum height of fourteen (**14**) feet at installation; and

- c. Thirty six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

L. LIGHTING

1. All outdoor lighting and security lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG/ CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions contained in Conditions L. 2 and L.3 shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

M. SIGNS

1. Freestanding sign fronting on Lake Worth Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 80 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be limited to the south and west facades of the south building and limited to west facade of the north building. (CO: BLDG:)

N. USE LIMITATION

1. Parking of school vans shall not be permitted on site except within the designated area as per site plan dated August 26, 1998. (ONGOING: CODE ENF)
2. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF -Zoning)

O. 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)



Department of Planning,
Zoning & Building

137 Australian Avenue
West Palm Beach, FL 33406
(407) 277-6000

http://www.palm-beach.fl.us



Palm Beach County
Board of County
Commissioners

Chairman

Mayor

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

County Administrator

Robert M. ...

printed on recycled paper

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: Willa Oswalt, Minutes Clerk
FROM: L. Martin Hodgkins, Zoning Director *LMH*
DATE: September 30, 1998
RE: Amended Conditions from the September 24, 1998
BCC

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on September 24, 1998. The following petitions were amended:

DOA84-95(N)	MISSION BAY - TENNIS ACADEMY
Z/DOA93-34(A)	ROSSMOOR LAKES SUBDIVISION
Z/CA98-12	PLANET KIDS III

Please contact me at 233-5234 if you have any questions.

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