

RESOLUTION NO. R-2024- 1025

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/DOA-2024-00312
(CONTROL NO. 1997-00068)
a Development Order Amendment
APPLICATION OF Chabad Lubavitch Of Boynton, Inc.
BY Urban Design Studio, AGENT
(Chabad Lubavitch Synagogue)

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 ABN/Z/DOA-2024-00312 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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 ABN/Z/DOA-2024-00312, the Application of Chabad Lubavitch Of Boynton, Inc., by Urban Design Studio, Agent, for a Development Order Amendment to modify the Site Plan, to add land area (2.37 acres), to add square footage, to increase the Day Care number of children, and to add an access point on a total of 4.74 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 August 22, 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 Baxter 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	- Absent
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 22, 2024.

Filed with the Clerk of the Board of County Commissioners on August 26, 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

PARCEL 1:

THE NORTH 165 FEET OF THE SOUTH 1815 FEET OF THE EAST QUARTER (E ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 40 FEET THEREOF DEEDED TO THE COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD RIGHT-OF-WAY.

PARCEL 2:

THE NORTH 165 FEET OF THE SOUTH 1980 FEET OF THE EAST QUARTER (E ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA;
LESS THE EAST 40 FEET THEREOF DEEDED TO THE COUNTY OF PALM BEACH, STATE OF FLORIDA, FOR ROAD RIGHT-OF-WAY, AS SET FORTH IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 1348, PAGE 430, AS RE-RECORDED IN OFFICIAL RECORDS BOOK 1365, PAGE 294, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 4.745 ACRES, MORE OR LESS.

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

EXHIBIT B

VICINITY SKETCH

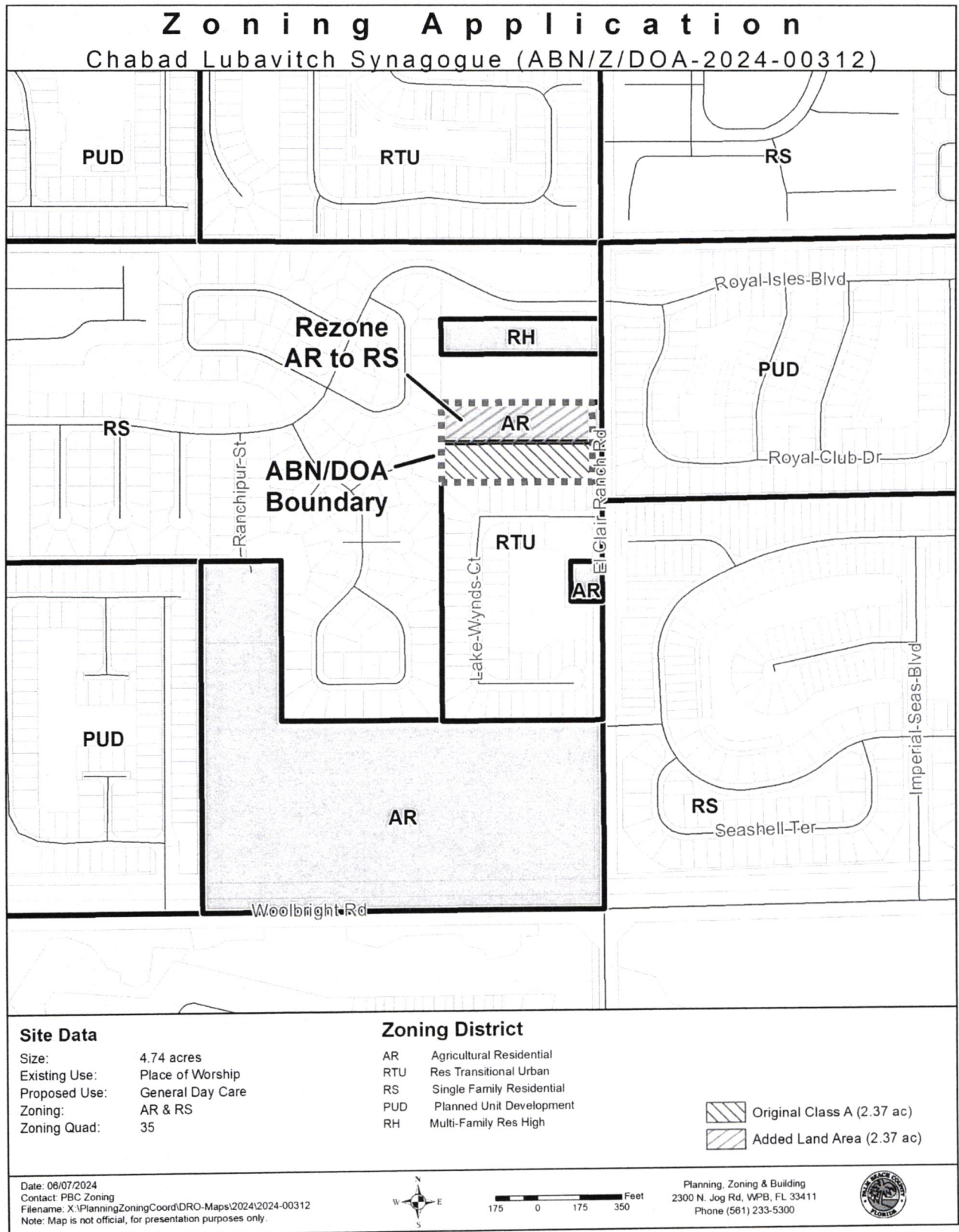


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment for the previously approved Class A Conditional use on 4.74 acres

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2022-382, Control No.1997-00068, which currently states:

The approved Preliminary Site Plan is dated January 24, 2022. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated May 28, 2024. 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. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2022-382, Control No.1997-00068, which currently states:

All previous Conditions of Approval applicable to the overall development, as contained in Resolution R-1997-1587 (Control 1997-00068) shall remain in effect, except as described 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the overall development, as contained in Resolution R-2022-0382 (Control 1997-00068) shall remain in effect, except as described 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 and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential area (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2022-382, Control No.1997-00068)

2. The architectural character and treatment shall be provided on all sides of the buildings. (ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2022-382, Control No.1997-00068)

BUILDING AND SITE DESIGN

1. Previous BUILDING AND SITE DESIGN Condition 1 of Resolution R-2022-382, Control No.1997-00068, which currently states:

The Daycare shall be limited to 100 children and a total gross enclosed floor area of 4,050 square feet.

Is hereby amended to read:

The Daycare shall be limited to 190 children and a total gross enclosed floor area of 14,926 square feet. (ONGOING: ZONING - Zoning)

2. Previous BUILDING AND SITE DESIGN Condition 2 of Resolution R-2022-382, Control No.1997-00068, which currently states:

The minimum setback for all structures adjacent to Hagen Ranch Road shall be fifty (50) feet.

Is hereby amended to read:

The minimum setback for all structures adjacent to El Clair Ranch Road shall be fifty (50) feet. (ONGOING: ZONING - Zoning)

3. Previous BUILDING AND SITE DESIGN Condition 3 of Resolution R-2022-382, Control No.1997-00068, which currently states:

All buildings shall be limited to one story with the maximum height measured from finished grade to highest point not exceed twenty-five (25) feet.

Is hereby amended to read:

Buildings 1 and 2 shall be limited to one story with the maximum height measured from finished grade to highest point not exceed twenty-five (25) feet. Building 3 shall be limited to two stories with the maximum height measured from finished grade to highest point not exceed thirty (30) feet. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along El Clair Ranch Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2022-382, Control No.1997-00068)

2. Previous ENGINEERING Condition 2 of Resolution R-2022-382, Control No.1997-00068, which currently states:

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, 2022, or as amended. 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)

Is hereby amended to read:

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, 2027, or as amended. 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)

3. 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 or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2022-382, Control No.1997-00068)

4. Prior to enrollment in the Daycare Center exceeding 160 students, the Property Owner shall construct a left turn lane south approach on El Clair Ranch Rd at project's southern entrance (main), unless otherwise determined by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, roadway realignment, if necessary, utility relocations and acquisition of any additional required right-of-way.

a. Site conditions shall be evaluated by the County right after the Daycare Center enrollment exceeding 160 students. If it is determined by the County that the left turn warrants are met based on field conditions, construction of the south approach left turn lane on El Clair Ranch Rd at the main project driveway shall be completed within 180 days of the request by the County Engineer. (ONGOING: MONITORING - Engineering)

5. The Property Owner shall provide Traffic Engineering Division and the Monitoring Division total Daycare student enrollment numbers every 3 months, starting from the first day of Daycare

operations with the expansion of the current Daycare, as requested in the current application, until the construction of the above left turn lane commences, or the maximum allowed enrollment is reached, whichever is earlier (ONGOING: ENGINEERING - Engineering)

HEALTH

1. Architectural plans for the day care facility must be submitted to the Environmental Health Section, Palm Beach County Health Department in accordance with Rule 10D-24FAC prior to issuance of a building permit. [Note: COMPLETED] (Previous HEALTH Condition 1 of Resolution R-2022-382, Control No.1997-00068)

LANDSCAPING - EASTERN PROPERTY LINE-(EL CLAIR RANCH ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:

- A minimum twenty (20) foot wide landscape buffer strip;
- An average three (3) feet high undulating berm with a minimum height of two (2) feet measured from the top of the curb;
- One (1) canopy tree for each twenty (20) linear feet of frontage;
- One (1) palm or pine tree for each thirty (30) linear feet of frontage;
- Twenty four (24) 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 thirty-six (36) inches. (CO: ZONING - Zoning) (Previous LANDSCAPING - EASTERN PROPERTY LINE Condition 1 of Resolution R-2022-382, Control No.1997-00068)

ZONING - LANDSCAPING

1. All canopy trees required to be planted onsite by this approval shall meet the following minimum standards at installation:

- Tree height: fourteen (14) feet.
- Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- 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.
- Credit may be given for existing relocated trees provided they meet current ULDC requirements (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2022-382, Control No.1997-00068)

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:

- Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- Clusters: staggered heights twelve (12) to eighteen (18) feet; and
- Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2022-382, Control No.1997-00068)

3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2022-382, Control No.1997-00068)

LIGHTING

1. 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/TC: ZONING - Zoning) (Previous LIGHTING Condition 1 of Resolution R-2022-382, Control No.1997-00068)

2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height measured from finished grade to highest point. (TC: ZONING - Zoning) (Previous LIGHTING Condition 2 of Resolution R-2022-382, Control No.1997-00068)

3. Previous LIGHTING Condition 3 of Resolution R-2022-382, Control No.1997-00068, which currently states:

All outdoor lighting fixtures shall be setback a minimum distance of twenty-five (25) feet from the north, south and west property lines.

Is hereby amended to read:

All outdoor lighting fixtures shall be setback a minimum distance of twenty-five (25) feet from the south and west property lines. (BLDGPM: ZONING - Zoning)

4. All outdoor lighting shall be extinguished no later than 10:00 p.m., excluding security lighting only. (ONGOING: ZONING - Zoning) (Previous LIGHTING Condition 4 of Resolution R-2022-382, Control No.1997-00068)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2022-382, Control No.1997-00068, which currently states:

All signage, including wall mounted and entrance wall signs shall be limited as follows:

- a. Maximum sign height measured from finished grade to highest point- six feet six inches (6'-6");
- b. Maximum sign face area per side - 63 square feet;
- c. Maximum number of signs - one (1) along El Clair Ranch Road;
- d. Style-monument style only.

Is hereby amended to read:

Free-standing signs shall be limited as follows:

- a. Maximum sign height measured from finished grade to highest point- six feet six inches (6'-6");
- b. Maximum sign face area per side - 63 square feet;
- c. Maximum number of signs - one (1) along El Clair Ranch Road;
- d. Style-monument style only. (BLDGPM: ZONING - Zoning)

2. No other signage shall be permitted on El Clair Ranch Road except for the proposed one way enter/exit directional signs. (DRO/ONGOING: ZONING - Zoning) (Previous SIGNS Condition 2 of Resolution R-2022-382, Control No.1997-00068)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer, the Preliminary Site Plan shall be revised to show four 12-foot tall native canopy trees to be located within the outdoor recreation area. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2022-382, Control No.1997-00068)

2. Prior to Final Approval by the Development Review Officer, the Preliminary Site Plan shall be revised to show the existing fence that surrounds the outdoor recreation area to be a 6-foot tall vinyl fence. (DRO/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2022-382, Control No.1997-00068)

USE LIMITATIONS-DAY CARE

1. Operation of the General Day Care facility shall be limited to Monday through Friday. Operation during Saturday and Sunday are prohibited. (ONGOING: ZONING - Code Enforcement)

2. Outdoor speakers or public address systems shall not be permitted on site. (ONGOING: CODE ENF - 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; 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.