

RESOLUTION NO. R-99- 1145

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 79-134A.5
TO APPROVE A DEVELOPMENT ORDER AMENDMENT
FOR RESOLUTION NO. R-90-1431
WHICH APPROVED THE SPECIAL EXCEPTION OF
FLORIDA CHILDCARE PROPERTIES, I, L.C.
PETITION NO. 79-134(A)

WHEREAS, the Board of County Commissioners, as the governing body, 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Section 5.8, Status Report **SR** 79-134A.5 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on June 29, 1999; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 79-134A.5 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The amendment to conditions of approval is consistent with the Palm Beach County Comprehensive Plan and Unified Land Development Code.
2. The amendment will cause the use of the property to comply with the existing concurrency reservation.
3. The amendment will cause the development order to comply with current requirements of the Unified Land Development Code.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report SR 79-134A.5, to approve a Development Order Amendment to revoke the part of the Special Exception which increased the capacity of the day care center to a maximum of 134 children, and amend Conditions of Approval of Resolution No. R-90-1431, the Special Exception of Florida Childcare Properties, I, L.C., Petition No. 79-134(A), which amended the site plan for a day care center; to increase the capacity to 134 children, on a parcel of land being a portion of Tract 57, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, No. 2, recorded in Plat Book 1, Page 102. Commencing at the Southeast corner of Section 25, Township 47 South, Range 41 East; thence Northerly along the East line of said Section 25, a distance of 330.00 feet; thence Westerly along a line which forms an angle of 89 degrees 32'26" to the left, with a prolongation of last described

course, a distance of 1652.32 feet to a point on the North line of said Tract 57 and the POINT OF BEGINNING; thence Southerly along a line which forms an angle of 90 degrees 34'00" to the left with a prolongation of last described course, a distance of 315.17 feet to a point on the South line of said Tract 57; thence Westerly along the South line of said Tract 57 which forms an included angle of 89 degrees 26'30" with last described course a distance of 188.21 feet; thence Northerly along a line which forms an included angle of 90 degrees 33'30" with last described course, a distance of 315.19 feet to a point on the North line of said Tract 57; thence Easterly along the North line of said Tract 57, a distance of 138.21 feet to the POINT OF BEGINNING, being located on the south side of 229th Place, bound on the south by 230th Street South, approximately 0.3 of a mile west of U.S.#441 in the RM-Multiple Family (Medium Density) Residential Zoning District, is approved, subject to the following conditions:

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 Resolutions R-79-925 (Petition 79-134) and R-90-1431 (Petition 79-134A) have been consolidated as contained herein. The property owner 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 Development Review Committee (site plan Exhibit #40 dated October 23, 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. Prior to July 1, 2000, the site plan shall be amended to reflect the conditions of this approval. (DATE: MONITORING - Zoning)
3. All site improvements required to conform with the certified site plan and conditions of approval, including but not limited to, paving, landscaping and irrigation, shall be completed prior to July 1, 2000. (DATE: MONITORING - Zoning)

B. DAY CARE

1. Condition No. 1 of Resolution R-90-1431, Petition 79-134(A), which currently states:

Prior to Site Plan Review submittal, the site plan shall indicate the following:

- a. **The dimensions of the perimeter landscape strips on east and west sides of the parking (minimum 5 foot).**
- b. **The exit driveway (minimum 15').**
- c. **Landscaping on all sides shall be upgraded to include canopy trees a minimum of twelve (12) feet high and spaced twenty (20) feet on center.**
- d. **The landscape strip along Sandalfoot Boulevard West shall include a native hedge, thirty-six (36) inches high, spaced twenty-four (24) inches on center and an additional palm tree, a minimum of twelve (12) feet high, spaced thirty (30) feet on center. The hedge and trees shall be installed on the exterior side of the proposed wooden fence.**
- e. **The lot coverage shall be included in the tabular data on the site plan.**

- f. The parking information in the tabular data shall be revised to reflect a total of twenty **(20)** parking spaces.
- g. A sidewalk, minimum four **(4)** feet wide, shall be provided joining the two buildings **as well as** the building with the adjacent parking stalls.
- h. The trash receptacle shall be provided on the site, completely screened by a **6** foot high solid wood fence.
- i. Landscaping within the outdoor activity area shall be placed on the interior side of the required fence.

Is hereby deleted. [REASON: New site plan.]

- 2. Condition No. 2 of resolution R-90-1431, Petition 79-1349(A), which currently states:

Use of the site shall be limited to **134** children only.

Is hereby amended to state:

The day care shall be limited to a maximum of 64 children total. (ONGOING: HEALTH - Zoning)

- 3. **No** outdoor loudspeaker system shall be permitted on site. Previously Condition No.4 of Resolution R-90- 1431, Petition 79-134(A). (ONGOING: CODE ENF)
- 4. There shall be no outdoor recreation activity after **7:00** p.m. Previously Condition No.6 of Resolution R-90-1431, Petition 79-134(A). (ONGOING: CODE ENF)
- 5. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. Previously Condition No. 11 of Resolution R-90- 1431, Petition 79-134(A). (ONGOING: SWA)
- 6. A minimum of 5 drop off spaces shall be provided. The required drop off spaces shall measure a minimum of 12 feet wide by 20 feet in length. (DRC: ZONING)
- 7. Stationary outdoor play equipment with a permanent foundation shall be setback 50 feet from all property lines. (DRC: ZONING)

C. LANDSCAPING ALONG NORTH PROPERTY LINE (ADJACENT TO R-O-W)

- 1. The required twenty five (25) foot wide landscape buffer along the north property shall include one (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree. (CO: LANDSCAPE)

D. LANDSCAPING ALONG SOUTH, EAST & WEST PROPERTY LINES

- 1. The required buffer along the south, east and west property lines, adjacent to the outdoor play area, shall include:
 - a. A six (6) foot high opaque wood fence, setback 25 feet from the property line;

- b. A double row of 14foot high native canopy trees, each row spaced 20 feet on center, planted on the exterior side of the required fence; and
 - c. 24 inch high hedge or shrub material spaced 24 inches on center, planted on the exterior side of the required fence. (CO: LANDSCAPE - Zoning)
2. Landscaping and buffering along the remainder of the east and west property lines shall be in accordance with ULDC requirements. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. 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. Previously Condition No.9 of Resolution R-90-1431, Petition 79-134(A).
- 2. 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 \$11,220.00 (204 trips X \$55.00 per trip). Previously Condition No. 10 of Resolution R-90-1431, Petition 79-134(A). (BLDG PERMIT: ENG)
- 3. Prior to July 1, 2000, the property owner shall install a sidewalk along the entire north property line in accordance with a pedestrian access/bike path and cross walk plan approved by the County Engineer. (DATE: MONITORING - Eng)

F. HEALTH

- 1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition No. 7 of Resolution R-90-1431, Petition 79-134(A). (HEALTH)
- 2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 8 of Resolution R-90-1431, Petition 79-134(A). (HEALTH)

G. SIGNS

- 1. Point of purchase or freestanding signs 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 - 20 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BLDG PERMIT: BLDG)

2. Directional signs shall be limited to a maximum height of four (4) feet, measured from finished grade to highest point. (BLDG PERMIT: BLDG)
3. The petitioner shall install adequate signage at both entrances and on the site that clearly indicates the direction of traffic flow. Previously Condition No. 3 of Resolution R-90-1431, Petition 79-134(A).

H. LIGHTING

1. All site lighting shall be a maximum of twelve (12) feet high, low intensity, shielded and directed away from surrounding residences. Previously Condition No. 5 of Resolution R-90-1431, Petition 79-134(A).
2. All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)

I. COMPLIANCE

1. Condition No. 12 of Resolution 90-1431, Petition 79-134(A), which currently states:

As provided in the Palm Beach County Zoning Code, Sections **400.2** and **402.6**, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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.

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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to state:

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)

Commissioner Masilotti moved for 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 H. NEWELL, VICE CHAIR	—	Absent
BURT AARONSON	—	Aye
KAREN T. MARCUS	—	Absent
TONY MASILOTTI	—	Aye
MARY MCCARTY	—	Aye
CAROL ROBERTS	—	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 29 day of June, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
DEPUTY CLERK

