

RESOLUTION NO. R-2011- 0791

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/R-2011-00148
(CONTROL NO. 1985-00171)
a Development Order Amendment
APPLICATION OF Palm Beach High School Foundation Inc - dba Oxbridge Academy
of the Palm Beaches
BY Johnston Group Land Development Consultants, Inc., AGENT
(Dorfman PUD)

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 ABN/DOA/R-2011-00148 was presented to the Board of County Commissioners at a public hearing conducted on May 26, 2011; 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 ABN/DOA/R-2011-00148, the petition of Palm Beach High School Foundation Inc - dba Oxbridge Academy of the Palm Beaches, by Johnston Group Land Development Consultants, Inc., agent, for a Development Order Amendment to reconfigure the Master Plan and the Site Plan to add 1 access point on Community Drive and delete 1 access point on Military Trail in the Planned Unit Development (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 May 26, 2011, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 26, 2011.

Filed with the Clerk of the Board of County Commissioners on May 31, 2011.

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

BY: 
COUNTY ATTORNEY

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DORFMAN PUD
Jewish Community Campus and Meyer Academy

Legal Description

All of the plat of Jewish Community Campus, A Portion of the Dorman P.U.D., as recorded in Plat Book 68, Pages 75-77, Public Records of Palm Beach County, Florida.

and

All of the plat of Meyer Jewish Academy, A Portion of Dorfman P.U.D., as recorded in Plat Book 98, Pages 58-59, Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

DIGNITY SKETCH - JEWISH COMMUNITY CAMPUS AND MEYER ACADEMY




JOHNSTON GROUP
Land Development Consultants, Inc.

EXHIBIT C-1

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The Preliminary Master Plan for the PUD is dated March 14, 2011. Modifications to the Development Order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Should the applicant not utilize the approval of the Requested Uses, the property owner or applicant shall abandon the approval pursuant to the regulations of Article 2 of the ULDC, as amended, and the Final Master Plan shall be modified accordingly. (ONGOING: ZONING - Zoning)

2.The Preliminary Site Plan for PODs 1 and 2 is dated March 14, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commissioner. (ONGOING: ZONING - Zoning)

Should the applicant not utilize the approval of the Requested Uses, the property owner or applicant shall abandon the approval pursuant to the regulations of Article 2 of the ULDC, as amended, and the Final Site Plan shall be modified accordingly. (OnGOING: ZONING - Zoning)

3.Condition A.2 of Resolution R-2001-1868, Control No. 1985-171, 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 for the PUD and site plan for Pod 4 are dated August 23, 2001, and site plan for Pods 1 and 2 are dated March 29, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

Is hereby amended to read:

The approved Site Plan for Pod 3 and 4 are dated dated August 23, 2001. 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)

4.Condition A.1 of Resolution R-2001-1868, Control No. 1985-171, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0965 and R-2001-0966 of Petition 85-171(D) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2001-0965, R-2001-0966, and R-2001-1868 (Control No. 1985-171), 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)

5. Previous Condition A.3 of Resolution of R-2001-1868, Control No. 1985-171 which currently states:

Prior to final DRC certification of the site plan, the petitioner shall revise the master/site plans and concurrency reservation to reflect the correct number of students. (DRO: ZONING Zoning)

Is hereby deleted - [REASON: Superseded by Use Limitation Condition]

6. Previous Condition A.4 of R-2001-1868, Control No. 1985-171 which currently states:

Prior to final DRC certification of the site plan for Pod 4, the petitioner shall revise the site plan to indicate the correct number of parking spaces for the apartment complex in Pod 4. (DRO: ZONING)

Is hereby deleted - [REASON: Code Requirement Pursuant to Article 6.A.1.D, Off-street Parking]

ARCHITECTURAL REVIEW-(POD 4 - MULTIFAMILY BUILDINGS)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the apartment building in Pod 4. (BLDG PERMIT: BLDG / Zoning) (Previous Condition B.1 of R-2001-1868, Control No. 1985-171)

ARCHITECTURAL REVIEW-(POD 4 – MULTIFAMILY BUILDINGS)

2. Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations for the apartment complex in Pod 4 to the Architectural Review Section of the Zoning Division. Elevations shall be designed to be consistent with the Architectural Guidelines adopted by the BCC on July 24, 2001. Development shall be consistent with the approved architectural elevations. (DRO: BLDG PERMIT - Zoning) (Previous Condition B.2 of R-2001-1868, Control No. 1985-171)

ENGINEERING

1. The property owner shall convey for the ultimate right-of-way for:

- i. Haverhill Road, 54 feet from centerline [Note: COMPLETED]
 - ii. Military Trail, 60 feet from centerline [Note: COMPLETED]
 - iii. The construction of a right turn lane North approach at the project's north entrance onto Military Trail. The minimum length of this right-of-way shall be 150 feet long, 12 feet in width, with a minimum taper length of 180 feet. [Note: COMPLETED]
- All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ONGOING: ENGINEERING Eng) (Previous Condition E2 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

2. Previous Condition E2 of Resolution R-2001-1868, Control No. 1985-171, which currently states:

The property owner shall construct:

- a. on Haverhill Road at the project's entrance road a left turn lane, north approach and a right turn lane, south approach. [Note: COMPLETED]
- b. on Community Drive (12th Street) at the western project entrance road a left turn lane, west approach and a right turn lane, east approach; and at the eastern project entrance road, a left turn lane, west approach.
- c. on Military Trail at the project's north entrance road a left turn lane, south approach and a right turn lane, north approach per the Florida Department of Transportation approval. This construction shall include eliminating the existing median opening to the north with

raised mountable curbing concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.

Is hereby amended to read:

The property owner shall construct:

- i. A left turn lane north approach and a right turn lane south approach on Community Drive at Haverhill Road [Note: COMPLETED]
- ii. A left turn lane west approach and right turn lane east approach on Community Drive at the project's western entrance, and a west approach left turn at the project's eastern entrance [Note: COMPLETED]
- iii. A right turn lane north approach on Military Trail at the project's primary entrance [Note: COMPLETED]
- iv. A left turn lane south approach on Military Trail at the project's middle entrance [Note: COMPLETED]
- v. A left turn lane west approach and a right turn lane east approach on Community Drive at the project's central entrance.

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 a building permit for Building "D". (DATE: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of a certificate of occupancy for Building "D". (DATE: MONITORING-Eng)

3. The property owner shall provide Palm Beach county a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of 12th Street, Haverhill Road and Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along 12th Street, Haverhill Road and Military Trail. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements. (ONGOING: ENGINEERING - Eng) (Previous condition E3 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED - Drainage provided for 12th Street and Haverhill Road]

4. Property owner shall align the eastern-most entrance/exit onto 12th Street with the proposed shopping center to the south or as approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E5 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

5. Based on the Traffic Performance Standards (Category A"), the developer shall contribute an additional \$124,874.00 toward Palm Beach County's existing Roadway Improvement Program. Total funds of \$374,621.00 are to be paid as follows:

a. \$290,902.00 is to be paid for western half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of a site plan for either Phase 1 (multiple family apartments) or Phase 2 (ACLF) by the Site Plan Review Committee whichever shall first occur.[Note: COMPLETED]

b. \$83,719.00 is to be paid for the eastern half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of any site plan for Phase 3 (J.C.C. recreation areas) by the Site Plan Review Committee, whichever shall first occur. (Previous condition E6 of Resolution R-2001-1868, Control No. 1985-171) (ONGOING: ENGINEERING - Eng) [Note: COMPLETED]

6. In order to comply with the mandatory traffic performance standards the property

owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from I-95 to Haverhill Road plus the appropriate paved tapers. There shall be no additional access from the proposed ACLF onto Haverhill Road. (Previous condition E7 of Resolution R-2001-966, Control No. 1985-171) (ONGOING: ENGINEERING - Eng) [Note: COMPLETED - 45th Street has been widened.]

7. Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a temporary roadway construction easement along Haverhill Road. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT/DATE: MONITORING - Eng) (Previous condition E8 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

8. Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a 55 foot drainage/utility easement from Haverhill Road to the project's east property line. The location of this easement shall be approved by the County Engineer prior to recordation. (BLDG PERMIT/DATE: MONITORING - Eng) (Previous condition E10 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

9. Prior to June 1, 1999, if required by the County Engineer the property owner shall construct within this drainage easement a closed piping system, appropriate wingwall or other structures including exfiltration system as approved by the County Engineer. Elevation and location of this 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. (DATE: MONITORING - Eng) (Previous condition E10 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

10. Prior to July 15, 1995 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 Military Trail, 60 feet from centerline along the project's entire frontage, 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 "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous condition E11 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

11. LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL

a. Prior to January 1, 2003, the property owner shall revise the proposed Landscape Plans on file with the County Engineer to permit landscaping the adjacent median of Military Trail Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING - Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior June 1, 2003. (DATE: MONITORING-Eng)

c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to January 1, 2003. (DATE:MONITORING-Eng) (Previous condition E12 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

12. In order to comply with the mandatory traffic performance standards the Property owner shall fund the construction of a right turn lane south approach on Military Trail at Community Drive. This turn lane shall be a minimum of 280 feet in length with a taper length of 50 feet or as 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. Funding for this construction shall be completed prior to July 26, 1995. Traffic impact fee credit shall be permitted for funding of the construction of this right turn lane. (DATE: MONITORING - Eng). (Previous condition E13 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

13. In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any building permits until construction has begun for a right turn lane south approach on Military Trail at Community Drive. (BLDG PERMIT: MONITORING - Eng) (Previous condition E14 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

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

a. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the contract has been awarded for the construction of Military Trail as a 6 lane section from Okeechobee Blvd. to 45th Street plus the appropriate paved tapers. This restriction shall not apply if a CRALLS designation has been adopted for this roadway segment by the Board of County Commissioners or if the expansion of Military Trail is scheduled in the first three years of the FDOT 5-year road plan. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

b. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the widening of the existing 3-lane segment of Community Drive between Military Trail and Village Boulevard to a 4-lane cross section has either been assured or a CRALLS designation has been adopted for this roadway segment by the Board of County Commissioners. (BLDG PERMIT: MONITORING-Eng) (Previous condition E15 of Resolution R-2001-1868, Control No. 1985-171) [Note: COMPLETED]

15. Previous condition E16 of Resolution R-2001-1868, Control No. 1985-171, which currently states:

The property owner shall fund any required signal modifications at Community Drive and Projects entrance. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications

may also include installation of mast arms for the existing signal. Funding shall be completed within 60 days after receiving notice from Palm Beach County. (ONGOING: ENGINEERING - Eng)

Is hereby amended to read:

The property owner shall construct two north approach travel lanes (egress lanes), a traffic separator, a single northbound departure lane (ingress lane) and any required signal modifications at Community Drive and the Project's central entrance. This construction shall be concurrent with the construction of the Phase 3 office building (building "D") adjacent to this entrance. 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 a building permit for Building "D". (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of a Certificate of Occupancy for Building "D". (CO: MONITORING-Eng)

16. Prior to issuance of a building permit for the Meyer Academy/JCC Day School (Control Number 0492-006) the property owner shall plat POD 1, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E17 of Resolution R-2001-1868 of Control No. 1985-171)
[Note: COMPLETED]

17. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule for the Welcome Home Apartment Community which is part of the Dorfman PUD.

a. No Building Permits shall be issued until the contract has been let for the construction of Military Trail as 6 lane median divided section from 45th Street to Okeechobee Blvd. (ONGOING: ENGINEERING - Eng)[Note: COMPLETED]

b. No Building Permits shall be issued until a CRALLS designation has been adopted for the existing 3 lane section of Community Drive from Military Trail to Village Blvd. (BLDG PERMIT: MONITORING -Eng) (Previous Condition E18 of Resolution R-2001-1868 of Control No. 1985-171)
[Note: COMPLETED]

18. The mix of allowable uses, as permitted by the Zoning Division, listed above may be adjusted 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 Section 5.8 of the Unified Land Development Code. (ONGOING: ENGINEERING: Eng) (Previous Condition E19 of Resolution R-2001-1868 of Control No. 1985-171)

19. Prior to issuance of any building permits within POD 4 (the Welcome Home Apartment Community) the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E20 of Resolution R-2001-1868 of Control No. 1985-171) [Note: COMPLETED]

20. The Property Owner shall construct parking field modifications immediately south of the central project entrance on Military Trail to eliminate the dead-end drive aisle at this location. This construction shall be completed prior to November 26, 2011. Any and all costs associated with the construction shall be paid by the property owner. (DATE: MONITORING-Eng)

21. Prior to issuance of a building permit for building "D", the property owner shall

provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Community Drive at the project's central entrance road, as required in Condition E2. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. 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, including a topographic survey. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (DATE: MONITORING-Eng)

22. The Property Owner shall be required to monitor operating conditions at the Community Drive/Military Trail intersection and provide an annual building permit and enrollment report to the County Engineer on an annual basis commencing in July of 2012.

a. Prior to July 31, 2012 and continuing every year thereafter until either the project is complete or improvements have been constructed at the Community Drive/Military Trail intersection, the Property Owner shall submit to the County Engineer an HCS operational analysis of existing conditions at the Community Drive/Military Trail intersection. The analysis shall make use of the most recent peak season turning movement count but shall contain no background traffic growth or projections. The Property Owner shall also submit to the County Engineer a report identifying the building permit activity and student enrollment totals for the previous twelve months. (DATE: MONITORING-Eng)

b. If the analysis submitted in part a above shows that the north approach left turn queue is exceeding the storage area, no additional building permits or student enrollment will be permitted until either the Property Owner extends the existing north approach left turn storage length to a minimum of 615 feet or the County awards a contract for intersection improvements at this location. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1. Previous condition Health 1 of Resolution R-2001-1868; Control No. 1985-171 which currently states:

Sanitary sewer service is available to the property, therefore no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6 F.A.C. and Palm Beach County ECR-I (Health)

Is hereby deleted - [REASON: Code Requirement]

2. Previous condition Health 2 of Resolution R-2001-1868; Control No. 1985-171 which currently states:

Water service is available to the property, therefore no well shall be permitted on the site to provide potable water. All existing potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

Is hereby deleted - [REASON: Code Requirement]

3. Architectural plans shall be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 prior to issuance of a

building permit. (HEALTH - HEALTH) (Previous Condition Health 3 of Resolution R-2001-1868; Control No. 1985-171) [NOTE: Completed]

LANDSCAPE - GENERAL

1. Previous Condition F.1 of Resolution R-2001-1868, Control No. 1985-171, which currently states:

Fifty percent (50%) of the canopy trees (for Pod 4) and the remaining portion of the PUD required to be planted on site 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. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

Fifty percent (50%) of the canopy trees required to be planted on site shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet; and,
- b. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

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

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2001-1868, Control No. 1985-171)

3. A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. Only fifty (50) percent of the required canopy trees may be replaced by the clustered palm or pine trees within each required buffer. (CO: LANDSCAPE - Zoning) (Previous Condition F.3 of Resolution R-2001-1868, Control No. 1985-171)

4. Previous Condition F.4 of Resolution R-2001-1868, Control No. 1985-171 which currently states:

All shrub or hedge material for the buffers in Pod 4 shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:

eighteen (18) to twenty-four (24) inches groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches medium shrub; and,
forty-eight (48) to sixty (60) inches large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)

Is hereby deleted - [REASON: Code Requirement Pursuant to Art. 7.D.3, Shrubs and Hedges requirements]

5. All trees, palms and shrub/hedge material for the buffers in Pod 4 shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning) (Previous Condition F.5 of Resolution R-2001-1868, Control No. 1985-171)

LANDSCAPE - GENERAL-LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES OF THE PRIVATE SCHOOL - POD 1 (ABUTTING VACANT/UNDEVELOPED PROPERTY TO THE NORTH AND RESIDENTIAL TO THE WEST)

6. Previous Condition G.1 of Resolution R-2001-1868, Control No. 1985-171 which currently states:

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

- a. A four (4) foot high berm, except around preserve areas.
- b. An opaque hedge, planted at 36" in height and maintained at a height of six (6) feet installed on top of the berm.
- c. A single row of canopy trees planted every twenty (20) feet on center on the exterior side of the berm/hedge. (CO: LANDSCAPE Zoning)

Is hereby amended to read:

Landscaping and buffering along the north and west property lines of Pod 1 shall be upgraded to include:

- a. A four (4) foot high berm, except around preserve areas.
- b. An opaque hedge, planted at thirty-six (36) inch in height and maintained at a height of six (6) feet installed on top of the berm.
- c. A single row of canopy trees planted every twenty (20) feet on center on the exterior side of the berm/hedge. (CO: LANDSCAPE Zoning)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES (RESIDENTIAL AND HAVERHILL ROAD FRONTAGE FOR POD 4)

7. Landscaping and buffering along the north and west property lines for Pod 4 shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment 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;
- c. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE Zoning) (Previous Condition H.1 of Resolution R-2001-1868, Control No. 1985-171)

LANDSCAPE - GENERAL-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ADJACENT TO PALM LAKES APARTMENTS - POD 3)

8. Landscaping and buffering along the south and east property lines shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip except for area where lift station and drainage easement are located;
- b. one (1) canopy tree planted for each thirty (30) linear feet of the property line;
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- e. one (1) large/medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE Zoning) (Previous Condition I.1 of Resolution R-2001-1868, Control No. 1985-171)

LIGHTING

1. Previous Condition K.1 of Resolution R-2001-1868, Control No. 1985-171, 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. (CO/ONGOING: BLDG/CODE ENF - Zoning)

Is hereby deleted - [REASON: Code Requirement Pursuant to Article 5.E.4.E Outdoor Lighting]

2. All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition K.2 of Resolution R-2001-1868, Control No. 1985-171)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF Zoning) (Previous Condition K.3 of Resolution R-2001-1868, Control No. 1985-171)

4. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (BLDG PERMIT: CODE ENFORCEMENT Zoning) (Previous Condition K.4 of Resolution R-2001-1868, Control No. 1985-171)

5. Outdoor lighting for the athletic fields and outdoor play areas shall not be permitted. (BLDG PERMIT: CODE ENFORCEMENT Zoning) (Previous Condition K.5 of Resolution R-2001-1868, Control No. 1985-171)

PALM TRAN

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRO: PALM TRAN Zoning) (Previous Condition K.1.A of Resolution R-2001-1868, Control No. 1985-171) (Note: Completed)

2. Condition K.1.B. of Resolution R-2001-1868, Control No. 1985-171, which currently states:

Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to the issuance of the certificate of occupancy for the CLF. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (CO: MONITORING - Eng)

Is hereby amended to read:

Within 90 calendar days of being notified in writing that the existing Palm Tran Bus Shelter located within the Military Trail right-of-way immediately south of the primary median-divided entrance into the project will be removed due to the widening of Military Trail beyond six (6) lanes, the property owner shall convey to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area along Military Trail within the subject property. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion, terms and conditions, and other related documents as deemed necessary by Palm Tran are required. (PALM TRAN: PALM TRAN/ENG Palm Tran)

PLANNED DEVELOPMENT

1. 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, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att) (Previous Condition M.1 of Resolution R-2001-1868, Control No. 1985-171)

2. Decorative street lights for Pod 4 shall be provided pursuant to Section 6.8.A.16.c.(1) of the ULDC, subject to approval by the County Engineer. (CO: BLDG - Eng) (Previous Condition M.2 of Resolution R-2001-1868, Control No. 1985-171)

3. Street trees for Pod 4 shall be planted within or adjacent to streets of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (CO: LANDSCAPE - Eng) (Previous Condition M.3 of Resolution R-2001-1868, Control No. 1985-171)

4. Street bike lanes for Pod 4 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. (CO: BLDG - Eng) (Previous Condition M.4 of Resolution R-2001-1868, Control No. 1985-171)

5. All utilities for Pod 4 shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. (PLAT: ENG - Zoning) (Previous Condition M.5 of Resolution R-2001-1868, Control No. 1985-171)

6. Prior to final site plan certification by the Development Review Committee (DRC), the site plan for Pod 4 shall be amended to show a focal point at the main access at Haverhill Road, and at terminus of each residential access street. The focal point shall be in the form of special planting and decorative pavement. (DRO: ZONING-Zoning) (Previous Condition M.6 of Resolution R-2001-1868, Control No. 1985-171)

SIGNS

1. Previous Condition O.1 of Resolution R-2001-1868, Control No. 1985-171, which currently states:

Freestanding signs, including entrance wall, directional and point of purchase signs, fronting on Haverhill Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 32 square feet;
- c. Maximum number of signs - one (1); and,
- d. Style - monument style only. (BLDG PERMIT/CO: ZONING/BLDG)

Is hereby amended to read:

Ground mounted freestanding signs including monument and entrance signs fronting on Haverhill Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - thirty-two (32) square feet;
- c. Maximum number of signs - one (1); and,
- d. Style - monument style only. (BLDG PERMIT: BLDG Zoning)

2. Should the sign on Community Drive be replaced, the new sign shall be limited to:

- a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. Maximum sign face area per side - sixty (60) square feet;
- c. Maximum number of signs - one (1); and,
- d. Style - monument style only. (BLDG PERMIT: BLDG Zoning) (Previous Condition O.2 of Resolution R-2001-1868, Control No. 1985-171)

SITE DESIGN

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition C.1 of Resolution R-2001-1868, Control No. 1985-171)

2. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and east property lines of the 4.5 acre parcel. (ONGOING: CODE ENF ZONING) (Previous Condition C.3 of Resolution R-2001-1868, Control No. 1985-171)

SOLID WASTE AUTHORITY-RECYCLE SOLID WASTE

1. The school shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to paper, plastic, metal and glass products. (ONGOING: SWA - SWA) (Previous Condition N.1 of Resolution R-2001-1868, Control No. 1985-171)

USE LIMITATIONS-POD 1 - PRIVATE SCHOOL ONLY

1. The outdoor speaker system shall not be used except for emergency purposes. (ONGOING: CODE ENFORCEMENT Zoning) (Previous Condition P.5 of Resolution R-2001-1868, Control No. 1985-171)

USE LIMITATIONS-POD 1 - PRIVATE SCHOOL ONLY

2. External school bells shall be used only between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. External school bells shall ring no more than 11 total times per day. All external school bells shall be installed no closer to the west property line than the west wall of the principal school building and shall be appropriately muffled to reduce sound on site. Bells shall not be used on weekends or when school is not in session, except for testing purposes. No bells shall be installed oriented or facing towards the north, or on the north side of any building or structure. (BUILDING: CODE ENFORCEMENT-Zoning) (Previous Condition P.6 of Resolution R-2001-1868, Control No. 1985-171)

USE LIMITATIONS-POD 4 – (MULTIFAMILY ONLY)

3. Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activities permitted on Sunday. (ONGOING: CODE ENF - Zoning) (Previous Condition P.3 of Resolution R-2001-1868, Control No. 1985-171)

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)