

RESOLUTION NO. R-95-1017

RESOLUTION APPROVING ZONING PETITION EAC84-152(F)
REQUESTED (R) USE
PETITION OF YVONNE BRICE

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 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition EAC84-152(F) was presented to the Board of County Commissioners at a public hearing conducted on July 27, 1995; 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 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 Board of County Commissioners made the following findings of fact:

1. This Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Unified Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, 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 EAC84-152(F), the petition of Yvonne Brice, for a Development Order Amendment/Expedited Application Consideration (EAC) for a Requested Use to allow an Indoor Entertainment 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 July 27, 1995 subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Absent
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 27th day of July, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

THE SHOPPES AT VILLAGE POINTE

PARCEL 77

A Parcel of land lying in the **Northeast Quarter (N.E. 1/4)** of **Section 34** and the **Northwest Quarter (N.W. 1/2)** of **Section 35**, **Township 45 South, Range 42 East, Palm Beach County, Florida**, said land being more particularly described as follows:

Commencing at the Northwest corner of Section 35, thence with a bearing of **S 2° 24' 58" E**, along the West line of Section 35, a distance of **1389.65 feet** to the Point of Beginning; thence with a bearing of **N 89° 32' 51" E** a distance of **205.65 feet** to a point; thence with a bearing of **S 0° 27' 09" E**, a distance of **623.94 feet** to a point; thence with a curve to the left having a tangent bearing of **N 47° 51' 56" W** a radius of **2123.10 feet**, an arc length of **282.76 feet** to a point of compound curvature; thence with a curve to the left having a radius of **787.35 feet**, an arc length of **577.33 feet** to a point thence, with a bearing of **N 0° 23' 05" W**, a distance of **311.51 feet** to a point; thence with a bearing of **N 89° 36' 55" E**, a distance of **512.64 feet** to a point, thence with a bearing of **N 89° 32' 51" E**, a distance of **49.46 feet** more or less to the Point of Beginning.

Containing **7.000 Acres** more or less, and subject to easements and rights-of-way of record.

EXHIBIT B
VICINITY SKETCH

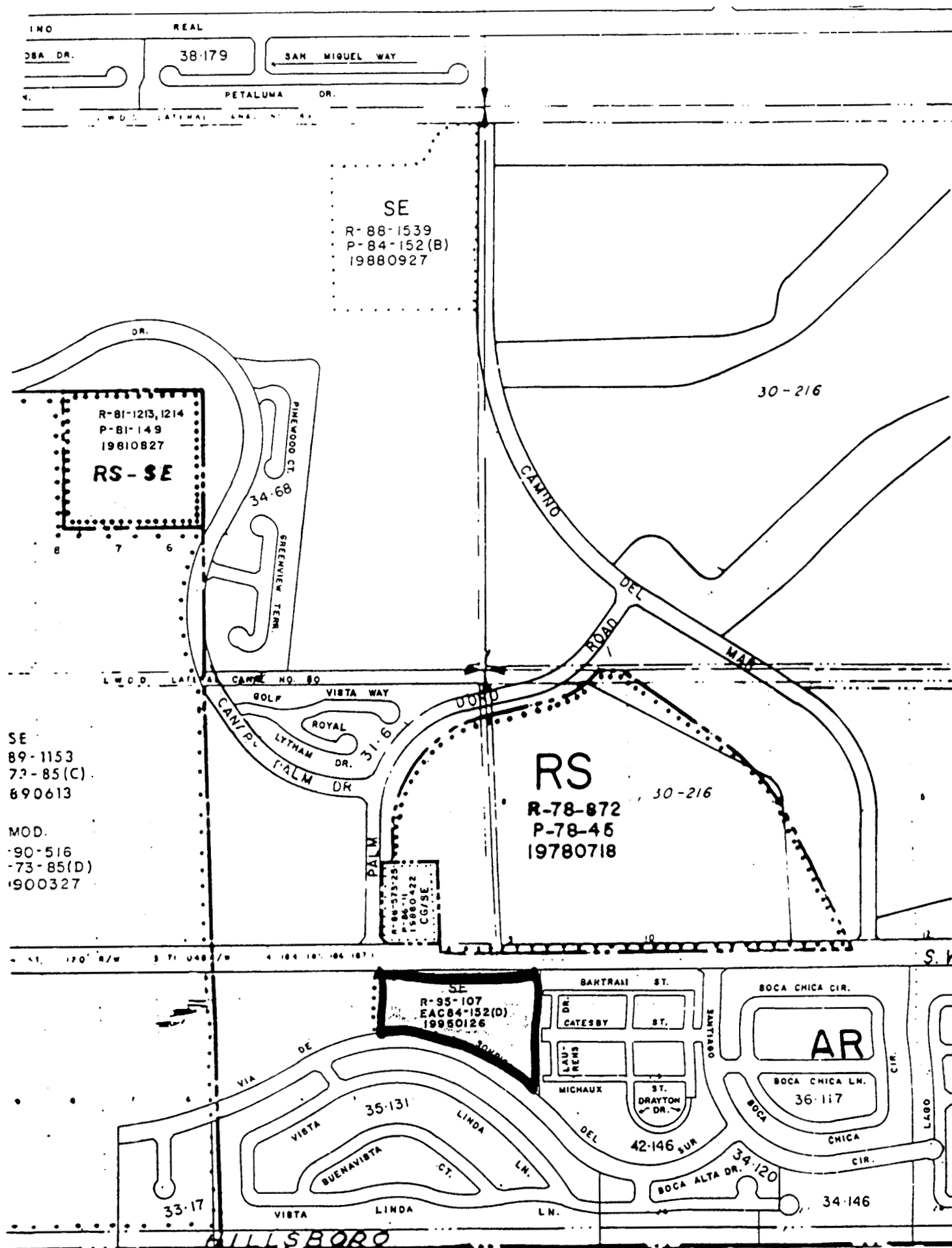


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. STANDARD CONDITIONS

1. **All previous conditions of approval applicable to the subject property, as contained in Resolutions R-85-288, R-91-1466, and R-95-107 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, unless expressly modified. (MONITORING)**

Note: Resolution R-87-1111 [Petition 84-152(A)], Resolution R-88-1539 [Petition 84-152(B)], and Resolution R-95-115 [Petition 84-152(E)] are requests specific to other parcels not a subject of this petition. Conditions of approval contained in Resolution R-87-1111, R-88-1539, and R-95-115, therefore, are not consolidated herein. (MONITORING)

B. DAY CARE

1. **Total gross floor area of the day care center shall be limited to a maximum of 3,975 square feet. (Previously Condition B.1, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
2. **The day care center shall be limited to a maximum of 85 students. (Previously Condition B.2, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
3. **The petitioner shall provide a minimum of one twelve (12) foot tall native canopy tree per 750 square feet of outdoor play area provided. All trees required by this condition shall be planted within the interior of the outdoor play area. (Previously Condition B.3, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
4. **Landscaping along the perimeter of the outdoor activity area shall be upgraded to include fourteen (14) foot tall native canopy trees placed twenty (20) feet on center (except adjacent to the east face of the building) and twenty-four (24) inch high hedge or shrub material placed twenty-four (24) inches on center. (Previously Condition B.4, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
5. **The five (5) drop-off stalls shall be a minimum of twelve (12) feet wide by twenty (20) feet in length. These stalls shall be marked with above-grade signage indicating "15-minute parking only" and shall be located at the day care center entrance. (Previously Condition B.5, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
6. **No school buses or vehicles over 25 feet in length shall be permitted to pick up or deliver children to or from the day care center. (Previously Condition B.6, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**
7. **Any mechanical equipment in the day care center area shall be screened from view on all sides to a height of six feet or the height of the equipment. (Previously Condition B.7, Petition 84-152(C) of Resolution R-91-1466) (ZONING)**

8. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the day care center site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. Previously Condition B.8, Petition 84-152(C) of Resolution R-91-1466) (ZONING)
9. Hours of operation for the day care center shall commence no earlier than 7:00 a.m. Previously Condition B.9 Petition 84-152(C) of Resolution R-91-1466) (ZONING)
10. No outdoor playground activity shall occur prior to 9:00 a.m. on weekdays or prior to 10:00 a.m. on weekends. Previously Condition B.10 Petition 84-152(C) of Resolution R-91-1466) (ZONING)
11. The playground shall be sodded and landscaped with no hard surfaces except for an interior bike path. Previously Condition B.11 Petition 84-152(C) of Resolution R-91-1466) (ZONING)

C. DUMPSTER

1. No dumpsters shall be located within 50 feet of the day care center outdoor play area. Previously Condition C.1 Petition 84-152(C) of Resolution R-91-1466) (ZONING/BUILDING)

D. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition D.1 Petition 84-152(C) of Resolution R-91-1466) (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition D.2 Petition 84-152(C) of Resolution R-91-1466) (HEALTH)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition E.1 Petition 84-152(C) of Resolution R-91-1466) may be deleted: Reason code enforcement (ENGINEERING)
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the proposed day care center at the time of the Building Permit presently is \$6,545.00 (119 trips X \$55.00 per trip). Previously Condition E.2 Petition 84-152(C) of Resolution R-91-1466) (IMPACT FEE COORDINATOR)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner. Previously Condition F.1 Petition 84-152 (C) of Resolution R-91-1466) (UTILITY)

G. RECYCLE SOLID WASTE

1. The property owner(s)/lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. Previously Condition G. 1 Petition 84-152 (C) of Resolution R-91-1466) (SWA)

H. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - 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 Conditional Use, Rezoning, 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)