

RESOLUTION NO. R-2013- 0645

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2012-03113
(CONTROL NO. 1998-00012)
a Development Order Amendment
APPLICATION OF Wellington Preparatory School, LLC
BY Dunay, Miskel, Backman and Blattner, LLP, AGENT
(Wellington Preparatory 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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/CA-2012-03113 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2013; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; 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 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/CA-2012-03113, the petition of Wellington Preparatory School, LLC, by Dunay, Miskel, Backman and Blattner, LLP, agent, for a Development Order Amendment to reconfigure the Site Plan, add square footage, add a new use, and modify Conditions of Approval (Building and Site Design, Daycare, Use Limitation) in the 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 May 23, 2013, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Aye
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 23, 2013.

Filed with the Clerk of the Board of County Commissioners on May 30th, 2013.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

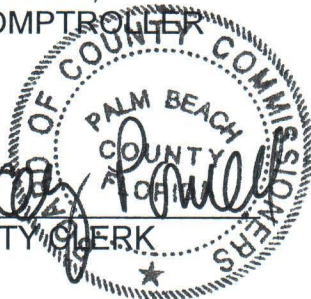


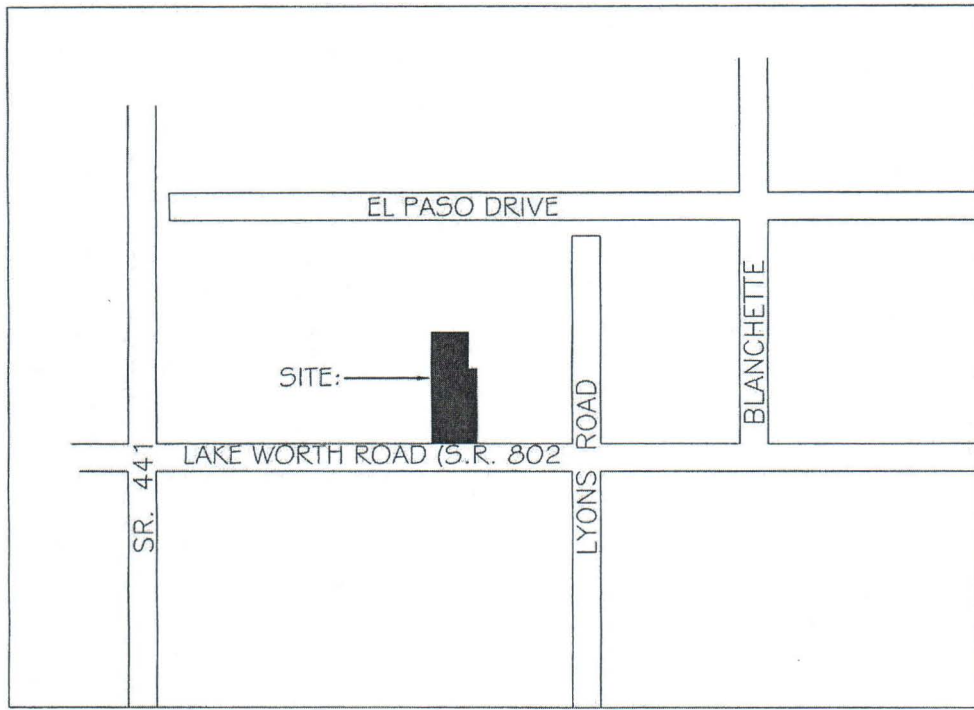
EXHIBIT A


LEGAL DESCRIPTION

LEGAL DESCRIPTION

All of Tract A, of PLANET KIDS NO. III, according to the Plat thereof, as recorded in Plat Book 91, Pages 98 and 99, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH



VICINITY SKETCH
NTS 



JUAN C. LINARES
AR17335
AA25000640

RWB
Linares
ARCHITECTURE
1600 SOUTH DIXIE HWY., SUITE 400
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WELLINGTON PREPARATORY SCHOOL
9135 LAKE WORTH ROAD, LAKE WORTH FL

VICINITY SKETCH DOCUMENT

PROJECT:	12-053
DATE:	12-8-12
VSI	

EXHIBIT C

CONDITIONS OF APPROVAL

EXHIBIT C-1

Development Order Amendment

ALL PETITIONS

1. All Petitions A.1 of Resolution R-98-1517, Control No. 1998-012, which currently states:

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)

Is hereby amended to read:

The approved Preliminary Site Plan is dated March 4, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - 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) (Previous All Petitions 2 of Resolution R-98-1517, Control No. 1998-012) [NOTE: COMPLETED.]

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) (Previous All Petitions 3 of Resolution R-98-1517, Control No. 1998-012) [NOTE: COMPLETED.]

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-98-1517 (Control 1998-012) and Resolution R-98-1803 (Control 1998-012), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. 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) (Previous Building and Site Design B.2 of Resolution R-98-1517, Control No. 1998-012) [NOTE: COMPLETED.]

2. 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: ARCH REV - Zoning) (Previous Building and Site Design B.3 of Resolution R-98-1517, Control No. 1998-012)

3. 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: ZONING - Zoning) (Previous Building and Site Design B.4 of Resolution R-98-1517, Control No. 1998-012)

4. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the School shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated November 20, 2012. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

BUILDING

1. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the unpermitted addition on the Security/Caretaker's Quarters shall be removed pursuant to an alteration building permit and a Certificate of Completion shall be issued for the Security/Caretaker's Quarters. (DATE/CO: MONITORING - BLDG)

2. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the property owner shall remove or obtain a permit and Certificate of Completion for the portion of the Day Care building not included in Building Permit B-2001-007985 (B01015229) (DATE/CO: MONITORING - BLDG).

3. Prior to the issuance of a Certificate of Occupancy for the School or November 23, 2013 whichever shall first occur, the property owner shall remove or obtain a permit and Certificate of Completion for the two (2) paver patio areas located at the rear of the Day Care building. (DATE/CO: MONITORING - BLDG)

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) (Previous Engineering Condition E.1 of Resolution R-98-1517, Control No. 1998-12) [Note: COMPLETED]

2.

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) (Previous Engineering Condition E.2.A of Resolution R-98-1517, Control No. 1998-12) [Note: COMPLETED]

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 a certificate of occupancy. (CO:MONITORING - Eng) (Previous Engineering Condition E.2.B of Resolution R-98-1517, Control No. 1998-12) [Note: COMPLETED]

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) (Previous Engineering Condition E.2.C of Resolution R-98-1517, Control No. 1998-12) [Note: COMPLETED]

3. Prior to final approval of the Site Plan by the DRO, the property owner shall clearly delineate the limits of the detention areas. (DRO:ENGINEERING-Eng)

4. The property owner shall obtain written permission from the easement beneficiary for encroachments at the east side of the east building prior issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

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) (Previous Health Condition D.1 of Resolution R-98-1517, Control No. 1998-012) [NOTE: COMPLETED]

LANDSCAPE - GENERAL

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) (Previous Landscape Condition F.1 of Resolution R-98-1517, Control No. 1998-012)

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) (Previous Landscape Condition F.2 of Resolution R-98-1517, Control No. 1998-012)

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) (Previous Landscape Condition F.3 of Resolution R-98-1517, Control No. 1998-012)

4. Prior to final approval by the Development Review Officer, the Property Owner shall submit an Alternative Landscape Plan (ALP) to the Landscape Section for review and approval to preserve or incorporate existing native vegetation in the off-street parking area and interior vehicular use area. The ALP shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO OR BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

5. Landscaping - Interior Condition G.1 of Resolution R-1998-1517, Control No. 1998-012, which currently states:

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)

Is hereby deleted. [REASON: The Code allows modification of Terminal and Interior Islands pursuant to an Alternative Landscape Plan to preserve/incorporate native

vegetation as exists on this site.]

6. 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. (DRO: ZONING - LANDSCAPE) (Previous Landscape Condition G.2 of Resolution R-98-1517, Control No. 1998-012)

LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE NORTH OUTDOOR PLAY AREA

7. 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: ZONING - Landscape) (Previous Landscape Condition J.1 of Resolution R-1998-1517, Control No. 1998-012)

8. 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

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 - Landscape) (Previous Landscape Condition J.2 of Resolution R-1998-1517, Control No. 1998-012) [NOTE: COMPLETED.]

LANDSCAPE - INTERIOR-LANDSCAPING ALONG THE SOUTH OUTDOOR PLAY AREA

9. 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 - Landscape) (Previous Landscape Condition K.1 of Resolution R-1998-1517, Control No. 1998-012)

10. 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 - Landscape) (Previous Landscape Condition K.2 of Resolution R-98-1517, Control No. 1998-012)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

11. 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. (ONGOING: ZONING - Landscape) (Previous Landscape Condition G.1 of Resolution R-98-1517, Control No. 1998-012)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE

(ABUTTING LAKE WORTH ROAD)

12. 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 frontage. 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. (ONGOING: ZONING - Landscape) (Previous Landscape Condition I.1 of Resolution R-1998-1517, Control No. 1998-012)

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. (ONGOING: CODE ENF - Zoning)(Previous Lighting Condition L.1 of Resolution R-1998-1517, Control No. 1998-012)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (BLDG PERMIT - BLDG - Zoning) (Previous Lighting Condition L.2of Resolution R-1998-1803 Control No. 1998-012)

3. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Code Enf) (Previous Lighting Condition L.3 of Resolution R-1998-1517, Control No. 1998-012)

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: ZONING - Zoning) (Previous Lighting Condition L.4 of Resolution R-1998-1517, Control No. 1998-012)

PARKING

1. Use Limitation Condition N.1 of Resolution R-98-1517, Control No. 1998-012, which currently states:

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)

Is hereby amended to read:

Bus parking is permitted in designated Bus parking spaces only. (ONGOING: CODE ENF - Code Enf)

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. (BLDG PERMIT: BLDG - Zoning) (Previous Signs Condition M.1 of Resolution R-98-1517, Control No. 1998-012)

2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING: ZONING-Zoning) (Previous Signs Condition M.2 of Resolution R-98-1517, Control No. 1998-012)

3. Signs Condition M.3 of Resolution R-98-1517, Control No. 1998-012, which currently states:

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)

Is hereby amended to read:

Wall signs shall be limited to the south and west facades of the Day Care building and the south facade of the School building only. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

1. Building and Site Design B.1 of Resolution R-98-1517, Control No. 1998-012, which currently states:

Total gross floor area shall be limited to a maximum of 14,400 square feet. (DRC: ZONING)

Is hereby deleted. [REASON: Square footage limitation condition is not necessary. Day Care size is regulated by the All Petitions Condition referencing the Preliminary Site Plan.]

USE LIMITATIONS - DAY CARE

1. Day Care C.1 of Resolution R-1998-1517, Control No. 1998-012, which currently states,

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)

Is hereby amended to read:

The Day Care center shall be limited to a maximum of three hundred and fifty (350) children at one time. (ONGOING: HEALTH - 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. (ONGOING: ZONING - Zoning) (Previous Day Care Condition C.2 of Resolution R-1998-1517, Control No. 1998-012)

3. Day Care Condition C.3 of Resolution R-1998-1517, Control No. 1998-012, which currently states:

Hours of operation for the daycare facility shall be limited from 6:00 a.m. to 5:00 a.m. daily. (ONGOING: CODE ENF- Zoning)

Is hereby deleted. [REASON: The day care does not operate shifts as originally approved and current Code is more restrictive.]

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) (Previous Day Care Condition C.4 of Resolution R-1998-1517, Control No. 1998-012)

USE LIMITATIONS

1. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - Zoning) (Previous Use Limitation N.2 of Resolution R-98-1517, Control No. 1998-012)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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; the 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 Unified Land Development Code 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 of Approval; 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 the 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 Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)