

RESOLUTION NO. R-2020- 1234

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2019-02186  
(CONTROL NO. 2001-00077)  
a Development Order Amendment  
APPLICATION OF Planet Kids IX, Inc.  
BY Schmidt Nichols, AGENT  
(Planet Kids Seminole Pratt Whitney)

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 (ULDC), Ordinance 2003-067 Supplement 26, have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2019-02186 was presented to the Board of County Commissioners at a public hearing conducted on August 27, 2020;

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 a 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 ZV/DOA-2019-02186, the Application of Planet Kids IX, Inc., by Schmidt Nichols, Agent, for a Development Order Amendment to reconfigure the Site Plan; add land area, building square footage, children and an access point; to modify or delete Conditions of Approval; and, to restart the Commencement of Development Clock, 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 August 27, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on August 27, 2020.

Filed with the Clerk of the Board of County Commissioners on September 9th, 2020

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  
PALM BEACH COUNTY  
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 285.2 FEET OF THE SOUTH 1561.2 FEET, LESS THE WEST 2571.1 FEET OF THE EAST 1/2 OF THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST. SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET, THE EAST 30 FEET AND THE SOUTH 40 FEET; ALSO KNOWN AS TRACT 6, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST; THENCE NORTH 01°25'21" EAST, ALONG THE EAST LINE OF SAID SECTION 13 (BASIS OF BEARINGS), A DISTANCE OF 1276.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°53'31" WEST, ALONG THE CENTERLINE OF MURCOTT BOULEVARD, A DISTANCE OF 120.04 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 40.01 FEET; THENCE SOUTH 89°53'31" WEST, A DISTANCE OF 24.34 FEET; THENCE NORTH 45°39'28" EAST, A DISTANCE OF 34.88 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 165.26 FEET; THENCE NORTH 44°20'34" WEST, A DISTANCE OF 35.82 FEET; THENCE NORTH 89°53'51" EAST, A DISTANCE OF 25.68 FEET; THENCE NORTH 01°25'21" EAST, A DISTANCE OF 30.01 FEET TO A POINT IN THE CENTERLINE OF 92ND LANE NORTH; THENCE NORTH 89°53'31" EAST, ALONG THE CENTERLINE OF 92ND LANE NORTH, A DISTANCE OF 120.04 FEET TO A POINT ON THE CENTERLINE OF SEMINOLE PRATT WHITNEY ROAD, SAID CENTERLINE ALSO BEING THE EAST LINE SAID SECTION 13; THENCE SOUTH 01°25'21" WEST, A DISTANCE OF 285.30 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:

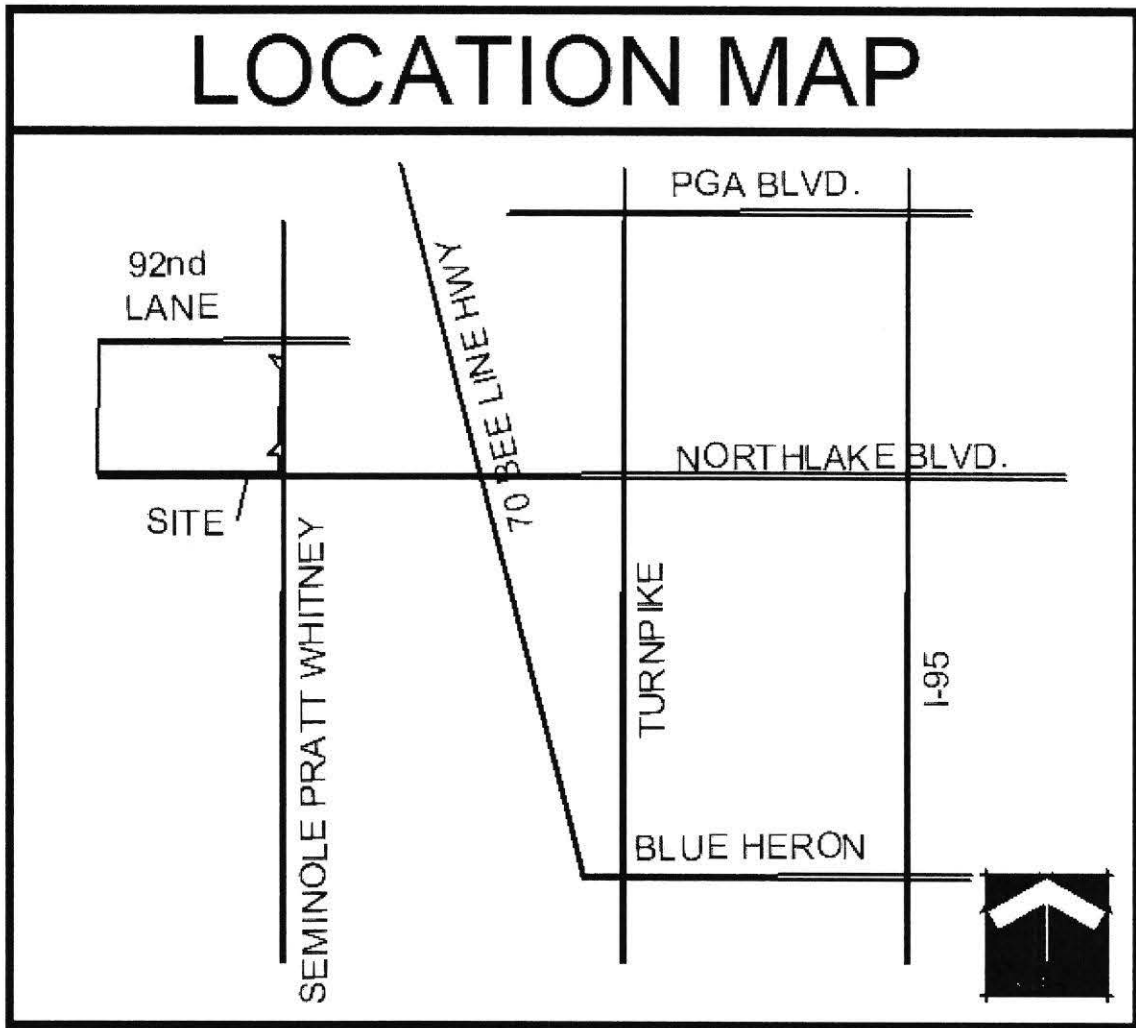
TRACT P-15:

THE EAST 209.6 FEET OF THE WEST 2571.1 FEET OF THE NORTH 285.2 FEET OF THE SOUTH 1561.2 FEET OF THE EAST 1/2 OF THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 42 SOUTH, RANGE 40 EAST. SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 30 FEET AND THE SOUTH 40 FEET THEREOF.

CONTAINING 2.591 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment**

##### **ALL PETITIONS**

1. Previous A Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 15, 2004. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

##### **Is hereby amended to read:**

The approved Preliminary Site Plan is dated June 22, 2020. 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2004-0509 (Control No. 2001-0077), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### **BUILDING**

1. The maximum building height shall be thirty (30) feet including air conditioning, mechanical equipment, satellite dishes and architectural features. Height shall be measured from finished grade to the highest point of the building. (BLDGPM: BUILDING DIVISION - Zoning) (Previous B Condition 1 of Resolution R-2004-509, Control No. 2001-00077)

2. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BUILDING DIVISION - Zoning) (Previous B Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

##### **ENGINEERING**

1. Previous E Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

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

No Building Permits for the site may be issued after April 1, 2007. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code.

##### **Is hereby amended to read:**

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

No Building Permits for the site may be issued after December 31, 2024. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Article 2 Chapter E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Seminole Pratt Whitney, 120 feet from centerline on or before June 1, 2004, or prior to the issuance of the first Building Permit, whichever shall first occur.

a. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. The Developer 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.

b. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee 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 prior to dedication.

c. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips". (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

3. Prior to issuance of a building permit, the property owner shall convey a temporary roadway construction easement along Seminole Pratt Whitney Road to Palm Beach County. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

4. The Property owner shall construct:

a. 92nd Lane North from Seminole Pratt Whitney Road to the projects west property line. Construction of 92nd Lane North shall be to local street standards minimum 2 10-foot travel lanes.

a1. 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. [Note: COMPLETED]

a2. Permits required by Palm Beach County and the Indian Trail Water Control District for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

a3. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-2004-509, Control No. 2001-00077)

5. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Engineering) (Previous E Condition 5 of Resolution R-2004-509, Control No. 2001-00077)

6. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified

Land Development Code or as otherwise approved by the County Engineer. (BLDGPMPT: MONITORING - Engineering)

7. The Property Owner shall construct a left turn lane south approach on Seminole Pratt Whitney Road at 92nd Lane North.

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 the first building permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

8. The Property Owner shall fund the construction plans, construction and construct 92nd Lane North from Seminole Pratt Whitney Road to the project entrance plus associated tapers to be consistent with Palm Beach County standards for a non-plan collector road as approved by the County Engineer and Indian Trails Improvement District. This construction shall be concurrent with the 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 and acquisition of any additional required right-of-way.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County and Indian Trails Improvement District prior to the issuance of the first Building Permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy of the expanded day care. (BLDGPMPT/CO: MONITORING - Engineering)

9. 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: MONITORING - 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. (BLDGPMPT/PLAT: MONITORING - Engineering)

10. Prior to the issuance of the first CO for additional square footage, the Property Owner shall remove any parking and restore the Seminole Pratt Whitney Road right-of-way to design conditions. (BLDGPMPT/CO: MONITORING - Engineering)

## **ENVIRONMENTAL**

1. Previous C Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species.

**Is hereby deleted.** [REASON: No Longer Applicable.]

## **HEALTH**

1. Previous D Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Prior to the issuance of a building permit, an application and engineering plan to construct

an onsite sewage treatment and disposal system (OSTDS) shall be submitted to the Palm Beach County Health Department for approval in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I. Alternatively, if public sanitary sewer service is available to the property, the property owner shall connect to public services.

**Is hereby deleted.** [REASON: Connection to sanitary sewer]

2. Previous D Condition 2 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Prior to the issuance of a building permit, an application and engineering plan to construct a non-transient, non-community well shall be submitted to the Palm Beach County Health Department for approval in accordance with Rule 62-555 FAC and Palm Beach County ECR-II. Alternatively, if public water supply is available to the property, the property owner shall connect to public services.

**Is hereby deleted.** [REASON: Connection to public water]

3. Prior to the issuance of a building permit, the petitioner shall submit architectural plans and site plans to the Institutional/Child Care Section of the Palm Beach County Health Department for review and approval in accordance with Palm Beach County Rules and Regulations Governing Child Care Facilities. (BLDGPMT: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous D Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

#### **LANDSCAPE - GENERAL**

1. All canopy trees to be planted in perimeter buffers shall be native species and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: ZONING - Zoning) (Previous F Condition 1 of Resolution R-2004-509, Control No. 2001-00077)

2. All palms required to be planted on the property by this approval shall be native species and 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: ZONING - Zoning) (Previous F Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

3. All shrub or hedge materials shall be native species, and shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:

- a. eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. forty-eight (48) to seventy-two (72) inches - large shrub;
- d. this condition does not apply where a single row of shrub or hedge is required on one or both sides of a fence or wall; and,
- e. credit may be given for existing or relocated shrubs and hedge provided they meet current ULDC requirements. (CO: ZONING - Zoning) (Previous F Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

4. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO:



ZONING - Zoning) (Previous F Condition 4 of Resolution R-2004-509, Control No. 2001-00077)

5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: ZONING - Zoning) (Previous F Condition 5 of Resolution R-2004-509, Control No. 2001-00077)

6. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (CO: ZONING - Zoning) (Previous F Condition 6 of Resolution R-2004-509, Control No. 2001-00077)

7. Prior to final approval by the Development Review Officer (DRO), an Alternative Landscape Plan shall be submitted for landscaping along any portion of the property where existing vegetation may affect the proposed landscaping. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous F Condition 7 of Resolution R-2004-509, Control No. 2001-00077)

8. Prior to March 1, 2021, the Property Owner shall replace all dead and missing plant materials on the previously developed portion of the subject property. (DATE: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR**

9. Previous J Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet.

**Is hereby deleted.** [REASON: Current Code requirements are more restrictive.]

10. Landscaping for terminal islands in the parking area shall consist of the following:

- a. one (1) native canopy tree for each island; and,
- b. a continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be native species and be maintained at a maximum height of thirty (30) inches at maturity. (BLDG/PMT/CO: ZONING - Zoning) (Previous J Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

11. Previous J Condition 3 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Foundation planting or grade level planters shall be provided along the north, east and west facades of the building to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than sixty percent (60%) of the total length of each applicable side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) native tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover.

**Is hereby deleted.** [REASON: Current Code requirements are more restrictive. Furthermore, a reduction of width on the north facade of Building A was subject to a Type 2 Variance concurrent with this Development Order.]

#### **LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH AND SOUTH PROPERTY LINES (FRONTAGES OF 92ND LANE NORTH AND MURCOTT BOULEVARD)**

12. Previous G Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

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

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- c. one (1) native 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 eighteen (18) inches at installation; and,
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation.

**Is hereby amended to read:**

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

- a. a minimum fifteen (15) foot wide landscape buffer strip.
- b. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- c. one (1) native 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 eighteen (18) inches at installation; and,
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF SEMINOLE PRATT WHITNEY ROAD)**

13. Previous H Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

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

- a. a minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet of overlap for septic system reserve area only;
- b. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- c. one (1) native 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 eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation.

**Is hereby amended to read:**

In addition to Code requirements, landscaping and buffering along the east property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) native canopy tree for each twenty (20) linear feet of the property line;
- c. one (1) native 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 eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (BLDGPM: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)**

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

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. one (1) native canopy tree planted for each twenty (20) linear feet of the property line;
- c. one (1) native 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 eighteen (18) inches at installation; and,
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation. (CO: ZONING - Zoning) (Previous I Condition 1 of Resolution R-2004-509, Control No. 2001-00077)

15. A six (6) foot high opaque wood fence shall be installed along the common boundary of the perimeter landscape buffer and the outdoor activity area. One (1) large shrub shall be planted for each four (4) linear feet of the fence, and to be planted on the exterior side of the fence. (CO: ZONING - Zoning) (Previous I Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH, SOUTH, AND EAST PROPERTY LINES (FRONTAGES OF 92ND LANE NORTH, MURCOTT BOULEVARD AND SEMINOLE PRATT WHITNEY ROAD)**

16. Prior to the issuance of any Building Permits, the Property Owner shall submit an Alternative Landscape Plan (ALP), to be reviewed and approved by the Landscape Section, indicating the five-foot easement encroachment. The ALP shall indicate the new location of the trees within the easement are to be replaced or relocated should they require removal. The ALP shall be reviewed in conjunction with a Type 1 Waiver pursuant to Article 7.B.4, Type 1 Waiver for Landscaping. (BLDGPM: ZONING - Zoning)

**LIGHTING**

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BUILDING DIVISION - Zoning) (Previous K Condition 1 of Resolution R-2004-509, Control No. 2001-00077)

2. All outdoor, freestanding lighting fixtures shall not exceed fifteen (15) feet in height measured from finished grade to highest point. (CO: BUILDING DIVISION - Zoning) (Previous K Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

3. All outdoor, freestanding lighting fixtures shall be setback a minimum distance of thirty (30) feet from the west property line. (CO: BUILDING DIVISION - Zoning) (Previous K Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

4. All outdoor lighting shall be extinguished no later than 8:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous K Condition 4 of Resolution R-2004-509, Control No. 2001-00077)

5. 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 K Condition 5 of Resolution R-2004-509, Control No. 2001-00077)

**SIGNS**

1. Previous L Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Freestanding point of purchase signs fronting on 92nd Lane North shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;

- b. maximum sign face area - thirty-six (36) square feet per side;
- c. maximum number of signs - one (1) for the entire site;
- d. style - monument style only;
- e. location - a minimum distance of one hundred (100) feet from the west property line; and,
- f. Signs shall be limited to identification of tenants only.

**Is hereby amended to read:**

Freestanding Signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area - thirty-six (36) square feet per side;
- c. maximum number of signs - one (1) for the entire site;
- d. style - monument style only; and,
- e. location: southeast corner of the site. (BLDGPMPT: ZONING - Zoning)

2. Previous L Condition 2 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

Wall signs shall be limited to the east facade of the building only. Individual lettering size shall be limited to a maximum of eighteen (18) inches high. Wall signs shall be limited to identification of tenants only.

**Is hereby amended to read:**

Wall signs shall be limited to the east facade of Building A only. Individual lettering size shall be limited to a maximum of eighteen (18) inches high. Wall signs shall be limited to identification of tenants only. (BLDGPMPT: ZONING - Zoning)

**SITE DESIGN**

1. The parking area shall be surfaced with paver blocks or other semi-pervious material to the maximum extent possible, subject to approval by the DRO and County Engineer. (CO/DRO: ENGINEERING - Zoning) (Previous B Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

2. A minimum fifty percent (50%) of the total net site acreage shall be maintained as pervious surface area. (DRO: ZONING - Zoning) (Previous B Condition 4 of Resolution R-2004-509, Control No. 2001-00077)

3. Any chain link fence installed on the property shall include a black, brown or green vinyl coating. (BLDGPMPT/CO: BUILDING DIVISION - Zoning) (Previous B Condition 5 of Resolution R-2004-509, Control No. 2001-00077)

4. Prior to final Development Review Officer (DRO) approval of the site plan, a parking space at the east end of the parking area shall be converted to a designated vehicle turn-around space. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 6 of Resolution R-2004-509, Control No. 2001-00077)

5. Recreation equipment located in the Outdoor Activity Areas shall be setback a minimum 100 feet from the west property line abutting residential use. (BLDGPMPT/ONGOING: BUILDING DIVISION - Zoning)

**USE LIMITATIONS**

1. Previous M Condition 1 of Resolution R-2004-509, Control No. 2001-00077, which currently states:

The daycare shall be limited to a maximum of 110 children at any given time.

**Is hereby amended to read:**

The Day Care shall be limited to a maximum of 274 children at any given time. (ONGOING: HEALTH DEPARTMENT - Zoning)

2. Hours of operation for the daycare shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning) (Previous M Condition 2 of Resolution R-2004-509, Control No. 2001-00077)

3. Hours of operation for outdoor activities shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning) (Previous M Condition 3 of Resolution R-2004-509, Control No. 2001-00077)

### **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; 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: MONITORING - Zoning)

### **DISCLOSURE**

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