

RESOLUTION NO. R-2002-1258

RESOLUTION APPROVING ZONING PETITION CA2002-018
CLASS A CONDITIONAL USE (PRIVATE SCHOOL)
PETITION OF THE KING'S ACADEMY AND PALM BEACH COUNTY PREM
BY KILDAY AND ASSOCIATES, AGENT
(KING'S ACADEMY & PBC PARK AT SANSBURY WAY)

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 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A 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 CA2002-018 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 2002; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 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 CA2002-018, the petition of The King's Academy and Palm Beach County PREM, by Kieran J. Kilday, agent, for a Class A conditional Use to allow a private school in the Institutional and Public Facilities Zoning District, 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 , subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	Aye
Carol A. Roberts, Vice Chair	Absent
Karen T. Marcus	Aye
Mary McCarty	Aye
Burt Aaronson	Absent
Tony Masilotti	Absent
Addie L. Greene	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 2002.

Filed with the Clerk of the Board of County Commissioners on 21 day of August, 2002.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: [Signature]
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK

BY: [Signature]
DEPUTY CLERK

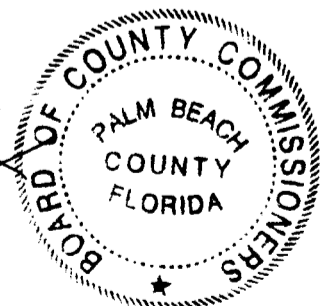


EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTIONS 29 AND 32, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING PORTIONS OF TRACTS 8, 12, 13, 16, AND 17, AND THE 30' PLATTED ROADS ABUTTING SAID TRACTS, IN BLOCK 2 OF PALM BEACH FARMS COMPANY PLAT NO.3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE PLAT OF OAK-LAND PARK, RECORDED IN PLAT BOOK 55, PAGE 198 OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST BOUNDARY OF SAID PLAT, S00°55'40"E FOR 1053.65 FEET TO A LINE LYING 189.00 FEET NORTH OF, AND PARALLEL WITH, THE NORTH LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-3, AS SHOWN ON ROAD PLAT BOOK 4, PAGE 96, OF SAID PUBLIC RECORDS; THENCE ALONG SAID PARALLEL LINE S89°01'45"W FOR 165.00 FEET TO A LINE LYING 165.00 FEET WEST OF, AND PARALLEL WITH, THE SAID WEST BOUNDARY OF THE PLAT OF OAK-LAND PARK; THENCE ALONG SAID PARALLEL LINE, S00°55'40"E FOR 189.00 FEET TO THE SAID NORTH LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-3; THENCE ALONG SAID NORTH LINE, S89°01'45"W FOR 1472.71 FEET TO THE EAST RIGHT-OF-WAY OF SANBURY'S WAY (RUBIN ROAD) AS SHOWN ON PALM BEACH COUNTY ENGINEERING DEPARTMENT DRAWING NO.3-79-561R/W; THENCE ALONG SAID EAST RIGHT-OF-WAY FOR THE FOLLOWING COURSES:

THENCE N00°55'26"W FOR 201.35 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1105.92 FEET; THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 33°07'27" FOR 639.36 FEET TO A POINT OF TANGENCY; THENCE N32°12'01"E FOR 502.91 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1185.92 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 2°38'38" FOR 54.72 FEET TO THE SOUTH LINE OF "O-S" TRACT 5, BREAKERS WEST PLAT NO.2, RECORDED IN PLAT BOOK 36, PAGE 31 OF SAID PUBLIC RECORDS;

THENCE ALONG SAID SOUTH LINE, N89°03'11"E FOR 134.13 FEET TO THE SOUTHEAST CORNER OF SAID "O-S" TRACT 5; THENCE ALONG THE EAST LINE OF SAID "O-S" TRACT 5, N00°56'49"W FOR 336.90 FEET TO THE SAID EAST RIGHT-OF-WAY, BEING A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1185.92 FEET, WHERE A RADIAL LINE BEARS N78°01'55"W; THENCE NORTHEASTERLY, ALONG SAID CURVE AND RIGHT-OF-WAY TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°54'54" FOR 267.31 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY, N00°56'49"W FOR 136.22 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, N89°02'41"E FOR 990.36 FEET TO THE NORTHERLY EXTENSION OF THE SAID WEST BOUNDARY OF THE PLAT OF OAK-LAND PARK; THENCE ALONG SAID NORTHERLY EXTENSION, S00°55'40"E FOR 768.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 59.844 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

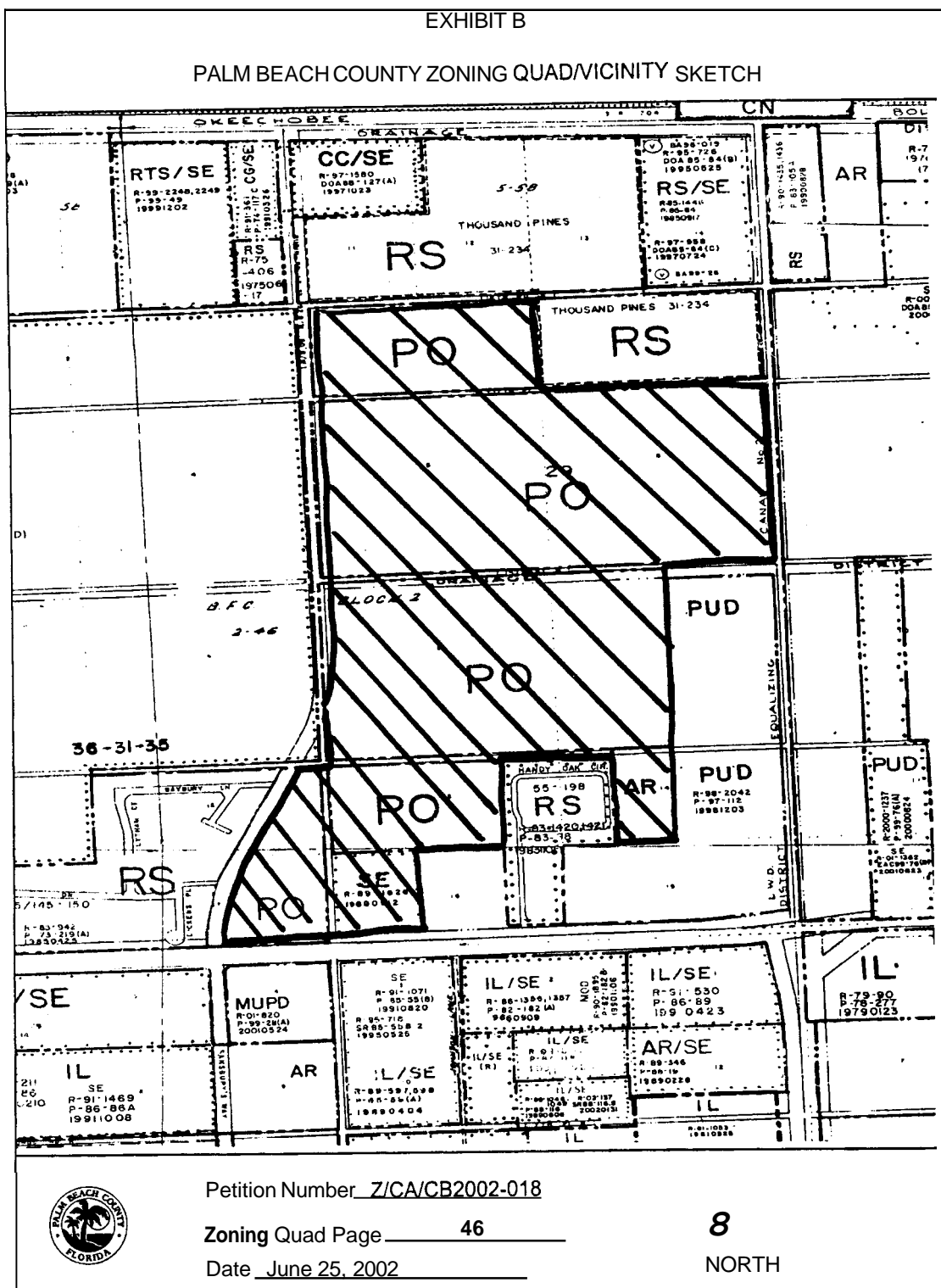


EXHIBIT C

CONDITIONS OF APPROVAL FOR SCHOOL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plans is dated June 25, 2002. 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. ARCHITECTURAL

- 1 At time of submittal for final DRC certification, revised architectural elevations for all buildings for Phase I shall be submitted for final architectural review and approval. The site plan shall be designed to be consistent with Sec. 6.6.E of ULDC, except where waivers have been approved. (DRC: ARCH. REVIEW – Zoning)
2. All remaining buildings and structure for Phase II and III shall be reviewed and approved by Architectural Review section of the Zoning Division prior to building permit application. (BLDG PERMIT: BLDG –Zoning)
3. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure. (ARCH. REVIEW/BLDG PERMIT: ZONING – Zoning)
4. Design of gutters and downspouts shall be architecturally integrated into the architectural design of the building. Painting of the gutters and downspout shall not constitute architectural integration;(ARCH. REVIEW/BLDG PERMIT: ZONING – Zoning)

C. BUILDING AND SITE DESIGN

1. All outdoor athletic fields and/or facilities shall be setback a minimum of fifty (50) feet from any abutting residential property line, unless variance relief is obtained. (DRC: ZONING – Zoning)
2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one-hundred (100) feet of all residential property lines. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

D. ENVIRONMENTAL RESOURCE MANAGEMENT

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING/DRC: ERM/ZONING – ERM)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on:

- Belvedere Road at the project's entrance road

- Sansbury Way at the Project's south entrance
- The property owner shall convey additional right-of-way for a right turn lane on Sansbury's Way at the School's north entrance.

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING – Eng)

2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Sansbury's Way to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG. PERMIT: MONITORING – Eng)
3. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection along Belvedere Road at Sansbury's Way, to permit the construction of a right turn lane east approach. Right of way shall be conveyed on or before January 15, 2004 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be a minimum of 280 feet in length, 12 feet wide and a taper length of 50 feet and shall be free of all encumbrances and encroachments. Any required additional conveyance to the Lake Worth Drainage District for the relocation of the LWDD L3 Canal shall also be provided as part of this requirement. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. 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 provisions for Expanded Intersection Details and "Corner Clips." (DATE/BLDG. PERMIT: MONITORING – Eng)
4. The Property owner shall construct:
 - a) Right turn lane south approach on Sansbury's Way at the School's north and south entrance;
 - b) Sansbury's Way as a 3 lane section from Belvedere Road north to a point 280 feet north of the school's north entrance to include left turn lanes at both entrances to the School;
 - c) Right turn lane east approach on Belvedere Road at the projects entrance road;
 - d) 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;
 - e) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit; and (BLDG PERMIT: Monitoring – Eng)
 - f) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

5. Prior to the issuance of the first building permit or prior to January 15, 2004 whichever shall first occur the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum 400 feet of these adjacent roadway(s) concurrent with Phase 1 construction of the school site. The limits of this additional 400 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (BLDG PERMIT/DATE: MONITORING – Eng)

6. Landscape within Median of County's Roads:

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road consisting of:

- median landscaping

This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING – Eng)

B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or

assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility or a funding program established by the Board of County Commissioners, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the first Building Permit. (BLDG PERMIT: ENG – Eng)
- D. The property owner may fulfill this Condition by opting to participate in the County's OTIS Program (Only Trees, Irrigation and Sod) as administered by the County Engineer. (ENGINEERING)

- 7. In order to comply with the mandatory Traffic Performance Standards, this School shall be restricted to the following phasing schedule:
 - a. The school shall operate no more than 180 weekdays per year or a school year or as established by the Department of Education;
 - b. The Summer Camp Program shall operate no more than 45 weekdays per year; and
 - c. The County Engineer, based upon an approved Traffic Study, may approve revisions to the maximum number of days of operation, which complies, with Mandatory Traffic Performance Standards and Provisions of the Zoning Code in place at the time of the request. (ONGOING: ENG – Eng)
- 8. A five (5) to six (6) foot wide asphalt pathway shall be constructed within the Sansbury's Way right-of-way (east side) from Belvedere Road north to the project's north boundary concurrent with phase one construction of the school. (CO: MONITORING – Eng)

F. FAA

- 1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall submit documentation to the Zoning Division that demonstrates that the proposed facility does not violate Federal Aviation Administration (FAA) or Florida Department of Transportation regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS – Zoning)

G. HEALTH

- 1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDG PRMT: HEALTH/BLDG – Health)

H. LANDSCAPING – ALTERNATIVE PLAN

1. Prior to issuance of the first certificate of occupancy an alternative landscape plan may be submitted for any perimeter buffer, including the shared property line between the private school and the district park. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING – STANDARD

1. Fifty (50%) percent of trees required to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. Tree height: Fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
 - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE – Zoning)
3. All shrub or hedge materials in the perimeter buffer shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
 - d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence. (CO: LANDSCAPE – Zoning)
4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
6. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)
7. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:
 - a. Prior to issuance of building permits, an alternative landscape plan demonstrating native preserve area vegetation will meet the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and

- b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (BLDG PRMT: LANDSCAPE – Zoning)

J. LANDSCAPING – INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. (DRC: ZONING – Zoning)
2. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb, with exceptions to medians with sidewalks. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (DRC/CO: ZONING/LANDSCAPE – Zoning)
3. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRC/CO: ZONING/LANDSCAPE – Zoning)
4. Foundation planting or grade level planters shall be upgraded along the front and side facades of all structures, as follows:
 - a. Minimum width: Eight (8) feet;
 - b. Length: No less than fifty (50%) percent of the total length of the specified sides of each structure;
 - c. One (1) multi-trunk tree for each one-hundred (100) feet of building façade;
 - d. Minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover;
 - e. Facades fronting on the interior of the school courtyard, the bus maintenance facility, and all accessory structures supporting athletic fields, courts, track and pool uses shall be excluded from this requirement. (DRC/CO: ZONING/LANDSCAPE – Zoning)

K. LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANSBURY'S WAY FRONTAGES)

1. Landscaping along the west property line abutting Sansbury's Way and Breakers West Open Space tract, shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide right-of-way buffer strip. No width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from finished grade, along the south 1,340 feet of frontage (from the triangular shaped out parcel south to Belvedere Road). Field adjustment of berm may be permitted to ensure preservation of existing native vegetation;
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each twenty-five (25) linear feet of property line;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

2. Landscaping along the south property line abutting Belvedere Road, shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide right-of-way buffer strip. No width reduction shall be permitted;
 - b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from finished grade. Field adjustment of berm may be permitted to ensure preservation of existing native vegetation;
 - c. One (1) canopy tree for each thirty (30) linear feet of property line;
 - d. One (1) palm or pine for each twenty-five (25) linear feet of property line;
 - e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
 - f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
 - g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE – Zoning)

L. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES /ABUTTING OAKLAND PARK AND REMNANT PARCEL)

1. Landscaping along the south and east property lines abutting Oakland Park and remnant parcel, shall be upgraded to include:
 - a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;
 - b. A six (6) foot high black or green vinyl coated chain link fence to be installed at top of berm. The fence may be relocated subject to approval by the Oakland Park Homeowners Association. Fences may be field adjusted to ensure preservation of existing native vegetation;
 - c. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade. Berms may be field adjusted to ensure preservation of existing native vegetation;
 - d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on each side of the required fence;
 - e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on each side of the required fence, unless an alternative landscape plan is approved. (CO: LANDSCAPE – Zoning)
2. The following landscaping shall be required on the exterior side of the required fence:
 - a. One (1) large shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches and maintained at a minimum height of seventy-two (72) inches. (CO: LANDSCAPE – Zoning)
3. The following landscaping shall be required on the interior side of the required fence:
 - a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
 - b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO: LANDSCAPE – Zoning)

M. LIGHTING

1. All outdoor lighting used to illuminate the subject property, and identification signs, excluding athletic fields only, shall be of the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures excluding athletic facilities only, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF-Zoning)
5. Setbacks for freestanding lighting fixtures along the east property line abutting Oakland Park, shall be as follows:
 - a. Football field lighting: ninety (90) feet for field lighting and fifty-five (55) feet for bleacher lighting; and
 - b. Baseball field lighting: forty-five (45) feet. (DRC/BLDG PERMIT: ZONING/BLDG – Zoning)
6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. Height of the athletic field lights shall not exceed the heights as shown on the plan dated June 25, 2002. All heights shall be measured from finished grade to highest point. (CO/ONGOING: BLDG/CODE ENF – Zoning)

N. SIGNAGE

1. Freestanding signs (excluding directional signage) located on Sansbury's Way, shall be limited as follows:
 - a. Maximum sign height: Ten (10) feet;
 - b. Maximum sign face area per side: Seventy-five (75) square feet;
 - c. Maximum number of signs: One (1);
 - d. Location: Within one hundred (100) feet of the main entrance on Sansbury's Way;
 - e. Style: Monument only; and
 - f. Signs shall be limited to project identification and changeable copy as permitted by the ULDC unless variance relief is obtained. (CO: BLDG – Zoning)
2. Freestanding signs (excluding directional signage) located on Belvedere Road, shall be limited as follows:
 - a. Maximum sign height: Twelve (12) feet;
 - b. Maximum sign face area per side: Seventy-five (75) square feet;
 - c. Maximum number of signs: One (1);
 - d. Location: Within one hundred (100) feet of the Belvedere Road entrance;
 - e. Style: Monument only; and
 - f. Signs shall be limited to project identification and changeable copy as permitted by the ULDC unless variance relief is obtained. (CO: BLDG – Zoning)

3. Freestanding signs (excluding directional signage) located at the intersection of Belvedere Road and Sansbury's Way, shall be limited as follows:
 - a. Maximum sign height: Six (6) feet;
 - b. Maximum sign face area per side: Forty-five (45) square feet;
 - c. Maximum number of signs: One (1);
 - d. Location: Within two-hundred (200) feet of the intersection of Belvedere Road and Sansbury's Way;
 - e. Style: Entrance wall sign only; and
 - f. Signs shall be limited to project identification and honorarium. (CO: BLDG – Zoning)

4. Wall signage shall be limited as follows:
 - a. South and west facades of private school with lettering size not to exceed twenty-four (24) inches in height;
 - b. East and west façades of day care facility with lettering size not to exceed eighteen (18) inches; and
 - c. Project identification, honorarium and building name/use. (CO: BLDG – Zoning)

O. SURVEY

1. Prior to issuance of Technical Compliance the Petitioner shall provide to the Survey Section evidence of an abandonment or evidence of clear title to the underlying Palm Beach Farms road rights-of-way within the boundary of this project on the map sheet of the Survey. (TC: ENG – Survey)

P. USE LIMITATIONS

1. The day care center shall be limited to a maximum of two-hundred (200) children. (ONGOING: HEALTH – Zoning)
2. Hours of operation for outdoor day care activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday and Sunday. (ONGOING: CODE ENF – Zoning)
3. The private school shall be limited to a total of one-thousand seven-hundred and twenty-five (1,725) students. (ONGOING: CODE ENF – Zoning)
4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site, with exception to sporting events, emergencies, bells announcing start/end of classes and fire drills. (ONGOING: CODE ENF – Zoning)
5. Overnight storage or parking of school buses shall not be permitted on site, except within the designated school bus loading, storage and maintenance areas. (ONGOING: CODE ENF – Zoning)
6. No bus maintenance activities shall be audible off site between the hours of 6:00 p.m. and 7:00 a.m. (ONGOING: CODE ENF – Zoning)
7. No music shall be audible off site between the hours of 8:00 p.m. and 8:00 a.m. with exception to band competitions and music associated with sporting events. (ONGOING: CODE ENF – Zoning)

Q. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING – Zoning)