

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2008-00290
(CONTROL NUMBER 2002-00052)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Poinciana Day School
BY Jon E Schmidt & Associates, AGENT
(Poinciana Day 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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/R-2008-00290 was presented to the Board of County Commissioners at a public hearing conducted on September 29, 2008; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOADOA/R-2008-00290, the application of Poinciana Day School, by Jon E Schmidt & Associates, agent, for a Development Order Amendment to a Development Order Amendment amending a Condition of Approval 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 September 29, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Robert Kanjian 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:

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Absent
Karen T. Marcus	-	Absent
Robert J. Kanjian	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Jess R. Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 29, 2008.

Filed with the Clerk of the Board of County Commissioners on 29th day of September, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on October 17, 2008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

SHARON BOCK, CLERK &
COMPTROLLER

BY:


DEPUTY CLERK

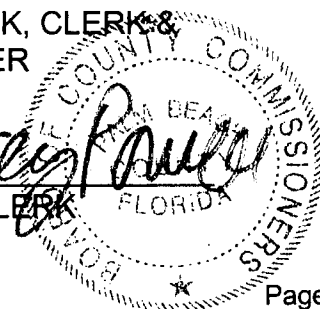


EXHIBIT A

LEGAL DESCRIPTION

TRACT CV, WELLINGTON VIEW SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 102, PAGES 40 THROUGH 47, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

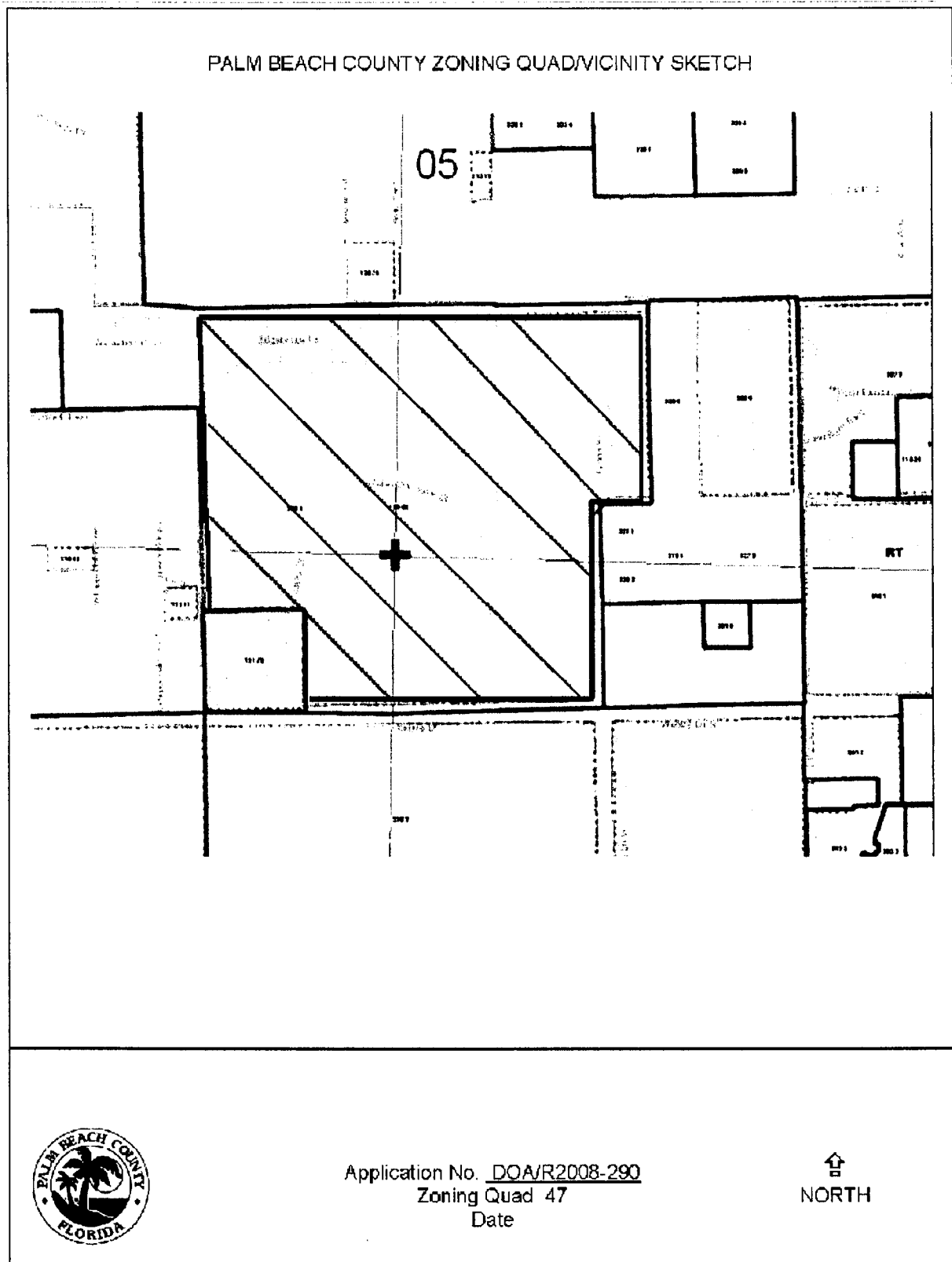


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0330 (Control 2002-052), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Condition A.1 of Resolution R-2003-0330, Control No. 2002-052, 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 Preliminary Development Plan is dated February 19, 2003. 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)

Is hereby amended to read:

Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated July 11, 2008, and the approved Preliminary Master Plan is dated February 19, 2003. 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)

ARCHITECTURAL REVIEW-CIVIC POD

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. 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)

CIVIC SITE DEDICATION

1. Condition O.1 of Resolution No. R-2003-00330, Control No. 2002-052 which currently states:

The 3.18 acre civic site shall be limited to public civic uses as defined in the ULDC, such as day care centers, churches, and any other civic uses (subject to the appropriate approval) as long as those uses are open to the general public. (ONGOING: PREM Prem)

Is hereby amended to read:

The 3.18 acre civic site shall be limited to public and private civic uses as defined in the ULDC, such as day care centers, churches, and any other civic uses (subject to the appropriate approval). (ONGOING: PREM Prem)

ENGINEERING

1. Prior to December 31, 2003, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

a. Lyons Road, one hundred (100) feet of right of way on an alignment approved by the County Engineer;

- b. Dillman Road, an additional twenty-six (26) feet of right-of-way along the project's north right of way line; and,
- c. 7th Place South, an additional fifteen (15) feet of right-of-way along the project's north right of way line.

This right of way shall be free of all encumbrances and encroachments on an alignment approved by the County Engineer within the projects limits. 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. (Previous Condition E1 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DATE/BLDG PRMT: MONITORING - Eng)

2. Prior to December 31, 2003, the property owner shall convey a roadway construction easement to Palm Beach County at the Projects Entrance Road(s). This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction by the applicant within this easement shall conform to 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. (Previous Condition E2 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DATE: MONITORING - Eng)

3. Prior to December 31, 2003, the property owner shall convey a temporary roadway construction easement along Lyons Road and Dillman Road 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 dedication documents shall be approved by the County Engineer prior to final acceptance. (Previous Condition E3 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DATE: MONITORING - Eng)

4. The Property owner shall fund the construction of a left turn lane south approach on Lyons Road at the projects entrance road. Funding for this construction shall be completed on or before December 31, 2003 based on a certified cost estimate provided by the Developer's Engineer, and approved by the County Engineer. 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. (Previous Condition E4 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DATE: MONITORING - Eng)

5. On or before December 31, 2003, 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 Lyons Road along the property frontage; and a maximum eight hundred (800) feet of these adjacent roadway(s). The limits of this additional eight-hundred (800) feet of drainage shall be determined by the County Engineer. Said easements shall be no less than twenty (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 twenty (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 twenty-four (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.

(Previous Condition E5 of Zoning Resolution R-2003-0330, Control Number 2002-052)
(DATE: MONITORING - Eng)

6. The Developer shall be restricted to the following phasing schedule:

- a. No Building permits may be issued until the contracts have been let for the construction of the two (2) laning of Lyons Road from Forest Hill Boulevard to Southern Boulevard. (BLDG PRMT: MONITORING - Eng)
- b. No certificates of occupancy shall be issued until two (2) lane-paved access to the site is provided from Lyons Road. (CO: MONITORING - Eng)
- c. Building permits for more than one hundred and two (102) single-family dwelling units and one (1) Church (maximum 10,000 square feet) shall not be issued until the contracts have been let for the eight (8) lane construction of Southern Boulevard from Royal Palm Beach Boulevard to Kirk Road. (BLDG PRMT: MONITORING - Eng)
- d. No building permits shall be issued after December 31, 2006 unless a time extension has been approved by the County Engineer based upon an approved Traffic Study which complies with the mandatory Traffic performance Standards in place at the time of the time extension request. (Previous Condition E6 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DATE: MONITORING - Eng)

7. The petitioner shall include in the homeowners' documents and all sales contracts, as well as all sales brochures, Master Plans and related Site Plans a disclosure statement identifying Lyons Road as a planned thoroughfare roadway adjacent to or through this property. This shall also include the ultimate number of lanes for the road(s). Information, which appears in written form shall appear in bold print.

The property owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and the Building Department. The next report shall be submitted on or before December 15, 2003, and shall continue on an annual basis until all units within the development have been sold or the developer relinquishes control to the homeowners association. (DATE: MONITORING - Eng)

The subject property shall be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (Previous Condition E7 of Zoning Resolution R-2003-0330, Control Number 2002-052) (BLDG PRMT: MONITORING - Eng)

8. No construction traffic shall be permitted to use 7th Place South during the construction of the site.
(Previous Condition E8 of Zoning Resolution R-2003-0330, Control Number 2002-052)
(ONGOING: CODE ENF - Eng)

9. Prior to final certification of the Preliminary Development Plan, the Developer shall align the project entrance with 7th Place South. (Previous Condition E9 of Zoning Resolution R-2003-0330, Control Number 2002-052) (DRO: ENG - Eng)

10. 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 January 1, 2011. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
- b. Building Permits for more than:
178 single family dwelling units and a private school enrollment of more than 203 students (equivalent of 294 AM Peak Hour trips) shall not be permitted until construction commences for dual left turn lanes north approach at the intersection of Lyons Road at Forest Hill Boulevard. BLDG PERMIT: MONITORING-Eng)

11. Acceptable surety required for the construction of the dual left turn lanes, north approach at the intersection of Lyons Road at Forest Hill Boulevard as outlined in Condition No. 10B above shall be posted with the Office of the Land Development Division on or before March 29, 2009. Surety shall be in the amount of 110% based upon a Certified Cost Estimate provided by the Property owner's Engineer. (TPS - Maximum 6 month time extension) (DATE:MONITORING -Eng)

12. The Property owner shall construct a left turn lane north approach on Lyons Road at the projects entrance.

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 Palm Beach County 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)

LANDSCAPING-STANDARD

1. Canopy trees required in the perimeter buffer shall be native species 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. (Previous Condition C.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval, except on individual residential lots, 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. (Previous Condition C.2 of Resolution R-2003-0330, Control No. 2002-052) (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;

d. This condition shall not apply where a single-row of shrubs or hedge material is required along one side of a fence or wall. (Previous Condition C.3 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (Previous Condition C.4 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for canopy tree in that location, unless specified herein. (Previous Landscaping Standard Condition 5 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING-ALONG SOUTH PROPERTY LINE (DILLMAN ROAD FRONTAGE)

6. Landscaping and buffering along the south property line fronting on Dillman Road shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) native canopy tree for each thirty (30) linear feet of frontage;
- c. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.

(Previous Condition D.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING-ALONG SOUTH PROPERTY LINE (7TH PLACE SOUTH FRONTAGE)

7. Landscaping and buffering along the south property line abutting 7th Place South shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip. No width reduction shall be permitted;
- b. A continuous two (2) foot high berm measured from top of curb;
- c. A six (6) foot high black or green vinyl covered chain link fence;
- d. One (1) native canopy tree for each thirty (30) linear feet of frontage, alternating on both sides of the fence; and,
- e. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the fence.

(Previous Condition F.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPING - Zoning)

LANDSCAPING-ALONG SOUTH PROPERTY LINE (7TH PLACE SOUTH FRONTAGE)

8. The following landscaping requirements shall be installed on the exterior side of the required fence:

- a. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
- b. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (Previous Condition F.2 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

9. Along the interior side of the required fence, the petitioner shall install one (1) medium shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation, spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previous Condition F.3 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING-ALONG EAST PROPERTY LINE (LYONS ROAD FRONTAGE (RESIDENTIAL POD))

10. Landscaping and buffering along the east property line fronting on Lyons Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- 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 top of curb;
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

- f. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Condition G.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING-LANDSCAPING ALONG WEST PROPERTY LINE (LYONS ROAD FRONTAGE (CIVIC POD AND 4.42 ACRE LAKE TRACT))

11. Landscaping and buffering along the west property line fronting on Lyons Road shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted;
- b. A continuous two (2) foot high berm measured from top of curb; and,
- c. A six (6) foot high concrete screen panel wall installed on plateau of berm. (Previous Condition H.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPING - Zoning)

12. The following landscaping requirements shall be installed on the exterior side of the required wall:

- a. One (1) native canopy tree for each thirty (30) linear feet of the property line;
- b. One (1) palm or pine 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 two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- d. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Condition H.2 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

13. Along the interior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches. (Previous Condition H>3 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING- ALONG WEST PROPERTY LINE (WHIPPOORWILL BOULEVARD FRONTAGE)

14. Landscaping and buffering along the west property line abutting Whippoorwill Boulevard shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip adjacent to the lake and created wetland tracts, and a twenty (20) foot wide landscape buffer strip adjacent to residential lots and cul-de-sacs. No width reductions 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 top of curb is required in the areas adjacent to residential lots and the two (2) cul-de-sacs;
- c. One (1) native canopy tree for each twenty (20) linear feet of frontage;
- d. One (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (Previous Condition I.1 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING- ALONG NORTH PROPERTY LINE (RESIDENTIAL POD)

15. Landscaping along the north property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) native canopy tree for each twenty (20) linear feet of property line;

- c. One (1) palm or pine for each thirty (30) linear feet of property line with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) small shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. One (1) medium shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. One (1) large shrub for each two (2) linear feet of the property line, to be planted twenty-four (24) inches on center. Shrub shall be a minimum height of thirty (30) inches at installation to be maintained at a minimum height of seventy-two (72) inches at maturity. (Previous Condition J.1 of Resolution 2003-0330, Control No. 2002-052) (CO: LANDSCAPE - Zoning)

LANDSCAPING-CIVIC POD INTERIOR LANDSCAPING (WEST PROPERTY LINE)

16. Prior to issuance of a building permit, the interior landscaping for the civic pod shall be upgraded to provide an additional 5 native canopy trees adjacent to the west property line. (BLDG PERMIT: BLDG - LANDSCAPE)

LANDSCAPING-ALONG THE SOUTH PROPERTY LINE OF THE CIVIC POD

17. Prior to issuance of the building permit, a native hedge three feet (3') in height and planted at two (2') feet on center and three (3) canopy trees shall be provided along the south property line of the civic pod. (BLDG PERMIT: BLDG - LANDSCAPE)

LANDSCAPING-ALONG THE EAST PROPERTY LINE OF THE CIVIC POD

18. Prior to issuance of the building permit, a seven and one-half (7.5') foot wide incompatibility landscape buffer shall be provided along the east perimeter of the civic pod. The required large shrubs shall be installed at a six (6) foot minimum height. (BLDG PERMIT: BLDG - LANDSCAPE)

LANDSCAPING-CIVIC POD FOCAL POINT

19. A focal point consisting of a Poinciana tree a minimum of twelve (12) feet in height shall be provided between the vehicular access point and the front facade of the school building. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING-CIVIC POD

1. Condition K.1 of Resolution R-2003-0330, Control No. 2002-052, which currently states:

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)

Is hereby deleted [REASON: Code requirement]

2. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (Previous Condition K.2 of Resolution R-2003-0330, Control No. 2002-052) (CO: BLDG - Zoning)

3. All outdoor, freestanding lighting fixtures shall be setback fifty (50) feet from the north property line. (Previous Condition K.3 of Resolution R-2003-0330, Control No. 2002-052) (CO: BLDG - Zoning)

4. All outdoor lighting shall be extinguished no later than 9:30 p.m. Monday through Saturday, and 7:30 p.m. on Sunday, excluding security lighting only. (Previous Condition K.4 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: CODE ENF - Zoning)

5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous Condition K.5 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: CODE ENF - Zoning)

PALM TRAN

1.Previous Mass Transit Condition L.1 of Resolution R-2003-0330, Control 2002-052 which states:

Prior to the issuance of the first building permit, the petitioner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran. The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran. The location of the easement shall be shown on the final site plan or Preliminary Development Plan prior to the final approval of the DRC. (DRC/BLDG PRMT: MONITORING Palm Tran)

Is hereby amended to read:

Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, 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 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. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

2.Previous Mass Transit Condition L.2 of Resolution R-2003-0330, Control 2002-052 which states:

This easement shall be recorded as a separate instrument prior to Technical Compliance of the first plat. Additionally, the petitioner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act to and through the Bus Stop Boarding and Alighting Area. The location of the easement shall be shown on the site plan prior to final certification by the Development Review Committee (TC: PALM TRAN - Palm Tran)

Is hereby deleted: [Reason superseded by more current language and ULDC]

3.Previous Mass Transit Condition L.3 of Resolution R-2003-0330, Control 2002-052 which states:

Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner. (BLDG PRMT: MONITORING - ENG)

Is hereby deleted: [Reason superseded by more current language and ULDC]

PLANNING

1. Prior to final Preliminary Development Plan (PDP) approval by the Development Review Committee, the PDP shall be revised to include a notation at the southwestern property line where the cul-de-sac is shown, adjacent to residual parcel at the corner of Dillman Road and Whipoorwill Road, to read proposed vehicular and pedestrian cross access to be paved to the property line for future access." (Previous condition M.1. of Resolution R-2003-330, Control No. 2002-052) (DRO: PLANNING - Planning)

2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the southwestern property line at the location shown on the site plan that reads proposed vehicular and pedestrian cross access." (Previous condition M.2. of Resolution R-2003-330, Control No. 2002-052) (CO:MONITORING/PLANNING-Planning)

3. Prior to final master plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this Preliminary Development Plan (PDP) conforms with the plan presented to the BCC including those items incorporated onto the PDP dated February 19, 2003, regarding pedestrian connections. The two (2) notations on the site plan that read "pedestrian connection" shall be amended to read "pedestrian connection to be paved to the property line". In addition, the 5' pedestrian walk that connects up the northwestern cul-de-sac to the southwestern property line shall remain on the PDP. (Previous condition M.3. of Resolution R-2003-330, Control No. 2002-052) (DRO: PLANNING - Planning)

4. Prior to the issuance of the certificate of occupancy, the property owner shall pave the two (2) western pedestrian pathways of the property to the edge of the western property line at the locations shown on the site plan that shall read "pedestrian connection to be paved to the property line". In addition, the property owner shall mulch or pave the pedestrian walk that connects up the northwestern cul-de-sac to the southwestern property line. (Previous condition M.4. of Resolution R-2003-330, Control No. 2002-052) (CO: Planning-Planning)

PLANNED UNIT DEVELOPMENT

1. All recreation parcels shall be deed restricted to recreation for the use of the residents of the development. At the time of turnover of the POA/HOA, the recreation parcels shall be turned over to the association at no cost to the residents. (Previous Condition N.1 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: MONITORING - Zoning)

2. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development. This Declaration shall be amended when additional units are added to the PUD. (Previous Condition N.2 of Resolution R-2003-0330, Control No. 2002-052) (PLAT: ENG/CO ATT Zoning)

3. Decorative street lights shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (Previous Condition N.3 of Resolution R-2003-0330, Control No. 2002-052) (CO: BLDG/ENG - Zoning)

4. Street trees shall be required within the street tracts or right-of-ways of the subject development consistent with the requirements of the Engineering Department, and the following criteria:

- a. along one side of all internal PUD streets, forty (40) feet in width or greater;
- b. along both sides of all internal PUD streets, fifty (50) feet in width or greater;
- c. all Final Subdivision Applications shall include roadway cross-section sketches showing street trees. (Previous Condition N.4 of Resolution R-2003-0330, Control No. 2002-052) (DRO: ZONING/ENG - Zoning)

5. Street bike lanes shall be provided in or adjacent to all streets over fifty (50) feet in width, pursuant to Section 6.8.A.16.c(4) of the ULDC and subject to approval by the County Engineer. (Previous Condition N.5 of Resolution R-2003-0330, Control No. 2002-052) (CO: BLDG - Eng)

6. Landscaping in the corner cul-de-sac focal points and interior cul-de-sacs shall be xeriscaped to include the following:

- a. One (1) native canopy tree or cluster of three (3) palms or pines;
- b. One (1) twenty-four inch shrub for each ten (10) linear feet of circumference, to be maintained at under thirty (30) inches measured from the pavement surface;
- c. Appropriate ground cover; and

d. The landscaping shall be consistent with County streetscape requirements, and subject to approval by the County Engineer. (Previous Condition N.6 of Resolution R-2003-0330, Control No. 2002-052) (CO: LANDSCAPE/ENG - Zoning)

7. Prior to final Development Review Committee (DRC) certification, the Preliminary Development Plan shall be revised to indicate pavers or decorative pavement for the projects entrance from Lyons Road to the first turnaround, all intersections, the bridge crossing, and the speed table. (Previous Condition N.7 of Resolution R-2003-0330, Control No. 2002-052) (DRO/BLDG PRMT: ZONING/BLDG Zoning)

8. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan shall be amended to provide recreational amenities within one thousand three hundred and twenty (1,320) feet of all residential lots. Additional recreation areas shall be located on a minimum of 0.1 acre. Recreation uses shall have a direct connection to the pedestrian system on the property and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (Previous Condition N.8 of Resolution R-2003-0330, Control No. 2002-052) (DRO/PLAT: ZONING - Zoning)

9. Prior to final Development Review Committee (DRC) approval, the Preliminary Development Plan shall be amended to indicate a landscape focal point in each of the three (3) median islands located at the project's entrance on Lyons Road, to include one (1) of the following: specimen tree, vine covered trellis, fountain, plaza, arcade or other similar decorative feature acceptable to the Zoning Division. (Previous Condition N.9 of Resolution R-2003-0330, Control No. 2002-052) (DRO: ZONING -Zoning)

10. Hours of operation for the civic tract shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Saturday, and 7:00 a.m. to 7:00 p.m. on Sunday. (Previous Condition N.10 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: CODE ENF Zoning)

11. Hours of operation for outdoor activities on the civic tract shall be limited to 8:00 a.m. to 6:00 p.m. daily. (Previous Condition N.11 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: CODE ENF - Zoning)

12. Civic tract: Outdoor speaker or public address systems which are audible from any property line shall not be permitted on the property. (Previous Condition N.12 of Resolution R-2003-0330, Control No. 2002-052) (ONGOING: CODE ENF - Zoning)

13. Prior to issuance of the first certificate of occupancy, signs shall be posted along the south and west property lines of the civic pod and 4.42 acre lake tract in accordance with ULDC section 7.14.F.9, to state no trespassing, fishing or swimming (or other similar language) (Previous Condition N.13 of Resolution R-2003-0330, Control No. 2002-052) (CO/ONGOING: MONITORING/CODE ENF-Zoning)

14. Prior to Final DRO approval of the site plan for the Civic Pod, the Master Plan shall be administratively updated to reflect the school and daycare approval. (DRO: ZONING-Zoning)

SIGNS-CIVIC POD

1. Freestanding signs shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point six (6) feet, excluding architectural features;
- b. Maximum sign face area per side Civic Pod: thirty (30) square feet;
- c. Maximum number of signs Civic Pod: one (1); and Residential Pod: one (1) pair;
- d. Style Civic Pod: monument style only; and, Residential Pod: entrance wall signage only; and
- e. Location Civic Pod: within fifty (50) feet of the civic entrance; and Residential Pod: Lyons Road entrance. (Previous Sign Condition 1 of Resolution R-2003-0330, Control No. 2002-052) (CO: BLDG - Zoning)

COMPLIANCE

1. Condition R.1 of Resolution 2003-0330, Control No. 2002-052, which currently states:

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)

Is hereby amended to read:

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. Condition R.2 of Resolution 2003-0330, Control No. 2002-052, which currently states:

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)

Is hereby amended to read:

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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)