

RESOLUTION NO. R-2017- 0127

RESOLUTION APPROVING ZONING APPLICATION ZV/ABN/DOA/CA-2016-00423  
(CONTROL NO. 1993-00009)  
a Class A Conditional Use  
APPLICATION OF Young Israel of Boca Raton Inc  
BY Wantman Group Inc., AGENT  
(Young Israel of Boca Raton)

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;

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

WHEREAS, Zoning Application ZV/ABN/DOA/CA-2016-00423 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2017;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 ZV/ABN/DOA/CA-2016-00423, the Application of Young Israel of Boca Raton Inc, by Wantman Group Inc., Agent, for a Class A Conditional Use to allow an Elementary or Secondary School (Private School) on a parcel of land generally described as shown on the legal description 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 January 26, 2017, subject to the

Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	- Aye
Commissioner Melissa McKinlay, Vice Mayor	- Absent
Commissioner Hal R. Valeche	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 26, 2017.

Filed with the Clerk of the Board of County Commissioners on February 1, 2017.

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

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LOT 2, "DEL MAR PLAZA - TRACT 11-B", AS RECORDED IN PLAT BOOK 43, PAGES 128 THROUGH 130 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE AFORESAID LOT 2; THENCE WITH A BEARING OF S 00° 29' 33" E, ALONG THE EAST LINE OF LOT 2, A DISTANCE OF 550.00 FEET TO A POINT; THENCE WITH A BEARING OF S 89° 30' 27" W, A DISTANCE OF 35.00 FEET TO A POINT; THENCE WITH A BEARING OF N 00° 29' 33" W, A DISTANCE OF 32.00 FEET TO A POINT; THENCE WITH A BEARING OF S 89° 30' 27" W, A DISTANCE OF 257.30 FEET TO A POINT; THENCE WITH A BEARING OF N 00° 29' 33" W, ALONG THE EAST LINE OF LOT 4 OF THE AFORESAID PLAT (AND EXTENSION THEREOF), A DISTANCE OF 518.00 FEET TO THE NORTHEAST CORNER OF LOT 4; THENCE WITH A BEARING OF N 89° 30' 27" E, ALONG THE NORTH LINE OF LOT 2, A DISTANCE OF 292.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

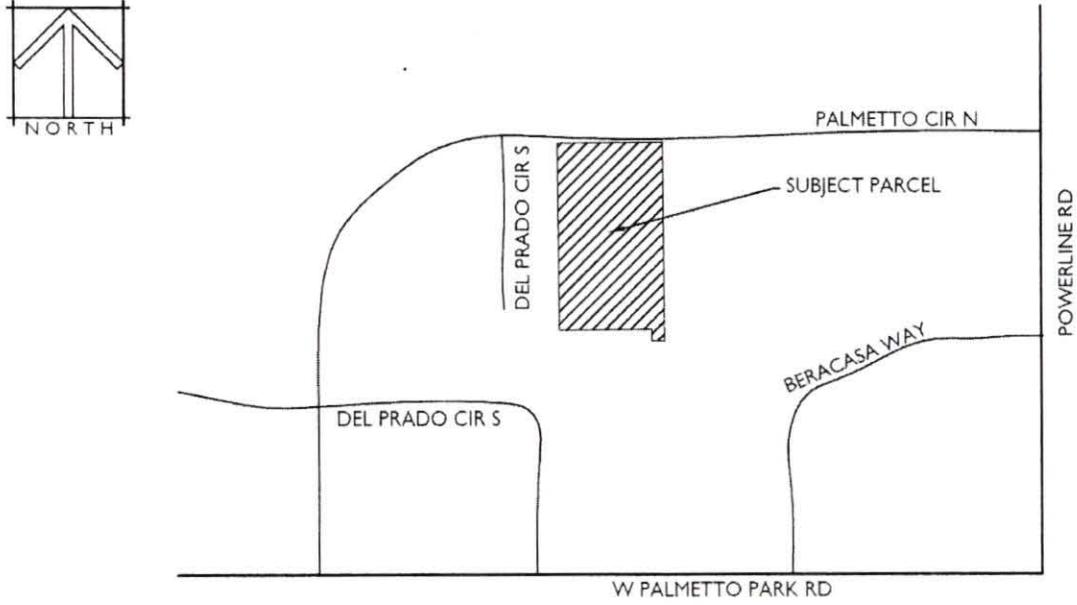
CONTAINING 152,530 SQUARE FEET / 3.5016 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH

LOCATION MAP

N.T.S.



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Conditional Use Class A - PRIVATE SCHOOL**

##### **ALL PETITIONS-PRIVATE SCHOOL**

1. The approved Preliminary Site Plan is dated November 10, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### **ARCHITECTURAL REVIEW-PRIVATE SCHOOL**

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Private School for Phase 1 shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 25, 2016. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

##### **ENGINEERING-PRIVATE SCHOOL**

1. Prior to DRO approval of the proposed site plan, the Property Owner shall apply for and receive approval through the Office of the County Engineer for release of the limited access easement on Palmetto Circle North. (DRO: ENGINEERING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

3. Within ninety (90) days notice by the County Engineer, the Property Owner shall submit a traffic study analyzing the need for a left turn lane at the project's main entrance, including a gap study of the eastbound traffic on Palmetto Circle. Should the County Engineer determine that a left turn lane is warranted after review of the submitted traffic study, within 180 days of this determination the Property Owner shall design, receive permits for and construct of the left turn lane. 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. (ONGOING: ENGINEERING - Engineering)

4. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall. (DRO: ENGINEERING - Engineering)

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 site may be issued after December 31, 2021. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

##### **HEALTH-PRIVATE SCHOOL**

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. All existing on-site sewage disposal systems must be abandoned in accordance with Chapter IOD-6, FAC and Palm Beach County ECR-I. [COMPLETED] (ONGOING: HEALTH DEPARTMENT - Health Department)

2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing on-site potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. [COMPLETED] (ONGOING: HEALTH DEPARTMENT - Health Department)

#### **LANDSCAPE – PRESERVATION OF VEGETATION PRIVATE SCHOOL**

1. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit a Final Site Plan with a Tree Disposition Chart for review and approval. All Vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

- a. The temporary location for the relocated Vegetation and identify what type of tree barricades will be utilized;
- b. The location of all preserved Vegetation and identify what type of the permanent tree barricades / protection devices will be utilized;
- c. A Justification Statement describing the maintenance of the relocated Vegetation prior to the installation of the Vegetation to the new location, and the length of time associated with the temporary storage of the relocated Vegetation; and
- d. The above requirements (a through c) shall be updated in the Tree Disposition Chart. (DRO: ZONING - Zoning)

2. Prior to Final Development Review Officer (DRO) approval, the Property Owner shall:

- a. Submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. Include the approved DRO plan(s) with the approved Disposition Chart with the barricade permit application;
- c. Complete the installation of all vegetation protection barricades and tagging; and,
- d. Schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity. (BLDG PERMIT/DRO: – ZONING - Zoning)

3. No vegetation shall be removed or relocated and no Building Permit(s) shall be issued until Landscape Conditions 1-3 are satisfied. (ONGOING/BLDG PERMIT: ZONING – Zoning)

4. Failure to comply with the Landscape – Preservation of Vegetation, conditions 1 thru 3 may result in a Stop Work Order being placed on the site and applicable fines assessed. (ONGOING: ZONING – Zoning)

#### **COMPLIANCE-PRIVATE SCHOOL**

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: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

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