

RESOLUTION NO. R-2011- 0968

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2011-00403  
(CONTROL NO. 1980-00153)  
a Requested Use  
APPLICATION OF Temple Torah of West Palm Beach Inc  
BY Cotleur & Hearing, Inc., AGENT  
(Temple Torah)

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; and

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

WHEREAS, Zoning Application DOA/R-2011-00403 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; 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, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use.

WHEREAS, Article 2.A.1.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 DOA/R-2011-00403, the petition of Temple Torah of West Palm Beach Inc, by Cotleur & Hearing, Inc., agent, for a Requested Use to allow a Private Charter School in the Planned Unit Development (PUD) 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 June 27, 2011, subject to the conditions of approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.


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 R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

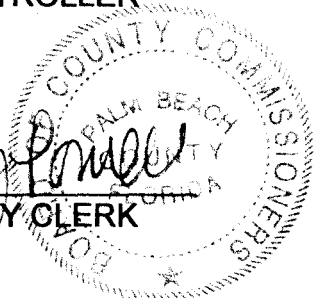


EXHIBIT A

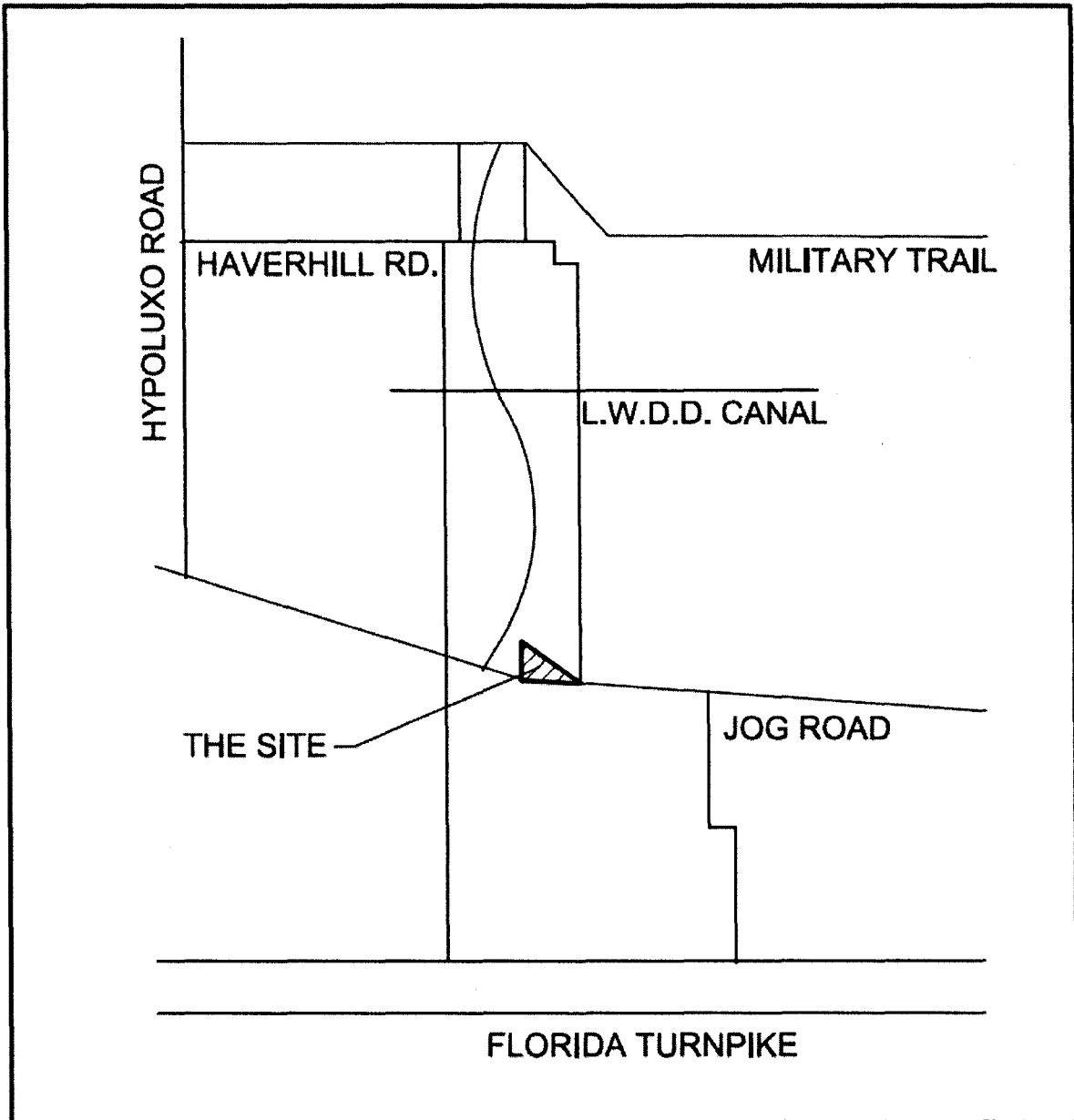
LEGAL DESCRIPTION

TRACT B AND TRACT C, ABERDEEN PLAT 21, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGES 138-139, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ADDITIONAL RIGHT OF WAY FOR GATEWAY BOULEVARD AND JOG ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 18693, PAGE 907-910 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH

# LOCATION MAP



## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. Previous All Petition Condition 1 of Resolution R-2009-1357, Control No. 1980-153 which currently states:

All conditions of Resolution No. R-2008-0268, Control No. 1980-153 shall remain in full force and effect unless specifically amended herein. (ONGOING: ZONING - Zoning)

Is hereby deleted - [REASON: No longer applicable referenced in All Petition Condition 2]

2. All Petition Condition 1 of Resolution R-2008-0268, Control No. 1980-153, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0275, (Control No. 1980-153), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2008-0268, (Control No. 1980-153) and R-2009-1357, (Control 1980-153) 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

3. The Preliminary Site Plan is dated March 28, 2011. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the 2 story building shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning) (Previous Architectural Review Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2. The maximum height of the building shall be thirty-five (35) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning) (Previous Architectural Review Condition 2 of Resolution R-2008-0268, Control No. 1980-153)

3. No windows shall be allowed on the east facade of the second story of the building abutting the residential uses to the east. (DRO: ARCH REVIEW-Zoning) (Previous Architectural Review Condition 3 of Resolution R-2008-0268, Control No. 1980-153)

#### HEALTH

1.The day care center shall be limited to a maximum of one-hundred-forty-nine (149) children at any one time. (ONGOING: HEALTH-Zoning) ( Previous condition Health 1 of Resolution R-2009-1357; Control 1980-153)

#### LANDSCAPE - GENERAL-TEMPLE TORAH

1.Landscaping for divider medians in any parking area shall consist of the following:

- a. one (1) flowering or canopy tree for each twenty-five (25) linear feet of the median;
- b. one (1) palm for each thirty-five (35) linear feet of the median; and,
- c. a continuous hedge between all trees and palms within the median, where applicable. Shrub or hedge materials and groundcover shall be maintained at a maximum height of thirty-six (36) inches. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Landscape Interior Condition 1 of Resolution R-2008-0268, Control No. 1980-153)

2.The following landscaping requirements shall be installed adjacent to Le Chalet Blvd. and Jog Road in addition to the required right-of-way buffers:

- i) 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 supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning) (Previous Landscape Condition Jog Road 1 of Resolution R-2008-0268, Control No. 1980-153)

#### SIGNS-TEMPLE TORAH

1.Freestanding signage fronting on Gateway Boulevard for the Temple Torah site shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: ten (10) feet;
  - b. Maximum sign face area per side: fifty (50) square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only; and,
- Location: within one hundred feet of the intersection of Jog Road and Gateway Boulevard. (BLDG PERMIT: BLDG-Zoning) (Previous Sign Condition 5 of Resolution R-2008-0268, Control No. 1980-153)

#### USE LIMITATIONS-TEMPLE TORAH

1.Hours of operation for outdoor activities shall be limited to 8:00 a.m. to 6 p.m. (ONGOING: CODE ENF Zoning) (Previous Use Limitation Condition 8 (Temple Torah Day Care) of Resolution R-2008-0268, Control No. 1980-153)

2.Prior to final site plan approval by the Development Review Officer (DRO), the applicant shall revise the site plan to indicate the sign location restricting the turning movements from the site to right turn only during school hours from 7:00 a.m. to 4:00 p.m. (DRO: 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 (CO); 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 Unified Land Development Code (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 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)