

RESOLUTION NO. R-2006-0275

RESOLUTION APPROVING ZONING APPLICATION DOA2005-1131  
(CONTROL NUMBER 1980-153)  
DEVELOPMENT ORDER AMENDMENT  
APPLICATION OF TEMPLE TORAH OF WEST BOYNTON BEACH, INC.  
BY COTLEUR & HEARING, INC., AGENT  
(TEMPLE TORAH OF WEST BOYNTON BEACH)

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 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application DOA2005-1131 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; 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 2.E (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 has considered the findings in the staff report and 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 2.K.3.b of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA2005-1131, the petition of Temple Torah of West Boynton Beach, Inc., by Cotleur & Hearing, Inc., agent, for a Development Order Amendment to reconfigure the site plan, add square footage and modify a condition of approval 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 February 23, 2006, 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 McCarty and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Absent
Mary McCarty	-	Aye
Burt Aaronson	-	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on February 23, 2006.

Filed with the Clerk of the Board of County Commissioners on 23rd day of February, 2006.


This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON BOCK, CLERK &  
COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK


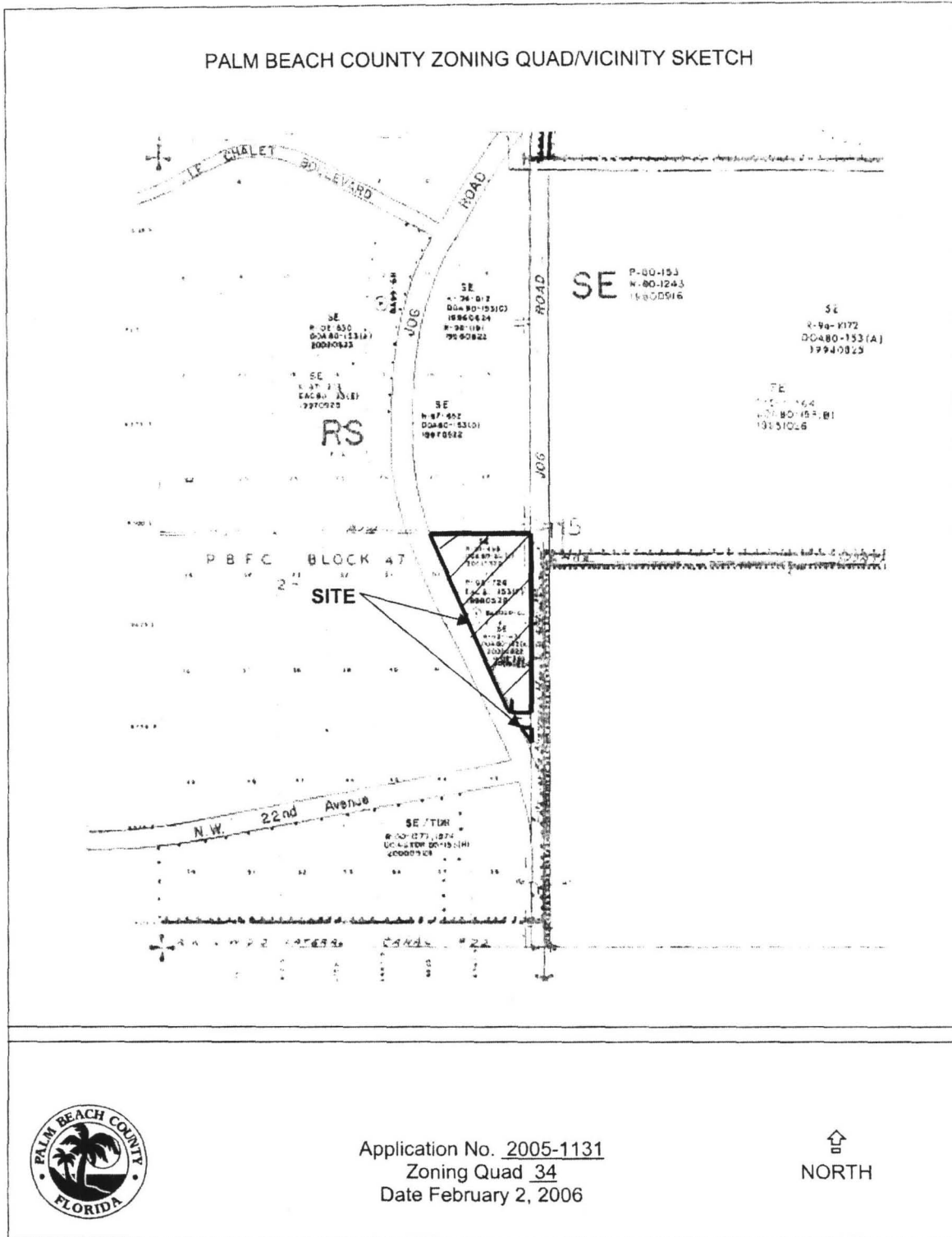


EXHIBIT A  
LEGAL DESCRIPTION

TRACT B AND TRACT C, ABERDEEN PLAT 21, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGES 138-139, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ADDITIONAL RIGHT OF WAY FOR GATEWAY BOULEVARD AND JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 18693, PAGE 907-910 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



Application No. 2005-1131  
Zoning Quad 34  
Date February 2, 2006





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Condition A. 1. of Resolution R-2002-1471, Petition DOA1980-153(K), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-0830, Petition DOA1980-153(J), 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 Resolution R-2002-1471, Petition DOA1980-153(K), 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)

2. Condition A.2 of Resolution R-2002-1471, Petition DOA1980-153(K), 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 and site plans for Temple Torah are dated June 21, 2002. The approved site plan for the Jewish Federation Community Center is dated January 10, 2001. 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) (Civic Site)

Is hereby amended to read:

Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated December 19, 2005. 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. (DRO: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the 2 story building shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)
2. The maximum height of the building shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)

3. No windows shall be allowed on the east facade of the second story of the building abutting the residential uses to the east. (DRO: ARCH REVIEW-Zoning)
4. Architectural plans for the day care center must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Chapter 10D-24FAC prior to issuance of a building permit. (BLDG PERMIT: MONITORING-Health) (Previous Condition C.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
5. Prior to issuance of a building permit architectural plans must be submitted to the Institutional/Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13FAC. (BLDG PERMIT: ARCH REVIEW-Zoning) Previous Condition B.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

#### BUILDING AND SITE DESIGN

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within thirty (30) feet of the east property lines. (DRO: ZONING-Zoning)
2. Site Design
  - a. The minimum setback for all structures adjacent to all property lines shall be fifty (50) feet.
  - b. The maximum height for all structures, measured from finished grade to highest point, shall not exceed thirty five (35) feet except as permitted by section 6.5.H.4 (exceptions to height regulation)
  - c. Architectural character and treatment which is compatible and harmonious with abutting development shall be provided on all sides of the building. (BLDG PERMIT:ARCH REVIEW-Zoning) (Previous Condition F.1 of Resolution R-2002-0830, Petition DOA1980-153 (J))

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner/developer shall be restricted to the following phasing schedule:  
No Building Permits for the site may be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension Unified Land Development Code. (DATE: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Jog Road at the project's entrance road. This right of way shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG. PERMIT: MONITORING-Eng)
3. The Property owner shall construct a right turn lane south approach on Jog Road at the Project entrance.  
All construction shall be concurrent with the paving and drainage

improvements for the site. Any and all costs associated with this 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 by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - b) Construction for this improvement shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. Improvement of the intersection of Military Trail and the entrance of the project shall be provided at the developer's expense. (ENG) (Previous Condition E.1 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Entrance onto Military Trail has been constructed & all improvements are complete, therefore, condition has been satisfied]
  5. The extension of Jog Road from the south property line to its present terminus shall be provided at the developer's expense. (ENG) (Previous Condition E.2 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Jog Road construction has been completed]
  6. Haverhill Road shall not proceed through the development to the south property line. (ENG) (Previous Condition E.3 of Resolution R-2002-0830, Petition DOA1980-153 (J)) (ONGOING)
  7. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County:
    - a. One hundred twenty (120) feet for the ultimate right-of-way for Jog Road through the project's limits. [Note: Database indicates compliance with this condition]
    - b. Eighty (80) feet for ultimate right-of-way for Hagen Road through the project's limits. [Note: Database indicates compliance with condition]
    - c. One hundred eight (108) feet for the project's east property line to Hagen Ranch Road. (ENG) (Previous Condition E.4 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Database indicates compliance with this condition]
  8. Property owner shall signalize the intersection of Le Chalet Boulevard and Military Trail Prior to the issuance of the 640th building permit or when warranted by the county Engineer. (ENG) (Previous Condition E.5 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Signalization complete]
  9. Petitioner shall construct:
    - a. Two (2) lanes on Jog Road from the existing southern terminus south of Hypoluxo Road to the northern limit of construction by Tartan Lakes PUD. This portion of Jog Road must be constructed during Phase II of this project or prior to the issuance of 1,040 building permit(s). If a contiguous project is approved to the north of this project that requires Jog Road for access prior to the completion of Phase II, this project would be relieved of this obligation. [Note: Jog Road construction complete]
    - b. Hagen Ranch Road within the project's limits. [Note: Hagen Ranch Road construction complete]
    - c. NW 22 Avenue from the project's east property line to Hagen Ranch Road. (ENG) (Previously Condition E.6 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [COMPLETE]

10. Petitioner shall construct at the intersection of Le Chalet Boulevard and Jog Road:
  - a. Left turn lane, north approach
  - b. Right turn lane, north approach
  - c. Left turn lane, south approach
  - d. Right turn lane, south approach
  - e. Left turn lane, east approach
  - f. Right turn lane, east approach
  - g. Left turn lane, west approach
  - h. Right turn lane, west approach
  - i. Signalization when warranted, as determined by the County Engineer. (ENG) [(Previous Condition E.7 of Resolution R-2002-0830, Petition DOA1980-153 (J)) Note: a,b,c,d,e,f,g,h, and i are completed]
  
11. Petitioner shall construct at the intersection of Le Chalet Boulevard and Hagen Ranch Road:
  - a. Left turn lane, south approach
  - b. Left turn lane, east approach
  - c. Left turn lane, west approach. (ENG) (Previously Condition E.8 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: All turn lanes complete]
  
12. Petitioner shall construct at the intersection of NW 22 Avenue and Jog Road:
  - a. Left turn lane, north approach
  - b. Left turn lane, south approach
  - c. Left turn lane, west approach. (ENG)] (Previous Condition E.9 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: a, b, and c completed
  
13. Petitioner shall construct at the intersection of NW 22 Avenue and Hagen Ranch Road:
  - a. Left turn lane, north approach
  - b. Left turn lane, south approach
  - c. Right turn lane, south approach
  - d. Left turn lane, east approach
  - e. Left turn lane, west approach
  - f. Right turn lane, east approach. (ENG)] (Previous Condition E.10 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: completed
  
14. Petitioner shall construct access to the City of Boynton Beach property to the north of this project. This access to be acceptable to the County Engineer. (ENG) (Previous Condition E.11 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Access road completed]
  
15. Petitioner shall contribute One Million Three Hundred Thousand Dollars (\$1,300,000) toward the cost of meeting this project's direct and identifiable traffic impact. This contribution will be applied directly toward the four laning of Military Trail and the intersection improvements at Hypoluxo Road and Military Trail, Hypoluxo Road and Jog Road, Boynton West Road and Military Trail and the Construction of the access road to the City of Boynton Beach property. The balance of \$1,300,000 is to be paid no later than four years after the approval of the Special Exception. (ENG) (Previous Condition E.12 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Impact Fee has been paid]
  
16. Petitioner shall furnish the construction plans as part of the \$1.3 million Fair Share contribution for Military Rail as a 4 lane median divided road from the



intersection of Hypoluxo Road to the intersection with Boynton West Road to be approved by the County Engineer. (ENG) (Previous Condition E.13 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [Note: Military Trail construction completed]

17. The Property owner shall construct a left turn lane north approach on Jog Road at each of the project's entrance roads. The construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but not limited to, utility relocations and acquisition of any additionally required right-of-way. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG - Eng) (Previous Condition E.15 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [COMPLETE]
18. Prior to site plan approval by the Development Review Committee for Pod M or the recreation vehicle/boat storage site, the petitioner shall grant to Palm Beach County a ten (10) foot wide utility easement along the north right-of-way line of Hagen Ranch Road to the east property line of the private civic site (RV storage site). (ONGOING: UTIL-Util) (Previous Condition E.16 of Resolution R-2002-0830, Petition DOA1980-153 (J))
19. 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 this project at the time of the Building Permit presently is:
  - a. \$18,645 for the proposed Church/Synagogue (338 trips X \$55.00 per trip);
  - b. \$62,425 for the proposed Community Center (1135 trips X \$55.00 per trip); and,
  - c. \$49,500 for the proposed private school (900 trips X \$55.00 per trip). (IMPACT FEE COORDINATOR) (Previous Condition E.17 of Resolution R-2002-0830, Petition DOA1980-153 (J))

Is hereby deleted: Reason: Impact fees are code requirement.

20. Prior to technical compliance for POD M, POD K, and POD L the property owner shall convey a roadway construction easement to Palm Beach County for the POD's listed above. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owner's road right of way. Construction within this easement shall conform to Palm Beach County Standards. (ONGOING:ENG-Eng) (Previous Condition E.18 of Resolution R-2002-0830, Petition DOA1980-153 (J))
21. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - a. Building Permits for more than 146 single family dwelling units for POD M shall not be issued until construction has begun for Jog Road as a 6 lane median divided section from Boynton Beach Boulevard to Hypoluxo Road plus the appropriate paved tapers. (BLDG PERMIT: ENG - Eng)

The mix of allowable uses listed above may be adjusted by the County Engineer based upon an approved Traffic Study, which complies, with Mandatory Traffic Performance Standards in place at the time of the request. (BLDG PERMIT: ENG-Eng) (Previous Condition E.19 of Resolution R-2002-0830, Petition DOA1980-153 (J)) [NOTE: COMPLETE]

22. LANDSCAPE WITHIN MEDIAN

- a. Prior to July 1, 2001, the property owner shall apply to the Palm Beach County Engineering and Public Works Department to update and revise the November 1998 permit and associated drawings for landscaping the adjacent median of Jog Road adjacent to the Jewish Community Campus abutting right-of-way and shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by Palm Beach County Department of Engineering and public Works, landscaping shall, at a minimum, consist of the "Low cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall identify all existing trees or other landscape material within the revised permit drawings and supplement the existing landscape material to be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING-Eng) (Previous Condition E.20.a of Resolution R-2002-0830, Petition DOA1980-153 (J)) [COMPLETE]
- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners' expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to September 1, 2001. (DATE: MONITORING - Eng) (Previous Condition E.20.b of Resolution R-2002-0830, Petition DOA1980-153 (J)) [COMPLETE]
- c. If the Developer does not elect for Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved (Previous Condition E.20.c of Resolution R-2002-0830, Petition DOA1980-153 (J)) [COMPLETE]

23. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:

- a) Gateway Boulevard 71 1/2 feet from Centerline; and
- b) Jog Road 64 feet from Centerline.

All right of way shall be conveyed on or before September 1, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be in accordance with Palm Beach County's Thoroughfare Right of Way Identification Map Expanded Intersection Details including "Corner Clips". Developer shall provide Palm Beach County with

sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (DATE/BLDG PERMIT: MONITORING-Eng) (Project No. 0270-501)

## ENVIRONMENTAL

1. A Wellfield Affidavit of Notification shall be submitted to ERM prior to DRC site plan certification. (DRO:ERM-Erm) (Previous Condition D.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

## ZONING - LANDSCAPE - STANDARDS

1. Prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan for the affected area to the landscape Section for review and approval. The Plan shall be prepared in compliance with the conditions of approval as contained herein. (BLDG PERMIT: BLDG-Zoning)
2. Condition F.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

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

- 1) Tree height: fourteen (14) feet.
- 2) Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- 3) 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. (CO: LANDSCAPE - Zoning) (Previously Condition M.1 of Resolution R-2002-0830, Petition DOA1980-153 (J))

Is hereby amended to read:

A minimum of sixty (60) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
  - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
  - c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
  - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT:LANDSCAPE-Zoning)
3. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:
    - a. palm heights: twelve (12) feet clear trunk;
    - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
    - c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)
  4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE-Zoning)

5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning)
6. All landscape focal points shall be subject to review and approval by the Landscape Section and reflected on the Regulating Plan prior to approval by the Development Review Officer (DRO). (DRO:LANDSCAPE-Zoning)
7. Prior to February 23, 2007, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING-Zoning)

ZONING - LANDSCAPING ALONG THE EAST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Condition B.2. of Resolution R-2002-1471, Petition DOA1980-153 (K) which currently states:  
  
A 15 fifteen (15) foot Type C Compatibility buffer shall be installed adjacent to the east property line. No reductions in buffer width shall be permitted. (DRC / CO: ZONING / LANDSCAPE)  
  
Is hereby amended to read:  
  
In addition to the proposed landscaping and code requirements, landscaping along the east property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No reductions in buffer width shall be permitted; and,
  - b. one (1) palm or pine for each thirty-five (35) linear feet. (BLDG PERMIT: LANDSCAPE-Zoning)
2. A seventy-five (75) foot vegetative buffer shall be provided on the east side of the east easement line of the drainage canal separating the commercial property and the school site property. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Condition F.3 of Resolution R-2002-1471, Petition DOA1980-153 (K))

ZONING -LANDSCAPING - INTERIOR

1. Landscaping for divider medians in any parking area shall consist of the following:
  - a. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
  - b. one (1) palm for each thirty-five (35) linear feet of the median; and,
  - c. a continuous hedge between all trees and palms within the median, where applicable. Shrub or hedge materials and groundcover shall be maintained at a maximum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING JOG ROAD

1. The following landscaping requirements shall be installed adjacent to Le Chalet Blvd. and Jog Road in addition to the required right-of-way buffers:
  - 1) One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previous Condition F.2 of Resolution R-2002-1471, Petition DOA1980-153 (k))



## LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs with the exception of the tennis court lights shall be of low intensity, minimum necessary to satisfy Palm Beach County Security Code, shielded and directed down and away from adjacent properties and streets. (ONGOING:CODE ENF-Zoning)(Previous Condition G.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
2. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (BLDG PERMIT:BLDG-Zoning) (Previous Condition G.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (ONGOING:CODE ENF-Zoning) (Previous Condition G.3 of Resolution R-2002-1471, Petition DOA1980-153 (K))
4. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (ONGOING:CODE ENF- Zoning) (Previously Condition H.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
5. All outdoor lighting fixtures shall not exceed twenty-five (25) feet in height, measured from finished grade to highest point. (ONGOING:CODE ENF-Zoning) (Previously Condition H.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

## LAKE WORTH DRAINAGE DISTRICT

1. The Lake Worth Drainage District will require the following rights-of-way, as shown on the Lake Worth Drainage District Right-of-way Maps recorded in the office of the Clerk of the Circuit Court in and for Palm Beach county, Florida:  
  
L-20 from E-2E to E-3 - Sheets 66 and 67 of 240;  
L-21 from E-2E to E-3 - Sheets 69 and 70 of 240;  
L-22 from E-2E to Jog Road - Sheets 72 and 73 of 240;  
E-2E from L-20 to L-22 - Sheet 209 of 240;  
E-3 from L-20 to L-21 - Sheet 222 of 240. (ONGOING: LWDD-LWDD)  
(Previous Condition E.14 of Resolution R-2002-0830, Petition DOA1980-153 (J))

## 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)
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/BLDG PERMIT:MONITORING-Eng)

#### PALM TRAN

1. Prior to final certification of the subdivision plan by the Development Review Committee, the petitioner shall amend the plan to indicate bus access and/or a bus stop(s) on or adjacent to the subject property. Bus access and/or bus stops shall be located and constructed by the petitioner in a manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer.

The petitioner shall dedicate additional right-of-way to accommodate this requirement, if requested by the County Engineer. Bus stops, if required, shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use, and bicycle rack. (DRO: SCHOOL BOARD-School Board) (Previous Condition I.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

2. The property owner shall negotiate, in good faith, a contract for a proportionate share of the cost of operation and maintenance of mass transit generated by this projects identifiable impacts. This condition shall remain in effect until (May 23, 1997) (DATE: MONITORING - Eng) (Previous Condition I.2 of Resolution R-2002-1471, Petition DOA1980-153 (K)) Is hereby deleted. [Reason: No longer Applicable.]

#### PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the Planning Division shall ensure that this site plan conforms with the plan presented to the BCC including those recommendations of the West Boynton Area Community Plan incorporated onto the site plan dated June 21, 2002 (DRO:PLANNING-Planning) (Previous Condition J.2 of Resolution R-2002-1471, Petition DOA1980-153 (K)) (Rec.# 35, 37, and 47).
2. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendations 35, 37, and 47 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for pedestrian and bicycle circulation for the 3.8 foot sidewalk fronting the church and day care buildings and for the 5 foot sidewalk from the church to Jog Road. In addition, the site plan shall depict street cross section details depicting the location of the existing street trees along Jog Road that shade the sidewalk along Jog Road. (DRO:PLANNING-Planning)(Previous Condition J.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

#### PROPERTY & REAL ESTATE MANAGEMENT

1. The conveyance of the 30 acre school site without reverters and with title insurance shall be conveyed to the School Board of Palm Beach County at the time of the filing of the first plat. (PLAT: MONITORING-Prem) (Previous Condition K.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
2. The water and sewerage facilities shall be developed and constructed by the developer at his expense and deeded to Palm Beach County for one (1) dollar, for ownership, operation and maintenance. (PLAT: MONITORING-Prem) (Previous Condition K.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

## SIGNS

1. Point of purchase and/or freestanding signs fronting on Jog Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 140 square feet;
  - c. Maximum number of signs - two (2); and
  - d. Style - monument style only. (CO: BLDG - Zoning)  
(Previous Condition M.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
2. Point of purchase and/or freestanding signs fronting on Le Chalet Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 140 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (BLDG PERMIT: BLDG-Zoning)  
(Previous Condition M.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))
3. Outparcel identification signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 120 square feet;
  - c. Maximum number of signs - one (1) per outparcel; and
  - d. Style - monument style only. (BLDG PERMIT: BLDG-Zoning)  
(Previous Condition M.3 of Resolution R-2002-1471, Petition DOA1980-153 (K))
4. The Congregate Living Facility shall meet the signage standards pursuant to the ULDC. (BLDG PERMIT: BLDG-Zoning) (Previous Condition M.4 of Resolution R-2002-1471, Petition DOA1980-153 (K))
5. Freestanding signage fronting on Gateway Boulevard for the Temple Torah site shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point: ten (10) feet;
  - b. Maximum sign face area per side: fifty (50) square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,  
Location: within one hundred feet of the intersection of Jog Road and Gateway Boulevard. (BLDG PERMIT: BLDG-Zoning) (Previous Condition N.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

## SOLID WASTE AUTHORITY

1. All property owners and lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING:CODE ENF-PBCSWA) (Previous Condition L.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

2. Prior to the certification of a Final Site Plan for any portion of the civic tract by the Development Review Committee, the petitioner shall indicate the location of all recycling facilities on the site plan any such facility shall be screened pursuant to Section 6.6.A.5.c of the ULDC. (ONGOING:CODE ENF-PBCSWA) (Previous Condition L.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

#### USE LIMITATIONS

1. COMMERCIAL POD ONLY (S.E. CORNER OF LE CHALET BOULEVARD AND JOG ROAD)  
The CLF shall be limited to maximum of 160,000 square feet and 167 Type III CLF beds. Gross floor area may be increased an additional 5% up to 1000 square feet, whichever is less, subject to Development Review Committee (DRC) approval. (DRO: ZONING - Zoning) (Previous Condition O.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
2. The CLF shall be limited to a residential facility for the elderly (50 years of age or older) and shall not in any manner be used as a drug or alcohol treatment center, or any criminal justice rehabilitative services. (ONGOING: CODE ENF-Zoning) (Previous Condition O.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))
3. Signage for the CLF shall be limited to one (1) on premise identification sign with a maximum sign face area per side of thirty-two (32) square feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition O.3 of Resolution R-2002-1471, Petition DOA1980-153 (K))
4. The CLF shall be located adjacent to the eastern perimeter of the commercial pod adjacent to the school site and shall be a minimum of 400 feet south of Le Chalet Boulevard. (DRO: ARCH REVIEW-Zoning) (Previous Condition O.4 of Resolution R-2002-1471, Petition DOA1980-153 (K))
5. The maximum height for all structures, including all air conditioning and mechanical equipment, and satellite dishes measured from finished grade to highest point, shall not exceed fifty (50) feet. (BLDG PERMIT: BLDG - Zoning) (Previous Condition O.5 of Resolution R-2002-1471, Petition DOA1980-153 (K))
6. USE LIMITATION (JCC)
  1. Use of the site shall be limited to permitted civic uses including customary accessory uses as allowed pursuant to the ULDC, as amended, including the following requested uses:
    - a. Private Elementary School with 84 students
    - b. Assembly, Non Profit; and,
    - c. Day care center limited to a maximum of 284 Children and 30 Adults at any one time. (ONGOING: CODE ENF-Zoning) (Previous Condition P.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))
7. Setbacks for all outdoor recreational facilities adjacent to the east property line shall be a minimum of fifty (50) feet. (ONGOING: CODE ENF-Zoning) (Previous Condition P.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))
8. USE LIMITATION (TEMPLE TORAH - DAYCARE)
  1. Condition Q.1 of Resolution R-2002-1471, Petition DOA1980-153 (K)) which currently states:



The day care center shall be limited to a maximum of eighty (80) children at any one time.

Is hereby amended to read:

The day care center shall be limited to a maximum of one-hundred thirty (130) children at any one time. (ONGOING: HEALTH-Zoning)

9. Hours of operation for outdoor activities shall be limited to 8:00 a.m. to 6 p.m. (ONGOING: CODE ENF Zoning)  
(Previous Condition Q.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

#### UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (DRO: PBCWUD-PBCWUD)
2. Solid waste disposal service to be provided by the franchisee for the area. (ONGOING:SWA-SWA) (Previous Condition A.2 of Resolution R-2002-0830, Petition DOA1980-153 (J))
3. The petitioner shall provide the county with a release or modification to the reverter which it holds on the existing utility site in a form acceptable to the County Attorney prior to final DRC approval of Pod M. ))(DRO: PBCWUD-PBCWUD) (Previous Condition R.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Condition Q.1 of Resolution R-2002-1471, Petition DOA1980-153 (K))

Is hereby deleted. [Reason: No longer Applicable.]

2. Condition S.2 of Resolution R-2002-1471, Petition DOA1980-153 (K)) 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; 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 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 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. (ONGOING: MONITORING - Zoning) (Previous Condition Q.2 of Resolution R-2002-1471, Petition DOA1980-153 (K))

Is hereby amended to read:

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subjectproperty 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 Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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. (ONGOING: MONITORING - Zoning)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.