

RESOLUTION NO. R-99-987

RESOLUTION APPROVING ZONING PETITION DOA81-105(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF TEDDY BEAR DAYCARE  
BY KEVIN MCGINLEY, AGENT  
(TEDDY BEAR 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 DOA81-105(A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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 DOA81-105(A), the petition of Teddy Bear Daycare, by Kevin McGinley, agent, for a Development Order Amendment (DOA) to add building square footage, children and land area 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 May 27, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Nasilotti 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on May 27, 1999.

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

**Property Address: 4559 Forest Lane, Lake Worth, FL**

**Description:**

**Parcel One**

The South 195 Feet of the West 50 feet of the East Quarter (E 1/4) of the Southeast Quarter (SE 1/4) of Northwest Quarter (NW 1/4) and the South 195 Feet of the East 15 feet of the West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East. less easement for road along the South side of said property, Palm Beach County. Florida.

**Property Address: 4519 Forest Lane, Lake Worth, FL**

**Description:**

**Parcel Two**

The South 90 feet of the East 283 feet of the East 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, less the East 67 feet and less easement for road purposes and canal purposes along the South and East side of Property.

Further Subject to a right of way easement in favor of Palm Beach County filed in O.R. Book 8155, Page 1787

81-105A

**Property Address: 4571 Forest Lane, Lake Worth, FL**

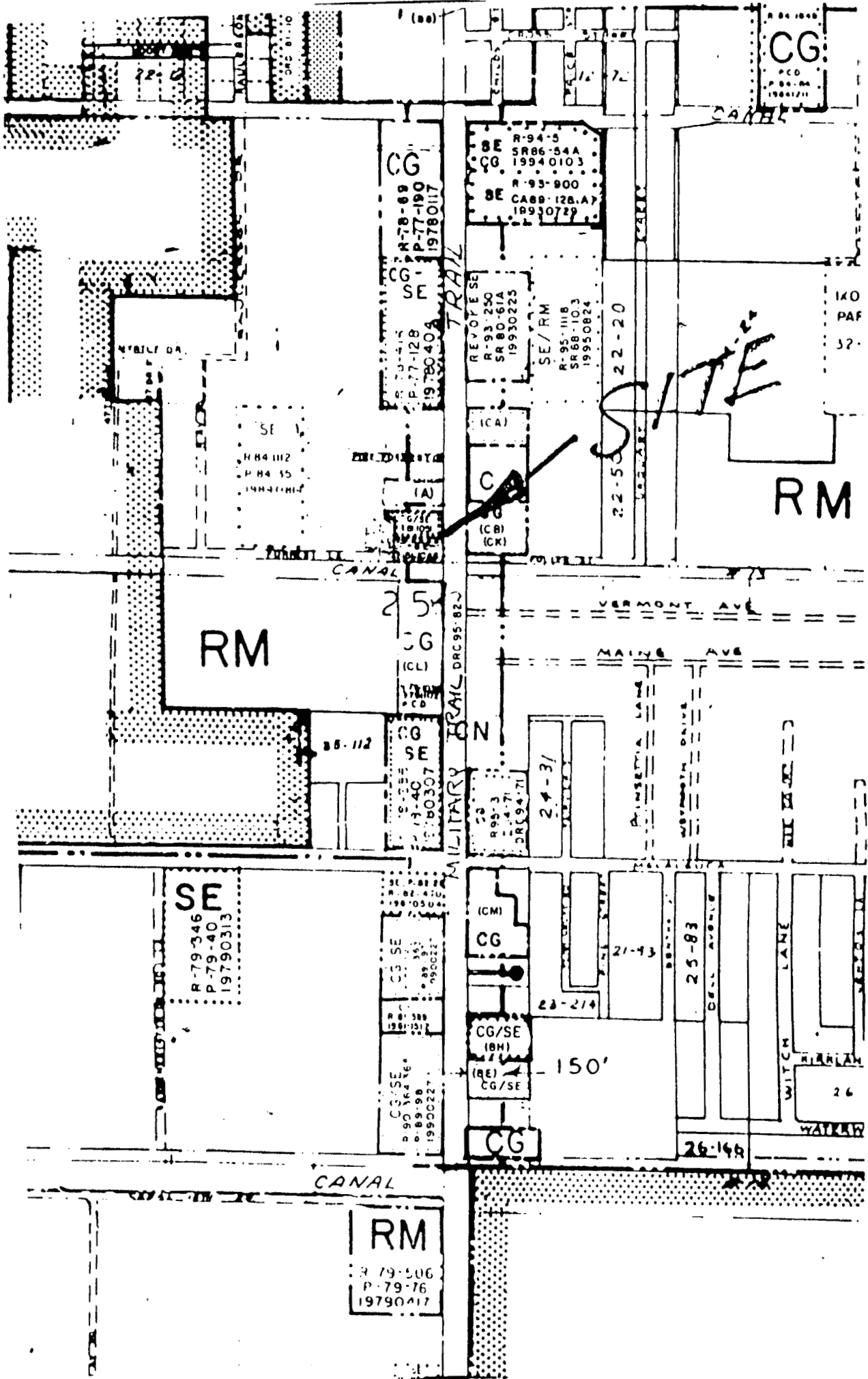
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**Description:**

**Parcel Three**

The East 60 feet of the West 315 feet of the South 175 feet of the West Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, excepting the South 40 feet thereof for road purposes.

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-81-1046 (Petition 81-105), have been consolidated as contained 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 as approved by the Board of County Commissioners. The approved site plan is dated March 25, 1999. 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. ARCHITECTURAL CONTROL

1. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 5,519 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less. (DRC: ZONING)
2. Prior to final site plan approval by the DRC the site plan shall be amended to indicate removal of the 70 square foot structure in Parcel 1 that is encroaching into the south landscape buffer or receive a variance for the structure subject to approval from the Board of Adjustment. (DRC: ZONING - Bldg)
3. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, minimum necessary to satisfy the Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
4. The area on the site plan designated for bus parking shall be utilized for night storage only of a bus. (DRC/ONGOING- Zoning)

#### D. DAY CARE

1. The day care center shall be limited to a maximum (enrollment) of 91 children (at any one time). (ONGOING: HEALTH)
2. The 1,756 foot structure located on the west portion of the site shall be limited to use as a multipurpose and media building. (ONGOING: CODE ENF - Bldg)

E. . ENGINEERING

1. **Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County 67' from centerline for the ultimate right-of-way for Military Trail.** (Previously Condition 1 of Resolution R-81-1046, Petition 81-105)
2. **Petitioners shall construct Forest Lane from Military Trail to the project's west property line, prior to the issuance of a Certificate of Occupancy.** (Previously Condition 2 of Resolution R-81-1046, Petition 81-105)
3. **Petitioners shall contribute Eighteen Hundred Dollars (\$1,800.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit (s).** (Previously Condition 3 of Resolution R-81-1046, Petition 81-105)
4. 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 a 25 foot corner clip at the intersection of Forest Lane and Military Trail, 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)

F. HEALTH

1. Condition 4 of Resolution R-81-1046, Petition 81-105 which currently states: **The capacity of the facility shall be limited to one child per 100 sq. ft. of enclosed outdoor play area unless a larger number of children is approved by the Child Care Facilities Board.**

Is hereby deleted. REASON: [Superceded by code requirement]

2. Architectural plans 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)

G. LANDSCAPING AND BUFFERING ALONG THE SOUTH PROPERTY LINE: AREA EFFECTED BY PETITION 81-105(A): (ABUTTING FORREST LANE)

1. Landscaping and buffering along the south property line adjacent to Parcel 1 and Parcel 3 and abutting Forrest Lane shall include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. A continuous two (2) foot high berm measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet between clusters. A group of three (3) or more pine or palm trees may supersede the requirement for twenty-five (25) percent of the canopy trees in that location;
  - d. One (1) additional pine for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE AND THE NORTH PROPERTY LINE OF PARCEL 1 AND PARCEL 3 (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the west property line and the north property line of Parcel 1 and Parcel 3 shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip; and,
  - b. A six (6) foot high fence or wall. Credit may be given for the fence or wall as the required fence surrounding the outdoor play area. The exterior side of the wall, if used, shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence or wall: —
  - a. One (1) canopy tree planted every twenty (20) feet on center. A group of three (3) or more palm or pine trees may supersede the requirement for fifty (50%) of the canopy trees in that location;
  - b. One (1) additional pine tree for each twenty-five (25) linear feet of frontage, with a maximum spacing of sixty (60) feet between clusters; and,
  - 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 forty-eight (48) inches. (CO: LANDSCAPE)
3. The location of the required vegetation in H. 1. and H. 2. above may be modified subject to a Landscape Betterment Plan. (CO: LANDSCAPE.)

I. SIGNS

1. Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 10 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
2. Freestanding point of purchase signs fronting on Forrest Lane shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
3. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

## SURVEY

1. The petitioner shall resolve the 3.83 foot Hiatus between Parcel 1 and Parcel 3 as shown on the boundary survey dated March 24, 1999 prior to the issuance of a building permit within the hiatus. (BLDG PERMIT: SURVEY)

## K. 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)