

RESOLUTION NO. R-2009- 0894

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2008-01377
(CONTROL NUMBER 2002-00006)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF Bright Horizons Childrens Ctr Inc Lessor
BY Richard W. Carlson Jr, Esq, AGENT
(JFK Medical Center Charter School)

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

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

WHEREAS, Zoning Application ZV/DOA-2008-01377 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2009; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order 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.
2. This Development Order Amendment complies with applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics and all applicable portions of Article 4.B, Supplementary Use Standards;
3. This Development Order Amendment, with conditions as adopted, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development;
4. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands;
5. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
6. This Development Order Amendment, with conditions as adopted, will result in a logical, timely and orderly development pattern;
7. This Development Order Amendment is consistent with applicable neighborhood plans in accordance with BCC policy;

8. This Development Order Amendment complies with Article 2.F, Concurrency of the ULDC; and
9. This Development Order Amendment has demonstrated changed conditions or circumstances that necessitate a modification.

WHEREAS, Article 2.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2008-01377, the application of Bright Horizons Childrens Ctr Inc Lessor, by Richard W. Carlson Jr, Esq, agent, for a Development Order Amendment to to add land area and reconfigure the site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on May 28, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

| | | |
|---|---|-----|
| Commissioner John F. Koons, Chairman | - | Aye |
| Commissioner Burt Aaronson, Vice Chairman | - | Aye |
| Commissioner Karen T. Marcus | - | Aye |
| Commissioner Shelley Vana | - | Aye |
| Commissioner Steven L. Abrams | - | Aye |
| Commissioner Jess R. Santamaria | - | Aye |
| District 7 | - | |

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 28, 2009.

Filed with the Clerk of the Board of County Commissioners on June 16th, 2009.

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 BOCK, CLERK &
COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LOTS A AND B, BLOCK 89, LESS THE WEST 10 FEET, AND LOTS A THROUGH E, BLOCK 90, LESS THE RIGHT OF WAY FOR THE EXTENSION OF 6th AVENUE SOUTH AS SHOWN ON ROAD PLAT BOOK 4, PAGES 61 THROUGH 64, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF DAVIS ROAD AND MELALEUCA LANE (EXTENSION 6th AVENUE SOUTH) AS SHOWN IN ROAD PLAT BOOK 4, PAGES 61 THROUGH 64 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°01'09" EAST 288.59 FEET(F), (288.72 FEET PLAT) ALONG THE CENTERLINE OF SAID MELALEUCA LANE; THENCE TOWARDS THE RADIUS POINT OF THE NEXT DESCRIBED CURVE NORTH 00°58'51" EAST 53.00 FEET(F AND P) TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID MELALEUCA LANE, SAID POINT BEING ON A 765.51 FOOT RADIUS CURVE CONCAVE TO THE NORTH; THENCE EASTERLY ALONG SAID CURVE AND NORTH RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 03°13'51"(F), (83°15'30" PLAT) AN ARC DISTANCE OF 43.17 FEET(F), (43.53 PLAT) TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ALONG THE WEST LINE OF LOT B AS SHOWN ON THE PALM BEACH FARMS Co. PLAT No.7 AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°07'47" EAST 352.21 FEET(F) (NORTH 00°24'33" EAST 352.17 FEET PLAT) TO THE SOUTHEAST CORNER OF LOT B, BLOCK 89 OF SAID PLAT; THENCE NORTH 89°03'34" WEST 307.55 FEET(F), (NORTH 89°03'17" WEST 307.73 FEET PLAT) ALONG THE SOUTH LINE OF SAID LOT B TO THE SOUTHWEST CORNER OF SAID LOT B; THENCE NORTH 00°07'38" EAST 270.81 FEET(F), (NORTH 00°24'53" EAST 270.81 FEET PLAT) ALONG THE WEST LINE OF SAID LOT B, SAID WEST LINE ALSO BEING THE EAST LINE OF SAID DAVIS ROAD, TO THE NORTHWEST CORNER OF SAID LOT A; THENCE SOUTH 89°05'11" EAST 625.12 FEET(F), (SOUTH 89°04'42" 625.40 FEET PLAT) ALONG THE NORTH LINE OF LOT A, BLOCK 89 AND LOT A, BLOCK 90 AS SHOWN ON SAID PLAT TO THE NORTHEAST CORNER OF LOT A, BLOCK 90 AS SHOWN ON SAID PLAT; THENCE SOUTH 00°07'57" WEST 535.14 FEET(F), (SOUTH 00°24'14" WEST 534.53 FEET PLAT) ALONG THE EAST LINE OF LOTS A THROUGH E OF SAID PLAT, TO THE NORTH RIGHT OF WAY LINE OF SAID ROAD PLAT BOOK 4, PAGES 61 THROUGH 64, SAID SOUTHEAST CORNER BEING A POINT ON A 765.51 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTH WHOSE RADIUS POINT BEARS NORTH 27°01'05" WEST; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24°48'05"(F), (24°49'34" PLAT) AN ARC DISTANCE OF 330.92 FEET(F), (331.69 FEET PLAT) ALONG SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF LAKE WORTH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 271101.457 SQUARE FEET (6.224 ACRES) MORE OR LESS.

TOGETHER WITH LOT E, LESS THE WEST 10.0 FEET THEREOF FOR ROAD RIGHTS-OF-WAY, OF BLOCK 72, PALM BEACH FARMS PLAT NO. 7, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 72, AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY

ALL PARCELS TOGETHER CONTAINING 311,716 SQUARE FEET, MORE OR LESS (7.16 ACRES, MORE OR LESS).

EXHIBIT B
VICINITY SKETCH

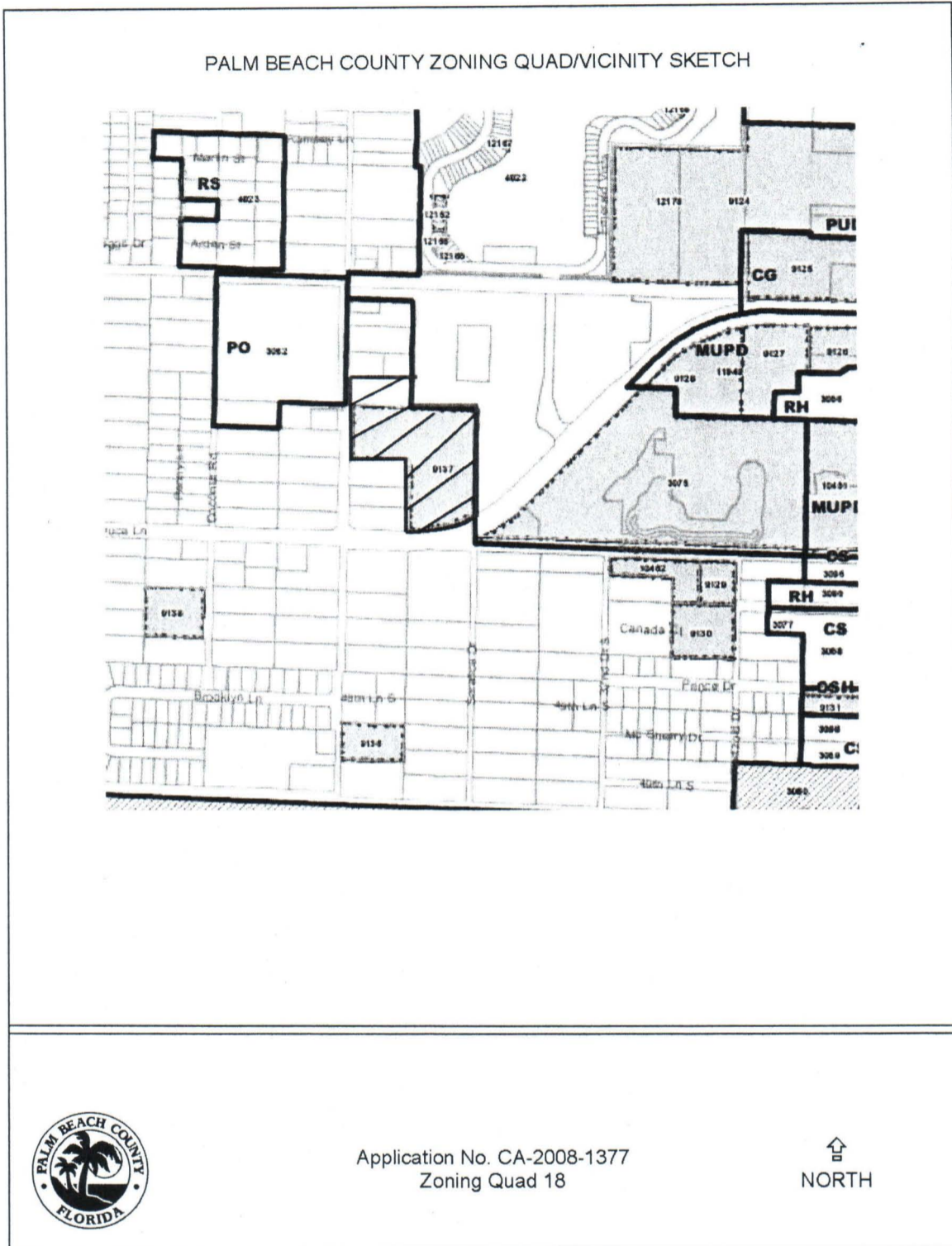


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2002-1018, Control 2002-006, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated April 16, 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. (ONGOING: ZONING Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated March 16, 2009. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

2. Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the approved site plan dated April 16, 2002. (DRO: ZONING-Zoning) (Previous Condition C.1 of Resolution R-2002-1018, Control No. 2002-006) [Note: Completed]

ARCHITECTURAL REVIEW

1. The proposed JFK Medical Center Charter School buildings shall be designed to be generally consistent with the facade elevations by Horizons Design dated April 16, 2002. At time of submittal for final DRC site plan certification, the exterior finishes, colors and the site plan shall be submitted simultaneously for final review and approval. (DRO: ZONING Zoning) (Previous Condition B.1, Resolution R-2002-1018, Control No. 2002-006) [NOTE: COMPLETED]

2. All 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 or equivalent landscape material. (DRO: ZONING Zoning) (Previous Condition B.1, Resolution R-2002-1018, Control No. 2002-006)

DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within seventy-five (75) feet of any adjacent residential structure. (DRO: ZONING Zoning) (Previous Condition D.1 of Resolution R2002-1018, Control No. 2002-006)

ENGINEERING

1. This charter school shall be limited to an enrollment of no more than 300 students until the Property owner constructs Davis Road as a 3-lane section from Melaleuca Lane, north, 150 feet north of the projects entrance road onto Davis Road pursuant to the following:

a. This construction shall be completed prior to the enrollment of more than 300 students for the Charter School. Construction shall consist of thirty-two (32) feet of pavement with curb and gutter. 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, sufficient drainage to accommodate this 3-lane section and the acquisition of additional right of way for Davis Road as referenced below. (Previous Engineering Condition E.1.a, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

b. Permits required by Palm Beach County for this construction shall be obtained prior to an enrollment of more than 300 students. (ONGOING: ENGINEERING - Eng) (Previous Engineering Condition E.1.b, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

c. Construction shall be completed prior to an enrollment of more than 300 students. (ONGOING: ENGINEERING - Eng) (Previous Engineering Condition E.1.c, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

d. The property owner shall notify the Land Development Division on an annual basis of the enrollment for the Charter School beginning January 1, 2004 and shall continue on an annual basis until the construction of Davis Road has been completed. (DATE: MONITORING -Eng) (Previous Engineering Condition E.1.d, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

2. The Property Owner shall fund the cost of signal upgrade to a full signal if warranted as determined by the County Engineer at Davis Road and Melaleuca Lane. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. No Building Permits shall be issued until the developer provides acceptable surety to the County Engineer for the installation of this signal. (BLDG PERMIT: MONITORING Eng) (Previous Engineering Condition E.2, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

3. Prior to the issuance of a building permit the property owner shall plat the subject property or file a plat waiver if a plat waiver is permitted by Article 8 of the ULDC. (BLDG PERMIT: MONITORING-Eng) (Previous Engineering Condition E.3, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

4. The Property owner shall construct a six (6) foot wide pedestrian pathway along the east side of Davis Road from Melaleuca Lane north to the projects entrance road.

a. 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 the construction of curb and gutter. (Previous Engineering Condition E.4.a, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

b. 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) (Previous Engineering Condition E.4.b, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING Eng) (Previous Engineering Condition E.4.c, Resolution R-2002-1018, Control No. 2002-006)

[Note:Complete]

5. The property owner shall provide for the acquisition of forty (40) feet from centerline for the additional right of way of Davis Road from Lot A Block 88, and forty (40) feet from Lot D and E Block 73 all three lots being a portion of Plat Book 5 Page 72. This additional right of way is required for the construction of the left turn lane as provided for in Condition E.1 above. Funding for the additional right-of-way for Davis Road by the property owner shall include all associated costs as referenced in the Condition E.1 above. The property owner shall provide surety acceptable to the Office of the County Engineer and County Attorney prior to commencement of the right-of-way acquisition. This developer shall enter into a written agreement with the Right of Way Acquisition Section. Notification by the developer shall be given to the Land Development Division. (ONGOING: ENGINEERING - Eng) (Previous Engineering Condition E.5, Resolution R-2002-1018, Control No. 2002-006)

6. The Base Building Line for the recreation area shall be established 40 feet from the centerline of Davis Road. If the charter school acquires title to the recreation area, the school shall dedicate 40 feet from the centerline of Davis Road, by warranty deed submitted to Palm Beach County Land Development Division, within 90 days of the purchase. The dedicated right of way shall be free of all encumbrances and encroachments. (ONGOING: ENGINEERING - Eng)

7. Prior to final approval of the Site Plan by the Development Review Officer, the Property owner shall provide proposed grading cross sections for the north property line of the recreation area, as shown in Application ZV/DOA-2008-01377. If historical flow from adjacent parcels exists, the project's stormwater management system shall be designed to accept the historical drainage and required drainage easements shall be provided to the not included parcels. (DRO: ENGINEERING-Eng)

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. (DRC: ERM - ERM) (Previous Condition No. F.1 of Resolution No. R-2002-1018, Control No. 2002-006)

ZONING - LANDSCAPING

1. All trees to be planted in the right-of-way buffers 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: LANDSCAPE Zoning)(Previous Condition G.1 of Resolution R-2002-

2.All palms required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Palm heights: twelve (12) feet clear trunk;
- b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition G.2 Resolution R-2002-1018, Control No. 2002-006)

3.All shrub or hedge materials 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 landscape buffers where a single row of shrubs is required along either side of a fence. (CO: LANDSCAPE - Zoning) (Previous Condition G.3, Resolution R-2002-006, Control No. 2002-006)

4.All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Landscape) (Previous Condition G.4, Resolution R-2002-1018, Control No. 2002-006)

5.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. (CO: LANDSCAPE - LANDSCAPE) (Previous Condition H.1 Resolution R-2002-1018, Control No. 2002-006)

6.Condition H.1 of Resolution R2002-1018, Control No. 2002-006, which currently states:

A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRO: ZONING Zoning)

Is hereby deleted. [REASON: Code Requirement]

7.Landscaped divider medians shall be provided between all rows of parking abutting the school bus loading and storage area, and drop off lanes abutting parking. The minimum width of this median shall be ten (10) feet excluding curb. 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. (DRO: ZONING Landscape) (Previous Condition H.2 of Resolution R-2002-1018, Control No. 2002-006)

8.Foundation planting or grade level planters shall be upgraded along the south and east facades of the facility to consist of the following:

- a. The minimum width of the required landscape areas shall be eight (8) feet; and
- b. The length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure. (CO: LANDSCAPE Landscape) (Previous Condition H.3 of Resolution R-2002-1018, Control 2002-006)

ZONING - LANDSCAPING-LANDSCAPING ALONG SOUTH PROPERTY LINE (MELALEUCA LANE FRONTAGE)

9.Landscaping along the south property line abutting Melaleuca Lane shall be upgraded to include:

- a. A minimum twenty (20) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;

- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) flowering tree for each fifty (50) 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: LANDSCAPE Landscape) (Previous Condition I.1 of Resolution R-2002-1018, Control No. 2002-006)

ZONING - LANDSCAPING-LANDSCAPING ALONG WEST PROPERTY LINE (DAVIS ROAD FRONTAGE)

10. Previous Condition J.1 of Resolution R-2002-1018, Control No. 2002-006, which currently states:

Landscaping along the south property line abutting Davis Road shall be upgraded to include:

- a. A minimum fifteen (15) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) flowering tree for each fifty (50) 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: LANDSCAPE -Zoning)

Is hereby amended to read:

Landscaping along the west property line abutting Davis Road shall be upgraded to include:

- a. A minimum fifteen (15) foot wide right-of-way buffer strip. No easement encroachment or width reduction shall be permitted;
- b. One (1) canopy tree for each thirty (30) linear feet of property line;
- c. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters;
- d. One (1) flowering tree for each fifty (50) 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: LANDSCAPE - Zoning)

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE WEST 307 FEET OF THE SOUTH PROPERTY LINE, THE EAST PROPERTY LINE, AND THE SOUTH 352 FEET OF WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

11. Landscaping along the above referenced property lines shall be upgraded to include:

- a. A minimum fifteen (15) foot wide buffer strip. No easement encroachment or width reduction shall be permitted;
- b. A continuous two (2) foot berm measured from finished grade to top of berm. Field adjustment of berm may be permitted for preservation of existing vegetation;
- c. A six (6) foot high (black or green colored) vinyl coated chain link fence;
- d. One (1) native canopy tree for each twenty (20) linear feet of property line, alternating on each side of the fence; and
- e. One (1) palm or pine for each thirty (30) linear feet of property line, with a maximum spacing of sixty (60) feet between clusters, alternating on each side of the fence. (CO:

LANDSCAPE - Zoning) (Previous Condition K.1 of Resolution R-2002-1018, Control No. 2002-006) [NOTE: COMPLETE FOR THE EXISTING SCHOOL SITE. THE ADDED OUTDOOR PLAY AREA SHALL COMPLY WITH ULDC ARTICLE 7 LANDSCAPE REQUIREMENTS UNLESS A VARIANCE IS APPROVED.]

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE WEST 307 FEET OF THE SOUTH PROPERTY LINE, THE EAST PROPERTY LINE, AND THE SOUTH 352 FEET OF WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

12.The following landscaping shall be required along 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;
- 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; and
- c. One (1) large shrub for each eight (8) linear feet of property line, to be installed at a minimum height of thirty (30) inches. (CO: LANDSCAPE Zoning) [NOTE: COMPLETE FOR THE EXISTING SCHOOL SITE. THE ADDED OUTDOOR PLAY AREA SHALL COMPLY WITH ULDC ARTICLE 7 LANDSCAPE REQUIREMENTS UNLESS A VARIANCE IS APPROVED.]

ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE, THE WEST 307 FEET OF THE SOUTH PROPERTY LINE, THE EAST PROPERTY LINE, AND THE SOUTH 352 FEET OF THE WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

13.Along the exterior side of the required fence, the property owner shall install thirty (30) inch high shrub or hedge material space no more than twenty-four (24) inches on center, to be maintained at a minimum height of seventy-two (72) inches. Shrub/hedge planting shall be exempted from Condition F.3. (CO: LANDSCAPE Landscape) (Previous Condition K.3 of Resolution R-2002-1018, Control No. 2002-006) [NOTE: COMPLETE FOR THE EXISTING SCHOOL SITE. THE ADDED OUTDOOR PLAY AREA SHALL COMPLY WITH ULDC ARTICLE 7 LANDSCAPE REQUIREMENTS UNLESS A VARIANCE IS APPROVED.]

LIGHTING

1.All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING: CODE ENF - Bldg) (Previous Condition L.1 of Resolution R-2002-1018, Control No. 2002-006)

2.All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning) (Previous Condition L.2 of Resolution R-2002-1018, Control No. 2002-006)

3.All outdoor, freestanding lighting fixtures be setback a minimum of fifty (50) feet from abutting residential property lines. (CO: BLDG Zoning) (Previous Condition L.3 of Resolution R-2002-1018, Control No. 2002-006)

4.All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF Zoning) (Previous Condition L.4 of Resolution R-2002-1018, Control No. 2002-006)

5.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 Condition L.5 of Resolution R-2002-1018, Control No. 2002-006)

PLANNING

1.Prior to final site plan approval by the Development Review Committee, the site plan shall provide for pedestrian pathways (decorative sidewalks) at the four (4) crosswalks shown on the site plan dated April 16, 2002. These decorative pedestrian pathways are to be constructed of decorative stamped raised concrete or brick pavers to clearly indicate that the pathway is intended for pedestrians. (DRO: PLANNING Planning) (Previous

Planning Condition M.1, Resolution R-2002-1018, Control No. 2002-006)[NOTE:COMPLETE]

2.Prior to final site plan approval by the Development Review Committee, the Planning Division shall confirm the site plan conforms with those recommendations of the Lake Worth Corridor Study Area incorporated onto the site plan dated April 16, 2002. (DRO: PLANNING Planning) (Previous Planning Condition M.2, Resolution R-2002-1018, Control No. 2002-006)[NOTE:COMPLETE]

3.Prior to final site plan approval by the Development Review Committee, the site plan shall be revised to include benches in the courtyard" portion of the site. (DRO: PLANNING Planning) (Previous Planning Condition M.3, Resolution R-2002-1018, Control No. 2002-006)[NOTE:COMPLETE]

SIGNS

1.Freestanding point of purchase signs 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: Melalueca Lane frontage;
- e. Style: monument; and
- f. Signs shall be limited to identification of tenants and changeable copy as permitted by the ULDC. (CO: BLDG - Zoning) (Previous Condition N.1 Resolution R-2002-1018, Control No. 2002-006)

USE LIMITATIONS

1.The private school shall be limited to a total of 550 students, kindergarten through 5th grade. (ONGOING: CODE ENF Zoning) (Previous Condition O.1 of Resolution R-2002-1018, Control No. 2002-006)

2.Hours of operation for outdoor playground activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday. (ONGOING: CODE ENF Zoning) (Previous Condition O.2 of Resolution R-2002-1018, Control No. 2002-006)

3.Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF Zoning) (Previous Condition O.3 of Resolution R-2002-1018, Control No. 2002-006)

4.Overnight storage or parking of school buses shall not be permitted on site, except within the designated school bus loading and storage area. (ONGOING: CODE ENF Zoning) (Previous Condition O.4 of Resolution R-2002-1018, Control No. 2002-006)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- b. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- c. Referral to code enforcement; and/or
- d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.
(ONGOING: MONITORING - Zoning)