

RESOLUTION NO. R-2003-0757

RESOLUTION APPROVING ZONING PETITION DOA2001-057A  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF THE WILLIAM CHINNICK CHARITABLE FOUNDATION INC.  
BY ROBERT BENTZ, AGENT  
(ST. JOSEPH'S EPISCOPAL SCHOOL)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA2001-057A was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2003; and

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

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the 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 DOA2001-057A, the petition of The William Chinnick Charitable Foundation Inc., by Robert Bentz, agent, for a Development Order Amendment to modify/delete condition(s) of approval and add students on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 22, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

|                               |   |        |
|-------------------------------|---|--------|
| Karen T. Marcus, Chair        | - | Nay    |
| Tony Masilotti, Vice Chairman | - | Absent |
| Jeff Koons                    | - | Aye    |
| Warren H. Newell              | - | Aye    |
| Mary McCarty                  | - | Absent |
| Burt Aaronson                 | - | Aye    |
| Addie L. Greene               | - | Aye    |

The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 2003.

Filed with the Clerk of the Board of County Commissioners on 3 day of June, 2003

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

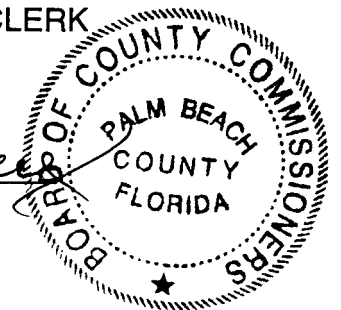
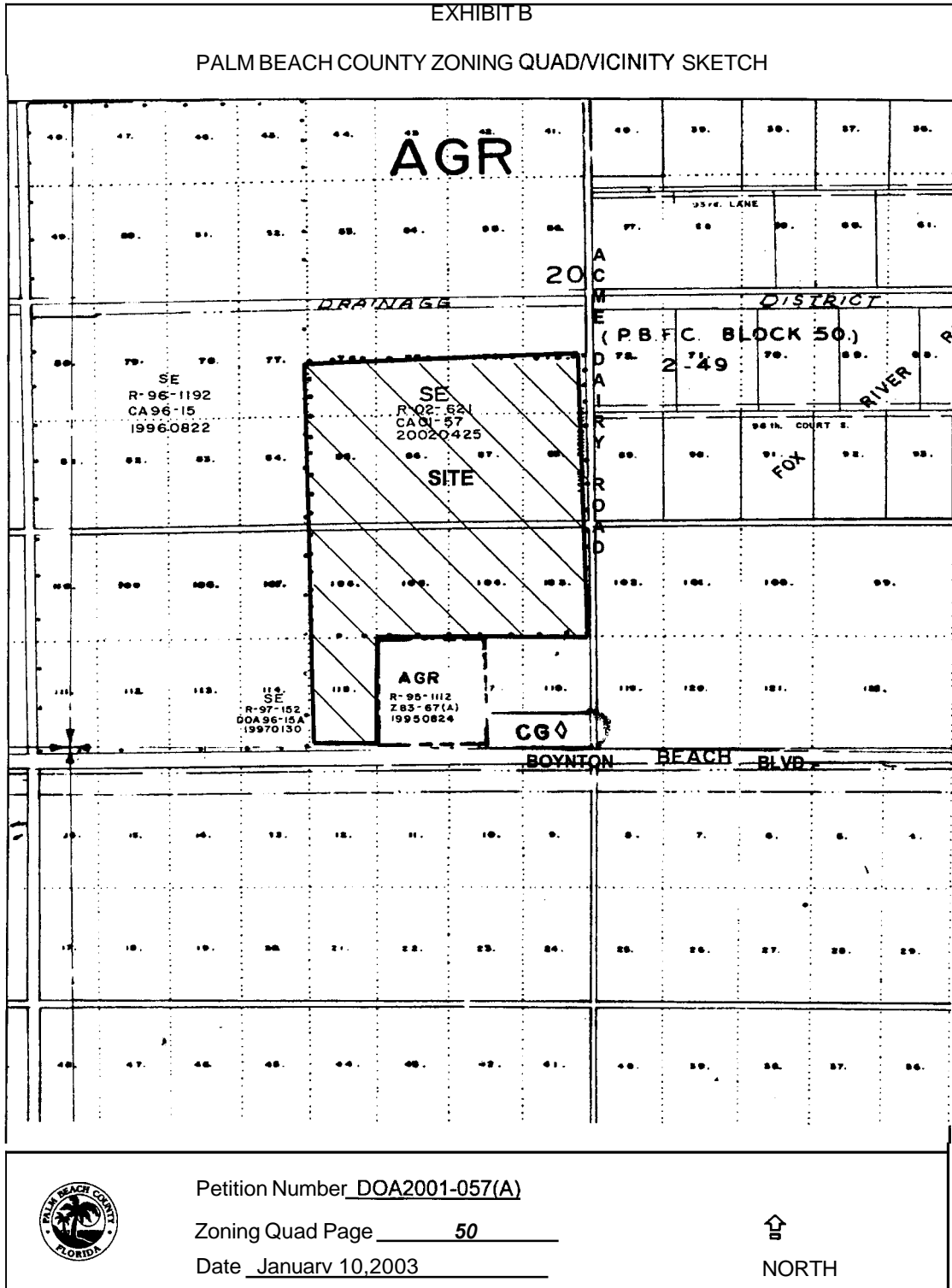


EXHIBIT A  
LEGAL DESCRIPTION

TRACT 73 THROUGH 76, INCLUSIVE, LESS THE NORTH 352.50 FEET THEREOF, AND TRACTS 85 THROUGH 88, INCLUSIVE, TRACTS 103 THROUGH 106, INCLUSIVE, TRACT 115, LESS THE SOUTH 30 FEET OF SAID TRACT 115 AND LESS THAT PORTION OF TRACT 115 AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THAT 30 FOOT PLATTED ROADWAY LYING BETWEEN TRACTS 85 THROUGH 88 AND 103 THROUGH 106, ALL IN BLOCK 50 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 49, PALM BEACH COUNTY RECORDS.

CONTAINING 54.95 ACRES, MORE OR LESS.

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. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-0621 (Petition 2001-057) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Condition A.1 of Resolution R-02-0621, Petition 01-057 which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 9, **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)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated December 19, 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-Zoning)

3. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan to limit development phases to a maximum of two phases. (DRC:ZONING-Zoning) (Previous Condition **A.2** of Resolution R-02-0621, Petition 01-057). Note: Completed.

#### B. ARCHITECTURAL CONTROL

1. At time of submittal for final DRC certification of the site plan, the architectural elevations for all the Phase **1** buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Prior to the issuance ~~of~~ the Building **permit(s)** of the remaining buildings, architectural elevations shall be submitted to the Architectural Review Section, Zoning Division for review and approval. Elevations shall be designed to be consistent with the Boynton Beach Turnpike Interchange Corridor, Design Guidelines & Standards for Future Development dated November 12, **1996**, and the Architectural Design Guidelines adopted by the BCC on July **24,2001**. Development shall be consistent with the approved architectural elevations. (DRC: ZONING/BLDG PERMIT -Zoning) (Previous Condition B.1 of Resolution R-02-0621, Petition 01-057)

C. BUILDING AND SITE DESIGN

1. Prior to final DRC certification of the site plan, a pedestrian walkway with amenities shall be provided on the site. Such amenities shall have a direct connection to the pedestrian system within the project; including, but not limited to, benches, shaded structures or similar recreation amenity subject to approval of the Zoning Division. (DRC: ZONING-Zoning) (Previous Condition C.1 of Resolution R-02-0621, Petition 01-057)
2. Condition C.2 of Resolution R-02-0621, Petition 01-057) which currently states:

Prior to final DRC certification of the site plan, the petitioner shall indicate the future vehicular/pedestrian connections to the parcel directly adjacent to the west property line on the site plan. The petitioner is required to provide a vehicular/pedestrian access to the adjacent west property, and the proposed location shall be a minimum of six hundred (600) feet north of the south property line. (DRC:ZONING – Zoning)

Is hereby amended to read:

Prior to final DRC certification of the site plan, the petitioner shall indicate on the site plan, and shall provide the following:

- a. a minimum of two (2) future vehicular/pedestrian connections to the adjacent west parcel(s). The proposed access points shall be located at approximately three (300) hundred feet and at approximately six hundred and fifty (650) feet north of the south property line. (DRC:ZONING – Zoning)

D. LANDSCAPING - STANDARD

1. Trees to be planted in the Boynton Beach Boulevard right-of-way 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.
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning) (Previous Condition D.1 of Resolution R-02-0621, Petition 01-057)
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) (Previous Condition D.2 of Resolution R-02-0621, Petition 01-057)

3. All trees, palms and **shrub/hedge** material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition D.3 of Resolution R-02-0621, Petition 01-057)
4. All shrub materials shall be planted in overlapping 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:
  - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. **thirty (30) to thirty-six (36) inches** – medium shrub; and,
  - c. forty-eight (48) to sixty (60) inches – large shrub, unless specified herein. (CO: LANDSCAPE - Zoning) (Previous Condition D.4 of Resolution R-02-0621, Petition 01-057)

E. ENGINEERING

1. Prior to the issuance of the first Building Permit, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
  - a. Acme Dairy Road, 40 feet from centerline,
  - b. Boynton Beach Boulevard 60 feet from centerline
 free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1 of Resolution R-02-0621, Petition 01-057)
2. Condition E.2 of Resolution R-02-0621, Petition 01-057 which currently states:

When right-of-way to the south is available, this property owner shall construct a project's entrance onto Acme Dairy Road. The Property owner shall also construct:

- A. Acme Dairy Road as a 3 lane section from the project's entrance to Boynton Beach Boulevard. This construction shall also include a closed piping system for the existing roadside swale along the west side of Acme Dairy Road.
- B. Right Turn Lane North Approach on Acme Dairy Road at Boynton Beach Boulevard.
- C. Separate through lane on Acme Dairy Road at Boynton Beach Boulevard.
- D. Five foot concrete pedestrian pathway along the west side of Acme Dairy Road from the project's entrance to Boynton Beach Boulevard.

- 1) This construction shall be concurrent with the construction of the project's access onto Acme Dairy Road. 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 for the improvements identified above.

- 2) Permits required by Palm Beach County for this construction shall be obtained prior to any construction work within the Acme Dairy Road right of way. (ENGINEERING)
- 3) The Property owner shall fund the construction of a right turn lane east approach on Boynton Beach Boulevard at Acme Dairy Road. Funding for this construction shall be based on a certified cost estimate provided by the developers Engineer and approved by the County Engineer. Funding shall include all construction costs, plan revision ~~changes~~ and the acquisition of any additional right-of-way for this right turn lane. Funding for the plan changes shall be completed prior to August 1, 2002. Funding for the construction of the right turn lane and/or any additional right-of-way shall be completed prior to the issuance of the first building permit or prior to April 1, 2003, whichever shall first occur. (DATE/BUILDING PERMIT: MONITORING - Eng). (Previous Condition E.2. of Resolution R-02-0621, Petition 01-057)

Is hereby amended to read:

When right-of-way to the south along Acme Dairy Road is available, this property owner shall construct a project's entrance onto Acme Dairy Road. The Property owner shall also construct:

- a. Acme Dairy Road as a 3-lane section from the project's entrance to Boynton Beach Boulevard. This construction shall also include a closed piping system for the existing roadside swale along the west side of Acme Dairy Road.
- b. Right Turn Lane North Approach on Acme Dairy Road at Boynton Beach Boulevard.
- c. Separate through lane on Acme Dairy Road at Boynton Beach Boulevard.
- d. Five foot concrete pedestrian pathway along the west side of Acme Dairy Road from the project's entrance to Boynton Beach Boulevard.
- e. 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 all construction costs for the improvements identified above.

Permits required by Palm Beach County for this construction shall be obtained prior to any construction work within the Acme Dairy Road right of way. (ENGINEERING)

3. The Property owner shall fund the construction of a right turn lane east approach on Boynton Beach Boulevard at the project's entrance. Funding for this construction shall be based on a certified cost estimate provided by the developers Engineer and approved by the County Engineer. Funding shall include all construction costs, plan revision changes and the acquisition of any additional right of way for this right turn lane. Funding for the plan changes shall be completed prior to August 1, 2002. (COMPLETED). Funding for the construction of this right turn lane and/or any additional right of way shall be completed prior to the issuance of the first building permit or prior to April 1, 2003, whichever shall first occur. (DATE/BUILDING PERMIT: MONITORING-Eng).



4. Condition E.3 of Resolution R-02-0621, Petition 01-057 which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a) Building Permits which would allow for more than:
  - 18,000 square foot Church,
  - 2,115 square foot security quarters,Private School with enrollment of no more than 73 students shall not be issued until the contract has been awarded for the construction of the 4 lane widening of Boynton Beach Boulevard from the Florida Turnpike to SR7 plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:  
Building Permits for more than:

- A. - 2,115 square foot security quarters and a,
  - Private School limited to an enrollment of no more than 166 students

shall not be issued until the contract has been let for the construction of Boynton Beach Boulevard from SR7 to the Florida Turnpike as a 4-lane section.

- B. Building permits for the 18,000 S.F. church may not be issued until the construction commences on the following roadway improvements:
  - a, Boynton Beach Boulevard as a 4-lane median divided section from SR7 to Lyons Road.
  - b, Boynton Beach Boulevard as a 6-lane median divided section from Lyons Road to the Florida Turnpike.
  - c. Lyons Road as a 4-lane median divided section from Boynton Beach Boulevard to Hypoluxo Road. This improvement has been funded as is considered assured.
  - d. Construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road.
- C. No further building permits may be issued after December 31, 2005. 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 Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng).

5. Prior to November 22, 2003 the property owner shall fund the design; right of way acquisition; and the Construction Engineering, Inspection Costs as well as the construction of

- A, Boynton Beach Boulevard as a 6-lane median divided section from Lyons Road to the Florida Turnpike.
- B. Construction of Woolbright Road as a 2 lane section from Hagen Ranch Road to Jog Road.

Funding for these improvements shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS) (DATE: MONITORING-Eng)

- 6. Condition E.4 of Resolution R-02-0621, Petition 01-057 which currently states:

At the time of the construction of the project's entrance road onto Acme Dairy Road the Property Owner shall fund a proportionate cost of signal installation if signalization has not been installed at Boynton Beach Blvd. & Acme Dairy Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Amount of the funding for this signalization shall be determined by the County Engineer. If signalization is already existing at Boynton Beach Blvd. & Acme Dairy Road, the property owner shall fund the cost of signal modifications at this intersection. Amount of the funding for this signal modification shall be determined by the County Engineer. (ENGINEERING) (Previous Condition E.4 of Resolution R-02-0621, Petition 01-057)

Is hereby amended to read:

Prior to the issuance of a building permit the property owner shall fund the amount of \$50,000 toward the cost of signal installation if signalization has not been installed at Boynton Beach Blvd. & Acme Dairy Road. (BLDG PERMIT:MONITORING-Eng)

- 7. The Developer shall plat this subject property, plus the overall parent tract, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.5 of Resolution R-02-0621, Petition 01-057)
- 8. Prior to the issuance of a building permit the developer shall provide documentation that adequate provisions for westbound U turn movements on Boynton Beach Boulevard at its intersection with Lyons Road has been accommodated for during the widening of Boynton Beach Boulevard. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6 of Resolution R-02-0621, Petition 01-057)
- 9. The petitioner shall provide a secondary access from the site onto Acme Dairy Road subject to the approval of the County Engineer. In addition, the property owner shall convey a cross access easement to the property owner to the west. Location of this easement shall be approved by the County Engineer and shall be shown on the final site plan. Form and content shall be approved by the County Attorney prior to recordation. (DRC:ENGINEERING- Eng)

F. ENVIRONMENTAL RESOURCES 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:ERM-ERM)

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF BOYNTON BEACH BOULEVARD)

1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. a minimum of fifty (50) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree for each twenty (20) linear feet of the property line;
  - c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between
  - d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
  - f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE- Zoning) (Previous Condition F.I of Resolution R-02-0621, Petition 01-057)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE EAST 990 FEET OF THE SOUTH PROPERTY LINE, THE EAST PROPERTY AND THE NORTH 960 FEET OF THE WEST PROPERTY LINE (ABUTTING AGRICULTURAL RESERVE AND ACME DAIRY ROAD)

1. Landscaping and buffering along the north property line, the east-990 feet of the south property line, the east property line, and the north 970 feet of the west property line shall be upgraded to include:
  - a. a minimum twenty-five (25) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted; and,
  - b. a six (6) foot high black vinyl coated chain link fence for the east 990 feet of the south property line, and portion of the west property line (south of the retention area, measuring a minimum of 1,250 linear feet). A maximum of two openings with gates may be permitted for pedestrian and maintenance access for each property line. Opening may not exceed eight (8) foot in width. (CO: LANDSCAPE - Zoning) (Previous Condition G.I of Resolution R-02-0621, Petition 01-057)
2. The following landscaping requirements shall be installed in the buffers:
  - a. one (1) canopy tree for each thirty (30) feet of the property line;
  - b. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
  - c. one (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation;
  - d. one (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;

- e. one (1) large shrub for each eight (8) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE- Zoning) (Previous Condition G.2 of Resolution R-02-0621, Petition 01-057)

I. LANDSCAPING - INTERIOR

- 1. Condition H.1 of Resolution R-02-0621, Petition 01-057 which currently states:

Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE-Zoning)

Is hereby amended to read:

Foundation planting or grade level planters shall be provided along the front and any two facades of the following structures: Church; Theatre; Gymnasium; Learning Resource Centre; Administration; Arts & Sciences: Education, and to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet;
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE-Zoning)

- 2. Condition H.2 of Resolution R-02-0621, Petition 01-057 which currently states:

A minimum of fifteen (15) foot wide landscape median shall be provided along the south 1,335 feet of the west property line. Openings shall be permitted to allow vehicular/pedestrian access to the adjacent western parcel(s). Planting for the median shall consist of the following:

- a. One (1) Palm for each ten (10) linear feet of the median;
- b. One (1) flowering trees for each twenty (20) linear feet of the median;
- c. One (1) small shrub for each two (2) linear feet of the property line; and,
- d. One (1) medium shrub for each four (4) linear feet of the property line. (CO:LANDSCAPE-Zoning)

Is hereby amended to read:

A minimum of fifteen (15) foot wide landscape median shall be provided along the south, approximately 1,327.5 feet of the west property line.

Openings shall be permitted to allow vehicular/pedestrian access to the adjacent western parcel(s). Planting for the median shall consist of the following:

- a. One (1) Palm for each ten (10) linear feet of the median;
- b. One (1) flowering trees for each twenty (20) linear feet of the median;
- c. One (1) small shrub for each two (2) linear feet of the property line. Shrub to be a minimum height of eighteen (18) inches at installation;
- d. One (1) medium shrub for each four (4) linear feet of the property line. Shrub to be a minimum height of twenty-four (24) inches at installation. (CO:LANDSCAPE-Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs, shall be of 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) (Previous Condition 1.1 of Resolution R-02-0621, Petition 01-057)
2. All outdoor, freestanding lighting fixtures, excluding athletic fields only, shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING-Zoning) (Previous Condition 12 of Resolution R-02-0621, Petition 01-057)
3. All outdoor, freestanding lighting fixtures for the ball fields and ball courts shall be setback seventy-five (75) feet from all property lines (DRC/BLDG PERMIT: ZONING-Zoning) (Previous Condition 13 of Resolution R-02-0621, Petition 01-057)
4. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF-Zoning) (Previous Condition 14 of Resolution R-02-0621, Petition 01-057)
5. 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) (Previous Condition 15 of Resolution R-02-0621, Petition 01-057)
6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. The athletic field lights shall not exceed sixty (60) feet in height, measured from finished grade to highest point. (CO/ ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition 16 of Resolution R-02-0621, Petition 01-057)

K. PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 35 from the West Boynton Area Community Plan, the petitioner shall provide cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation for the pathways shown on the campus site with the exception of the covered walkway areas. (DRC: PLANNING-Planning) (Previous Condition J.1 of Resolution R-02-0621, Petition 01-057)

L. SIGNS

1. Condition K.1 of Resolution R-02-0621, Petition 01-057 which currently states:

Freestanding point of purchase signs fronting on Boynton Beach Boulevard-shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side – sixty (60) square feet;
  - c. maximum number of signs - one (1) pair;
  - d. style - monument style only; and,
  - e. location - on both sides of the main access point
- Signs shall be limited to identification of tenants only. (CO: BLDG-Zoning)

Is hereby amended to read:

Entry wall sign fronting on Boynton Beach Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
  - b. maximum sign face area per side – sixty (60) square feet;
  - c. maximum number of signs - one (1) pair;
  - d. style - monument style only; and,
  - e. location - on both sides of the main access point
- Sign shall be limited to identification of tenants only. (CO: BLDG-Zoning)

M. USE LIMITATION

1. Condition L.1 of Resolution R-02-0621, Petition 01-057 which currently states:

Total gross floor area shall be limited to a maximum of 134,841 square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage of any building or 1,000 square feet of any building, whichever is less, subject to approval by Traffic Division and DRC. (DRC: ZONING- Zoning)

Is hereby deleted. REASON: [proposed buildings square feet is shown on the approved site plan].

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four events per year, and shall be setback a minimum of one hundred (100) feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning) (Previous Condition L.2 of Resolution R-02-0621, Petition 01-057)

N. 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) (Previous Condition M.1 of Resolution R-02-0621, Petition 01-057)

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) (Previous Condition M.2 of Resolution R-02-0621, Petition 01-057)