

RESOLUTION NO. R-2006-0284

RESOLUTION APPROVING ZONING APPLICATION DOA2005-381
(CONTROL NUMBER 1981-225)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF ANSHEI EMUNA CONGREGATION, INC.
BY MILLER LAND PLANNING CONSULTANTS, INC., AGENT
(TEMPLE ANSHEI EMUNA)

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

WHEREAS, Zoning Application DOA2005-381 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 2006; 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 2.E (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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan, contingent upon the approval of Small Scale Development Amendment No. SCA 2005-00027;
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 2.K.3.b 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 DOA2005-381, the application of Anshei Emuna Congregation, Inc., by Miller Land Planning Consultants, Inc., agent, for a Development Order Amendment to delete land area 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 February 23, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

Tony Masilotti, Chair	-	Aye
Addie L. Greene, Vice Chairperson	-	Aye
Karen T. Marcus	-	Aye
Jeff Koons	-	Absent
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Absent

The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. SCA 2005-00027 (LINTON/JOG INSTITUTIONAL a.k.a. TEMPLE ANSHEI EMUNA AND TEMPLE MEDICAL) is effective.

Filed with the Clerk of the Board of County Commissioners on 10th day of March, 2006.

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

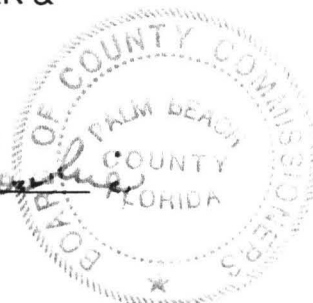


EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF "THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF "BRISTOL POINTE" AS RECORDED IN PLAT BOOK 85, PAGES 187 THROUGH 190, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 20 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF THE N.E. ¼ OF THE N.W. ¼ SECTION 27-46-42, A DISTANCE OF 281.40 FEET TO AN ANGLE POINT IN SAID "BRISTOL POINTE"; THENCE NORTH 00 DEGREES 17 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE S.E. ¼ OF THE N.W. ¼ OF SECTION 27-46-42 A DISTANCE OF 232.20 FEET TO THE P.O.B.; THENCE CONTINUE NORTH 0 DEGREES 17 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 448.43 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 56 SECONDS EAST A DISTANCE OF 281.45 FEET; TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOG ROAD AS NOW ESTABLISHED HAVING A RIGHT OF WAY WIDTH OF 120 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 05 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE OF JOG ROAD A DISTANCE OF 448.43 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 56 SECONDS WEST A DISTANCE OF 281.42 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

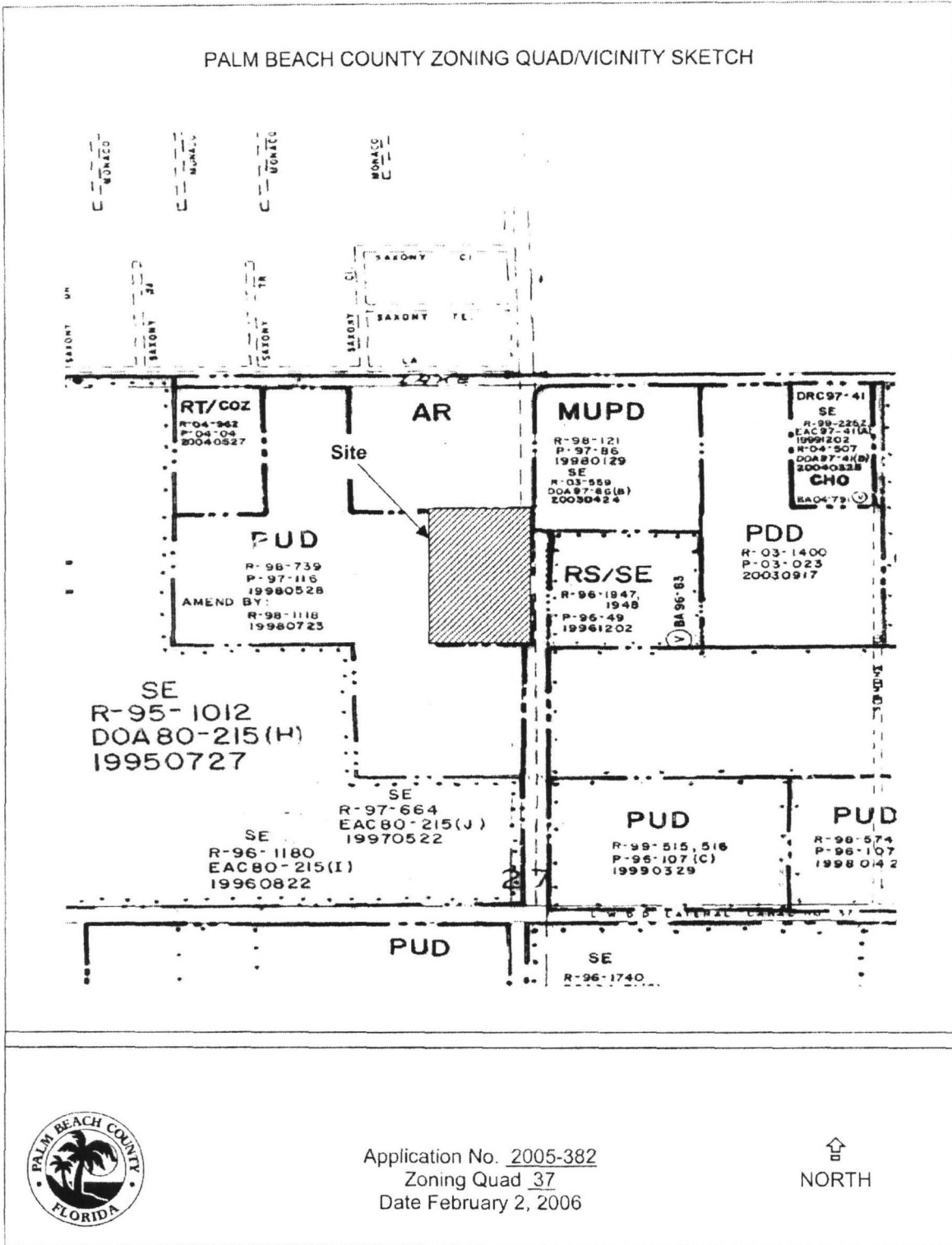


EXHIBIT C

CONDITIONS OF APPROVAL

ACCESS

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access agreement from the subject property to the adjacent property to the south, (2005-081) in a form and manner that is acceptable to the County Attorney's office. (DRO: COUNTY ATTY - Zoning)

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-1982-142 (Petition 1981-225), 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, unless expressly modified. (ONGOING: ZONING - Zoning)
2. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated December 19, 2005. 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. (DRO: ZONING - Zoning)

ENGINEERING

1. Prior to final site plan approval by the Development Review Officer, the property owner shall record a shared parking, cross access and cross drainage easement between this property and the adjacent parcel to the south. This easement shall be approved by the County Attorney and the County Engineer prior to recordation. (DRO:ENG-Eng)

Petitioner shall comply with the following previously approved conditions as outlined in R-82-142 Petition 1981-225.

2. Within ninety (90) days of Special Exception approval, petitioner shall convey to palm beach county sixty (60) feet from center line for the ultimate right-of way for Jog Road. (Previous Condition 1.a of Resolution R-82-142, Petition 1981-225) (DATE:MONITORING – Eng) [NOTE: Completed]
3. Petitioner shall construct a pedestrian bike path along the west side of Jog Road from the Lake Worth Drainage District L-36 Canal south to the project's south property line. (Previous Condition 1.b of Resolution R-82-142, Petition 1981-225) (DATE:MONITORING – Eng) [NOTE: Completed]
4. Condition 1c of Zoning resolution R-82-142, Petition 1981-225 which currently states:

Petitioner shall contribute Nine Hundred Thirty- eight Dollars (\$938.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid on a pro-rata basis at the time of issuance of the building permit(s).

Is hereby deleted . [Reason Impact fees are code requirements.]

ENVIRONMENTAL

1. All existing native vegetation, including understory, 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. No grade changes, or the toe of proposed grade changes, shall occur within the dripline of existing native vegetation depicted to remain. (ONGOING:ERM - ERM)

ZONING – LANDSCAPING

1. Condition 1.d of Resolution R-82-142, Petition 81-225, which currently states:

All landscaping shall be installed as shown on site plan submitted prior to the issuance of a Certificate of Occupancy.

Is hereby deleted. [REASON: No longer applicable.]

PARKING

1. Condition 2 of Resolution R-82-142, Petition 81-225, which currently states:

Petitioner shall revise site plan to reflect required parking and access way dimensions.

Is hereby deleted. [REASON: Code requirement.]

SIGNS

1. Freestanding sign fronting on Jog Road shall be limited as follows:
 - a. maximum sign height, measured from finished grade to highest point - six (6) feet;
 - b. maximum sign face area per side - sixty (60) square feet;
 - c. maximum number of signs - one (1) for the entire site;
 - d. style - monument style only; and,
 - e. location - within fifty (50) feet of the north access point of Jog Road. (BLDG PERMIT: BLDG - Zoning)
2. Wall signs shall be permitted on the east facade only. Lettering height for all wall signs shall be limited to twenty-four (24) inches. (BLDG PERMIT: BLDG-Zoning)

USE LIMITATIONS

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall specify hours and days of worship services as permitted based upon the approved Shared Parking Study. (DRO: ZONING - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications.

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the 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; 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.

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)