

RESOLUTION NO. R-2002- 1951

RESOLUTION APPROVING ZONING PETITION DOA1997-094A  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF KABBALAH LEARNING CENTRE OF BOCA RATON  
BY GEORGE GENTILE, AGENT  
(KABBALAH LEARNING CENTER)

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

WHEREAS, Zoning Petition DOA1997-094A was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2002; 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 5, Section 5.8 (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 made 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 5 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 Petition DOA1997-094A, the petition of Kabbalah Learning Centre of Boca Raton, by George Gentile, agent, for a Development Order Amendment to reconfigure site plan and reduce square footage 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 October 24, 2002, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Greene moved for the approval of the Resolution.

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

Warren H. Newell, Chairman	-	Aye
Carol A. Roberts, Vice Chair	-	Absent
Karen T. Marcus	-	Aye
Mary McCarty	-	Absent
Burf Aaronson	-	Aye
Tony Masilotti	-	Absent
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on October 24, 2002.

Filed with the Clerk of the Board of County Commissioners on 6 day of November, 2002.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

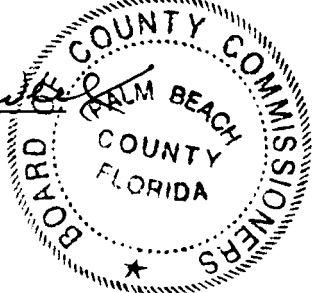


EXHIBIT A

LEGAL DESCRIPTION

A portion of Tracts 108 and 109, Block 79, 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, more particularly described as follows:

COMMENCING at the Southeast corner of Section 20, Township 47 South, Range 42 East; thence S89°13'05" W, along the South boundary of said Section 20, for a distance of 2091.42 feet to a point on the West boundary of Tract "D", ADDISON PLACE, according to the Plat thereof as recorded in Plat Book 59, Pages 43 through 45 of the Public Records of Palm Beach County, Florida and the POINT OF BEGINNING; thence South, along said West boundary, 79.43 feet to a point on the North right-of-way line of Palmetto Park Road as shown on Palm Beach County Right-of-way Map, Project No. 85-054, dated February 24, 1986; thence West, along said North right-of-way line, 370.00 feet to a point on the southerly extension of an East boundary of Recreation Tract "F", REPLAT OF BOCA LAGO, according to the Plat thereof as recorded in Plat Book 31, Pages 63 through 71 of the Public Records of Palm Beach County, Florida: thence North, along said southerly extension and East boundary, 240.00 feet to a point on a southeasterly boundary of said Recreation Tract "F"; thence N69°16'28"E, along said southeasterly boundary, 395.60 feet to a point on the West boundary of Tract "W-3" and Tract "D", of said ADDISON PLACE; thence South, along said West boundaries, 300.57 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida, 114,700 square feet, 2.6333 acres, more or less.

EXHIBIT B

VICINITY SKETCH

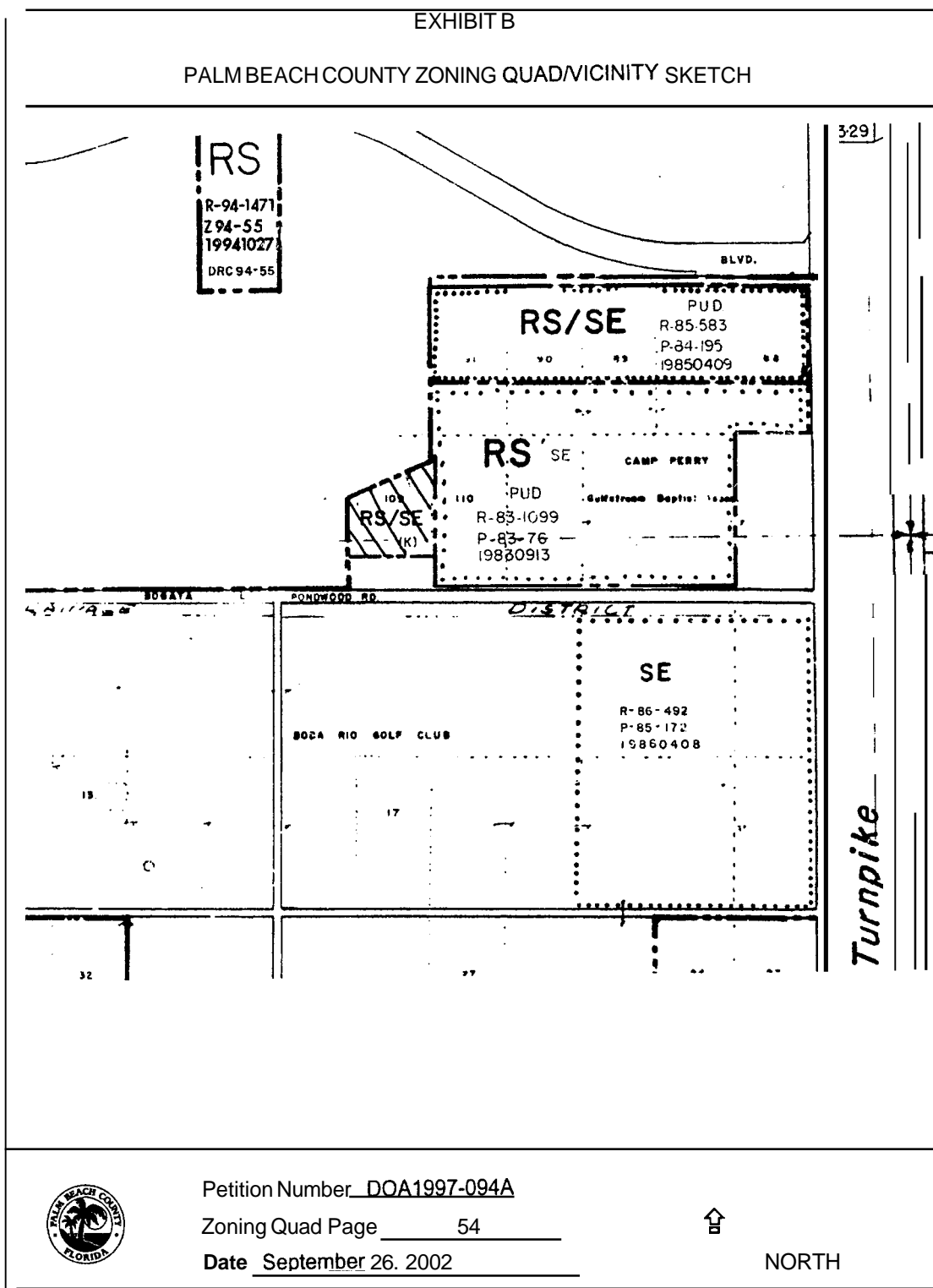


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-98-0562, Petition 97-94 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 site plan is dated January 28, 1998. 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)

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 site plan is dated July 30, 2002. 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)

B. ARCHITECTURAL CONTROL

1. Condition B.1 of Resolution R-98-0562, Petition 97-94 which currently states:

All buildings and structures shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (BLDG PERMIT: BLDG-Zoning)

Is hereby deleted. Reason: [code requirements].

2. Condition B.2 of Resolution R-98-0562, Petition 97-94 which currently states:

Similar architectural character and treatment shall be provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)

Is hereby deleted. Reason:[code requirements].

3. Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.3 of Resolution R-98-0562, Petition 97-94)

4. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition B.4 of Resolution R-98-0562, Petition 97-94)

5. Condition B.5 of Resolution R-98-0562, Petition 97-94 which currently states:

The proposed church or place of worship shall be designed and constructed to be consistent with the color rendering by Rick Brautigan Architecture, Inc. dated March **13, 1998**. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The proposed place of worship building shall be designed and constructed to be generally consistent with the facade elevations by Stephen Boruff, AIA Architects and Planners, Inc. dated June 5, 2002. Zoning Division may permit deviations from these elevations subject to architectural review and approval in accordance with Section 6.6.E of the ULDC. (DRC: ARCH. REVIEW – Zoning)

### C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-98-0562, Petition 97-94 which currently states:

The church or place of worship shall be limited to 300 seats, a **40**-resident dormitory, and a total gross floor area of **64,467** square feet. (DRC: ZONING)

Is hereby deleted. Reason: [replaced by use limitation Condition K.3].

2. The minimum setback for all structures shall be thirty (**30**) feet from the east property line. (DRC: ZONING) (Previous Condition C.2 of Resolution R-98-0562, Petition 97-94)

3. Condition C.3 of Resolution R-98-0562, Petition 97-94 which currently states:

The maximum height for all structures, measured from finished grade to the highest point, shall not exceed thirty-five (**35**) feet, excluding the decorative tower shown on the March **13, 1998** rendering (Condition **B.5**). The height of the decorative tower shall not exceed forty-five (**45**) feet, measured from finished grade to the highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. Reason: [replaced by new arch. condition].

4. **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 fifty (50) feet of the east property line and shall be confined to the areas designated on the site plan. (DRC/ ONGOING: ZONING/ CODE ENF-Zoning) (Previous Condition C.4 of Resolution R-98-0562, Petition 97-94)

5. A maximum of one (**1**) satellite dish antenna shall be allowed if completely screened from view of all right-of-ways and adjacent residential zoning districts by an opaque wall or fence with similar architectural treatment as the place of worship or equivalent landscaping materials. The satellite dish shall not be roof mounted. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning) (Previous Condition C.5 of Resolution R-98-0562, Petition 97-94)

6. Condition C.6 of Resolution R-98-0562, Petition 97-94 which currently states: The location of the proposed grass parking spaces shall remain as indicated on the site plan dated January **28, 1998**. Proposed grade changes shall be minimal to incorporate existing native vegetation. (DRC: ERM/LANDSCAPE)

Is hereby deleted. Reason:[the revised site plan does not show grass parking].

D. ERM

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM-ERM)

E. ENGINEERING

1. LANDSCAPE WITHIN MEDIAN OF COUNTY MAINTAINED ROADWAYS

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median of Palmetto Park Road right-of-way. 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 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. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.1.a of Resolution R-98-0562, Petition 97-94)

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 on or before the issuance of a Certificate of Occupancy. (CO: MONITORING - Eng) (Previous Condition E.1.b of Resolution R-98-0562, Petition 97-94)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to issuance of a building permit to reflect this obligation. (BLDG.PERMIT: MONITORING - Eng) (Previous Condition E.1.c of Resolution R-98-0562, Petition 97-94)

2. Prior to final DRC certification of the site plan, the petitioner shall revise the site plan/site data to comply with the existing concurrency of the project, and to show the useable floor area. (DRC:ENG -Eng)

F. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet;
  - b. Trunk diameter: 3.5 inches measured 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; and,
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-98-0562, Petition 97-94)

2. Condition D.2 of Resolution R-98-0562, Petition 97-94 which currently states:

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 or grey wood, whichever is greater;
- 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. (CO: LANDSCAPE - Zoning)

Is hereby amended to read:

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

- a. Palm heights: twelve (12) feet clear trunk or grey wood, whichever is greater;
- 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. (CO: LANDSCAPE - Zoning)

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: LANDSCAPE - Zoning) (Previous Condition D.3 of Resolution R-98-0562, Petition 97-94)

G. LANDSCAPING ALONG NORTH, EAST AND WEST PROPERTY LINES (ADJACENT TO RESIDENTIAL)

1. Landscaping and buffering along the north, east and west property lines shall be upgraded to include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A six (6) foot high green vinyl coated fence. (CO: LANDSCAPE) (Previous Condition F.1 of Resolution R-98-0562, Petition 97-94)
2. The following landscaping requirements shall be installed on the interior side of the required fence:
  - a. One (1) canopy tree planted every twenty (20) feet on center;



- b. 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; and,
- c. One (1) palm or pine tree for each twenty (20) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters. (CO: LANDSCAPE-Zoning) (Previous Condition F.2 of Resolution R-98-0562, Petition 97-94)

H. LANDSCAPING ALONG SOUTH PROPERTY LINE (ALONG PALMETTO PARK ROAD)

Condition G.1 of Resolution R-98-0562, Petition 97-94 which currently states:

- 1. Landscaping and buffering along the south property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
  - d. 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 thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

Is hereby amended to read:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. one (1) canopy tree planted every thirty (30) feet on center;
- c. one (1) palm or pine tree for each thirty (30) linear feet of frontage, with a maximum spacing of sixty (60) feet on center between clusters; and,
- d. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- e. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- f. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation;
- g. credit may be given for existing trees, palms and shrubs provided they meet the ULDC requirements; and,
- h. all newly planted shrub materials shall be installed in continuous masses and in a meandering and naturalistic pattern where applicable, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - i. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - ii. twenty-four (24) to thirty-six (36) inches – medium shrub;
  - iii. forty-eight (48) to seventy-two (72) inches – large shrub.
 (CO: LANDSCAPE-Zoning)

I. 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. (CO/ ONGOING: BLDG / CODE ENF - Zoning) (Previous Condition H.1 of Resolution R-98-0562, Petition 97-94)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)(Previous Condition H.2 of Resolution R-98-0562, Petition 97-94)
3. Condition H.3 of Resolution R-98-0562, Petition 97-94 which currently states:  
  
All outdoor lighting shall be extinguished no later than 9:00 p.m., excluding lighting for holiday services and security lighting. (ONGOING: CODE ENF)  
  
Is hereby amended to read:  
  
All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding lighting for holiday services and security lighting. (ONGOING: CODE ENF-Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage **landscape/accent** type lights used to emphasize plant material. (ONGOING: CODE ENF) (Previous Condition H.4 of Resolution R-98-0562, Petition 97-94)

J. SIGNS

1. All **signage**, including wall mounted, freestanding and entrance wall signs, shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 60 square feet;
  - c. Maximum number of signs - **one (1)** for Palmetto Park Road; and,
  - d. Style - monument style only. (CO: BLDG-Zoning) (Previous Condition I.1 of Resolution R-98-0562, Petition 97-94)
2. Condition I.2 of Resolution R-98-0562, Petition 97-94 which currently states:  
  
No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING-Zoning)  
  
Is hereby deleted. Reason: [conflicts with billboard settlement agreement].

K. USE LIMITATIONS

1. All services shall be held within the church or place of worship and the hours of operation shall be limited to 7:00 a.m. - 9:00 p.m., excluding holiday services. (ONGOING: CODE ENF-Zoning) (Previous Condition J.1 of Resolution R-98-0562, Petition 97-94)
2. No accessory outdoor temporary sales events, (**i.e.** holiday sales, rummage sales, bake sales, etc.) shall be permitted on the site. (ONGOING/SPECIAL PERMIT: CODE ENF - Zoning) (Previous Condition J.2 of Resolution R-98-0562, Petition 97-94)
3. The church or place of worship shall be limited to 210 seats. (DRC:ZONING-Zoning)

4. Outdoor retreat activities that are audible from adjacent residential properties shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m. (ONGOING: CODE ENF – Zoning)
5. Retreats, including overnight accommodations shall be limited to a maximum of thirty-three (33) individual participants at any given time. (ONGOING: CODE ENF – Zoning)

L. 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 K. 1 of Resolution R-98-0562, Petition 97-94)

2. Condition K.2 of Resolution R-98-0562, Petition 97-94 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 majority vote of the Code Enforcement Board 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. (MONITORING)

Is hereby amended to read:

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 majority vote of~~ 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 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)