

RESOLUTION NO. R-2004-2270

RESOLUTION APPROVING ZONING PETITION CA2004-220
(CONTROL NUMBER 2004207)
CLASS A CONDITIONAL USE
PETITION OF THELMA B. PITTMAN JUPITER PRE-SCHOOL INC.
BY WILLIAM R. UPTHEGROVE, AGENT
(PITTMAN PRE-SCHOOL)

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 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2004-220 was presented to the Board of County Commissioners at a public hearing conducted on October 28, 2004; 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 2.E (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 has considered the findings in the staff report and 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 2.F, Concurrency 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 2 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 CA2004-220, the petition of Thelma B. Pittman Jupiter Pre-School Inc., by William R. Upthegrove, agent, for a Class A Conditional Use to allow a general daycare in the Residential Single Family 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 October 28, 2004, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye

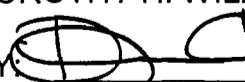
The Chair thereupon declared that the resolution was duly passed and adopted on October 28, 2004.

Filed with the Clerk of the Board of County Commissioners on 15 day of November, 2004.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

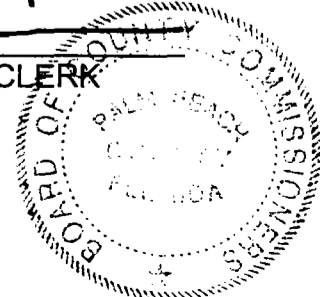


EXHIBIT A
LEGAL DESCRIPTION

LOTS 96, 97, 98, 99, 100 AND 101, CINQUEZ PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 20, PAGE 81, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LAND SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

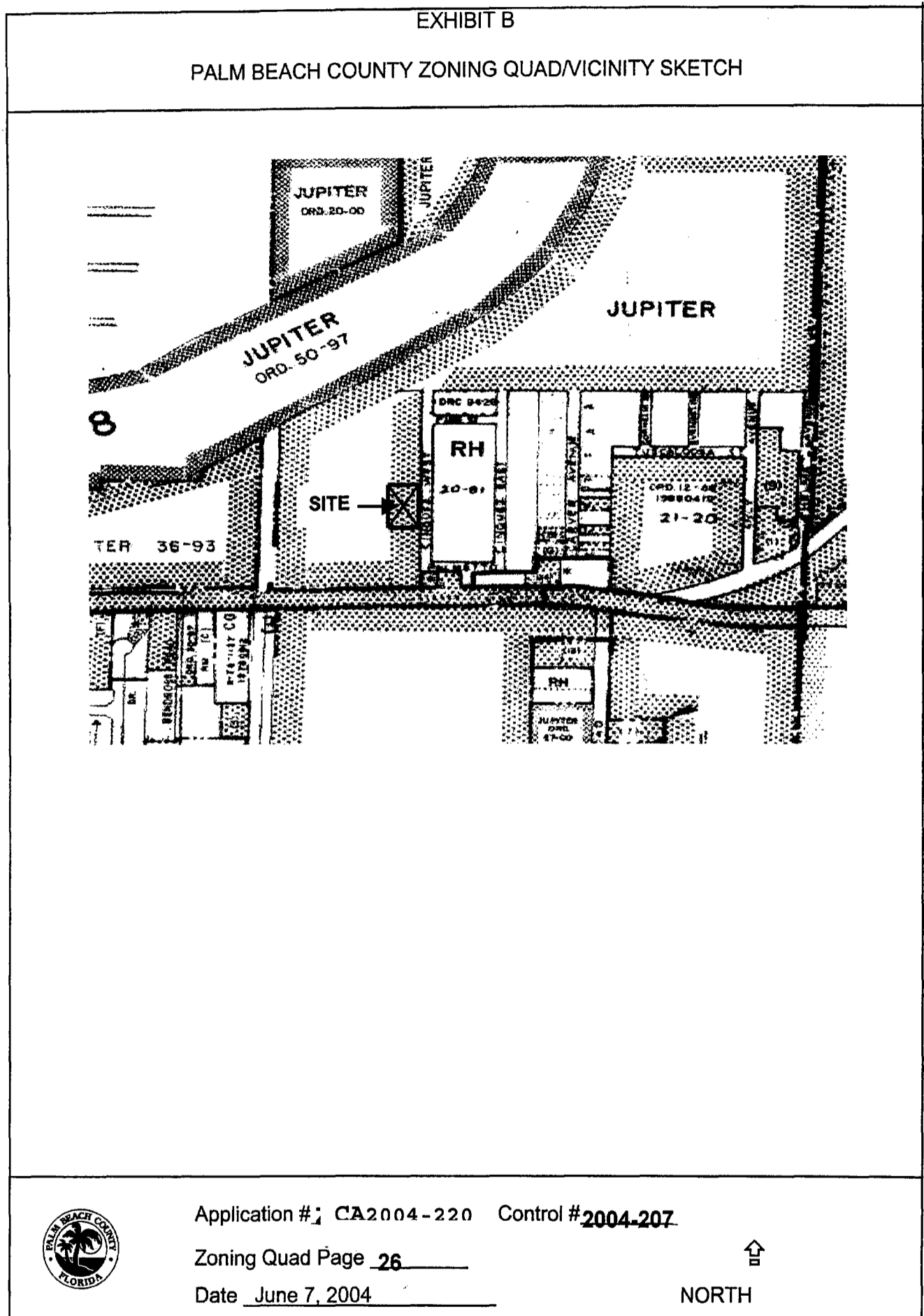


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated July 19, 2004. 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-Zoning)

B. ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, architectural elevations for the buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with all applicable provisions of Section 5.C. of the ULDC. Development shall be consistent with the approved architectural elevations and the DRO approved site plan. (DRO: ARCH REVIEW - Zoning)
2. The maximum building height shall be thirty (30) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. Height shall be measured from finished grade to highest point. (BLDG PERMIT: ZONING/BLDG - Zoning)
3. Any new or replacement chain link fence installed on the property shall include a black, brown or green vinyl coating. (CO/ONGOING: LANDSCAPE/BLDG - Zoning)

C. ENVIRONMENTAL

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM-ERM)

D. LANDSCAPING – STANDARD

1. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

E. ENGINEERING

No Engineering Conditions

F. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF CINQUEZ PARK ROAD WEST)

1. Landscaping and buffering along the east property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;

- b. one (1) native canopy tree for each twenty-five (25) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. small and medium shrubs shall comply with the ULDC requirements (Table 7.F.7.B-6 R.O.W. Buffer Shrub Types); and,
- e. one (1) large shrub shall be planted at two (2) feet on center. Shrub shall be a minimum height of forty-eight (48) at installation; and shall be maintained at a height of sixty (60) inches at maturity. Large shrub shall be exempt in area where safe sight corner is located. (BLDG PERMIT: LANDSCAPE - Zoning)

G. HEALTH

- 1. During construction/renovation of the facility, the facility owner or operator must operate the facility in accordance with the eight-page health and safety plan submitted to the Palm Beach County Health Department on July 13, 2004, and with Palm Beach County Rules & Regulations Governing Child Care Regulations. (ONGOING: HEALTH – Health)

H. LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING RECREATION FACILITY)

- 1. A six (6) foot high vinyl coated chain link fence shall be provided along the west property line. Credit may be given for the existing fence, provided fence is in good condition and acceptable to the Architectural Review Section. This fence shall meet ULDC requirements for outdoor activity area. (DRO/BLDG PERMIT: LANDSCAPE - Zoning)
- 2. One (1) large shrub shall be planted for each two (2) linear feet of the fence, and to be planted on the exterior side of the fence in addition to ULDC landscape requirements. (DRO/BLDG PERMIT: LANDSCAPE - Zoning)

I. USE LIMITATION

- 1. Hours of operation for the day care shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning)
- 2. Hours of operation for outdoor activities shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning)

J. 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)