

RESOLUTION NO. R-2011-0967

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2011-00403
(CONTROL NO. 1980-00153)
a Development Order Amendment
APPLICATION OF Temple Torah of West Palm Beach Inc
BY Cotleur & Hearing, Inc., AGENT
(Temple Torah)

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; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA/R-2011-00403 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; and

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; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/R-2011-00403, the petition of Temple Torah of West Palm Beach Inc, by Cotleur & Hearing, Inc., agent, for a Development Order Amendment (DOA) to modify the Master Plan, Site plan and uses in the Planned Unit Development (PUD) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 27, 2011, subject to the conditions of approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACT B AND TRACT C, ABERDEEN PLAT 21, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGES 138-139, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ADDITIONAL RIGHT OF WAY FOR GATEWAY BOULEVARD AND JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 18693, PAGE 907-910 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

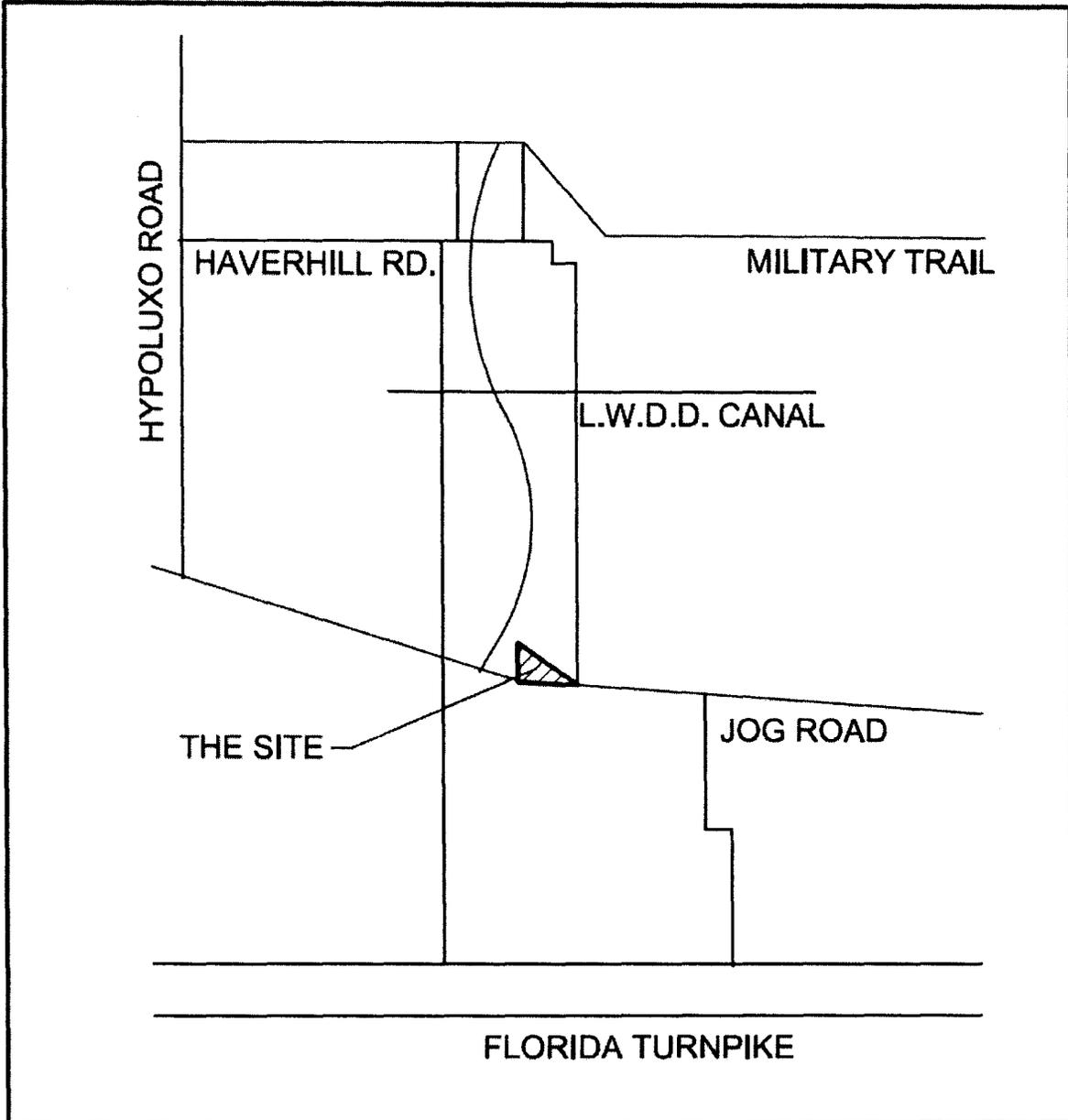


EXHIBIT C-1

CONDITIONS OF APPROVAL

ALL PETITIONS

1.All Petition Condition 1 of Resolution R-2008-0268, Control No. 1980-153, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0275, (Control No. 1980-153), 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-2008-0268, (Control 1980-153) 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Development of the site is limited to the site design approved by the Board of County Commissioners. The approved master plan is dated November 26, 2007. 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. (DRO: ZONING - Zoning) (Previous All Petition Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

ARCHITECTURAL REVIEW-DAY CARE (JCC)

1.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. (BLDG PERMIT: MONITORING-Health) (Previous Architectural Review Condition 4 of Resolution R-2008-0268, Control No. 1980-153)

ARCHITECTURAL REVIEW

2.Prior to issuance of a building permit architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13FAC. (BLDG PERMIT: ARCH REVIEW-Zoning) (Previous Architectural Review Condition 5 of Resolution R-2008-0268, Control No. 1980-153)

ENGINEERING

1.Previous Engineering Condition 1 of Resolution R-2008-0268, Control No. 1980-153, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the property owner/developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2008. 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 Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the property owner/developer shall be restricted to the following phasing schedule:

a.No Building Permits for the site may be issued after December 31, 2015. 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 Unified Land Development Code. (DATE: MONITORING-Eng)

2.Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING-Eng) (Previous Engineering Condition 2 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

3.The Property owner shall construct a right turn lane south approach on Jog Road at the Project entrance.

All 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.

a.Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED]

b.Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Engineering Condition 3 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

4.Improvement of the intersection of Military Trail and the entrance of the project shall be provided at the developer's expense. (ONGOING- ENG- eng) (Previous Engineering Condition 4 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

5.The extension of Jog Road from the south property line to its present terminus shall be provided at the developer's expense. (ONGOING: ENG - eng) (Previous Engineering Condition 5 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

6.Haverhill Road shall not proceed through the development to the south property line. (ONGOING- ENG-eng) (Previous Engineering Condition 6 of Resolution R-2008-0268, Control No. 1980-153)

7.Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:

a. One hundred twenty (120) feet for the ultimate right-of-way for Jog Road through the project's limits. [Note: COMPLETED]

b. Eighty (80) feet for ultimate right-of-way for Hagen Road through the project's limits. [Note: COMPLETED]

c. One hundred eight (108) feet for the project's east property line to Hagen Ranch Road. (ONGOING: ENG -Eng) (Previous Engineering Condition 7 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

8.Property owner shall signalize the intersection of Le Chalet Boulevard and Military Trail Prior to the issuance of the 640th building permit or when warranted by the county Engineer. (ONGOING: ENG -Eng) Previous Engineering Condition 8 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

9. Petitioner shall construct:

- a. Two (2) lanes on Jog Road from the existing southern terminus south of Hypoluxo Road to the northern limit of construction by Tartan Lakes PUD. This portion of Jog Road must be constructed during Phase II of this project or prior to the issuance of 1,040 building permit(s). If a contiguous project is approved to the north of this project that requires Jog Road for access prior to the completion of Phase II, this project would be relieved of this obligation. [Note: COMPLETED]
- b. Hagen Ranch Road within the project's limits. [Note: COMPLETED]
- c. NW 22 Avenue from the project's east property line to Hagen Ranch Road. (ONGOING: ENG -Eng) (Previous Engineering Condition 9 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

10. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 10 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

11. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 11 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

12. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 12 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

13. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 13 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

14. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 14 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

15. Petitioner 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 approval of the Special Exception. (ONGOING: ENG -Eng) (Previous Engineering Condition 15 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

16. Petitioner 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. (ONGOING: ENG -Eng) (Previous Engineering Condition 16 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

17. 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 additionally 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. (BLDG PERMIT: ENG -Eng) (Previous Engineering Condition 17 of Resolution R-2008-0268, Control No. 1980-153) [Note: COMPLETED]

18. 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). (ONGOING: UTIL-Util) (Previous Engineering Condition 18 of Resolution R-2008-0268, Control No. 1980-153)

19. 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 owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (ONGOING: ENG -Eng) (Previous Engineering Condition 20 of Resolution R-2008-0268, Control No. 1980-153)

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 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. (BLDG PERMIT: ENG - 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. (BLDG PERMIT: ENG -Eng) (Previous Engineering Condition 21 of Resolution R-2008-0268, Control No. 1980-153) [NOTE: COMPLETED]

21. LANDSCAPE WITHIN MEDIAN

a. Prior to July 1, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department to update and revise the November 1998 permit and associated drawings for landscaping the adjacent median of Jog Road adjacent to the Jewish Community Campus abutting right-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 identify all existing trees or other landscape material within the revised permit drawings and supplement the existing landscape material to 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) (Previous Engineering Condition 22.A. of Resolution R-2008-0268, Control No. 1980-153) [NOTE:COMPLETED]

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 Homeowner'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 to September 1, 2001. (DATE: MONITORING - Eng) (Previous Engineering Condition 22.b. of Resolution R-2008-0268, Control No. 1980-153) [Note:COMPLETED]

c.If the Developer does not elect for Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved (Previous Engineering Condition 22.c. of Resolution R-2008-0268, Control No. 1980-153) [Note:COMPLETED]

22.The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Gateway Boulevard 71 1/2 feet from Centerline; and
- b) Jog Road 64 feet from Centerline.

All right of way shall be conveyed on or before September 1, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map Expanded Intersection Details including Corner Clips". 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. (Previous Engineering Condition 23 of Resolution R-2008-0268, Control No. 1980-153) (DATE/BLDG PERMIT: MONITORING-Eng) (Project No. 0270-501) [Note:COMPLETED]

ENVIRONMENTAL

1.A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRO:ERM-Erm) (Previous Environmental Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

LANDSCAPE - GENERAL

1.Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan for the affected area to the landscape Section for review and approval. The Plan shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: BLDG-Zoning) (Previous Landscape Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2.A minimum of sixty (60) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (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 three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning) (Previous Landscape Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

3.All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 3 of Resolution R-2008-0268, Control No. 1980-153)

4.A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 4 of Resolution R-2008-0268, Control No. 1980-153)

5.Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 5 of Resolution R-2008-0268, Control No. 1980-153)

6.All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to approval by the Development Review Officer (DRO). (DRO:LANDSCAPE-Zoning) (Previous Landscape Condition 6 of Resolution R-2008-0268, Control No. 1980-153)

7.Prior to February 23, 2007, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING-Zoning) (Previous Landscape Condition 7 of Resolution R-2008-0268, Control No. 1980-153)

LANDSCAPE - GENERAL-LANDSCAPING ALONG THE EAST PROPERTY LINES (ABUTTING RESIDENTIAL) (JEWISH FEDERATION COMMUNITY CENTER)

8.In addition to the proposed landscaping and code requirements, landscaping along the east property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No reductions in buffer width shall be permitted; and,
- b. one (1) palm or pine for each thirty-five (35) linear feet. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Condition 1 of Resolution R-2008-0268, Control No. 1980-153- [JCC])

LANDSCAPE - GENERAL

9.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. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape East Condition 2 of Resolution R-2006-0275, Control No. 1980-153- [JCC])

LIGHTING

1.All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING:CODE ENF- Zoning) (Previous Lighting Condition 3 of Resolution R-2008-0268, Control No. 1980-153)

LAKE WORTH DRAINAGE DISTRICT

1. 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. (ONGOING: LWDD-LWDD) (Previous LWDD Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN-Palm Tran) (Previous Mass Transit Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT/BLDG PERMIT:MONITORING-Eng) (Previous Mass Transit Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

3. The petitioner shall dedicate additional right-of-way to accommodate the Mass Transit 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. (PLAT/BLDG PERMIT:MONITORING-Eng) Previous Palm Tran Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated June 21, 2002 (DRO:PLANNING-Planning) (Previous Planning Condition 1 of Resolution R-2008-268, Control No. 1980-153. [COMPLETE])

2. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, and 47 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation for the 3.8 foot sidewalk fronting the church and day care buildings and for the 5 foot sidewalk from the church to Jog Road. In addition, the site plan shall depict street cross section details depicting the location of the existing street trees along Jog Road that shade the sidewalk along Jog Road. (DRO:PLANNING-Planning)(Previous Condition 2 of Resolution R-2008-268, Control No. 1980-153. [COMPLETE])

PROPERTY & 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. (PLAT: MONITORING-Prem) (Previous PREM Condition 1 of Resolution R-2008-0268, Control No. 1980-153) [NOTE: COMPLETED]

2. The water and sewerage facilities shall be developed and constructed by the developer at his expense and deeded to Palm Beach County for one (1) dollar, for

ownership, operation and maintenance. (PLAT: MONITORING-Prem) (Previous PREM Condition 2 of Resolution R-2008-0268, Control No. 1980-153) [NOTE: COMPLETED]

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 - Zoning) (Previous Sign Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

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. (BLDG PERMIT: BLDG-Zoning) (Previous Sign Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

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. (BLDG PERMIT: BLDG-Zoning) (Previous Sign Condition 3 of Resolution R-2008-0268, Control No. 1980-153)

4. The Congregate Living Facility shall meet the signage standards pursuant to the ULDC. (BLDG PERMIT: BLDG-Zoning) (Previous Sign Condition 4 of Resolution R-2008-0268, Control No. 1980-153)

SITE DESIGN-BUILDING AND SITE DESIGN

1. 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 thirty (30) feet of the east property lines. (DRO: ZONING-Zoning) (Previous Building and Site Design Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2. The minimum setback for all structures adjacent to all property lines shall be fifty (50) feet.

- a. 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)
- b. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT: ARCH REVIEW-Zoning) (Previous Building and Site Design Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

SOLID WASTE AUTHORITY

1. 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. (ONGOING: CODE ENF-PBCSWA) (Previous SWA Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2. 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. (ONGOING: CODE ENF-PBCSWA) (Previous SWA Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

USE LIMITATIONS-COMMERCIAL POD ONLY (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD)

1. 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. (DRO: ZONING - Zoning) (Previous Use Limitation Condition 1 COMMERCIAL POD ONLY (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD- CLF) of Resolution R-2008-0268, Control No. 1980-153)

USE LIMITATIONS-COMMERCIAL POD ONLY (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD)

2. 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. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation Condition 2 COMMERCIAL POD ONLY (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD- CLF) of Resolution R-2008-0268, Control No. 1980-153)

3. 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. (BLDG PERMIT: BLDG - Zoning) (Previous Use Limitation Condition 3 (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD- CLF) of Resolution R-2008-0268, Control No. 1980-153)

4. 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. (DRO: ARCH REVIEW-Zoning)(Previous Use Limitation Condition 4 (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD- CLF) of Resolution R-2008-0268, Control No. 1980-153)

5. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed fifty (50) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Use Limitation Condition 5 (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD- CLF) of Resolution R-2008-0268, Control No. 1980-153)

USE LIMITATIONS-JCC

6. 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:

- a. Private Elementary School with 84 students
- b. Assembly, Non Profit; and,
- c. Day care center limited to a maximum of 284 Children and 30 Adults at any one time. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation Condition 6. (JCC) of Resolution R-2008-0268, Control No. 1980-153)

7. Setbacks for all outdoor recreational facilities adjacent to the east property line shall be a minimum of fifty (50) feet. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation Condition 7 (JCC) of Resolution R-2008-0268, Control No. 1980-153)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (DRO: PBCWUD-PBCWUD) (Previous Utility Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2. Solid waste disposal service to be provided by the franchisee for the area. (ONGOING: SWA-SWA) (Previous Utility Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

3. 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. (DRO: PBCWUD-PBCWUD) (Previous Utility Condition 3 of Resolution R-2008-0268, Control No. 1980-153)

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 (CO); 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 Unified Land Development Code (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 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)