

RESOLUTION NO. R-98-2036

RESOLUTION APPROVING ZONING PETITION DOA83-163(A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF D & L LAND INC.
BY ROBERT BASEHART, AGENT
(BEGINNINGS DAYCARE)

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 DOA83-163(A) was presented to the Board of County Commissioners at a public hearing conducted on December 3, 1998; 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 Unified 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 determination and 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 DOA83-163(A), the petition of D & L Land Inc., by Robert Basehart, agent, for a Development Order Amendment (DOA) to Add building square footage 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 December 3, 1998, 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 McCarty and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on December 3, 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

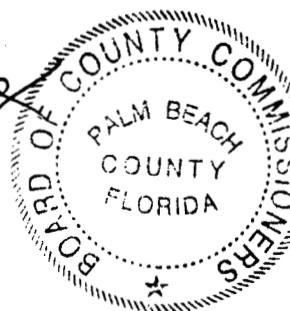


EXHIBIT A
LEGAL DESCRIPTION

The Southeast Quarter (SE **1/4**) of Tract **12**, of the Southwest Quarter (SW **1/4**) of Section **36**, Township **44** South, Range **42** East, LESS the South **40** feet for State Road purposes and the East **10** for easement, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat **Book 3**, page **10** and LESS that certain Right-of-way as conveyed in Official Record Book **4231**, Page **1099**, of the Public Records of Palm Beach County, Florida, being described as follows:

The South fourteen (**14**) feet of the Southeast Quarter (SE **1/4**) of Tract **12**, of the Southwest Quarter (SW **1/4**) of Section **36**, Township **44** South, Range **42** East, according to the plat thereof, as recorded in Plat **Book 3**, page **10**, Public Records, Palm Beach County, Florida, LESS the South **40** feet for State Road purposes and the East **10** for easement.

Containing: **2.455** Acres, more or less.

EXHIBIT B
VICINITY SKETCH

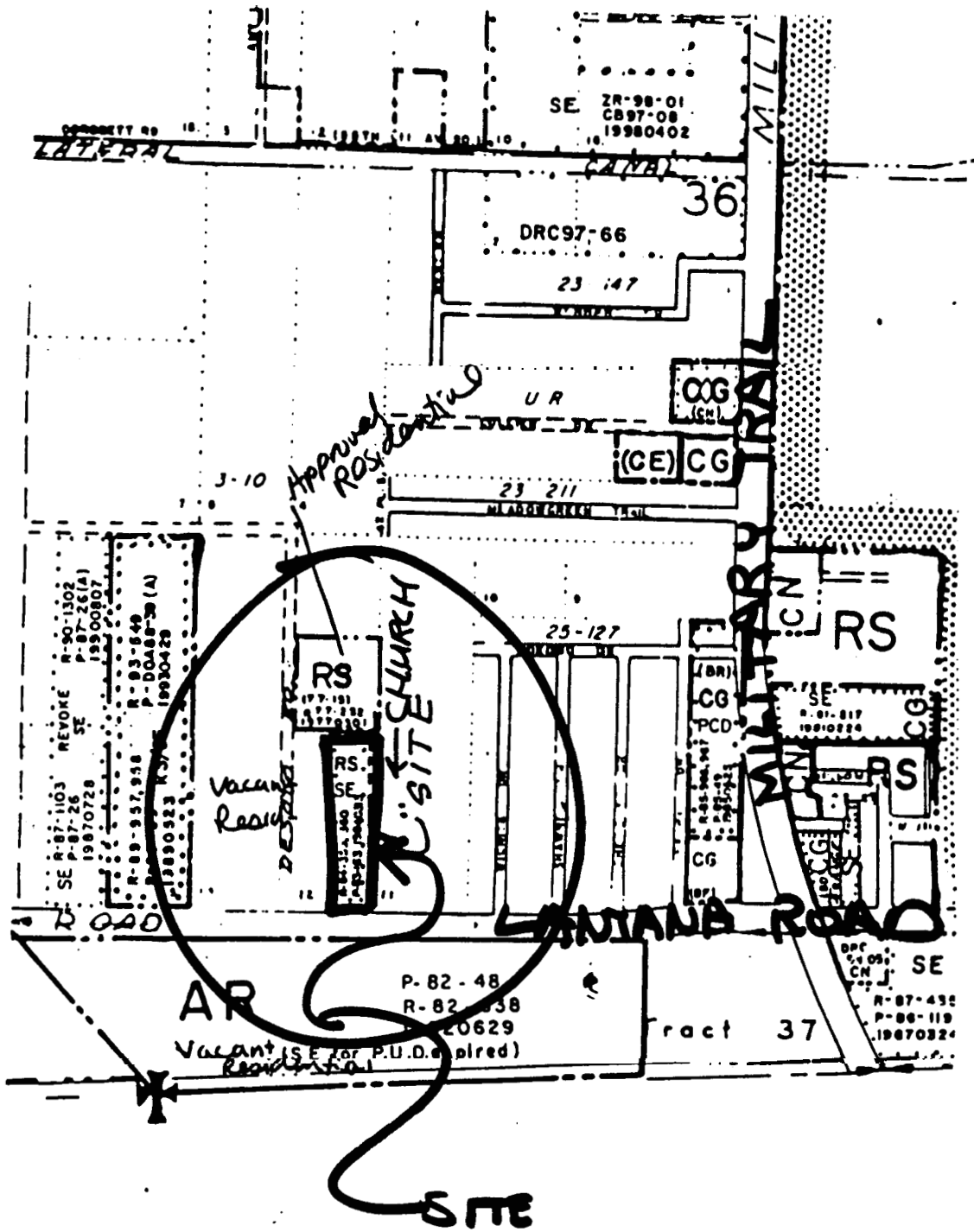


EXHIBIT C

CONDITIONS OF APPROVAL

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

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-84-360 (Petition 83-163), have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. 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 October 1, 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)

B. DAY CARE

1. The day care center shall be limited to a maximum of 120 children. (ONGCING: HEALTH)
2. Use of the site shall be limited to 8,327 square feet. Expansion shall be limited to five percent (5%) of gross floor area or 1000 square feet whichever is less. (DRC: ZONING)

C. HEALTH

1. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) **from** the project do not become a nuisance to neighboring **properties**. (Previously Condition 5 of Resolution R-84-360, Petition 83-163).
2. The developer will employ measures to prevent runoff of **pollutants** to any adjacent or nearby surface waters during the development of the **property**. (Previously Condition 6 of Resolution R-84-360, Petition 83-163).

D. LANDSCAPE

1. Prior to certification, the site plan shall be amended to reflect the following:
 - a) Widening to **15** feet and relocation of the access drive to provide for required landscaping outside of the utility easement,
 - b) Preservation** of existing significant native **vegetation**. (Previously Condition 7 of Resolution R-84-360, Petition 83-163).
2. Landscaping and buffering along the west property line shall be maintained to include:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. One (1) canopy tree planted every thirty (30) feet on center;

- c. Thirty (30) 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 thirty-six (36) inches; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. This development shall retain **onsite 85%** of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division. (Previously Condition 1 of Resolution R-84-360, Petition 83-163).

May be deleted. [REASON: Code Requirement]

- 2. The property owner shall convey for the ultimate right of way of Lantana Road, **54** feet from centerline approximately an additional **14** feet within ninety (**90**) days of this approval; conveyance must be accepted by Palm Beach County prior to issuance of the first building permit. (Previously Condition 2 of Resolution R-84-360, Petition 83-163).

[COMPLETE]

- 3. The developer shall construct concurrent with the **2nd** phase of development (more than **60** children) a left turn lane, west approach on Lantana Road at the project's **entrance**. (Previously Condition 3 of Resolution R-84-360, Petition 83-163).

May be deleted. [NOTE: New **4** laning does not provide for a left turn lane into this site.]

- 4. The developer shall contribute a total of Five Thousand Eight Hundred and Twenty-Five Dollars (**\$5,825.00**) toward the cost of meeting this project's direct and identifiable impact; **\$2,912.50** to be paid at the time of issuance of the interior remodeling permits for Phase I and **\$2,912.50** to be paid at the time of issuance of the Building Permit for the Phase II **expansion**. (Previously Condition 4 of R 84-360, Petition 83-163).

- 5. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lantana Road, 55 feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROAD

- 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 Lantana Road Right of Way. When permitted by Palm Beach County Department of Engineering and Public Works, 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 and 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 assignees 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 the 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. 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)