

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: CA-2012-00389
Control No.: 2012-00090
Applicant: School Development HC, LLC
Owners: Boynton Beach Associates XXII LLLP
Agent: Urban Design Kilday Studios - Kieran J Kilday
Telephone No.: (561) 366-1100
Project Manager: David McGuire, Site Planner II

Location: Approximately 1/2 miles west of the intersection of Boynton Beach Blvd and Lyons Road (Somerset Academy Charter School)

TITLE: a Class A Conditional Use REQUEST: to allow a School, Elementary or Secondary

APPLICATION SUMMARY:

Proposed is a Class A Conditional Use for the Somerset Academy Charter School to allow for a School, Elementary or Secondary on a 14-acre parcel of land. This parcel was a residential pod within the Amestoy AGR PUD, which was approved by the Board of County Commissioners (BCC) on January 2, 2006. Concurrent with this rezoning application are 2 other applications first of which is to delete this 14-acre parcel from the Amestoy AGR PUD (Application DOA-2012-374) and second is Charter School (Application Z-2012-385) to rezone this 14-acre parcel to AGR PUD to AGR to allow for the development of a School.

The Preliminary Site Plan for the School indicates a two 2-story structures connected with a covered pedestrian pathway. Phase One indicates 32,847 square feet for the proposed south classroom building, and Phase Two indicates a 8,448 square foot gymnasium, 46,393 square feet for the north classroom building, and a 3,378 square foot pool. The requested School proposes to serve 600 middle school students and 900 high school students in Phase One and a maximum of 2,100 students at time of final buildout of Phase Two. A total of 253 parking spaces will be provided and access will be from Boynton Beach Boulevard (1).

It is important to note that there are 6 concurrent applications: W/DOA-2012-379 Amestoy AGR PUD, PDD/DOA-2012-380 Canyon Lakes, PDD/DOA-2012-382 Canyon Isles, PDD/DOA-2012-383 Canyon Springs, ZV/PDD/DOA-2012-384 Valencia Assemblage, and Z-2012-385 Charter School. These applications include requests to exchange development and preserve parcels between previously approved AGR PUDs and to create a parcel for a new School.

ISSUES SUMMARY:

o History

On January 8, 2009, the Board of County Commissioners (BCC) approved Resolution Numbers R-09-0004 and R-09-0005 approving the Amestoy AGR PUD (Control Number 2005-00162), which included a rezoning from AGR to AGR PUD zoning district.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and has determined that this request is consistent with the site's AGR FLU designation.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve Planned Unit Development (AGR PUD)
Supporting: Vacant - agricultural (Amestoy AGR PUD, Control No 2005-162)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Residential Estate District (RE)
Supporting: Residential (N/A, Control No 1979-053)
Supporting: School Elementary or Secondary (Saddle Ranch Pre-School, Control No 1996- 124)

EAST:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve Planned Unit Development (AGR PUD)
Supporting: Vacant - agricultural (Amestoy AGR PUD, Control No 2005-162)

WEST:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Vacant - agricultural (Boynton Beach Community Church, Control No 2007-010)

Uses adjacent to the subject parcel are residential uses to the north, south and east and a civic use (place of worship) to the west. Subject to the provision of the required landscape buffers and the recommended Conditions of Approval, staff does not anticipate any adverse impacts to the surrounding properties from the requests.

o Traffic

See Staff Review and Analysis for additional information from the Land Development and Traffic Divisions.

o Landscape/Buffering

The proposed site design will not have adverse impacts on the adjacent parcels or the public. The few existing residential uses to the south are separated from the proposed use by the Boynton Beach Boulevard right of way and set back a considerable distance from the roadway. In addition, the site design proposes a 20 foot right of way buffer along the Boynton Beach frontage, with additional 20' separation provided for utilities. In regard to the civic church use to the west, a 25 foot wide landscape buffer is provided on the church property and a 5 foot compatibility buffer provided on the school parcel with the majority of the buildings situated in the eastern portion of the parcel. In regard to the residential development area of the Amestoy AGR PUD to the east and north, 15 foot Type II Incompatibility landscape buffers are provided along these property lines. Additionally, the proposed

design of the Amestoy AGR PUD provides for a 50 foot AGR Landscape Buffer Easement interior to the development where adjacent to the proposed school property. The layout of the proposed residential lots are also designed to provide for the termination of the street into a cul-de-sac in the area proposed for the pedestrian/bicycle connection to the school use, fostering the desired interaction between the uses (i.e. pedestrian and bicycle connections for the children of the community).

o Signs

The applicant is proposing two project Ground Mounted Entry Wall signs at the entrance to the subject site along Hypoluxo Road at 8-feet in height with a total of 60 square feet of sign face area as permitted in the ULDC. No sign conditions are proposed for this application. See Figure 6 for the details of the Preliminary Master Sign Plan.

o Lighting

Current provisions within the ULDC restrict the maximum illumination at the property line of an adjoining residential parcel or public ROW to no more than 0.33 horizontal and vertical foot-candles measured at six feet above grade level. The proposed site plan dated May 10, 2012 indicates two rows of parking abutting the residences to the north and east. Recreational fields are indicated just beyond the parking to the north. Typical ball field light may exceed 50 feet in height. Recognizing the need to restrict the glare created by such lighting fixtures, staff recommends a Condition of Approval for the height of all outdoor, freestanding lighting fixtures to a height no greater than 25 feet measured from finished grade to highest point. Lighting utilized for the illumination of ball fields shall be excluded from this requirement as the height is necessary for the function of the facility. A further restriction shall require the recreational field lights shall not continue after 10:00 p.m. (Lighting Condition 1 and 2)

o Phasing Plan

The applicant is proposing two Phases (Phasing Plan Figure 5). Phase One is proposed to consist of a 32,847 square foot two-story South Classroom Building. The proposed student enrollment for Phase One consists of 600 students in grades six through nine. The parking in the Phase One development includes 57 spaces to the south of the proposed classroom building and three handicap spaces to the east of the building. Traffic circulation for buses will be provided through the south parking area and parent drop off will take place to the east of the loggia and terrace area with a separate drop off, separating the two uses. A fence enclosed, outdoor recreation area has been provided to the north of the classroom building in Phase One.

Phase Two will include an 8,448 square foot, one story gymnasium, a 41,753 square foot, 2-story classroom building and single story 4,640 square foot annex proposed to the north of the second terrace and loggia area. To the east of this area, a 3,378 square foot, Olympic-sized swimming pool is proposed. Additional parking is provided in Phase Two for a total of 239 spaces. The parent drop off area is revised to allow for a continued vehicular connection to the parking located in the northern portion of the site. The ultimate student enrollment is proposed to be 900 middle school students and 1,200 high students at the completion of construction. A large recreation field area is proposed to the west of the Phase Two expansion area.

o Architectural Review

The initial elevations for the proposed school buildings have been prepared and submitted by Civica Architecture and Urban Design, dated March 26, 2011. (See Figures 8 and 9) The elevations were reviewed by staff and found to be generally compliant with the relevant articles within the ULDC. They are, also, consistent with the surrounding built environment in form, materials and height.

The proposed development is subject to Article 5.C Architectural Guidelines. Staff is recommending that at time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the proposed building be submitted simultaneously with the site plan for final architectural review and approval. Development shall be consistent with the approved architectural

elevations, the DRO approved site plan, all applicable Conditions of Approval, and all ULDC requirements (See Architecture Condition 1).

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-27-05-051-0350	Same
Land Use Designation:	Agricultural Reserve (AGR)	Same
Zoning District:	Agricultural Reserve Planned Unit Development (AGR-PUD)	Agricultural Reserve
Tier:	Agricultural Reserve	Same
Use:	Vacant	School, Elementary or Secondary
Acres:	14 acres	14 acres
Parking:	0 spaces	239 spaces
Access:	Boynton Beach Boulevard (1)	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 0 contacts from the public regarding this project.

RECOMMENDATION: Staff recommends approval of the request subject to 15 Conditions of Approval as exhibited in Exhibit C.

MOTION: To recommend approval of a Class A Conditional Use to allow a School, Elementary or Secondary subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

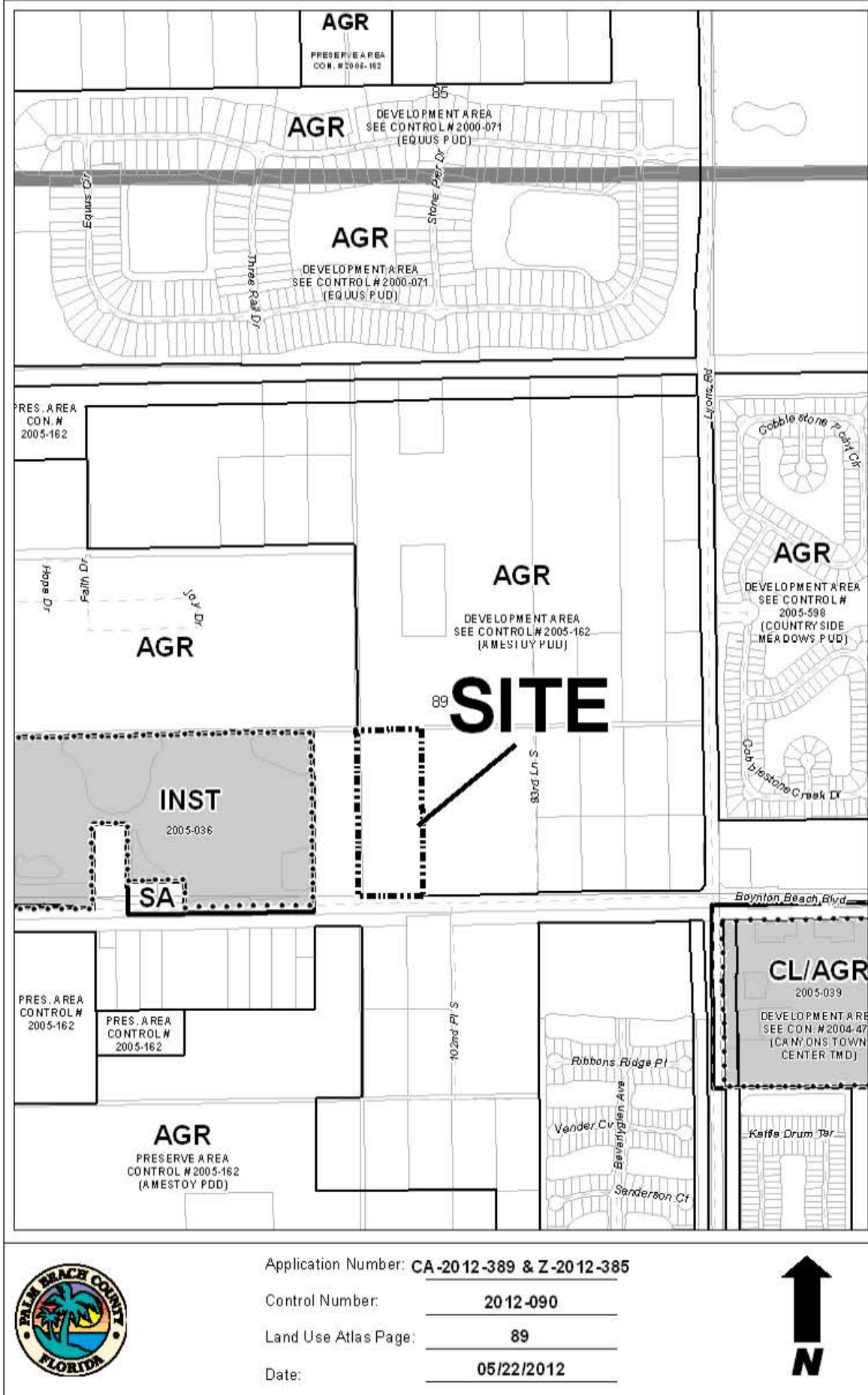


Figure 1 Land Use

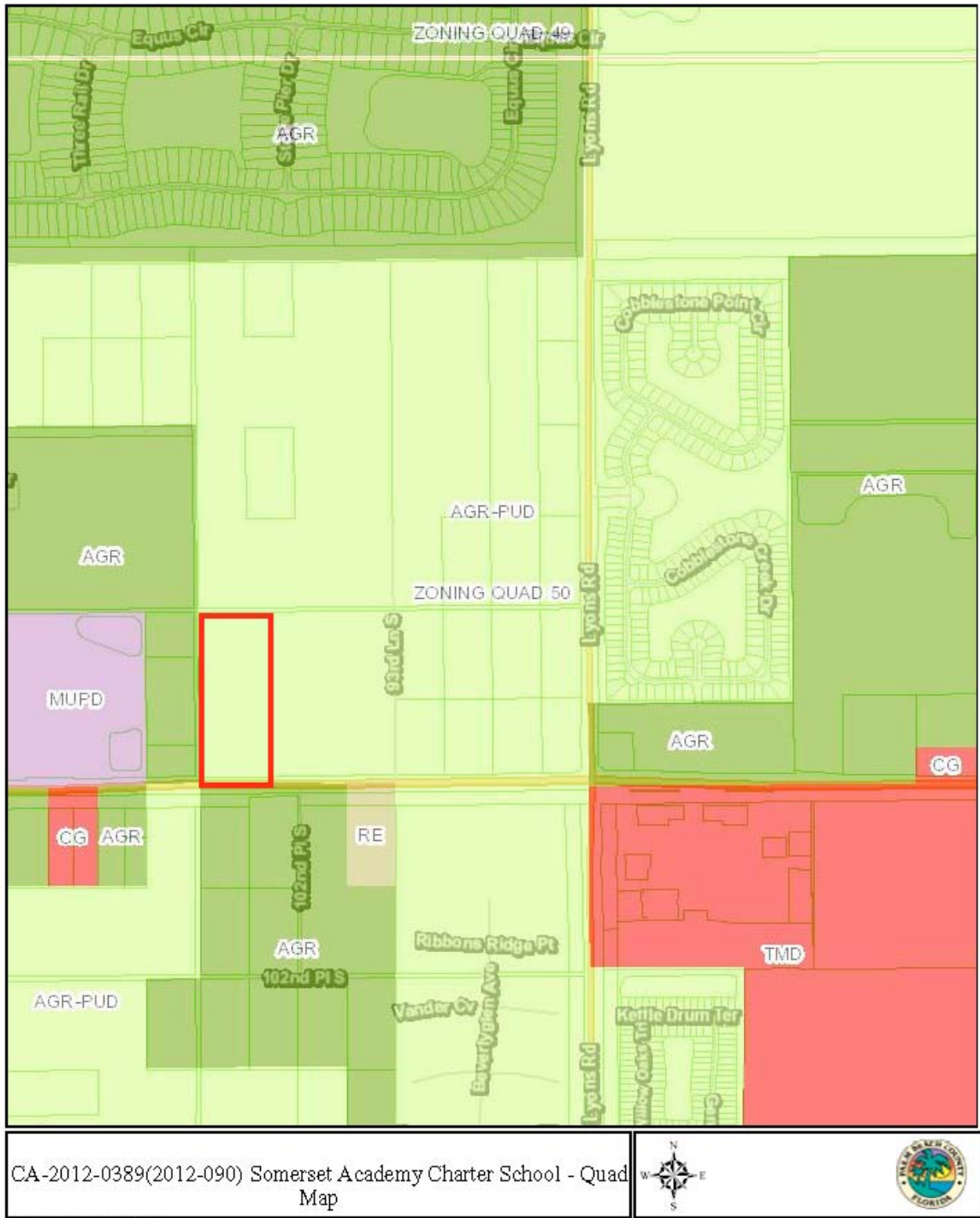


Figure 2 Zoning Quad



Figure 3 Aerial

No.	DATE	REVISION	BY
1	2012.03.18	COMMENTS	RC
2	2012.05.09	COMMENTS	RC

DRAWN BY: _____ APPROVED BY: _____
DATE: _____ SCALE: _____

KEY PLAN

SEAL/SIGNATURE

ROLANDO LLANES
AR - 0013180

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CORRECTED

SHEET TITLE
**PRELIMINARY
SITE
PLAN**

SHEET NUMBER
PSP-1

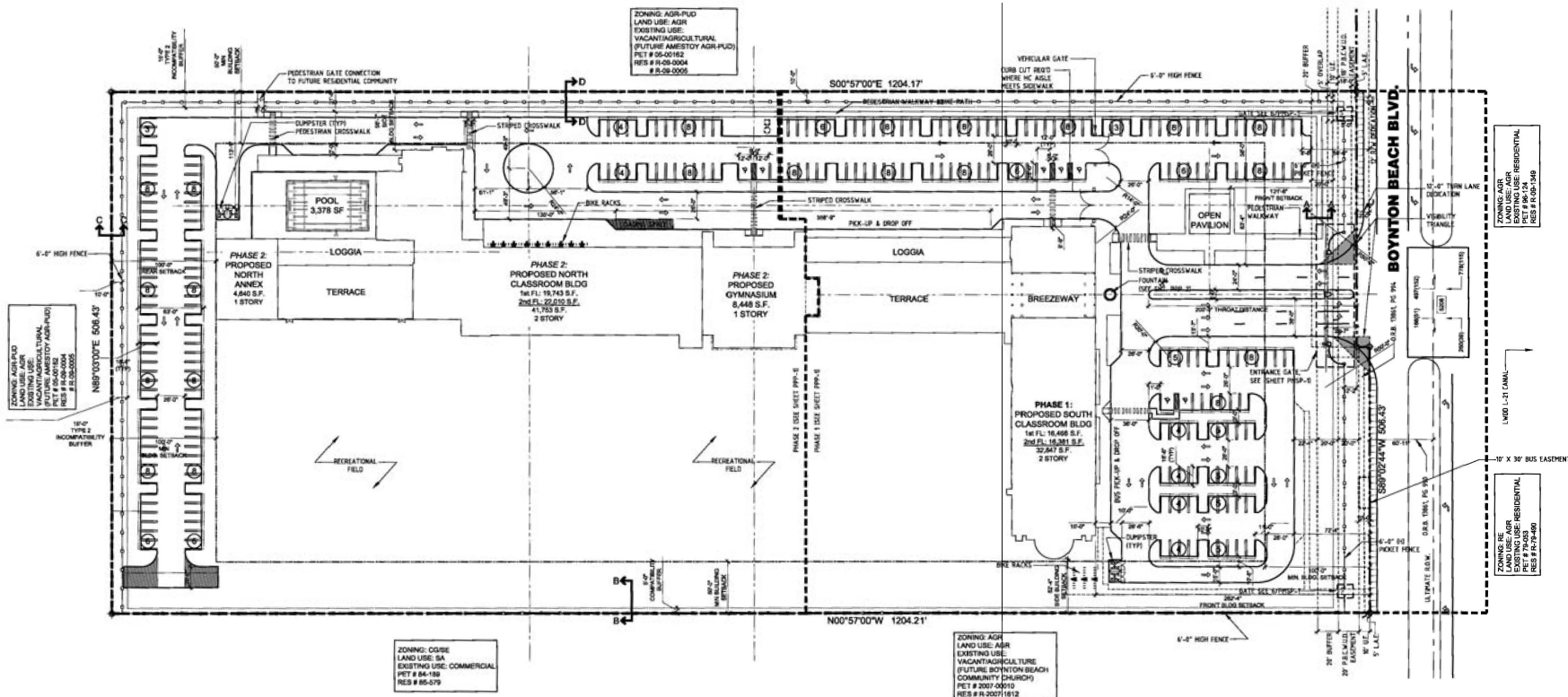


Figure 4 Preliminary Site Plan dated May 12, 2012

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Project No. 01000-086

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BCC District 05

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Development Team

Owner: Boynton Beach Associates XXI LLLP
1600 Stargass Corporate Parkway Suite 400
Sunrise, FL 33323
(954) 753-1730

Applicant: Boynton School Property LLC
6457 Sunset Drive
Miami, FL 33143
(305) 593-9959

Architect: Civica Architecture and Urban Design
8323 NW 12th Street, Suite 106
Doral, FL 33126
(305) 593-9959

Surveyor: Sand & Hills Surveying, Inc.
8461 Lake Worth Road Suite 410
Lake Worth, FL 33467
(561) 209-6048

Planner: Urban Design Kidz Studios
477 S. Rosemary Avenue Suite 225
West Palm Beach, FL 33401
(561) 366-1100

Traffic Engineer: Simmons and White
5601 Corporate Way Suite 200
West Palm Beach, FL 33407
(561) 478-7848

Civil Engineer: Simmons and White

SITE DATA

NAME OF APPLICATION: SOMERSET ACADEMY CHARTER SCHOOL WEST BOYNTON BEACH CAMPUS

CONTROL NUMBER: TBO

APPLICATION NUMBER: 2012-xxxx

PROJECT NUMBERS: TBO

LAST BCC APPROVAL: PENDING

RESOLUTION NUMBERS: PENDING

TIER: Ag RESERVE

FUTURE LAND USE: AGR

EXISTING ZONING DISTRICT: AGR PUD

PROPOSED ZONING DISTRICT: AGR

OVERLAY: WEST BOYNTON AREA COMMUNITY

SECTION/TOWNSHIP/RANGE: 27-43-42

PROPERTY CONTROL NUMBER: 00-42-43-27-05-051-0350

EXISTING USE: VACANT/FARMLAND

PROPOSED USE: CHARTER SCHOOL

GROSS SITE AREA: 14.00 ACRES

GROSS FLOOR AREA: 87,688 S.F.

CONCURRENCY APPROVAL:

SOMERSET ACADEMY CHARTER SCHOOL WEST BOYNTON BEACH CAMPUS 2100 STUDENTS

REQUEST FOR CONCURRENCY HAS BEEN SUBMITTED & PENDING APPROVAL.

PARKING: REG. 221 PROP. 253

ACCESSIBLE PARKING: REG. 7 PROP. 7

LOADING: REG. 1 PROP. 1

BLDG HEIGHT / NUMBER OF STORES: REG. 35'-0" MAX

PROPOSED:

SOUTH CLASSROOM BLDG: 34'-6" MAX HT AS 2 STORY

NORTH CLASSROOM BLDG: 34'-6" MAX HT AS 2 STORY

GYMNASIUM: 35' MAX HT AS 1 STORY

NORTH ANNEX BLDG: 36'-0" MAX HT AS 1 STORY

TRAFFIC ANALYSIS ZONE: 748

Phase	Phasing Timeline	Proposed Uses	No. of buildings & S.F.	Acres & Percentage of Land Area for each Phase
Phase 1:	2012-2016	Proposed Charter School Classroom Building	32,847 S.F. = 1 Building	6.5 Acres = 46%
Totals Phase 1: 32,847 S.F. = 1 Building				
Phase 2:	2016-2020	Public Charter School Classroom Building Ancillary Function	54,841 S.F. = 3 Buildings	7.5 Acres = 54%
Totals Phase 2: 87,688 S.F. = 4 Buildings				
Totals: 120,535 S.F. = 7 Buildings				

Phase 1 Parking Data @ 600 Students (Grades 6th - 9th)

Type	Required	Provided
Staff (1 Per Staff)	40	47
Visitors (1 Per 100 Students)	6	49
Accessible Parking (Included Above)	(3) As Per FBC '10 Chapter 2	(5) Included above
Total	46	96

Phase 2 (Cumulative) Parking Data @ 2100 Students (Grades 6th - 12th)

Type	Required	Provided
Staff (1 Per Staff)	140	140
Visitors (1 Per 100 Students)	21	53
Accessible Parking (1 Space for every 10 students in 11th & 12 Grades)	60	60
Accessible Parking (Included Above)	(7)	(7)
Totals	221	253

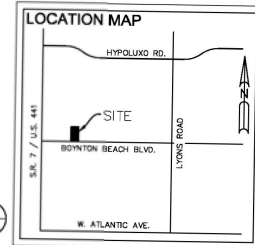
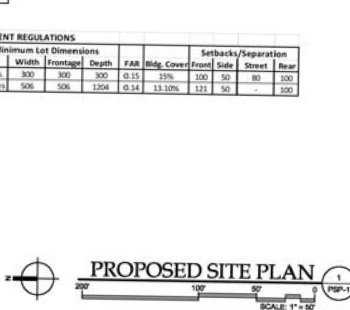
PROPERTY DEVELOPMENT REGULATIONS

Zoning District or Pool	Minimum Lot Dimensions	FAR	Min. Coverage	Setbacks/Separation
	Size Width Frontage Depth	From Side Street Rear		
Required	5 Acres 300 300 300	0.15 15%	200 50 80 200	
Proposed	14 Acres 506 506 1204	0.14 13.10%	221 50 - 200	

Parking Calculation Note:
As per Florida Statutes Chapter 300.33 (18) Facilities:

- The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code.
- Somerset Academy Charter School parking calculations are based on State Requirements for Educational Facilities 2010 FBC / Sec 423.10.2.8:

- Faculty and staff - One space for each member.
- Visitors - One space for every 100 students.
- High Schools - One space for every 10 students in grades 11 and 12.



AMENDMENTS

PBC ZONING STAMP

CIVICA
ARCHITECTURE & URBAN DESIGN
8323 NW 12th St, Suite 106
Doral, FL 33126
tel: 305.593.9959
an-22601033
www.civica-group.com

PROJECT:
**SOMERSET ACADEMY
CHARTER SCHOOL
WEST BOYNTON
BEACH CAMPUS
AMESTOY SCHOOL SITE**

APPLICANT:
Boynton School Property LLC

6457 Sunset Drive
Miami, FL 33143
(305) 593-9959

ISSUED FOR:

CIVICA PROJECT No :
119907

No.	DATE	REVISION	BY
1	09/12/10	COMMENTS	RC
2	09/12/10	COMMENTS	RC

DRAWN BY: APPROVED BY:

DATE: SCALE:

KEY PLAN:

SEAL/SIGNATURE:

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AIA - 0013180
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SHEET TITLE:
**PROPOSED
PHASING PLAN
PLAN**

SHEET NUMBER:
PPP-1 of 2

Phase	Phasing Timeline	Proposed Uses	No. of buildings & S.F.	Acres & Percentage of Land Area for each Phase
Phase 1:	2012-2016	Proposed Charter School Classroom Building	32,847 S.F. = 1 Building	6.5 Acres = 46%
		Totals Phase 1:	32,847 S.F. = 1 Building	7.5 Acres = 54%
Phase 2:	2016-2020	Public Charter School Classroom Building Ancillary Function	32,847 S.F. = 1 Building 34,841 S.F. = 3 Buildings	
		Totals Phase 2:	67,688 S.F. = 4 Buildings	14 Acres = 100%

AMENDMENTS

PBC ZONING STAMP

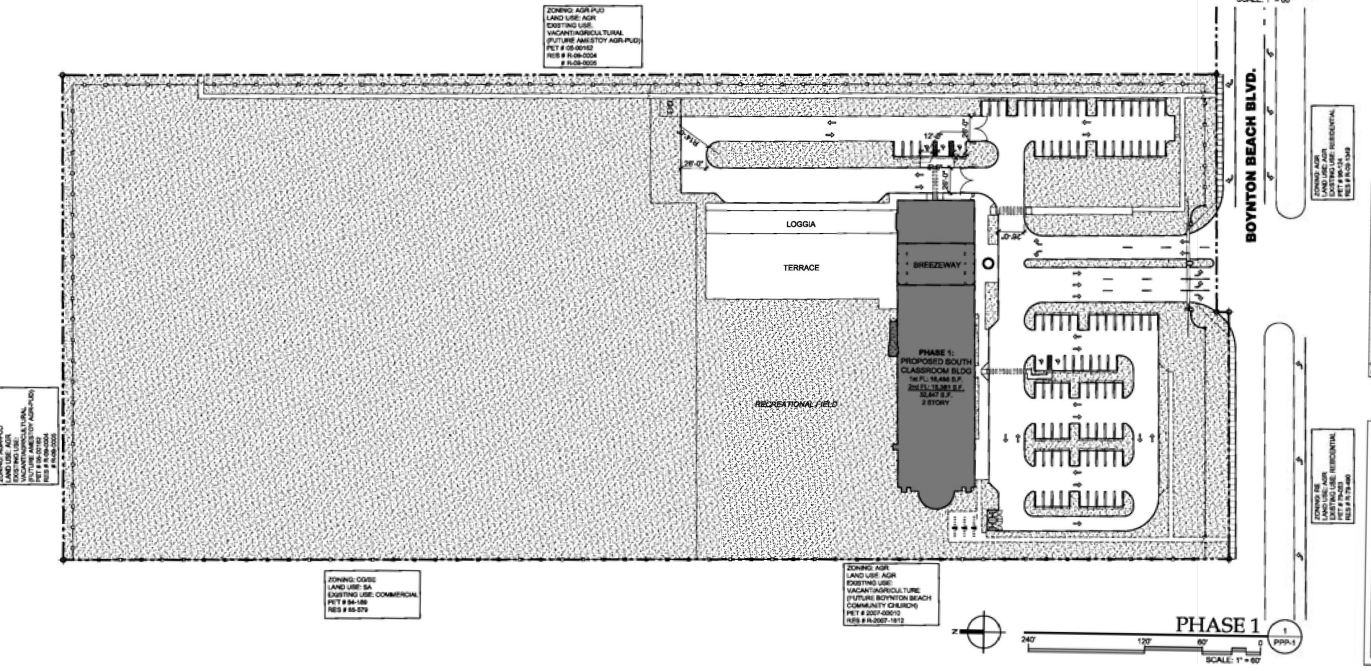
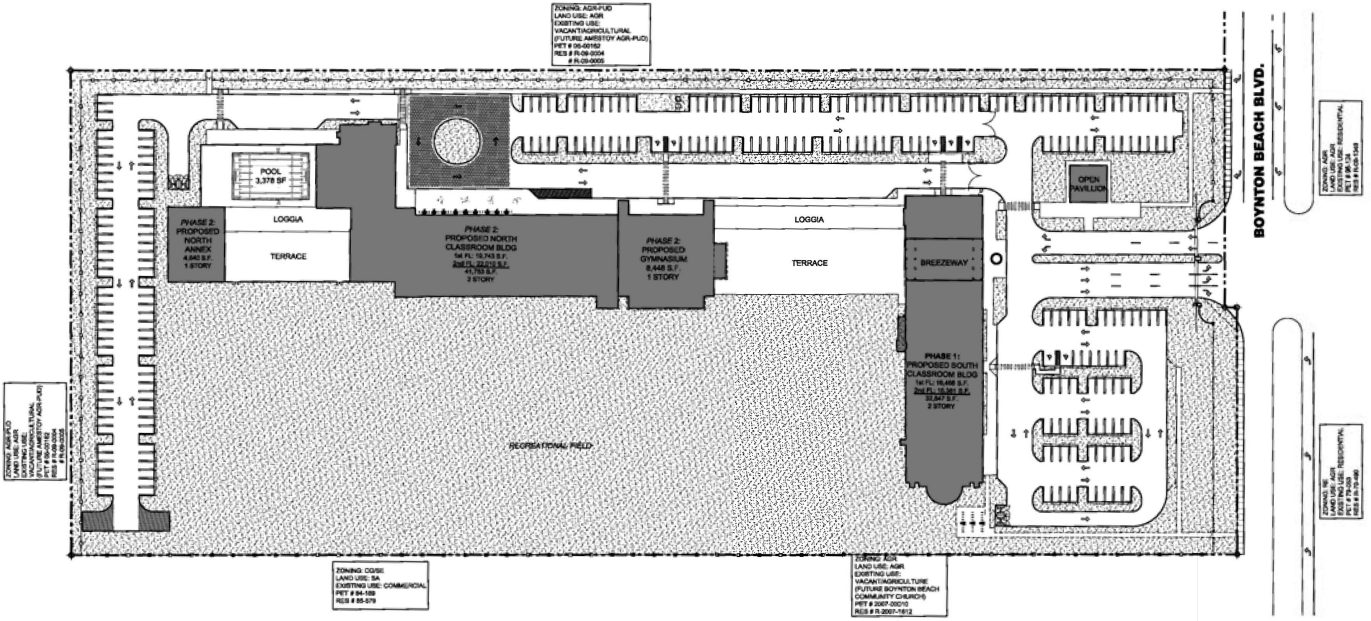


Figure 5 Preliminary Phasing Plan dated May 12, 2012

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Agricultural Residential (AGR)

TIER: Agricultural Reserve

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation areas.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to remove 14.00 acres from the development area of the Amestoy AGR PUD, and to rezone the subject 14.00 acres from AGR PUD to AGR for the purposes of constructing a charter school and has determined that this request is consistent with the site's AGR FLU designation.

The subject parcel is located east of State Road 7. FLUE Policy 1.5-r states, "Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7."

Additionally, The Future Land Use Element Implementation Section III: 7 states that for Institutional and Public Facilities, "Institutional and Public Facilities shall be permitted in all Future Land Use Atlas designations provided such uses are consistent with the Comprehensive Plan and the Unified Land Development Code."

FLUE Policy 2.2.8-a: Institutional and Public Facility uses may be allowed in all future land use designations, provided the uses are consistent with the provisions of the Comprehensive Plan and ULDC. (Omitted for brevity)

The maximum Floor Area Ratio (FAR) of .15 allowed for a project with the AGR FLU designation in the Agricultural Reserve Tier (14.00 ac x 43,560 x .15 = 91,476 square feet maximum). The request for 87,688 square feet for the overall site equates an FAR of approximately 0.143 (87,688/609,840 square feet or 14 acres = 0.143).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is located within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the neighborhood plan. The applicant has met with adjacent community associates and the neighborhood group responsible for implementing the Community Plan. Staff has received a copy of two letters in support from Cobblestone Creek and Canyon Isles Homeowner associations that were addressed to COWBRA as well as a letter from COBWRA, dated April 20, 2012, stating support for the request with no request for conditions.

FINDINGS: The request is consistent with the land use designation of the Palm Beach County Comprehensive Plan and is not inconsistent with the neighborhood plan recommendations.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a permit from the Florida Department of Transportation for access onto Boynton Beach Blvd.

RIGHT OF WAY CONVEYANCE

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Pursuant to Policy 1.4-d in the Transportation Element of the Comprehensive Plan, the Property Owner shall convey additional right-of-way along the project frontage on Boynton Beach Blvd. to allow for future planned and/or programmed improvements and to accommodate a site-related right turn lane at the project entrance.

TRAFFIC IMPACTS

The Property Owner has estimated the build-out of the project to be December 31, 2022. Total traffic expected from the proposed project is 5,208 trips per day, 1,701 trips in the AM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site supports agricultural production.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: A 2,100 student, 87,688 square foot charter School, Elementary or Secondary

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD)

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 8 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has determined that this request is consistent with the site's AGR FLU designation and the Plan. The request also complies with the prohibition that schools not be located west of SR7/US 441.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed site design also complies with all applicable portions of Art. 4.B., Supplementary Use Standards. The corresponding site design will comply with all of the supplementary standards of a charter school as outlined in Article 5.C.1. of the ULDC.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed School, Elementary or Secondary use is compatible with the surrounding uses in the area as the Comprehensive Plan notes that Institutional and Public Facilities uses shall be allowed in the AGR tier and the ULDC has created property development regulations and supplemental regulations which mitigate impacts to the community while allowing for the provision of a needed alternative concurrency item (education) within close proximity to the residents in the area.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed site design will not adversely impact the adjacent parcels or the public. The few existing and proposed residential uses to the north, south and east are separated from the proposed school use by the Boynton Beach Boulevard right of way or a 15 foot Type II Incompatibility landscape buffer internal to the subject parcel. To the north and east, the Amestoy AGR PUD is required to provide a 50' AGR landscape buffer where adjacent to the proposed school property and to the west, the civic parcel (place of worship) is required to provide a 25 foot wide landscape buffer.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

Environmental Resources Management (ERM) has determined that no significant environmental issues are associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed charter school will result in a logical, orderly, and timely development pattern in the area. The proposed site plan complies with the FAR percentage of .15 as allowed by the Comprehensive Plan and .15 Lot Coverage as allowed by the ULDC, as well as, the locational requirements mandated in the Plan for schools within the AGR tier. The proposed use will be compatible with the surrounding areas of the residential development and the future Boynton Beach Community Church.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for a 2,100 student, 87,688 square foot charter School, Elementary or Secondary.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The applicant indicates that a changed condition has been created by the construction of approved AGR PUD's in this area of Palm Beach County. While the approval of these PUD's and the increase in school age children in this area of the County was proposed to be mitigated by the donation of 33 acres of land to the Palm Beach County School District by one of the larger developers, GL Homes, the construction of the anticipated middle school has not been scheduled by the District. In addition, several years ago the School District redrew the boundaries for the residential developments located west of the Florida Turnpike in most of the northern portion of the Agricultural Reserve area to Olympic Heights High School (from the local Park Vista High School) due to overcrowding. This created a situation where students from this area of the County were placed within the boundaries of a high school which is a considerable distance from the residential developments. High school age children must be at their assigned bus stop at 6:15 AM for Olympic Heights High School (and don't return home until late afternoon). The provision for an alternative choice in schools will help alleviate the impact of the distance and travel time has on the families in this area of the county.

CONDITIONS OF APPROVAL

EXHIBIT C

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site plan is dated May 10, 2012. 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 all Phase one buildings shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be designed to be generally consistent with the facade elevations prepared by Civica and dated March 26, 2012. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - 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, 2022. 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-Eng)

2. Prior to the issuance of the first building permit, the property owner shall provide to Florida Department of Transportation (FDOT) by deed additional right of way for the construction of a right turn lane on Boynton Beach Boulevard at the project's entrance. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. The right of way should be continued across the project entrance and shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, including, at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDG PERMIT: MONITORING-Eng)

3. The Property Owner shall construct:

i) a right turn lane east approach on Boynton Beach Blvd. at the project entrance, 500 feet in length with a 50-ft taper or as approved by FDOT and

ii) a left turn lane west approach on Boynton Beach Blvd. at the project entrance, 350 feet in length with a 50-ft taper and any associated median modifications or as approved by FDOT. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall permit, fund, install and have operational the traffic signal at Boynton Beach Blvd. and the project entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition. (CO: MONITORING-Eng)

5. Pursuant to the traffic operations plan submitted by the applicant, the school must operate with staggered arrival and dismissal times for the high school and middle school students, separated by a minimum of one (1) hour or as approved by the County Engineer. (ONGOING: ENGINEERING-Eng)

6. 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. (BLDG PERMIT: MONITORING-Eng)

7. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall provide releases from easement beneficiaries for construction of any portion of a proposed wall within easements along Boynton Beach Boulevard. (DRO: ENGINEERING - Eng)

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. Lighting utilized for the illumination of ball fields is excluded from this requirement. (BLDG PERMIT: BLDG - Zoning)

2. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)

PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

PLANNING

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the architectural plans shall match the site plan, for a total of 87,688 square feet, not to exceed the maximum FAR of 0.15. (DRO-PLANNING-Planning)

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 (CO); 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; 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 (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.

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 OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

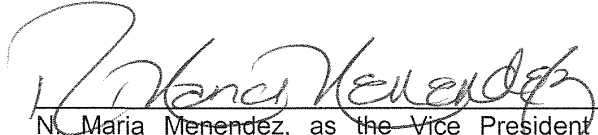
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of Boynton Beach XXII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership, who being by me first duly sworn, under oath, deposes and states as follows:

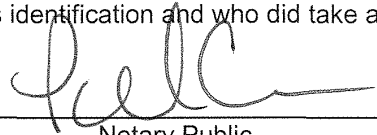
1. Affiant is the Vice President of Boynton Beach XXII Corporation, a Florida corporation (the "General Partner"), the general partner of Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (collectively, the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and, to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


 N. Maria Menendez, as the Vice President of Boynton Beach XXII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership

The foregoing instrument was acknowledged before me this 14 day of February, 2012, by N. Maria Menendez, as the Vice President of Boynton Beach XXII Corporation, a Florida corporation, the general partner of Boynton Beach Associates XXII, LLLP, a Florida limited liability limited partnership, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



 Notary Public
 Paola Cameron
 (Print Notary Name)

NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: _____

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION:
AMESTOY CHARTER SCHOOL SITE

BEING A PORTION OF TRACTS 93, 94 105 AND 106 AND A PORTION OF ROAD, DYKE AND DITCH RESERVATION, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 95 OF SAID BLOCK 51; THENCE SOUTH 00°57'00" EAST, ALONG THE EAST LINE OF SAID TRACT 95, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89°03'00" EAST, A DISTANCE OF 506.43 FEET; THENCE SOUTH 00°57'00" EAST ALONG A LINE 476.43 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALELL WITH THE WEST LINE OF SAID TRACTS 94 AND 105, A DISTANCE OF 1204.17 FEET THENCE SOUTH 89°02'44" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD ACCORDING TO OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS, A DISTANCE OF 506.43 FEET; THENCE NORTH 00°57'00" WEST ALONG THE EAST LINE OF TRACTS 95 AND 104 OF SAID BLOCK 51, A DISTANCE OF 1204.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.000 ACRES, MORE OR LESS.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

2. Maya Ezratti-Rosenblum, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

5. AmFin Financial Corporation (f/k/a AmTrust Financial Corporation) having an address of 25700 Science Park Drive, Landmark Center, Suite 365, Beachwood, Ohio 44122, a debtor under Bankruptcy Case No. 09-21323 pending in the United States Bankruptcy Court for the Northern District of Ohio, through its wholly owned subsidiary, Amtrust Real Estate Investments, Inc.