

20/5/98

RESOLUTION NO. R-98-563

RESOLUTION APPROVING ZONING PETITION CA97-94  
CLASS A CONDITIONAL USE  
PETITION OF KABBALAH LEARNING CENTER  
BY BERIL KRUGER, AGENT  
(KABBALAH LEARNING CENTRE)

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 petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 CA97-94 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 1998; and

WHEREAS, ~~the~~ Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with ~~the~~ requirements of the Palm Beach County Unified Land Development Code.
4. This Class **A** Conditional Use, 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 Class A Conditional Use, with conditions as adopted, complies with standards imposed ~~on~~ it by **all** other applicable provisions of the Palm Beach County Unified Land Development Code for **use**, layout, function, and general development characteristics.
6. **This** Class A Conditional Use meets applicable **local** land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, 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 Class A Conditional Use, 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 CA97-94, the petition of **Kabbalah** Learning Center, by Beril Kruger, agent, for a Class A Conditional Use (CA) To allow a church or place of worship with dormitory and rabbi's residence in the Residential Single Family (RS) 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 March 26, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair		Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair ~~thereupon~~ declared that the resolution was duly passed and adopted on April 23, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

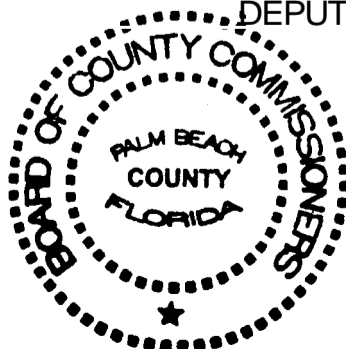
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
"COUNTY ATTORNEY"

BY:   
DEPUTY CLERK

Petition CA97-94  
Project No. 5437-000



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## EXHIBIT A

### LEGAL DESCRIPTION

#### LAND DESCRIPTION:

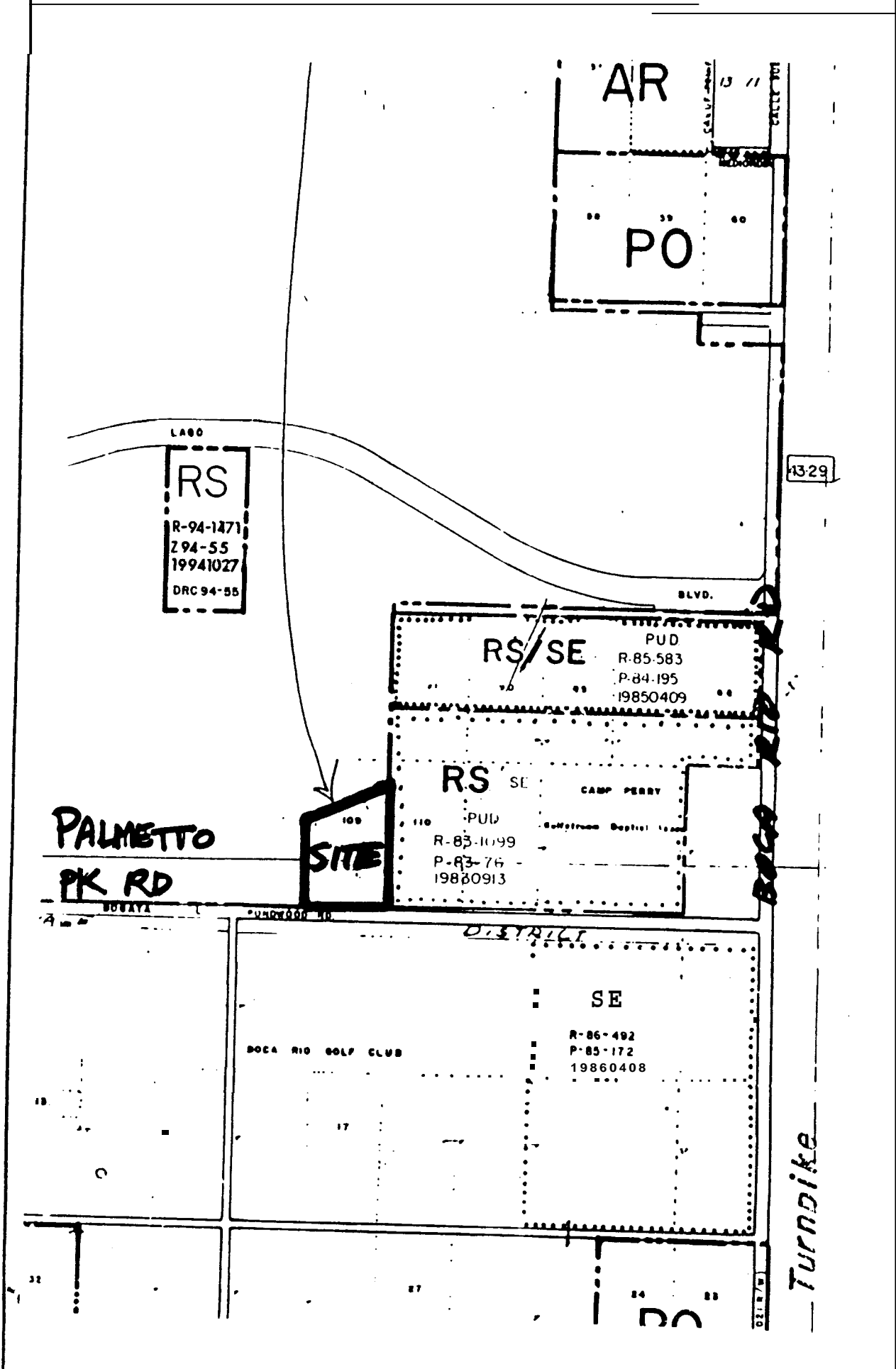
*A portion of Tracts 108 and 109, PALM BEACH FARMS COMPANY PLAT NO. 3, according to the Plat thereof as recorded in Plat Book 2, Pages 45 through 54 of the Public Records of Palm Beach County, Florida, more particularly described as follows:*

*COMMENCING at the Southeast corner of Section 20, Township 47 South, Range 42 East; thence S89°3'05"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

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



Petition Number: 97-94  
Zoning Quad Page \_\_\_\_\_  
Date: 9/17/97



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. 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)

#### B. ARCHITECTURAL CONTROL

1. 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)
2. Similar architectural character and treatment shall **be** provided on all sides of the building. (BLDG PERMIT: BLDG-Zoning)
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: MONITORING - Bldg)
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)
5. The proposed church ~~or~~ place of worship shall **be** designed and constructed to **be** consistent with ~~the~~ color rendering by Rick Brautigam Architecture, Inc. dated March 13, 1998. (BLDG PERMIT: BLDG - Zoning)

#### C. BUILDING AND SITE DESIGN

1. 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)
2. The minimum setback for all structures shall **be** thirty (30) feet from the east property line. (DRC: ZONING)
3. 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)
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)

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)
6. 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)

D. 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)
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 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)

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)

- 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)
- 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)

**F. 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)
- 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)

**G. LANDSCAPING ALONG SOUTH PROPERTY LINE (ALONG PALMETTO PARK ROAD)**

- 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)**

## H. 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)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All *outdoor* lighting **shall be** extinguished no later than 9:00 p.m., excluding **lighting** for holiday **services and security** lighting. (ONGOING: CODE ENF)
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)

## I. 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)
2. **No** off-premise signs or relocated billboards **shall be** permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

## J. 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)
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/ZONING)

## K. 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)
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; 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)**