

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN-2022-01654
Application Name: Congregation Aitz Chaim
Control No./Name: 1984-00153 (Congregation Aitz Chaim)
Applicant: Congregation Aitz Chaim of WPB Inc
Owners: Congregation Aitz Chaim of WPB Inc.
Agent: WGI – Matthew Barnes
Telephone No.: (561) 687-2220
Project Manager: Larry D'Amato, Site Planner II

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Special Exception to allow a Temple, with prior modifications on 3.69 acres

APPLICATION SUMMARY: The proposed request is an abandonment for the 3.68-acre Congregation Aitz Chaim development. The site was last approved by the Board of County Commissioners on December 19, 2016 for a Development Order Amendment to reconfigure the site plan; add square footage; and add land area.

The proposed request will abandon the use and modifications granted by Resolution 1985-00289, for a Temple (Place of Worship) in Residential Multiple Family (RM) Zoning District, along with R-2016-01830, a Development Order Amendment (DOA) to reconfigure the site plan, add square footage and land area. The Applicant has requested approval for a Place of Worship through the Administrative Review process, due to modifications to the Unified Land Development Code (ULDC), through application DRO-2022-01655.

SITE DATA:

Location:	East of Haverhill Road, approximately 0.4 miles north of Okeechobee Blvd
Property Control Number(s)	00-42-43-24-37-001-0000
Future Land Use Designation:	Medium Residential, 5 units per acre (MR-5)
Zoning District:	Residential Multifamily (RM)
Total Acreage:	3.68 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	N/A
Commission District	District 2, Mayor Gregg K. Weiss

RECOMMENDATION: Staff recommends approval of the request.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
BA-1984-00110	Board of Adjustment to allow grass parking for 66 vehicles; and, to allow no bumper stops for 66 vehicles.	Letter	November 21, 1984
SE-1984-00153	a Special Exception to allow a Temple	R-1985-0289	February 19, 1985
ZV/DOA-2015-02529	a Type 2 Variance to allow a reduction in the width of a Type II incompatibility buffer.	ZR-2016-0057	December 5, 2016
	a Development Order Amendment to reconfigure the site plan; add square footage; and add land area.	R-2016-1830	December 19, 2016

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or

fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6, Standards.

The proposed request is to abandon Resolution 1985-00289 which granted an approval for a Temple (Place of Worship) and Resolution 2016-1830 that further reconfigure the Site Plan. The reason for the request is due to the fact that today's Code allows the Place of Worship as an allowable use in the Multifamily Residential (RM) Zoning District, subject to an administrative review process by the Development Review Officer (DRO). The Applicant has indicated that will seek a modification to the Site Plan to add square footage to the principal structure through the DRO approval process, through application DRO-2022-01655.

a. Consistency with the Plan - *The proposed abandonment is consistent with the Plan.*

The proposed abandonment of the use of a temple will not create any consistencies with the Goals, Objectives and Policies of the Comprehensive Plan. The existing use will remain, but seek approval through the Administrative Review process by the DRO.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the Development Order (DO) for the previously approved use of a Place of Worship, does not create any non-conformities. The Applicant has indicated that will seek a modification to the Site Plan to add square footage to the principal structure through the DRO approval process.

c. Adequate Public Facilities – *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The Place of Worship is existing and will continue to operate. The proposed abandonment of this site, will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). As the Applicant has stated will seek request a modification to Site Plan to add square footage through the DRO request. Concurrency will remain for the existing use, and any modifications will comply with the requirements of Art. 2.F Concurrency.

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The subject site currently has a use approval for a Temple (Place of Worship) within the standard RM Zoning District granted as a Special Exception through Resolution 1985-0289, along with modification that were approved in 2016. The modification to the ULDC now allows the Place of Worship as an allowable use within the RM Zoning District, subject to the Administrative Review process. The Applicant has submitted the request through application DRO-2022-01655. The Applicant states in their Justification Statement that no seats are being added to the Place of Worship with this request.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.F.6 and determined that there is balance between the need for change and the potential impacts generated by the Development Order Abandonment. Therefore, Staff is recommending approval of the request for abandonment.

Figure 1 - Land Use Map



Figure 2 - Zoning Map

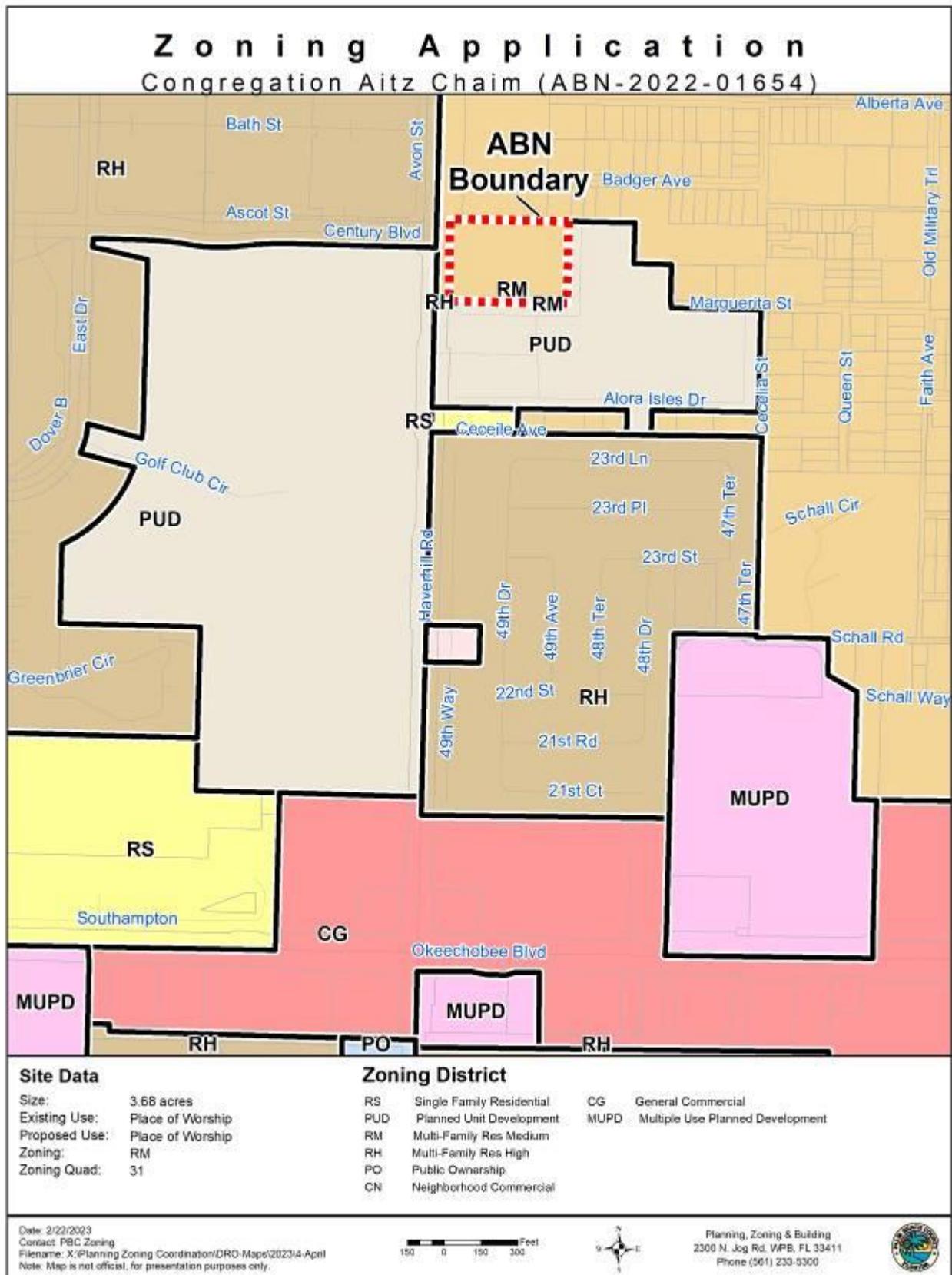


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Paul Eisenberger, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] President of Congregation Aitz Chaim of West Palm Beach, Inc. [position - e.g., president, partner, trustee] of Congregation Aitz Chaim of West Palm Beach, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 2518 Haverhill RD N West Palm Beach, FL 33417
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Paul Eisenberger, President
Paul Eisenberger, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization, this 25th day of October, 2022 by Paul Eisenberger (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did take an oath (circle correct response).

(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP

 SHANTEL CRAYTON
Commission # GS 360372
Expires July 29, 2023
Brended Title Budget Notary Services

EXHIBIT "A"
PROPERTY

Please see the attached Legal Description.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

N/A Congregation Aitz Chaim is a not for profit company.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 24,
TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING
MORE PARTICULARLY, DESCRIBED AS FOLLOWS:

TRACT "A", OF "MIKVAH AITZ CHAIM", ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 127, PAGE 69, OF THE PUBLIC RECORDS OF PALM
BEACH COUNTY, FLORIDA.

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