

RESOLUTION NO. R-2010- 1172

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-00417  
(CONTROL NO. 1984-00139)  
a Development Order Amendment  
APPLICATION OF Jewish Community Facilities Corp  
BY Land Design South, Inc., AGENT  
(Rainberry PUD Pods A & B)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application DOA/R-2010-00417 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2010; 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, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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/R-2010-00417, the petition of Jewish Community Facilities Corp, by Land Design South, Inc., agent, for a Development Order Amendment to modify and delete Conditions of Approval (Engineering, Landscaping, Lighting, Building & Site Design and Use Limitations), add square footage and reconfigure the master plan and site plan in the PUD Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2010, 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 Vana and, upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 2010.

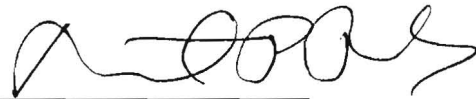
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:



COUNTY ATTORNEY

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

Being a portion of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of said Pod B; Thence South 00°00'20" East along the East line of said Pod B for a distance of 1109.00 feet to the Northeast corner of Tract "A" of said Plat of "RAINBERRY P.U.D., PODS A, B AND C"; Thence South 89°59'40" West along the North line of said Tract "A" for a distance of 29.11 feet; Thence South 01°15'41" West along the Westerly and Northerly line of said Tract "A" for a distance of 40.31 feet; Thence continue South 20°31'58" West for a distance of 75.82 feet; Thence continue South 40°33'41" West for a distance of 90.57 feet; Thence continue South 56°54'23" West for a distance of 44.88 feet; Thence continue South 82°46'55" West for a distance of 122.65 feet to a point on the South line of said Pod B; Thence South 89°59'40" West along the South line of said Pod B for a distance 115.61 feet; Thence North 00°00'57" West for a distance of 395.00 feet; Thence South 89°59'40" West for a distance of 867.29 feet to a point on the Easterly right-of-way line of 95th Avenue, said point being on the arc of a curve concave to the West (a radial line through said point bears North 74°59'15" West) having a radius of 65.00 feet and a central angle of 53°55'43"; Thence Northerly along the arc of said curve, also being the Easterly right-of-way line of said 95th Avenue for a distance of 61.18 feet to the beginning of a reverse curve, concave to the Northeasterly, having a radius of 25.00 feet and a central angle of 38°53'49"; Thence continue Northerly along the arc of said curve a distance of 16.97 feet; Thence continue North 00°01'09" West for a distance of 206.64 feet to the beginning of a circular curve, concave to the West, having a radius of 2350.00 feet and a central angle of 6°06'23"; Thence Northerly along the arc of said curve a distance of 250.45 feet; Thence continue North 6°07'32" West for a distance of 273.26 feet to the beginning of a circular curve, concave to the East, having a radius of 2260.00 feet and a central angle of 00°39'15"; Thence Northerly along the arc of said curve a distance of 25.80 feet; Thence North 00°01'09" West for a distance of 86.64 feet to the Northwest corner of said Pod B; Thence North 89°59'40" East along the North line of said Pod B for a distance of 1320.69 feet to the POINT OF BEGINNING.

PARCEL 2:

All of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, less and except therefrom that portion of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, more particularly described as follows:

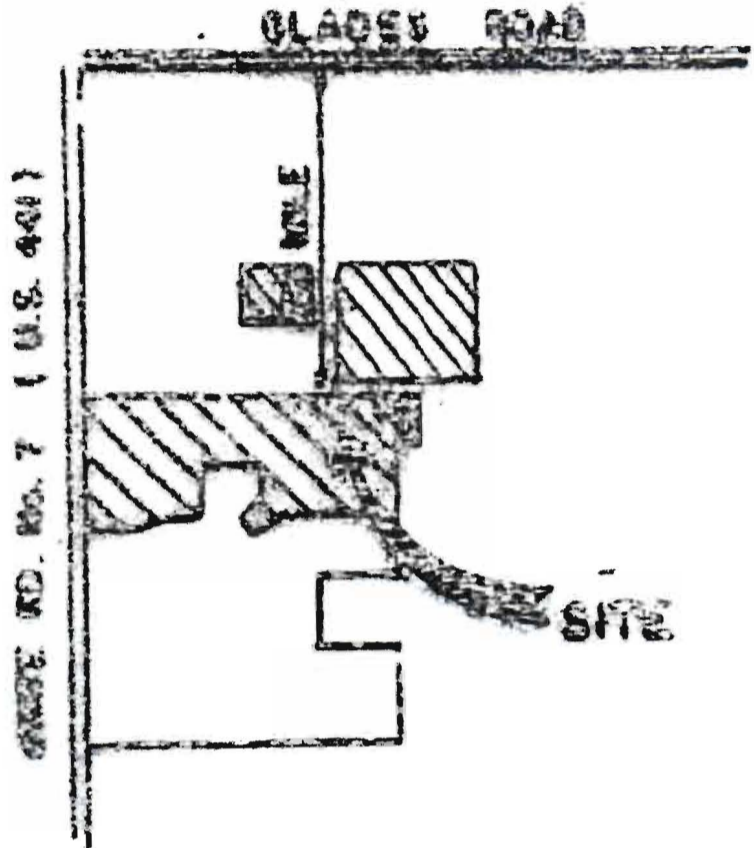
BEGIN at the Northeast corner of said Pod B; Thence South 00°00'20" East along the East line of said Pod B for a distance of 1109.00 feet to the Northeast corner of Tract "A" of said Plat of "RAINBERRY P.U.D., PODS A, B AND C"; Thence South 89°59'40" West along the North line of said Tract "A" for a distance of 29.11 feet; Thence South 01°15'41" West along the Westerly and Northerly line of said Tract "A" for a distance of 40.31 feet; Thence continue South 20°31'58" West for a distance of 75.82 feet; Thence continue South 40°33'41" West for a distance of 90.57 feet; Thence continue South 56°54'23" West for a distance of 44.88 feet; Thence continue South 82°46'55" West for a distance of 122.65 feet to a point on the South line of said Pod B; Thence South 89°59'40" West along the South line of said Pod B for a distance 115.61 feet; Thence North 00°00'57" West for a distance of 395.00 feet; Thence South 89°59'40" West for a distance of 867.29 feet to a point on the Easterly right-of-way line of 95th Avenue, said point being on the arc of a curve concave to the West (a radial line through said point bears North 74°59'15" West) having a radius of 65.00 feet and a central angle of

53°55'43"; Thence Northerly along the arc of said curve, also being the Easterly right-of-way line of said 95th Avenue for a distance of 61.18 feet to the beginning of a reverse curve, concave to the Northeasterly, having a radius of 25.00 feet and a central angle of 38°53'49"; Thence continue Northerly along the arc of said curve a distance of 16.97 feet; Thence continue North 00°01'09" West for a distance of 206.64 feet to the beginning of a circular curve, concave to the West, having a radius of 2350.00 feet and a central angle of 6°06'23"; Thence Northerly along the arc of said curve a distance of 250.45 feet; Thence continue North 6°07'32" West for a distance of 273.26 feet to the beginning of a circular curve, concave to the East, having a radius of 2260.00 feet and a central angle of 00°39'15"; Thence Northerly along the arc of said curve a distance of 25.80 feet; Thence North 00°01'09" West for a distance of 86.64 feet to the Northwest corner of said Pod B; Thence North 89°59'40" East along the North line of said Pod B for a distance of 1320.69 feet to the POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

# LOCATION MAP





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1.All Petition Condition 1 of Resolution 2007-0424, Control 1984-139, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-1999-0017, (Control 1984-139) and Resolution R-99-0518, (Control 1984-139), 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: ZONING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-0424, (Control 1984-139), 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: ZONING - Zoning)

2.Previous Condition A.2 of Resolution R-2007-0424, Control 1984-139, 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 master plan for the Rainberry PUD is dated February 24, 1999 and the approved site plan for Pods A & B is dated October 24, 2006. 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 and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan for the Rainberry PUD is dated May 17, 2010 and the approved Preliminary Site Plan for Pods A & B is dated May 18, 2010. 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)

#### BUILDING

1.All buildings, structures, mechanical equipment, lights, paving, parking, vehicular use areas and outdoor activity areas adjacent to the north property line, east of 95th Avenue South, and the east property line, adjacent to the Timbers Subdivision, shall be setback a minimum of seventy five (75) feet from all exterior perimeter property lines. (BLDG PERMIT: BLDG-Zoning)(Previous Building and Site Design Condition 1 of Resolution R-2007-0424, Control 1984-139.) [ to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C]

2.Previous Building and Site Design Condition 2 of Resolution R-2007-0424 (Control No. 1984-139)

The maximum height for all structures within Pod B, measured from finished grade to highest point, shall be thirty-five (35) feet. (BLDG PERMIT:BLDG-Zoning) (Previous Building and Site Design Condition 2 of Resolution R-2007-0424, Control 1984-139)[to be

applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C].

Is hereby deleted. [Reason: Code requirement

3.All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure, or equivalent landscape material. (BLDG PERMIT:BLDG-Zoning) (Previous Building and Site Design Condition 3 of Resolution R-2007-0424, Control 1984-139)[to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C].

4.All areas or receptacles for the storage and disposal of trash, garbage, vegetation or recyclable material, including dumpsters and trash compactors, but excluding trash containers for the convenience of pedestrians, shall not be located within 100 feet of the north property line, east of 95th Avenue South, or east property line, adjacent to the Timbers Subdivision, and shall be confined to the areas designated on the certified site plan. (BLDG PERMIT: BLDG-Zoning) (Previous Building and Site Design Condition 4 of Resolution R-2007-0424, Control 1984-139)[to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C].

5.The petitioner shall submit the site plan presented to the Board of County Commissioners on September 28, 1995 for the JCC Campus (Zoning Petition 84-139D) to the Development Review Committee (DRC) for certification. Prior to certification, this plan shall be revised to reflect consistency with the conditions of approval and requirements of the ULDC. Modifications to this plan may be made by the DRC in accordance with Section 5.4.E.13. of the ULDC. Any other modifications shall be subject to approval by the Board of County Commissioners. (DRO:ZONING-Zoning) (Previous Building and Site Design Condition 5 of Resolution R-2007-0424, Control 1984-139)[to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C]. [NOTE: COMPLETED]

6.The noise level generated by the centralized mechanical equipment air cooling facility for the development or individual units for each building shall be in compliance with Article 5.E.4.B, Noise Limitations and Prohibitions. (ONGOING: CODE ENF Zoning)

7.Prior to building permit, the site plan shall reflect the new location of dumpsters and mechanical equipment for building E. No mechanical equipment or dumpster are allowed on the east side of building E. (BLDG PERMIT: BLDG Zoning)

## ENGINEERING

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

a. Building Permits for more than 219 dwelling units shall not be issued until construction has begun for the 6 laning of Glades Road from Lyons Road to Boca Rio Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.3 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

2.The property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (ONGOING: Engineering-Eng) (Previous Condition E.4 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

3.Prior to master plan certification, the petitioner shall convey to the Lake Worth Drainage District the West 45 feet of the subject property for the right-of-way for the E-1 Canal by Quit Claim Deed or an Easement Deed in the form provided by the District. (DRO: LWDD-LWDD) (Previous Condition E.6 of Zoning Resolution R-2007-0424, Control No. 1984-139)



#### 4. LANDSCAPE WITHIN MEDIAN

a. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each 30 linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees: Ground cover:  
Laurel Oak  
Wedilia  
Live Oak  
Bahia Grass  
Slash Pine  
Sabal Palmetto

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and conform with the following:

1) All plants shall be container grown or field collected and transplanted from the project site.

2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BLDG PERMIT: MONITORING - Eng)

b. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (CO/PLAT: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BLDG PERMIT: Engineering-County Atty) (Previous Condition E.7 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: a, b, and c COMPLETED]

5. The property owner shall construct a right turn lane west approach and left turn lane east approach at the intersection of 95th Avenue and Glades Road. This construction shall be completed concurrent with the paving of 95th Avenue South. 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. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase II of the project. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II of the project. Phase II is defined as any buildings generating more than 1330 new net external trips per day. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.8 of Zoning Resolution R-2007-0424, Control No. 1984-13) [Note: COMPLETED]

6. Previous Condition E.10 of Zoning Resolution R-2007-0424, Control No. 1984-139, 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 will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for improvements at the intersection of Palmetto Park Road and Lyons Road necessary to



meet the required Level of Service identified in the Traffic Performance Standards. Required Intersection improvements at Palmetto Park Road and Lyons Road as part of this condition are to be funded and constructed by Palm Beach County. (ENG) (COMPLETED)

b. Building Permits which will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for 95th Avenue South from Glades Road to the South County Jewish Federation West Boca Campus. Construction shall be completed prior to the first C.O. for this phase. (ENG/ BLDG) (COMPLETED)

c. Building Permits which will permit more than 2930 new net external trips per day to be generated from the site shall not be approved until construction has begun for the widening of SR 7 as a 4-lane section from Yamato Road to Clint Moore Road plus the appropriate paved tapers. (ENG) (COMPLETED)

d. Building Permits which will permit more than 3429 new net external trips per day to be generated from the site shall not be approved until construction has begun for the following improvements at the intersection of SR 7 and Central Park Road:

1) addition of a second left turn lane north approach plus any right of way costs to complete this construction. This shall include any appropriate widening of SR 7 as approved by the Florida Department of Transportation and the Office of the County Engineer; and

2) construction of an acceptable cross section on Central Park Blvd. eastbound to receive the dual left turn lanes plus the appropriate paved tapers. This shall include any bridge widening for Central Park Boulevard over the E-1 Canal as determined by the County Engineer. Construction shall be completed prior to the first C.O. for this phase. The intersection improvements listed in E.12.d above shall receive impact fee credit. (BLDG - Eng) (COMPLETED)

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:

a. Building Permits which will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for improvements at the intersection of Palmetto Park Road and Lyons Road necessary to meet the required Level of Service identified in the Traffic Performance Standards. Required Intersection improvements at Palmetto Park Road and Lyons Road as part of this condition are to be funded and constructed by Palm Beach County. (ENG) [Note: COMPLETED]

b. Building Permits which will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for 95th Avenue South from Glades Road to the South County Jewish Federation West Boca Campus. Construction shall be completed prior to the first C.O. for this phase. (ENG/ BLDG)[Note: COMPLETED]

c. Building Permits which will permit more than 2930 new net external trips per day to be generated from the site shall not be approved until construction has begun for the widening of SR 7 as a 4-lane section from Yamato Road to Clint Moore Road plus the appropriate paved tapers. (ENG) [Note: COMPLETED]

7.A complete phasing plan and schedule which is to be made part of the applicants regulating plan, shall be submitted to the DRC for final approval. This phasing plan shall be approved concurrent with the first site plan approval by the DRC which includes building square footages. (ONGOING:ENG - Eng) (Previous Condition E.11 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]



8.Previous Condition E.12 of Zoning Resolution R-2007-0424, Control No. 1984-139, which currently states:

This property owner shall post the required acceptable surety to guarantee the construction as outlined on Conditions Numbers E.12.d. above. This surety shall be posted with the Office of the Land Development Division on or before March 28, 1996 in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Eng)

Is hereby deleted. Reason: Revised traffic study no longer requires these improvements.

9.The property owner shall provide for the acquisition by funding any required right-of-way for the construction of intersection improvements required at SR 7 and Central Park Road as referenced in the above conditions. Property Owner shall provide surety acceptable to the Office of the County Engineer and the County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before January 1, 1996 or prior to the certification of the Master Plan whichever shall first occur. Notification shall be given to Land Development Division. (DATE:MONITORING - Eng) (Previous Condition E.13 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

10.The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a. Glades Road and 95th Avenue South; and
- b. SR 7 and Central Park Boulevard.

The funding for this signalization shall be provided within 60 days notice by Palm Beach County. (ENG) (Previous Condition E.14 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

11.The twenty (20) multi-family dwelling units identified in POD A shall be limited to JARC housing. (ONGOING: ZONING - Eng) (Previous Condition E.15 of Zoning Resolution R-2007-0424, Control No. 1984-139)

12.Palm Beach County shall acquire the additional right of way, if required through an eminent domain procedure, for 95th Street South. Right of way obtained shall be a minimum of 100 feet in width to provide for a 90 foot right-of-way and a 10 foot buffer strip. This acquisition shall extend from the subject property to Glades Road. The Developer shall prepare and provide to the County all necessary construction plans for this roadway. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they exist at the time of the submittal. Construction plans shall be submitted prior to September 1, 1996. Notification shall be given to Land Development Division. (MONITORING/ENG) (Previous Condition E.16 of Zoning Resolution R-2007-0424, Control No. 1984-139 ) [Note: COMPLETED]

13.The developer shall fund all necessary right of way acquisition documents including, but not limited to, surveys, property owners map, legal descriptions for acquisition documents, and parceled right of way maps for the construction of 95th Street South from the subject property to Glades Road. These documents shall also include a title search for a minimum of 25 years. These documents shall be provided on or before, September 1, 1996. Notification shall be given to Land Development Division. (MONITORING/ENG) (Previous Condition E.17 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

14.The Developer shall provide all funding inherent with the provisions outlined in condition requiring eminent domain procedures herein. Funding of all necessary right of way costs shall include, but not be limited to, the actual cost of right of way acquired, all legal costs incurred by the County in the acquisition of said right of way. These costs shall also include

the costs of all expert witness fees and attorney fees. Any funds required to be expended by the County shall be advanced to the County by the Developer. Funding for this right of acquisition shall be provided within 60 days notice by PBC. (ENG) (Previous Condition E.18 of Zoning Resolution R-2007-0424, Control No. 1984-139). [Note: COMPLETED]

15. The Property owner shall construct a roundabout on 95th Avenue South north of the existing Guard House as shown on Wantman Group Inc, Guardhouse Improvement Plan dated February 16, 2006 or alternative plans 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 dedication/acquisition of any additional required right-of-way.

Construction shall be completed prior to issuance of a building permit for the new guard house. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.19 of Zoning Resolution R-2007-0424, Control No. 1984-139) [Note: COMPLETED]

16. Previous Condition E.20 of Zoning Resolution R-2007-0424, Control No. 1984-139, which currently states:

The Property owner shall modify the campus traffic program to include a minimum of one of the following traffic improvements. The County Engineer shall approve the traffic improvement program prior to final DRO approval for the Elementary/Middle/High School currently approved on Pod B. Any necessary implementing conditions of approval will be added to the site plan for Pod B. (DRO:ENG Eng)

A) Extension of the existing turn lane east approach on Glades Road at 95~ Ave. South.

B) Opening the campus access point on Central Park Boulevard to coincide with the operation hours of the Elementary/Middle/High School uses.

C) Staggering of the hours of operation for the Elementary/Middle/High School uses.

D) Any and all costs associated with any 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 and the cost of construction of receiving lanes on 95th Avenue South. (ONGOING:ENG Eng)

E) Permits required Florida Department of Transportation and Palm Beach County for this construction shall be obtained prior to Construction. (ONGOING:ENG - Eng)

Is hereby amended to read:

The developer shall:

- i. Lengthen the existing left turn lane east approach on Glades Road at 95th Avenue South, and
- ii. Lengthen the existing left turn lane north approach on SR-7 at Central Park Boulevard North.

These turn lanes shall be lengthened to a minimum 470 feet in length plus 50 foot paved taper, or as approved by FDOT. Their construction shall be concurrent with the paving and drainage improvements for development of Pod B. 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 for improvements identified above shall be obtained from the Florida Department of Transportation 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)



17. Prior to July 22, 2011 or issuance of the first building permit, whichever shall occur first, the property owner shall subdivide Pod B in accordance with provisions of Article 11 of the Unified Land Development Code or approved Subdivision Variances. (DATE/BLDG PERMIT: MONITORING-Eng)

## HEALTH

1. Previous condition Health 3. of Resolution R-2007-424; Control 19847-139 which states:

Prior to final site plan approval by the Development Review Officer, the property owner shall submit site plans and architectural plans for the proposed day care facility to the Palm Beach County Health Department (PBCHD) and meet with staff of the PBCHD to discuss the plans for establishing and operating the facility. (DRO:HEALTH-Health) (COMPLETE)

## LANDSCAPE – GENERAL

1. Prior to site plan certification, the Master Plan for the 360-unit development shall be amended to comply with Section 7.3 (Landscape Code) of the Unified Land Development Code. (DRO:ZONING-Zoning) (Previous Landscaping Condition 1 of Resolution R-2007-0424, Control 1984-139) [NOTE: COMPLETED]

2. All trees required to be planted by the approval of Petition 84-139(D) 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. (BUILDING PERMIT:LANDSCAPE-Zoning) (Previous Landscaping Condition 2 of Resolution R-2007-0424, Control 1984-139)[NOTE: COMPLETED]

3. A minimum twenty-five (25) foot wide landscape buffer strip shall be provided around the entire external perimeter of the land area added to the Rainberry West PUD by Petition 84-139(D), except as required below. All perimeter landscape buffer strips shall be free and clear of all improvements, including, but not limited to, structures, buildings, lighting, paving, and parking, excluding landscaping, irrigation, required utility improvements and drainage.

- a. The petitioner may receive a Board of Adjustment variance from this requirement along the west and south property lines of Pod A. (ONGOING:ZONING-Zoning) (Previous Landscaping Condition 3 of Resolution R-2007-0424, Control No. 1984-139.)[NOTE: COMPLETED, BA 98-36]

4. Prior to certification of the preliminary development plan for Petition 84-139(D), the petitioner shall modify the Regulating Plan to include typical cross sections for the following landscape buffers and buffers adjacent to Rainberry Park Plat No.4 and the Boca Lago PUD. All landscaping shall be installed in accordance with the Regulating Plan and conditions of approval. (DRO:ZONING-Zoning) (Previous Landscaping Condition 4 of Resolution R-2007-0424, Control No.1984-139) [NOTE: COMPLETED]

## LANDSCAPE – PERIMETER

### 5. ZONING - LANDSCAPING-ALONG NORTH AND EAST PROPERTY LINES

Previous Landscape Condition 5 of Resolution R-2007-0424 (Control No. 1984-139) which currently states:

Landscape and buffering along the north property line, east of 95th Avenue South, and east property line, abutting the Timbers Subdivision, shall be upgraded to include:

- a. A minimum seventy five (75) foot wide landscape buffer strip.
- b. A six (6) foot high chain link fence with black vinyl coating, setback a minimum of eight (8) feet from the property line.
- c. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. 100% of the canopy trees shall be native species.
- d. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation to be maintained at a minimum height of seventy-two (72) inches. This shrub or hedge material shall be installed on the exterior side of the required fence and be setback a minimum of five (5) feet from the exterior property line.
- e. Notwithstanding the conditions above, if the petitioner, adjacent residents and the County agree to a different mix of tree species/types, that written agreement shall be attached as an addendum to the conditions and shall supersede the requirement for 100% native canopy trees. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscaping Condition 5 of Resolution R-2007-0424, Control No.1984-139.) [to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C] [NOTE: COMPLETED]

Is hereby amended to read

#### ZONING - LANDSCAPING-ALONG NORTH AND EAST PROPERTY LINES

Landscape and buffering along the north property line, east of 95th Avenue South, and east property line, abutting the Timbers Subdivision, shall be upgraded to include:

- a. A minimum seventy five (75) foot wide landscape buffer strip to include fifty (50) feet of landscape buffer and a twenty-five (25) foot drainage area.
- b. A six (6) foot high chain link fence with black vinyl coating, setback a minimum of eight (8) feet from the property line.
- c. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. 100% of the canopy trees shall be native species.
- d. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation to be maintained at a minimum height of seventy-two (72) inches. This shrub or hedge material shall be installed on the exterior side of the required fence and be setback a minimum of five (5) feet from the exterior property line.
- e. Notwithstanding the conditions above, if the petitioner, adjacent residents and the County agree to a different mix of tree species/types, that written agreement shall be attached as an addendum to the conditions and shall supersede the requirement for 100% native canopy trees. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscaping Condition 5 of Resolution R-2007-0424, Control No.1984-139.) [to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C] [NOTE: COMPLETED]

6.The improvements required by Condition H.1. above shall be installed and completed prior to the issuance of the first building permit within Pod B. (BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscaping Condition 6 of Resolution R-2007-0424, Control No.1984-139)[to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C] [NOTE: COMPLETED]

7.The petitioner shall provide a landscape buffer tract 10 feet in width along the east side of the 90 foot right-of-way (95th Avenue South) providing access to the PUD from Glades Road. This landscape buffer tract shall include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high concrete wall;
- c. a minimum two (2) foot high berm;
- d. Native canopy trees planted a minimum of twenty (20) foot on center; and
- e. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight inches.

(BLDG PERMIT: LANDSCAPE - Zoning) (Previous Landscaping Condition 7 of Resolution R-2007-0424, Control No.1984-139)[NOTE:COMPLETED]

8.Previous Landscaping Condition 8 of Resolution R-2007-0424 (Control No.1984-139) which currently states:

The improvements required by Condition 1.1. above shall be installed and completed prior to construction of any portion of 95th Avenue South as a 90 foot right-of-way. (BLDG PERMIT:BLDG-Eng) (Previous Condition 1.2 of Resolution R-2007-0424, Control No.1984-139) [NOTE: COMPLETED]

Is hereby amended to read

The improvements required by Condition L.1. above shall be installed and completed prior to construction of any portion of 95th Avenue South as a 90 foot right-of-way. (BLDG PERMIT:BLDG-Eng) (Previous Landscape Condition 8 of Resolution R-2007-0424, Control No.1984-139) [NOTE: COMPLETED]

#### LIGHTING

1.Condition J.1 of Resolution 1995-0117, Control 1994-081, which currently states:

All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BLDG/CODE ENF-Zoning) (Previous Lighting Condition 1 of Resolution R-2007-0424, Control 1984-139).

Is hereby deleted. [REASON: Code requirement]

2.Previous Lighting Condition 2 of Resolution R2007-0424 (Control No. 0424) which currently states:

Tennis court and baseball field lighting shall be extinguished by 11:00 P.M. (ONGOING:CODE ENF- Zoning) (Previous Condition J.2 of Resolution R-2007-0424, Control No.1984-139).

Is hereby deleted. [Reason: no longer applicable]

3.All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point, within 100 feet of the north property line, east of 95th Avenue South, and east property line, adjacent to the Timbers Subdivision. (ONGOING:CODE ENF- Zoning) (Previous Lighting Condition 3 of Resolution R-2007-0424, Control No.1984-139)

4.All outdoor lighting within 100 feet of the north property line, east of 95th Avenue South, and east property line, adjacent to the Timbers Subdivision, shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING:CODE ENF- Zoning) (Previous Lighting Condition 4 of Resolution R-2007-0424, Control No.1984-139).

#### SCHOOL BOARD

1.The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

##### "NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL



BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2007-424, Control No. 1984-139)

## SITE DESIGN

1. Prior to Site Plan Certification a revised Master Plan shall be submitted reflecting the circulation pattern throughout the Planned Unit Development. (DRO: ZONING-Zoning) (Previous Site Design Condition 1 of Resolution R-2007-0424, Control No. 1984-139) [NOTE: COMPLETED]

2. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (DRO: ZONING- Zoning) (Previous Site Design Condition 2 of Resolution R-2007-0424, Control No. 1984-139). [NOTE: COMPLETED]

## USE LIMITATIONS

1. USE LIMITATIONS-(TO BE APPLIED TO LAND AREA ADDED TO THE PUD BY PETITION 84-139(D) ONLY POD A, B, AND C)

Pod A shall be limited to:

- a. A 105 bed congregate living facility.
- b. Twenty (20) multifamily units. (JARC housing)
- c. 97 JARC students (32 on site 65 outside) for assembly/resource institutional center. (ONGOING: BLDG-Zoning)(Previous Use Limitation Condition 1 of Resolution R-2007-0424, Control No. 1984-139).

2. Pod C shall be limited to 130,000 square feet and 684 students for the Hebrew school. (Previous Use Limitation Condition 3. of Resolution R-2007-0424, Control No. 1984-139). (DRO: ZONING-Zoning)

3. Pod C daycare center shall be limited to a maximum of 200 children. (Previous Use Limitation Condition 4 of Resolution R-2007-0424, Control No. 1984-139)(ONGOING: HEALTH -Zoning)

4. The outdoor speaker system shall not be used except for emergency purposes only. (Previous Use Limitation Condition 5 of Resolution R-2007-0424, Control No. 1984-139). (ONGOING: CODE ENF-Zoning)

5. External school bells shall not be permitted. (Previous Use Limitation Condition 6 of Resolution R-2007-0424, Control No. 1984-139). (ONGOING: CODE ENF-Zoning)

## 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)