

RESOLUTION NO. ZR-96-05

RESOLUTION APPROVING ZONING PETITION DOA81-121(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF DISCOVERY DAYSCHOOL, INC.
BY GREGORY KINO, ESQ., AGENT
(DISCOVERY DAYSCHOOL)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Committee) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), is authorized and empowered to consider, approve, ~~approve~~ with conditions or deny petitions relating to Class B Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA81-121(B) was presented to the Zoning Commission at a public hearing conducted on November 7, 1996; and

WHEREAS, the Zoning Commission has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA81-121(B), the petition of Discovery Dayschool, Inc., by Gregory Kino, Esq., agent, for a Development Order Amendment (DOA) to enlarge daycare, general (+60 children) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on November 7, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

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

Frank A. Barbieri, Jr., Chair	--	Aye
Sherry Hyman, Vice Chair	--	Aye
Peter Carney	--	Aye
Kevin Foley	--	Aye
Mikel Jones	--	Aye
Allan Kaplan	--	Aye
William Anderson	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on November 7, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY


BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

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Commencing at the intersection of the North right of way line of Mediterranean Road as shown on **PLAT II, GREENBRIER**, recorded in Plat Book 3 1, Page 223, Public records of Palm Beach County, Florida with the East right of way line of Military Trail; thence North 02° 05' 54" East along said East right of way line, a distance of 200.00 feet to the Point of Beginning; thence continue North 02° 05' 54" East, a distance of 260.69 feet; thence South 87° 37' 12" East, a distance of 249.00 feet; thence South 02° 05' 54" West, a distance of 260.56 feet; thence North 87° 28' 33" West a distance of 249.00 feet to the Point of Beginning, Less the West 7' thereof.

CONTAINING 1.45 ACRES, MORE OR LESS _____

EXHIBIT B
VICINITY SKETCH

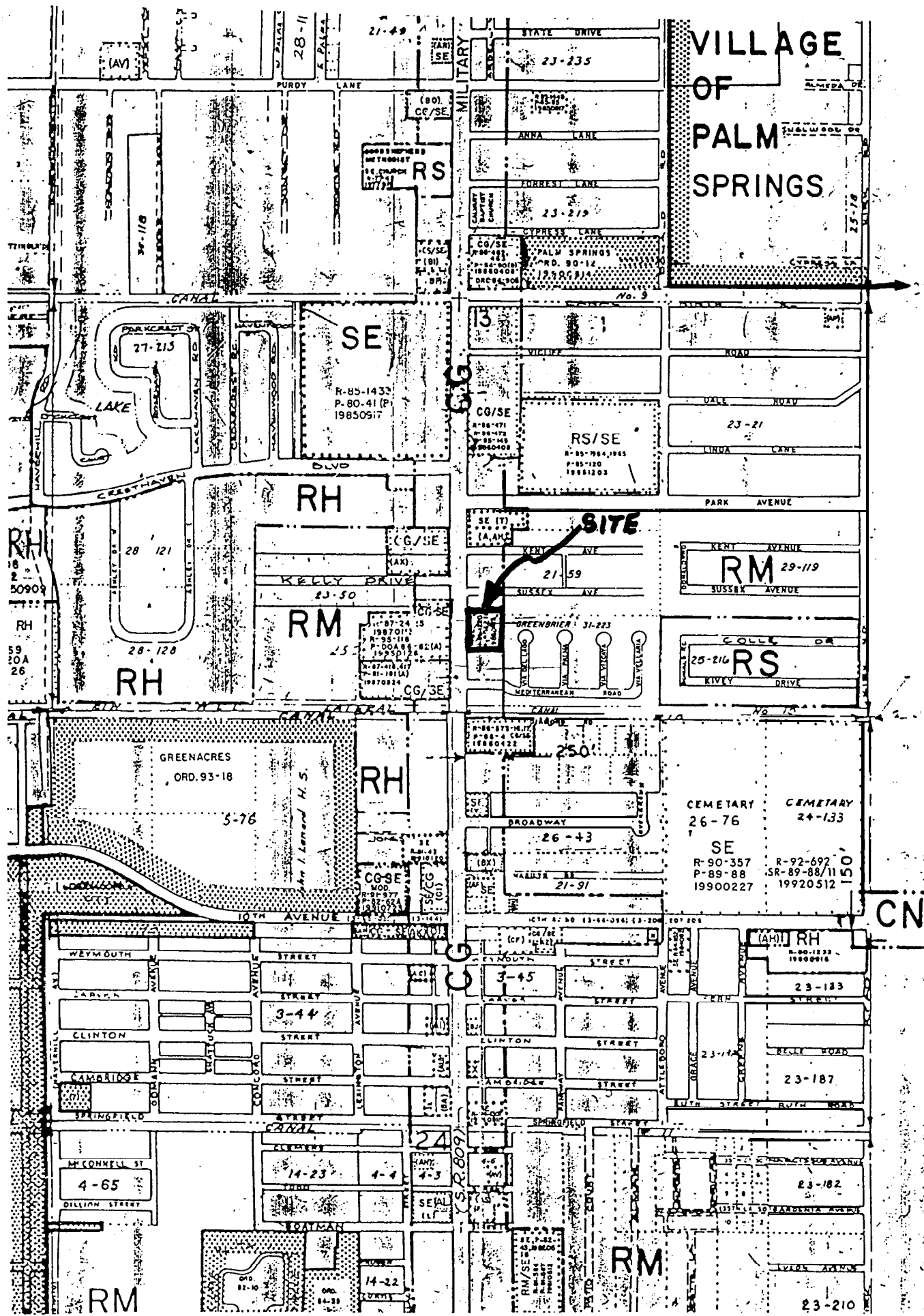


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Condition 10 of Resolution R-85-1220, Petition 81-121(A) which currently states:

The petitioner shall present a notarized Affidavit of **Disclosure** a **the** Zoning Authority meeting.

Is hereby deleted. [REASON: No longer required]

2. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-1220 (Petition 81-121(A)), and R-81-1056 (Petition 81-121), have been consolidated as contained herein. The petitioner 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)
3. 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 September 27, 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. (ONGOING: ZONING)

B. DAY CARE

1. The day care center shall be limited to a maximum of 209 children on site. (ONGOING: HEALTH)

C. BUILDING AND SITE DESIGN

1. Condition 1 of Resolution R-85-1220, Petition 81-121(A), which currently states:

Prior to **site plan certification** the **site plan** shall be amended to **reflect** the following:

- a) Dimensioning of all site **elements**, i.e., parking **angle**, parking bay and **isle** dimension, width of **access** at street, 6 foot **chain** link fence, building dimensions and setback.
- b) **Tabulate excluded** items to **figure useable square footage per** section 500.12 (Day Care Centers) of **the zoning code**.
- c) Corrected site data reflecting child care capacity. (DRC: ZONING)

Is hereby deleted. [REASON: code requirement]

2. Prior to Certificate of Occupancy for the northern daycare, the Petitioner shall provide a six (6) foot high wood fence from the northeast corner of the property approximately seventy (70) feet westerly along the north property line. (CO: BLDG)

D. **ERM**

1. Condition 2 of Resolution R-85-1220, Petition 81-121(A), which currently states:

The **developer** shall preserve existing significant vegetation **wherever** possible and shall **incorporate** said vegetation into the project design. **Appropriate measures** shall also be taken to **protect** those **preservation areas** during **site** clearing and **construction**. (ERM)

Is hereby deleted. [REASON: code requirement]

E. **ENGINEERING**

1. Within **ninety** (90) days of Special **Exception** approval, petitioner shall convey to Palm **Beach** County **60'** from **centerline** of **the** ultimate right-of-way for Military Trail. (Previously Condition 1 of Resolution R-81-1056, Petition 81-121) (NOTE: Database indicates compliance with this condition)(ENG)

2. Condition 2 of Resolution R-81-1056, Petition 81-121 which currently states:

Petitioner shall not be permitted a median opening on Military **Trail**. (ENG)

Is hereby deleted. [REASON: FL DOT has jurisdiction over median openings along this section of Military Trail]

3. Condition 3 of Resolution R-81-1056, Petition 81-121 which currently states:

Petitioner shall **contribute** Three Thousand **Fifty Dollars (\$3,050.00)** toward **the** cost of mooting this project's direct and identifiable traffic impact to **be** paid at the **time** of issuance of the building **permit(s)**. (ENG)

Is hereby deleted. [REASON: Code requirement]

4. Condition 3 of Resolution R-85-1220, Petition 81-121(A), which currently states:

The development shall retain **onsite** 85% of the **stormwater** runoff generated by a three (3) year-one hour storm per requirements of the **Permit Section**, Land Development Division.

Is hereby deleted. [REASON: code requirement]

5. The property owner shall convey for the ultimate **right-of-way** of **Military** Trail, **60 feet** from **centerline** approximately an additional **7 feet** within 90 days of adoption of the Resolution by **the** Board of County **Commissioners; conveyance** must **be accepted** by Palm **Beach** County prior to issuance of first Building Permit. (Previously Condition 4 of Resolution R-85-1220, Petition 81-121(A)) (NOTE: Data base indicates compliance with this condition] (ENG)

6. Condition 5 of Resolution R-85-1220, Petition 81-121(A) which currently states:

The Property owner shall pay a Fair Share Fee in the amount and manner required by the "Pair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$2,786.00. (IMPACT FEE CORD)

Is hereby deleted. [REASON: Code requirement]

7. Condition 6 of Resolution R-85-1220, Petition 81-121(A) which currently states:

The Property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit. (ENG)

Is hereby deleted. [REASON: part of building permit process]

8. Condition 7 of Resolution R-85-1220, Petition 81-121(A) which currently states:

The Property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Military Trail. (ENG)

Is hereby deleted. [REASON: FL DOT requirement]

9. LANDSCAPE WITHIN MEDIAN

- A. The property owner shall fund the amount of \$1,280 toward the future landscaping of the median of Military Trail. These funds shall be made available to Palm Beach County prior to the issuance of any Building Permits. Palm Beach County shall then make available these funds to an adjacent property owner who may be conditioned to landscape the portion of the Median Landscaping directly adjacent to this parcel or may make available the monies toward an overall landscape program by government should no other property owners be conditioned for median landscape plantings as outlined above. (BUILDING PERMIT/ENG).

F. HEALTH

1. Condition 8 of Resolution R-85-1220, Petition 81-121(A), which currently states:

Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. (HEALTH)

Is hereby deleted. [REASON: code requirement]

2. Condition 9 of Resolution R-85-1220, Petition 81-121(A), which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (HEALTH)

Is hereby deleted. [REASON: code requirement]

3. Architectural plans for the day care facility must be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (BLDG PERMIT: HEALTH/BLDG)

G. SIGNS

1. Freestanding signs on Military Trail 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 - forty (40) square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - monument style only. (CO: BLDG)
2. The existing billboard shall be removed before January 1, 1997. (DATE: ZONING)

H. COMPLIANCE

1. 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)