

RESOLUTION NO. R-99-1683.1

RESOLUTION APPROVING ZONING PETITION DOA78-005(F)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF CONGREGATE TORAH OHR, INC  
BY BRADLEY MILLER, AGENT  
(HAMPTONS AT BOCA RATON - CONGREGATE TORAH OHR)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA78-005(F) was presented to the Board of County Commissioners at a public hearing conducted on September 23, 1999.; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA78-005(F), the petition of Congregate Torah Ohr, Inc, by Bradley Miller, agent, for a Development Order Amendment (DOA) to allow a church or place of worship on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on September 23, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	-	Aye
Warren Newell, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Carol A. Roberts	-	Aye
Mary McCarty	-	Absent
Burt Aaronson	-	Aye
Tony Masilotti	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 23, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

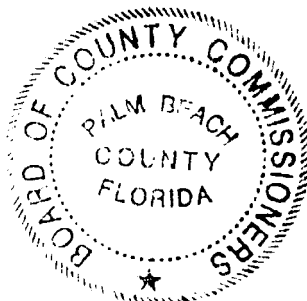
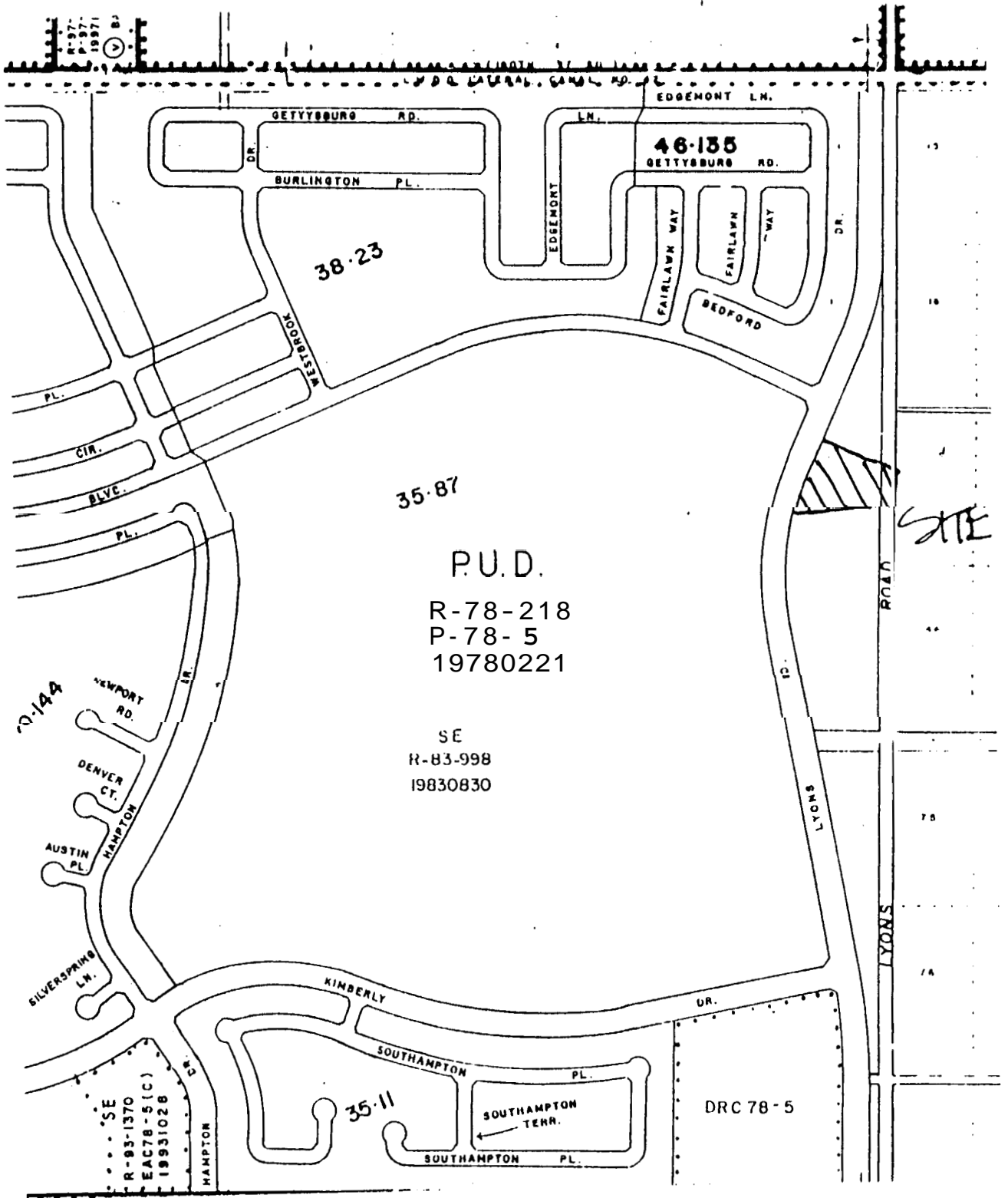


EXHIBIT A  
LEGAL DESCRIPTION

THAT PORTION OF RECREATION AREA TRACT NO. 1, ACCORDING TO PLAT NO. 1 CENTURY VILLAGE WEST, AS RECORDED IN PLAT BOOK 35 AT PAGES 80 THROUGH 85 INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID RECREATION AREA TRACT NO. 1; THENCE RUN SOUTH 23 15' WEST (ON A PLAT BEARING) 161 FEET ALONG THE WESTERLY BOUNDARY OF SAID RECREATION AREA TRACT NO. 1, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 23 15' WEST 119 FEET ALONG SAID WESTERLY BOUNDARY TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG SAID WESTERLY BOUNDARY ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1016 FEET AND A CENTRAL ANGLE OF 14 40' 01", RUN SOUTHWESTERLY 262.45 FEET; THENCE RUN NORTH 78 15' EAST 532.93 FEET TO A POINT OF INTERSECTION WITH THE ARC OF A CURVE RUNNING NORTHWESTERLY TO THE RIGHT, A RADIAL AT SAID POINT BEARING NORTH 40 30' 06" EAST; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT; ALSO FORMING THE EASTERLY BOUNDARY OF SAID RECREATION AREA TRACT NO. 1, HAVING A RADIUS OF 250 FEET AND A CENTRAL ANGLE OF 31 06' 31", RUN NORTHWESTERLY 135.74 FEET TO AN INTERSECTION WITH A LINE 161 FEET SOUTHERLY FROM AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE NORTHERLY BOUNDARY OF SAID RECREATION AREA TRACT NO. 1; THENCE RUN NORTH 66 45' WEST 357.74 FEET ALONG SAID PARALLEL LINE; TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. Previous Condition A.1 of Resolution R-97-374, Petition 78-005(E) which currently states:

**All** previous conditions of approval applicable to the subject property, as contained in Resolution R-93-1370 (Petition **78-05(C)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County **Commissioners**, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-374 (Petition 78-005(E) (Petition 78-05(D) Withdrawn), have been consolidated as contained herein. The petitioners shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition A.2 of Resolution R-97-374, Petition 78-005(E) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated January 19, 1997. **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)

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 is dated May 21, 1999. 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)

3. Development of the site for the place of worship Petition 78-05(F) is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated June 24, 1999. 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)

B. BUILDING AND SITE DESIGN- DAY CARE CENTER - COMMERCIAL POD

1. Prior to certification, the site plan shall be amended to indicate the following:
  - a. The proposed structure for the day care center, shall be labeled as "two-story".
  - b. The dumpster, if located outside, shall be completely screened by a six foot (**6'**) high solid fence and located away from the outdoor play area. (Previously Condition 6.1 of Resolution R-97-374, Petition EAC78-05(E))
2. The day care center shall be limited to a maximum of **220** children. (Previously Condition 6.2 of Resolution R-97-374, Petition EAC78-05(E))
3. **No** outdoor loud speaker system shall be permitted on site. (Previously Condition 6.3 of Resolution R-97-374, Petition EAC78-05(E))
4. The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the **employees**. (Previously Condition 6.4 of Resolution R-97-374, Petition EAC78-05(E))
5. Adequate directional sign area shall be installed to enable user, to access and leave the site in a controlled manner. (Previously Condition B.5 of Resolution R-97-374, Petition EAC78-05(E))
6. The landscaping along the six foot (**6'**) fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (**10'**) tall native canopy trees spaced twenty feet (**20'**) on-center. A minimum of one (**1**) twelve foot (**12'**) tall tree shall be planted for **each 500** square feet of outdoor activity area. (Previously Condition B.6 of Resolution R-97-374, Petition EAC78-05(E))

C. BUILDING AND SITE DESIGN- PLACE OF WORSHIP - RECREATION POD

1. Use of and access to parking for the recreation pod shared with the place of worship, and other uses including recreational activities, shall not be roped off, specially designated, or restricted in any manner. (ONGOING: CODE ENFORCEMENT: DRC: Zoning)
2. Foundation planting or grade level planters shall be provided along the front and side facades of the structure to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than 40% of the total length of each side of the structure; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. Additional signage shall be limited to directional and wall signs only. Wall signs shall be limited to one sign with a maximum fifty (50) square feet sign face area to be located on the south facade only (front of the building facing the parking lot) (CO: BLDG)

D. PREM

1. Developer shall dedicate two **(2)** percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach **County**. (Previously Condition C. 1 of Resolution R-97-374, Petition EAC78-05(E) (PREM)
2. Developer shall provide an additional fifty **(50)** acres of recreation area to be comprised of an eight **(8)** foot bike path system throughout the project; a passive linear park system forty **(40)** feet in width around the lake frontage; and three **(3)** piers for boating access to the lake, one **(1)** being located on each **of** the major recreation areas on the lake. In addition, within ninety **(90)** days of the Amendment **of** the Master Plan approval the Developer shall donate fifty thousand dollars **(\$50,000 00)** to Palm Beach County to be utilized **offsite** in the Boca Greens Park dedication area. (Previously Condition C.2 of Resolution R-97-374, Petition EAC78-05(E) (PREM)

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for the daycare expansion is **\$26,235.00 (477 additional trips X \$55.00 per trip)** (Previously Condition E. 1 of Resolution R-97-374, Petition EAC78-05(E) (IMPACT FEE CORD).

[Is hereby deleted. Code requirement]

2. Developer shall submit traffic impact analysis. (Previously Condition E. 2 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[May be deleted. Reason: code requirement]

3. Developer shall submit Master Drainage Report including Design High Water, recurring high water for twenty-five **(25)** year period, flood elevation for one hundred **(100)** year storm and compatibility of drainage facilities within lake Worth Drainage District facilities. (Previously Condition E.3 of Resolution R-97-374, Pet. EAC78-05(E) (ENG)

[Is hereby deleted: Reason code requirement]

4. Palm Beach County Engineering Department **to** provide design and drainage for Lyons Road to State Road **808** and said road shall be constructed by the developer. (Previously Condition E.4 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

5. Developer shall improve and signalize the intersections of State Road **No.7** and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road **No. 7** by-pass. (Previously Condition E.5 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

6. Developer shall construct Lyons Road within the property. (Previously Condition E.6 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]
7. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (Previously Condition E.7 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]
8. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (Previously Condition E.8 of Resolution R-93-374, Petition EAC78-05(E) (ENG)  
[Completed]
9. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (Previously Condition E.9 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]
10. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (Previously Condition E.10 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]
11. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (Previously Condition E.11 of Resolution R-97-374, Petition EAC78-05(E) (ENG)
12. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and SR 7. (Previously Condition E.12 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]
13. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (Previously Condition E.13 of Resolution R-97-374, Petition EAC78-05(E) (ENG)  
[Completed]



14. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (Previously Condition E.14 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

15. Developers shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (Previously Condition E.15 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

16. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (Previously Condition E.16 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

17. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (Previously Condition E.17 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

18. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (Previously Condition E.18 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

19. Developers shall provide access to the major recreational tract on Lyons Road from within the multi-family area and no permanent driveways shall be allowed to Lyons Road. A temporary driveway to the sales office shall be allowed during initial construction. (Previously Condition E.19 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[May be deleted. Access points are code requirements.]

20. Developer shall signalize the intersection of Lyons Road and Gladys Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (Previously Condition E.20 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

21. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road, (Previously Condition E.21 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

22. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (Previously Condition E.22 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

[Completed]

23. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two **(2)** lanes in and two **(2)** lanes out. (Previously Condition E.23 of Resolution R-97-374, Petition EAC78-05(E) (ENG)

F. MULTI-FAMILY DEVELOPMENT

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (Previously Condition G.1 of Resolution R-97-374, Petition EAC78-05(E)

G. SCHOOL BOARD

1. Within seven **(7)** days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars **(50,000.00)** to the School Board of Palm Beach County. (Previously Condition F.1 of Resolution R-97-374, Petition EAC78-05(E) (SCHOOL BOARD)

H. COMPLIANCE

1. Previous Condition H.1 of Resolution R-97-374, Petition 78-005(E) which currently states:

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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended.

**Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decisions shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)**

Is hereby amended to read:

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

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; 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 ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)



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Zoning & Building  
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(561) 233-5000  
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**Palm Beach County  
Board of County  
Commissioners**

Maude Ford Lee, Chair

Warren H. Newell, Vice Chairman

Karen T. Hlarcus

Carol A. Roberts

Marv McCarty

Burt Aaronson

Tony Masilotti

**County Administrator**

Robert Weisman

"An Equal Opportunity  
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INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING

TO: Paula Hancock, Minutes Manager  
FROM: William C. Whiteford, Zoning Director *W.C. Whiteford*  
DATE: September 27, 1999  
RE: Amended Conditions from the September 23, 1999  
BCC Hearing

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The conditions of this resolution are true and correct and reflect the changes approved by the Board of County Commissioners on September 23, 1999.

The following petition was amended:

DOA78-005(F)      Hamptons at Boca Raton -  
Congregate Torah Ohr

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