

RESOLUTION NO. R-2017- 1638

RESOLUTION APPROVING ZONING APPLICATION SV/Z/DOA-2017-00576
(CONTROL NO. 2002-00018)
a Development Order Amendment
APPLICATION OF Kings Academy Inc
BY Urban Design Kilday Studios, AGENT
(The King's Academy and PBC Park Site at Sansbury's Way)

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

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

WHEREAS, Zoning Application SV/Z/DOA-2017-00576 was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2017;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV/Z/DOA-2017-00576, the Application of Kings Academy Inc, by Urban Design Kilday Studios, Agent, for a Development Order Amendment to reconfigure the Master Plan; and add land area, square footage; and an access point, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 26, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 26, 2017.

Filed with the Clerk of the Board of County Commissioners on November 7th, 2017.

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

The King's Academy

DESCRIPTION:

BEING ALL OF TRACTS "C" AND "S" OF KING'S ACADEMY AND PALM BEACH COUNTY PARK SITE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 100, PAGE 105 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING A TOTAL OF 63.760 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

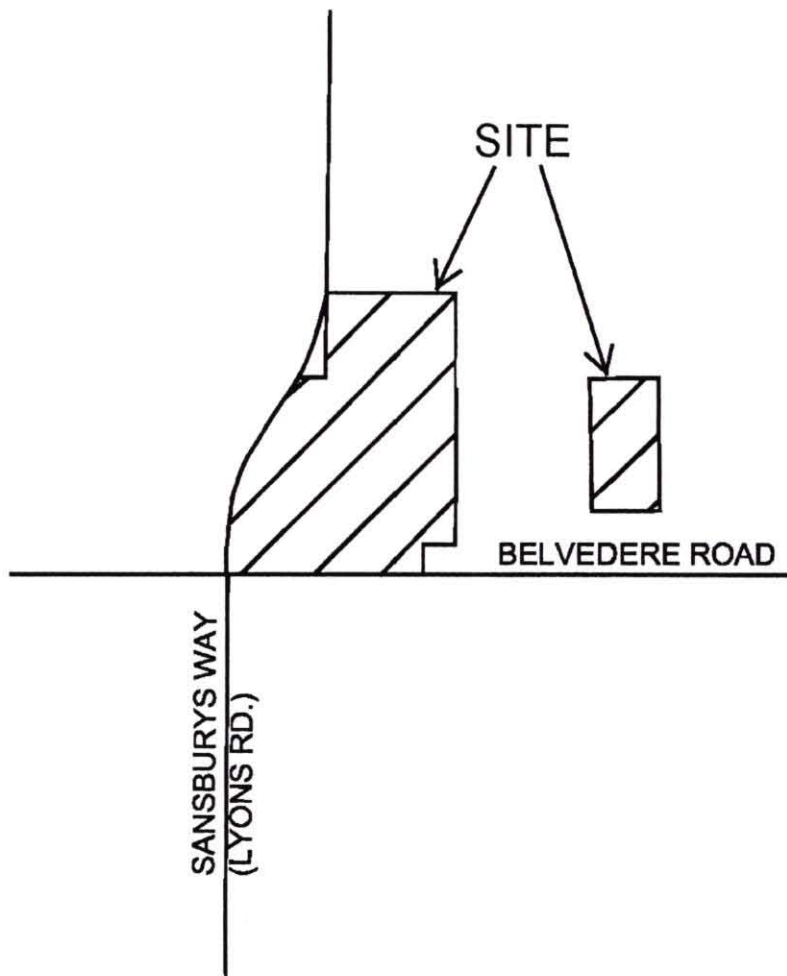


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment - Private School

ALL PETITIONS

1. Previous A Condition 1 of Resolution R-2002-1258, Control No.2002-00018, 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 plans is dated June 25, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

The Preliminary Master, Site, Regulating (Sheet1) and Phasing Plans are dated July 7, 2017 and Regulating Plan (Sheets 2-5) are dated June 26, 2017. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2002-1258 (Control 2002-00018), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final DRC certification, revised architectural elevations for all buildings for Phase I shall be submitted for final architectural review and approval. The site plan shall be designed to be consistent with Sec. 6.6.E of ULDC, except where waivers have been approved. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

2. All remaining buildings and structure for Phase II and III shall be reviewed and approved by Architectural Review section of the Zoning Division prior to building permit application. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous B Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

3. All roof top mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment, consistent with the color, character and architectural style of the principal structure. (ONGOING: ZONING - Zoning) (Previous B Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

4. Design of gutters and downspouts shall be architecturally integrated into the architectural design of the building. Painting of the gutters and downspout shall not constitute architectural integration. (ONGOING: ZONING - Zoning) (Previous B Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

DEPARTMENT OF AIRPORTS (DOA)

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall submit documentation to the Zoning Division that demonstrates that the proposed facility does not violate Federal Aviation Administration (FAA) or Florida Department of Transportation regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRO: AIRPORTS - Airports) [Note: COMPLETED] (Previous F Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

ENGINEERING

1. Prior to the issuance of a building permit the Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed additional right of way for the construction of a right turn lane on:

- Belvedere Road at the project's entrance road
- Sansbury Way at the Project's south entrance
- The Property Owner shall convey additional right-of-way for a right turn lane on Sansbury's Way at the School's north entrance.

This right-of-way shall be a minimum of 280 feet in storage 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

2. Prior to issuance of a building permit the Property Owner shall convey a temporary roadway construction easement along Sansbury's Way to Palm Beach County. Construction by the Applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

3. The Property Owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for an expanded intersection along Belvedere Road at Sansbury's Way, to permit the construction of a right turn lane east approach. Right of way shall be conveyed on or before January 15, 2004 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be a minimum of 280 feet in length, 12 feet wide and a taper length of 50 feet and shall be free of all encumbrances and encroachments. Any required additional conveyance to the Lake Worth Drainage District for the relocation of the LWDD L3 Canal shall also be provided as part of this requirement. 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. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

4. The Property Owner shall construct:

- a. Right turn lane south approach on Sansbury's Way at the School's north and south entrance; (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- b. Sansbury's Way as a 3 lane section from Belvedere Road north to a point 280 feet north of the school's north entrance to include left turn lanes at both entrances to the School; (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- c. Right turn lane east approach on Belvedere Road at the projects entrance road; (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- d. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way; (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED]
- e. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit; and (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]
- f. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

5. Prior to the issuance of the first building permit or prior to January 15, 2004 whichever shall first occur the Property Owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Sansbury's Way along the property frontage; and a maximum 400 feet of these adjacent roadway(s) concurrent with Phase 1 construction of the school site. The limits of this additional 400 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire 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. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 5 of Resolution R-2002-1258, Control No.2002-00018)

6. Landscape within Median of County's Roads:

a. Prior to issuance of a building permit, the Property Owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Belvedere Road consisting of: - median landscaping This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The Property Owner shall also be responsible for supplementing 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 landscaping installation and maintenance requirements shall be subject to the standards as 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. (BLDGPMT: MONITORING - Engineering) [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 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 to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility or a funding program established by the Board of County Commissioners, 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 and recorded prior to the issuance of the first Building Permit. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

d. The Property Owner may fulfill this Condition by opting to participate in the County's OTIS Program (Only Trees, Irrigation and Sod) as administered by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous E Condition 6 of Resolution R-2002-1258, Control No.2002-00018)

7. In order to comply with the mandatory Traffic Performance Standards, this School shall be restricted to the following phasing schedule:

a. The school shall operate no more than 180 weekdays per year or a school year or as established by the Department of Education; (ONGOING: ENGINEERING - Engineering)

b. The Summer Camp Program shall operate no more than 45 weekdays per year; and (ONGOING: ENGINEERING - Engineering)

c. The County Engineer, based upon an approved Traffic Study, may approve revisions to the maximum number of days of operation, which complies, with Mandatory Traffic Performance Standards and Provisions of the Zoning Code in place at the time of the request. (ONGOING: ENGINEERING - Engineering) (Previous E Condition 7 of Resolution R-2002-1258, Control No.2002-00018)

8. A five (5) to six (6) foot wide asphalt pathway shall be constructed within the Sansbury's Way right-of-way (east side) from Belvedere Road north to the project's north boundary concurrent with phase one construction of the school. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous E Condition 8 of Resolution R-2002-1258, Control No.2002-00018)

9. Prior to final approval of the Master Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from Tract C to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

10. Prior to February 28, 2018, the Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division an access easement and all associated documents as required by the County Engineer for 20-feet along the property frontage on Sansbury's Way where the sidewalk is constructed outside of the right-of-way or where the right-of-way is less than 80ft or as otherwise approved by the County Engineer. The Property Owner shall not record these required documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE: MONITORING - Engineering)

11. Prior to issuance of Technical Compliance the Petitioner shall provide to the Survey Section evidence of an abandonment or evidence of clear title to the underlying Palm Beach Farms road rights-of-way within the boundary of this project on the map sheet of the Survey. (TC: ENGINEERING - Survey) [Note: COMPLETED] (Previous O Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

ENVIRONMENTAL

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation has been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous D Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

2. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit an application for the Preservation of Native Vegetation to the Department of Environmental Resources Management (ERM). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit a Site Plan with a Tree Disposition Chart for review and approval. All vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The

Plan(s) shall show:

- a) the temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;
- b) the location of all preserved vegetation and identify what type of the permanent tree barricades/ protection devices will be utilized;
- c) a Justification Statement describing the maintenance of the relocated vegetation prior to the installation of the vegetation to a new location, and the length of time associated with the temporary storage of the relocated vegetation; and
- d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart.

(DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. No vegetation shall be removed or relocated and no Preservation of Native Vegetation permit; pursuant to ULDC Article 14.C, shall be issued until ERM conditions 2 and 3 are satisfied. (ONGOING: ERM-ERM)

HEALTH

1. Architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC prior to issuance of a building permit. (BLDGPM: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous G Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - GENERAL-ALTERNATIVE LANDSCAPE PLAN

1. Prior to issuance of the first certificate of occupancy an alternative landscape plan may be submitted for any perimeter buffer, including the shared property line between the private school and the district park. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous H Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - GENERAL

2. Fifty (50%) percent of trees required to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
- c. Canopy diameter: Seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

3. 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/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

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

- a. Eighteen (18) to twenty-four (24) inches - groundcover and small shrub;
- b. Twenty-four (24) to thirty-six (36) inches - medium shrub;
- c. Forty-eight (48) to seventy-two (72) inches - large shrub; and
- d. This condition shall not apply to five (5) foot wide compatibility buffers and landscape buffers where a single row of shrubs is required along either side of a fence. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

5. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

6. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (ONGOING: ZONING - Zoning) (Previous I Condition 5 of Resolution R-2002-1258, Control No.2002-00018)

7. Prior to final Development Review Committee (DRC) certification, the petitioner shall meet with Landscape Staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRO: ZONING - Zoning) (Previous I Condition 6 of Resolution R-2002-1258, Control No.2002-00018)

8. Preservation areas may be excluded from perimeter landscape buffer planting and berm requirements, subject to the following:

a. Prior to issuance of building permits, an alternative landscape plan demonstrating native preserve area vegetation will meet the screening provided by required perimeter landscaping shall be submitted to the Landscape Section of the Zoning Division for review and approval; and

b. Additional native vegetation may be relocated or added to preserve areas to meet the intent of this condition. (BLDG/PMT: ZONING - Zoning) [Note: COMPLETED] (Previous I Condition 7 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - INTERIOR

9. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

10. Landscaped divider medians shall be provided between all rows of abutting parking. The minimum width of this median shall be ten (10) feet excluding curb, with exceptions to medians with sidewalks. One tree and appropriate ground cover shall be planted for each thirty (30) linear feet of the divider median, with a maximum tree spacing of sixty (60) feet on center. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

11. Landscaped divider medians with at grade bicycle and pedestrian cuts shall be provided in the center of all driveways over thirty (30) feet in width providing ingress or egress to the site. The minimum length of this median shall be twenty five (25) feet. A minimum width of eight (8) feet of landscaped area shall be provided. One tree and appropriate ground cover shall be planted for each twenty (20) linear feet of the divider median. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

12. Foundation planting or grade level planters shall be upgraded along the front and side facades of all structures, as follows:

a. Minimum width: Eight (8) feet;

b. Length: No less than fifty (50%) percent of the total length of the specified sides of each structure;

c. One (1) multi-trunk tree for each one-hundred (100) feet of building facade;

d. Minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover;

e. Facades fronting on the interior of the school courtyard, the bus maintenance facility, and all accessory structures supporting athletic fields, courts, track and pool uses shall be excluded from this requirement. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous J Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANSBUTY'S WAY FRONTAGE)

13. Landscaping along the west property line abutting Sansbury's Way and Breakers West Open Space tract, shall be upgraded to include:

a. A minimum twenty-five (25) foot wide right-of-way buffer strip. No width reduction shall

be permitted;

- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from finished grade, along the south 1,340 feet of frontage (from the triangular shaped out parcel south to Belvedere Road). Field adjustment of berm may be permitted to ensure preservation of existing native vegetation;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine for each twenty-five (25) linear feet of property line;
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH AND WEST PROPERTY LINES (BELVEDERE ROAD AND SANSBURY S WAY FRONTAGES)

14. Landscaping along the south property line abutting Belvedere Road, shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide right-of-way buffer strip. No width reduction shall be permitted;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one-half (2.5) feet measured from finished grade. Field adjustment of berm may be permitted to ensure preservation of existing native vegetation;
- c. One (1) canopy tree for each thirty (30) linear feet of property line;
- d. One (1) palm or pine for each twenty-five (25) linear feet of property line;
- e. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches;
- f. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches; and
- g. One (1) large shrub for each six (6) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous K Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES /ABUTTING OAKLAND PARK AND REMNANT PARCEL

15. Landscaping along the south and east property lines abutting Oakland Park and remnant parcel, shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide buffer strip. No width reduction shall be permitted;
- b. A six (6) foot high black or green vinyl coated chain link fence to be installed at top of berm. The fence may be relocated subject to approval by the Oakland Park Homeowners Association. Fences may be field adjusted to ensure preservation of existing native vegetation;
- c. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from finished grade. Berms may be field adjusted to ensure preservation of existing native vegetation;
- d. One (1) native canopy tree for each twenty (20) linear feet of property line, to be planted alternating on each side of the required fence;
- e. One palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, to be planted alternating on each side of the required fence, unless an alternative landscape plan is approved. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous L Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

16. The following landscaping shall be required on the exterior side of the required fence:

- a. One (1) large shrub for each two (2) linear feet of property line, spaced twenty-four (24) inches on center, to be installed at a minimum height of twenty-four (24) inches and maintained at a minimum height of seventy-two (72) inches. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous L Condition 2 of Resolution R-2002-1258, Control

No.2002-00018)

17. The following landscaping shall be required on the interior side of the required fence:

- a. One (1) small shrub for each two (2) linear feet of property line, to be installed at a minimum height of eighteen (18) inches; and
- b. One (1) medium shrub for each four (4) linear feet of property line, to be installed at a minimum height of twenty-four (24) inches. (CO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous L Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

LANDSCAPE - PERIMETER-PERIMETER SOUTH PROPERTY LINE (ABUTTING OAKLAND PARK)

18. The Property Owner, successors and assigns, without recourse to Palm Beach County, shall install and maintain landscaping within the southern 5 feet of the 30 foot access easement (O.R.B. 14712 PG 1859). Design of landscaping shall be approved by the County Engineer and Zoning. Installation of the landscaping shall be concurrent with the paving and drainage improvement for the easement. Any costs shall include, but are not limited to, utility relocations. The landscaping improvements shall include the following:

- a. Six (6) foot high vinyl coated chain link fence;
- b. Six (6) foot high hedge;
- c. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for improvements to the 30 foot wide access easement.
- d. Planting shall be completed prior to the issuance of a Certificate of Completion for the easement improvements. (BLDGPM/CC: BUILDING DIVISION - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

19. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved DRO plan(s) with the approved Disposition Chart;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections to receive a 'Pass' status with Zoning Landscape Inspectors prior to any land clearing activity. (BLDGPM/CC: BUILDING DIVISION - Zoning)

20. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Condition 19 is satisfied. (BLDGPM/CC: BUILDING DIVISION - Zoning)

21. Failure to comply with the Landscape - Preservation of Vegetation, condition 19 and 20 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING: ZONING - Zoning)

LIGHTING

1. All outdoor lighting used to illuminate the subject property, and identification signs, excluding athletic fields only, shall be of the minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: ZONING - Zoning) (Previous M Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

2. All outdoor, freestanding lighting fixtures excluding athletic facilities only, shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous M Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

3. All outdoor lighting shall be extinguished no later than 11:00 p.m. excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous M Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: ZONING -

Zoning) (Previous M Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

5. Setbacks for freestanding lighting fixtures along the east property line abutting Oakland Park, shall be as follows:

- a. Football field lighting: ninety (90) feet for field lighting and fifty-five (55) feet for bleacher lighting; and
- b. Baseball field lighting: forty-five (45) feet. (ONGOING: ZONING - Zoning) (Previous M Condition 5 of Resolution R-2002-1258, Control No.2002-00018)

6. All athletic field lighting shall be shielded and directed down and away from adjacent properties and streets. Height of the athletic field lights shall not exceed the heights as shown on the plan dated June 25, 2002. All heights shall be measured from finished grade to highest point. (ONGOING: ZONING - Zoning) (Previous M Condition 6 of Resolution R-2002-1258, Control No.2002-00018)

7. The re-designated 4.98-acre parcel (Tract C) shall be limited to an un-lighted sports practice field. (ONGOING: ZONING - Zoning)

SIGNS

1. Freestanding signs (excluding directional signage) located on Sansbury's Way, shall be limited as follows:

- a. Maximum sign height: Ten (10) feet;
- b. Maximum sign face area per side: Seventy-five (75) square feet;
- c. Maximum number of signs: One (1);
- d. Location: Within one hundred (100) feet of the main entrance on Sansbury's Way;
- e. Style: Monument only; and
- f. Signs shall be limited to project identification and changeable copy as permitted by the ULDC unless variance relief is obtained. (CO: ZONING - Zoning) (Previous N Condition 1 of Resolution R-2002-1258, Control No.2002-00018)

2. Freestanding signs (excluding directional signage) located on Belvedere Road, shall be limited as follows:

- a. Maximum sign height: Twelve (12) feet;
- b. Maximum sign face area per side: Seventy-five (75) square feet;
- c. Maximum number of signs: One (1);
- d. Location: Within one hundred (100) feet of the Belvedere Road entrance;
- e. Style: Monument only; and
- f. Signs shall be limited to project identification and changeable copy as permitted by the ULDC unless variance relief is obtained. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

3. Freestanding signs (excluding directional signage) located at the intersection of Belvedere Road and Sansbury's Way, shall be limited as follows:

- a. Maximum sign height: Six (6) feet;
- b. Maximum sign face area per side: Forty-five (45) square feet;
- c. Maximum number of signs: One (1);
- d. Location: Within two-hundred (200) feet of the intersection of Belvedere Road and Sansbury's Way;
- e. Style: Entrance wall sign only; and
- f. Signs shall be limited to project identification and honorarium. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 3 of Resolution R-2002-1258, Control No.2002-00018)

4. Wall signage shall be limited as follows:

- a. South and west facades of private school with lettering size not to exceed twenty-four (24) inches in height;
- b. East and west facades of day care facility with lettering size not to exceed eighteen (18) inches; and
- c. Project identification, honorarium and building name/use. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous N Condition 4 of Resolution R-2002-1258, Control No.2002-00018)

SITE DESIGN

1. All outdoor athletic fields and/or facilities shall be setback a minimum of fifty (50) feet from any abutting residential property line, unless variance relief is obtained. (ONGOING: ZONING - Zoning) (Previous C Condition 1 of Resolution R-2002-1258, Control No.2002-00018)
2. 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 one-hundred (100) feet of all residential property lines. (DRO/ONGOING: ZONING - Zoning) (Previous C Condition 2 of Resolution R-2002-1258, Control No.2002-00018)

USE LIMITATIONS

1. The Day Care Center shall be limited to a maximum of two-hundred (200) children. (ONGOING: HEALTH DEPARTMENT - Zoning) (Previous P Condition 1 of Resolution R-2002-1258, Control No.2002-00018)
2. Hours of operation for outdoor day care activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday and Sunday. (ONGOING: ZONING - Zoning) (Previous P Condition 2 of Resolution R-2002-1258, Control No.2002-00018)
3. The Private School shall be limited to a total of one-thousand seven-hundred and twenty-five (1,725) students. (ONGOING: ZONING - Zoning) (Previous P Condition 3 of Resolution R-2002-1258, Control No.2002-00018)
4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site, with exception to sporting events, emergencies, bells announcing start/end of classes and fire drills. (ONGOING: ZONING - Zoning) (Previous P Condition 4 of Resolution R-2002-1258, Control No.2002-00018)
5. Overnight storage or parking of school buses shall not be permitted on site, except within the designated school bus loading, storage and maintenance areas. (ONGOING: ZONING - Zoning) (Previous P Condition 5 of Resolution R-2002-1258, Control No.2002-00018)
6. No bus maintenance activities shall be audible off site between the hours of 6:00 p.m. and 7:00 a.m. (ONGOING: ZONING - Zoning) (Previous P Condition 6 of Resolution R-2002-1258, Control No.2002-00018)
7. No music shall be audible off site between the hours of 8:00 p.m. and 8:00 a.m. with exception to band competitions and music associated with sporting events. (ONGOING: ZONING - Zoning) (Previous P Condition 7 of Resolution R-2002-1258, Control No.2002-00018)
8. The re-designated 4.98-acre parcel (Tract C) shall be limited to an un-lighted sports practice field. (ONGOING: ZONING - Zoning)
9. The proposed 20-foot wide access within the 30-foot Access Easement between the main campus and the practice field shall be limited to provide access for pedestrians, golf carts and other utility vehicles. It will also serve maintenance and emergency vehicles. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

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