

RESOLUTION NO. R-98-726

RESOLUTION APPROVING ZONING PETITION EAC80-153(F)
DEVELOPMENT ORDER AMENDMENT
PETITION OF JEWISH FEDERATION OF PALM BEACH
BY KILDAY & ASSOCIATES, INC., AGENT
(ABERDEEN PUD - CIVIC SITE)

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 EAC80-153(F) was presented to the Board of County Commissioners at a public hearing conducted on April 23 and May 28, 1998; 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.

- 0. 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 EAC80-153(F), the petition of Jewish Federation of Palm Beach, by Kilday & Associates, Inc., agent, for a Development Order Amendment /Expedited Application Consideration (EAC) to modify Condition F.2.b (light height) of R-97-652 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 May 28, 1998, 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 Lee and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

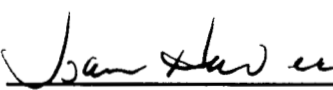
The Chair thereupon declared that the resolution was duly passed and adopted on May 28, 1998.

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

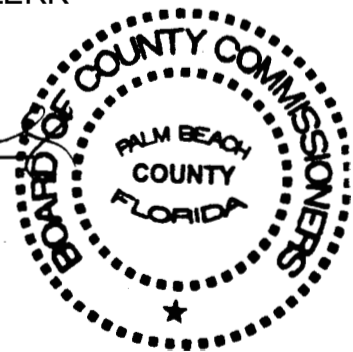


EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT 'A'

SUBJECT SITE:

TRACT "A" OF ABERDEEN PUD PLAT 21, AS RECORDED IN PLAT BOOK 76, PAGES 138 THROUGH 139, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER SECTION CORNER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA, THEN $N02^{\circ}05'33"E$, ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 15, A DISTANCE OF 2180.51 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, CONTINUE $N02^{\circ}05'33"E$ ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 478.95 FEET TO THE CENTER OF SAID SECTION 15; THENCE $S88^{\circ}18'33"E$ A DISTANCE OF 40.01 FEET TO A SOUTHERLY RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT'S LATERAL CANAL NO. L-21; THENCE $N55^{\circ}31'04"W$, ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 274.01 FEET; THENCE $N89^{\circ}11'08"W$, CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 661.02 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF JOG ROAD (HAVING A WIDTH OF 120.00 FEET AS RECORDED IN OFFICIAL RECORD BOOK 4456, PAGES 581 THROUGH 584 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY), SAID POINT ALSO BEING ON THE ARC OF A CURVE, HAVING A RADIUS OF 2472.06 FEET FROM WHICH A RADIAL LINE BEARS $N73^{\circ}26'55"E$; THENCE SOUTHERLY, ALONG SAID ARC AND SAID RIGHT OF WAY LINE, SUBTENDING A CENTRAL ANGLE OF $10^{\circ}37'41"$, A DISTANCE OF 458.55 FEET TO THE END OF SAID CURVE; THENCE $S27^{\circ}10'46"E$ A DISTANCE OF 221.05 FEET; THENCE, DEPARTING FROM SAID EASTERLY RIGHT OF WAY LINE, $S87^{\circ}54'27"E$ A DISTANCE OF 558.21 FEET TO THE POINT OF BEGINNING.

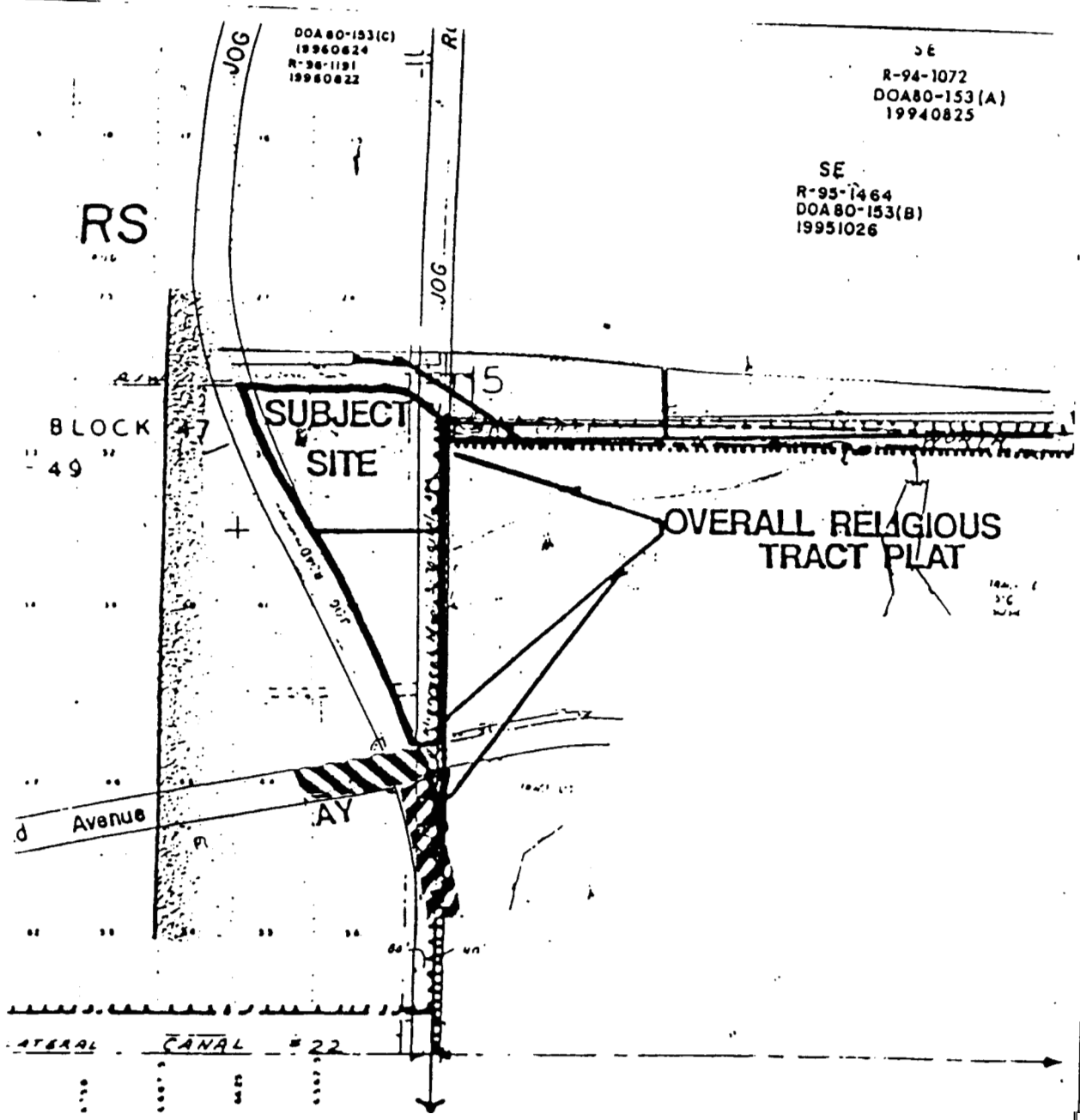
OVERALL PUD:

THAT CERTAIN PARCEL OF LAND LYING IN TOWNSHIP 45 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST 1/4 OF SECTION 14; THE NORTHEAST 1/4 OF SECTION 15; ALL OF SECTION 16; ALL OF LOTS 1 THROUGH 56, BLOCK 47, PALM BEACH FARMS PLAT NO. 3 IN SAID SECTION 15, AS RECORDED IN PLAT BOOK 2, PAGE 49.

LESS THE LAND PLATTED AS PLAT NO. 1, LECHALET IN PLAT BOOK 31, PAGES 166 AND 167.

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 80-153(E)

Zoning Quad Page 34

Date: 2-18-98



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 ~~R-97-1293~~, Petition 80-153(~~E~~) which currently states:

~~All~~ previous conditions of approval applicable to the subject property, as contained in Resolution ~~R-97-652~~ (Petition ~~80-153(D)~~) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (ONGOING: MONITORING - Zoning)

~~Is~~ hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1293 (Petition 80-153(~~E~~)) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Solid waste disposal service to be provided by the franchisee ~~for~~ the area; (Previously Condition A.2 of Resolution R-97-1293, Petition 80-153(~~E~~)). (SWA)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. ~~A~~ Wellfield Affidavit of Notification must be submitted to the Department of Environmental Resources Management prior to site plan certification. (Previously Condition B. 1 of Resolution R-97-1293, Petition 80-153(~~E~~)) (ERM)

C. HEALTH

1. The developer will take reasonable precautions during the development of this project to insure that fugitive particulate (dust particles) from the project do not become a nuisance to neighboring properties. (Previously Condition C.1. of Resolution R-97-1293, Petition 80-153(~~E~~)). (HEALTH)
2. Architectural plans for the day care center must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (Previously Condition C.2 of Resolution R-97-1293, Petition 80-153(~~E~~)) (BLDG PERMIT: HEALTH/BLDG)

D. PROPERTY AND REAL ESTATE MANAGEMENT

1. The conveyance of the 30 acre school site without ~~reverters~~ and with title insurance shall be conveyed to the School Board of Palm Beach County at the time of the filing of the first plat. (Previously Condition D.1. of Resolution R-97-1293, Petition 80-153(~~E~~)). (PREM/SCHOOL BOARD)

- b. Hagen Ranch Road within the project's limits. [Note: Hagen Ranch Road construction complete]
 - c. NW **22** Avenue from the project's east property line to **Hagen Ranch Road**. (Previously Condition E.6. of Resolution R-97-1293, Petition 80-153(E). (ENG)
7. Petitioners shall construct at the intersection of Le Chalet Boulevard and Jog Road:
- a. Left turn lane, north approach
 - b. Right turn lane, north approach
 - c. Left turn lane, south approach
 - d. Right turn lane, south approach
 - e. Left turn lane, east approach
 - f. Right turn lane, east approach
 - g. Left turn lane, west approach
 - h. Right turn lane, west approach
 - i. Signalization when warranted, as determined by the **County Engineer**. (Previously Condition E.7 of Resolution R-97-1293, Petition 80-153(E). (ENG) [Note: a,b,c,d,e,f,g & i are complete; h is not complete]
8. Petitioners shall construct at the intersection of Le Chalet Boulevard and Hagen Ranch Road:
- a. Left turn lane, south approach
 - b. Left turn lane, east approach
 - c. Left turn lane, west approach. (Previously Condition E.8 of Resolution R-97-1293, Petition 80-153(E). (ENG)
- [Note: All turn lanes complete]
9. Petitioners shall construct at the intersection of NW **22** Avenue and Jog Road:
- a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Left turn lane, west approach. (Previously Condition E.9. of Resolution R-97-1293, Petition 80-153(E). (ENG)
- [Note: a & b completed]
10. Petitioners shall construct at the intersection of NW **22** Avenue and Hagen Ranch Road:
- a. Left turn lane, north approach
 - b. Left turn lane, south approach
 - c. Right turn lane, south approach
 - d. Left turn lane, east approach
 - e. Left turn lane, west approach
 - f. Right turn lane, east approach. (Previously Condition E.10 of Resolution R-97-1293, Petition 80-153(E). (ENG)
- [Note: a,b,c & e are completed]

11. Petitioners shall construct access to the City of Boynton Beach **property to the north** of this project. This access to be acceptable to the County Engineer. (Previously Condition E.11 of Resolution R-97-1293, Petition 80-153(E). (ENG) [Note: **Access** road completed]
12. Petitioners shall contribute One Million Three Hundred Thousand Dollars **(\$1,300,000)** toward the cost of meeting this project's direct and identifiable **traffic** impact. This contribution will be applied **directly** toward the four laning of Military Trail and the **intersection** improvements at Hypoluxo Road and Military Trail, Hypoluxo Road and Jog Road, Boynton West Road and Military Trail and the Construction of the access road to the City of Boynton Beach property. The **balance of \$1,300,000** is to be paid no later than four years after the of **Special** Exception approval. (Previously Condition E.12 of Resolution R-97-1293, Petition 80-153(E). (ENG) [Note: Impact Fee has been Paid]
13. Petitioners shall furnish the construction plans as part of the **\$1.3** million Fair Share contribution for Military Rail as a **4** lane median divided road from the intersection **of** Hypoluxo Road to the intersection **with** Boynton West Road to be approved by the County Engineer. (Previously Condition E.13 of Resolution R-97-1293, Petition 80-153(E). (ENG) [Note: Military Trail construction completed]
14. The Lake Worth Drainage District will require the following rights-of-way, as shown on the Lake Worth Drainage District Right-of-way Maps recorded in the office of the Clerk of the Circuit Court in and for Palm Beach county, Florida:

L-20 from E-2E to E-3 - Sheets 66 and 67 of 240;
L-21 from E-2E to E-3 - Sheets 69 and 70 of 240;
L-22 from E-2E to Jog Road - Sheets 72 and 73 of 240;
E-2E from L-20 to L-22 - Sheet 209 of 240;
E-3 from L-20 to L-21 - Sheet 222 of 240. (Previously Condition E.14 of Resolution R-97-1293, Petition 80-153(E). (ENG)
15. The Property owner shall construct a left turn lane north approach on Jog Road at each **of** the project's entrance roads. The 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 not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building **Permit**. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previously Condition **E.15** of Resolution R-97-1293, Petition **80-153(E)** (BLDG - Eng)
16. Prior to site plan approval by the Development Review Committee for Pod **M** or the recreation **vehicle/boat** storage site, the petitioner **shall** grant to Palm Beach County a ten **(10)** foot wide utility easement along the north right-of-way line of Hagen Ranch Road to the east **property** line of the private civic site (**RV** storage site). (Previously Condition **E. 16** of Resolution R-97-1293, Petition 80-153(E) (UTILITIES)

17. 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 at the **time** of the Building Permit presently is:
 - a. **\$18,645** for the proposed Church/Synagogue (338 trips X \$55.00 per trip);
 - b. **\$62,425** for the proposed Community Center (1135 trips X \$55.00 per trip); and,
 - c. **\$49,500** for the proposed private school (900 trips X \$55.00 per trip). (Previously Condition E.17 of Resolution R-97-1293, Petition 80-153(E) (IMPACT FEE COORDINATOR))

18. Prior to technical compliance for POD **M**, POD **K**, and POD **L** **the** property owner shall convey a roadway construction easement to Palm Beach County for the **POD's** listed above. This roadway construction easement **shall** contain an isosceles trapezoid connecting the required corner clips across this property owners road right of **way**. Construction within this easement shall conform to Palm Beach County Standards. (Previously Condition E.18 of Resolution R-97-1293, Petition 80-153(E) (ENG))

19. In order to comply with the mandatory Traffic Performance **Standards**, the Developer shall be restricted **to** the following phasing schedule:
 - a. Building Permits for more than **146** single family dwelling **units** for **POD M** shall not be issued until construction has begun for Jog Road as a **6** lane median divided section from **Boynton** Beach Boulevard to Hypoluxo Road plus the appropriate **paved** tapers. (Previously Condition E.19 of Resolution R-97-1293, Petition 80-153(E) (BLDG - Eng))

The mix of allowable uses listed above may be adjusted by the **County** Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of **the** request. (Previously Condition E.19 of Resolution R-97-1293, Petition 80-153(E) (BLDG - Eng))

20. LANDSCAPE WITHIN MEDIAN

Condition E.20.a of Resolution R-97-1293, Petition 80-153(E) which currently states:

- a. Prior to issuance of a building permit, the property owner **shall** apply to the Land Development Division, Permit Section, of **the** Palm Beach County Engineering and Public Works Department for **a** permit to landscape all adjacent **median(s)** of Jog Road adjacent to the Jewish Community Campus abutting **rights-of-way**. When permitted by the Land Development Division 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 and 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.

Is hereby amended to read:

- 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 the adjacent median of Jog Road adjacent to the Jewish Community Campus abutting rights-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. 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. 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. (BLDG PERMIT: MONITORING - Eng)

Condition E.20.b of Resolution R-97-1293, Petition 80-153(E) which currently states:

- 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 **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 on **or** before the **issuance** of a Certificate **of** Occupancy.

Is hereby amended to read:

- B.** All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. 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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng)

Condition E.20.c of Resolution R-97-1293, Petition 80-153(E) which currently states:

- 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.

Is hereby amended to read:

- C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG PERMIT: MONITORING - Eng)

F. ENVIRONMENTAL RESOURCES MANAGEMENT

- 1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (Previously Condition F.1 of Resolution R-97-1293, Petition 80-153(E) (DRC: ERM)

G. REQUESTED USES WITHIN CIVIC SITE EXCLUDING EXISTING SYNAGOGUE (N.E. CORNER OF JOG ROAD AND N.W. 22nd AVENUE)

1. SITE DESIGN

- a. The minimum setback for all structures adjacent to all property lines shall be fifty (50) feet.
- b. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet except as permitted by section 6.5.H.4 (exceptions to height regulation)
- c. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (Previously Condition G.1 of Resolution R-97-1293, Petition 80-153(E) (BLDG-Zoning)

2. LIGHTING

- a. All outdoor lighting used to illuminate the premises and identification signs with the exception of the tennis court lights shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (Previously Condition G.2.a of Resolution R-97-1293, Petition 80-153(E) (BLDG/CODE ENF)
- b. Condition G.2.b of Resolution R-97-1293, Petition 80-153(E) which currently states:

All outdoor lighting fixtures shall not exceed fifteen (15) feet in height, measured from finished grade to highest point. Tennis court lighting shall be a maximum of 25 feet in height.

Is hereby amended to read:

All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDG]

- c. All outdoor lighting shall be extinguished no later than **11:00** p.m. Security lighting only is excluded from this requirement. (Previously Condition No. **G.2.c** of Resolution R-97-1293, Petition 80-153(E) (**CODE ENF**))

3. USE LIMITATION

- a. Use of the site shall be limited to permitted civic uses including customary accessory uses, as allowed pursuant to the ULDC, as amended, including the following requested uses:

- 1) Private Elementary School;
- 2) Assembly, Non Profit; and,
- 3) Day care center limited to a maximum of **100** children and **30** adults. (Previously Condition G.3.a of Resolution R-97-1293, Petition 80-153(E) (ONGOING/DRC: **HEALTH**))

- b. Setbacks for all outdoor recreational facilities adjacent to the east property line shall be a minimum of fifty (**50**) feet. (Previously Condition G.3.b of Resolution R-97-1293, Petition 80-153(E) (DRC: ZONING))

4. BUFFERING

- a. A **15** fifteen (**15**) foot Type **C** Compatibility buffer shall be installed adjacent to the east property line. No reductions in buffer width shall be permitted. (Previously Condition G.4 of Resolution R-97-1293, Petition 80-153(E) (DRC / CO : ZONING / LANDSCAPE))

5. RECYCLE SOLID WASTE

- a. All property owners and lessee's 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)
- b. Prior to the certification of a Final Site Plan for any portion of the civic tract by the Development Review Committee, the petitioner shall indicate the location of all recycling facilities on the site plan any such facility shall be screened pursuant to **Section 6.6.A.5.c** of the ULDC. (Previously Condition **G.5** of Resolution R-97-1293, Petition 80-153(E). (SWA))

H. REQUESTED USE CONGREGATE LIVING FACILITY WITHIN THE COMMERCIAL POD (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD).

1. USE LIMITATION

- a. The CLF shall be limited to maximum of **160,000** square feet and **167** Type III CLF beds. Gross floor area may be increased an

additional **5%** up to **1000** square feet, whichever is less, subject to Development Review Committee (**DRC**) approval. (Previously Condition **H.1.a** of Resolution R-97-1293, Petition 80-153(E) (C RC: BLDG / HEALTH - Zoning)

- b. The CLF shall be limited to a residential facility for the **elderly (50** years of age **or** older) and shall not in any manner be used **as** a drug **or** alcohol treatment center, **or** any criminal justice rehabilitative services. (Previously Condition **H.1.b** of Resolution R-97-1293, Petition **80-153(E)** (ONGOING: CODE ENF)
- c. **Signage** for the CLF shall be limited to one **(1)** on **premise** identification sign with a maximum sign face area per **side** of thirty-two **(32)** square feet. (Previously Condition **H.1.c** of Resolution R-97-1293, Petition 80-153(E) (BLDG PERMIT: BLDG - Zoning)
- d. The CLF shall be located adjacent to the eastern perimeter of the commercial pod adjacent to the school site and shall **be** a minimum of **400** feet south of Le Chalet Boulevard. (Previously Condition **H.1.d** of Resolution R-97-1293, Petition 80-153(E) (DRC: ZONING / Bldg)
- e. The maximum height for all structures, measured from **finished** grade to highest point, shall not exceed fifty **(50)** feet except as permitted by Section **6.5.H.4** (exceptions to height regulation). (Previously Condition **H.1.e** of Resolution R-97-1293, Petition **80-153(E)** (BLDG PERMIT: BLDG - Zoning)

I. LIGHTING - COMMERCIAL POD ONLY

- 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. (Previously Condition **1.1** of Resolution R-97-1293, Petition 80-153(E) (CO / ONGOING: BLDG / CODE ENF - Zoning)
- 2. All outdoor lighting fixtures shall not exceed twenty five **(25)** feet in height, measured from finished grade to highest point. (Previously Condition **12** of Resolution R-97-1293, Petition 80-153(E). (CO: BLDG - Zoning)

J. UTILITIES

- 1. The petitioner shall provide the county with a release **or** **modification** to the reverter which it holds on the existing utility site in a **form** acceptable to the County Attorney prior to final DRC approval **of Pod M**. (Previously Condition **J.1** of Resolution R-97-1293, Petition 80-153(E) (UTILITIES-Zoning)

K. LANDSCAPING - COMMERCIAL POD

- 1. **All** trees required to be planted on site by this approval, except on individual residential **lots**, shall meet the following minimum standards at installation:

- a. Tree height: fourteen **(14)** feet.
 - b. Trunk diameter: **3.5** inches measured **4.5** feet at ~~ove~~ 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. (Previously Condition **K. 1.** of Resolution R-97-1293, Petition 80-153(E) (CO: LANDSCAPE - Zoning))
2. The following landscaping requirements shall be installed adjacent to ~~Le~~ Chalet Boulevard and Jog Road in addition to the required **right-of-way** buffers;
- a. One **(1)** palm ~~or~~ pine tree for each thirty **(30)** linear feet of frontage. A group of three ~~or~~ more palm ~~or~~ pine trees may supersede the requirement for a canopy tree in that location. (Previously Condition K.2 of Resolution R-97-1293, Petition 80-153(E). (CO: LANDSCAPE - Zoning))
3. A seventy-five **(75)** foot vegetative buffer shall be provided on the east side of the east easement line of the drainage canal separating the commercial property and the school site property. (Previously Condition K.3 of Resolution R-97-1293, Petition 80-153(E). (ZONING))

L. MASS TRANSIT - COMMERCIAL POD

1. Prior to final certification of the subdivision plan by the Development Review Committee, the petitioner shall amend the plan to indicate ~~t~~ **bus** access ~~and/or~~ a bus stop(s) ~~on~~ ~~or~~ adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property ~~or~~ use, and bicycle rack. (Previously Condition L.1 of Resolution R-97-1293, Petition 80-153(E). (DRC: ZONING - School Board/ Eng/ Planning))

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This ~~condition~~ shall remain in effect until (May 23, 1997) (Previously Condition L.2. of Resolution R-97-1293, Petition 80-153(E). (DATE: MONITORING - Eng))

M. COMMERCIAL POD - SIGNS

1. Point of purchase ~~and/or~~ freestanding signs fronting on Jog Road shall be limited ~~as~~ follows:
- a. Maximum sign height, measured from finished grade to highest point - fifteen **(15)** feet;
 - b. Maximum sign face area per side - **140** square feet;
 - c. Maximum number of signs - **two (2)**; and

- d. Style - monument style only. **(CO:BLDG)**
(Previously Condition M.1. of Resolution R-97-1293, Petition 80-153(I)).
2. Point of purchase and/or freestanding signs fronting on Le Chalet Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - fifteen **(15)** feet;
 - b. Maximum sign face area per side - **140** square feet;
 - c. Maximum number of signs - one **(1)**; and
 - d. Style - monument style only. **(CO: BLDG)**
(Previously Condition M.2. of Resolution R-97-1293, Petition 80-153(E)).
 3. Outparcel identification signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten **(10)** feet;
 - b. Maximum sign face area per side - **120** square feet;
 - c. Maximum number of signs - one **(1)** per outparcel; and
 - d. Style - monument style only. **(CO: BLDG)**
(Previously Condition M.3. of Resolution R-97-1293, Petition 80-153(E)).
 4. The Congregate Living Facility shall meet the **signage** standards pursuant to the ULDC. **(DRC: CO: BLDG)** (Previously Condition M.4. of Resolution R-97-1293, Petition 80-153(E)).

N. 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)**
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; 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 provision,; 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. (Previously Condition N.1 of Resolution R-97-1293, Petition 80-153 (E) (MONITORING))