



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION, JULY 2, 2024

A. Application Summary

I. General

Application Name:	Adolph & Rose Levis JCC, DOA-2023-01761
Control Name:	Rainberry PUD (1984-00139)
Applicant:	Jewish Community Facilities Corporation
Owner:	Jewish Community Facilities Corp. Lessor; Federation CCRC Operations Corp.; Arbor Oaks Apartments Prop Owner LLC; Cook of Bonita Springs, Ltd Partnership; Richard King; Gould Federation; Katz Hillel Day School Of Boca Raton Inc.; Jewish Association for Residential Care; Weinberg Federation; Joseph Marsal; Anthony Somerville; and Susan Whitmore
Agent:	WGINC - Yoan Machado and Lilyann Linehan
Project Manager:	Michael Birchland, Site Planner II

Title: a Development Order Amendment **Request:** to modify the overall Master Plan, modify previously approved Requested Use for an Adult Daycare Facility (R-1995-1321.14), and to modify Conditions of Approval on 115.77 acres

Title: a Development Order Amendment **Request:** to modify the Site Plan to re-designate a use for an existing building that would add square footage and building for the previously approved Assembly Non-Profit Institutional use (R-2010-01173) and to modify Conditions of Approval on 40.22 acres

Application Summary: Proposed is a Development Order Amendment for the 115.17-acre Rainberry PUD. The development was last approved by the BCC on August 25, 2022 to modify the overall Master Plan (115.77 ac.) and Site Plan (40.22 acres) to add building square footage to Pods A and B for the Institutional Non-profit use within the 40.22 acres of Pod A and B.

The subject request will modify the overall Master Plan to modify a use within Pod B and will amend the Site Plan for an existing building from Adult Daycare to Assembly Institutional Nonprofit use. The modifications to the Site Plan for Pod B only change the use and will not change any of the constructed square footage for the building. The modification will add square footage and a second building to the previously approved Assembly non-profit use located within Pod B. The request will also modify conditions of approval from the previous approved resolutions. The Preliminary Site Plan is a combination of Pod A and B, which include multiple buildings for both Residential and Institutional Uses. Access to the site is from 95th Avenue.

II. Site Data

Acres:	115.77 acres
Location:	South and east side of Ruth and Baron Coleman Blvd, approx. 600 feet west of 95th Ave S
Parcel Control:	Multiple Parcel control numbers
Future Land Use:	Medium Residential (MR-5); High Residential (HR-8) High Residential (HR-12); Low Residential (LR-3)
Zoning District:	Residential Planned Unit Development District (PUD)
Tier:	Urban/Suburban
Utility Service:	PBC Water Utilities
Overlay/Study:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Comm. District:	5, Mayor Maria Sachs

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B.7.B.2, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: *Scheduled for July 2, 2024*

BCC HEARING: *Scheduled July 17, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A - Future Land Use Map

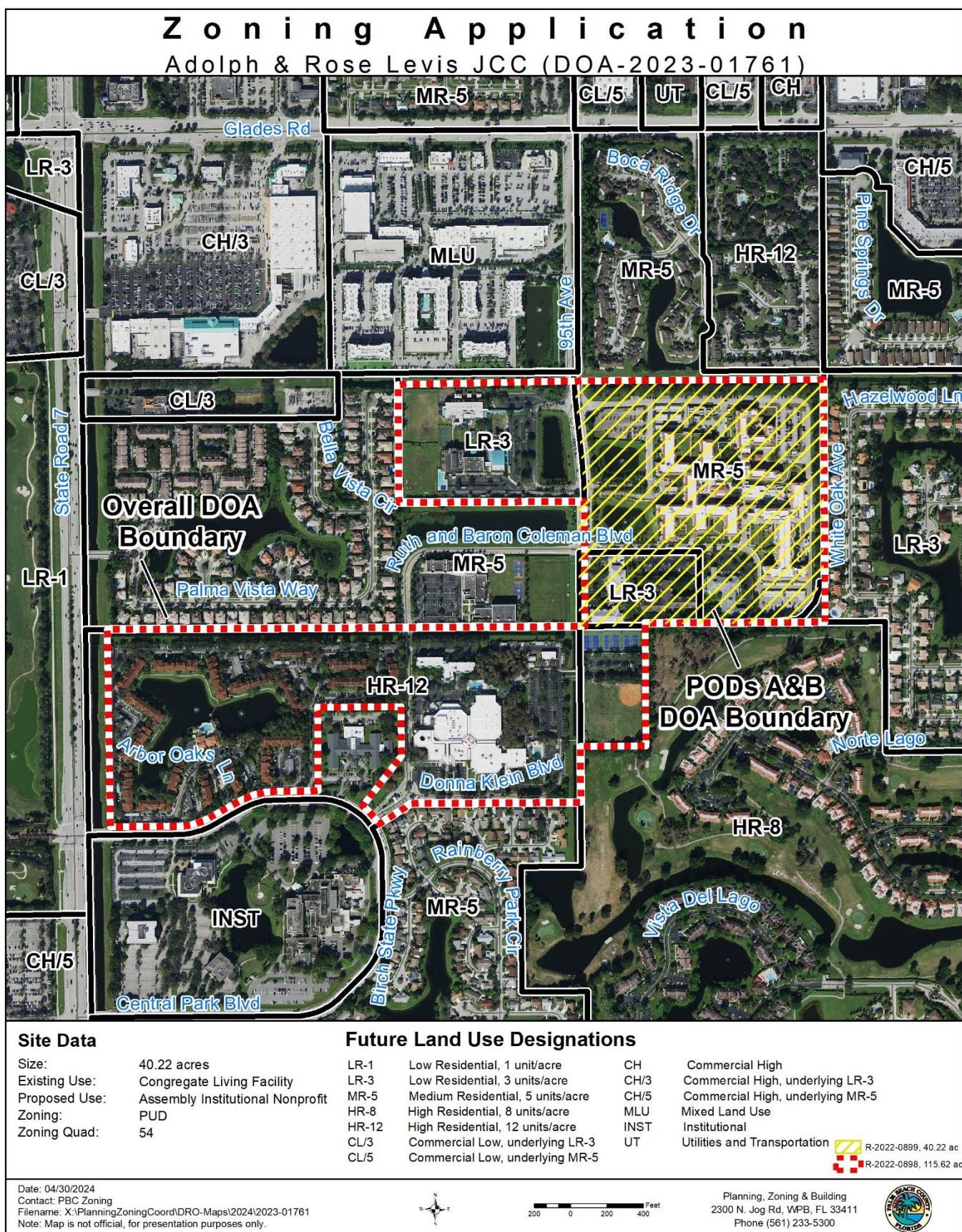


Exhibit A - Zoning Map

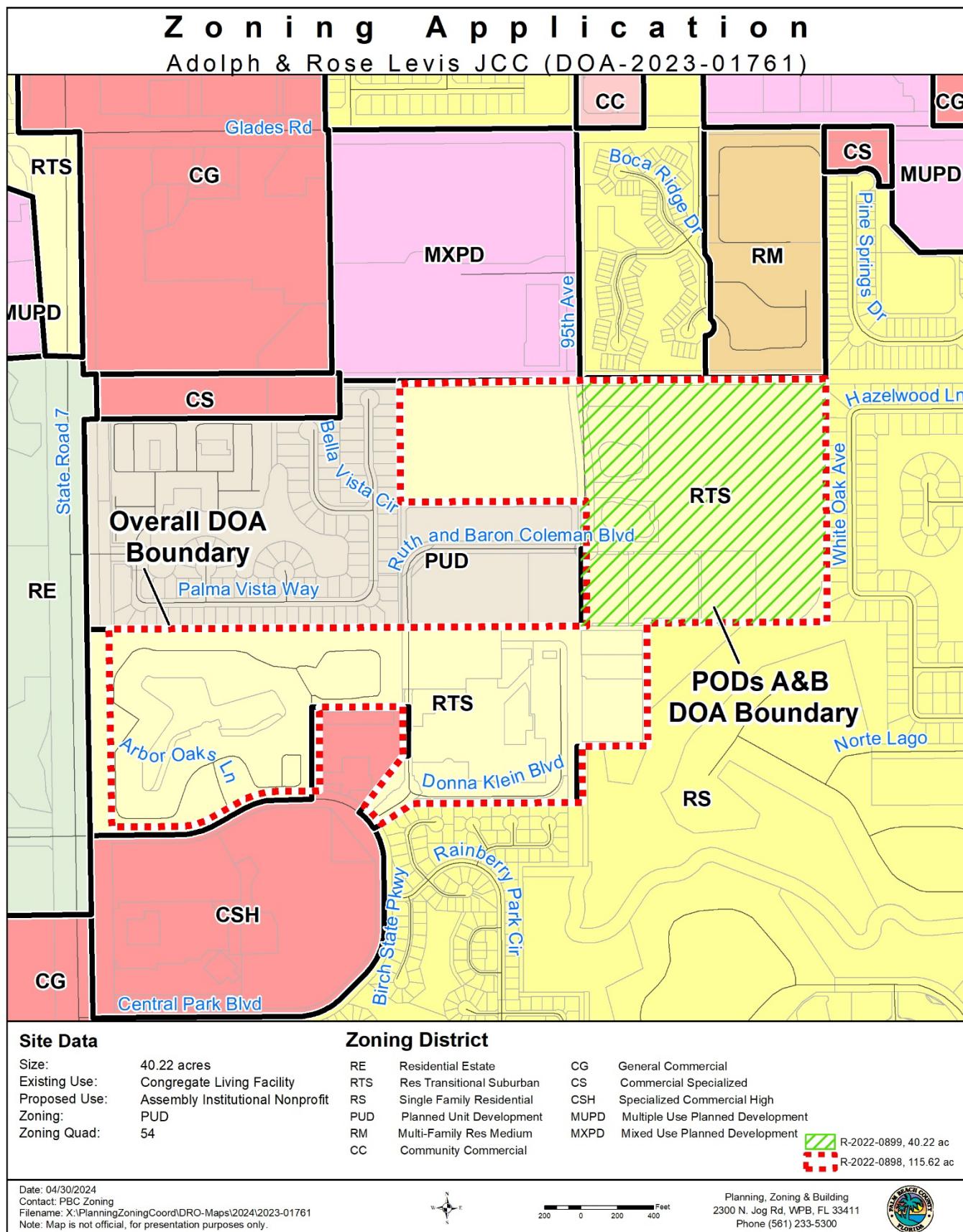


Exhibit B - Standards Analysis & Findings

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.*

- **Prior Land Use Amendments:** The site has been the subject of a previous Future Land Use amendment. The amendment, Rainberry PUD CLF - Pod B, was adopted with conditions via Ord. 2019-018, which amended the Future Land Use on Pod B (approximately 34.10 acres) from Low Residential, 3 units per acre (LR-3) to Medium Residential, 5 units per acre (MR-5) with the following condition:

"The density associated with the Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation."

The request proposes to reallocate previously approved 23,000 square feet for an Adult Day care to Assembly Institutional non-profit for building F in Pod B. The request is not inconsistent with the 2019 FLU amendment ordinance and condition as the request does not include residential beds or density for that building. However, the amendment condition placed on the prior Zoning resolution for the overall PUD will be carried forward with this application.

- **Intensity:** The maximum Floor Area Ratio (FAR) for non-residential uses with a LR-3 FLU designation in the Urban Suburban Tier is .35. However, Note 8 of FLUE Table 2.2-e.1 provides that Institutional Uses within any FLU designation may utilize the maximum allowable FAR of the Institutional and Public Facilities (INST) FLU designation of .45 FAR (1,485,396 sq. ft. or 34.10ac Pod B x .45 maximum FAR = 668,428 sq. ft. maximum). The request within Pod B, consists of 50,000 sq. ft. of non-residential, institutional assembly non-profit uses which equate to an FAR of approximately .03 (50,000 sq. ft. / 1,485,396 sq. ft. or 34.10 acres = .03). Thus, the request is less than the maximum allowable FAR.
- **Density:** The request does not seek to make changes to the previously approved 125 residential units in Pod A or the 800 CLF beds in Pod B.
- **Special Overlay District/Neighborhood Plan/Planning Study Area:** The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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.*

The proposed amendment is consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC).

- **Property Development Regulations:** The proposed development is subject to Table 3.E.2.D – PUD Property Development Regulations. The existing development meets the required property development regulations. The proposed modifications to Building F will not increase the existing building's footprint and the additional proposed accessory structures will meet the requirements in Table 3.E.2.D. A previously approved Type 2 Variance (ZR-2010-008) allowed for a Private Civic pod with 0 feet of lot frontage will be maintained. This Variance is required as Article 3.E.2.D requires that all Private Civic Pods have 100 feet of linear frontage, however, the existing access is provided via a 40 foot ingress-egress easement for both Pods A and B and this easement serves as the sole access to the site. As a result, the 100 foot linear frontage requirement along a street cannot be established.

- o *Design Objectives and Performance Standards:* The proposed development is subject to Art. 3.E.1.C PDD Design Objectives and Performance Standards and Art. 3.E.2.B, Objectives and Standards for a PUD. The site proposed DOA still meets these requirements. Rainberry PUD functions as a campus for the Jewish Federation of South Palm Beach County. Continuous pedestrian circulation is provided throughout the site with pathways to shared parking areas. Existing vegetation will not be affected by the request. Required pedestrian amenities including water features and courtyards have already been provided and are not being affected by this request.
- o *Architectural Review:* The request will not include any changes to the height or building setbacks. The building will remain as currently built on-site. The proposal only altered the use within the building. The building is already built. The Applicant has indicated in his Justification Statement that there will be no changes to the structure. However, any additional modifications will be subject to Article 5.C, Design Standards. Elevations are required to be consistent in Architectural Character.
- o *Parking:* Per Table 6.B.1.B, 1 space is required per 3 seats or 200 SF for the Assembly Institutional Nonprofit use, whichever is greater. At 23,000 SF, 115 parking spaces are required. The existing daycare provides 94 spaces on the affected property. To meet this requirement, excess ADA spaces will be revised to increase parking to 98 spaces. An additional 17 spaces will be utilized from the south side of the adjacent CLF to meet the required 115 parking spaces. According to the Site Plan, the CLF in Pod B requires 106 parking spaces and 209 are provided, therefore the additional parking spaces are available to be used by the Assembly Institutional Nonprofit use. Overall, the approved uses in Pod B require 675 spaces and 850 spaces will be provided.
- o *Landscape/Buffering:* The existing landscape buffers at the 40 acre site will be maintained. There is an existing 25' landscape buffer along the southern boundary of the property that is maintained per a condition of approval identified on the preliminary site plan. The western boundary has a 0-foot buffer requirement per BA 99000018. Additionally, the existing building already provides the 8 ft. required foundation planting as indicated on Table 7.C.3.B – Foundation Planting and Dimensional Requirements for parcels located in the Urban/Suburban Tier and the foundation planting will be reflected on the site plan at final Development Review Officer approval per Condition of Approval.
- o *Signage:* No additional signs or modifications to existing signage are being proposed as part of this request.
- o *Use Specific Criteria:* The proposed development is subject to Art. 4.B.4.C.2 – Assembly Institutional Nonprofit. The development already includes an existing approval for 25,000 SF of Assembly Institutional Nonprofit use. The applicant is requesting an additional 23,000 SF for the use along with 5,810 SF of accessory outdoor activity area and a 2,822 SF accessory building. The ULDC defines an Assembly Institutional Nonprofit as a use that may include museums, cultural centers, recreational facilities, botanical gardens, and community services such as after school care or tutorial services, medical services, and employment services. The proposed use will be for cultural centers, recreational facilities and community services for the Rainberry PUD is consistent with the Use.

Article 4.B.4.C.2.d requires that the use have frontage on and access from a Collector, Arterial, or Local Commercial street. The site was subject to a Subdivision and a Type 2 Zoning Variance relating to frontage and access requirements for Pod B and to remove requirements in Article 3.E.2.D which requires a minimum width and frontage for civic sites in a PUD to be 100 feet through application SV/ZV-2010-01435 on July 1, 2010. The variance was granted in part due to the unique nature of Rainberry PUD, which functions similarly to a campus with increased interconnectivity between sites, shared parking areas, and common recreation areas. Additionally, the site originally included 80,000 SF of Assembly Institutional Nonprofit use in Pod B which was reduced as part of the request in DOA-2018-01047. This request is returning a portion of that SF to the site while eliminating other another use.

- o *Prior Resolutions and Use Approvals:* Rainberry PUD has gone through a series of modifications since its original approval in 1985. Requested Use approvals under prior applications were contained within the overall modifications to the PUD until 2010. The use approvals that were incorporated and consolidated into the Overall PUD Resolution are as follows:

R-1995-1321.14: 4 Private Schools (One in Pod C and three in Pod B)
 R-1995-1321.14: Adult Daycare (Pod B)
 R-1995-1321.14 Congregate Living Facility (Pod A)
 R-1996-00645: Day Care General (Pod C)
 R-1996-01953: Assembly Nonprofit Institutional (Pod A)

Of these use approvals above, the following were removed pursuant to the Applicant's request and Justification Statements:

DOA/R-2010-00417 requested removal of the three private schools in Pod B
 ZV/DOA-2011-02350- requested removal of the Congregate Living Facility within Pod A

The remaining uses that have approvals within the consolidated resolutions for the Overall PUD are:

R-1995-1321.14: Private School (One in Pod C)
R-1995-1321.14: Adult Daycare (Pod B) (Proposed to be removed)
R-1996-00645: Day Care General (Pod C)
R-1996-01953: Assembly Nonprofit Institutional (Pod A)

It should be noted in the last application DOA-2021-01763 the request was to amend the Assembly Non-profit use within Pod A approved by R-1996-01953 and consolidated in the resolution of R-2019-00697. This use should not have been consolidated with the Assembly Non-profit use for Pod B that was approved R-2010-1173, as amended in R-2019-00698 and then R-2022-0899..

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 portion of the site with the proposed change of use, Pod B, is part of a larger overall Rainberry development which includes residential uses, schools, offices, and other assembly. The proposed Assembly Institutional Nonprofit will be replacing another civic use (an Adult Day Care). The proposed Assembly will provide services for the residents in the PUD and is internally oriented towards the PUD. Directly south is a recreation tract belonging to the Boca Lago PUD. The recreation tract acts as an additional buffer between the Assembly and the Multifamily units in Boca Lago. The Assembly Institutional Nonprofit use will remain consistent and compatible with the existing uses in Pod B and with the surrounding area. The proposed use is internally oriented in Pod B and will have minimal impact on surrounding properties. The use will utilize the existing building square footage with minor modifications to the existing outdoor area.

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 proposed use is internally oriented in Pod B and will have minimal impact on surrounding properties. The use will utilize the existing building square footage with minor modifications to the currently approved walking garden to allow for an accessory stage and gathering area. Existing landscape buffers will provide additional screening from the accessory use as well as the Assembly. The use will have fewer peak hour trips than the current Adult Daycare use per Engineering analysis provided below.

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:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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 amendment will result in a logical, orderly, and timely development pattern.*

The proposed development will result in a logical, orderly, and timely development pattern. The primary structure is already developed and there are no proposed exterior modifications to the building. The accessory structures will not significantly change the layout of the existing courtyard. Per Engineering analysis below, the build out of the project is expected to be by the end of 2024.

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

OFFICE OF RESILIENCY

Staff has reviewed this application and have no comment.

ENGINEERING COMMENTS:

The proposed renovation of the existing Adult Daycare space to operate as Assembly Non-Profit Institutional Use through interior renovation is expected to generate 177 net additional daily trips, 16 net

fewer AM peak trips, and 5 net fewer PM peak hour trips compared to that from the existing development. The build out of the project is assumed to be by 2024.

Since the modification results in fewer peak hour trips, no analysis of roadways and intersections is necessary, and no new conditions of approval is required related to compliance with traffic standards.

DRAINAGE DISTRICT:

The Applicant has indicated in his Drainage Statement that, *The Phyllis & Harvey Sandler Center is an existing resource center parcel within Pod B of the Rainberry PUD Pods A, B and C Plat located in Section 19, Township 47 South, Range 42 East. The project is included in the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) 50-03791-P and lies within the SFWMD Hillsboro Basin.*

The Phyllis & Harvey Sandler Center site presently drains by inlets and culverts into lakes within Rainberry PUD. Pretreatment is provided in exfiltration trenches, water quality is provided within the existing lakes, and flood attenuation is provided throughout the storm water management system of the 57-acre basin in the aforementioned ERP. The system discharges south through the existing control structure into the LWDD L-47 Canal—the point of legal positive outfall.

The proposed improvements to the parcel include modifications internal to the existing building and conversion of an external garden area to a multi-use space. The pervious/impervious area is not anticipated to change with this application and would be de minimis to the overall development. The drainage pattern and flows will remain and keep the design storm peak discharge and stage within limits regulated by Palm Beach County (PBC) and SFWMD.

The entire statement is found in Exhibit J. Prior to issuance of any building permits, the development will have to obtain applicable approvals and permits from the District.

WATER AND WASTEWATER:

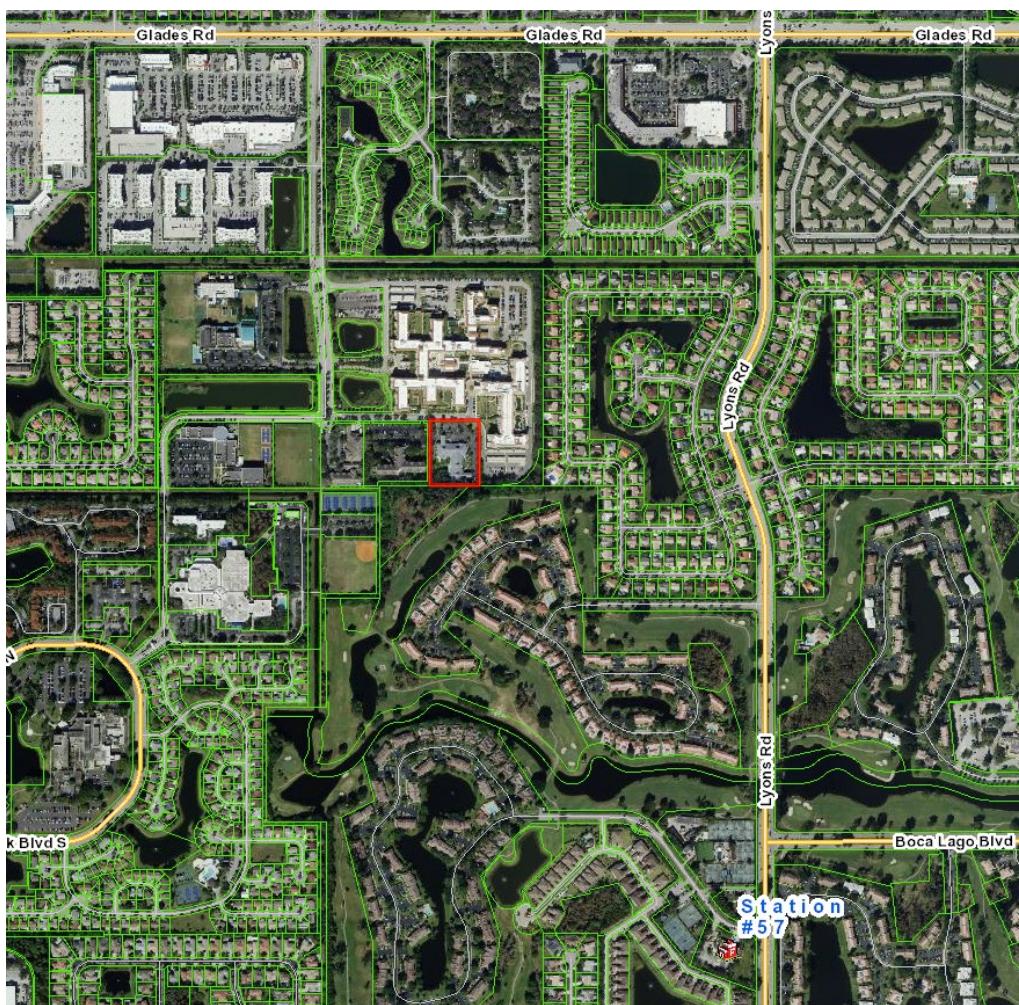
Staff has reviewed this application and have no comment. The Water and wastewater provider is the Palm Beach County Water Utilities. The Applicant has provided a letter indicating such in Exhibit K.

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. The subject site is located within the service boundaries of PBC Fire Rescue Station 57.



SCHOOL IMPACTS:

The School Board has no issue with the request.

PARKS AND RECREATION:

The development order amendment proposes to change the use of building F, located in POD B from Adult Dare Care to Assembly Institutional Nonprofit. The Parks and Recreation Department's ULDC standards do not pertain to this project.

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

The Applicant's Justification Statement indicates the following justification for their changed conditions of circumstances: *"The current need for an Adult Daycare Facility has significantly diminished within the Rainberry PUD. The changed conditions and lack of utilization of the existing structure have prompted the request for a change of use. The Assembly Institutional Nonprofit use is more likely to be utilized as a center for information for residents, employees, and others who frequent the facilities Rainberry PUD has to offer."*

Exhibit C-1 - Conditions of Approval

Development Order Amendment on 115.77 acres

(Overall PUD, including Special Exceptions for Private School (Pod C), Day Care General (Pod C) and Assembly Nonprofit Institutional (Pod A))

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-898, Control No.1984-00139, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-99-17 (Petition DOAB4-139(G)), R-2007-0424, (Application DOA 2006-344), R-2010-1 172, (Control 1984-139), and R-2019-0697 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 ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2022-0898 (Control 1984-129), 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. All previous Conditions of Approval applicable to the expansion of the Non-profit Assembly Institutional use within Pod A, as contained in Resolution R-2022-0899 (Control 1984-129), 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)

3. Previous ALL PETITIONS Condition 2 of Resolution R-2022-898, Control No.1984-00139, 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 Master Plan for the Rainberry PUD is dated October 4, 2021. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Master Plan and Site Plan for the Rainberry PUD is dated July 18, 2024. 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)

BUILDING

1. All areas or receptacles for the storage and disposal of trash, garbage, vegetation or recyclable material, including dumpsters and trash compactors, but excluding trash containers for the convenience of pedestrians, shall not be located within 100 feet of the north property line, east of 95th Avenue South, or east property line of Pod B. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous BUILDING Condition 1 of Resolution R-2022-899, Control No.1984-00139)

ENGINEERING

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

- a. Building Permits for more than 219 dwelling units shall not be issued until construction has begun for the 6 laning of Glades Road from Lyons Road to Boca Rio Road plus the appropriate paved tapers. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. The property owner shall fund any required signal modifications in conjunction with roadway improvements. Funding shall include design and construction of the signal modifications as required by the Palm Beach County Traffic Division. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Prior to master plan certification, the petitioner shall convey to the Lake Worth Drainage District the West 45 feet of the subject property for the right-of-way for the E-1 Canal by Quit Claim Deed or an Easement Deed in the form provided by the District. (DRO: LAKE WORTH DRAINAGE DISTRICT - Lake Worth Drainage District) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2022-899, Control No.1984-00139)

4. LANDSCAPE WITHIN MEDIAN

a. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1)fourteen (14) foot tall native tree for each 30 linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees: Ground cover:

Laurel Oak Wedilia

Live Oak Bahia Grass

Slash Pine

Sabal Palmetto

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and conform with the following:

1) All plants shall be container grown or field collected and transplanted from the project site.

2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association, and shall be installed on or before issuance of the first Certificate of Occupancy or filing of the first plat, whichever occurs first. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving the first building permit or filing of the first plat, whichever occurs first, to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BLDGPMT: ENGINEERING - County Attorney) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2022-899, Control No.1984-00139)

5. The property owner shall construct a right turn lane west approach and left turn lane east approach at the intersection of 95th Avenue and Glades Road. This construction shall be completed concurrent with the paving of 95th Avenue South. 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 the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase II of the project. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II of the project. Phase I is defined as any buildings generating more than 1330 new net external trips per day. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2022-899, Control No.1984-00139)

6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. Building Permits which will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for improvements at the intersection of Palmetto Park Road and Lyons Road necessary to meet the required Level of Service identified in the Traffic Performance Standards. Required Intersection improvements at Palmetto Park Road and Lyons Road as part of this condition are to be funded and constructed by Palm Beach County. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Building Permits which will permit more than 1330 new net external trips per day to be generated from the site shall not be approved until construction has begun for 95th Avenue South from Glades Road to the South County Jewish Federation West Boca Campus. Construction shall be completed prior to the first C.O. for this phase. (CO: MONITORING - Engineering) [Note: COMPLETED]

c. Building Permits which will permit more than 2930 new net external trips per day to be generated from the site shall not be approved until construction has begun for the widening of SR 7 as a 4-lane section from Yamato Road to Clint Moore Road plus the appropriate paved tapers. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2022-899, Control No.1984-00139)

7. A complete phasing plan and schedule which is to be made part of the applicants regulating plan, shall be submitted to the DRC for final approval. This phasing plan shall be approved concurrent with the first site plan approval by the DRC which includes building square footages. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2022-899, Control No.1984-00139)

8. This property owner shall post the required acceptable surety to guarantee the construction as outlined on Conditions Numbers E.12.d. above. This surety shall be posted with the Office of the Land Development Division on or before March 28, 1996 in the amount of 110% of a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2022-899, Control No.1984-00139)

9. The property owner shall provide for the acquisition by funding any required right-of-way for the construction of intersection improvements required at SR 7 and Central Park Road as referenced in the above conditions. Property Owner shall provide surety acceptable to the Office of the County Engineer and the County Attorney. This developer shall enter into a written agreement with the Right of Way Acquisition Section on or before January 1, 1996 or prior to the certification of the Master Plan whichever shall first occur. Notification shall be given to Land Development Division. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2022-899, Control No.1984-00139)

10. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at:

- a. Glades Road and 95th Avenue South; and
- b. SR 7 and Central Park Boulevard.

The funding for this signalization shall be provided within 60 days notice by Palm Beach County. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2022-899, Control No.1984-00139)

11. The twenty (20) multi-family dwelling units identified in POD A shall be limited to JARC housing. (ONGOING: ZONING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2022-899, Control No.1984-00139)

12. Palm Beach County shall acquire the additional right of way, if required through an eminent domain procedure, for 95th Street South. Right of way obtained shall be a minimum of 100 feet in width to provide for a 90 foot right-of-way and a 10 foot buffer strip. This acquisition shall extend from the subject property to Glades Road. The Developer shall prepare and provide to the County all necessary construction plans for this roadway. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum construction plan standards as they exist at the time of the submittal. Construction plans shall be submitted prior to September 1, 1996. Notification shall be given to Land Development Division. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2022-899, Control No.1984-00139)

13. The developer shall fund all necessary right of way acquisition documents including, but not limited to, surveys, property owners map, legal descriptions for acquisition documents, and parceled right of way maps for the construction of 95th Street South from the subject property to Glades Road. These documents shall also include a title search for a minimum of 25 years. These documents shall be provided on or before, September 1, 1996. Notification shall be given to Land Development Division. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-2022-899, Control No.1984-00139)

14. The Developer shall provide all funding inherent with the provisions outlined in condition requiring eminent domain procedures herein. Funding of all necessary right of way costs shall include, but not be limited to, the actual cost of right of way acquired, all legal costs incurred by the County in the acquisition of said right of way. These costs shall also include the costs of all expert witness fees and attorney fees. Any funds required to be expended by the County shall be advanced to the County by the Developer. Funding for this right of acquisition shall be provided within 60 days notice by PBC. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2022-899, Control No.1984-00139)

15. The Property owner shall construct a roundabout on 95th Avenue South north of the existing Guard House as shown on Wantman Group Inc, Guardhouse Improvement Plan dated February 16, 2006 or alternative plans approved by the County Engineer. 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 dedication/acquisition of any additional required right-of-way.

Construction shall be completed prior to issuance of a building permit for the new guard house. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2022-899, Control No.1984-00139)

16. The developer shall:

- i. Lengthen the existing left turn lane east approach on Glades Road at 95th Avenue South, and
- ii. Lengthen the existing left turn lane north approach on SR-7 at Central Park Boulevard North.

These turn lanes shall be lengthened to a minimum 470 feet in length plus 50 foot paved taper, or as approved by FDOT. Their construction shall be concurrent with the paving and drainage improvements for development of Pod B. 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.

a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2022-899, Control No.1984-00139)

17. Prior to July 22, 2011 or issuance of the first building permit, whichever shall occur first, the property owner shall subdivide Pod B in accordance with provisions of Article 11 of the Unified Land Development Code or approved Subdivision Variances. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2022-899, Control No.1984-00139)

18. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2022-899, Control No.1984-00139)

LANDSCAPE - GENERAL

1. All trees required to be planted by the approval of Petition 84-139(D) 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. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. A minimum twenty-five (25) foot wide landscape buffer strip shall be provided around the entire external perimeter of the land area added to the Rainberry West PUD by Petition 84-139(D), except as required below. All perimeter landscape buffer strips shall be free and clear of all improvements, including, but not limited to, structures, buildings, lighting, paving, and parking, excluding landscaping, irrigation, required utility improvements and drainage.

a. The petitioner may receive a Board of Adjustment variance from this requirement along the west and south property lines of Pod A. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Prior to certification of the preliminary development plan for Petition 84-139(D), the petitioner shall modify the Regulating Plan to include typical cross sections for the following landscape buffers and buffers adjacent to Rainberry Park Plat No.4 and the Boca Lago PUD. All landscaping shall be installed in accordance with the Regulating Plan and conditions of approval. (DRO/ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2022-899, Control No.1984-00139)

LANDSCAPE - PERIMETER

4. ZONING - LANDSCAPING-ALONG NORTH PROPERTY LINE OF POD B

Landscape and buffering along the north property line of Pod B, east of 95th Avenue South, shall be upgraded to include:

- a. A minimum width of fifty six (56) feet;
- b. A six (6) foot high chain link fence with black vinyl coating, to be setback a minimum of eight (8) feet from the north property line;
- c. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. All of the canopy trees shall be native species;
- d. Thirty-six (36) inch high hedge to be spaced no more than twenty four (24) inches on center at installation, and to be maintained at a minimum height of seventy-two (72) inches. This hedge shall be installed on the exterior side of the required fence, and to be setback a minimum of five (5) feet from the north property line; and,
- e. Notwithstanding the conditions above, if the property owner, adjacent residents and the County agree to a different mix of tree species/types, that written agreement shall be attached as an addendum to the conditions and shall supersede the requirement for the 100% native canopy trees. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2022-899, Control No.1984-00139)

5. Landscape and buffering along the east property line of Pod B shall be upgraded to include:

- a. A minimum seventy-five (75) foot landscape buffer width to include a minimum of fifty (50) feet of landscape area and a maximum of twenty-five (25) feet for drainage;
- b. A six foot high chain link fence with black vinyl coating, setback a minimum of eight feet from the property line;
- c. Two separate six (6) foot high concrete panel walls at a minimum length of 150 lineal feet (north wall) and 80 lineal feet (south wall) shall be installed in the areas where vehicular access points to Building C are located;
- d. A double row of canopy trees planted twenty (20) feet on center installed on the interior side of the required fence. All canopy trees shall be native species;
- e. A minimum of 136 canopy trees to be added to the buffer;
- f. Thirty-six (36) inch high hedge spaced no more than twenty-four (24) inches on center at installation, and to be maintained at a minimum height of seventy-two (72) inches. The hedge shall be installed on the exterior side of the required fence and shall be setback a minimum of five (5) feet from the east property line;
- g. A minimum of 1,130 medium size shrubs shall be installed on the interior side of the fence; and,
- h. Notwithstanding the conditions above, if the property owner, adjacent residents and the County agree to a different mix of tree species/types, that written agreement shall be attached as an addendum to the conditions and shall supersede the requirement for the 100% native canopy trees. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2022-899, Control No.1984-00139)

6. Prior to the issuance of the first building permit for the Type 3 Congregate Living Facility, Building C, landscape requirements for the east property line of Pod B shall be completed. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2022-899, Control No.1984-00139)

7. Prior to the issuance of the first building permit for the Type 3 Congregate Living Facility, Building C, landscape requirements for the east property line of Pod B shall be completed.

The petitioner shall provide a landscape buffer tract 10 feet in width along the east side of the 90 foot right-of-way (95th Avenue South) providing access to the PUD from Glades Road. This landscape buffer tract shall include:

- a. a minimum ten (10) foot wide landscape buffer strip;
- b. a minimum eight (8) foot high concrete wall;
- c. a minimum two (2) foot high berm;
- d. Native canopy trees planted a minimum of twenty (20) foot on center; and
- e. Thirty (30) 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 forty-eight inches. (BLDGPMT: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 7 of Resolution R-2022-899, Control No.1984-00139)

8. The improvements required by Landscape Perimeter Condition 7 above shall be installed and completed prior to construction of any portion of 95th Avenue South as a 90 foot right-of-way. (BLDGPMT: BUILDING DIVISION - Engineering) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 8 of Resolution R-2022-899, Control No.1984-00139)

LIGHTING

1. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point, within 100 feet of the north property line, east of 95th Avenue South, and east property line, adjacent to the Timbers Subdivision. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2022-899, Control No.1984-00139)
2. All outdoor lighting within 100 feet of the north property line, east of 95th Avenue South, and east property line, adjacent to the Timbers Subdivision, shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: CODE ENF - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2022-899, Control No.1984-00139)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to site plan certification, the petitioner shall obtain permission, if possible, from the Lake Worth Management District to sod, irrigate and perpetually maintain the adjacent bank of all abutting canals. (DRO: LAKE WORTH DRAINAGE DISTRICT - Zoning) [Note: COMPLETED] (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2022-899, Control No.1984-00139)

MASS TRANSIT

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM-TRAN - Palm-Tran) (Previous MASS TRANSIT Condition 1 of Resolution R-2019-698, Control No. 1984-00139)
2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (PLAT: ENGINEERING - Monitoring) (Previous MASS TRANSIT Condition 2 of Resolution R-2019-698, Control No.1984-00139)

PARKS

1. Prior to Master Plan certification, the Master Plan shall be amended to indicate that this development will provide recreational areas within the 32.124 acre residential pod that meet or exceed the recreation. (II areas requirement of the Subdivision and Required Improvements Regulations (Ordinance 90-B). (Previously Condition K of Resolution R-96-1953 Petition DoAB4-1 39(F). (Previous L Condition 1 of Resolution R-1999-17, Control No.1984-00139)

PLANNED DEVELOPMENT-TO BE APPLIED TO LAND AREA ADDED TO PUD BY PETITION 84-139(D) ONLY PODS A, B, AND C

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2022-899, Control No.1984-00139)
2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2022-899, Control No.1984-00139)
3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2022-899, Control No.1984-00139)
4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2022-899, Control No.1984-00139)

PLANNING

1. Per LGA 2018-09 condition 1, the density associated with the Medium Residential, 5 units per acre (MR5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2022-899, Control No.1984-00139)
1. Per LGA 2018-09 condition 1, the density associated with the Medium Residential, 5 units per acre (MR5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide a restrictive covenant or other suitable documentation acceptable to the Planning Division and the County Attorney's office, which demonstrates compliance with the County's Affordable Housing Program (AHP). (DRO: PLANNING - County Attorney) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Prior to final approval by the Development Review Officer (DRO), revise the Final Site Plan to depict the required information regarding total AHP units and quantities assigned to each income category (0-60% AMI).

(DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2022-899, Control No.1984-00139)

4. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to amend the site data and PDR Chart to indicate the max FAR as .45 in accordance with Note 8 of FLUE Table 2.2-e.1. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2022-899, Control No.1984-00139)

TREE SURVEY

1. Prior to site plan certification for additional Category "C" apartments, the petitioner shall submit a tree survey for the 360-unit development drawn at the same scale as the site plan. This survey shall number, size and identify all hardwood, cypress, pine and palm trees over four (4) inches in diameter in a tabular form. [Note: COMPLETED] (Previous TREE SURVEY Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. The trees allocated to meet the minimum tree planting requirements; within the active recreation area shall be distributed along the property/lines adjacent to residential lots or residentially zoned property. (Previously Condition Q.2 of Resolution R-96-1953, Petition DOA84-139(F). [Note: COMPLETED] (Previous TREE SURVEY Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. The petitioner shall preserve canopy and understory vegetation within the twenty five (25) foot buffer along the southern and western property lines on the five (5) acre outdoor recreation parcel. [Note: COMPLETED] (Previous TREE SURVEY Condition 3 of Resolution R-2022-899, Control No.1984-00139)

UTILITIES

1. The developer shall be required to extend a minimum 12 inch water main from the existing 12 inch water main, near the northeast corner of Westwinds Shoppes on Glades Road, to the existing 8 inch water main near the northeast corner of the existing Jewish Community Center (Canal L-47, approximately 0.5 mile south of Glades Road). (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) [Note: COMPLETED] (Previous UTILITIES Condition 1 of Resolution R-2019-698, Control No.1984-00139)

2. The developer shall be required to connect the sanitary sewer system to the existing 16 inch force main in the State Road 7 (441) right-of-way. (ONGOING: PBC WATER UTILITIES - PBC Water Utilities) [Note: COMPLETED] (Previous UTILITIES Condition 2 of Resolution R-2019-698, Control No.1984-00139)

USE LIMITATIONS-FMP

1. USE LIMITATIQNS-(TO BE APPLIED TO LAND AREA ADDED TO THE PUD BY PETITION 84-139(D) ONLY POD A, B, AND C)

Pod A shall be limited to:

a. A 105 bed congregate living facility.
b. Twenty (20) multifamily units. (JARC housing)
c. 97 JARC students (32 on site 65 outside) for assembly/resource institutional center. (ONGOING: BUILDING DIVISION – Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. Pod C shall be limited to 130,000 square feet and 684 students for the Hebrew school. (DRO: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Pod C daycare center shall be limited to a maximum of 200 children. (ONGOING: HEALTH DEPARTMENT - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2022-899, Control No.1984-00139)

4. The outdoor speaker system shall not be used except for emergency purposes only. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 4 of Resolution R-2022-899, Control No.1984-00139)

5. External school bells shall not be permitted. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 5 of Resolution R-2022-899, Control No.1984-00139)

VEGETATION PRESERVATION

1. Prior to master plan certification, the master plan shall be amended to indicate the following:

- a. The area of Cypress mitigation as specified in Condition No. P.3, below.
- b. Acreage of the maintenance area and the proposed use.
- c. Open space breakdown in the tabular data. (Previous VEGETATION PRESERVATION Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. A representative of the petitioner, the Zoning Division, the Department of Environmental Resources Management and South Florida Water Management District shall meet on site to define and determine the Cypress preservation boundaries on the west side of the Lake Worth Drainage District Lateral Canal No. 47. The boundaries shall be designated on the master plan. Intrusion into the area, other than for the removal of prohibited species, shall be limited to the one pedestrian link shown on the master plan. The removal of the Cypress on the east side of the L-41' Canal shall be mitigated by relocating the existing trees, or planting new Cypress near the entrance road. A report detailing the mitigation plan shall be submitted to the Zoning Division and approved as a supplement to the vegetation removal information simultaneously with the site plan review application. [Note: COMPLETED] (Previous VEGETATION PRESERVATION Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Concurrent with the application for site plan approval of the site plan, the petitioner shall submit a tree preservation, relocation and removal Program which corresponds to the tree survey. This program shall demonstrate methods in which significant native vegetation shall be incorporated into the site design. [Note: COMPLETED] (Previous VEGETATION PRESERVATION Condition 3 of Resolution R-2022-899, Control No.1984-00139)

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: MONITORING - Zoning)

DISCLOSURE

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

Exhibit C-2 Conditions of Approval

Development Order Amendment on 40.22 acres for the Assembly Non-Profit Institutional Use, Congregate Living Facility and Nursing or Convalescent Facility within Pod B

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-899, Control No.1984-00139, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-697 (Control 1984-129), 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-2022-899 (Control 1984-129), 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-2022-899, Control No.1984-00139, 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 Preliminary Site Plan for Pods A & B is dated April 28, 2022. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

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 for Pods A & B is dated July 18, 2024. 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.
(BLDGPMT/ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final approval by the Development Review officer (DRO), the property owner shall submit line of site analysis cross section of Building A to demonstrate compliance with Building height and to address visual impact from adjacent residential properties. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. Prior to Final Approval by the Development Review Officer, the architectural elevations for the Type 3 Congregate Living Facility, Building C of Pod B, shall be submitted for review and approval. Elevations shall comply with the standards indicated in Article 5.C. of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW – Zoning) Note: [Completed] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2019-0697, Control No. 1984-0039).

3. The Type 3 Congregate Living Facility (Building C) shall be limited to the following maximum height and minimum setbacks from the east property line of Pod B. Height shall be measured from the top of the roof to the finished grade where the building is located:

- a. Four-story portion of Building C - 59 feet in height and 185 feet of setback;
- b. Three-story portion of Building C - 48 feet in height and 115 feet of setback;
- c. Resident Courtyard above garage of Building C - 18 feet in height and 100 feet of setback; and,
- d. The Four-story portion of the building shall not be increased in floor area so as to expand into the three-story portion of Building C

(BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2022-899, Control No.1984-00139)

4. No mechanical equipment or dumpster area allowed to be located on the east exterior side of the Type 3 Congregate Living Facility, Building C. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2022-899, Control No.1984-00139)

5. Prior to final Development Review Officer (DRO) approval, Architectural Elevations shall be submitted Building I in accordance with Article 5.C. Design Standards. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2022-899, Control No.1984-00139)

6. Prior to Final Approval by the Development Review Officer, the architectural elevations for the Type 3 Congregate Living Facility, Building C of Pod B, shall be submitted for review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 6 of Resolution R-2022-899, Control No.1984-00139)

ZONING - LANDSCAPING-INTERIOR

1. Prior to Final Approval by the Development Review Officer, all required foundation planting for Building F shall be shown on the Site Plan. (DRO: Zoning – Zoning)

PLANNING

1. Per LGA 2018-09 condition 1, the density associated with the Medium Residential, 5 units per acre (MR5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide a restrictive covenant or other suitable documentation acceptable to the Planning Division and the County Attorney's office, which demonstrates compliance with the County's Affordable Housing Program (AHP). (DRO: PLANNING - County Attorney) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2022-899, Control No.1984-00139)

3. Prior to final approval by the Development Review Officer (DRO), revise the Final Site Plan to depict the required information regarding total AHP units and quantities assigned to each income category (0-60% AMI). (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2022-899, Control No.1984-00139)

4. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to amend the site data and PDR Chart to indicate the max FAR as .45 in accordance with Note 8 of FLUE Table 2.2-e.1. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 4 of Resolution R-2022-899, Control No.1984-00139)

SITE DESIGN

1. Prior to final Development Review Officer (DRO) approval, the site plan shall be modified to reflect the previously approved site design, building layout, and site data for Pod B. The overall gross floor area for Pods A and B shall indicate the approved additional square footage of Building I of Pod A. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2022-899, Control No.1984-00139)

2. Prior to final Development Review Officer (DRO) approval, the site plan shall be modified to reflect the foundation planting of Building I. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-2022-899, Control No.1984-00139)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2022-899, Control No.1984-00139, which currently states:

Pod B shall include:

- a) Congregate Living Facility, Type 3 - 740 beds
- b) 23,000 square feet and 90 adults and 20 employees for the adult daycare facility.
- c) Nursing or Convalescent Facility 60 beds.
- d) Assembly, Nonprofit Institutional 25,000 square feet.

Is hereby amended to read:

Pod B shall include:

- a) Congregate Living Facility, Type 3 - 740 beds
- b) 23,000 square feet and 90 adults and 20 employees for the adult daycare facility.
- c) Nursing or Convalescent Facility 60 beds.
- d) Assembly, Nonprofit Institutional 48,000 square feet.

(ONGOING: CODE ENF - Zoning)

COMPLIANCE

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

DISCLOSURE

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

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
Z/SE-1984-00139 (Overall)	Title: Official Zoning Map Amendment Request: to allow a rezoning from the AR-Agricultural Residential District to RM-Residential Multiple Family District (Medium Density) Zoning District.	R-1985-00279	Adopted	11/01/1984
Z/SE-1984-00139 (Overall)	Title: Special Exception Request: to allow a Planned Unit Development	R-1985-00280	Adopted with Conditions	11/01/1984
Z/SE-1984-00139 (A)	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the AR-Agricultural Residential Zoning District, in part, and the RM- Multiple Family Residential Zoning District (Medium Density), in part, to RS- Single Family Residential Zoning District, in part, and RM- Multiple Family Residential Zoning District (Medium Density) in part	R-1989-00750	Adopted	10/29/1987
Z/SE-1984-00139 (A) (Overall)	Title: a Special Exception Request: to amend and expand the Master Plan for the Rainberry Park Planned Unit Development, previously approved under Zoning Petition no. 84-139 on November 1, 1984 Resolution No. 4-85-280 adopted on February 19, 1985) to:1) increase the acreage by five acres; and 2) to redesign the site	R-1989-00751	Adopted With Conditions	10/29/1987
SE-1984-00139 (B) (Overall)	Title: Special Exception Request: to amend the Master Plan for the Rainberry PUD to re-designate retirement housing as conventional housing and to extinguish a previously approved nursing care facility	R-1992-00183	Adopted with Conditions	10/24/1991
DOA-1984-00139 (C)	Title: Development Agreement Request: an agreement between the Developer and the County to enter into a Development Agreement under the provisions of Article 12, which establishes certain minimum standards for Adequate Public Facilities	R-1993-1358D	Adopted	10/28/1993
DOA-1984-00139 (C) (Overall)	Title: Development Order Amendment Request: to increase density (413 to 461 units) and to amend Condition E.3.B Petition 84-139(B) (building permit)	R-1993-01359	Adopted with Conditions	10/28/1993
Z/DOA-1984-00139 (D)	Title: Official Zoning Map Amendment Request: An Official Zoning Map amendment (rezoning) from the Agricultural Residential (AR) Zoning District to the Residential Transitional Suburban (RTS) Zoning District (addition of Pods A, B and C)	R-1995-1321.13	Adopted	02/14/1996
Z/DOA-1984-00139 (D) (Overall)	Title: Development Order Amendment Request: a Development Order Amendment (DOA) to the Rainberry West PUD to increase acreage (+53.5 acres) and allow 4 private schools, elementary & secondary (3 Pod A, 1 Pod C), a Congregate Living Facility (CLF) - Type III (Pod A), and an Adult Day Care Facility (requested uses) (Pods B)	R-1995-1321.14	Adopted with Conditions	02/14/1996
DOA-1984-00139 (E) (Overall)	Title: Development Order Amendment Request: to increase building square footage (+60,000); decrease number of students (-116) (for 1 Private School approved under R-1995-1321.14) and allow a 200 children Day Care Center (Requested use) in the Private Civic Pod (Pod C)	R-1996-00645	Adopted with Conditions	05/23/1996
DOA-1984-00139 (F) (Overall)	Title: Development Order Amendment Request: to amend Master Plan; increase Adult Daycare square footage (+2,140) (previously approved by R-1995-1321.14 (Pod B)); increase number of JARC units (+5) (Pod A); reduce high school students (-65) (Pod B); add Assembly, Nonprofit Institutional (+15,360 sq. ft) with 97 JARC students (Pod A)	R-1996-01953	Adopted with Conditions	12/02/1996

DOA-1984-00139 (G) (Overall)	Title: Development Order Amendment Request: to modify/delete conditions of approval of R-96-1953; add 2 JARC unit (Pod A); add building square footage (+6,094 sq. ft.) (Assembly Nonprofit Institutional) (Pod A)	R-1999-00017	Adopted with Conditions	10/28/1998
COR-1984-00139 (G) (Overall)	Title: Corrective Resolution Request: to correct an error in Condition P.1.c and P.2.a of Exhibit C contained within R-99-017)	R-1999-00518	Adopted with Conditions	10/28/1998
DOA-2006-00344 (Overall)	Title: A Development Order Amendment Request: to modify a Condition Of Approval (All Petition, Engineering, Health, Lighting, Palm Tran, School Board, and Use Limitations (Pod A))	R-2007-00424	Adopted with Conditions	03/22/2007
SV/ZV-2010-01435	Title: a Subdivision Variance Request: to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.A.2 that access to each subdivision lot shall be by a street of suitable classification and construction as established by the subdivision regulations; and to allow variance from the requirement set forth in the Unified Land Development Code, Article 11.E.9.D.2 that no direct access to a major street be allowed for subdivision lots.	ZR-2010-00007	Adopted with Conditions	07/01/2010
SV/ZV-2010-01435	Title: a Type II Zoning Variance Request: to allow reduction of the Private Civic Pod lot frontage (for a General Daycare located on a lot within Pod B)	ZR-2010-00008	Adopted with Conditions	07/01/2010
DOA/R-2010-00417 (Overall)	Title: a Development Order Amendment Request: to modify and delete Conditions of Approval (Engineering, Landscaping, Lighting, Building & Site Design and Use Limitations), add square footage, and reconfigure the overall master plan and site plan	R-2010-01172	Adopted with Conditions	07/22/2010
DOA/R-2010-00417 (Uses in Pod B)	Title: a Requested Use Request: to allow for a Congregate Living Facility Type III, Assembly Non-Profit Institutional use, and a Nursing or Convalescent Facility (Pod B) (Justification Statement was to remove the previously approved Requested Uses for three schools approved under R-1995-1321.14 within Pod B)	R-2010-01173	Adopted with Conditions	07/22/2010
ZV-2011-00421	Title: a Type II Zoning Variance Request: to allow a reduction in the required number of parking spaces (Pod E).	ZR-2011-00006	Adopted with Conditions	04/07/2011
ZV/DOA-2011-02350	Title: a Type II Zoning Variance Request: to allow a reduction in the required parking (for proposed Multifamily use within Pod A)	ZR-2012-00012	Adopted with Conditions	05/03/2012
ZV/DOA-2011-02350 (Overall)	Title: a Development Order Amendment Request: to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) (Justification statement: to abandon the 105 CLF approved under R-1995-1321.14 and allow resignation of 105 MF use; reconfigure building foot prints within Pod B, decrease 12 beds from the CLF and increase 12 beds to the Nursing facility within Pod B)	R-2012-00778	Adopted with Conditions	05/07/2012
ZV-2013-01840	Title: a Type II Variance Request: to allow a reduction in the side setback (Building H within Pod A).	ZR-2013-00033	Adopted with Conditions	11/07/2013
ZV-2014-02498	Title: a Type II Variance Request: to allow an increase in fence height; allow the fence to be located on the property line; and allow the landscape material to be located on the inside of the fence (Pod D)	ZR-2015-00011	Adopted with Conditions	04/02/2015
LGA-2018-00009	Title: Rainberry PUD Pod B, Large Scale Land Use Amendment Request: To change a future land use designation from Low Residential, 3 units per acre (LR-3) to Medium Residential, 5 units per acre (MR-5)	2019-00018	Adopted with Conditions	05/23/2019

DOA-2018-01047 (Overall)	Title: Development Order Amendment Request: to modify the Overall Master Plan and Site Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) to increase the number of beds, square footage and parking spaces (approved by R-2010-1173); and, to modify and delete prior Conditions of Approval (Building, Landscape and Use Limitations).	R-2019-00697	Adopted with Conditions	05/23/2019
DOA-2018-01047 (Uses in Pod B)	Title: Development Order Amendment Request: to reconfigure Pod B of the Master Plan and Site Plan to expand the previously approved Type 3 Congregate Living Facility (CLF) (approved by R-2010-1173) to increase the number of beds (+202), square footage and parking spaces; and, to modify and delete prior Conditions of Approval (Building, Landscape and Use Limitations).	R-2019-00698	Adopted with Conditions	05/23/2019
DOA-2021-01763 (Overall)	Title: a Development Order Amendment Request: to modify the Overall Master Plan and add building square footage	R-2022-00898	Adopted with Conditions	08/25/2022
DOA-2021-01763 (Uses in Pod A)	Title: a Development Order Amendment Request: to modify the Site Plan and add building square footage (previously approved Assembly Non-profit Institutional use by R-1996-01953) NOTE: The Non-profit with this application request was approved in 1996 as part of the overall PUD. The subsequent approvals for this use within Pod A was part of the resolutions for the overall PUD, and not for the Non-for profit approved in Pod B.	R-2022-00899	Adopted with Conditions	08/25/2022

Exhibit E - Preliminary Site Plan

Exhibit F - Preliminary Regulating Plan Page 1

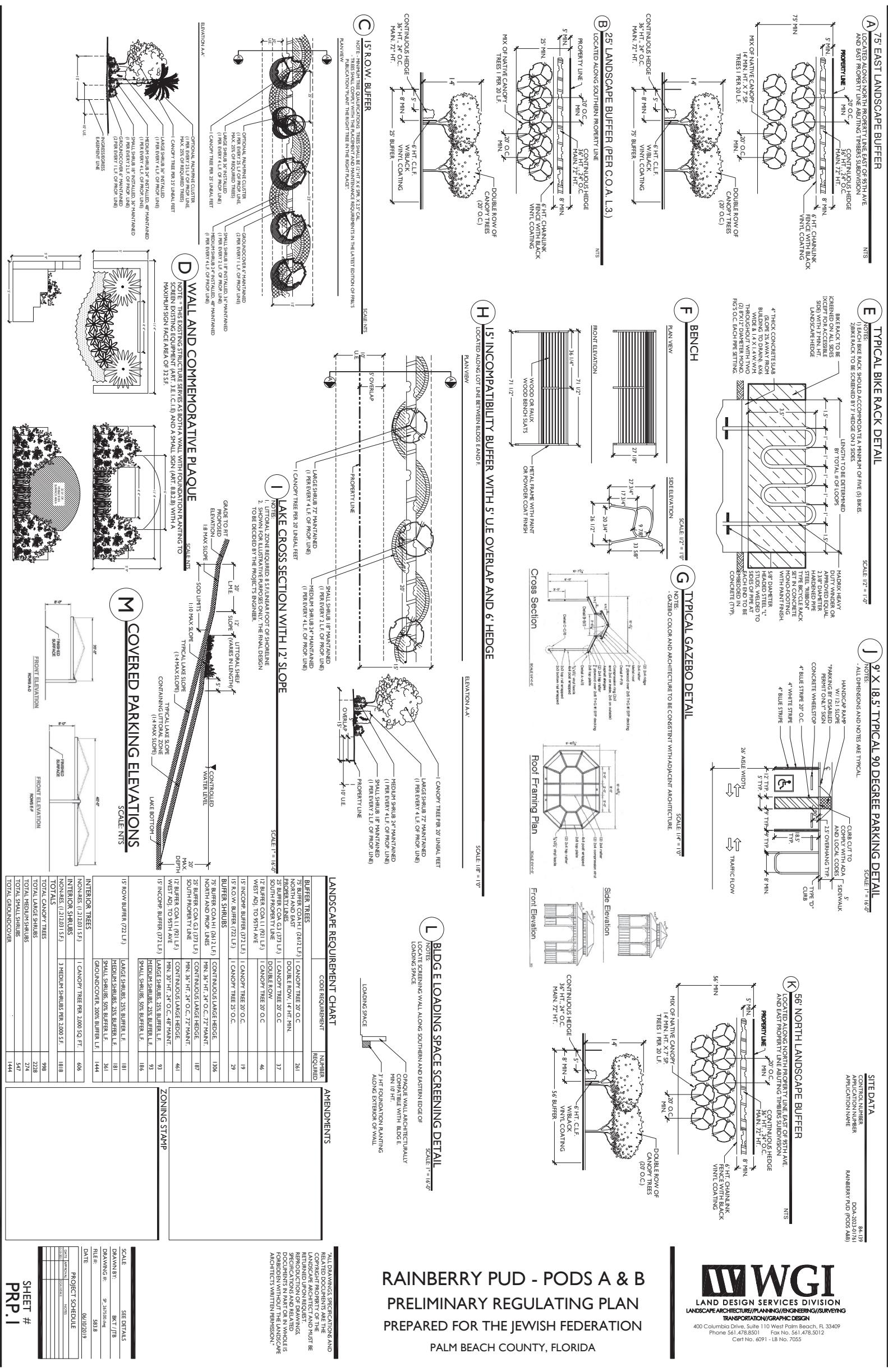
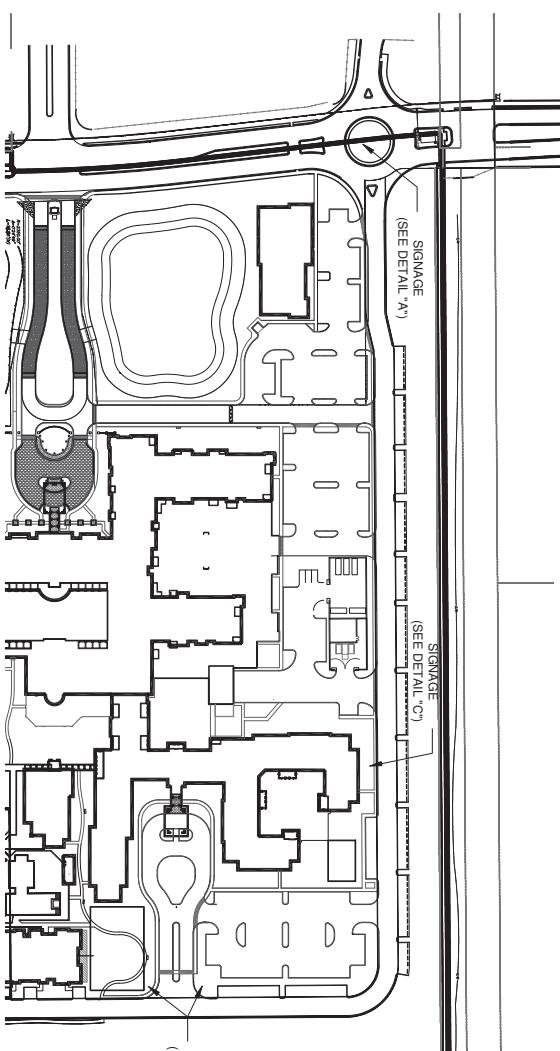
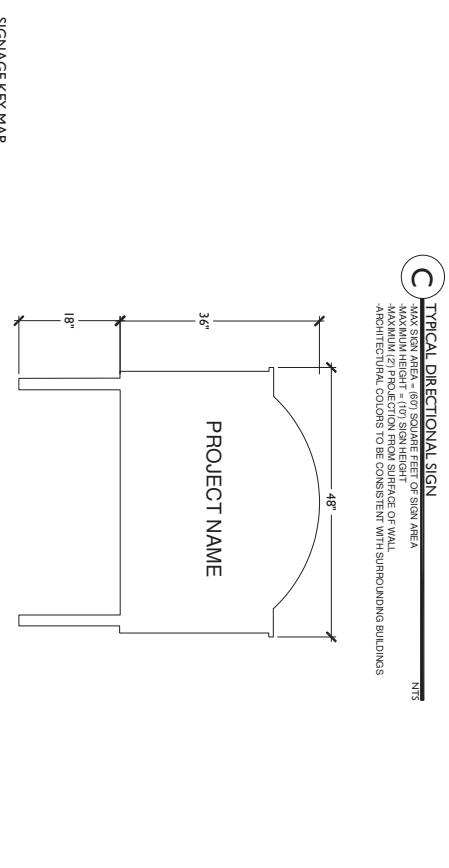


Exhibit F - Preliminary Regulating Plan Page 2



SIGNAGE KEY MAP

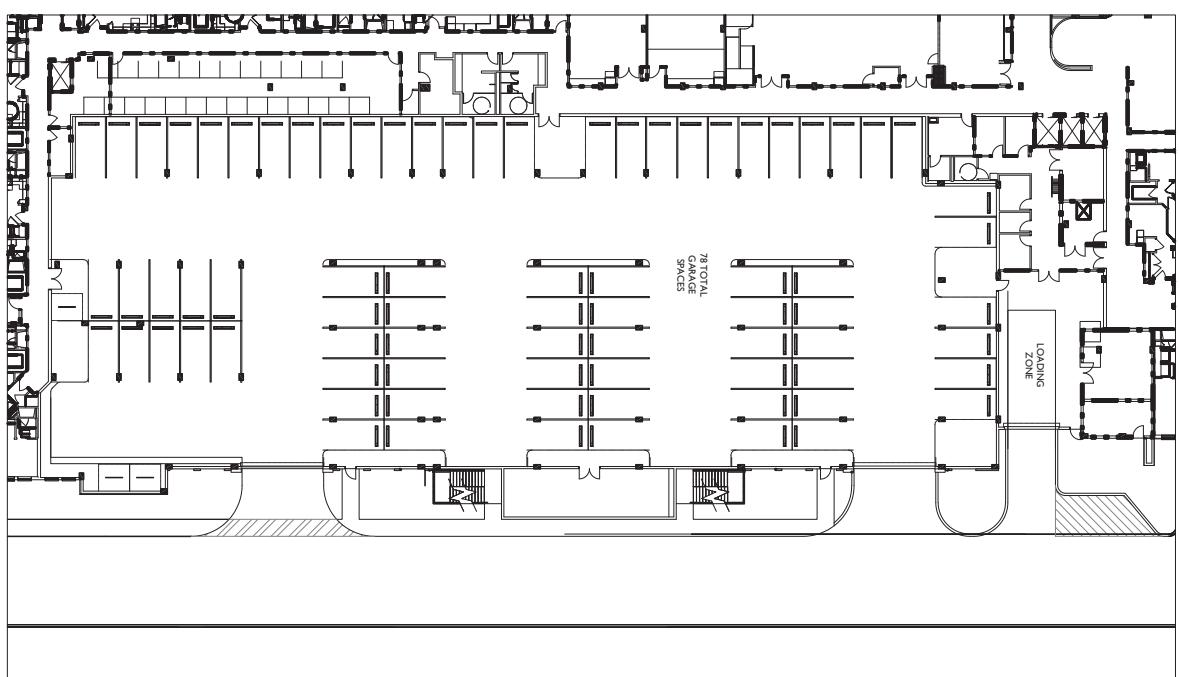


A TYPICAL ENTRANCE SIGN DETAIL
MAX SIGN AREA = (60) SQUARE FEET OF SIGN AREA
MAXIMUM HEIGHT = 10' SIGN HEIGHT
MAXIMUM (Z) PROJECTION FROM SURFACE OF WALL = 18"
ARCHITECTURAL COLORS TO BE CONSISTENT WITH SURROUNDING BUILDINGS

B TYPICAL FREESTANDING SIGN DETAIL
MAX SIGN AREA = (200) SQUARE FEET OF SIGN AREA
MAXIMUM HEIGHT = 10' SIGN HEIGHT
MAXIMUM (Z) PROJECTION FROM SURFACE OF WALL = 18"
MAXIMUM WIDTH = 17' SIGN WIDTH
ARCHITECTURAL COLOR TO BE CONSISTENT WITH SURROUNDING BUILDINGS

(N) BUILDING C PARKING PLAN

SCALE: 1" = 20'



SITE DATA
CONTROL NUMBER: 54-39
APPLICATION NUMBER: DOA-2021-076
RAINBERRY PUD (PODS A&B)

AMENDMENTS

ZONING STAMP

REVISION DATES

DATE	REVISION	REVISION	REVISION
01/01/2021	001	002	003
02/01/2021	004	005	006
03/01/2021	007	008	009
04/01/2021	010	011	012

RAINBERRY PUD - PODS A & B
PRELIMINARY REGULATING PLAN
PREPARED FOR THE JEWISH FEDERATION

PALM BEACH COUNTY, FLORIDA

561.687.2220

WGI
WGIinc.com

CERT NO: 6091

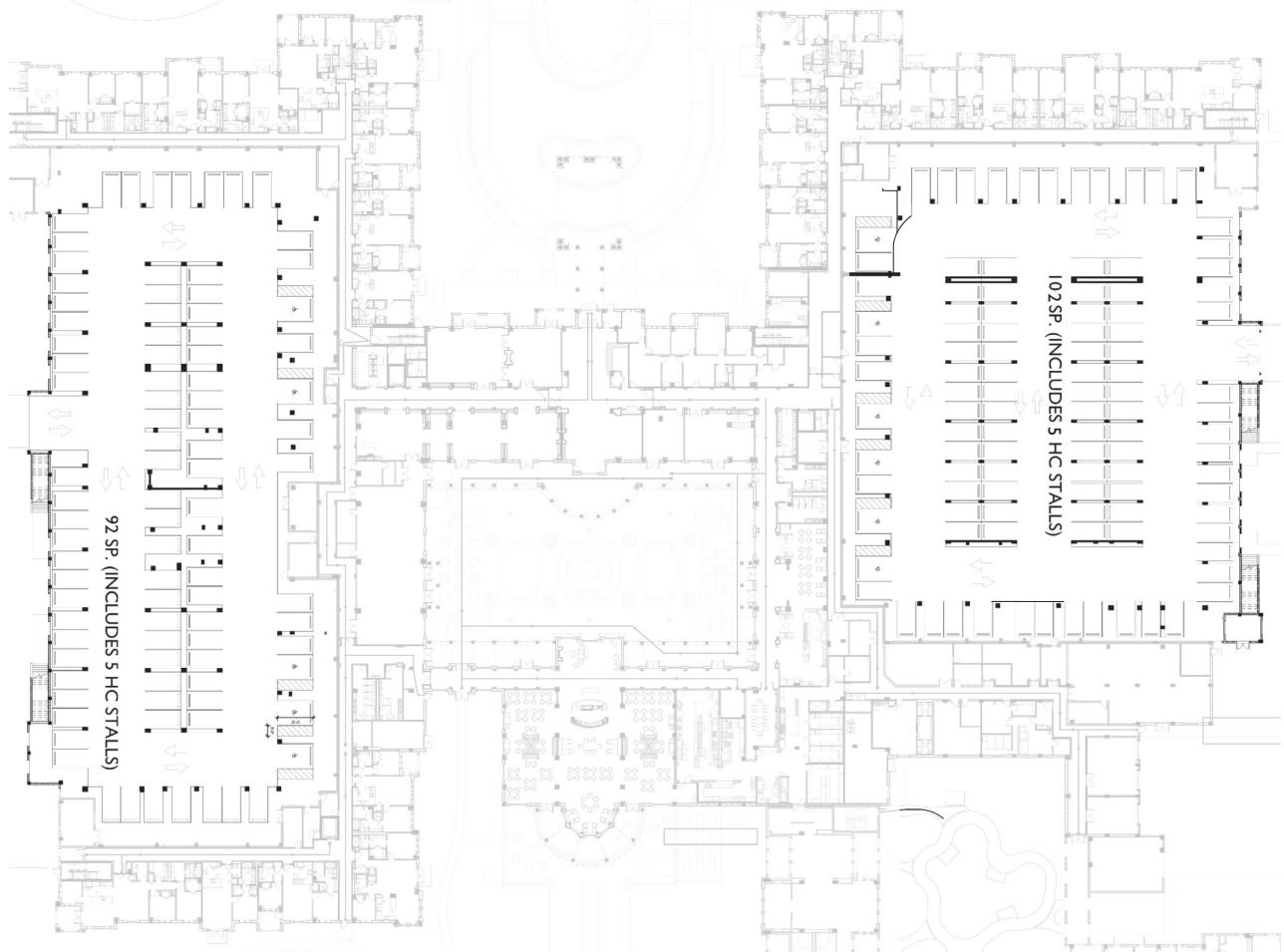
ALL DRAWINGS, SPECIFICATIONS AND
RELATED DOCUMENTS ARE THE PROPERTY OF
RELA BEER & PARTNERS, INC. AND ARE TO BE
REMOVED FROM THE SITE UPON REQUEST
AND MUST BE RETURNED UPON REQUEST.
REPRODUCTION OF DRAWINGS, SPECIFICATIONS
AND RELATED DOCUMENTS
WITHOUT THE LANDSCAPE ARCHITECTS
WRITTEN PERMISSION.

0	40'	80'	120'	160'	200'
NORTH					
40'					
80'					
120'					
160'					
200'					

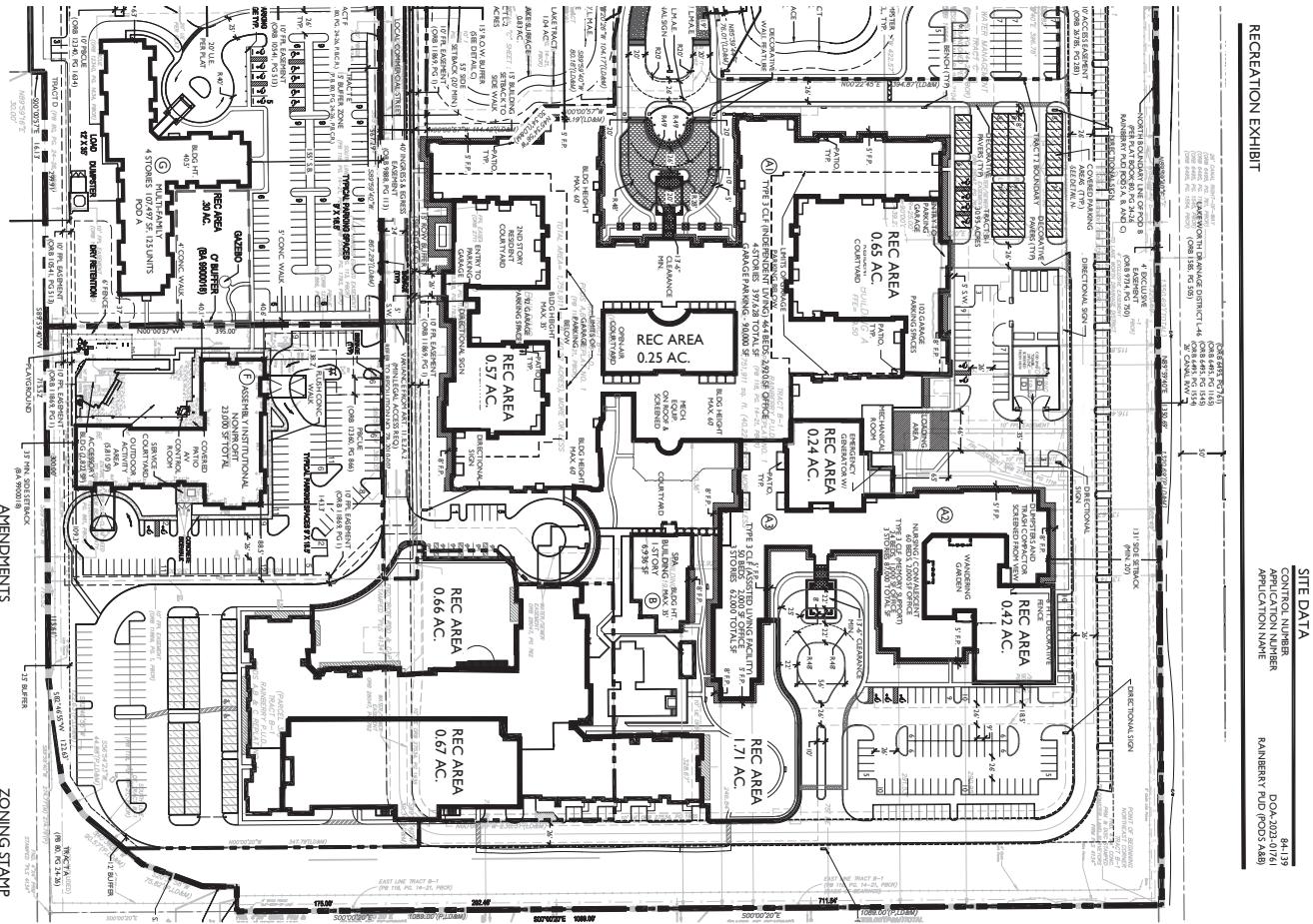
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DRAWN BY: CIR
DRAWINGS #: 52-2025-2004
FILE #: 2025.00

SHEET #
PRP.2

Exhibit F - Preliminary Regulating Plan Page 3



RECREATION EXHIBIT



AMENDMENTS

ZONING STAMP

RAINBERRY PUD - PODS A & B PRELIMINARY REGULATING PLAN PREPARED FOR THE JEWISH FEDERATION

PALM BEACH COUNTY, FLORIDA



WGI
WGIinc.com
2035 VISTA PARKWAY, WEST PALM BEACH, FLORIDA 33411
CERT NO: 6091


Exhibit G - Preliminary Master Plan

Exhibit H - Previously Approved Site Plan

Exhibit I - Disclosure

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 Melvyn Lowell, 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 [x] Treasurer and Secretary [position - e.g., president, partner, trustee] of Federation CCRC Operations Corp. [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: 9901 Donna Klein Blvd
Boca Raton, FL 33428
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.~~

MEL Lowe H, Affiant

(Print Affiant Name)

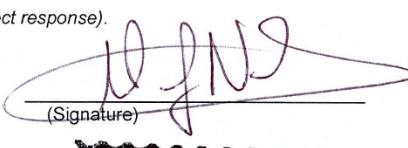
NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 9th day of FEBRUARY, 2024 by Alan Nash (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Alan J Nash

(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 11/13/22



EXHIBIT "A"
PROPERTY

RAINBERRY PUD PODS A, B & C REPL NO 1 TR B-1 (LESS SLY 419.98 FT OF NLY 539.44 FT OF WLY 330.31 FT, SLY 240.57 FT OF NLY 865.15 FT OF WLY 345.89 FT, S 395 FT OF W 300 FT OF ELY 715.70 FT) TRS L-1 & L-2

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.

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 Robert Dunn, 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 M. Menzing Director [position - e.g., president, partner, trustee] of FEDERATION WEINBERG PRESERVATION LP [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: 250 W 55th ST FL 35
NEW YORK NY 10019
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.



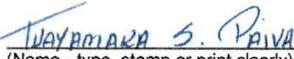
Robert Dunn, Affiant

(Print Affiant Name)

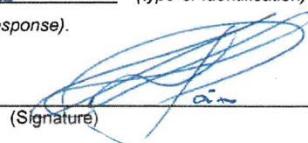
NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization, this 15 day of NOVEMBER, 2023 by Robert Dunn (name of person acknowledging). He/she is personally known to me or has produced Driver's License (type of identification) as identification and did/did not take an oath (circle correct response).



(Name - type, stamp or print clearly)



(Signature)

My Commission Expires on: 10/25/2027

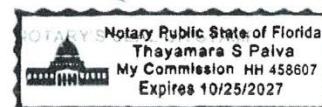


EXHIBIT "A"
PROPERTY

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.

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

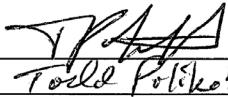
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME the undersigned authority, this day personally appeared Todd Polkoff, 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 [] CPO [position - e.g., president, partner, trustee] of Jewish Community Facilities Corporation [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: 9901 Donna Klein Blvd
Boca Raton, FL 33428
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.



Todd Polkoff, 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 13 day of November, 2023 by Todd Polkoff (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).




(Signature)

My Commission Expires on: 8/1/25

NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

RAINBERRY PUD PODS A, B & C REPL NO 1 SLY 419.98 FT OF NLY 539.44 FT OF
WLY 330.31 FT OF TR B-1 (LESS TR L-1)

AND

RAINBERRY PUD PODS A, B & C REPL NO 1 TRS L-1 & L-2 K/A STORMWATER MGMT

AND

RAINBERRY PUD PODS A, B & C REPL NO 1 SLY 240.57 FT OF NLY 865.15 FT OF
WLY 345.89 FT OF TR B-1 (LESS L-2)

AND

RAINBERRY PUD PODS A, B & C REPL NO 1 S 395 FT OF W 300 FT OF ELY 715.70 FT
OF TR B-1

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.

Exhibit J - Drainage Statement



PHYLLIS & HARVEY SANDLER CENTER DRAINAGE STATEMENT

Control Number 1984-00139 PCN 00424719350020040
WGI Project 2675.09

The Phyllis & Harvey Sandler Center is an existing resource center parcel within Pod B of the Rainberry PUD Pods A, B and C Plat located in Section 19, Township 47 South, Range 42 East. The project is included in the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) 50-03791-P and lies within the SFWMD Hillsboro Basin. The Phyllis & Harvey Sandler site is bounded to the north by Ruth and Baron Coleman Boulevard, to the south by The Richard and Carole Siemens Jewish Campus, to the west by the Weinberg House, and to the east is the Sinai Residences of the Rainberry PUD.

The Phyllis & Harvey Sandler Center site presently drains by inlets and culverts into lakes within Rainberry PUD. Pretreatment is provided in exfiltration trenches, water quality is provided within the existing lakes, and flood attenuation is provided throughout the storm water management system of the 57-acre basin in the aforementioned ERP. The system discharges south through the existing control structure into the LWDD L-47 Canal—the point of legal positive outfall.

The proposed improvements to the parcel include modifications internal to the existing building and conversion of an external garden area to a multi-use space. The pervious/impervious area is not anticipated to change with this application and would be deminimus to the overall development. The drainage pattern and flows will remain and keep the design storm peak discharge and stage within limits regulated by Palm Beach County (PBC) and SFWMD.

Permitting is anticipated through the PBC Building Division for storm water review and SFWMD for modification of the ERP.

Respectfully submitted,

WGI
Cert. No. 6091

Adam Schildmeier, PE State of Florida, Professional Engineer, License No. 69218

This item has been electronically signed and sealed by Adam Schildmeier, PE, on November 14, 2023 using a Digital Signature.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Exhibit K - Utility Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com

February 9, 2024

WGI
2035 Vista Parkway
West Palm Beach, FL 33411

RE: Rainberry PUD Pod A & B
Affected Parcel- 00-42-47-19-35-002-0040
Service Availability Letter

■
Dear Ms. Linehan,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the change of use from 23,000 SF daycare to 23,000 SF of assembly nonprofit institutional.

The parcel is currently served with potable water and sanitary sewer.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

**Jackie Michels, P.E.,
Project Manager**

County Administrator

Verdenia C. Baker

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Affirmative Action Employer"*

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and recycled paper

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