

RESOLUTION NO. R-2009- 1221

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC-2009-00994
(CONTROL NUMBER 1986-00114)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Summit Christian School
BY Summit Christian School, AGENT
(Summit Christian 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/EAC-2009-00994 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 2009; 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, 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.
6. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

7. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans in accordance with BCC policy;
8. This Development Order Amendment has a concurrency determination and complies with Article 2.F Concurrency - Adequate Public Facility Standards of the ULDC.
9. 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 DOA/EAC-2009-00994, the application of Summit Christian School, by Summit Christian School, agent, for a Development Order Amendment to to amend Landscape Conditions of Approval on the southern and eastern property lines 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 July 23, 2009, 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 Burt Aaronson and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 23, 2009.

Filed with the Clerk of the Board of County Commissioners on July 27th, 2009.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK, &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A

LEGAL DESCRIPTION

PARCEL A

THE EAST HALF OF LOT 6, BLOCK 2, PALM BEACH PLANTATIONS, SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20.

ALSO, DESCRIBED AS THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR SUMMIT BOULEVARD AS RECORDED IN OFFICIAL RECORDS BOOK 4986, PAGE 1524.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

TOGETHER WITH PARCEL B

THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF LOT 6, BLOCK 2, OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, AT PAGE 20, PALM BEACH COUNTY RECORDS.

ALSO, DESCRIBED AS THE SOUTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SAID SECTION 12.

EXCEPTING THEREFROM, THE WEST 20 FEET THEREOF HERETOFORE EXCEPTED AND RESERVED FOR PUBLIC ROAD PURPOSES; AND

EXCEPTING THEREFROM, THE SOUTH 150 FEET THEREOF AS MEASURED ALONG THE WEST LINE OF SAID LOT 6.

TOGETHER WITH, AN EASEMENT AND RIGHT-OF-WAY, IN COMMON WITH OTHERS ENTITLED THERETO, AT TIMES AND FOR ALL PURPOSES, WITH OR WITHOUT VEHICLES AND ANIMALS, TO AND FROM THE LAND CONVEYED OR ANY PART THEREOF, OVER AND UPON THE EAST 5 FEET OF THE WEST 25 FEET OF SAID LOT 6, AND ALSO THE NORTH 20 FEET OF THE SOUTH 150 FEET OF SAID LOT 6 HEREIN ABOVE EXCEPTED, ALSO DESCRIBED AS THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 12, LESS THAT PART CONVEYED BY THIS DEED.

SUBJECT TO AN EASEMENT AND RIGHT-OF-WAY IN COMMON WITH OTHER ENTITLED THERETO, AT ALL TIMES AND FOR ALL PURPOSES WITH OR WITHOUT VEHICLES AND ANIMALS OVER AND UPON THE SOUTH 20 FEET OF SAID PROPERTY HEREIN CONVEYED BY THIS DEED LESS THE EAST 20 FEET OF THE WEST 40 FEET FOR ROAD RIGHT-OF-WAY.

LESS AND EXCEPT RIGHT OF WAY FOR HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORDS BOOKS 11873, PAGE 1577, AND 4804, PAGE 1327.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

ALSO TOGETHER WITH PARCEL C

THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF LOT 6, BLOCK 2, PALM BEACH PLANTATIONS, MODEL LAND COMPANY'S SUBDIVISION OF SECTION

12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, LESS THE WEST 20 FEET THEREOF.

TOGETHER WITH, AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 25 FEET OF SAID LOT 6, BLOCK 2, OF SAID SUBDIVISION ABOVE DESCRIBED.

LESS AND EXCEPT RIGHT OF WAY FOR HAVERHILL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 11873, PAGE 1577, AND PER FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 5487, PAGE 1388.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

ALSO TOGETHER WITH PARCEL D

THE NORTH HALF OF THE WEST HALF OF LOT 6, LESS THE WEST 20 FEET THEREOF, BLOCK 2 SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, IN PALM BEACH PLANTATIONS, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20.

LESS HOWEVER THE ADDITIONAL RIGHT-OF-WAY FOR HAVERHILL ROAD AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 4864, PAGES 1559 AND 1560 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT RIGHT OF WAY FOR HAVERHILL ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 11873, PAGE 1577, AND 4986, PAGE 1524.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

ALSO TOGETHER WITH PARCEL E

THE NORTH 350 FEET OF THE WEST 135 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD AND DITCH RIGHT-OF-WAY.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

AND ALSO TOGETHER WITH PARCEL F

THE WEST ½ OF THE EAST ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING A PART OF LOT 5, BLOCK 2, SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH PLANTATIONS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 20, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING; THE NORTH 350 FEET OF THE WEST 135 FEET THEREOF AND THE NORTH 50 FEET OF THE EAST 198.6 FEET FOR ROAD AND DITCH RIGHT OF WAY.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD

TOGETHER WITH AN EASEMENT OVER THE FOLLOWING DESCRIBED PARCEL, AS RECORDED IN O.R. BOOK 18151, PAGE 861, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA:

NORTH 10 FEET OF LOT 49 AND THE SOUTH 20 FEET OF LOT 48, HOLT ESTATE,

ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 31, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO TOGETHER WITH AN EASEMENT OVER THE FOLLOWING DESCRIBED PARCELS, AS RECORDED IN O.R. BOOK 5027, PAGE 908, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

BEING A PARCEL OF LAND LYING IN LOT 48 OF HOLT ESTATES, RECORDED IN PLAT BOOK 21, PAGE 31, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 49; THENCE, NORTH 01'29'16" WEST ALONG THE SAID WEST LINE OF LOT 49, A DISTANCE OF 20.70 FEET TO THE POINT OF BEGINNING AN INGRESS-EGRESS EASEMENT; THENCE CONTINUE NORTH 01'29'16" WEST ALONG THE SAID WEST LINE OF LOT 49, A DISTANCE OF 18.45 FEET; THENCE, NORTH 55'40'32" EAST, A DISTANCE OF 18.69 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 49; THENCE, SOUTH 88'53'16" EAST ALONG SAID NORTH LINE, A DISTANCE OF 26.74 FEET; THENCE SOUTH 55'40'32" WEST, A DISTANCE OF 50.48 FEET TO THE POINT OF BEGINNING.

PARCEL 3

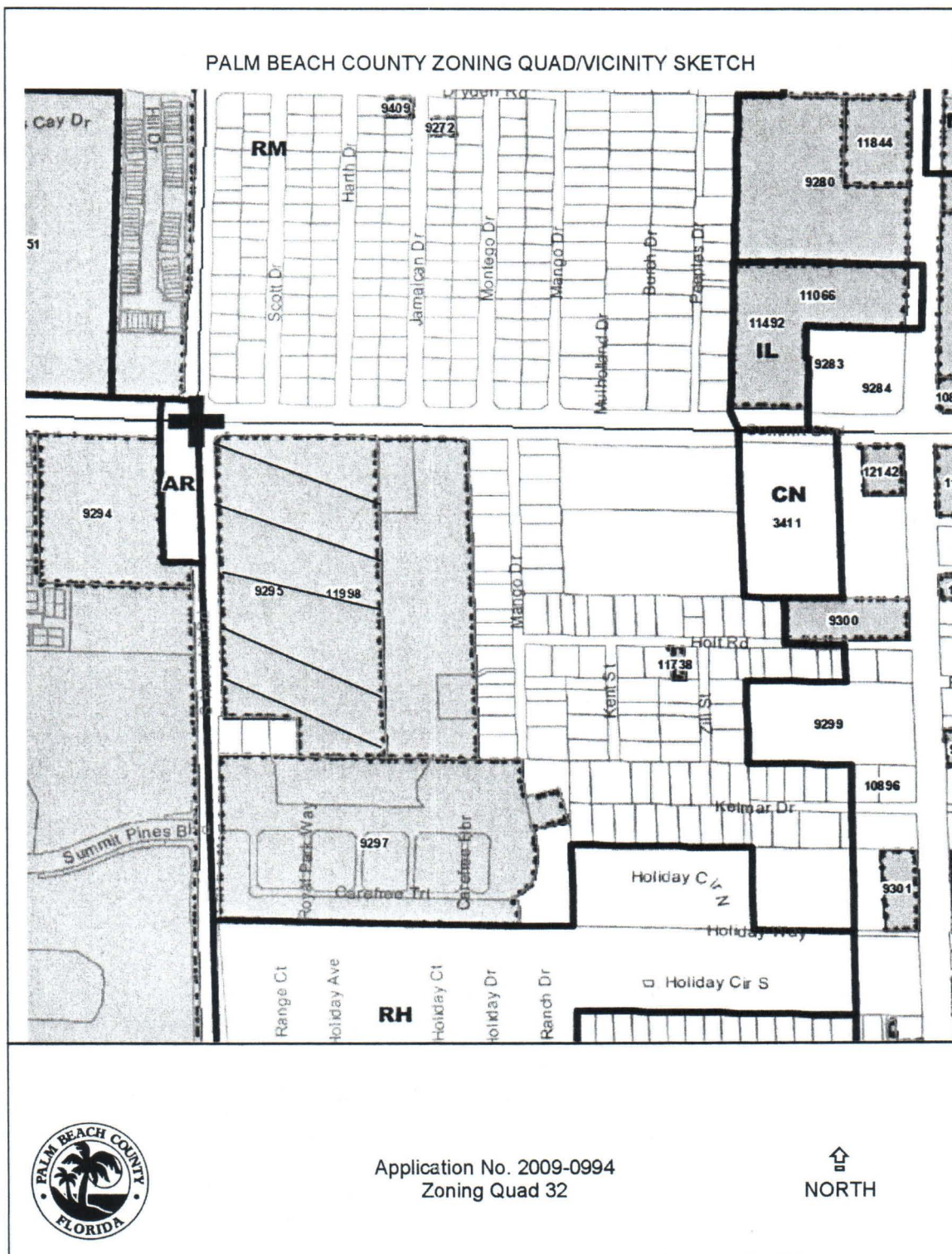
BEING A PARCEL OF LAND LYING IN LOT 48 OF HOLT ESTATES, RECORDED IN PLAT BOOK 21, PAGE 31, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 48; THENCE, NORTH 88'53'16" WEST ALONG THE SOUTH LINE OF SAID LOT 48, A DISTANCE OF 118.74 FEET; THENCE, NORTH 55'40'32" EAST, A DISTANCE OF 22.42 FEET; THENCE, SOUTH 88'53'16" EAST, PARALLEL WITH AND DISTANT NORTH 13 FEET BY RECTANGULAR MEASUREMENT, FROM THE SAID SOUTH LINE OF LOT 48, A DISTANCE OF 100.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 48; THENCE, SOUTH 00'57'04" EAST ALONG SAID EAST LINE, A DISTANCE 13.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 26.67 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



Application No. 2009-0994
Zoning Quad 32



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Resolution No. R-98-866, Petition EAC86-114(D), (SUMMIT CHRISTIAN TOWER) shall remain in full force and effect. (ONGOING: ZONING-Zoning) (Previous All Petitions Condition 1 of Resolution R-2005-1794, Control No. 86-114)

2. All Petitions Condition 2 of Resolution R-2005-1794, Control No. 86-114, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-255 (Petition DOA86-114(B)), R-2003-0761 (Status Report No. SR 86-114B), and R-2004-1375 (Status Report No. SR 1986-114B.3) 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING- Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions (R- 2007-1234 Eng corrective and R-06-0149 Eng Corrective and R-2005-1794) 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 ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING- Zoning)

3. Previous all Petitions Condition 3 of Resolution R-2005-1794, Control No. 86-114 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 August 22, 2005. 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.

Is hereby amended to read:

The approved site plan is dated August 22, 2005. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to site plan certification, the site plan shall be amended to indicate the following:

a southerly right-of-way line of Summit Boulevard, with subsequent relocation of the landscape strip and signage to accommodate the right-of-way. (DRO: ENGINEERING-Eng) (Previous Condition E1 Resolution R-2007-1234, Control No. 1986-114)

[Note: Completed]

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is and additional \$30,468.00 (1,137 trips X 26.79 per trip). (BLDG PERMIT: IMPACT FEE COORDINATOR- Eng)

(Previous Condition E2 Resolution R-2007-1234, Control No. 1986-114)

[Note: Completed]

3. Based on the Traffic Performance Standards (Category B"), the developer shall contribute an additional \$7,615.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$38,075.00 to be paid prior to the issuance of the first building permit or January 1, 1988 whichever shall first occur.

If the Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$7,615.00 shall be credited toward the increased Fair Share Fee. (BLDG PERMIT/DATE: ENGINEERING-Eng)
(Previous Condition E3 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

4. The property owner shall construct a right turn lane, west approach on Summit Boulevard at the projects entrance road concurrent with onsite paving and drainage improvements. (ONGOING:ENGINEERING-Eng)
(Previous Condition E5 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

5. The property owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$12,136.00 (453 trips X \$26.79 per trip). (BLDG PERMIT: IMPACT FEE COORDINATOR-Eng)
(Previous Condition E6 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

6. Based on the Traffic Performance Standards (Category B") the Developer shall contribute an additional \$3,034.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$15,170.00 shall be paid prior to June 1, 1987 or prior to the issuance of a building permit, whichever shall first occur. If the Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,034.00 shall be credited toward the increased Fair Share Fee. (BLDG PERMIT/DATE: ENGINEERING-Eng)
(Previous Condition E7 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

7. Prior to the issuance of the first building permit, the property owner shall convey to the Palm Beach County Land Development Division by road right-of-way warranty deed:

- a. Haverhill Road - 60.5 feet from centerline; and
- b. Summit Boulevard - 54.5 feet from centerline

Right of way shall be in accordance with Palm Beach County Typical Expanded intersection detail and shall be 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 E8 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

8. 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 Haverhill Road at the project's north entrance road. 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)
(Previous Condition E9 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

9. The Property owner shall construct a right turn lane south approach on Haverhill Road at the project's north entrance. This construction shall be concurrent with phase one 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. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG PERMIT: MONITORING - Eng)
(Previous Condition E10 Resolution R-2007-1234, Control No. 1986-114)

10. The Property owner shall re-stripe the existing pavement markings on Haverhill Road, at the projects north and south entrance(s) on Haverhill Road, to provide for a separate left turn lane north approach. This re-striping shall be concurrent with the paving and drainage improvements for the site. The method used to remove the existing pavement markings may include an overlay of pavement, or grinding of the existing pavement markings subject to the approval of the County Engineer. Re-striping shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - ENG)
(Previous Condition E11 Resolution R-2007-1234, Control No. 1986-114)

11. The property owner shall fund the cost of signal installation if warranted as determined by the County Engineer at the intersection of the project's south entrance and Haverhill Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this property owner shall be relieved from this condition. (ONGOING: ENGINEERING - Eng)
(Previous Condition E12 Resolution R-2007-1234, Control No. 1986-114)

12. Prior to final DRC, the Property owner shall submit for approval by the County Engineer a schedule of staggered hours for operation of the Daycare, Elementary School, Middle School and High School on-site that shall prevent the stacking of drop-off and pick-up vehicles beyond the site entrance onto Summit Boulevard. This schedule of staggered hours shall apply to both the start and end times for the school facilities on-site. (DRO: ENGINEERING-Eng)
(Previous Condition E13 Resolution R-2007-1234, Control No. 1986-114)
[Note: Completed]

13. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

a. No more than 1,175 students shall be enrolled/registered until the contract has been let for the 4 lane median divided construction of Haverhill Road from Cresthaven Boulevard to Purdy Lane plus the appropriate paved tapers. (ONGOING: ENGINEERING-Eng) (Previous Condition E14a Resolution R-2007-1234, Control No. 1986-114)

b.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 only if 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.E of the Unified Land Development Code. (DATE: MONITORING-Eng)
(Previous Condition E14b Resolution R-2007-1234, Control No. 1986-114)

c.The date shown which indicates when the final building permit will be issued may be adjusted 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. (ONGOING: MONITORING-Eng)
(Previous Condition E14c Resolution R-2007-1234, Control No. 1986-114)

14.SIGNALIZATION

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Haverhill Road and the Projects Entrance Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation.

a.No Building Permits shall be issued until the developer provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDG PERMIT: MONITORING-Eng).
(Previous Condition E15a Resolution R-2007-1234, Control No. 1986-114)

b.In order to request release of the surety for the traffic signal at this intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING-Eng)
(Previous Condition E15b Resolution R-2007-1234, Control No. 1986-114)

15.RIGHT TURN LANE RIGHT OF WAY

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

- Haverhill Road and the Projects Entrance Road [Note: Completed]
- Summit Boulevard and the Projects Entrance Road.

This right of way shall be a minimum of 280 feet in 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)
(Previous Condition E16 Resolution R-2007-1234, Control No. 1986-114)

16.The concurrency approval is subject to the project aggregation rule set for the in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng)
(Previous Condition E17 Resolution R-2007-1234, Control No. 1986-114)

17.INTERSECTION IMPROVEMENTS

The Property owner shall construct:

- a. right turn lane south approach on Haverhill Road at the projects entrance road;
- b. left turn lane north approach on Haverhill Road at the projects entrance road.
- c. right turn lane west approach on Summit Boulevard at the projects entrance road. [Note: Completed]
- d. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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 these turn lanes shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E18e Resolution R-2007-1234, Control No. 1986-114)

f.Construction shall be completed prior to the issuance of the first CO. (CO: MONITORING-Eng)
(Previous Condition E18f Resolution R-2007-1234, Control No. 1986-114)

ENVIRONMENTAL

1.All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM) (Previous Condition No. ERM 1 of Resolution No. R- 2005-1794, Control No. 1986-114)

HEALTH

1.Previous condition Health 1. of Resolution R-2005-1794; Control 1986-114 which reads:

Since sewer service is available to the property, septic tank shall not be approved for use on said property. (ONGOING:HEALTH-Health)

Is hereby DELETED-----Reason: Site is Connected

2.Previous condition Health 2. of Resolution R-2005-1794; Control 1986-114 which reads:

Since water service is available to the property, a potable water well shall not be approved for use on said property. (ONGOING:HEALTH-Health)

Is hereby DELETED----Reason: Site is connected.

3.Previous condition Health 3. or Resolution R-2005-1794; Control 1986-114 which reads:

Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Unit, in accordance with Chapter 10D-24, FAC prior to issuance of a building permit. (BLDG PERMIT: MONITORING- Health)

Is hereby DELETED-----Reason: Completed

4.Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING:CODE ENF-Health) (Previous condition Health 4. of Resolution R-2005-1794, Control 1986-114)

LANDSCAPE - GENERAL

1.All new and replacement canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet.
- b. trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDG. PERMIT: LANDSCAPE - Zoning) (Previous Landscaping Standard Condition 2 of Resolution R-2005-1794, Control No. 86-114)

2.All new and replacement palms required to be planted on site by this approval shall meet the following minimum standards at time of installation:

- a. palm heights: twelve (12) feet grey wood;
- b. clustering: 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. (BLDG. PERMIT: LANDSCAPE- Zoning) (Previous Landscaping Standard Condition 3 of Resolution R-2005-1794, Control No. 86-114)

3.Prior to September 22, 2006 all dead and missing landscape materials must be replaced on the western 16.9 acres of the site. (DATE: MONITORING- Zoning) (Previous Landscaping Standard Condition 4 of Resolution R-2005-1794, Control No. 86-114)

4.Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG. PERMIT: BLDG- Zoning) (Previous Landscaping Standard Condition 5 of Resolution R-2005-1794, Control No. 86-114)

5.Prior to the issuance of the first building permit under this application, the property owner shall submit a landscape plan to the Landscape Section for review and approval. The plan shall be prepared in accordance with all conditions. (BLDG PERMIT: LANDSCAPE- Zoning) (Previous Landscaping Standard Condition 6 of Resolution R-2005-1794, Control No. 86-114)

LANDSCAPE - PERIMETER-ALONG THE NORTH AND WEST PROPERTY LINES, (FRONTAGES OF SUMMIT BOULEVARD AND HAVERHILL ROAD)

6.Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer;
- b. a continuous three (3) foot high berm;
- c. a double row of canopy trees thirty (30) feet on center of which 50% shall be planted on

the interior side of the berm and the remaining 50% on the exterior side of the berm;
d. one (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
e. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be planted at the top of berm. (BLDG. PERMIT: LANDSCAPE- Zoning) (Previous Landscaping Along the North and West Property Lines Condition 1 of Resolution R-2005-1794, Control No. 86-114)

LANDSCAPE - PERIMETER-ALONG SOUTH PROPERTY LINE (ABUTTING LONG LAKE VILLAGE)

7.Landscape Condition 1, LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LONG LAKE VILLAGE) of Resolution R-2005-1794, Control No. 1986-114, which currently states:

Landscaping and buffering along the the south property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer;
- b. a continuous three (3) foot high berm. Berm requirement shall be exempted from the 667 eastern portion of the south property line;
- c. a six (6) foot high vinyl-coated chain link fence;
- d. a double row of canopy trees thirty (30) feet on center. Trees shall be planted alternating on the both sides of the fence, in areas where fence is required;
- e. one (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. Palms shall be planted alternating on the both sides of the fence, in areas where fence is required;
- f. a sixty (60) inch high hedge shall be planted on the exterior side of the fence along the eastern 667 feet of the south property line;
- g. thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, shall be planted on the entire south property line. Shrubs or hedge material shall be planted on the interior side of the fence, in areas where a fence is required. (BLDG. PERMIT: LANDSCAPE- Zoning)

Is hereby amended to read:

Landscaping and buffering along the the south property line shall be upgraded to include a Type 2 Incompatibility Buffer. (BLDG. PERMIT: LANDSCAPE- Zoning)

LANDSCAPE - PERIMETER-ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)

8.Previous Landscaping Along East Property Line Condition 1 of Resolution R-2005-1794, Control No. 86-114, which currently states:

Landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty-five (25) foot wide landscape buffer. No width reduction or easement encroachment shall be permitted;
- b. a six (6) foot opaque concrete panel wall measured from the nearest top of curb, crown of adjacent road, or nearest finished floor elevation, whichever is highest, shall be installed along the north six hundred and forty (640) feet of the east property line. This wall shall be connected to the northeast and the northwest corners of Building MM/MM-1/MM-2. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
- c. a six (6) foot high vinyl coated chain link fence measured from the nearest top of curb, crown of adjacent road, or nearest finished floor elevation, whichever is highest, shall be installed along the southern six hundred and forty (640) feet of the east property line;
- d. one (1) canopy tree shall be planted for each fifteen (15) linear feet of the property line. Trees shall be planted alternating on both sides of the wall/fence;
- e. one (1) palm or pine tree for each twenty (20) linear feet of the property line. Palms or

pinus shall be planted alternating on both sides of the wall/fence in a group of five (5) to seven (7) palms/pines per cluster. Each cluster shall have a maximum spacing of sixty (60) feet on center;

f. one (1) small shrub for each two (2) linear feet of the property line and shall be planted on both sides of the wall/fence. Shrub shall be a minimum of eighteen (18) inches at installation;

g. one (1) medium shrub for each four (4) linear feet of the property line and shall be planted on both sides of the wall/fence. Shrub shall be a minimum of twenty-four (24) inches at installation; and,

h. a continuous six (6) foot high hedge shall be planted on the exterior side of the fence only. (BLDG PERMIT: LANDSCAPE - Zoning)

Is hereby amended to read:

a. a minimum twenty-five (25) foot wide landscape buffer. No width reduction or easement encroachment shall be permitted;

b. a six (6) foot high vinyl coated chain link fence measured from the nearest top of curb, crown of adjacent road, or nearest finished floor elevation, whichever is highest, shall be installed shall be installed along the east property line;

d. one (1) canopy tree shall be planted for each fifteen (15) linear feet of the property line. Trees shall be planted alternating on both sides of the wall/fence;

e. one (1) palm or pine tree for each twenty (20) linear feet of the property line. Palms or pines shall be planted alternating on both sides of the wall/fence in a group of five (5) to seven (7) palms/pines per cluster. Each cluster shall have a maximum spacing of sixty (60) feet on center;

f. one (1) small shrub for each two (2) linear feet of the property line and shall be planted on both sides of the wall/fence. Shrub shall be a minimum of eighteen (18) inches at installation;

g. one (1) medium shrub for each four (4) linear feet of the property line and shall be planted on both sides of the wall/fence. Shrub shall be a minimum of twenty-four (24) inches at installation; and,

h. a continuous six (6) foot high hedge shall be planted on the exterior side of the fence only. (BLDG PERMIT: LANDSCAPE - Zoning)

9. Landscaping Along East Property Line Condition of Resolution R-2005-1794, Control No. 86-114, which currently states:

In the event all adjacent properties to the east area acquired by Summit Christian School, the wall referenced by section 1 may be replaced by a vinyl coated chainlink fence subject to Zoning approval. (ONGOING: ZONING- Zoning)

Is hereby deleted:

[REASON: wall is deleted]

LIGHTING

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning) (Previous Lighting Condition 1 of Resolution R-2005-1794, Control No. 86-114)

2. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the east and south property lines. (BLDG PERMIT: BLDG - Zoning) (Previous Lighting Condition 2 of Resolution R-2005-1794, Control No. 86-114)

3. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous Lighting Condition 3 of Resolution R-2005-1794, Control No. 86-114)

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) (Previous Lighting Condition 4 of Resolution R-2005-1794, Control No. 86-114)

5.No outdoor lighting shall be permitted for outdoor recreation facilities. (BLDG. PERMIT: BLDG- Zoning) (Previous Lighting Condition 5 of Resolution R-2005-1794, Control No. 86-114)

PALM TRAN

1.Mass Transit Condition 1 of Resolution 2007-1234, Control No. 1986-114 which currently states:

The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the final site plan prior to final approval of the DRO. The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran)

is hereby deleted [REASON: Code Requirement]

2.Mass Transit Condition 2 of Resloution 2007-1234, Control No 1986-114 which currently states:

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 limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: MONITORING-Eng)

is hereby deleted. [REASON: LWDD conflict, Right Turning Lane prohibits implementaion of any Transit Infrastructure]

PLANNING

1.Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall provide all pedestrian pathways and crosswalks as shown on the certified site plan dated June 13, 2005. (DRC: PLANNING-Planning) (Previous Condition P.1 of Resolution R-2005-1794, Control No. 1986-114)

SIGNS

1.New and replacement freestanding signs fronting on Haverhill Road and Summit Boulevard shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - twelve (12) feet for sign type A; and six (6) feet for sign type B.
- b. maximum sign face area per sign face: seventy-two (72) square feet for sign type A; and sixty (60) square feet with a maximum of three sign faces for sign type B.
- c. maximum number of Type A signs per road frontage - one (1); and,
- d. style - monument only.
- e. location - one (1) of sign type A per frontage, and one (1) of sign type B fronting the intersection of Haverhill Road and Summit Boulevard. (BLDG. PERMIT:BLDG-Zoning) (Previous Signs Condition 1 of Resolution R-2005-1794, Control No. 86-114)

USE LIMITATIONS

1.Hours of operation for the entire school, except employees, shall be limited to 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition 2 of Resolution R-2005-1794, Control No. 86-114)

2.Outdoor speaker or public address systems, excluding emergency warning systems, shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous Use Limit Condition 3 of Resolution R-2005-1794, Control No. 86-114)

3.Hours of construction activity during all stages of site development shall be limited to

7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday. Construction shall be prohibited on Sunday and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous Use Limit Condition 4 of Resolution R-2005-1794, Control No. 86-114)

4. Construction traffic shall be prohibited from utilizing any roads other than Haverhill Road and Summit Boulevard to access the site. (ONGOING: CODE ENF- Zoning) (Previous Use Limit Condition 5 of Resolution R-2005-1794, Control No. 86-114)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)