

RESOLUTION NO. R-2015- 1082

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2014-02502  
(CONTROL NO. 1987-00150)  
a Class A Conditional Use  
APPLICATION OF Fuller Florence  
BY Cotleur & Hearing, Inc., AGENT  
(Florence Fuller Child Development Center)

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;

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application Z/CA-2014-02502 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2015;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 Class A Conditional Use ; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 Z/CA-2014-02502, the application of Fuller Florence, by Cotleur & Hearing, Inc., Agent, for a Class A Conditional Use to allow a Day Care General, 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 August 27, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 27, 2015.

Filed with the Clerk of the Board of County Commissioners on August 27th, 2015.

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



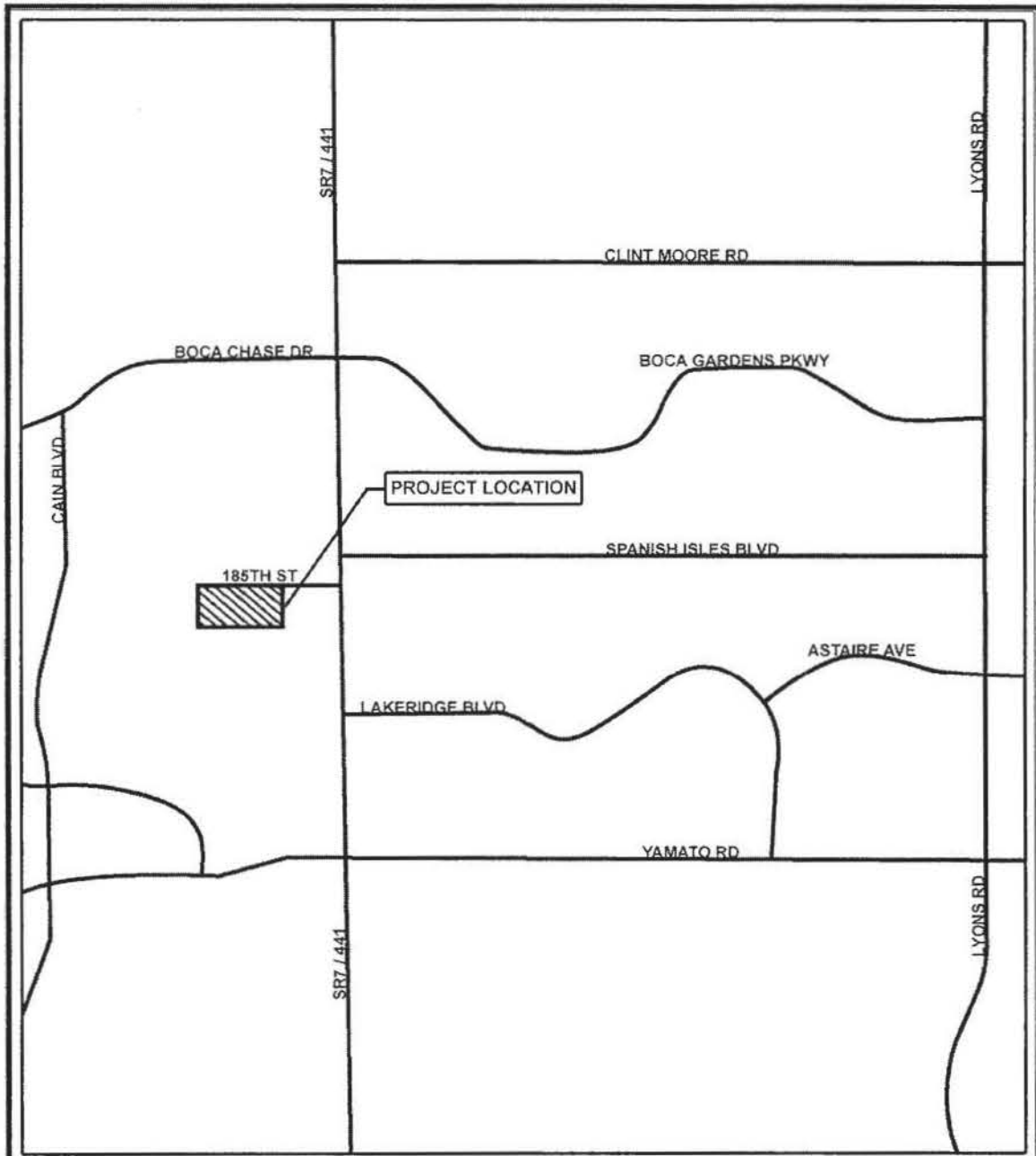
EXHIBIT A

LEGAL DESCRIPTION


ALL OF TRACT 49 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO 2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THEREFROM THE EAST 577.67 FEET, SAID LAND LYING IN SECTION 1, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 260627 SQUARE FEET OR 5.983 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



 *Location Map*  
*Florence Fuller Child Development Center*  
*Boca Raton, FL*

 **Cotleur & Hearing**  
1934 Commerce Lane - Suite 1 - Jupiter, FL - 33458  
561.747.6336 - 561.747.1377

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 21, 2015. 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)

##### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Activity Center Building I 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 March 12, 2015. 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)

##### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall construct:

a. A left turn lane, south approach on State Road 7 at 185th Street South [NOTE: Completed]; (BLDGPM/CO: MONITORING - Engineering)

b. Paved access to the site (minimum 2-10 foot travel lanes local street standards) including drainage for the roadway as well as drainage outfall for the project, as required by the County Engineer. (BLDGPM/CO: MONITORING - Engineering)

##### LANDSCAPE - GENERAL-BETWEEN THE 16,000 SQUARE FOOT WATER DETENTION AREA AND BUILDING I ACTIVITY CENTER.

1. A minimum of one (1) pine tree for each for sixty (60) linear feet shall be installed between the 16,000 square foot water detention area and Building I Activity Center. All pines required to be planted in this location shall meet the following minimum standards at installation:

a. pines shall be planted in clusters of three (3) to five (5) pines. Pine height shall be a minimum of twelve (12) feet to sixteen (16) feet at installation; and,

b. credit may be given for existing pines provided they meet current Unified Land Development Code requirements. (ONGOING: ZONING - Zoning)

##### LANDSCAPE - PERIMETER

2. In addition to code requirements for a Right of Way buffer, landscaping and buffering along the west 270 feet of the north property line shall be upgraded to include:

a. a minimum fifteen (15) foot wide landscape buffer strip;

b. one (1) canopy tree planted for each twenty (20) 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. (ONGOING: ZONING - Zoning)

3. In addition to code requirements for the Type II Incompatibility buffer, landscaping along the west property line shall be upgraded to include:

a. 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. (ONGOING: ZONING - Zoning)

#### **SIGNS**

1. Any Off-Site Directional signage shall receive a Building Permit prior to installation. The Final Master Sign Plan or Final Regulating Plan shall be amended to indicate the sign location. (BLDGPMT/ONGOING: ZONING - Zoning)

#### **SITE DESIGN**

1. The Property Owner shall maintain a minimum fifty (50) feet clearance from the west property line and the 150-foot antenna of the adjacent site. (ONGOING: ZONING - Zoning)

#### **SITE DESIGN-FENCE AROUND BASKETBALL COURT**

2. A minimum ten (10) foot high fence shall be provided around the basketball court in the rear of Activity Center Building I. The fence shall be lowered to eight (8) feet in height where located in the rear setback. (DRO/ONGOING: ZONING - Zoning)

#### **USE LIMITATIONS - DAY CARE**

1. The Day Care Center shall be limited to a maximum of 307 children. (ONGOING: ZONING - Zoning)

#### **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)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.