

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 18-0019 (13-18YY) (SP, SE, AAR) AN APPLICATION BY SCHMIDT NICHOLS AND RESOLUTION 19-12 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN, SPECIAL EXCEPTION USE, AND ARCHITECTURAL APPROVAL FOR A 77,674 SQUARE FOOT “PUBLIC AND PRIVATE ACADEMIC INSTITUTION” (CHARTER SCHOOL) ON A 10.174± ACRE PARCEL, LOCATED ON THE WEST SIDE OF 106<sup>TH</sup> AVENUE SOUTH, SOUTH OF ACME ROAD. BY AGENT: JOSH NICHOLS OF SCHMIDT NICHOLS.**

**Issue:**

The applicant is requesting Site Plan, Special Exception Use, and Architectural Approval for a “Public and private academic institution” located on a 10.174± acre parcel of land. The development will consist of a 77,674 square foot school building, parking lot, drive-aisles, buffers and signage, a 9,574 square-foot gymnasium building, and associated landscaping. The applicant is requesting Special Exception Approval to allow a public academic institution (charter school) in a General Commercial (CG) Zoning District. These tracts consist of several single family homes on large tracts.

The Applicant is also seeking Architectural Approval for the building’s architecture, color and materials; landscaping; and proposed signage. The Applicant has provided elevation drawings, color and material samples and sign drawings for the commission’s review.

Overall, the proposed Site Plan, Special Exception Use and Architectural Approval is in conformance with the Village’s requirements for this type of development and is in conformance with the Village’s requirements for the General Commercial (CG) Zoning District.

The Planning and Zoning Commission considered this Application at their December 16, 2019 meeting.

**Recommended Action:**

Staff is recommending Approval of Application 18-0019 (13-18YY) (SP, SE, AAR) and Resolution 19-12.

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Initiator	Village Manager	Agenda Date	Village Council
<u>Director of P &amp; Z</u>	<u>Approval</u>	<u>12-19-2019</u>	<u>Action</u>

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**RESOLUTION NO. 19-12**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 18-0019 (13-18YY) (SP, SE, AAR) – THE APPLICATION OF SCHMIDT NICHOLS – PERTAINING TO SITE PLAN, SPECIAL EXCEPTION USE AND ARCHITECTURAL APPROVAL FOR A PUBLIC CHARTER SCHOOL ON A 10.174± ACRE PARCEL LOCATED ON THE WEST SIDE OF 106<sup>TH</sup> AVENUE SOUTH, SOUTH OF ACME ROAD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village Council of the Village of Royal Palm Beach, Florida (“Village”), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

**WHEREAS**, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

**WHEREAS**, Application No. 18-0019 (13-18YY) (SP, SE, AAR) was presented to the Village Council at its public hearing conducted on December 19, 2019; and

**WHEREAS**, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

**WHEREAS**, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

**NOW THEREFORE**, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT APPLICATION NO. 18-0019 (13-18YY) (SP, AAR), THE APPLICATION OF SCHMIDT NICHOLS, ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions:

PLEASE SEE EXHIBIT “B” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 19th day of December, 2019.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(SEAL)

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DIANE DISANTO, VILLAGE CLERK

**Exhibit A**  
**Legal Description**  
**Southern Boulevard Properties POD 7**  
**18-0019 (SP, SE, AAR)**  
**Res. 19-12**

Legal Description:

PARCEL A

A PARCEL OF LAND BEING A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 1, NORTH 88 DEGREES 59'05" WEST A DISTANCE OF 701.92 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 01 DEGREES 50'01" WEST A DISTANCE OF 1.38 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01 DEGREES 50'01" WEST A DISTANCE OF 748.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 170.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25 DEGREES 01'36" A DISTANCE OF 74.26 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 26 DEGREES 51'37" WEST A DISTANCE OF 82.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 230.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE TO 02 DEGREES 02'18" A DISTANCE OF 8.18 FEET TO THE POINT OF NON-TANGENCY AND A POINT ON THE NORTHERLY LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN O.R. BOOK 699, PAGE 534, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 57'45" WEST A DISTANCE OF 470.53 FEET; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, NORTH 01 DEGREES 49'41" EAST A DISTANCE OF 728.95 FEET; THENCE NORTH 36 DEGREES 03'30" A DISTANCE OF 83.87 FEET; THENCE NORTH 01 DEGREES 52'12" EAST A DISTANCE OF 35.00 FEET; THENCE SOUTH 88 DEGREES 59'05" EAST A DISTANCE OF 289.21 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 240.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23 DEGREES 33'39" A DISTANCE OF 98.69 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67 DEGREES 27'15" EAST A DISTANCE OF 148.65 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 160.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 14'27" A DISTANCE OF 42.56 FEET TO THE POINT OF NON-TANGENCY; THENCE SOUTH 43 DEGREES 09'59" EAST A DISTANCE OF 30.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.174 ACRES MORE OR LESS.

CONSISTING OF PORTIONS OF PARCELS 1, 2, 3 AND 4, DESCRIBED BELOW:

PARCEL 1

THE SOUTH ONE HALF OF THE NORTH ONE HALF OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY, PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN THAT CERTAIN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING, PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID

PARALLEL LINE, A DISTANCE OF 1610.12 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER THE EAST 18 FEET OF THE N 1/2 OF THE FOLLOWING DESCRIBED PROPERTY AS DESCRIBED IN EASEMENT AGREEMENT RECORDED IN O.R. BOOK 2270, PAGE 74:

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND ROAD PURPOSES OVER THE FOLLOWING DESCRIBED LAND DESCRIBED IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 980, PAGE 255:

A TRACT OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 2035.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 20 FEET; THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 36, TO A POINT IN THE SOUTH LINE OF THE ACME DRAINAGE DISTRICT RIGHT OF WAY AS RECORDED IN O.R. BOOK 790, PAGE 706; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID ACME DRAINAGE DISTRICT RIGHT OF WAY, TO A POINT IN A LINE RUNNING NORTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

#### PARCEL 2

THE NORTH ONE QUARTER (1/4) OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

#### PARCEL 3

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF

1495.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 4

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND DESCRIBED IN EASEMENT AGREEMENT RECORDED IN O.R. BOOK 2270, PAGE 74, AND IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 980, PAGE 255, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**Exhibit B**  
**Conditions of Approval**  
**Southern Boulevard Properties POD 7**  
**18-0019 (13-18YY) (SP, SE, AAR)**  
**Res. 19-12**

**1. Development Order:**

This development order constitutes approval for: Site Plan, Special Exception Use, and Architectural Approval for 77,674 square feet of school buildings and a 9,574 square-foot gymnasium building on a 10.174± acre site. The Applicant is requesting Special Exception Approval to allow a “Public and private academic institution” (charter school) in a General Commercial (CG) Zoning District. In addition, the approval includes Architectural approval for the landscape plan; building design; color and materials; and signage.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

**2. Site Specific Conditions:**

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. If the Village Engineer determines that a reduced speed school zone is warranted during or after the development (master plat) is built out, the Site Owner agrees to permit, construct, and maintain reduced speed zone signage and signals in accordance with state and local standards within 180 days of receiving written notice from the Village Engineer.
- E. This approval is conditioned on the Village Council approval of the overall Planned Commercial/Residential Development pursuant to application 17-0005 (13-18UU).

**3. Standard Conditions:**

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in

a timely manner may also result in the revocation of development approval.

- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the Applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit the following must be completed:
  - 1. No building permits shall be issued until the construction drawings have been approved.
  - 2. The site plan, plat and engineering drawings must be



submitted in AutoCAD electronic format.

- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.
- M. No Engineering permit applications shall be accepted prior to the preliminary master plat approval by Village Council. No Building Permit applications shall be accepted prior to Master Plan approval, and Final Master Plat approval. No conditional building permits per Sec. 22-24 of Village Code shall be issued for non-residential properties. Building permits shall be issued upon completion and acceptance of the Tier 1 public improvements supporting the plat in accordance with Chapter 22 of Village Code including, but not limited to, the completion of Erica Blvd. from State Road 7 to Tuttle Blvd., and Lulfs Road to the proposed public park site.

**4. Landscaping Conditions:**

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. Participation in approved Streetscape programs shall be fully funded at the time of building permit issuance. Funding shall be a cash payment based on \$50.00 per linear foot frontage on Erica Boulevard (547 feet) for a total payment of \$27,350 and shall be paid prior to the issuance of a building permit.
- H. All Village Code required shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, and must be maintained at no less than thirty-six inches (36) in height.
- I. The practice of "hat racking" defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree's crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall

pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.

- J. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

# Village of Royal Palm Beach - Staff Report

**I. General Data:**

Project Name: Southern Boulevard Properties Pod 7

Application: 18-0019 (13-18YY) (SP, SE, AAR) Res. No. 19-12

Applicant: Schmidt Nichols  
 Josh Nichols  
 1551 N. Flagler Drive, Suite CU02  
 West Palm Beach, FL 33401

Request: Site Plan, Special Exception and Architectural approval for (7) tracts of land totaling 10.174± acres for a proposed “Public and private academic institution” within the Village’s General Commercial (CG) Zoning District, for an area located on the west side of 106<sup>th</sup> Avenue South, south of Acme Road.

Hearings: Planning and Zoning Commission: December 16, 2019  
 Village Council: December 19, 2019

Recommendation: Approval

**II. Site Data:**

Site Area: 10.174± acres

Property Control Numbers: 72 41 44 01 00 000 3040; 3050; 3060; 3070; 3080;  
 72 41 43 36 12 004 0010; 72 41 43 36 00 000 7210

Existing Land Use: Single Family Residential

Existing FLUM Designation: Commercial (COM)

Proposed FLUM Designation: N/A

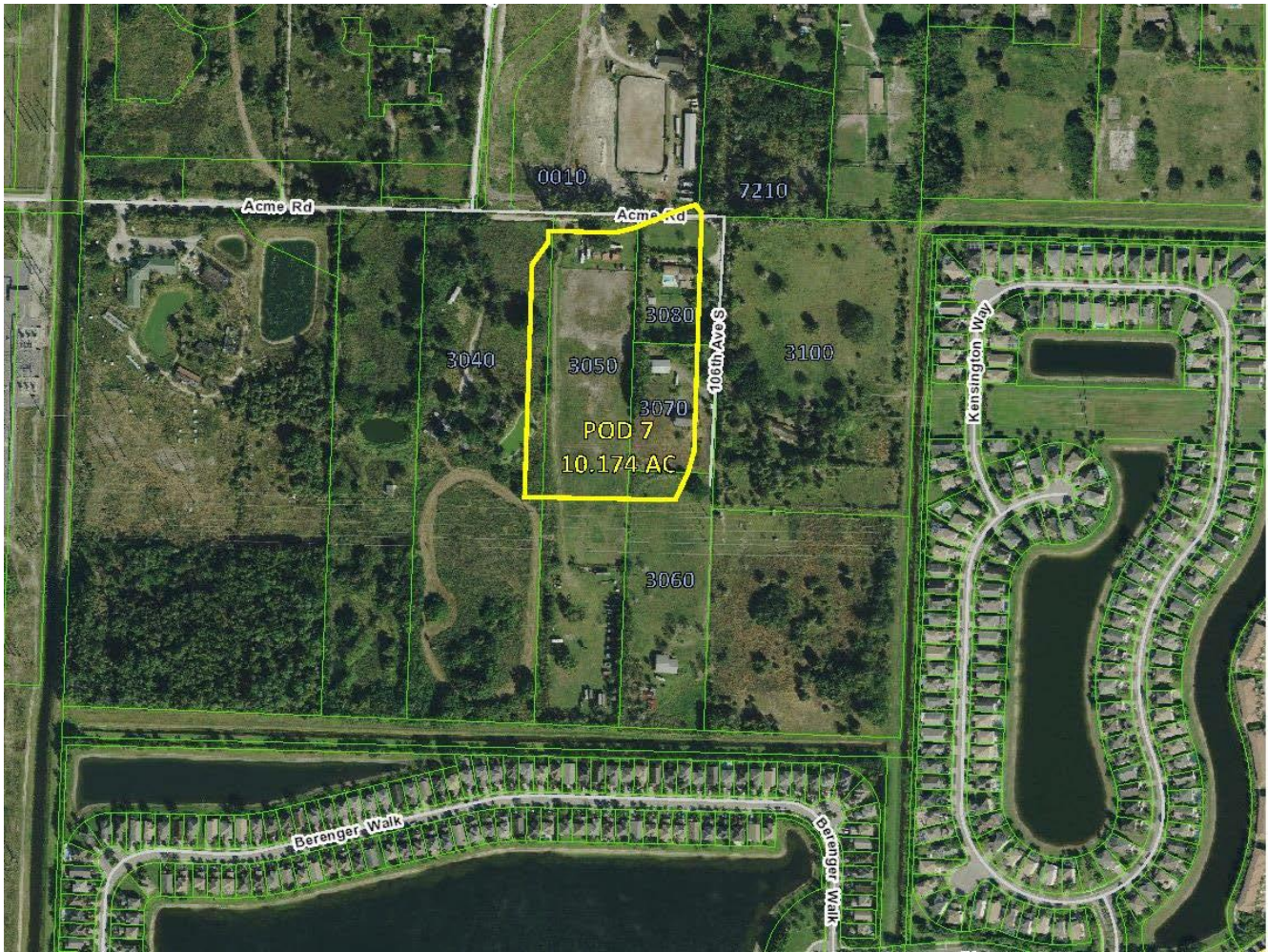
Existing Zoning District: General Commercial (CG)

Proposed Zoning: N/A

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Pod 6	Commercial (COM)	General Commercial (CG)
South	Pod 4	Single Family (SF)	Single Family Residential (RS-3)
East	Bradford Bell	Low Residential (LR-2, PBC)	Agricultural Residential (AR, PBC)
West	Pod 2	Multi-Family High (MFH)	Multi-Family Residential (RM-14)

Figure 1: Location Map

Figure 1: Map Showing the Location of the Site.



### III. Intent of Petition:

The applicant is requesting Site Plan, Special Exception Use, and Architectural Approval for a “Public and private academic institution” located on a 10.174± acre parcel of land. The development will consist of a 77,674 square foot school building, parking lot, drive-aisles, buffers and signage, a 9,574 square-foot gymnasium building, and associated landscaping. The applicant is requesting Special Exception Approval to allow a public academic institution (charter school) in a General Commercial (CG) Zoning District. These tracts consist of several single family homes on large tracts.

### IV. History:

The subject property is located on the south side of Southern Boulevard and west of State Road 7. The properties were recently annexed into the Village Boundary by adoption of Ordinance 919 by the Village Council on September 3<sup>rd</sup>, 2015. The property was assigned a Village Land Use of Commercial (COM) through the adoption of Ordinance 954 on March 17, 2019, by the Village Council. Subsequently, the property was assigned a Village Zoning District of General Commercial (CG) through the adoption of Ordinance 989, on April 18, 2019, by the Village Council.

## V. Analysis:

The Applicant is requesting Site Plan, Special Exception Use, and Architectural Approval for a “Public and private academic institution” located on a 10.174± acre parcel of land. The development will consist of a 77,674 square foot school buildings, parking lot, drive-aisles, buffers, signage, and associated landscaping, a 9,574 square-foot gymnasium building, and associated landscaping. These tracts consist of several single family homes on large tracts.

The applicant is also requesting Special Exception Approval to allow a public academic institution (charter school) in a General Commercial (CG) Zoning District. The Applicant is proposing a public charter school which will ultimately accommodate grades K-12. The maximum proposed number of students being requested is 1,500 students at full capacity. A proposed maximum of 80 staff and faculty is what is contemplated. The school will also provide athletic fields and a 9,574 square foot gymnasium.

The project is proposed to be developed in three (3) phases. The first phase will be a 40,532 square foot, two (2) story building which houses the grades K-8; and the second phase will be a 37,142 square foot, two (2) story high school building. The third and final phase will be the 9,574 square foot gymnasium. For an Illustration of the Site Plan, please refer to **Attachment C**.

The principal access to the school is proposed to be located off of Erica Boulevard and will allow right-in and right-out only access. The proposed access will be near the center of the north property line. A secondary access is proposed from Lulfs Road to provide full access to enter or leave the site from either direction.

The Applicant is also seeking Architectural Approval for the building architecture; color and materials; landscaping; and proposed signage. The Applicant has provided elevation drawings, color and material samples and sign drawings for the Commission’s review. For an Illustration of the Landscape Plan, please refer to **Attachment D**; and for the Building’s Architecture, please refer to **Attachment E**.

In reviewing the proposed Site Plan, Staff considered compatibility with adjacent land uses, consistency with the Village’s Comprehensive Plan and conformance with the General Commercial (CG) development standards in Section 26-89.

Specifically, the proposed site meets the requirements for General Commercial (CG) Zoning District as follows:

1. Parcel size: The site is 10.174± acres and exceeds the minimum area required for General Commercial (CG) designated property of 40,000 square feet.
2. Parcel width: The site exceeds the minimum parcel width of 150 feet of frontage.
3. Setbacks: The proposed development is consistent with the setback requirements for the General Commercial (CG) Zoning District

4. Pervious area: The proposed Site Plan provides 53% of the site as pervious area which exceeds the Village Code requirement of 25%.
5. Parking Requirements: The proposed Site Plan provides adequate parking and stacking spaces on site for the proposed school use.
6. Landscape Areas: The proposed site plan complies with all aspects of the Village's Landscape Code.
7. Maximum Building Height: The Applicant is proposing to construct a two (2) story building with a height of 28'9" as defined by Village Code, which falls within the height limitation of 32 feet within this Zoning District.

Overall, the proposed Site Plan, Special Exception Use and Architectural Approval is in conformance with the Village's requirements for this type of development and is in conformance with the Village's requirements for the General Commercial (CG) Zoning District.

VI. Staff Recommendation:

Staff is recommending Approval of Application 18-0019 (13-18YY) (SP, SE, AAR) and Resolution 19-12.

VII. Hearing History:

*Planning and Zoning Commission:*

The Planning and Zoning Commission will consider this Application at their December 16, 2019 meeting.



**Attachment A**  
**Legal Description**  
**Southern Boulevard Properties Pod 7**  
**18-0019 (13-18YY) (SP, SE, AAR)**  
**Resolution No. 19-12**

Legal Description:

PARCEL A

A PARCEL OF LAND BEING A PORTION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 1, NORTH 88 DEGREES 59'05" WEST A DISTANCE OF 701.92 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 01 DEGREES 50'01" WEST A DISTANCE OF 1.38 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01 DEGREES 50'01" WEST A DISTANCE OF 748.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 170.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25 DEGREES 01'36" A DISTANCE OF 74.26 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 26 DEGREES 51'37" WEST A DISTANCE OF 82.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 230.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE TO 02 DEGREES 02'18" A DISTANCE OF 8.18 FEET TO THE POINT OF NON-TANGENCY AND A POINT ON THE NORTHERLY LINE OF A 160 FOOT WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT AS RECORDED IN O.R. BOOK 699, PAGE 534, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 57'45" WEST A DISTANCE OF 470.53 FEET; THENCE LEAVING SAID NORTHERLY EASEMENT LINE, NORTH 01 DEGREES 49'41" EAST A DISTANCE OF 728.95 FEET; THENCE NORTH 36 DEGREES 03'30" A DISTANCE OF 83.87 FEET; THENCE NORTH 01 DEGREES 52'12" EAST A DISTANCE OF 35.00 FEET; THENCE SOUTH 88 DEGREES 59'05" EAST A DISTANCE OF 289.21 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 240.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23 DEGREES 33'39" A DISTANCE OF 98.69 FEET TO THE POINT OF TANGENCY; THENCE NORTH 67 DEGREES 27'15" EAST A DISTANCE OF 148.65 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 160.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15 DEGREES 14'27" A DISTANCE OF 42.56 FEET TO THE POINT OF NON-TANGENCY; THENCE SOUTH 43 DEGREES 09'59" EAST A DISTANCE OF 30.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.174 ACRES MORE OR LESS.

CONSISTING OF PORTIONS OF PARCELS 1, 2, 3 AND 4, DESCRIBED BELOW:

PARCEL 1

THE SOUTH ONE HALF OF THE NORTH ONE HALF OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY, PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN THAT CERTAIN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING, PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER THE EAST 18 FEET OF THE N 1/2 OF THE FOLLOWING DESCRIBED PROPERTY AS DESCRIBED IN EASEMENT AGREEMENT RECORDED IN O.R. BOOK 2270, PAGE 74:

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND ROAD PURPOSES OVER THE FOLLOWING DESCRIBED LAND DESCRIBED IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 980, PAGE 255:

A TRACT OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 2035.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 36 A DISTANCE OF 20 FEET; THENCE



NORTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 36, TO A POINT IN THE SOUTH LINE OF THE ACME DRAINAGE DISTRICT RIGHT OF WAY AS RECORDED IN O.R. BOOK 790, PAGE 706; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID ACME DRAINAGE DISTRICT RIGHT OF WAY, TO A POINT IN A LINE RUNNING NORTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

#### PARCEL 2

THE NORTH ONE QUARTER (1/4) OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

#### PARCEL 3

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1495.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

#### PARCEL 4

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN EASTERLY ALONG THE NORTH LINE OF

SAID SECTION 1, A DISTANCE OF 1765.21 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 270 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 1616.07 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED RECORDED IN O.R. BOOK 169, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTH LINE, A DISTANCE OF 270 FEET, MORE OR LESS, TO A POINT IN A LINE RUNNING SOUTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE WEST LINE OF SAID SECTION 1; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 1610.12 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND DESCRIBED IN EASEMENT AGREEMENT RECORDED IN O.R. BOOK 2270, PAGE 74, AND IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 980, PAGE 255, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**Attachment B**  
**Conditions of Approval**  
**Southern Boulevard Properties Pod 7**  
**18-19 (SP, SE, AAR)**  
**Resolution No. 19-12**

**1. Development Order:**

This development order constitutes approval for: Site Plan, Special Exception Use, and Architectural Approval for 77,674 square feet of school buildings and a 9,574 square-foot gymnasium building on a 10.174± acre site. The Applicant is requesting Special Exception Approval to allow a “Public and private academic institution” (charter school) in a General Commercial (CG) Zoning District. In addition, the approval includes Architectural approval for the landscape plan; building design; color and materials; and signage.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

**2. Site Specific Conditions:**

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. If the Village Engineer determines that a reduced speed school zone is warranted during or after the development (master plat) is built out, the Site Owner agrees to permit, construct, and maintain reduced speed zone signage and signals in accordance with state and local standards within 180 days of receiving written notice from the Village Engineer.
- E. This approval is conditioned on the Village Council approval of the overall Planned Commercial/Residential Development pursuant to application 17-0005 (13-18UU).

**3. Standard Conditions:**

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.

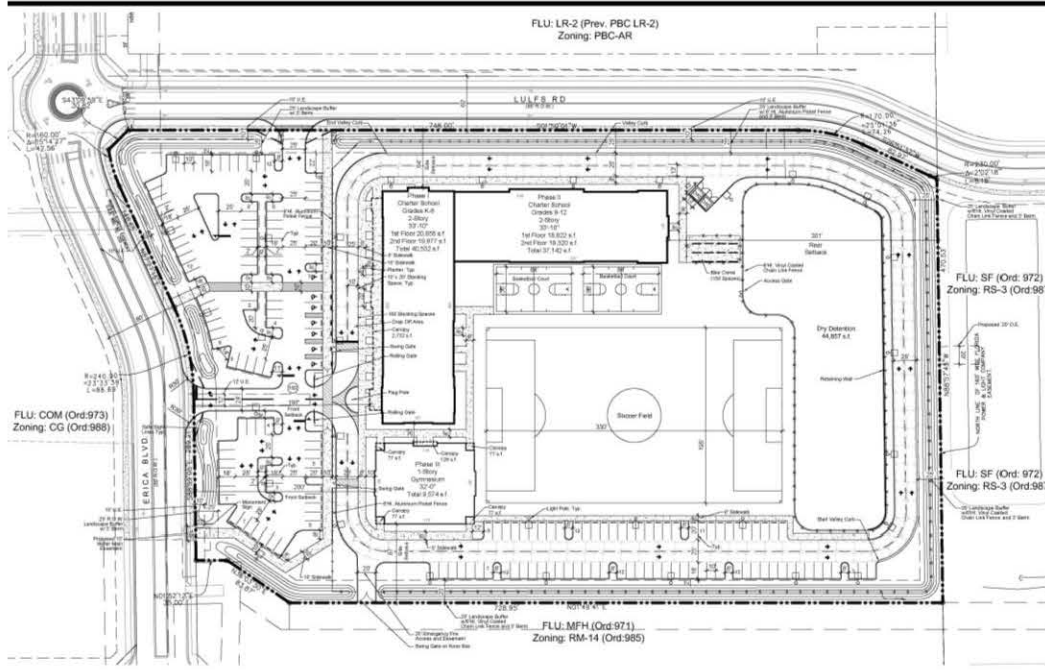
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the Applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.
- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit the following must be completed:
  - 1. No building permits shall be issued until the construction drawings have been approved.
  - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.
- M. No Engineering permit applications shall be accepted prior to the preliminary master plat approval by Village Council. No Building Permit applications shall be accepted prior to Master Plan approval, and Final Master Plat approval. No conditional building permits per Sec. 22-24 of Village Code shall be issued for non-residential properties. Building permits shall be issued upon completion and acceptance of the Tier 1 public improvements supporting the plat in accordance with Chapter 22 of Village Code including, but not limited to, the completion of Erica Blvd. from State Road 7 to Tuttle Blvd., and Lulfs Road to the proposed public park site.

**4. Landscaping Conditions:**

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. Participation in approved Streetscape programs shall be fully funded at the time of building permit issuance. Funding shall be a cash payment based on \$50.00 per linear foot frontage on Erica Boulevard (547 feet) for a total payment of \$27,350 and shall be paid prior to the issuance of a building permit.
- H. All Village Code required shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, and must be maintained at no less than thirty-six inches (36) in height.
- I. The practice of "hat racking" defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree's crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- J. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

# Attachment C Site Plan Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

This is an Illustration of the Site Plan



### Site Data

<b>Project Name</b>	18-019
<b>Phase of Project</b>	Final Preliminary Site Plan
<b>Phase Plan</b>	Phase 1A and Phase 1B
<b>Project Location</b>	Phase 1A and Phase 1B
<b>Project Size</b>	40,000 sq ft
<b>Project Type</b>	Multi-Family Residential
<b>Project Description</b>	Multi-Family Residential
<b>Project Zoning</b>	RS-3
<b>Project Design</b>	Multi-Family Residential
<b>Project Status</b>	Final Preliminary Site Plan
<b>Project Date</b>	10/1/2018
<b>Project Owner</b>	18-019
<b>Project Address</b>	18-019
<b>Project Phone</b>	18-019
<b>Project Email</b>	18-019
<b>Project Website</b>	18-019
<b>Project Contact</b>	18-019
<b>Project Notes</b>	18-019

### Legal Description

*(Note: The actual text of the legal description is too small to transcribe accurately. It typically contains parcel identifiers, survey references, and property boundaries.)*

### Development Team

<b>ARCHITECT</b>	JAMES ARCHITECTURE AND DESIGN
<b>ENGINEER</b>	DAVID HENNINGSON AND ASSOCIATES, INC.
<b>PLANNER</b>	DAVID HENNINGSON AND ASSOCIATES, INC.
<b>SURVEYOR</b>	DAVID HENNINGSON AND ASSOCIATES, INC.

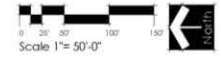
### Notes

1. BASE INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PERFORMED BY ENGINEERING GROUP, INC. (E-G) ON 10/1/2018.

2. PHASE 1 (ZONING RS-3) WILL BE IMPLEMENTED SUBJECT TO PHASE 1 (SP, SE, AAR) PERFORMANCE RATING. THE SCHOOL SHALL NOT BE LIMITED TO A R-3 FACILITY.

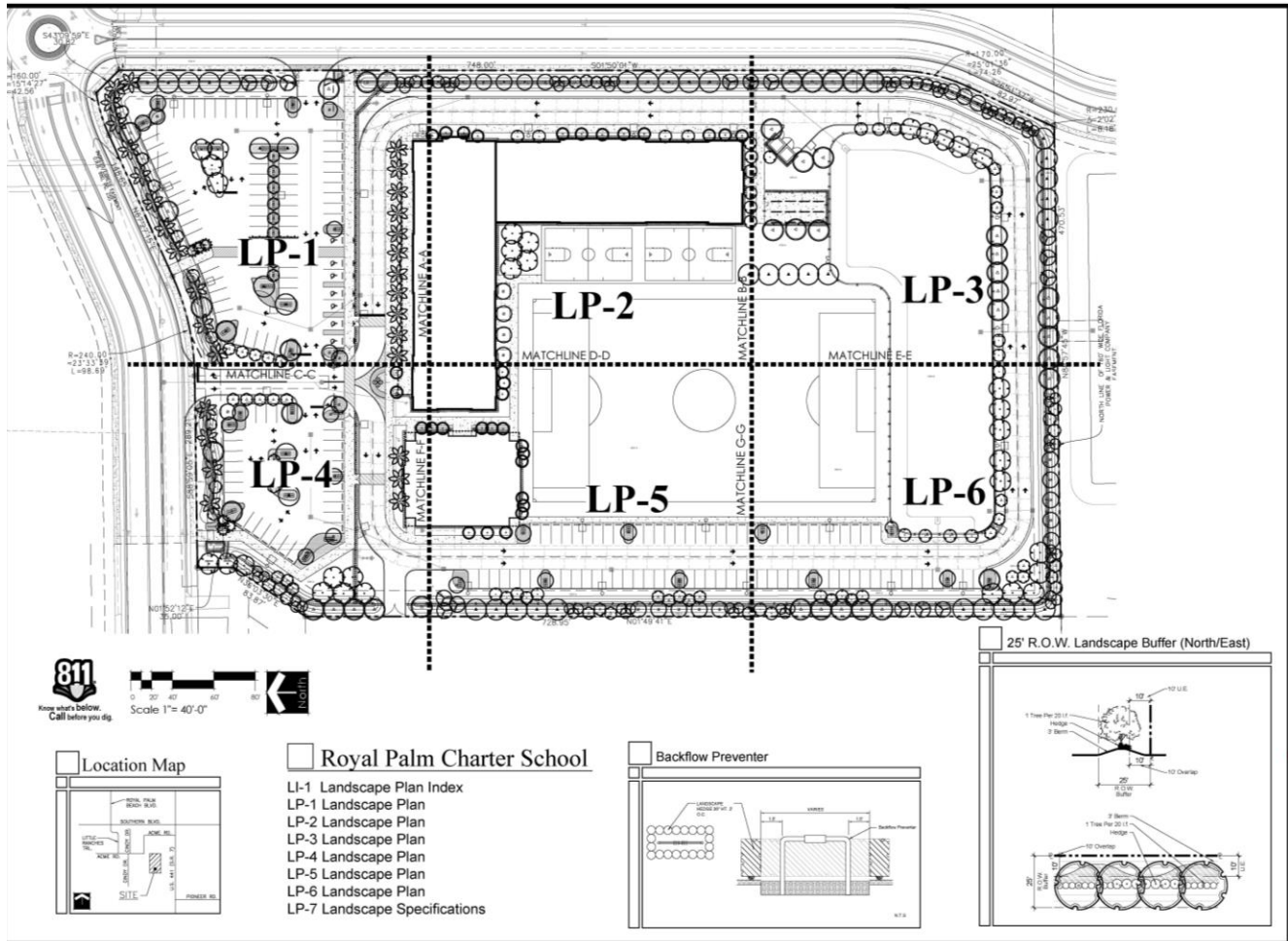
### Development Regulations

Item	Requirement	Value	Notes
1	Setback (Front)	5'	See Site Plan
2	Setback (Side)	5'	See Site Plan
3	Setback (Rear)	5'	See Site Plan
4	Maximum Height	35'	See Site Plan
5	Open Space	10%	See Site Plan
6	Parking	100	See Site Plan



**Attachment D  
Landscape Plan  
Southern Boulevard Properties Pod 7  
18-19 (SP, SE, AAR)  
Resolution No. 19-12**

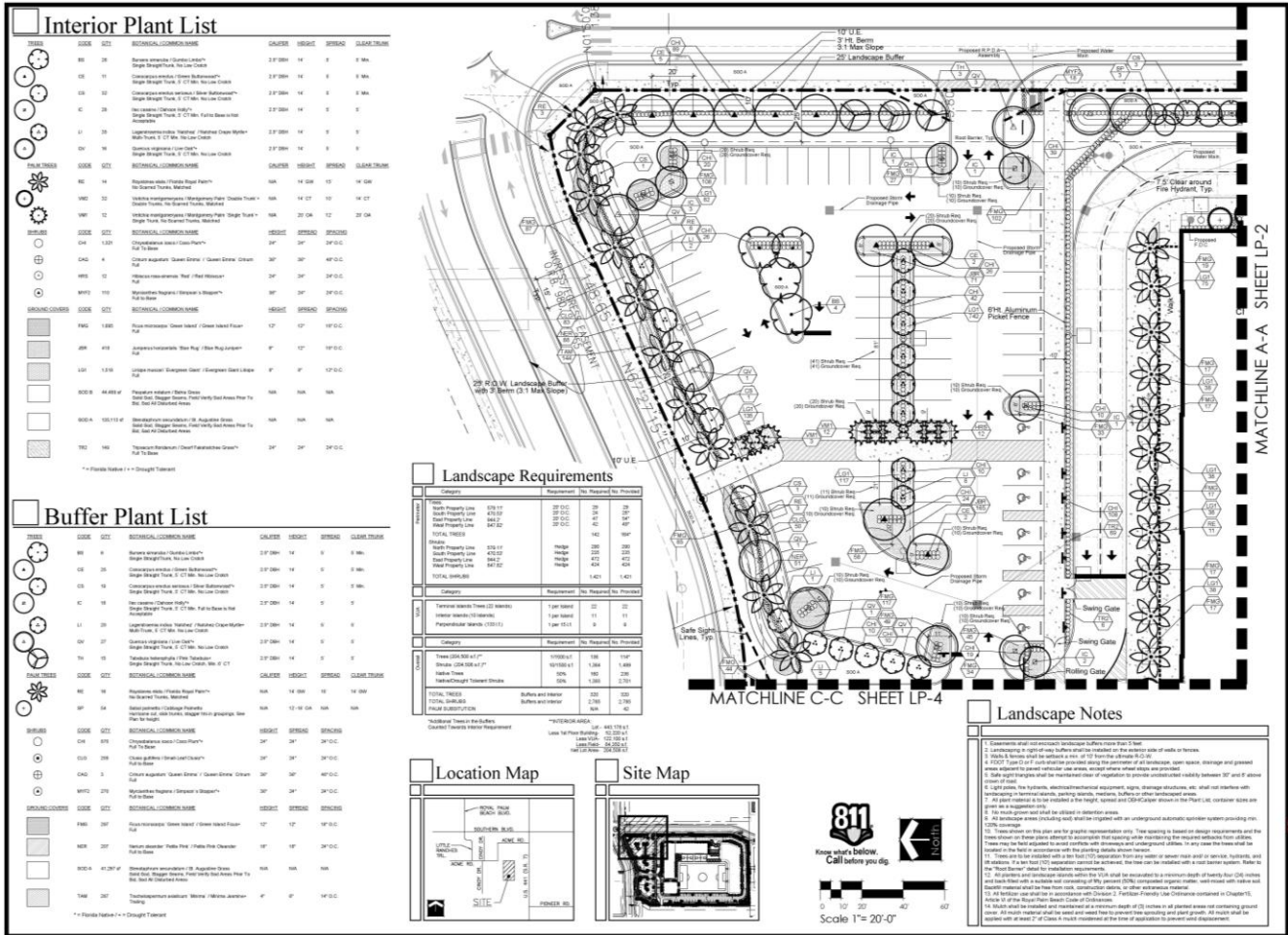
The following Illustrations are of the proposed Landscape Plan. This Illustration is of the overall Landscape Plan and is divided into six (6) sectors. An enlargement of each sector is provide in this **Attachment D** for ease of viewing.





# Attachment D Landscape Plan Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

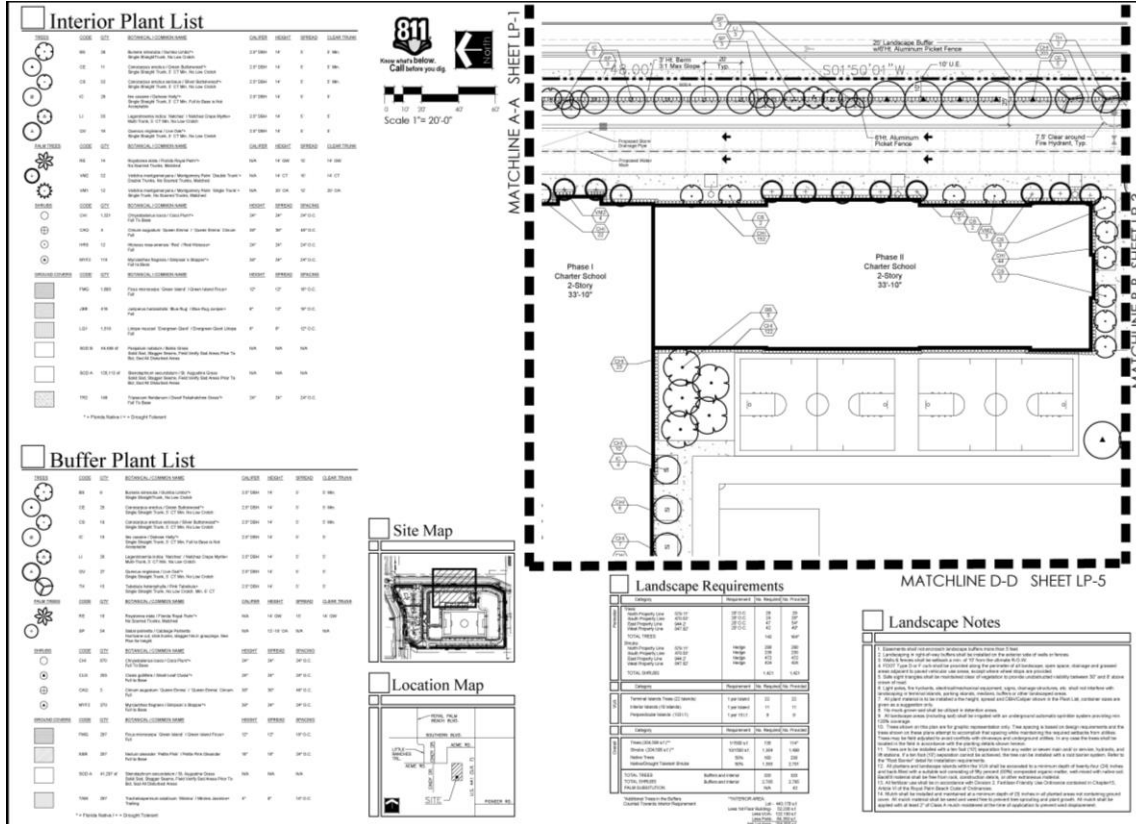
Enlargement of LP-1





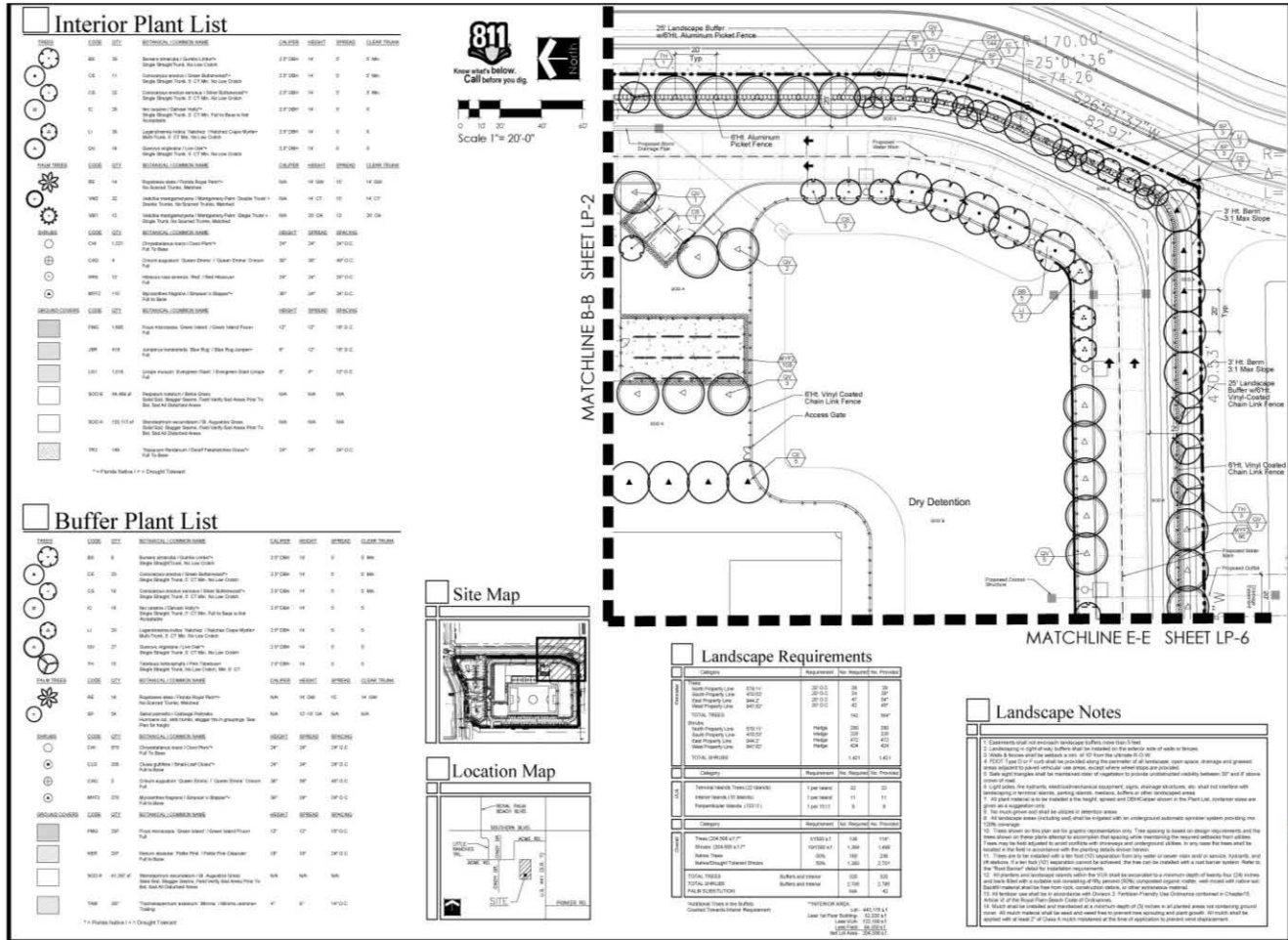
# Attachment D Landscape Plan Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

Enlargement of LP-2



# Attachment D Landscape Plan Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

Enlargement of LP-3



# Attachment D Landscape Plan Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

## Enlargement of LP-4

### Interior Plant List

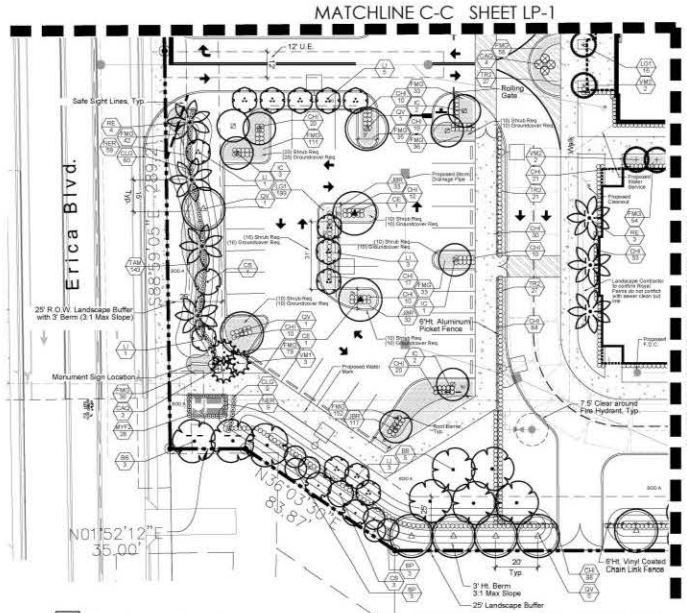
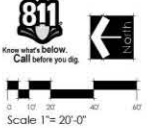
SYMBOL	CODE	SECT.	BOTANICAL COMMON NAME	QUANTITY	HEIGHT	SPREAD	CLIMATE ZONE
	88	30	Banksia integrifolia 'Green Linea' <sup>1</sup> Single Straight Trunk, No Low Climb	2,000	14'	8'	9 BWA
	106	30	Chionochloa erubescens 'Green Sublimation' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA
	107	30	Chionochloa erubescens 'Green Sublimation' <sup>1</sup> Single Straight Trunk, 2-3' Tall, No Low Climb	2,000	14'	8'	9 BWA
	11	30	Lagotis linearis 'Naked' <sup>1</sup> / 'Naked Green Rhythm' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA
	19	14	Chionochloa erubescens 'C.A. Calk' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA

... (Additional rows omitted for brevity) ...

### Buffer Plant List

SYMBOL	CODE	SECT.	BOTANICAL COMMON NAME	QUANTITY	HEIGHT	SPREAD	CLIMATE ZONE
	88	30	Banksia integrifolia 'Green Linea' <sup>1</sup> Single Straight Trunk, No Low Climb	2,000	14'	8'	9 BWA
	106	30	Chionochloa erubescens 'Green Sublimation' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA
	107	30	Chionochloa erubescens 'Green Sublimation' <sup>1</sup> Single Straight Trunk, 2-3' Tall, No Low Climb	2,000	14'	8'	9 BWA
	11	30	Lagotis linearis 'Naked' <sup>1</sup> / 'Naked Green Rhythm' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA
	19	14	Chionochloa erubescens 'C.A. Calk' <sup>1</sup> Single Straight Trunk, 1-2' Tall, No Low Climb	2,000	14'	8'	9 BWA

... (Additional rows omitted for brevity) ...



### Landscape Requirements

Category	Requirement	%	Required (No. Plants)
Tree	North Property Line	25%	25
	East Property Line	25%	25
	South Property Line	25%	25
	West Property Line	25%	25
<b>TOTAL TREES</b>			<b>100</b>
Shrub	North Property Line	25%	250
	East Property Line	25%	250
	South Property Line	25%	250
	West Property Line	25%	250
<b>TOTAL SHRUBS</b>			<b>1,000</b>

### Landscape Notes

1. Erosion control measures shall be installed within 14 days of construction.
2. Landscaping in right-of-way shall be installed on the exterior side of utility lines.
3. Safety and visibility shall be maintained at all times.
4. FODOT Type 3 or 4 shall be provided along the perimeter of all landscaped areas.
5. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
6. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
7. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
8. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
9. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
10. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
11. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
12. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
13. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
14. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
15. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
16. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
17. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
18. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
19. All plants shall be installed in accordance with the specifications and quantities shown on this plan.
20. All plants shall be installed in accordance with the specifications and quantities shown on this plan.



# Attachment E Building Architecture Southern Boulevard Properties Pod 7 18-19 (SP, SE, AAR) Resolution No. 19-12

This is an illustration of the Building's Architecture

