

RESOLUTION NO. R-2018- 0191

RESOLUTION APPROVING ZONING APPLICATION ZV/W-2017-01636
(CONTROL NO. 1999-00013)
a Type II Waiver
APPLICATION OF Sac Military LLC, Little Angels Daycare
BY Schmidt Nichols, AGENT
(Little Angels 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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to 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 ZV/W-2017-01636 was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2018;

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, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Type II Waiver;

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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; 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 ZV/W-2017-01636, the Application of Sac Military LLC, Little Angels Daycare, by Schmidt Nichols, Agent, for a Type II Waiver to allow the building to be oriented with the shortest length facing the front of the property; to allow the existing structure not be located at the corner meeting the build-to lines; to eliminate the building frontage on a Primary Street; to increase the setback from the build-to line; to allow the front entrance not face a street, courtyard, plaza or usable open space fronting a street; to reduce the percentage of transparent windows along a perimeter facade; to eliminate the Pedestrian Circulation Zone; to eliminate the Planting/Amenity Zone; and, to eliminate the requirement for civic and usable open space, on a parcel of land generally described as shown on the legal

description 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 February 22, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and the waiver request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	- Aye
Commissioner Mack Bernard, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Paulette Burdick	- Absent
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 22, 2018.

Filed with the Clerk of the Board of County Commissioners on March 5th, 2018.

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 & COMPTROLLER



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN PARCEL A, ENCORE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 120, PAGE 189, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL A, THENCE N01°25'13"E ALONG THE WEST LINE OF SAID PARCEL A, FOR A DISTANCE OF 212.23; THENCE SOUTH 88°45'21" EAST FOR A DISTANCE OF 100.60 FEET; THENCE SOUTH 1°14'39" WEST FOR A DISTANCE OF 27.36 FEET; THENCE SOUTH 31°19'54" EAST FOR A DISTANCE OF 90.15 FEET; THENCE SOUTH 1°28'16" WEST FOR A DISTANCE OF 103.89 FEET TO THE SOUTH LINE OF SAID PARCEL A AND NORTHERLY RIGHT OF WAY LINE FOR SUMMIT BOULEVARD. THENCE ALONG THE SOUTH LINE OF SAID PARCEL A AND NORTHERLY RIGHT OF WAY LINE OF SUMMIT BOULEVARD THE FOLLOWING THREE COURSES: THENCE NORTH 88°57'16" WEST FOR A DISTANCE OF 40.50 FEET; THENCE SOUTH 1°02'44" WEST FOR A DISTANCE OF 4.50 FEET; THENCE NORTH 88°57'16" WEST FOR A DISTANCE OF 108.90 FEET TO THE POINT OF BEGINNING.

CONTAINING: 28,305 SQUARE FEET OR 0.65 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

Location Map

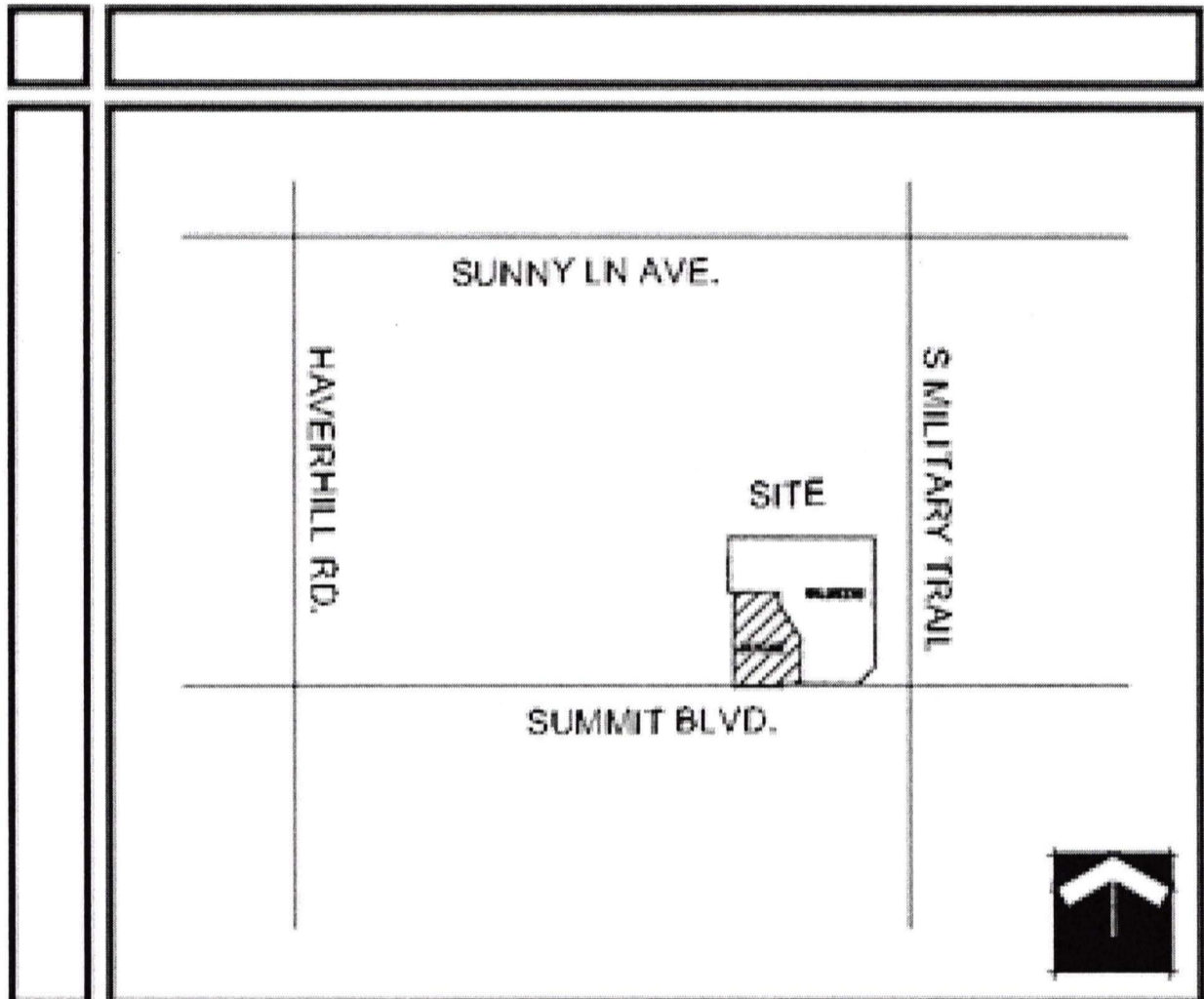


EXHIBIT C

CONDITIONS OF APPROVAL

Type II Waivers

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 14, 2017. 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. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the approved Type II Waivers and any associated Conditions of Approval shall be reflected on the Final Site Plan. (DRO: ZONING - Zoning)

3. The Development Order for the Type II Waivers shall be tied to the Time Limitations of the Development Order for ABN/DRO/W-2017-01635. (ONGOING: MONITORING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF SUMMIT BOULEVARD AND ABUTTING THE 0.65 ACRE SITE)

1. The 5.7 foot wide R-O-W Landscape Buffer located along the South R-O-W frontage of the 0.65 acre affected area shall be maintained in accordance with the Preliminary Site and Regulating Plans dated December 14, 2017. The area located between the R-O-W Landscape Buffer and Building B shall be limited to General Daycare Outdoor Play Area, or other similar Open Space use. (BLDG/PMT/ONGOING: BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the 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 Voluntary Commitments 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.

EXHIBIT D

	ULDC Article	Required	Proposed	Waiver
W.1	3.B.16.F.6.a.1. Building Placement.	Buildings shall be oriented with greatest length facing the front of the property.	Short side of the building oriented toward the front of the property.	To allow for the existing short side of the building to be oriented toward the front of the property.
W.2	3.b.16.F.6.a.2 Building Placement Corners.	Where a parcels located at the intersection of two streets, at least one building shall be placed at the corner meeting Build-to-Lines.	No buildings placed at the Build-to Line for the intersection of a corner lot.	To allow the existing structure to remain and not be located at the corner meeting the build-to lines
W.3	3.B.16.F.6.b.1 Perimeter Street Building Frontage.	Building frontage minimum 50%.	0% Building Frontage.	To eliminate the building frontage on a Primary Street.
W.4	3.B.16.F.6.b.4. a Building Property Development Regulations setback.	Min. 20', Max 25'	Proposed 55' Build to Line.	To increase the Build to Line by 30'
W.5	3.B.16.F.6.d.1 Architectural Design standards – Primary Entrance.	Front entrance must directly face a street, courtyard, plaza or usable open space fronting a street.	Front entrance faces interior to the property for daycare drop-off.	To allow the front entrance to remain, and not face a street, courtyard, plaza or usable open space fronting a street.
W.6	3.B.16.F.6.d.3. Architectural Design Standards – Fenestration.	Requires buildings facing perimeter or primary street to provide windows at 35% of the wall area.	30% of the building façade incorporate s windows	To reduce the percentage of transparent windows along a perimeter façade by 5 percent.
W.7	3.B.16.F.7.b.1. d Streetscape Standards- Planting Amenity Zone.	Requires a Planting Amenity Zone a minimum of 5 ft. wide between vehicular and pedestrian areas, including 1 bench for each 150 linear feet of property frontage.	Planting Amenity Zone is not provided therefore, no bench is provided.	To eliminate the Planting Amenity Zone.

W.8	3.B.16.F.7.b.2 Streetscape Standards- Pedestrian Circulation Zone.	Minimum 8' for primary frontage and 5' for secondary frontages.	Pedestrian Circulation Zone has not been provided.	To eliminate the Pedestrian Circulation Zone.
W.9	3.B.16.F.8. Civic and Usable Open Space Standards	Minimum 5% of the gross acreage provided as usable open space.	The existing built property does not provide usable open space.	To eliminate the requirement for civic and usable open space.