

RESOLUTION NO. R-2016- 0127

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2015-00542  
(CONTROL NO. 1986-00114)  
a Development Order Amendment  
APPLICATION OF Evangelical Christian Credit Union  
BY Shutts and Bowen, LLP, AGENT  
(Evangelical Christian Credit Union)

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;

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, (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2015-00542 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2016;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 of the ULDC for a Development Order Amendment ; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 ZV/DOA-2015-00542, the application of Evangelical Christian Credit Union, by Shutts and Bowen, LLP, Agent, for a Development Order Amendment to reconfigure the Site Plan and delete land area, 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 January 28, 2016, subject to the Conditions of Approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Absent
Commissioner Steven L. Abrams	-	Absent
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 28, 2016.

Filed with the Clerk of the Board of County Commissioners on February 8th, 2016.

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 A**

The East ½ of Lot 6, Block 2, Palm Beach Plantations, Subdivision of Section 12, Township 44 South, Range 42 East, Palm Beach County, Florida, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, also described as the East ½ of the West ½ of the Northwest ¼ of the Northwest ¼ of said Section 12, Township 44 South Range 42 East, Palm Beach County, Florida.

Less and Except Right of Way for Summit Boulevard as recorded in O.R. Book 4986, Page 1524, Public Records of Palm Beach County, Florida.

Together with:

**Parcel B:**

The South ½ of the South ½ of the West ½ of Lot 6, Block 2, Model Land Company's Subdivision of Section 12, Township 44 South, Range 42 East, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida.

Also, described as the South ½ of the South ½ of the West ½ of the West ½ of the Northwest ¼ of the Northwest ¼ of the said Section 12.

EXCEPTING there from, the West 20 feet thereof heretofore excepted and reserved for public road purposes; and

EXCEPTING there from, the South 150 feet thereof as measured along the West line of said Lot 6.

Together with, an easement and Right of Way, in common with others entitled thereto, at all times and for all purposes, with or without vehicles and animals, to and from the land conveyed or any part thereof, over and upon the East 5 feet of the West 25 feet of said Lot 6, and also the North 20 feet of the South 150 feet of said Lot 6 hereinabove excepted, also described as the West ½ of the Northwest ¼ of the Northwest ¼ of said Section 12, LESS that part conveyed by this Deed.

Subject to an Easement and Right of Way in common with others entitled thereto, at all times and for all purposes with or without vehicles and animals over and upon the South 20 feet of said property herein conveyed by this deed less the East 20 feet of the West 40 feet for road Right of Way.

LESS and Except Right of Way for Haverhill Road as recorded in O.R. Book 11873, Page 1577 and O.R. Book 4804, Page 1327, Public Records of Palm Beach County, Florida.

Also together with:

**Parcel C:**

The North ½ of the South ½ of the West ½ of Lot 6, Block 2, Palm Beach Plantations, Model Land Company's Subdivision of Section 12, Township 44 South, Range 42 East, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida, LESS the West 20 feet thereof.

Together with, an easement for ingress and egress over the West 25 feet of said Lot 6, Block 2, of said subdivision above described.

LESS and Except the Right of Way for Haverhill Road as described in O.R. Book 11873, Page 1577, O.R. Book 5487, Page 1388 and as shown on Road Plat Book 4, Page 169, Public Records of Palm Beach County, Florida.

Also Together with:

**Parcel D:**

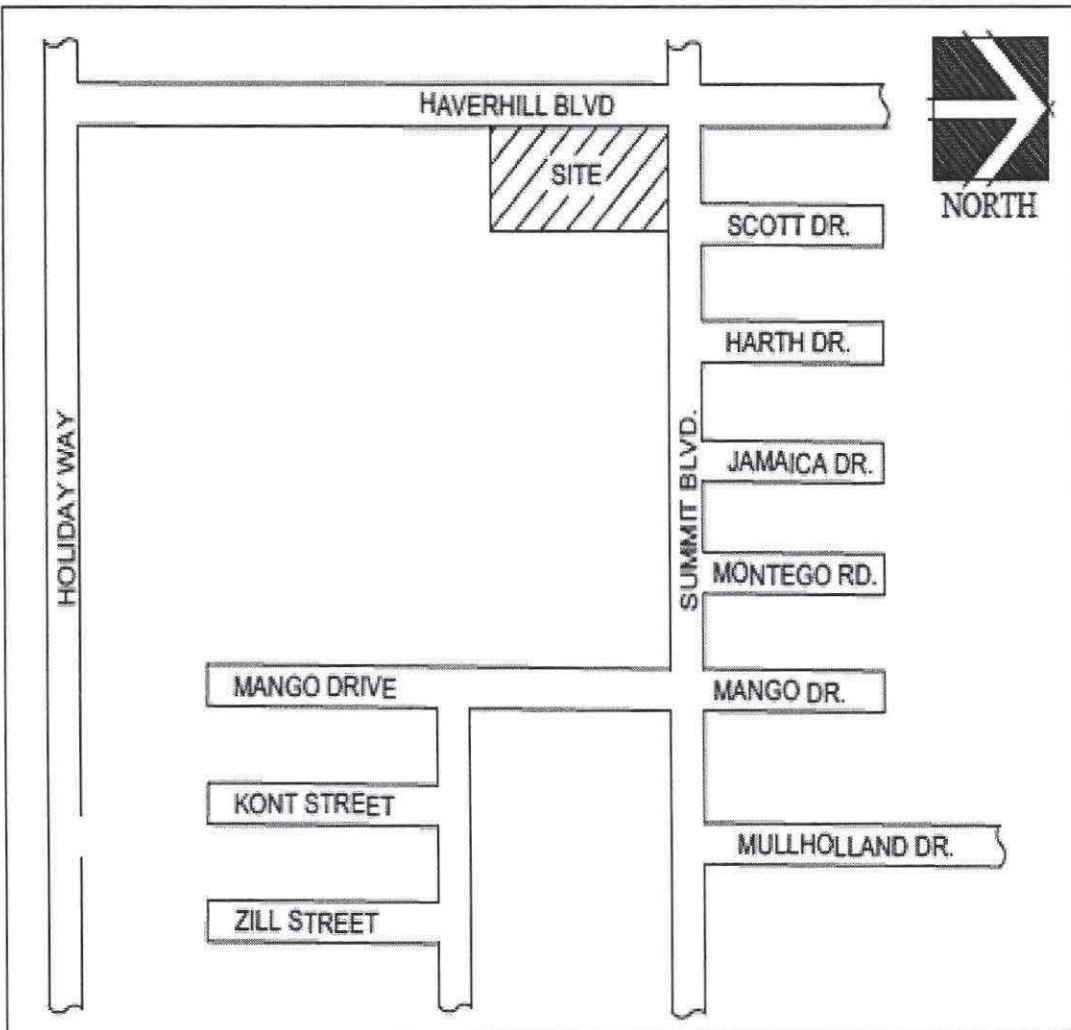
The North ½ of the West ½ of Lot 6, LESS the West 20 feet thereof, Block 2, Section 12, Township 44 South, Range 42 East, Palm Beach Plantations, a subdivision in Palm Beach County, Florida, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Palm Beach County, Florida.

LESS however, the additional Right of Way for Haverhill Road as described in that certain Right of Way Warranty Deed recorded in O.R. Book 4864, Pages 1559 and 1560, Public Records of Palm Beach County, Florida.

LESS the Right of Way for Haverhill Road as recorded in O.R. Book 11873, Page 1577 and O.R. Book 4986, Page 1524, Public Records of Palm Beach County, Florida.

**TOTAL CONTAINING:** 16.85 ACRES, OR 734,025 SQUARE FEET, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. Resolution No. R-98-866, Petition EAC86-114(D), (SUMMIT CHRISTIAN TOWER) shall remain in full force and effect. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 1 of Resolution R-2009-1221, Control No.1986-00114)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions (R- 2007-1234 Eng corrective and R-06-0149 Eng Corrective and R-2005-1794) have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING- Zoning)

##### Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions (R- 2007-1234 Eng corrective, R-2006-0149 Eng Corrective, R-2005-1794, and R-2009-1221), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

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

##### Is hereby amended to read:

The approved Preliminary Site Plan is dated November 20, 2015. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ENGINEERING

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

a southerly right-of-way line of Summit Boulevard, with subsequent relocation of the landscape strip and signage to accommodate the right-of-way. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2009-1221, Control No.1986-00114)

2. Previous ENGINEERING Condition 2 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it



may from time to time be amended. The Fair Share Fee for this project presently is and additional \$30,468.00 (1,137 trips X 26.79 per trip). (BLDGPMT: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Code requirement]

3. Previous ENGINEERING Condition 3 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

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

If the Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$7,615.00 shall be credited toward the increased Fair Share Fee. (BLDGPMT/DATE: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Code requirement]

4. The Property Owner shall construct a right turn lane, west approach on Summit Boulevard at the projects entrance road concurrent with onsite paving and drainage improvements. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2009-1221, Control No.1986-00114)

5. Previous ENGINEERING Condition 5 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

The Property Owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$12,136.00 (453 trips X \$26.79 per trip). (BLDGPMT: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Code requirement]

6. Previous ENGINEERING Condition 6 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

Based on the Traffic Performance Standards (Category B") the Property Owner shall contribute an additional \$3,034.00 toward Palm Beach County's existing Roadway Improvement Program. These total funds of \$15,170.00 shall be paid prior to June 1, 1987 or prior to the issuance of a building permit, whichever shall first occur. If the Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$3,034.00 shall be credited toward the increased Fair Share Fee. (BLDGPMT/DATE: MONITORING - Engineering)

**Is hereby deleted.** [REASON: Code requirement]

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

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

Right of way shall be in accordance with Palm Beach County Typical Expanded intersection detail and shall be free of all encumbrances and encroachments. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right of way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7



of Resolution R-2009-1221, Control No.1986-00114)

8. Prior to the issuance of a building permit, the Property Owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed additional right of way for the construction of a right turn lane on Haverhill Road at the project's north entrance road. This right of way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2009-1221, Control No.1986-00114)

9. Previous ENGINEERING Condition 9 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

The Property Owner shall construct a right turn lane south approach on Haverhill Road at the project's north entrance. This construction shall be concurrent with phase one paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to utility relocations. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

**Is hereby amended to read:**

The Property Owner shall construct a right turn lane south approach on Haverhill Road at the project's north entrance. This construction shall be concurrent with phase one paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to utility relocations.

- a. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

10. The Property Owner shall re-stripe the existing pavement markings on Haverhill Road, at the projects north and south entrance(s) on Haverhill Road, to provide for a separate left turn lane north approach. This re-striping shall be concurrent with the paving and drainage improvements for the site. The method used to remove the existing pavement markings may include an overlay of pavement, or grinding of the existing pavement markings subject to the approval of the County Engineer. Re-striping shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 10 of Resolution R-2009-1221, Control No.1986-00114)

11. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer, at the intersection of the project's south entrance and Haverhill Road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy, this Property Owner shall be relieved from this condition. (BLDGPMT/ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2009-1221, Control No.1986-00114)

12. Prior to final DRO, the Property Owner shall submit for approval by the County Engineer, a schedule of staggered hours for operation of the Daycare, Elementary School, Middle School, and High School on-site that shall prevent the stacking of drop-off and pick-up vehicles beyond the site entrance onto Summit Boulevard. This schedule of staggered hours shall apply to both the start and end times for the school facilities on-site. (DRO/ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 12



of Resolution R-2009-1221, Control No.1986-00114)

### 13. TRAFFIC PERFORMANCE STANDARDS PHASING REQUIREMENTS

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

- a. No more than 1,175 students shall be enrolled/registered until the contract has been let for the 4 lane median divided construction of Haverhill Road from Cresthaven Boulevard to Purdy Lane plus the appropriate paved tapers. (ONGOING: ENGINEERING - Engineering)
- b. No Building Permits for the site may be issued after January 1, 2011. A time extension for this condition may be approved by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (BLDGPMT/DATE: MONITORING - Engineering)
- c. The date shown which indicates when the final building permit will be issued may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2009-1221, Control No.1986-00114)

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

- a. No Building Permits shall be issued until the Property Owner provides acceptable surety in the form of a cash bond or escrow agreement to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)
- b. In order to request release of the surety for the traffic signal at this intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at this intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 14 of Resolution R-2009-1221, Control No.1986-00114)

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

- Haverhill Road and the Project's Entrance Road
- Summit Boulevard and the Project's Entrance Road [Note: Complete]

This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 15 of Resolution R-2009-1221, Control No.1986-00114)

16. The concurrency approval is subject to the project aggregation rule set for the in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 16 of Resolution R-2009-1221, Control No.1986-00114)

### 17. INTERSECTION IMPROVEMENTS



The Property owner shall construct:

- a. right turn lane south approach on Haverhill Road at the projects entrance road;
- b. left turn lane north approach on Haverhill Road at the projects entrance road.
- c. right turn lane west approach on Summit Boulevard at the projects entrance road. [Note: Completed]
- d. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
- e. Permits required by Palm Beach County for these turn lanes shall be obtained prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)
- f. Construction shall be completed prior to the issuance of the first CO. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 17 of Resolution R-2009-1221, Control No.1986-00114)

18. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMPT: MONITORING - Engineering)

19. The Property Owner shall abandon or release, and relocated if necessary, all easements in conflict with any improvement prior to plat recordation. (PLAT: MONITORING - Engineering)

#### **HEALTH**

1. Architectural plans must be submitted to the Environmental Health Section, Palm Beach County Health Unit, in accordance with Chapter 10D-24, FAC prior to issuance of a building permit. (BLDG PERMIT: MONITORING- Health) [Note: COMPLETED] (Previous HEALTH Condition 3 of Resolution R-2009-1221, Control No.1986-00114)

2. Property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH Condition 4 of Resolution R-2009-1221, Control No.1986-00114)

#### **LANDSCAPE - GENERAL**

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

- a. tree height: fourteen (14) feet.
- b. trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet current ULDC requirements. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2009-1221, Control No.1986-00114)

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

- a. palm heights: twelve (12) feet grey wood;
- b. clustering: staggered heights twelve (12) to eighteen (18) feet; and
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2009-1221, Control No.1986-00114)

3. Prior to September 22, 2006 all dead and missing landscape materials must be replaced



on the western 16.9 acres of the site. (DATE: MONITORING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2009-1221, Control No.1986-00114)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2009-1221, Control No.1986-00114)

5. Prior to the issuance of the first building permit under this application, the property owner shall submit a landscape plan to the Landscape Section for review and approval. The plan shall be prepared in accordance with all conditions. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 5 of Resolution R-2009-1221, Control No.1986-00114)

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

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

- a. a minimum twenty-five (25) foot wide landscape buffer;
- b. a continuous three (3) foot high berm;
- c. a double row of canopy trees thirty (30) feet on center of which 50% shall be planted on the interior side of the berm and the remaining 50% on the exterior side of the berm;
- d. one (1) palm or pine tree for each twenty (20) linear feet, with a minimum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and,
- e. Thirty-six (36) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be planted at the top of berm. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2009-1221, Control No.1986-00114)

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

7. Landscaping and buffering along the the south property line shall be upgraded to include a Type 2 Incompatibility Buffer. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2009-1221, Control No.1986-00114)

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

8. Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2009-1221, Control No.1986-00114, which currently states:

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

- a. a minimum twenty-five (25) foot wide landscape buffer. No width reduction or easement encroachment shall be permitted;
- b. a six (6) foot high vinyl coated chain link fence measured from the nearest top of curb, crown of adjacent road, or nearest finished floor elevation, whichever is highest, shall be installed shall be installed along the east property line;
- d. one (1) canopy tree shall be planted for each fifteen (15) linear feet of the property line. Trees shall be planted alternating on both sides of the wall/fence;
- e. one (1) palm or pine tree for each twenty (20) linear feet of the property line. Palms or pines shall be planted alternating on both sides of the wall/fence in a group of five (5) to seven (7) palms/pines per cluster. Each cluster shall have a maximum spacing of sixty (60) feet on center;
- f. one (1) small shrub for each two (2) linear feet of the property line and shall be planted on both sides of the wall/fence. Shrub shall be a minimum of eighteen (18) inches at installation;
- g. one (1) medium shrub for each four (4) linear feet of the property line and shall be



planted on both sides of the wall/fence. Shrub shall be a minimum of twenty-four (24) inches at installation; and,  
h. a continuous six (6) foot high hedge shall be planted on the exterior side of the fence only. (BLDG PERMIT: LANDSCAPE - Zoning)

**Is hereby amended to read:**

Landscaping and buffering along the east property line shall include:

- a. A minimum of five (5) foot wide Compatibility Buffer, and the buffer shall be approximately 300 lineal feet in length;
- b. Location of the buffer shall be in the vicinity of the detention area, and may be modified subject to the final approval by the Development Review Officer. (BLDGPMT: ZONING - Zoning)

**LIGHTING**

1. All outdoor, freestanding lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2009-1221, Control No.1986-00114)
2. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the east and south property lines. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2009-1221, Control No.1986-00114)
3. All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2009-1221, Control No.1986-00114)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2009-1221, Control No.1986-00114)
5. No outdoor lighting shall be permitted for outdoor recreation facilities. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2009-1221, Control No.1986-00114)

**PARKING-PHASE 1**

1. The Property Owner shall install the 41 parking spaces indicated within the Phase I area on the Preliminary Site Plan dated November 20, 2015. (BLDGPMT/ONGOING: ZONING - Zoning)

**PLANNING**

1. Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall provide all pedestrian pathways and crosswalks as shown on the certified site plan dated June 13, 2005. (DRO: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2009-1221, Control No.1986-00114)
2. Prior to Final Site Plan approval, the property development regulations table shall be revised to indicate the correct Floor Area Ratio (FAR). (DRO: PLANNING - Planning)

**SIGNS**

1. New and replacement freestanding signs fronting on Haverhill Road and Summit Boulevard shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - twelve (12) feet for sign type A; and six (6) feet for sign type B.
  - b. maximum sign face area per sign face: seventy-two (72) square feet for sign type A; and sixty (60) square feet with a maximum of three sign faces for sign type B.
  - c. maximum number of Type A signs per road frontage - one (1); and,
  - d. style - monument only.



e. location - one (1) of sign type A per frontage, and one (1) of sign type B fronting the intersection of Haverhill Road and Summit Boulevard. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2009-1221, Control No.1986-00114)

### **USE LIMITATIONS**

1. Hours of operation for the entire school, except employees, shall be limited to 7:00 a.m. to 10:00 p.m. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2009-1221, Control No.1986-00114)

2. Outdoor speaker or public address systems, excluding emergency warning systems, shall not be permitted on the property. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2009-1221, Control No.1986-00114)

3. Hours of construction activity during all stages of site development shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday. Construction shall be prohibited on Sunday and statutory holidays. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2009-1221, Control No.1986-00114)

4. Construction traffic shall be prohibited from utilizing any roads other than Haverhill Road and Summit Boulevard to access the site. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2009-1221, Control No.1986-00114)

### **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: ZONING - 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; 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; the 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 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 of Approval; 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: ZONING - Zoning)

### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.