

RESOLUTION NO. R-2007-1621

RESOLUTION APPROVING ZONING APPLICATION DOA2007-049
(CONTROL NUMBER 1997-094)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF KABBALAH LEARNING CENTER INC
BY GENTILE, HOLLOWAY, O'MAHONEY & ASSOC, 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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA2007-049 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2007; and

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; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, 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.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA2007-049, the application of Kabbalah Learning Center Inc, by Gentile, Holloway, O'Mahoney & Assoc, agent, for a Development Order Amendment to modify/delete Condition of Approval 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 September 24, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Aye
Jeff Koons, Vice Chair	-	Absent
Karen T. Marcus	-	Naye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Naye
Burt Aaronson	-	Aye
Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 24, 2007.

Filed with the Clerk of the Board of County Commissioners on October 11th, 2007


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 BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




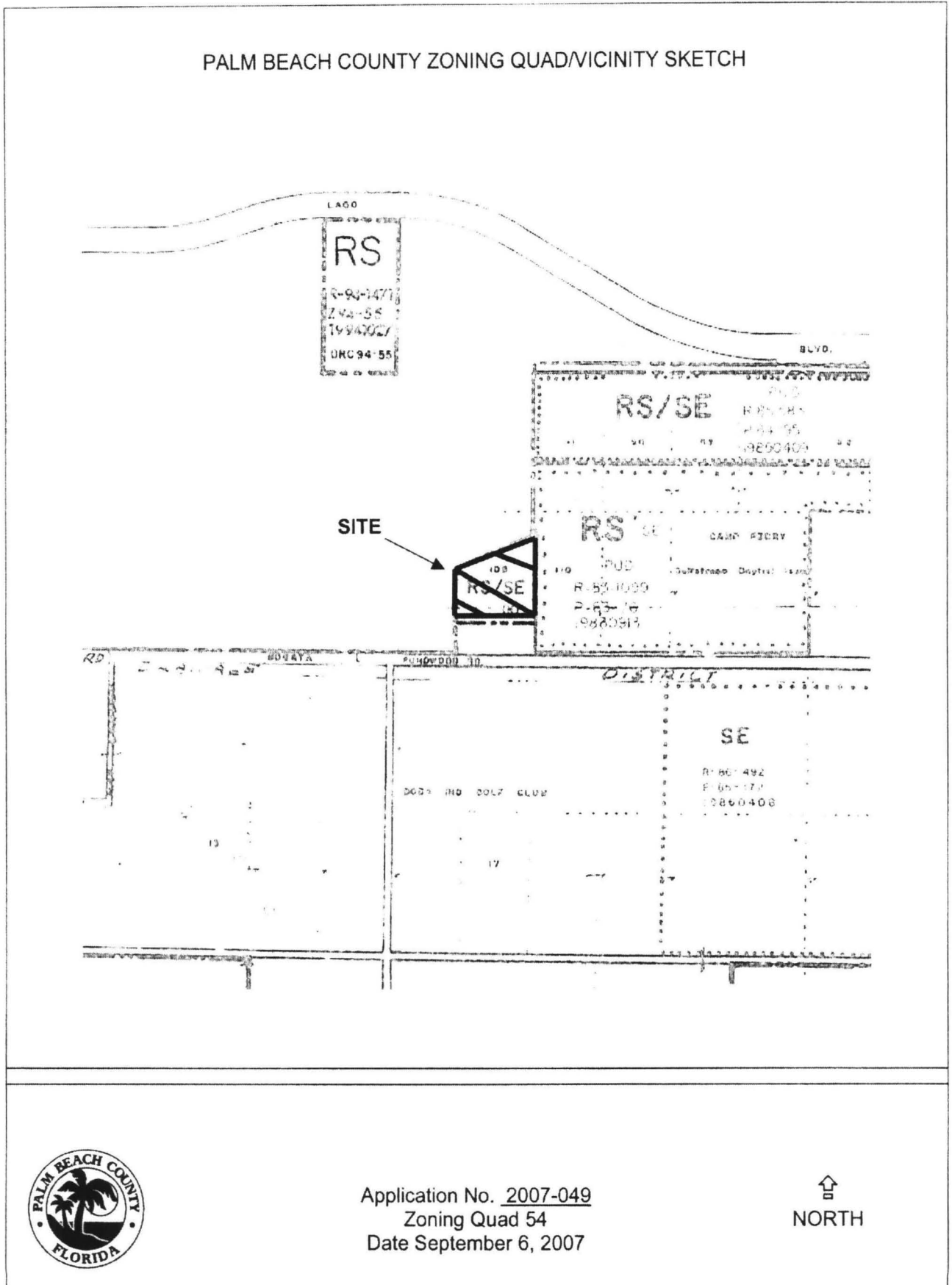
EXHIBIT A
LEGAL DESCRIPTION

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 PONT 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



Application No. 2007-049
Zoning Quad 54
Date September 6, 2007



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Condition A.1 of Resolution R-2002-1951, Control No. 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 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)

Is hereby amended to read

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved site plan is dated March 12, 2003. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2002-1951 (Control 1997-094), 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 ULDC and the Board of County Commissioners or Zoning Commission, unless expressly modified.

ARCHITECTURAL REVIEW

1. Condition B.1 of Resolution R-2002-1951, Petition 97-94 which currently states:

Exterior storage areas shall be screened from view and integrated into the building design to make it compatible with the building architecture. (Previous Condition B.3 of Resolution R-2002-1951, Control No. 97-94)

2. 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. (Previous Condition B.4 of Resolution R-2002-1951, Control No. 97-94)
3. 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. (Previous Condition B.5 of Resolution 2002-1951, Control No. 97-94)

BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2002-1951, Petition 97-94 which currently states:

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. (Previous Condition C.4 of Resolution R-2002-1951, Petition 97-94)

2. 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. (Previous Condition C.5 of Resolution R-2002-1951, Petition 97-94)

ENGINEERING

1. No Engineering Conditions of approval.

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. (Previous Condition F.1 of Resolution R-2002-1951 Petition 97-94)
2. Condition F.2 of Resolution R-2002-1951, Control 97-94 which currently states:

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
3. A group of three or more palm or pine trees may not supersede the requirement for a perimeter canopy tree in that location. (Previous Condition F.3 of Resolution R-2002-1951, Petition 97-94)

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. (Previous Condition G.1 of Resolution R-2002-1951 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. (Previous Condition G.2 of Resolution R-2002-1951, Petition 97-94)

LANDSCAPING ALONG SOUTH PROPERTY LINE (ALONG PALMETTO PARK ROAD)

1. Condition H.1 of Resolution R-2002-1951, Petition 97-94 which currently states:

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.

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. (Previous Condition I.1 of Resolution R-2002-1951, 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 I.2 of Resolution R-2002-1951, Petition 97-94)
3. Condition I.3 of Resolution R-2002-1951, Petition 97-94 which currently states:

All outdoor lighting shall be extinguished no later than 9:30 p.m., excluding lighting for holiday services and security lighting.
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous Condition I.4 of Resolution R-2002-1951, Petition 97-94)

SIGNS

1. Condition J.1 of Resolution R-2002-1951, Petition 97-94 which currently states:

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 – on (1) for Palmetto Park Road; and
- d. Style – monument style only.

Is hereby amended to read

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 - ten (10) feet at the western entrance and six (6) feet in height at the eastern entrance;
- b. Maximum sign face area per side - 100 square feet for the western entrance and 42 square feet for the eastern entrance;
- c. Maximum number of signs - two (2) for Palmetto Park Road; and,
- d. Style - monument style only.

2. Condition J.2 of Resolution R-2002-1951, Petition 97-94 which currently states:

No off-premise signs or relocated billboards shall be permitted on the site.

UNITY OF CONTROL

1. No accessory outdoor temporary sales events, (i.e. holiday sales, rummage sales, bake sales, etc.) shall be permitted on the site. (Previous Condition K.2 of Resolution R-2002-1951, Petition 97-94)

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. (Previous Condition K.1 of Resolution R-2002-1951, Petition 97-94)
2. The church or place of worship shall be limited to 210 seats.
3. 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.
4. Retreats, including overnight accommodations shall be limited to a maximum of thirty-three (33) individual participants at any given time.

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 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING – Zoning)