

RESOLUTION NO. R-2011- 0963

RESOLUTION APPROVING ZONING APPLICATION DOA-2011-00159
(CONTROL NO. 1997-00056)
a Development Order Amendment
APPLICATION OF Jewish Community Facilities Corp
BY Land Design South, Inc., AGENT
(Weinbaum Yeshiva High School)

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

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

WHEREAS, Zoning Application DOA-2011-00159 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA-2011-00159, the petition of Jewish Community Facilities Corp, by Land Design South, Inc., agent, for a Development Order Amendment to reconfigure the Site Plan and delete a Condition of Approval (Engineering) in the Planned Unit Development (PUD) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 27, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Absent
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.

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 R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

A portion of, RAINBERRY POD "D", according to the Plat thereof, as recorded in Plat Book 86, at Pages 7 through 8 inclusive, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

COMMENCE at the Southeast corner of said Plat; Thence South 89°59'21" West along the South boundary of said Plat, for 291.71 feet to the POINT OF BEGINNING; Thence continue South 89°59'21" West along said South boundary of said Plat, for 642.29 feet, said point being on the East line of Tract C as shown on said Plat, the following three (3) courses being along said East and Southerly lines of said Tract C; Thence departing aforesaid South boundary of said Plat North 00°01'09" West, for 278.05 feet to a point of curvature with a curve concave to the Southeast, said curve having a radius of 127.50 feet and a central angle of 90°00'49"; Thence Northeasterly along said curve for 200.31 feet; Thence North 89°59'40" East, for 514.82 feet; Thence departing aforesaid South line of Tract C South 00°00'39" East, for 405.53 feet to the POINT OF BEGINNING.

TOGETHER WITH a non-exclusive easement for vehicular and pedestrian ingress and egress over Tract "C" of RAINBERRY POD "D", according to the Plat thereof, as recorded in Plat Book 86, at Page 7 of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH

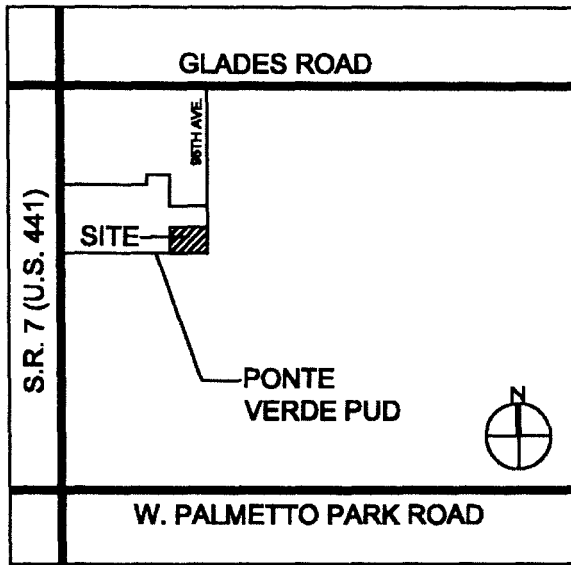


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.Previous Condition ALL PETITIONS 1 of Resolution R-2008-1380, Control 1997-56, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-1106 (Control 97-056A), 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, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2008-1380 (Control 1997-056), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

2.Previous Condition ALL PETITIONS 2 of Resolution R-2008-1380, Control 1997-56, which currently states:

Development of the residential portion 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 May 5, 1998. Development of the Private Civic parcel is limited to the uses as approved by the Board of County Commissioners. The approved site plan for the Private Civic parcel is dated May 19, 2008. 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 Final Master Plan is Exhibit 10, dated November 12, 2008. 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)

3.Development of the Private Civic Pod shall be generally consistent with the preliminary site plan dated April 18, 2011, and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1.At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the school building shall be submitted simultaneously with the site plan 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 site plan, all applicable conditions of approval, and all ULDC requirements. (Condition ARCHITECTURAL REVIEW 1 of

ENGINEERING

1. The property owner shall provide access to the not included 5 acre parcel located 1200 feet east of State Road 7, north of this site. Access shall be through this projects internal roadway system. The width of this right-of-way shall be subject to the approval of the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition ENGINEERING 1 of Resolution R-2008-1380, Control 1997-56)

2. The property owner shall construct a left turn lane north approach on State Road 7 at the project's entrance road.

a. This construction shall be concurrent with the paving and drainage improvements for the first plat. 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.

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) (Previous Condition ENGINEERING 2 of Resolution R-2008-1380, Control 1997-56)

[Note: COMPLETED]

3.a. Prior to technical compliance by the Land Development Division, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting Florida Department of Transportation Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, 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 also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall 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. (TC: ENGINEERING - Eng)

b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. 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 Homeowners'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 concurrent with the improvements with the first plat. (PLAT FINAL: ENGINEERING - Eng)

c. Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to recordation of the first plat. (PLAT RECORDATION: ENGINEERING - Eng) (Previous Condition ENGINEERING 3 of Resolution R-2008-1380, Control 1997-56)

4. An additional ingress/egress point may be added to the southwest corner of the civic site at a location approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous Condition ENGINEERING 4 of Resolution R-2008-1380, Control 1997-56)

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

a.No Building Permits for the Weinbaum Yeshiva High School site may be issued after January 1, 2013. 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 request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng) (Previous Condition ENGINEERING 5 Resolution R-2008-1380, Control 1997-56)

6.Previous Condition ENGINEERING 6 Resolution R-2008-1380, Control 1997-56, which currently states:

The Property owner shall construct a left turn lane east approach on Ruth and Baron Boulevard at both of the projects northerly driveways. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct a left turn lane north approach on Ruth and Baron Boulevard at the project's driveway. This construction should be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Turn lane and roadway transition lengths shall be as approved by the County Engineer and shown on the final site plan.

- a.Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- b.Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

7.Previous Condition ENGINEERING 7 of Resolution R-2008-1380, Control 1997-56, which currently states:

The Property owner shall:

- extend the existing east approach left turn at Glades Rd and 95th Ave intersection to a minimum of 550 feet or as approved by FDOT by removing the existing west approach left turn lane at Glades Road and Boca Ridge Dr South, and
- extend the existing west approach right turn lane at Glades Rd and 95th Ave intersection to a minimum of 650 feet or as approved by FDOT.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Florida Department of Transportation Palm Beach County for this construction shall be obtained or the property owner shall submit an analysis of this intersection subject to approval by the County Engineer that demonstrates this improvement(s) is not necessary prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby deleted. [Reason: Revised Traffic Study no longer requires this improvement.]

8. The property owner shall abandon the existing 30 foot right of way along the south property line prior to final site plan approval by the DRO. (DRO: ENGINEERING - Eng)

LANDSCAPE - GENERAL-STANDARD – PUD

1. All canopy trees required to be planted on site by the approval, except on individual residential lots, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
- d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (Previous Condition LANDSCAPE 1 of Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE-Zoning)

2. All palms required to be planted on site by this approval, except on individual residential lots, 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. (Previous Condition LANDSCAPE 2 of Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-ALONG WEST PROPERTY LINE ABUTTING SR7-US441

3. Landscaping and buffering along the west property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. 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 not supersede the requirement for a canopy tree in that location;
- d. A continuous one foot six inch (1' 6") high berm measured from top of curb; and,
- e. Twenty-four (24) inch high shrub or hedge material, installed on the plateau of the berm, and spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (Previous Condition LANDSCAPE 5 of Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-ALONG NORTH AND EAST PROPERTY LINES

4. Landscaping and buffering along the 632 and 165 foot portions of the (north property line) subject 4.76 acre parcel (Tract 12), adjacent to the private school and day care of Petition #84-139 and commercial and utility uses of Petition #88-99, shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center;
- c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum of sixty (60) feet between clusters. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location;
- d. A minimum six (6) foot fence, hedge or berm combination which will provide the necessary height and opacity at time of installation. Credit may be given for any existing six (6) foot opaque non-living barrier immediately located along these portions of the

property line; and,

e. Thirty (30) inch high shrub or hedge material as required within the combination above shall be installed spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (Previous Condition LANDSCAPE 6 Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE-Zoning)

LANDSCAPE - PERIMETER-ALONG NORTH PROPERTY LINES

5.Landscaping and buffering along the 330 foot portion of the north property line, adjacent to the LWDD L-46 canal, shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip;
- b. One (1) canopy tree planted every twenty (20) feet on center; and,
- c. 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 (48) inches. (Previous Condition LANDSCAPE 7 Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE-Zoning)

LAKE WORTH DRAINAGE DISTRICT

1.Prior to the issuance of any construction or building permits, the owner will convey to the District either by Quit Claim or Easement the North 30 feet of Tract 12 less the lands owned by the District for the required Right-of-way for L-46. (Previous Condition LAKE WORTH DRAINAGE 1 Resolution R-2008-1380, Control 1997-56) (BLDG PERMIT: MONITORING - LWDD)

PLANNED DEVELOPMENT

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. (Previous Condition PLANNED UNIT DEVLEOPMENT 1 of Resolution R-2008-1380, Control 1997-56) (CO: BLDG - Eng)

2.Street trees shall be planted in 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. (Previous Condition PLANNED UNIT DEVLEOPMENT 2 of Resolution R-2008-1380, Control 1997-56) (CO: LANDSCAPE - Eng)

3.Bike lanes shall be provided in or adjacent to all rights-of-way over fifty (50) feet in width, pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (Previous Condition PLANNED UNIT DEVLEOPMENT 3 of Resolution R-2008-1380, Control 1997-56) (CO: BLDG - Eng)

4.All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (Previous Condition PLANNED UNIT DEVLEOPMENT 4 of Resolution R-2008-1380, Control 1997-56) (PLAT: ENG - Eng)

5.All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office which shall, among other things, provide for: formation of a single master" property owner's association, automatic voting membership in the master association by any party holding title to any portion of the subject property, and assessment of all members of the master association for the cost of maintaining all common areas.

The property shall not be subjected to the Declaration of Restrictions in phases. Approval of the Declaration must be obtained from the County Attorney's office prior to the issuance of the first building permit, or recordation of the first plat for any portion of the planned development, whichever occurs first. (Previous Condition PLANNED UNIT DEVLEOPMENT 5 of Resolution R-2008-1380, Control 1997-56) (BLDG PERMIT / PLAT: MONITORING / ENG - Co Att)

PLANNING

1. The subject property shall be subject to the conditions as outlined in Ordinances 96-60 and 96-61 and restrictive covenants as identified in O.R.B. No. 9619 PAGE 734.

a. A maximum gross density of 5 dwelling units per acre. Application for density increases thru the Transfer of Development Rights (TDR) or Voluntary Density Bonus (VDB) programs are not permitted.

b. The east 15 acres of the PUD shall be used for private civic uses only;

c. The west 25 acres of the PUD shall be used for residential uses only;

d. The west 25 acre residential area of the PUD shall be permitted access onto State Road 7/U.S. 441. No vehicular access to the civic parcel or 95th Avenue South shall be provided for the residential uses.

e. The private civic area shall be permitted access onto 95th Avenue South if it is part of the contiguous private civic uses to the north, south and east of the project site. (Previous Condition PLANNING 1 of Resolution R-2008-1380, Control 1997-56) (ONGOING: PLANNING-Planning)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 1 of Resolution R-2008-1380, Control No. 1997-056)

SIGNS

1. Prior to approval by the Development Review Officer (DRO) the Final Site Plan and Final Master Sign Plan shall be amended to reflect all signs along Ruth and Baron Coleman Boulevard. (DRO: ZONING – 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 (CO); 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 Unified Land Development Code (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 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)