

RESOLUTION NO. R-2001 - 0966

RESOLUTION APPROVING ZONING PETITION DOA1985-171 (D)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PALM BEACH JEWISH COMMUNITY CAMPUS CORP  
BY KIERAN KILDAY, AGENT  
(DORFMAN PUD)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1985-171 (D) was presented to the Board of County Commissioners at a public hearing conducted on June 25, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1 985-171(D), the petition of Palm Beach Jewish Community Campus Corp, by Kieran Kilday, agent, for a Development Order Amendment (DOA) to add land area, add square footage, reconfigure master plan and to add private school 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair		Aye
Karen T. Marcus		Absent
Mary McCarty		Aye
Burt Aaronson		Aye
Tony Masilotti		Aye
Addie L. Greene		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 2001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY --

BY:   
DEPUTY CLERK

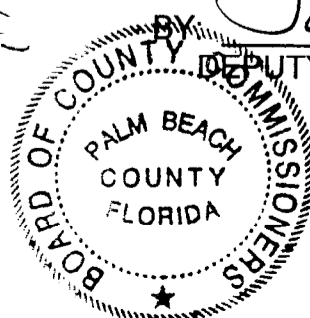


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTION 13, TOWNSHIP 43 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 990.00 FEET OF THE SOUTH 1320.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 13, LESS RIGHT-OF-WAY FOR STATE ROAD 809 (MILITARY TRAIL) AND LESS HAVERHILL ROAD RIGHT-OF-WAY TOGETHER WITH:

THE SOUTH 330.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 13, LESS THE EAST 474.02 FEET, LESS THE WEST 50.00 FEET FOR HAVERHILL ROAD AND LESS RIGHT-OF-WAY FOR 12TH STREET AS SHOWN IN (ROAD BOOK 5, PAGE 124) (OFFICIAL RECORD BOOK 2635, PAGE 1518) LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF HAVERHILL ROAD AND 12TH STREET AND IT IS BOUNDED ON THE EAST BY MILITARY TRAIL (S.R. 809).

ALSO TOGETHER WITH

A CERTAIN PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PLAT OF JEWISH COMMUNITY CAMPUS, AS RECORDED IN PLAT BOOK 68, PAGES 75 THROUGH 77, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°34'17" WEST ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 843.96 FEET; THENCE NORTH 01°44'16" EAST DEPARTING SAID PLAT LINE AND BEING ALONG THE EAST LINE OF THE PLAT OF PINE RIDGE AT HAVERHILL, AS RECORDED IN PLAT BOOK 43, PAGES 11 AND 12, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 495.01 FEET; THENCE SOUTH 88°34'17" EAST, A DISTANCE OF 643.12 FEET; THENCE SOUTH 01°59'20" WEST, A DISTANCE OF 300.01 FEET; THENCE SOUTH 88°34'17" EAST, A DISTANCE OF 215.01 FEET TO A POINT ALONG THE WESTERLY RIGHT-OF-WAY LINE OF MILITARY TRAIL AS RECORDED IN OFFICIAL RECORD BOOK 8893, PAGE 86, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°59'20" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 195.01 FEET; THENCE NORTH 88°34'17" WEST, A DISTANCE OF 12.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 80.32 ACRES MORE OR LESS



EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573-11 (Petition 85171(A), R-88-1236 (Petition 85-171 (B) and R-94-I 680 (SR 85-171.2), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)**

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-86-573-I 1 (Petition 85-I 71 (A); R-88-I 236 (Petition 85-I 71 (B); R-98-I 315, R-98-I 508 (Petition 85-I 71 C); R-94-1680 (SR 85-171.2) and Resolutions R-95-I 19 and R-95-120 (Petition 94-82) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Condition A.2 of Resolution R98-1315, Petition DOA85-171 (C) 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 June 23, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)**

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Development Plan and site plan for Pods 1 and 2 are dated March 29, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. Condition A.1 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Prior to site plan certification, the petitioner shall record a cross access agreement to the property to the south in a form acceptable to the County Attorney. (COUNTY ATTORNEY-Zoning)**

Is hereby deleted. Reason:[completed].

4. Condition A.2 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Prior to site plan certification, the master plan and appropriate site plan for the Dorfman PUD (Zoning Petition 85-171(B)) shall be amended to indicate the cross access. (DRC: ZONING)**

Is hereby deleted. [Reason: Completed.]

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

**B. ARCHITECTURAL CONTROL (POD 4 - CLF)**

1. **The proposed congregate living facility building shall be designed and constructed to be consistent with the facade elevations by Miklos & Associates, P.A. Architects/Planners dated July 17, 1998. (BLDG PERMIT: BLDG -Zoning) (Previously Condition B.I of Resolution R98-1315, Petition DOA85-171 (C))**

**C. BUILDING AND SITE DESIGN**

1. Condition C.I of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty (30) feet. (BLDG PERMIT: BLDG - Zoning)**

Is hereby amended to read:

The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty-five (35) feet. (BLDG PERMIT: BLDG - Zoning)

2. Condition C.2 of Resolution R98-1315, Petition DOA85-171(C) which currently states:

**All air conditioning and mechanical equipment shall be roof mounted and screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure. (BLDG PERMIT: BLDG - Zoning)**

Is hereby amended to read:

All roof or ground mounted air conditioning and mechanical equipment for the new building(s) shall be screened from view on all sides in a manner consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDG PERMIT: BLDG - Zoning)

3. **All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south and east property lines of the 4.5 acre CLF parcel. (DRC/ONGOING: ZONING/CODE ENF) (Previously Condition C.3 of Resolution R98-1315, Petition DOA85-171 (C))**
4. **Prior to final site plan approval by the Development Review Committee, the site plan and preliminary development plan shall be revised to indicate internal nonvehicular connection (ie. Pedestrian/bike) between the 4.5 acre CLF parcel and the adjacent multi-family pod. The design of the connection shall meet all ADA requirements and be approved by the Zoning Division. Security gates may be provided and may be closed at night. (DRC: ZONING/ENG) (Previously Condition C.4 of Resolution R98-1315, Petition DOA85-171 (C))**

D. HEALTH

1. Condition D. 1 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.**

Is hereby deleted. [Reason: Code requirements.]

2. Condition D.2 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.**

Is hereby deleted. [Reason: Code requirements.]

3. Condition D.3 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Since sewer service is available at the site, septic tank shall not be approved for use on said property.**

Is hereby deleted. [Reason: Replaced with Condition D.5]

4. Condition D.4 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**Since public water service is available to the property, a well shall not be approved for potable water use on said property.**

Is hereby deleted. [Reason: Replaced with Condition D.6]

5. **Sewerservice is available to the property, therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter IOD-6 FAC and Palm Beach County ECR-I. (HEALTH) (Previous Condition D. 1 of Resolution R-95-120, Petition 94-82)**
6. **Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH) (Previous Condition D.2 of Resolution R-95-120, Petition 94-82)**
7. **Architectural plans shall be submitted to the Environmental Health Section, Palm Beach County Public Health Unit, in accordance with Chapter 10D-24 prior to issuance of a building permit. (HEALTH) (Previous Condition D.3 of Resolution R-95-120, Petition 94-82) (applicable to Pod 4, CLF only)**

E. ENGINEERING

1. Condition E. 1 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. This drainage system shall be maintained in an acceptable condition per the County Engineers approval.**

Is hereby deleted. [Reason: Code requirement.]

2. **The property owner shall convey for the ultimate right-of-way for:**
  - a) **Haverhill Road, 54 feet from centerline [completed]**
  - b) **Military Trail, 60 feet from centerline [completed]**
  - c) **The construction of a right turn lane North approach at the project's north entrance onto Military Trail. The minimum length of this right-of-way shall be 150 feet long, 12 feet in width, with a minimum taper length of 180 feet. [completed]**

**All within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (Previously Condition E.2 of Resolution R98-1315, Petition DOA85-171 (C))**

3. **The property owner shall construct:**
  - a) **on Haverhill Road at the project's entrance road a left turn lane, north approach and a right turn lane, south approach. (Previously Condition E.3.a of Resolution R98-1315, Petition DOA85-171 (C))[completed]**



Condition E.3.b of Resolution R98-1315, Petition DOA85-171 (C)) which currently states:

- b) on 12th Street at both project's entrance roads a left turn lane, west approach and a right turn lane, east approach.**

Is hereby amended to read:

- b) on Community Drive (12th Street) at the western project entrance road a left turn lane, west approach and a right turn lane, east approach; and at the eastern project entrance road, a left turn lane, west approach.**
  - c) on Military Trail at the project's north entrance road a left turn lane, south approach and a right turn lane, north approach per the Florida Department of Transportation approval. This construction shall include eliminating the existing median opening to the north with raised mountable curbing concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. (Previously Condition E.3.c of Resolution R98-1315, Petition DOA85-171 (C))**
- 4. The property owner shall provide Palm Beach county a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of 12th Street, Haverhill Road and Military Trail along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along 12th Street, Haverhill Road and Military Trail. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements. (Previously Condition E.4 of Resolution R98-1315, Petition DOA85-171 (C))**
  - 5. If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the Fair Share Fee, this additional amount of \$134,792.00 shall be credited toward the increased Fair Share Fee. (Previously Condition E.5 of Resolution R98-1315, Petition DOA85-171 (C))**
  6. Condition E.6 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:  
  
**The property owner shall plat the entire parcel per the County Engineers approval.**  
  
Is hereby deleted. [Reason: Code requirement.]
  - 7. Property owner shall align the eastern-most entrance/exit onto 12th Street with the proposed shopping center to the south or as approved by the County Engineer. (Previously Condition E.7 of Resolution R98-1315, Petition DOA85-171 (C)) [completed]**
  8. Engineering Condition E.8 of Resolution R98-1315, Petition DOA85-171 (C) 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:**

- a. **Phase One -Multiple Family Apartments = \$173,342.00 (2,156 trips X \$80.40 per trip).**
- b. **Phase Two - 109 tenant ACLF = \$9,430 (352 trips X \$26.79 per trip).**
- c. **Phase Three - J.C.C. Recreation Area = \$66,975.00 (2,500 trips X \$26.79 per trip).**

Is hereby deleted. [REASON: Code Requirement]

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

- a) **\$290,902.00 is to be paid for western half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of a site plan for either Phase 1 (multiple family apartments) or Phase 2 (ACLF) by the Site Plan Review Committee whichever shall first occur. (Previously Condition E.9.a of Resolution R98-1315, Petition DOA85-171 (C)) [completed]**
- b) **\$83,719.00 is to be paid for the eastern half of the P.U.D. within 12 months of Special Exception approval or prior to the approval of any site plan for Phase 3 (J.C.C. recreation areas) by the Site Plan Review Committee, whichever shall first occur. (Previously Condition E.9.b of Resolution R98-1315, Petition DOA85-171 (C)) [completed]**

10. **In order to comply with the mandatory traffic performance standards the property owner(s) shall be restricted to no more than 276 building permits for rental units until the contract has been let for 45th Street as a 4 lane section from I-95 to Haverhill Road plus the appropriate paved tapers. [completed, 45<sup>th</sup> Street has been widened in this area.]**

**There shall be no additional access from the proposed ACLF onto Haverhill Road. (Previously Condition E.10 of Resolution R98-1315, Petition DOA85-171(C))**

11. **Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a temporary roadway construction easement along Haverhill Road. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance.(BLDG PERMIT/DATE: MONITORING - Eng) (Previous Condition E.II of Resolution R98-1315, Petition DOA85-171 (C))**

12. **Prior to the issuance of a building permit or prior to February 1, 1999, whichever shall first occur, the property owner shall convey to Palm Beach County a 55 foot drainage/utility easement from Haverhill Road to the project's east property line. The location of this easement shall be approved by the County Engineer prior to recordation. (BLDG PERMIT/DATE: MONITORING - Eng) (Previous Condition E.12 of Resolution R98-1315, Petition DOA85-171(C))**
13. **Prior to June 1, 1999, if required by the County Engineer the property owner shall construct within this drainage easement a closed piping system, appropriate wingwall or other structures including exfiltration system as approved by the County Engineer. Elevation and location of this drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng) (Previous Condition E.13 of Resolution R98-1315, Petition DOA85-171 (C))**
14. **Prior to July 15, 1995 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 60 feet from centerline along the project's entire frontage, free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer. (MONITORING/BUILDING - Engineering) (Previous Condition E. 1 of Resolution R-95-I 20, Petition P-94-82) [completed]**
15. Engineering Condition E.2 of Resolution R-95-I 20, Petition P-94-82w h i c h 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 Zoning Petition 94-82 to be paid at the time of issuance of the Building Permit presently is \$45,760.00 (832 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).**

Is hereby deleted. [REASON: Code Requirement]

16. Condition E.3 of Resolution R-95-I 20, Petition P-94-82 which currently states:

**LANDSCAPE WITHIN MEDIAN**

- A. **Prior to issuance of a building permit, the property owner 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, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All**

landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BUILDING - Engineering)

- B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy. (BUILDING - Engineering)
- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a certificate of occupancy to reflect this obligation.. (BUILDING - County Attorney)

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF MILITARY TRAIL

- A. Prior to January 1, 2003, the property owner shall revise the proposed Landscape Plans on file with the County Engineer to permit landscaping the adjacent median of Military Trail Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE:MONITORING - Eng)
- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term

maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior June 1, 2003. (DATE: MONITORING-Eng)

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then **appropriate** property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to January 1, 2003. (DATE:MONITORING-Eng)

- 17. **In order to comply with the mandatory traffic performance standards the Property owner shall fund the construction of a right turn lane south approach on Military Trail at Community Drive. This turn lane shall be a minimum of 280 feet in length with a taper length of 50 feet or as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Funding for this construction shall be completed prior to July 26, 1995. Traffic impact fee credit shall be permitted for funding of the construction of this right turn lane.** (MONITORING - Engineering). (Previous Condition E.4 of Resolution R-95-120, Petition P-94-82)

- 18. **In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any building permits until construction has begun for a right turn lane south approach on Military Trail at Community Drive.** (BUILDING - Engineering). (Previous Condition E.5 of Resolution R-95-120, Petition P-94-82)

- 19. Condition E.6 of Resolution R-95-120, Petition P-94-82 which currently states:

**In order to comply with the mandatory Traffic Performance Standards, the Developer shall not be issued any building permits until construction has begun for the 5-laning of Community Drive from Village Boulevard to Military Trail, currently scheduled in the Palm Beach County Intersection Improvement Program.** (BUILDING - Engineering)

Is hereby deleted. [REASON: revised concurrency]

- 20. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the contract has been awarded for the construction of Military Trail as a 6 lane section from Okeechobee Blvd. to 45th Street plus the appropriate paved tapers. This restriction shall not apply if a CRALLS designation has been adopted for this roadway segment by the Board of County

Commissioners or if the expansion of Military Trail is scheduled in the first three years of the FDOT 5-year road plan. (BLDG PERMIT: MONITORING-Eng)

- b. Building Permits for the Phase 3 - 20,238 square foot elementary school expansion (126 students) shall not be issued until the widening of the existing 3-lane segment of Community Drive between Military Trail and Village Boulevard to a 4-lane cross section has either been assured or a CRALLS designation has been adopted for this roadway segment by the Board of County Commissioners. (BLDG PERMIT: MONITORING-Eng)
21. The property owner shall fund any required signal modifications at Community Drive and Projects entrance. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. Signal modifications may also include installation of mast arms for the existing signal. Funding shall be completed within 60 days after receiving notice from Palm Beach County, (ONGOING: ENGINEERING)
22. Prior to issuance of a building permit for the MeyerAcademy/JCC Day School (Control Number 0492-006) the property owner shall plat POD 1, in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT:MONITORING-Eng)

F. LANDSCAPING - STANDARD

1. Condition F.3 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:**

- a. **Tree height: twelve (12) feet;**
- b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade;**
- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,**
- d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)**

Is hereby amended to read:

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

- a. Tree height: twelve (12) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. **All palms required to be planted on site by this approval shall meet the following minimum standards at installation:**
  - a. **Palm heights: twelve (12) feet clear trunk;**
  - b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
  - c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previously Condition F.4 of Resolution R98-1315, Petition DOA85-171(C))**
3. **A group of three or more palm or pine trees may supersede the requirement for a perimeter canopy tree in that location. Only fifty (50) percent of the required canopy trees may be replaced by the clustered palm or pine trees within each required buffer. (CO: LANDSCAPE - Zoning) (Previously Condition F.5 of Resolution R98-1315, Petition DOA85-171(C))**

G. LANDSCAPING - STANDARDS - POD I- PRIVATE SCHOOL

1. **All 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. (BUILDING-Zoning) (Previous Condition B. 1 of Resolution R-95-I 20, Petition P-94-82)**

Is hereby deleted. [Reason: Replaced by amended Condition F.1]

H. LANDSCAPING ALONG NORTH PROPERTY LINE

1. **In addition to the ULDC requirements for a Type 2 buffer, landscaping and buffering along the north property line of the 4.5 acre CLF parcel shall be upgraded to include:**
  - a. **A minimum twenty-five (25) foot wide landscape buffer strip; and,**
  - b. **One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE) (Previously Condition G.I of Resolution R98-1315, Petition DOA85-171 (C)) (applicable to Pod 4 only).**

I. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINES OF THE PRIVATE SCHOOL POD (ABUTTING VACANT/UNDEVELOPED PROPERTY TO THE NORTH AND RESIDENTIAL TO THE WEST)

1. **Landscaping and buffering along the north and west property line shall be upgraded to include:**
  - a. **A four (4) foot high berm, except around preserve areas.**
  - b. **An opaque hedge, planted at 36" in height and maintained at a height of six (6) feet installed on top of the berm.**

- C. **A single row of canopy trees planted every twenty (20) feet on center on the exterior side of the berm/hedge. (CO: LANDSCAPE) (Previously Condition C.I of Resolution R-95-120, Petition P-94-82)**

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

- 1. **In addition to the ULDC requirements for the Type 2 buffer, landscaping and buffering along the south and east property lines of the 4.5 acre CLF parcel shall be upgraded to include:**
  - a. **A minimum fifteen (15) foot wide landscape buffer strip. Encroachment of the drainage/utility easement as required by Condition E.12 shall only be permitted along the south 120' of the east property line and five (5) feet along the south property line consistent with the easement/buffer detail dated August 11, 1998 (see attached). Encroachment of existing lift station and water and sewer lines which traverse the buffers may be permitted;**
  - b. **One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters; ; and,**
  - c. **The required landscaping materials of this condition, within the south 120' of the east property line, shall be relocated to the west to provide additional screening for the service/dumpster area, (CO: LANDSCAPE) (Previously Condition H.I of Resolution R98-1315, Petition DOA85-171(C)) (applicable to Pod 4 only).**

K. LANDSCAPING ALONG WEST PROPERTY LINE (ADJACENT TO HAVERHILL ROAD)

- 1. **In addition to the ULDC requirements for this right-of-way buffer, landscaping and buffering along the west property line of the 4.5 acre CLF parcel shall be upgraded to include:**
  - a. **A minimum twenty-five (25) foot wide landscape buffer strip;**
  - b. **A one (1) to three (3) foot undulating berm, with an average height of (2) feet, measured from the top of the curb; and,**
  - c. **One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet on center between clusters. (CO: LANDSCAPE) (Previously Condition I. 1 of Resolution R98-1315, Petition DOA85-171 (C)) (applicable to Pod 4 only).**

L. LIGHTING

- 1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF -Zoning) (Previously Condition J.I of Resolution R98-1315, Petition DOA85-171 (C))**
- 2. **All outdoor lighting fixtures, including wall mounted lights, shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. (CO: BLDG -Zoning) (Previously Condition J.2 of Resolution R98-1315, Petition DOA85-171(C)) (applicable to Pod 4 only)**



3. Condition J.3 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

**All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)**

Is hereby deleted. [Reason: Replaced by Condition K.6]

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) (Previously Condition J.4 of Resolution R98-1315, Petition DOA85-171 (C))**

5. Condition F. 1 of Resolution R-95-120, Petition P-94-82 which currently states:

**All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (BUILDING/CODE ENFORCEMENT)**

Is hereby deleted. [Reason: Site is combined with Dorfman PUD, replaced by Condition K. I]

6. **All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENFORCEMENT) (Previous Condition F.2 of Resolution R-95-1 20, Petition P-94-82)**

7. **Outdoor lighting for the athletic fields and outdoor play areas shall not be permitted. (BUILDING/CODE ENFORCEMENT) (Previously Condition F.3 of Resolution R-95-120, Petition P-94-82) (applicable to Pod 1 only).**

M. MASS TRANSIT

1. A. **Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer. (DRC: ZONING) (Previously Condition K.I .A of Resolution R98-1315, Petition DOA85-171 (C))**

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

owner. (CO: MONITORING - Eng) (Previously Condition K.I.B of Resolution R98-1315, Petition DOA85-171 (C))

N. PLANNED UNIT DEVELOPMENT

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the recordation of the first plat for any portion of the planned development, whichever occurs first. This Declaration shall be amended when additional units are added to the PUD. (PLAT: ENG - Co Att) (Previously Condition L.I of Resolution R98-1315, Petition DOA85-171(C))

O. RECYCLE SOLID WASTE

1. The school shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to paper, plastic, metal and glass products. (SWA)

P. SIGNS

1. Condition M.1 of Resolution R98-1315, Petition DOA85-171 (C) which currently states:

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

- a. **Maximum sign height, measured from finished grade to highest point - eight (8) feet;**
  - b. **Maximum sign face area per side - 32 square feet;**
  - c. **Maximum number of signs - one (1); and,**
  - d. **Style -monument style only. (BLDG PERMIT/CO: ZONING/BLDG)**
2. Should the sign on Community Drive be replaced, the new sign shall be limited to:
    - a. Maximum sign height, measured from finished grade to highest point - six (6) feet;
    - b. Maximum sign face area per side - 60 square feet;
    - c. Maximum number of signs - one (1); and,
    - d. Style - monument style only. (BLDG PERMIT/CO: ZONING/BLDG)

R. USE LIMITATIONS

1. **Prior to site plan certification, the Master Plan shall be revised to reflect the following:**

- a) **Designation of the acreage and the amenity package of the recreation tract within the housing tract.**
  - b) **Areas of preservation of significant native vegetation including that within the required buffer area and central and eastern portion of the site.**(Previous Condition N. 1 of Resolution R98-1315, Petition DOA85-171 (C)) [Completed]
2. **The CLF shall be limited to a maximum of ninety-six (96) residents.** (DRC: BLDG/HEALTH -Zoning) (Previous Condition N.2 of Resolution R98-1315, Petition DOA85-171 (C)) (applicable to Pod 4 - CLF only )
  3. **Construction hours shall not commence prior to 7:00 a.m. or continue later than 7:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activities permitted on Sunday.** (ONGOING: CODE ENF - Zoning) (Previous Condition N.3 of Resolution R98-1315, Petition DOA85-171(C)) (applicable to Pod 4 - CLF only )
  4. **Deliveries, other than emergency medical supplies or services shall not be allowed to the site prior to 7:00 a.m. nor continue later than 6:00 p.m. Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No deliveries on Sunday except for medical emergency provisions.** (ONGOING: CODE ENF -Zoning) (Previous Condition N.4 of Resolution R98-1315, Petition DOA85-171(C)) (applicable to Pod 4 CLF only )
  5. **The outdoor speaker system shall not be used except for emergency purposes.** (CODE ENFORCEMENT) (Previous Condition H.I of Resolution R-95-120, Petition P-94-82) (applicable to Pod 1 - private school only )
  6. **External school bells shall be used only between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. External school bells shall ring no more than 11 total times per day. All external school bells shall be installed no closer to the west property line than the west wall of the principal school building and shall be appropriately muffled to reduce sound on site. Bells shall not be used on weekends or when school is not in session, except for testing purposes. No bells shall be installed oriented or facing towards the north, or on the north side of any building or structure.** (BUILDING/CODE ENFORCEMENT-Zoning) (Previous Condition H.2 of Resolution-R-95-120, Petition P-94-82) (applicable to Pod 1 - private school only )

S. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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) (Previously Condition 0.1 of Resolution R98-1315, Petition DOA85-171(C))
2. Condition 0.2 of Resolution R98-1315, Petition DOA85-171 (C)which currently states:

**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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
- d. Referral to code enforcement; and/or**
- e. Imposition of entitlement density or intensity.**

**Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.**

**Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)**

Is hereby amended to read:

**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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or the Code Enforcement Division 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)