

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/DOA/CA-2021-00442
Application Name: Temple Shaarei Shalom
Control No./Name: 1997-00078 (Ciba Giegy PUD fka Ponte Vecchio PUD)
Applicant: Temple Shaarei Shalom, Inc.
Owners: Temple Shaarei Shalom, Inc.
Agent: Land Research Management, Inc. - Kevin McGinley
Telephone No.: (561) 686-2481
Project Manager: Donna Adelsperger, Site Planner II

TITLE: a Development Order Abandonment **REQUEST:** to Abandon the Type 2 Zoning Variance for a reduction in required parking. **TITLE:** a Development Order Amendment **REQUEST:** to modify the Master Plan; and, to add uses. **TITLE:** a Class A Conditional Use **REQUEST:** to allow a School Elementary or Secondary (Private). **TITLE:** a Class A Conditional Use **REQUEST:** to allow a Daycare General.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment, A Development Order Amendment, and two Class A Conditional Uses for the Temple Shaarei Shalom development. The site is current approved for a Place of Worship.

The Applicant is proposing two Class A Conditional Uses to allow for an Elementary or Secondary School (Private) and a General Daycare within the Civic Tract of the Ciba Geigy PUD. In addition to the Class A requests, the Applicant is required to request a Development Order Amendment to modify the Master Plan and to add uses. The two proposed uses are to be provided for within the existing Place of Worship structure, and no changes are proposed to the existing square footage (sq. ft.). The Preliminary Site Plan (PSP) indicates the existing 28,765 sq. ft. structure will be allocated as follows: 10,423 sq. ft. for the existing Place of Worship; 9,171 sq. ft. for the proposed Elementary or Secondary School (260 students proposed); and, 9,171 sq. ft. for the proposed Daycare (124 students proposed). Lastly, the Applicant is proposing a Development Order Abandonment for a Type 2 Variance that previously allowed for the reduction of parking spaces for the Place of Worship. The Applicant proposes to reduce the number of seats for the Place of Worship, and operate the School and Daycare at different hours than the Place of Worship, thus the Variance is no longer necessary.

The PSP indicates a total of 223 parking spaces to be shared between the Place of Worship, Daycare and School based on a Shared Parking Study. An outdoor play area is to be located to the south-west side of the existing structure and accommodates 6 drop off spaces for the Daycare use. One access point to the site will remain unchanged from Hagen Ranch Road.

SITE DATA:

Location:	West side of Hagen Ranch Road approximately 0.3 miles south of Gateway Boulevard.
Property Control Number(s)	00-42-45-20-01-003-0010 (affected area)
Existing Future Land Use Designation:	Medium Residential, 5 units per acre (MR-5)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Planned Unit Development District (PUD)
Proposed Zoning District:	No change
Total Acreage:	247.43 acres
Affected Acreage:	4.41 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Boynton Community Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one phone call from the general public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD-1997-078	Official Zoning Map Amendment from Agricultural Residential (AR) to Residential Planned Unit Development (PUD)	R-1998-0567	February 26, 1998
DOA-1997-078A	Development Order Amendment (DOA) to delete an access point from within the PUD, add external access point and add a Church or Place of Worship	R-2000-0578	April 27, 2000
PDD/DOA-1997-078B	Official Zoning Map Amendment rezoning from Residential Single Family (RS) and Agricultural Residential (AR) to Residential Planned Unit Development (PUD)	R-2000-1575	September 26, 2000
	Development Order Amendment (DOA) to add land area, add units, re-designate housing type and transfer units	R-2000-1576	September 26, 2000
ZV-2007-00329	Type 2 Variance to reduce the number of required parking spaces for a Place of Worship	ZR-2007-026	July 23, 2007
DOA-2007-00181	Development Order Amendment (DOA) to reconfigure the site plan; add square footage to the place of worship; and modify conditions of approval	R-2007-1431	August 23, 2007

SURROUNDING LAND USES:

AFFECTED AREA (4.41-Acre Civic Parcel)

NORTH:

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Aberdeen PUD, Control No. 1980-00153)

SOUTH (across Treviso Lane):

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Ciba Geigy PUD (Ponte Vecchio PUD)), Control No. 1997-00078)

EAST (across Hagen Ranch Road):

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Ciba Geigy PUD (Ponte Vecchio PUD)), Control No. 1997-00078)

WEST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Ciba Geigy PUD (Ponte Vecchio PUD)), Control No. 1997-00078)

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Relevant Comprehensive Plan Policies:* The request is located on the civic parcel within the Ciba Geigy, aka Ponte Vecchio PUD, and complies with the Comprehensive Plan's Future Land Use Element (FLUE) Policy 1.2-b: which states that Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse. The site is modifying the uses for child day care center and private school on site to support the surrounding community. The submittal also complies with FLUE Policy 2.2.1-m: that permits limited non-residential uses are allowed in residential future land use designations through the associated zoning districts as identified in the Unified Land Development Code. Non-residential uses are limited to those that serve the residential area. This request consists of non-residential uses within a Civic Pod of the PUD. Furthermore, FLUE Policy 2.2.8-a also provides that Institutional uses may be allowed in all future land use designations.
- *Intensity:* The request to add 18,342 sq. ft. of Day Care & Private School to the existing 10,423 sq. ft. of House of Worship (28,765 total sq. ft.), which equates to a FAR of approximately 0.15 (28,765/192,054 sq. ft. or 4.41 acres = 0.149). The maximum Floor Area Ratio (FAR) of 0.45 is allowed for the Medium Residential, 5 units per acre future land use designation in the Urban/Suburban Tier (192,054 sq. ft. or 4.41 acres x 0.45 maximum FAR = 86,424 sq. ft. maximum).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the West Boynton Area Community Plan. The request is not inconsistent with the West Boynton Area Community Plan policies. The applicant was advised to meet with the neighborhood group responsible for implementing the Neighborhood Plan. No letters in support or objection have been received as of the writing of this report.

- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- *Property Development Regulations:* The existing Civic Pod is in compliance with Table 3.E.2.D. PUD Property Development Regulations (PDRs) and meets or exceeds the lot size; FAR; and setbacks for the existing structure. The addition of the Daycare and School will have no effect on the existing PDRs.
- *Supplementary Standards:* The proposed Daycare complies with the requirements of Article 4 regarding minimum lot size, floor area based on the number of students, outdoor play area to include location of play equipment and trees, Palm Beach County Health Department Child Care, fencing around play area and required drop off spaces connecting to the building via a sidewalk.

The proposed School complies with the requirements of Article 4 to include but no limited to onsite circulation and pedestrian connections to existing sidewalks.

- *Architectural Review:* When originally approved, the Place of Worship was conditioned to provide Architectural Elevations at the time of Final DRO Approval. The Place of Worship elevations were approved, and the structure was built. The addition of the Daycare and School will not require any revisions to the approved elevations.
- *Parking:* A shared parking study was submitted and reviewed/approved by the Engineering Department demonstrating that the parking provided for the Place of Worship is sufficient for the Daycare and School and as the uses will operate at different times of the day/week. Minor modification to the Civic parcel site plan includes the addition of 6 Drop Off spaces for the Daycare and outdoor play area. The applicant has provided a circulation plan demonstrating how the arrival and dismissal of the students will occur during the week.

- **Landscape and Buffering:** There are no proposed changes to the currently installed perimeter landscaping or buffering. The site complies with the previous Conditions of Approval for the Civic pod. The Applicant is required to install one canopy tree per 1,500 sq. ft. of outdoor play area for the daycare. This will require the installation of 4 canopy trees.
- **Signage:** There are no proposed changes to the existing signage Conditions of Approval at this time.

It should be noted that this amendment to the overall resolution is necessary because the Conditions of Approval for the Place of Worship were consolidated within the PUD Resolution under R-2000-0578.

- c. Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed modifications are limited to the Civic Pod of the PUD and no other changes are proposed outside the affected area. The DOA as described above adds two additional uses to the Civic Pod, however, does not alter the prior findings of compatibility with the surrounding residential uses. Any potential impacts have been mitigated accordingly through new or ongoing Conditions of Approval, and through requirements stipulated by the Code. Considering the changes proposed are internal to the existing structure and the surrounding area being built out, the proposed modification to the Civic Pod and the two Class A Conditional Uses continue to be compatible and generally consistent with the uses and the character of the land surrounding the subject property.

- d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The DOA/CA does not alter previously approved building placement, building height, or result in significant modification to the site. The subject site is developed and the Applicant is not proposing any changes or modifications to the building footprint. Six drop off spaces and an outdoor play area will be added to the parcel. As such, Staff finds that the proposal to add the Daycare and School to the building will not result in adverse impacts to the previously approved uses, adjacent lands, or surrounding community.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: There is an existing place of worship on the site.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed preliminary site plan is and will continue to be consistent with the built-out development pattern of the area, as the land uses surrounding the site are generally compatible. Residential uses exist in the immediate vicinity of the subject Civic Pod. The amendment to the Civic Pod of the PUD will contribute to and support the established uses and pattern of development of the area. As such, Staff is satisfied that the proposed amendment and the addition of the Conditional Uses result in a

logical, orderly and timely development pattern.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed K-12 private school and a daycare facility in a portion of an existing place of worship is expected to generate an additional 687 net daily, 235 net AM and 78 net PM peak hour trips. Build-out of the project is expected to be by 2025.

Hagen Ranch Rd from Gateway Blvd to Boynton Beach Blvd has background deficiency and needs to be widened to 4 lanes to meet adopted Level of Service (LOS).

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Hagen Ranch Rd from Gateway Blvd to Boynton Beach Blvd

Existing count: Northbound=759, Southbound=402

Background growth: Northbound=179, Southbound=131

Project Trips: Northbound=21, Southbound=26

Total Traffic: Northbound=959, Southbound=559

Present laneage: 1 in each direction

Assured laneage: 1 in each direction

LOS “D” capacity: 880 per direction

Projected level of service: Worse than LOS D in the northbound direction but LOS D or better in the southbound direction

There are no proposed Engineering Conditions of Approval with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health

FIRE PROTECTION: Staff has reviewed this application and have no comment.

SCHOOL IMPACTS: Detailed analysis is not required for this non-residential application, as it will not generate any students.

PARKS AND RECREATION: The affected area of this request is non-residential; therefore, the Parks and Recreation ULDC provisions do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

According to the Agent’s Justification Statement, the requested amendment and the need for the Daycare and Private School are a direct result of the expansion of the congregation, most notably younger families with children moving into the area and worshiping at the Temple. The conversion of the existing Place of Worship classrooms and administrative offices are therefore a result of this changed circumstance. The location of the Daycare and Private School within the Civic Pod of a PUD is appropriate location and will continue to serve the surrounding community.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of the request, subject to the recommended Conditions of Approval as indicated in Exhibits C-1 through C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1576 (Petition DOA1997-078B), 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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-1431(Control 1997-00078), 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. Previous ALL PETITIONS Condition 2 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved preliminary site plan is dated May 14, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses or site design approved by the Board of County Commissioners. The approved Preliminary Master Plan is dated July 12, 2021 and the Civic Parcel Preliminary Site Plan is dated July 26, 2021. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet Conditions of Approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)

3. Prior to Final DRO certification of the site plan, the petitioner shall submit architectural elevations for the bridge (cross-over LWDD Canal L-12) to the Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ALL PETITIONS Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

BUILDING AND SITE DESIGN-(4.41 ACRE CIVIC SITE ONLY)

1. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDGPMPT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Prior to final DRO certification of the site plan, the petitioner shall submit architectural elevations to the Public Hearing Section, Zoning Division for review. Development shall be consistent with the approved architectural elevations. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes shall not exceed thirty-five (35) feet, All heights shall be measured from finished grade to highest point. (BLDGPMPT/ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

4. All ground mounted air conditioning and mechanical equipment including satellite dishes, shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous BUILDING AND SITE DESIGN Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

DUMPSTER-(4.41 ACRE CIVIC SITE ONLY)

1. At the time of Final Site Plan approval the dumpster will be relocated to the loading area vicinity of the Site Plan dated May 14, 2007. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous DUMPSTER Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

ENGINEERING

1. Off site turn lane requirements:

The Property owner shall construct dual left turn lanes west approach on Boynton Beach Boulevard at Hagen Ranch Road.

a) This construction shall be concurrent with the six laning of Boynton Beach Boulevard by this property owner as provided for in the conditions below. 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.

b) Construction shall be completed concurrent with the six lane completion of Boynton Beach Boulevard. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. TPS Requirements:

The Property owner shall fund the construction plans for Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate tapers. Funding of these construction plans shall be approved by the County Engineer based upon the cost estimate by the Developer's Engineer and approved by the County Engineer. This funding shall also include any right-of-way costs and Plan Review Costs by Palm Beach County. Funding shall be completed on or before June 1, 2000. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The Property owner shall fund the construction of Boynton Beach Boulevard as a 6 lane section from Hagen Ranch Road to Jog Road plus the appropriate paved tapers. Funding amount for this construction shall be approved by the County Engineer based upon the approved construction plans. Funding shall be completed on or before September 1, 2001. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

4. The Property owner shall construct the following intersection improvements at the intersection of Hagen Ranch Road and Boynton Beach Boulevard:

- a) dual left turn lanes north approach,
- b) dual left turn lane south approach,
- c) right turn lane east approach, Note: This turn lane is anticipated to be completed by another developer (Jones PUD)

A) This construction shall be concurrent with the improvements to Hagen Ranch Road Construction by Palm Beach County. 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 the acquisition of any additional right of way. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

5. Phasing Requirements:

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 596 dwelling units shall not be issued until construction has begun for Hagen Ranch Road as a 5 lane facility from Boynton Beach Boulevard to Lake Ida Road plus the appropriate paved tapers. County/developer construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

b) Building Permits for more than 341 dwelling units shall not be issued until construction has begun for dual left turn lanes and a right turn lane east approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by another developer. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

c) Building Permits for more than 366 dwelling units shall not be issued until construction has begun for Jog Road as a 6 lane section from Boynton Beach Boulevard to Woolbright Road. County Construction Fiscal year 97/98. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

d) Building Permits for more than 447 dwelling units shall not be issued until construction has begun for Boynton Beach Boulevard as a 6 lane facility from Jog Road to Hagen Ranch Road County. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

e) Building Permits for more than 609 dwelling units shall not be issued until construction has begun for dual left turn lanes north approach and south approach at the intersection of Hagen Ranch Road and Boynton Beach Boulevard. This construction to be completed by the property owner. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

f) Building Permits for more than 613 dwelling units shall not be issued until construction has begun for Gateway Boulevard as a 4 lane section from Jog Road to Military Trail plus the appropriate paved tapers. Construction Fiscal year 2000/01. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

g) Building Permits for more than 631 dwelling units shall not be issued until construction has begun for an additional through lane north and south approach, and an additional right turn lane south approach at the intersection of Jog Road and Boynton beach Boulevard. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

h) Building Permits for more than 747 dwelling units shall not be issued until construction has begun for an additional through lane on the north and south approach at the intersection of Jog Road and Woolbright Road. This construction is part of County construction listed in c above. (BLDG PERMIT: MONITORING-Eng) [NOTE: COMPLETED]

Acceptable surety shall be posted with the Office of the County Engineer on or before August 26, 1998 for any of the above road improvements identified above and not defined as "assured construction". Surety shall be in the amount of 110% shall be based upon a certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (TPS - maximum 6 month time extension) (DATE: MONITORING-Eng)

Note: Surety was submitted.

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. (REVISED TRAFFIC STUDY: MONITORING - Eng) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

6. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

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 right-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. 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) [COMPLETE]

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) [COMPLETE]

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2007-1431, Control No.1997-00078)

7. DOT APPROVAL FOR PODS ADJACENT TO THE FLORIDA TURNPIKE

Prior to site plan approval for POD A, the property owner shall receive approval from the Florida Department of Transportation relative to the minimum noise standards for residential dwelling units constructed in this POD. Any noise mitigation required by the Florida Department of Transportation shall be funded by this property owner. (DRO/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2007-1431, Control No.1997-00078)

8. The Property owner shall construct a left turn lane south approach on Hagen Ranch Road at the entrance to the 4.41 acre Civic Site.

a) This construction shall be concurrent with the paving and drainage improvements for the civic 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.

b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit for the 4.41 acre civic site. (BLDG PERMIT: MONITORING-Eng)

c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy for the 4.41 acre civic site. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2007-1431, Control No.1997-00078)

9. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Gateway Blvd. to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2007-1431, Control No.1997-00078)

10. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed in that area within Pod E for an expanded intersection at Gateway Blvd. and Jog Road prior to the issuance of the first Building Permit or prior to April 1, 2001 whichever shall first

occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (BLDG/PMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2007-1431, Control No.1997-00078)

11. Prior to technical compliance for the first plat the property owner shall convey a temporary construction easement to Palm Beach County. 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. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2007-1431, Control No.1997-00078)

12. The Property owner shall construct concurrent with the project's entrance onto Gateway Boulevard a left turn lane east approach on Gateway Blvd. at the project entrance.

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.

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)

Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2007-1431, Control No.1997-00078)

13. LANDSCAPE WITHIN THE HAGEN RANCH ROAD ROUNDABOUT

a. Prior to June 1, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to upgrade the landscaping within the existing roundabout at Hagen Ranch Road and the project's entrance road. This permit, to be completed by the property owner, 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. (DATE: MONITORING-Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. This maintenance shall also include the existing and proposed landscape material within the roundabout at Hagen Ranch Road and the project's entrance road. All existing and proposed 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 including the roundabout at Hagen Ranch Rd. & project entrance road. 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 April 1, 2002. (DATE: MONITORING-Eng)

c. If the County does not assume 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 and recorded prior to April 1, 2001. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2007-1431, Control No.1997-00078)

14. CUTOUT" LANDSCAPE STRIPS WITHIN THE JOG ROAD CONCRETE MEDIAN

a. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the proposed concrete median of Jog Road Right-of-Way from NW 22nd Avenue to the projects south property line of the PUD. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any 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)

b. All required median landscaping, including an irrigation system if required, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded 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 prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Eng)

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDGPERMIT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2007-1431, Control No.1997-00078)

15. Prior to master plan approval of the final subdivision plan a Restrictive Covenant shall be filed in the Public Records limiting occupancy of the dwelling units within the PUD to an "adult community." This Restrictive Covenant shall be subject to the approval of the County Attorney. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2007-1431, Control No.1997-00078)

16. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

A) No Building Permits for the site may be issued after July 26, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

(DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2007-1431, Control No.1997-00078)

17. Previous ENGINEERING Condition 17 of Resolution R-2007-1431, Control No.1997-00078, which currently states:

Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Hagen Ranch Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm

Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

Is hereby amended to read:

Within ninety (90) days notice by the County Engineer, the Property Owner shall provide a roadway construction easement to Palm Beach County along Hagen Ranch Road, a minimum of 10 feet in width, or as otherwise approved by the County Engineer. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owner's entrance. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: MONITORING - Engineering)

18. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

LANDSCAPE - STANDARD

1. All canopy 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 above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING-ALONG THE NORTH PROPERTY LINE (SOUTH OF LWDD L-22 CANAL), THE SOUTH PROPERTY LINE (ALONG BOYTON CANAL) AND THE 613 FEET OF THE WEST PROPERTY LINE (ALONG POD E)

2. Landscaping and buffering along the north property line (south of LWDD L-22 canal), the south property line (along Boynton Canal) and the north 613 feet of the west property (along Pod E) shall include:

- a. a minimum ten (10) foot wide landscape buffer strip shall be provided
- b. one (1) canopy tree planted every twenty (20) feet on center; and
- c. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- d. twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING FOR BOTH SIDES OF HAGEN RANCH ROAD FRONTAGE, EAST PROPERTY LINE (JOG ROAD FRONTAGE) AND NORTH PROPERTY LINE ALONG GATEWAY BOULEVARD

3. Landscaping and buffering for both sides of Hagen Ranch Road frontage, east property line (Jog Road frontage) and the north property line along Gateway Boulevard shall include:

- a. A minimum twenty (20) foot wide landscape buffer strip. No reductions 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 top of curb;
- c. One (1) canopy tree planted every thirty (30) feet on center; and

- d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
- e. Twenty (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty six (36) inches. A minimum of fifty percent (50%) of the shrub or hedge material shall be installed on the plateau of the berm. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE WEST PROPERTY LINE (FLORIDA TURNPIKE)

4. Landscaping and buffering along the west property lines shall be upgraded to include:
- a. A minimum twenty five (25) foot wide landscape buffer strip. No reductions shall be permitted ; and
 - b. An undulating three (3) foot high berm measured from top of curb; and
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center at installation and to be maintained at a minimum height of thirty six (36) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE NORTH PROPERTY LINE (LWDD L-22 CANAL) (4.41 ACRE CIVIC SITE ONLY)

5. Landscaping and buffering along the north property line shall be upgraded to include:
- a. a minimum ten (10) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted every thirty (30) feet on center;
 - c. one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. twenty-four (24) inch high shrub or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (4.41 ACRE CIVIC SITE ONLY)

6. Landscaping and buffering along the south and west property lines shall be upgraded to include:
- a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. a minimum one and half (1.5) foot continuous berm;
 - c. one (1) canopy tree planted every thirty (30) feet on center; and
 - d. one (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and,
 - e. twenty-four (24) inch high shrub or hedge material to be planted on the plateau of the berm. Shrubs and hedges shall be spaced no more than twenty-four (24) inches on center at installation and to be maintained at a minimum height of fifty-four (54) inches. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - STANDARD Condition 6 of Resolution R-2007-1431, Control No.1997-00078)

LANDSCAPE - STANDARD-LANDSCAPING ALONG THE WEST PROPERTY LINE ADJACENT TO THE MULTI-PURPOSE ROOM AND OFFICE BUILDING ADDITION (4.41 ACRE CIVIC SITE ONLY)

7. Screening consisting of a minimum of 18 Sabal Palms having a clear trunk of a minimum of 12 feet shall be planted in the vicinity of the western landscape buffer, outside the utility easement at a maximum of 8 feet on center on the inside of the screen wall in order to screen the adjacent property

owners for the 121 foot length of the 18,342 square feet multi-purpose room and office building addition. (CO: ZONING - Zoning) (Previous LANDSCAPE - STANDARD Condition 7 of Resolution R-2007-1431, Control No.1997-00078)

LIGHTING-(4.41 ACRE CIVIC SITE ONLY)

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BLDGPMT: BUILDING DIVISION - Zoning) [Note: COMPLETED] (Previous LIGHTING Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

2. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

3. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material.

(ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

4. Lighting shall be provided to mark all perimeter driveways or accessways and shall comply with ULDC requirements.

(BLDGPMT/ONGOING: BUILDING DIVISION - Zoning) (Previous LIGHTING Condition 5 of Resolution R-2007-1431, Control No.1997-00078)

MASS TRANSIT

1. Prior to final certification of the preliminary development plan or site plan by the Development Review Committee, whichever occurs first, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or Palm Tram.

(DRO: PALM TRAN - Palm Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tram, and County Engineer prior to issuance of a building permit for the 100th unit. The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner. (BLDGPMT: PALM TRAN - Palm Tran) [Note: COMPLETED] (Previous MASS TRANSIT Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

PARKS

1. Any parcel of land used to satisfy minimum recreation requirements shall adhere to the following dimensions.

a. Minimum parcel size shall be seven thousand five hundred (7,500) square feet exclusive of easements.

b. Minimum parcel width shall average seventy five (75) feet with no dimension less than fifty (50) feet.

c. Minimum parcel depth shall average one hundred (100) feet with no dimension less than seventy five (75) feet.

d. The Parks and Recreation Department may waive this condition when considering location, abutting land uses, accessibility, recreation facilities to be offered and the recreation parcels' function in the overall recreation and open space network of the development.

(ONGOING: PARKS AND RECREATION - Land Development) (Previous PARKS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

PLANNING

1. Prior to final master plan certification by the Development Review Committee (DRC), the applicant shall provide street cross-section details depicting shaded sidewalks for pedestrian and bicycle circulation through the PUD. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

PROPERTY & REAL ESTATE MANAGEMENT

1. The property owner shall provide Palm Beach County Board of County Commissioners with a warranty deed by March 1, 1999, for a 4.41 acre civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O), and the Parks Department. Developer to Plat and dedicate the Civic site to Palm Beach County prior to conveying the deed, and shall have satisfied each of the following conditions prior to deed conveyance.

a. Developer to provide a title policy insuring marketable title to Palm Beach County for the civic site. Policy is subject to Property & Real Estate Management Department's (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis. The appraisal to be obtained the Developer. The County to have the option, at their discretion, to release all or part of the Declarations of Covenants and Conditions of the P.U.D., as it would apply to the civic site.

b. All ad valorem real estate taxes and assessments for the year of closing shall be pro-rated at the day of acceptance of the deed for the civic site; acceptance date to be determined by PREM and the County Attorney's Office after receiving Board approval.

c. Civic site to be free and clear of all trash and debris at the time of acceptance of the warranty deed.

d. Developer shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Developer shall specifically address the following issues:

1) The discharge of surface water from the proposed civic site into the Developer's water retention basins.

2) As easement across Developer's property from the proposed civic site to the retention basins, if required.

e. By acceptance of these conditions developer agrees to allow the County to perform any on site inspections deemed appropriate to support the acquisition of the civic site.

f. Developer to prepare civic site to buildable grade under the direction of the Facilities Development & Operations Department.

g. Developer to provide water and sewer stubbed out to the property line. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. The property owner shall provide the County with a certified survey of the proposed civic site by March 1, 1999. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

a. The survey shall meet Minimum Technical Standards for a Boundary Survey as prescribed by F.A.C. 21HH.6.

b. If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.

c. The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. The property owner shall provide PREM with an Environmental Assessment of the proposed civic site by March 1, 1999. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.

b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

1) EPA's National Priorities list (NPL)

2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)

3) Hazardous Waste Data Management System List (HWDMS).

c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.

d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.

e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone. (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

4. Prior to March 1, 1999, the Petitioner may request to exchange the required on-site dedication of land for cash of equal value or off-site land equal in acreage, however, this option shall be used only upon County approval. In addition, should the off-site land option be chosen, each PREM condition listed in numbers 1, 2 & 3 above will also apply. If the land off-site is of less cash value than the on-site dedication the petitioner shall contribute cash equal to the difference in values. Valuation of the on-site and off-site land shall be subject to the County appraisal process and be at the cost of the petitioner or if the petitioner is a contract purchaser the per acre value used for the entire PUD may be used to determine the civic site value. If off-site land or cash contribution is accepted by Palm Beach County, the petitioner shall be deemed to have satisfied the intent of ULDC 6.8B.6a (2). (DATE: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous CIVIC SITE DEDICATION Condition 4 of Resolution R-2007-1431, Control No.1997-00078)

PLANNED UNIT DEVELOPMENT

1. Street lights shall be provided pursuant to Section 6.8.A.16.c(1) of the ULDC, subject to approval by the County Engineer. (ONGOING: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Street trees shall be planted within or adjacent to rights-of-way of fifty (50) feet in width or greater, pursuant to Section 6.8.A.16.c(3) of the ULDC and subject to approval by the County Engineer. (ONGOING: ZONING - Engineering) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. All utilities shall be underground, pursuant to Section 6.8.A.16.c(5) of the ULDC. [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 3 of Resolution R-2007-1431, Control No.1997-00078)
4. Prior to Final Site Plan certification by the Development Review Committee (DRC), the site plan shall be amended to show decorative pavement at T-intersection areas in Pod E. (DRO: DEVELOPMENT REVIEW OFFICER - Zoning) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 4 of Resolution R-2007-1431, Control No.1997-00078)
5. Recreation uses provided in accordance with Section 6.8.B.4.A.(6)(b)(i) of the ULDC shall be located on a minimum of 0.1 acre and shall be located within residential Pods D1 and E. Such recreation uses shall have a direct connection to the pedestrian system within the project and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity subject to approval of the Zoning Division. These recreation areas shall not be used towards the Parks and Recreation Department's minimum recreation requirement or be located within land areas designated for drainage, stormwater management or other utility purposes. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 5 of Resolution R-2007-1431, Control No.1997-00078)
6. Flexible Regulations and Administrative Deviations from the required property development regulations for the residential units and their accessory structures shall be limited to the following:

Property Development Regulations Administrative Deviation or Flexible Regulations Pods

Front Setback - 22.5-feet All Pods
Lot Coverage - ZLL 55% All Pods
Lot Coverage - SF 44% Pod B only (ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 6 of Resolution R-2007-1431, Control No.1997-00078)
7. No rear, side interior or side corner setback reductions shall be permitted unless as permitted by the ULDC. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 7 of Resolution R-2007-1431, Control No.1997-00078)
8. Drainage easements shall not be permitted along the rear yards of back-to-back units in Pods E and D1. (DRO/ONGOING: DEVELOPMENT REVIEW OFFICER - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 8 of Resolution R-2007-1431, Control No.1997-00078)
9. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single "master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas. The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (BLDG/PMT/PLAT: MONITORING - County Attorney) [Note: COMPLETED] (Previous PLANNED UNIT DEVELOPMENT Condition 9 of Resolution R-2007-1431, Control No.1997-00078)

SIGNS

1. Entrance wall signs fronting on Jog Road, Hagen Ranch Road and Gateway Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - one pair on each road frontage; and
 - d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

SIGNS-(4.41 ACRE CIVIC SITE ONLY)

2. Freestanding signs fronting on Hagen Ranch Road shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. Maximum sign face area per side - 80 square feet;
- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (ONGOING: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

3. No off-premise signs or relocated billboards shall be permitted on the site. (DRO/ONGOING: CODE ENF - Zoning) (Previous SIGNS Condition 3 of Resolution R-2007-1431, Control No.1997-00078)

USE LIMITATIONS-(4.41 ACRE CIVIC SITE ONLY)

1. All services shall be held within the church and the hours of operation shall be limited to 7:00 a.m. - 11:00 p.m., excluding holiday services. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2007-1431, Control No.1997-00078)

2. Accessory outdoor uses such as temporary sales events shall be limited to a maximum of four (4) events per year and shall be setback a minimum of 100 feet from all perimeter property lines. No temporary amusements or special events are permitted on the site. (DRO/ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2007-1431, Control No.1997-00078)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

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

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2: Class A Conditional Use – School – Elementary or Secondary

ALL PETITIONS

1. The approved Civic Parcel Preliminary Site Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - 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: MONITORING - Zoning)

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-3: Class A Conditional Use – Daycare, General

ALL PETITIONS

1. The approved Civic Parcel Preliminary Site Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - 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.

Figure 1 - Land Use Map (affected area)

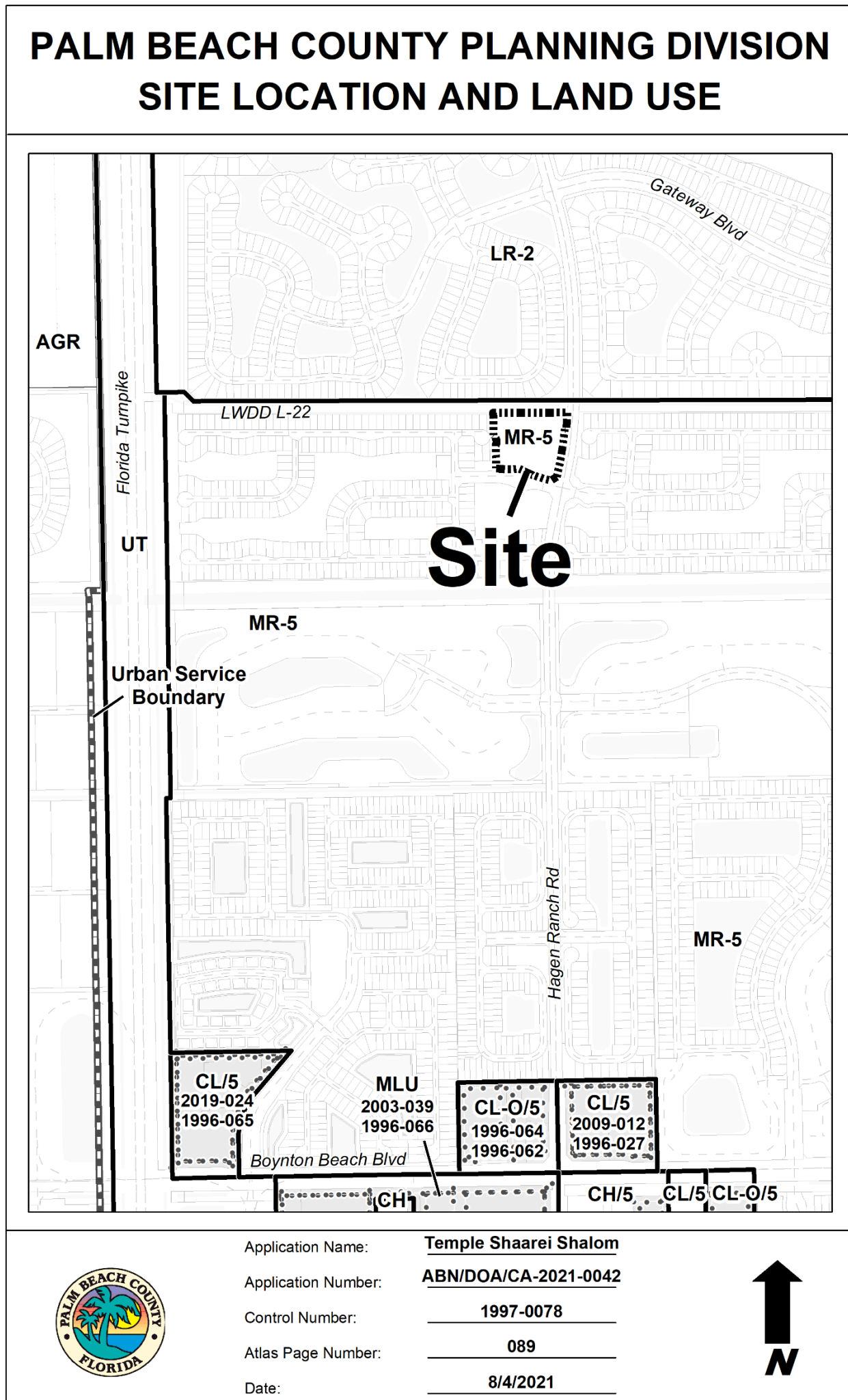
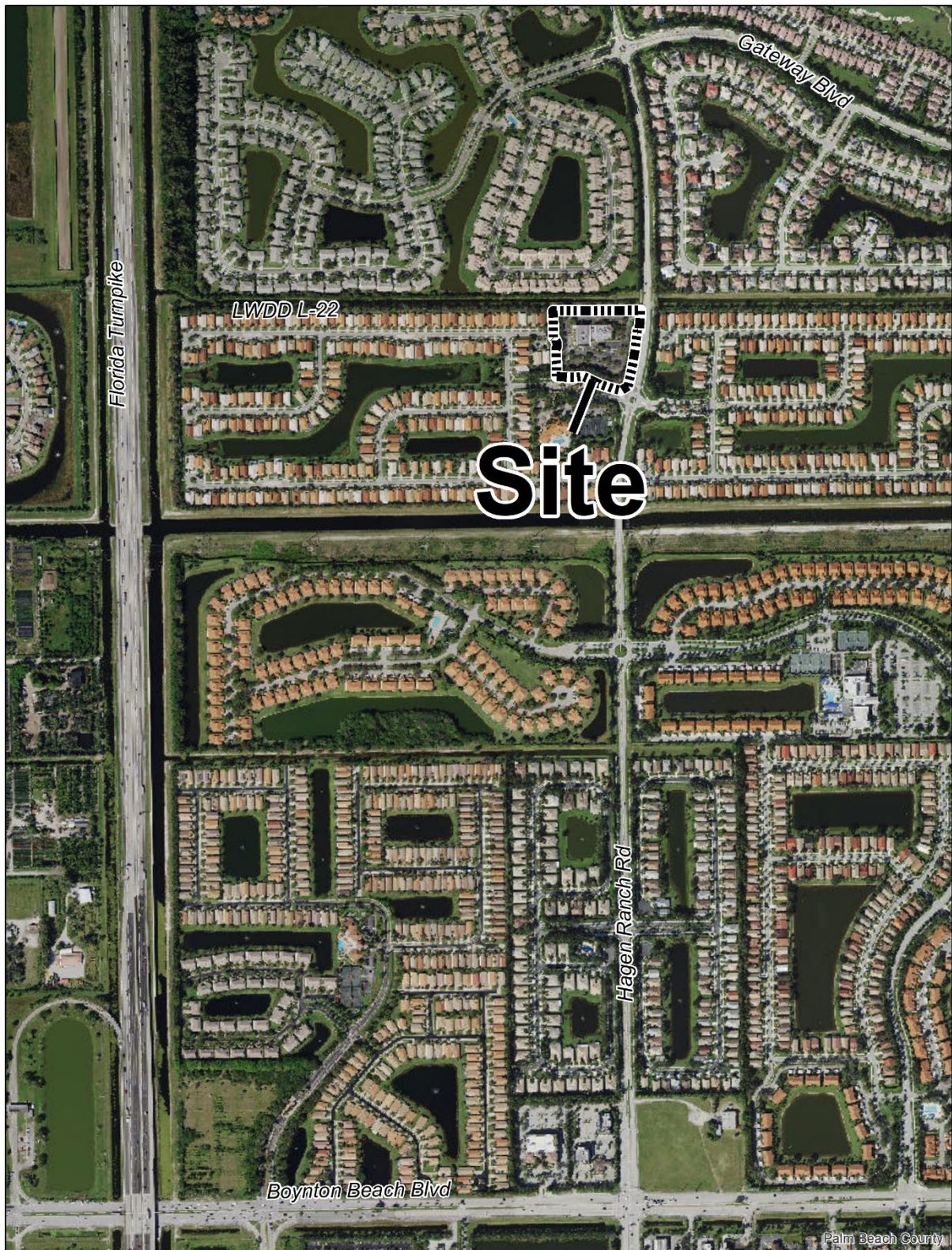


Figure 2 - Zoning Map (affected area)



Figure 3 – Aerial (affected area)

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



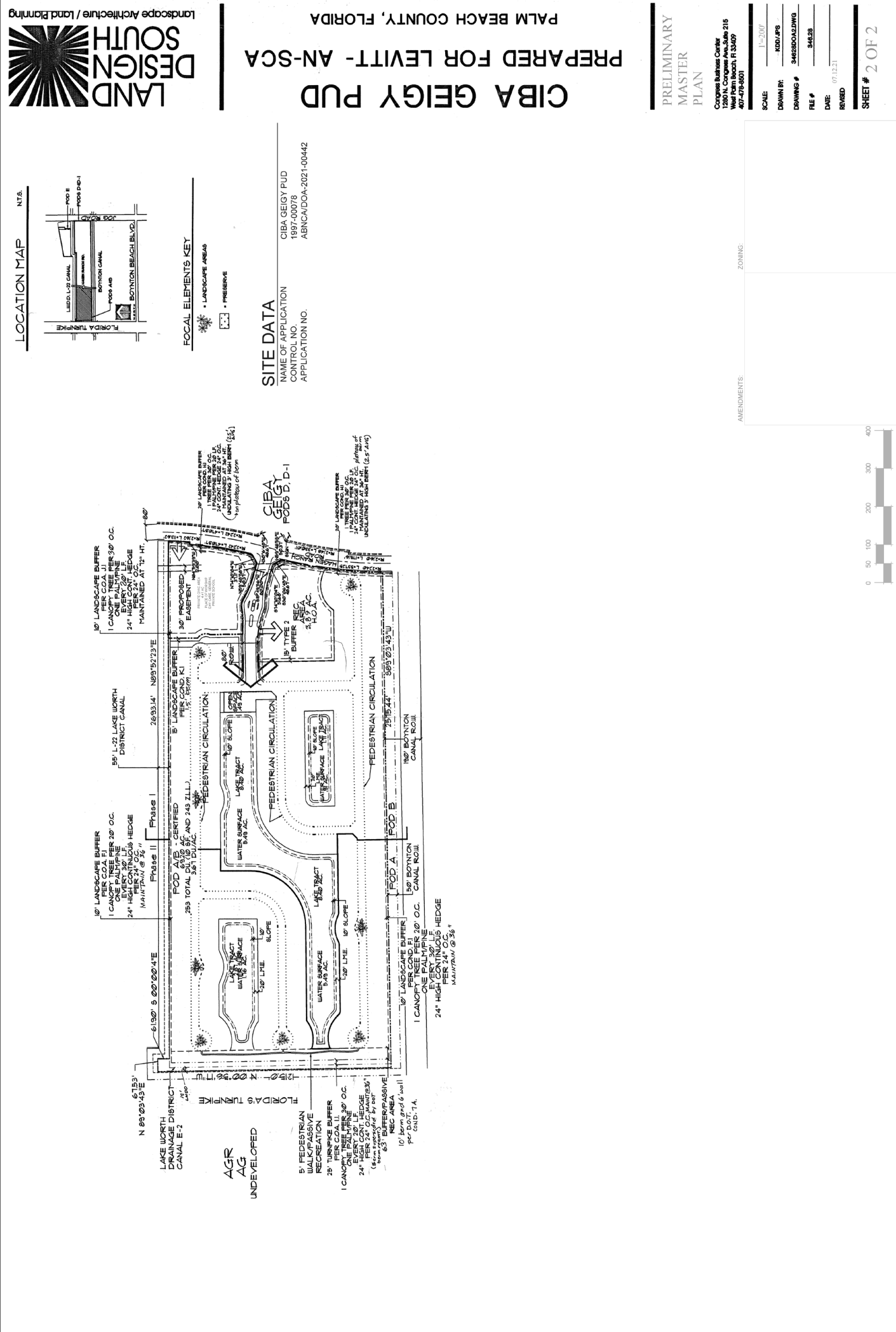
Application Name:	<u>Temple Shaarei Shalom</u>
Application Number:	<u>ABN/DOA/CA-2021-0042</u>
Control Number:	<u>1997-0078</u>
Atlas Page Number:	<u>089</u>
Date:	<u>8/4/2021</u>



Zoning Commission
Application No. ABN/DOA/CA-2021-00442
Temple Shaarei Shalom



Figure 4 – Preliminary Master Plan (PMP-2 of 2), dated July 12, 2021



Zoning Commission
Application No. ABN/DOA/CA-2021-00442
Temple Shaarei Shalom



Zoning Commission
Application No. ABN/DOA/CA-2021-00442
Temple Shaarei Shalom

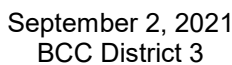
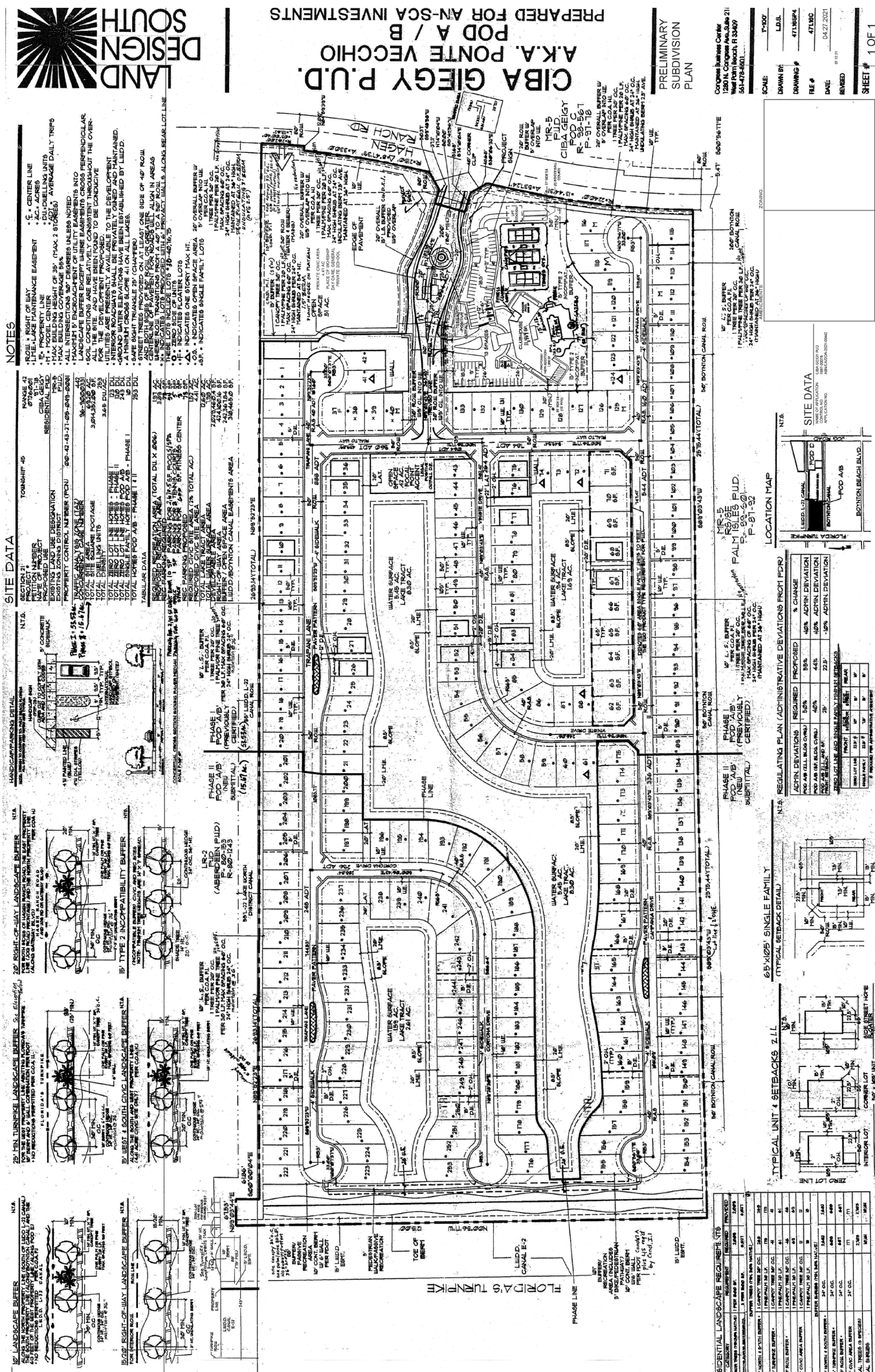
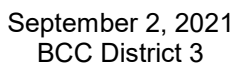


Figure 7 – Preliminary Subdivision Plan Pods A and B, dated July 12, 2021

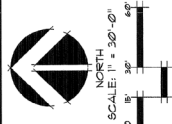


Zoning Commission
Application No. ABN/DOA/CA-2021-00442
Temple Shaarei Shalom

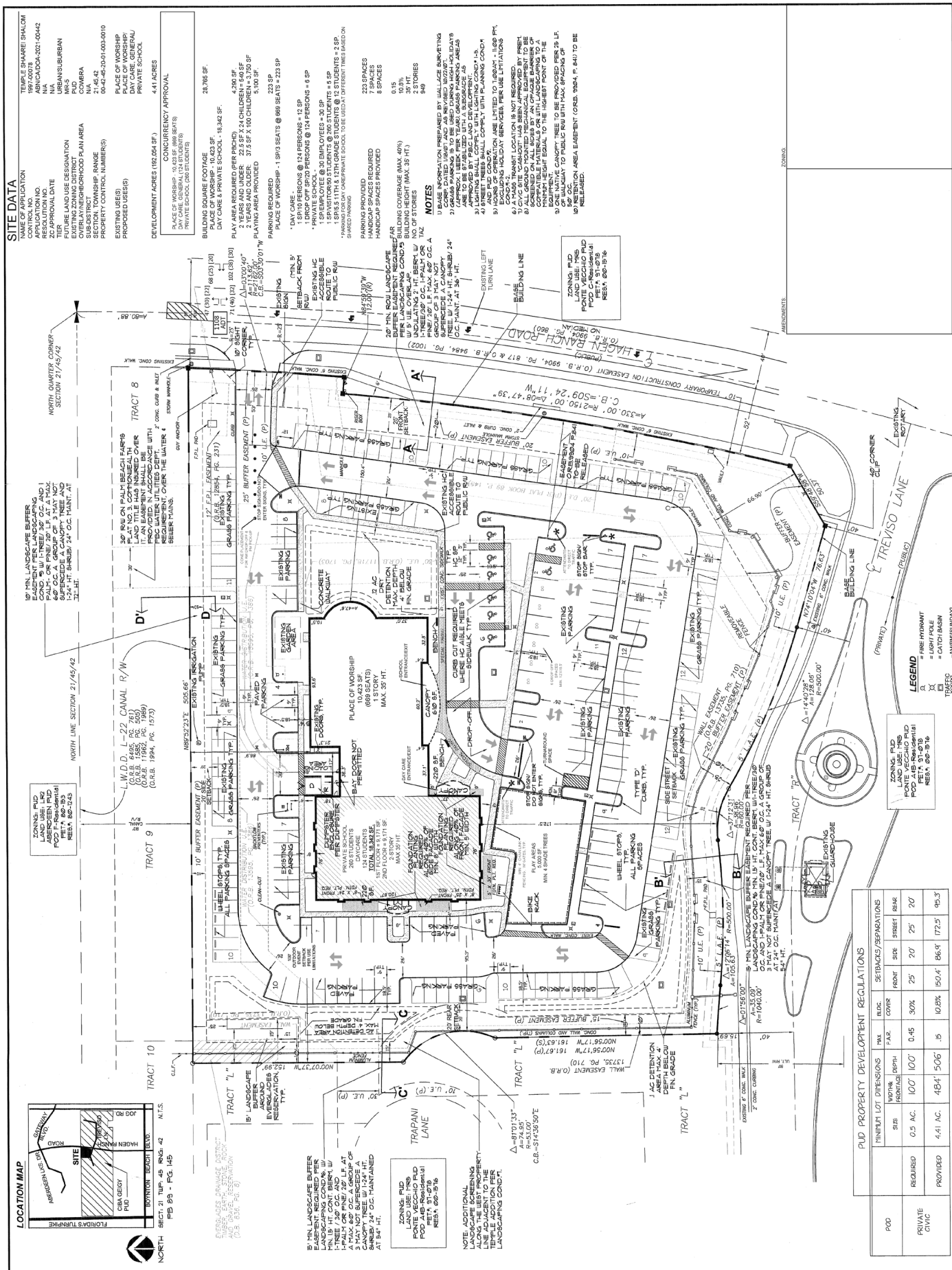


PRELIMINARY SITE PLAN
Palm Beach County, Florida
TEMPLE SHAARESHALOM EXPANSION
Ciba Geigy PUD-Civic Site (aka Ponte Vecchio PUD)

REVISIONS:
07.12.21
07.22.21

PRELIMINARY
SITE PLAN

PSP-1



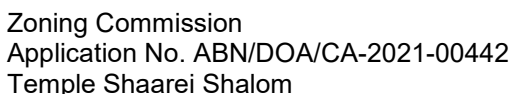


Exhibit D – Disclosure of Ownership – (Civic Parcel)

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

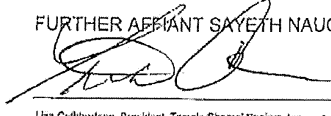
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Lisa Cuthbertson, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ President Temple Shaarei Shalom, Inc. [position - e.g., president, partner, trustee] of Temple Shaarei Shalom, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 9085 Hagan Ranch Road
Boynton Beach, FL 33472
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


 Lisa Cuthbertson, President, Temple Shaarei Shalom, Inc., Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

The foregoing Instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February, 2021 by Lisa Cuthbertson (name of person acknowledging). He/she is personally known to me or has produced personally known (type of identification) as identification and did/did not take an oath (circle correct response).

Caryn Feldman
 (Name - type, stamp or print clearly)

My Commission Expires on: 4-4-22

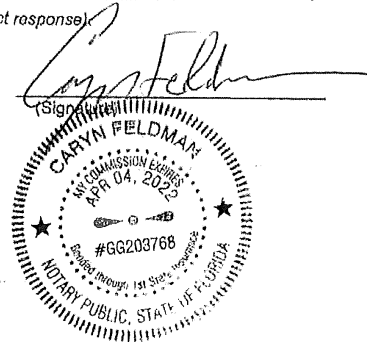


EXHIBIT "A"

PROPERTY

Tract CV,TUSCANY - PARCEL A,/B according to the plat thereof, recorded in Plat Book 89, page(s)
145, of the Public Records of Palm Beach County, Florida

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
NA	