

RESOLUTION NO. R-2019-0698

RESOLUTION APPROVING ZONING APPLICATION DOA-2018-01047
(CONTROL NO. 1984-00139)
Development Order Amendment
APPLICATION OF Federation CCRC Operations Corp
BY WGINC, AGENT
(Rainberry 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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC) Supplement 23, have been satisfied;

WHEREAS, Zoning Application DOA-2018-01047 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2019;

WHEREAS, A resolution was not filed with the Clerk of the Board of County Commissioners reflecting the approval of Application ZV/DOA-2011-2350, which was approved by the Board of County Commissioners on May 24, 2012 for a Development Order Amendment to modify the Master Plan, to reconfigure the Site Plan for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) in the RTS/SE Zoning District, subject to 38 Conditions of Approval; and

WHEREAS, this resolution ratifies and memorializes the May 24, 2012 action of the Board of County Commissioners approving the Development Order Amendment described above.

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for Development Order Amendment;

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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) 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 DOA-2018-01047, the Application of Federation CCRC Operations Corp, by WGINC, Agent, for a Development Order Amendment to reconfigure Pod B of the Master Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds/Residents, and, to modify and delete prior Conditions of Approval (Building and Landscape), on a parcel of land generally described as shown on the legal description 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 23, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

- Commissioner Mack Bernard, Mayor - Absent
- Commissioner Dave Kerner, Vice Mayor - Absent
- Commissioner Hal R. Valeche - Aye
- Commissioner Gregg K. Weiss - Absent
- Commissioner Robert S. Weinroth - Aye
- Commissioner Mary Lou Berger - Aye
- Commissioner Melissa McKinlay - Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 23, 2019.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2019.

This resolution shall not become effective unless or until the effective date of Large Scale Land Use Amendment No. LGA 2018-009.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

POD A

All of the plat "RAINBERRY P.U.D., PODS A, B, & C REPLAT NO. 2", as recorded in Plat Book 121, at Page 139 through 141 inclusive, of the Public Records of Palm Beach County, Florida;

TOGETHER WITH: POD B

All of the plat "RAINBERRY P.U.D., PODS A, B, & C REPLAT NO. 1", as recorded in Plat Book 118, at Page 14 through 22 inclusive, of the Public Records of Palm Beach County, Florida;;

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at the Northeast corner of Tract B-1, RAINBERRY P.U.D., PODS A, B & C REPLAT NO. 1, according to the Plat thereof, as recorded in Plat Book 118, at Page 14, of the Public Records of Palm Beach County, Florida, said point being the POINT OF BEGINNING; Thence South 00°00'20" East, for 1089.00 feet; Thence South 89°59'40" West for 29.11 feet; Thence South 01°15'41" West, for 40.31 feet; Thence South 20°31'58" West, for 75.82 feet; Thence South 40°33'41" West, for 90.57 feet; Thence South 56°54'23" West, for 44.88 feet; Thence South 82°46'55" West, for 122.65 feet; Thence South 89°59'40" West, for 715.52 feet; Thence South 00°00'57" East, for 16.13 feet; Thence South 89°59'21" West, for 360.09 feet; Thence North 00°01'09" West, for 691.16 feet; Thence North 89°59'16" East, for 30.00 feet to a point on a non-tangent curve, concave to the West, said curve having a radius of 2305.00 feet, through a central angle of 6°06'23" and from said point a radial line bears South 89°58'51" West; Thence Northerly along said curve for 245.66 feet; Thence North 06°07'32" West, for 273.26 feet to a point on a tangent curve, concave to the East, said curve having a radius of 2305.00 feet, through a central angle of 2°49'16"; thence northerly along said curve a distance of 113.50 feet; Thence North 89°59'40" East, for 21.43 feet; Thence North 00°01'09" West, for 4.00 feet; Thence North 89°59'40" East, for 1,350.69 feet to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands lying and situate in Section 19, Township 47 South, Range 42 East, Palm Beach County, Florida.

Said lands contain 40.22 acres, more or less.

EXHIBIT B

VICINITY SKETCH

LOCATION MAP

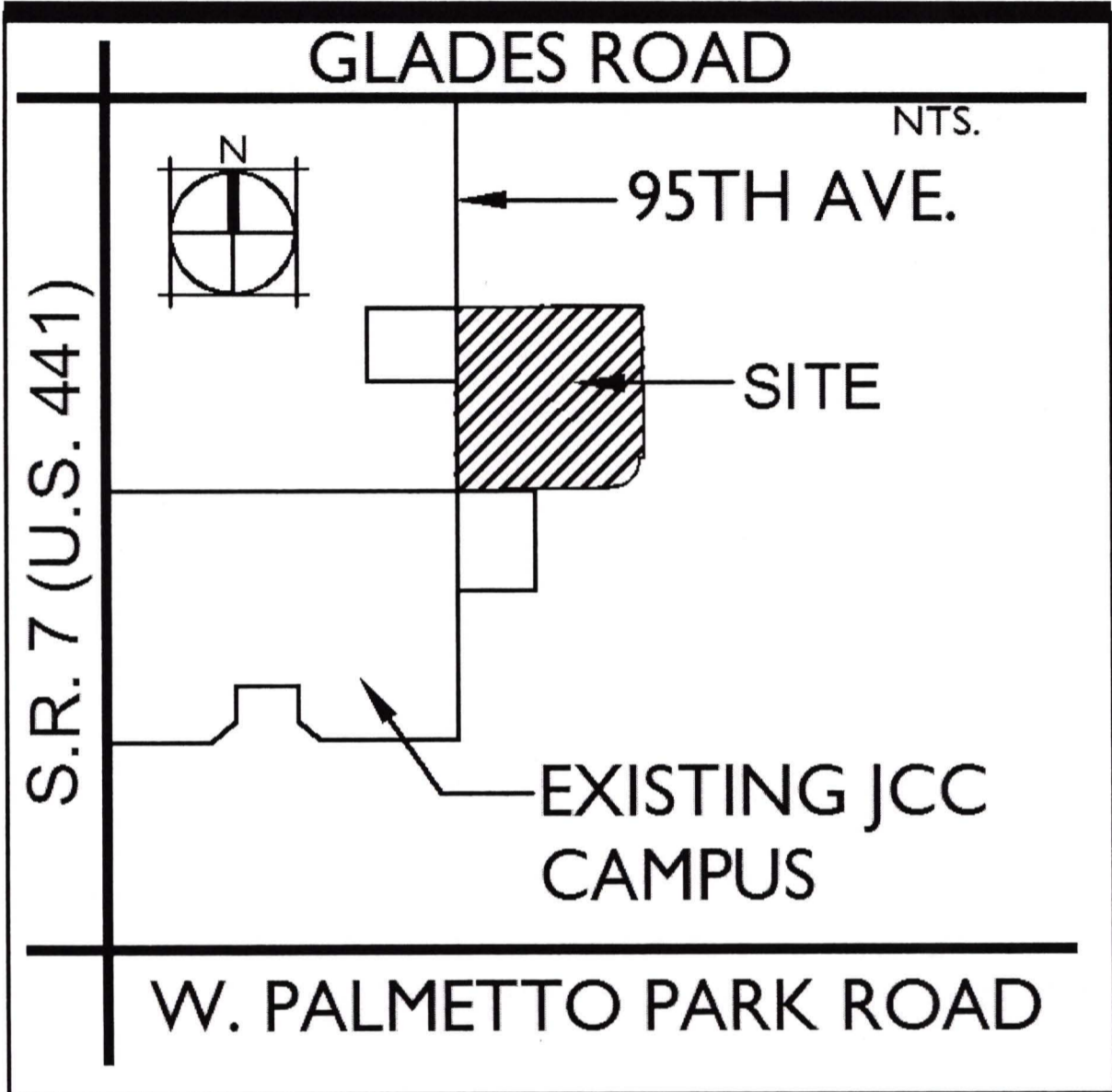


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment (PUD)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-R-99-17 (Petition DOA84-139(G)), R-2007-0424, (Application DOA 2006-344), and R-2010-1172, (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 ALL PETITIONS Condition 2 of Resolution R-2010-1172, Control No.1984-00139, 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 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.

Is hereby amended to read:

Development of the site is limited to the uses as approved by the Board of County Commissioners. The approved Preliminary Master Plan for the Rainberry PUD is dated January 28, 2019 and the approved Preliminary Site Plan for Pods A & B is dated March 21, 2019. 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. Previous BUILDING Condition 1 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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

Is hereby deleted. [REASON: This Condition is amended and relocated to Exhibit C-2, DOA for the CLF]

2.Previous BUILDING Condition 3 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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. [to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C]. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Code requirement].

BUILDING Condition 4 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

3. 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. [to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C]. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby amended to read:

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 of Pod B. (BLDGPM: BUILDING DIVISION - Zoning)

4. Previous BUILDING Condition 5 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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. [to be applied to land area added to PUD by Petition 84-139(D) only Pod A, B, and C]. (DRO: ZONING - Zoning) [Note: COMPLETED]

Is hereby deleted. [REASON: Part of DRO review procedures].

5. Previous BUILDING Condition 6 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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)

Is hereby deleted. [REASON: Code requirement].

6. Previous BUILDING Condition 7 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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. (BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Condition has been amended and relocated to Exhibit C-2, DOA for CLF]

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]
(BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2010-1172, Control No.1984-00139)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2010-1172, Control No.1984-00139)

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: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2010-1172, Control No.1984-00139)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

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: MONITORING - Engineering) [Note: COMPLETED]

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. (BLDGPMT: ENGINEERING - County Attorney) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2010-1172, Control No.1984-00139)

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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2010-1172, Control No.1984-00139)

6. 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. (BLDGPM: MONITORING - Engineering) [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. (CO: MONITORING - Engineering) [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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2010-1172, Control No.1984-00139)

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: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2010-1172, Control No.1984-00139)

8. 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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2010-1172, Control No.1984-00139)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2010-1172, Control No.1984-00139)

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.

(ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2010-1172, Control No.1984-00139)

11. The twenty (20) multi-family dwelling units identified in POD A shall be limited to JARC housing. (ONGOING: ZONING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2010-1172, Control No.1984-00139)

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] (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2010-1172, Control No.1984-00139)

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. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2010-1172, Control No.1984-00139)

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] (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2010-1172, Control No.1984-00139)

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2010-1172, Control No.1984-00139)

16. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2010-1172, Control No.1984-00139)

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. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2010-1172, Control No.1984-00139)

18. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

ENVIRONMENTAL

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee and approved by the Department prior to site plan certification. (Previously Condition D.1 of Resolution R-99-0017, Petition DOA84-139(G) Delete). [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 1 of Resolution R-2007-424, Control No.1984-00139) (ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. A Closure Assessment Report for all Pollution storage tanks on the property shall be performed according to the Florida Department of Environmental Protection "Pollution Storage Tank Closure Assessment Requirements", June 1994. All Assessments reports shall be submitted to and receive approval from the Department of Environmental Resources Management prior to DRC Master, Site or Subdivision Plan certification. (Previously Condition D.2 of Resolution R-99-0017, Petition DOA84-139(G) Delete). [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 2 of Resolution R-2007-424, Control No.1984-00139) (ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2007-0424, Application DOA 2006-344) (DRO: LWDD – Zoning)

LANDSCAPE - GENERAL

LANDSCAPE - GENERAL Condition 1 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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) [Note: COMPLETED]

Is hereby deleted. [REASON: Code requirement].

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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2010-1172, Control No.1984-00139)

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) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2010-1172, Control No.1984-00139)

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/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2010-1172, Control No.1984-00139)

LANDSCAPE - PERIMETER

5. Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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.

Is hereby amended to read:

ZONING - LANDSCAPING-ALONG NORTH PROPERTY LINE OF POD B

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

- a. A minimum width of fifty six (56) feet;
- b. A six (6) foot high chain link fence with black vinyl coating, to be setback a minimum of eight (8) feet from the north property line;
- c. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. All of the canopy trees shall be native species;
- d. Thirty-six (36) inch high hedge to be spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of seventy-two (72) inches. This hedge shall be installed on the exterior side of the required fence, and to be setback a minimum of five (5) feet from the north property line; and,
- e. Notwithstanding the conditions above, if the property owner, 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 the 100% native canopy trees. (BLDGPM: ZONING - Zoning)

ZONING – LANDSCAPING ALONG THE EAST PROPERTY LINE OF POD B

6. Landscape and buffering along the east property line of Pod B shall be upgraded to include:

- a. A minimum seventy-five (75) foot landscape buffer width to include a minimum of fifty (50) feet of landscape area and a maximum of twenty-five (25) feet for drainage;
- b. A six foot high chain link fence with black vinyl coating, setback a minimum of eight feet from the property line;
- c. Two separate six (6) foot high concrete panel walls at a minimum length of 150 lineal feet (north wall) and 80 lineal feet (south wall) shall be installed in the areas where vehicular access points to Building C are located;
- d. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. All canopy trees shall be native species;
- e. A minimum of 136 canopy trees to be added to the buffer;
- f. Thirty-six (36) inch high hedge spaced no more than twenty-four (24) inches on center at installation, and to be maintained at a minimum height of seventy-two (72) inches. The hedge shall be installed on the exterior side of the required fence and shall be setback a minimum of five (5) feet from the east property line;
- g. A minimum of 1,130 medium size shrubs shall be installed on the interior side of the fence; and,
- h. Notwithstanding the conditions above, if the property owner, 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 the 100% native canopy trees. (BLDGPM: ZONING - Zoning)

Previous LANDSCAPE – PERIMETER Condition 6 of Resolution R-2010-1172, Control No. 1984-00139), which currently states:

7. 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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED]

Is hereby amended to read:

Prior to the issuance of the first building permit for the Type 3 Congegate Living Facility,

Building C, landscape requirements for the east property line of Pod B shall be completed. (BLDG/PMT: ZONING - Zoning)

8. 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/PMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2010-1172, Control No.1984-00139)

9. 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/PMT: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2010-1172, Control No.1984-00139)

LIGHTING

1. 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-2010-1172, Control No.1984-00139)

2. 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-2010-1172, Control No.1984-00139)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN – Palm Tran) (Previous MASS TRANSIT Condition 1 of Resolution R-2007-0424 of Application DOA 2006-344)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT: ENG – Monitoring) (Previous MASS TRANSIT Condition 2 of Resolution R-2007-0424 of Application DOA 2006-344)

PARKS

1. Prior to Master Plan certification, the Master Plan shall be amended to indicate that this development will provide recreational areas within the 32.124 acre residential pod that meet or exceed the recreational requirement of the Subdivision and Required Improvements Regulations (Ordinance 90-8) (Previous PARKS Condition 1 of Resolution R-2007-0424 of Application DOA 2006-344)

PLANNING

1. Per LGA 2018-09 condition 1, the density associated with the Medium Residential, 5

units per acre (MR5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation. (ONGOING: PLANNING - Planning)

PLANNED DEVELOPMENT (TO BE APPLIED TO LAND AREA ADDED TO PUD BY Petition 84-139(D) only Pos A, B, and C)

1. Street lights shall be provided pursuant to Section 6.8.A.23.d (1) of the ULDC, subject to approval by the County Engineer. (Previous Condition M.1 of Resolution 99-17, Petition DOA 84-139(G)).

2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (Previous Condition M.2 of Resolution 99-17, Petition DOA 84-139(G)).

3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(5) of the ULDC, subject to approval by the County Engineer. (Previous Condition M.3 of Resolution 99-17, Petition DOA 84-139(G)).

4. All utilities shall be underground pursuant to Section 6.8.A.23.d(4) of the ULDC. (Previous Condition M.4 of Resolution 99-17, Petition DOA 84-139(G)).

SITE DESIGN

Previous SITE DESIGN Condition 1 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

1. Prior to Site Plan Certification a revised Master Plan shall be submitted reflecting the circulation pattern throughout the Planned Unit Development. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED]

Is hereby deleted. [REASON: Code requirement for PDD].

Previous SITE DESIGN Condition 2 of Resolution R-2010-1172, Control No.1984-00139, which currently states:

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) [Note: COMPLETED]

Is hereby deleted. [REASON: Code requirement].

TREE SURVEY

1. Prior to site plan certification for additional Category "C" apartments, the petitioner shall submit a tree survey for the 36 unit development drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood, cypress, pine and palm trees over four (4) inches in diameter in a tabular form. (Previous Condition R.1 of Resolution R-99-17, Petition DOA84-139(G)). [Note: COMPLETED] (ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. The trees allocated to meet the minimum tree planting requirements; within the active recreation area shall be distributed along the property lines adjacent to residential lots or residentially zoned property. (Previous Condition R.2 of Resolution R-99-17, Petition DOA84-139(G)). [Note: COMPLETED] (ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. The petitioner shall preserve canopy and understory vegetation within the twenty-five (25) foot buffer along the southern and western property lines on the five (5) acre outdoor recreational parcel. (Previous Condition R.3 of Resolution R-99-17, Petition DOA84-139(G)). [Note: COMPLETED] (ENVIRONMENTAL RESOURCES MANAGEMENT -

VEGETATION PRESERVATION

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

- a. The area of Cypress mitigation as specified in Condition No. P.3, below.
- b. Acreage of the maintenance area and the proposed use.
- c. Open space breakdown in the tabular data. (Previous Condition Q.1 of Resolution R-99-17, Petition DOA84-139(G)). (ERM)

2. A representative of the petitioner, the Zoning Division, the Department of Environmental Resources, Management and South Florida Water Management District shall meet on site to define and determine the Cypress preservation boundaries on the west side of the Lake Worth Drainage District Lateral Canal No. 47. The boundaries shall be designated on the master plan. Intrusion into the area, other than for the removal of prohibited species, shall be limited to the one pedestrian link shown on the master plan. The removal of the Cypress on the east side of the L-4T Canal shall be mitigated by relocating the existing trees, or planting new Cypress near the entrance road. A report detailing the mitigation plan shall be submitted to the Zoning Division and approved as a supplement to the vegetation removal information simultaneously with the site plan review application. (Previous Condition Q.2 of Resolution R-99-17, Petition DOA84-139(G)). (ERM)

3. Concurrent with the application for site plan approval of the site plan the petitioner shall submit a tree preservation, relocation and removal program which corresponds to the tree survey. This program shall demonstrate methods in which significant native vegetation shall be incorporated into the site design. (Previous Condition Q.3 of Resolution R-99-17, Petition DOA84-139(G)). (ERM)

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: BUILDING DIVISION - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2010-1172, Control No.1984-00139)

2. Pod C shall be limited to 130,000 square feet and 684 students for the Hebrew school. (DRO: ZONING-Zoning) (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS Condition 2 of Resolution R-2010-1172, Control No.1984-00139)

3. Pod C daycare center shall be limited to a maximum of 200 children. (ONGOING: HEALTH DEPARTMENT - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2010-1172, Control No.1984-00139)

4. The outdoor speaker system shall not be used except for emergency purposes only. (ONGOING: CODE ENF-Zoning) (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2010-1172, Control No.1984-00139)

5. External school bells shall not be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2010-1172, Control No.1984-00139)

WATER UTILITIES

1. The developer shall be required to extend a minimum 12inch water main from the existing 12inch water main, near the northeast corner of Westwinds Shoppes on Glades Road, to the existing 8 inch water main near the northeast corner of the existing Jewish Community Center (Canal L-47, approximately 0.5 miles south of Glades Road). (Previous Condition S.1 of Resolution R-99-17, Petition DOA84-139(G)). (PBCWUD)

2. The developer shall be required to connect the sanitary sewer system to the existing 16 inch force main in the State Road 7 (441) right-of-way. (Previous Condition S.2 of Resolution R-99-17, Petition DOA84-139(G)). (PBCWUD)

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.