

RESOLUTION NO. R-2024- 1498

RESOLUTION APPROVING ZONING APPLICATION DOA-2024-00407
(CONTROL NO. 1997-00056)
a Development Order Amendment
APPLICATION OF The Weinbaum Yeshiva High School, Inc.
BY JMorton Planning & Landscape Architecture, AGENT
(Katz 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;

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

WHEREAS, Zoning Application DOA-2024-00407 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2024;

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 (Application Processes and 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 Processes) for a Development Order Amendment;

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.B.6.C (Board Action) 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application DOA-2024-00407, the Application of The Weinbaum Yeshiva High School, Inc., by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to modify the Overall Planned Unit Development Master Plan to add square footage to the Private Civic Pod (Private School) on 59.00 acres , 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 October 24, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	-Aye
Commissioner Maria G. Marino, Vice Mayor	-Aye
Commissioner Gregg K. Weiss	-Aye
Commissioner Michael A. Barnett	-Aye
Commissioner Marci Woodward	-Aye
Commissioner Sara Baxter	-Aye
Commissioner Mack Bernard	-Aye

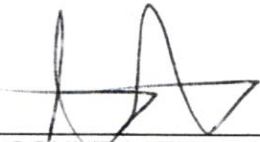
The Mayor thereupon declared that the resolution was duly passed and adopted on October 24, 2024.

Filed with the Clerk of the Board of County Commissioners on October 24, 2024

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:



COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY:



DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 13 AND 14, TRACT 15, LESS THE WEST 60.72 FEET THEREOF, TRACT 12 LESS THE NORTH 27.72 FEET THEREOF, AND ALL OF TRACTS 16, 17, 18, 19 AND 20, BLOCK 78, TOGETHER WITH ALL OF THAT CERTAIN 30 FOOT WIDE ROAD RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO TRACTS 17, 16 AND TRACT 15, LESS THE WEST 60.72 FEET THEREOF, BLOCK 78 AND TOGETHER WITH THE NORTHERN 15 FEET OF THAT CERTIAN 30 FOOT WIDE ROAD RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO TRACTS 18, 19 AND 20 THEREOF, BLOCK 78, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 15, BLOCK 78; THENCE NORTH 89°37'02" EAST, ALONG THE SOUTH LINE OF SAID TRACT 15, A DISTANCE OF 60.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°53'32" WEST ALONG A LINE 60.72 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 15 AND 14, A DISTANCE OF 1,127.29 FEET; THENCE NORTH 89°37'02" EAST ALONG A LINE 192.76 FEET, AS MEASURED AT RIGHT ANGLES, SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 13 AND 14, A DISTANCE OF 1,271.57 FEET TO THE EAST LINE OF SAID TRACT 13; THENCE NORTH 00°22'58" WEST, ALONG THE EAST LINE OF SAID TRACT 13, A DISTANCE OF 165.04 FEET; THENCE NORTH 89°37'02" EAST, A DISTANCE OF 330.00 FEET, TO THE EAST LINE OF TRACT 12; THENCE SOUTH 00°22'58" EAST ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 632.28 FEET; THENCE NORTH 89°37'02" EAST, ALONG THE NORTH LINE OF SAID TRACTS 18, 19 AND 20, A DISTANCE OF 990.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 20; THENCE SOUTH 00°22'59" EAST, ALONG THE EAST LINE OF SAID TRACT 20 AND SAID EAST LINE EXTENDED SOUTHERLY, 675.00 FEET TO THE CENTERLINE OF A 30 FOOT WIDE PLATTED ROAD RIGHT-OF-WAY; THENCE SOUTH 89°37'02" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 985.29 FEET; THENCE SOUTH 00°22'58" EAST, A DISTANCE OF 15.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 30 FOOT WIDE PLATTED ROAD RIGHT-OF-WAY; THENCE SOUTH 89°37'02" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF "ARBOR OAKS AT BOCA RATON", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 72, PAGES 93 THROUGH 95 OF SAID PALM BEACH COUNTY PUBLIC RECORDS, A DISTANCE OF 1595.99 FEET; THENCE NORTH 00°53'32" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA CONTAINING 59.004 ACRES (2,570,228 SQUARE FEET), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

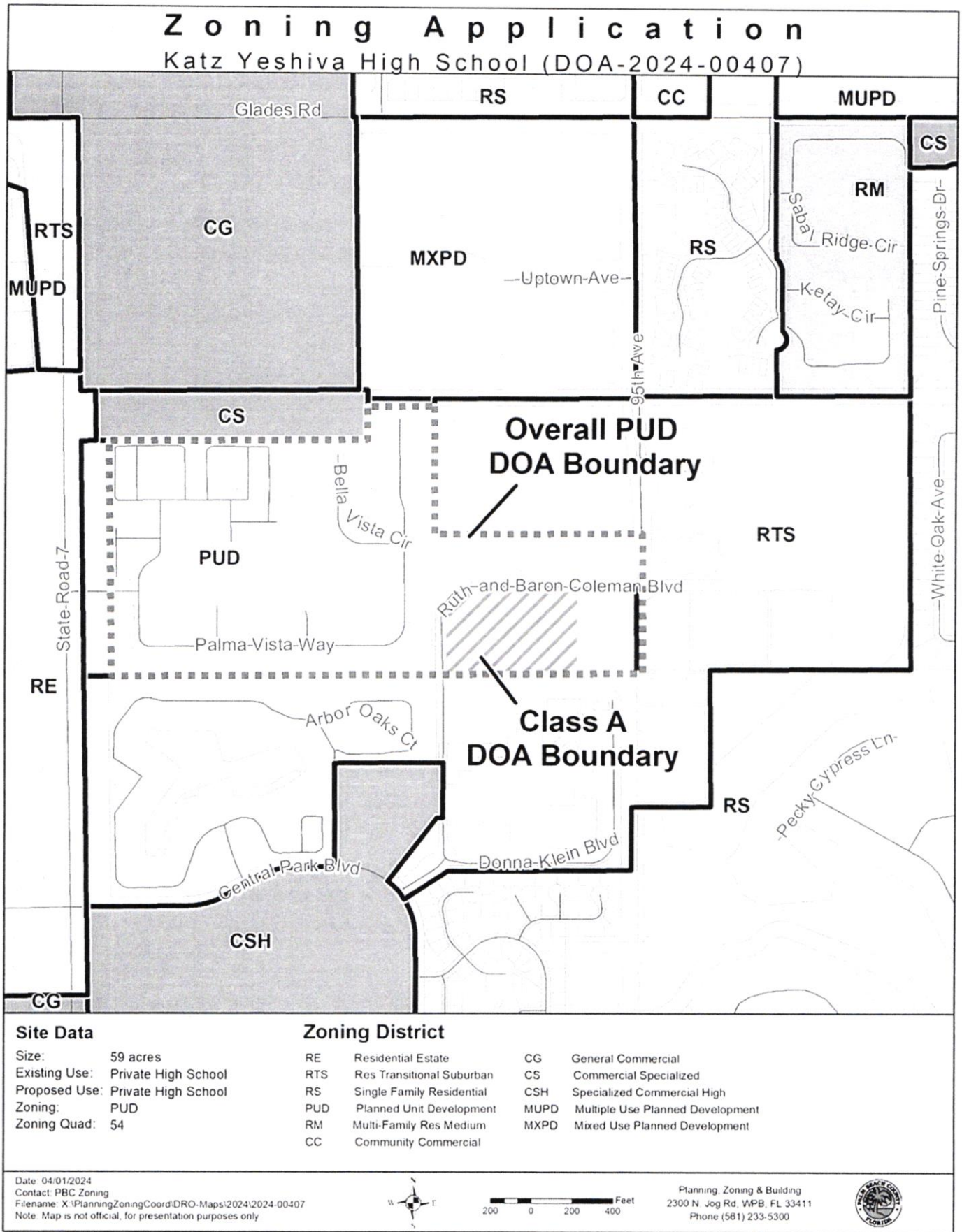


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment – Overall PUD

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-963, Control No.1997-00056, which currently states:

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.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-0963 (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 ALL PETITIONS Condition 2 of Resolution R-2011-963, Control No.1997-00056, 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 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.

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 Preliminary Master Plan is dated March 20, 2024. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

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 - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-963, Control No.1997-00056)

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 owner's 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 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 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: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-963, Control No.1997-00056)

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 - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2011-963, Control No.1997-00056)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-963, Control No.1997-00056)

6. 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)[Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2011-963, Control No.1997-00056)

7. Deleted by resolution R-2011-0963 (Previous ENGINEERING Condition 7 of Resolution R-2011-963, Control No.1997-00056)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: MONITORING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: BUILDING DIVISION - Engineering) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: ZONING - Engineering) (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2011-963, Control No.1997-00056)

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. (TC: BUILDING DIVISION - Engineering) (Previous PLANNED DEVELOPMENT Condition 3 of Resolution R-2011-963, Control No.1997-00056)

4. All utilities shall be underground, pursuant to Section 6.8.A.23.d(5) of the ULDC. (PLAT: ENGINEERING - Engineering) (Previous PLANNED DEVELOPMENT Condition 4 of Resolution R-2011-963, Control No.1997-00056)

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. (BLDGPM: MONITORING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 5 of Resolution R-2011-963, Control No.1997-00056)

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. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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 - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2011-963, Control No.1997-00056)

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) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2011-963, Control No.1997-00056)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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