

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

Application No.: ZV/DOA-2021-02186
Application Name: Century Village Resident Service Center
Control No./Name: 1993-00040 (Century Village)
Applicant: KAHL Chassidim of WPB LLC
Owners: KAHL Chassidim of WPB LLC
Agent: WGINC - Matthew Barnes
 WGINC - Doug Murray
Telephone No.: (561) 687-2220
Project Manager: Donna Adelsperger, Senior Site Planner

TITLE: a Type 2 Variance **REQUEST:** to reduce the number of parking spaces and the side and rear setbacks; and, to eliminate a Compatibility Buffer on 2.38 acres

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the site plan, modify uses, and modify the Conditions of Approval on a 2.38 acres

APPLICATION SUMMARY: The requests are for the 2.38 acres Century Village Resident Service Center within the 55+ community known as Century Village. The Resident Service Center is approved and built with non-residential uses. The approval was last modified by the Board of County Commissioners (BCC) on July 22, 2010, and limits the uses in the Center to 31,800 square feet of uses allowed within the Commercial Neighborhood (CN) Zoning District, with additional limitations on the uses to be for the exclusive use of the Century Village residents and their guests. An additional condition limits uses to retail, office, personal services, adult day care, and financial institution.

The requests seek to modify the list of approved uses in the Conditions of Approval in order allow Institutional and Public Facilities uses within the Center that are allowed within the CN Zoning District, subject to the approval processes for these use. This proposal would allow the Place of Worship proposed by the Applicant to be approved through the administrative Development Review Officer (DRO) process. The application also request variances in order to allow the incorporation of additional recreational amenities for the proposed institutional uses. The Preliminary Site Plan indicates that the existing 31,800 square foot building will remain and provide 112 parking spaces. The access will remain from Century Boulevard.

SITE DATA:

Location:	Northwest corner of East Drive and Century Boulevard
Property Control Number(s)	00-42-43-23-01-000-0050 and 00-42-43-23-04-000-0080
Existing Future Land Use Designation:	High Residential (HR-18)
Existing Zoning District:	Multi-Family Residential High Density (RH)
Total Acreage:	2.38 acres
Tier:	Urban/Suburban
Overlay District:	None
Neighborhood Plan:	None
CCRT Area:	None
Municipalities within 1 Mile:	West Palm Beach
Future Annexation Area:	West Palm Beach
BCC District:	District 2, Vice Mayor Greg K. Weiss

RECOMMENDATION: Staff recommends approval of the Type 2 Variance for V1, V3 and V4 subject to the conditions of Approval as indicated in Exhibit C-1.

Staff recommends denial of the Type 2 Variance V2.

Staff recommends approval of the Development Order Amendment subject to the Conditions of Approval as indicated in Exhibit C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received three phone calls – one in opposition, one in support and one general inquiry of the request; in addition Staff also received one email in opposition to the request from the public regarding this application. On February 9, 2022 a Zoom meeting was held with the residents, Agent and a representative from the District Commissioner’s office to discuss the request and hear the concerns from the residents.

PROJECT HISTORY: The subject site was received a building permitted in 1967 as an Administrative Building for the Century Village Development, and modified with an addition to the building in 1971. In 1993, the Property Owner submitted a request to modify the use of the building and received a Conditional Use to allow Accessory Commercial to the residential development. The allowance of the accessory commercial was allowed because the Century Village residential development was built prior to the adoption of land development regulations for Planned Developments. The development has the following Zoning approvals:

Application No.	Request	Resolution No.	Date
CA-1993-00040	Class A Conditional Use to allow Accessory Commercial for Century Village pursuant to Section 6.6.a.12 of the ULDC, including business, professional and medical offices; medical and dental clinic; day care (elderly) and general retail	R-1994-0111	01/27/1994
BA-1993-00086	Variance to allow a reduction of parking spaces from 159 to 126.		11/18/1993
BA-1994-00064	Variance to increase square footage up to 31,800 sq. ft. for Medical Office/Dental Clinic		09/16/1994
BA-2000-00043	Variance to allow 10,000 square feet of Office, Business or Professional use and 8,250 square feet of Retail Sales	-	08/22/2001
ZV/DOA-2008-1684	Type 2 Variance to allow a reduction in the number of parking spaces 158 to 123 Development Order Amendment to modify/delete conditions of approval (Landscaping, Lighting, Use Limitations) and add land area	ZR-2009-0018 R-2009-0704;	04/02/2009 04/23/2009
EAC-2010-00987	Expedited Application Consideration for a Development Order Amendment to modify conditions of approval (Landscape)	R-2010-1165	07/22/2010

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V1	6.A.1.B-1 Minimum Parking	183 parking spaces	112 parking spaces	reduction of 71 parking spaces
V2	3.D.1.A Rear setback (north property line)	30-feet	24-feet	reduction of 6-feet
V3	3.D.1.A Interior side setback (west property line)	30-feet	8-feet 8-inches	reduction of 21-feet 4 inches
V4	7.C.2.B Compatibility Buffer (west property line)	8-feet wide 1 canopy tree/ 25 lineal feet and 1 medium shrub for each 4 feet	4 feet width; 1 canopy tree per 25 Linear feet and 6-foot opaque fence	elimination of buffer; provide 1 canopy tree per 25-linear feet and 6-foot opaque fence

FINDINGS - TYPE 2 VARIANCE:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:**

V1. YES. The subject site has supported an Administration Building and the associated parking lot since the 1967. The site was approved under a prior Code for accessory commercial uses to allow a limited amount of commercial square footage within the Century Village development, because the residential development was approved prior to the County’s Planned Development regulations. In order for the Century Village residential development to have a Neighborhood Commercial Development (fka Accessory Commercial) there are specific criteria that were met, such as location, number of residents in the development, Home Owner Association, and lot size.. These requirements are similar to a Commercial Pod of a PUD, including that the requirement that the commercial development serves the residents of the development and their guests. This requirement was further included as a condition of approval for the development.

This site has been granted two prior variances for parking.. The first variance reduced the parking based on the required spaces being 159 (1 space for each 200 sq. ft.). The last variance approved a reduction from 158 to 123 spaces, due to a change in uses within the structure. The site is approved

with 31,800 sq. ft., with 28,640 sq. ft. constructed and the remaining 3,160 sq. ft. to be completed in a future phase. No new square footage is proposed, however the uses within the structure are proposed to be modified, triggering changes to the parking calculations. With the modification of the uses, as proposed, 183 parking spaces are now required. Should the Property Owner want to modify the uses again, parking may be higher or lower, depending on the use.

The Applicant is requesting a Type 2 Variance to reduce parking which would allow additional space for outdoor amenities. As detailed by the Applicant in the attached Justification Statement, "the request involves eliminating 11 parking spaces, which would bring the total number of parking spaces on the property down to 112 spaces.

There are special and unique circumstances that exist for this parcel, due to its prior approvals, and modifications to the Code. The ULDC, as modified in 2020, removed the allowance to use "Shopping Center Parking" as a means to calculate the shared parking for this center, similar to a Commercial Pod of PUD and the allowance for a range of parking based on square footage and not use. If the calculation remained, the Applicant would have then been able to use allowance to reduce that calculation through a new process of an administrative Type 1 Waiver to reduce parking by 15%. In addition to this circumstance, this commercial area is also restricted by condition to serve only the residents and guests, which prohibits someone coming into the development to use this plaza's services. Furthermore, as described in prior variances and in the Justification, Century Village residents are offered different transportation services that allow residents to walk, bike, drive, or ride the bus to this plaza. Century Village maintains an independent internal transportation system to serve residents as many within the 55+ adult community no longer drive. The Applicant's justification statement and traffic study indicate that the existing parking lot is currently underutilized, in part due to the availability of this service and in part due to the nature of the proposed Place of Worship. These are special conditions and circumstances that are peculiar to this parcel and are not applicable to any other parcel.

V2. NO The setback of the pool from the north property line (rear), does not have a special condition peculiar to the parcel. The pool can be modified to meet the 30 foot setback from the north property line, either by shifting the pool south, reducing the length from 50 feet to 44 feet, or a combination of reconfiguration.

V3. YES The request includes proposed pool areas as amenities to the proposed Place of Worship use. The Applicant is proposing to reduce the 30 foot set-back on the west property lines to accommodate the pool areas. The pools are needed for the place of worship to accommodate their congregation and allow them to comply with their beliefs, which cannot be accommodated with the other recreation areas throughout the development.

The setback from the western property line is adjacent to a lake surrounding the clubhouse amenities for Century Village. Though the site is within a residential zoning district, the CN regulations apply and reduced setbacks to open space may not be applied. Though the pools are proposed at approximately eight and nine feet from the west property line, the site is separated from the western recreation building by approximately 500 feet, that includes parking and a lake.

V4. YES The subject development did not required a buffer along the western property line when developed in 1968, and is considered a nonconforming site element. The ULDC, Article 1 states that in the affected area of a proposed modification, the landscaping shall be modified to the greatest extent possible. Only a portion of the subject site is subject of the variance request. The Applicant states that the subject site is currently developed and limited in space, and the proposed location for the pools, at the side of the existing structure is the most ideal location and will cause the least impacts to the existing development.

Although the Applicant requested elimination of the eight-foot Compatibility Buffer, Staff is only in support of a reduction, which aligns with their request to provide the canopy trees and six foot barrier. A compatibility buffer is comprised of an eight foot width with one canopy tree for each 25 lineal feet and one medium shrub for each four lineal feet. The Preliminary Site Plan indicates the Applicant will be providing planters that are approximately four feet width for each canopy tree meeting the quantity requirement of the code. This would be a reduction in width from eight feet to four feet. The Applicant has stated that they intend to provide a six foot fence, which may be used in place of the medium shrubs, along this boundary to provide for additional screening and, this in turn, results in a modification of the buffer to the greatest extent possible, as described by Article 1, and is the minimum variance to implement this modification. Staff has included this as a condition of approval.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

V1. YES. The site was approved under a prior development code, and the modifications to parking calculations were not a result of the Applicant. As noted above Special Circumstances and conditions are not a result of the Applicant as the development includes an independent internal transportation

system, which serves all of the residents of Century Village, particularly as the 55+ adult community ages and many residents no longer drive. There is no opportunity to expand the existing site. Any alterations to the existing parking area in an attempt to add a parking space or two would require compliance with current Code to the greatest extent possible for the parking area, whereas the DOA application requests only to modify/delete conditions of approval. Therefore, the special circumstance and condition of parking spaces on the subject parcel are not a result of the Applicant's actions.

V2. NO The proposed location of the pool is at the request of the Applicant. The pool does not have minimum dimensions as depicted on the plan, the proposed pools are different sizes. The northern pool can be shifted to the south and meet the setback, reduced in length, or a combination of reconfiguration.

V3. YES The Applicant states that the variance is a unique circumstance of the site and request, including that many residents will utilize shuttle transportation and/or walk and that the Sabbath falls on Saturday when most of the other businesses are closed. Placement of the pools is constrained by the structures that exist and the open space surrounding the site to the west.

V4. YES The development was approved under a prior Code which was not a result from the Applicant, and modifications are allowed to the greatest extent. The Applicant is proposing a reduction in the non-conforming site element with the provision of canopy trees and an area designated for perimeter buffering, which is allowed and encouraged by the ULDC.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

V1, V3, V4. YES. Granting of these variances, subject to the Conditions of Approval, does not confer upon the Applicant a special privilege denied by the Plan. The subject parcel was developed pursuant to the 1957, Zoning Code, as amended, which did not require landscaping, and parking calculations and setback requirements were different than today. The site exists as an "accessory commercial use" for the residential development, similar to PUDs. The requirements for parking have changed allowing more flexibility for calculation and administrative reductions which are not available for this site. Other parcels of land may also seek a variance from the number of required parking spaces based upon the special circumstances and conditions that are peculiar to that parcel of land, building(s), or structures. The number of parking spaces provided are adequate to address the uses proposed within the approved building, which are restricted to serve the residents of Century Village and their guests only. Given the independent internal shuttle system that serves the Century Village residents, adequate parking is provided and granting the variance will not confer any special privilege.

The modifications to the landscape buffer brings the site more into compliance with the perimeter buffer requirements, to the greatest extent possible as allowed by the ULDC for nonconforming site elements. Placement of the pools along the west property line, provides limited impact to the developed commercial area, while providing screening of the accessory Place of Worship use.

V2. NO. Granting the variance confers a special privilege, as the pool can be setback from the northern property line by shifting it six feet, maintain the desired length, or reconfiguring the pool.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:*

V1, V3, V4. YES. Literal interpretation and enforcement of the Code would deprive the Applicant rights commonly enjoyed by other parcels of land that are developed similar like Commercial Pods of PUDs. These developments are allowed to use a range of parking, rather than a calculation based on use. They may also apply for an administrative waiver, if the criteria is met to reduce the parking further. The development is further restricted with a Condition of Approval that limits the use of the site to residents and guests only, which furthers the need to reduce parking as the residents in the development may walk, bike, drive or ride a bus to the commercial plaza.

Enforcement of the setback would impede the use of the property for a Place of Worship, when they may provide a secure and private location for recreating. In addition, requiring the Applicant to install the entire buffer would conflict with the allowances built into the Code that may improve their landscaping to the greatest extent possible.

V2. NO. Enforcement of the setback does not deny the Applicant use of the land or create an unnecessary and undue hardships.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:

V1, V3, V4. YES Subject to the proposed conditions of approval, and Staff Analysis granting the variances are the minimum to make reasonable use of the land and structures. The Commercial Plaza is serving the residents of Century Village, and providing services and amenities that are needed. The Plan and ULDC encourage redevelopment and recognize limitations of sites based on previous development orders.

V2. NO. Placement of the northern pool to meet the setback does not impede on reasonable use of the parcel of land, or the proposed pool structure. Variance is not needed as redesign can be possible.

f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

V1 - V4. YES The proposed variances are consistent with the purposes, goals, objectives, and policies of the Plan and the Code. The reduction in parking is consistent with the approved development order on the subject site and does not alter the employee parking lot. The provided parking study and parking observation further verifies that the requested variance still adequately provides parking for the uses within the subject site. The variance requests related to the setbacks and buffer will not impede the goals and objectives of the Plan and Code, which encourage redevelopment and recognize improvement to the greatest extent possible.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V1 - V4. YES Granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The variance requests for a reduction in parking, reduced side and rear setbacks, and a reduced compatibility buffer along the west side will have no life-safety impacts or negative visual impacts to any of the adjacent uses, while not interfering in the functions of surrounding uses. The approval of the variances will allow the subject site to further its services to the residents of Century Village.

FINDINGS - DEVELOPMENT ORDER AMENDMENT

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment: When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

○ Consistency with the Comprehensive Plan: The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Intensity:* The request does not seek to change the previously approved and built 31,800 sq. ft., which equates to a FAR of approximately 0.31 (31,800 / 103,510 surveyed sq. ft. or 2.38 acres = 0.307). The maximum Floor Area Ratio (FAR) of 0.45 is allowed for the subject future land use designation in the Urban Suburban Tier (103,510 surveyed sq. ft. or 2.38 acres x 0.45 maximum FAR = 46,579.5 sq. ft. maximum).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

b. Consistency with the Code - The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

The proposed Development Order Amendment is consistent with the previous Amendments approved by the BCC. The current condition of approval limits allowable uses in the Center to:

- 31,800 square feet building
- Uses allowed within the Commercial Neighborhood (CN) Zoning District

- Use for the exclusive use of the Century Village residents and their guests
- Uses further limited to retail, office, personal services, adult day care, and financial institution.

This condition prohibits any uses not expressly allowed within the condition, and is much more restrictive than the CN Zoning district for similar circumstances, such as the uses allowed by the ULDC for commercial pods within residential planned developments. The amendment proposes to modify this condition to allow Institutional uses to be subject to the approval process for the CN Zoning District. This change is consistent with the ULDC, and appropriate considering the nature of the Resident Service Center to provide non-residential services to Century Village.

The proposed revisions would allow the Applicant to seek approval for institutional uses allowed by the CN Zoning district and identified in the Use Matrix in Article 4 of the ULDC subject to the approval processes within the Matrix. This change would allow two uses to be approved administratively: Government Services to be permitted by right, and a Place of Worship to be allowed as a DRO approval. Two other institutional uses allowed in CN, Assembly Institutional Non-Profit and Skilled Nursing Facility, would require a Class A approval by the BCC. Other institutional uses, consist of a child day care and elementary school, would not be allowed as uses within the Center are limited to residents and guests of the 55+ age restricted community.

Applicant’s proposed condition of approval modifications:

The site is limited to 31,800 square feet ~~utilizing. Uses shall be limited to the following limitations of~~ the Neighborhood Commercial (CN) Zoning District and shall be for the exclusive use of the Century Village residents and their guests. Institutional and Public Facilities uses shall be subject to the approval process as set forth in the permitted use table for the CN Zoning District. All other uses shall be limited to the following:

- a. Retail, General ~~(Class A approved CA93-40)~~: maximum of 3,000 square feet per use and shall be limited to: the sale of prescription and over-the-counter pharmaceutical drugs, health aids, durable medical goods, other health-related items, convenience food and household items, newsstand and gift shop, and postal service, ~~and which are for the exclusive use of the Century Village residents;~~
- b. Medical or Dental Office ~~(Class A approved CA93-40)~~
- c. Office, Business or Professional ~~(Class A approved CA93-40)~~: limited to legal, accounting, tax, insurance, real estate, or other Florida state-licensed professional services which do not include the sale of goods; management functions which directly relate to the management and operation of Century Village Communities; or, other services or property management functions for service to Century Village residents only.
- d. Personal Services ~~(Class A approved CA93-40)~~
- ~~e. Adult Day Care, Limited (Class A approved CA93-40)~~
- ~~fe. Financial institution: limited to up to 5,000 square feet. Drive thru services not permitted. (DRO approval Petition 2008-1684) (ONGOING: ZONING-Zoning)~~

- c. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The Resident Service Center is within the Century Village community supporting Multifamily residential uses in a development with a Future Land Use (FLU) designation of High Residential, 18 units per acre (HR-18) and Multifamily Residential High Density (RH) Zoning District.. The site is located approximately 1,500 feet from the Century Village Haverhill Road entrance. To the north is the Stratford A condominium building. To the south across the 100 foot wide Century Boulevard ROW is the existing triangular off-site employee parking lot with Dover condominium building beyond that. To the east across the 80 foot wide East Drive ROW are the Waltham condominiums. To the west is a lake with the community Clubhouse beyond the lake. To the southeast is the Golfsedge condominium. The ULDC allows uses a Neighborhood Commercial to have permitted in the CN Zoning District. The previous conditions of approval limit the uses for this development. The proposed modification would allow for other institutional and civic uses within this plaza, that would support the residents. No changes are proposed to the commercial uses allowed and restricted by conditions. The proposed uses and pool amenities on the site are compatible with the surrounding uses.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

Considering that the proposal does not modify the existing structure, and that the site is already utilized for non-residential commercial uses and an institutional use for a General Daycare, the modification to the list of allowable uses will result in minimal impact to the adjacent lands. The allowance of the pools in the location indicated in Figure 4, is contingent up on a decision by the Zoning Commission. Should the ZC deny the setbacks of the pools, they would be required to find a new location for the pools or

eliminate that amenity. The location at the side of the building will not impede on the circulation of the parking and provides screening from adjacent residential and recreation uses.

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

- *Vegetation Protection:* The property is presently developed.
- *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

f. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

Previous approvals found the development to be a logical and orderly development pattern. The request to amend the Conditions of Approval to allow for other Institutional and Civic Uses within the development is not inconsistent with the development pattern. The site was previously allowed to have a General Daycare, and other commercial uses that are serving the residents of the community. Expansion of the uses remains a logical pattern for this development. .

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

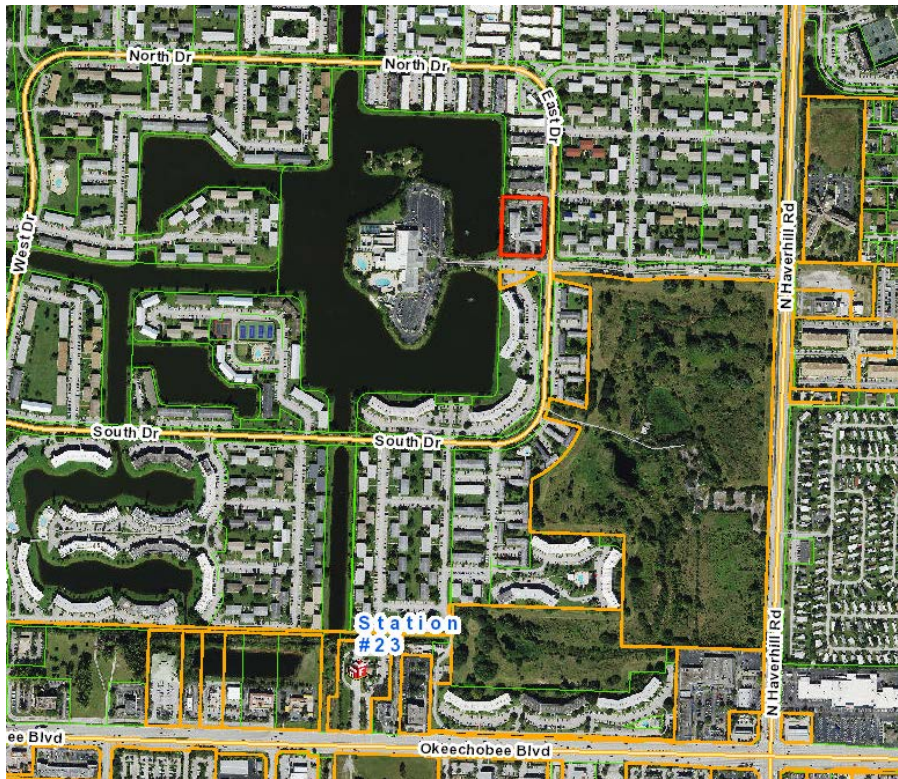
ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The proposed conversion of existing development in the Resident Service Center of Century Village is expected to have a reduction of 76 net daily trips, reduction of 13 net AM peak trip, and reduction of 10 net PM peak hour trips. The build out of the project is assumed to be by 2025.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health

FIRE PROTECTION: Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire Station 23.



SCHOOL IMPACTS: The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION: This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant states that since the development was originally approved, there is a need for the expansion of religious services within the development. Members of the congregation are elderly and not allowed to drive and must walk to services. There is a Place of Worship located across Haverhill Road, which would require them to cross over a 100-foot wide right-of-way. Having the Place of Worship within the Resident Service Center provides for a safer environment as they would be working on sidewalks located within Century Village.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and has determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of these requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1 Type 2 Variance – Concurrent

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated May 23, 2022. Only minor modifications by Development Review Officer shall be permitted provided the changes are consistent with the Conditions of Approval, or not increasing the requested variances. (ONGOING: ZONING - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/ONGOING: ZONING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning)
4. Prior to final approval by the Development Review Officer, the Alternative Landscape Plan shall be submitted and updated to include the modifications proposed for the west property line. (DRO: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; the 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 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

EXHIBIT C-2 Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-111 and R-2009-0704 (Control 93-40), 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, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1165 (Control 1993-00040), 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 and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated April 21, 2010. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated May 23, 2022. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All roof or ground mounted air conditioning, mechanical equipment, electrical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

2. Prior building permit approval, similar architectural character and treatment including but not limited to color, material, fenestration and roofline, shall be provided to the additional 3,160 square feet building and elevator to be consistent with the architecture of the existing building. (BLDGPM: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2010-1165, Control No.1993-00040)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No building permits for the site shall be issued after December 31, 2012. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code.

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which

complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to April 23, 2012, the Property Owner shall subdivide the offsite parking area south of Century Boulevard from Tract 8 of Plat Book 28, Page 219, in accordance with Article 11. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2010-1165, Control No.1993-00040)

LANDSCAPE - GENERAL

1. Canopy trees shall be native and meet the following minimum standards at installation:
Tree height: fourteen (14) feet.

Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

2. Prior to the issuance of a building permit for the building addition, the Property Owner shall replace all dead and missing plant materials on the entire subject property. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2010-1165, Control No.1993-00040)

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2010-1165, Control No.1993-00040)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)

4. Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip.
- b. A six (6) foot high opaque plastic fence. The fence shall be given a finished architectural treatment which is compatible and harmonious with abutting development.

Is hereby amended to read:

Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum ten (10) foot wide landscape buffer strip along the eastern 178 feet.
- b. A six (6) foot high opaque plastic fence. The fence shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (BLDGPM: ZONING - Zoning)

5. The following landscaping requirements shall be installed in the buffer:

- a. One (1) native canopy tree planted every twenty (20) feet on center.
- b. One (1) native palm tree or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees or pine trees may supersede the requirement for a native canopy tree in that location.
- c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation shall be planted on both sides of the fence and shall be maintained at a minimum height of forty-eight (48) inches. (BLDGPM: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2010-1165, Control No.1993-00040)

6. Landscaping and buffering along the north property line shall be upgraded to include:

- a. A minimum fifteen (15) foot wide landscape buffer strip along the western 65 feet.
- b. A six (6) foot high opaque plastic fence. The fence shall be given a finished architectural treatment which is compatible and harmonious with abutting development. (ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-ZONING - LANDSCAPING-LANDSCAPING ALONG SOUTH AND EAST PROPERTY LINES (ABUTTING RIGHTS-OF-WAY)

7. Landscaping within the required buffer along the south and east property lines shall be upgraded to include:

- a. One (1) native canopy tree planted every twenty (20) feet on center.
- b. One (1) native palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 6 of Resolution R-2010-1165, Control No.1993-00040)

LIGHTING

1. Prior to the issuance of a Certificate of Occupancy (CO) for the building addition or the elevator, whichever shall first occur, the outdoor lighting shall comply with ULDC 5.E.4.E. (BLDGPM: BUILDING DIVISION – Building Division) (Previous LIGHTING Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

PARKING

1. All delivery and/or loading areas shall be screened from view from the north property line by a twelve (12) foot high wing wall, measured from finished grade to highest point, consistent with the color and character of the principle structure. (ONGOING: ZONING - Zoning) (Previous PARKING Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

2. Previous PARKING Condition 2 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan.

Is hereby amended to read:

Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site. (ONGOING: CODE ENF - Code Enforcement)

3. The parking area along the south side of Century Boulevard shall be used for employee parking only. Appropriate signs shall be posted restricting this area to employee parking only. (ONGOING: CODE ENF - Code Enforcement) (Previous PARKING Condition 3 of Resolution R-2010-1165, Control No.1993-00040)

4. No parking of any vehicles shall be permitted along the rear of the facility except in parking spaces designated on the site plan. (ONGOING: CODE ENF - Code Enforcement) (Previous PARKING Condition 4 of Resolution R-2010-1165, Control No.1993-00040)

5. Bus parking is prohibited on the site. Buses may drop-off and pick-up passengers only. (ONGOING: CODE ENF - Code Enforcement) (Previous PARKING Condition 5 of Resolution R-2010-1165, Control No.1993-00040)

SIGNS

1. Prior to final approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised to limit freestanding signs to one (1) sign with a maximum sign face area of twelve (12) square feet as indicated on the April 27, 1994 Certified site plan. The sign shall be limited to a maximum height of six (6) feet. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous SIGNS Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

SITE DESIGN-DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the north property line and shall be confined to areas designated on the site plan. (ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2010-1165, Control No.1993-00040)

USE LIMITATIONS

1. Previous USE LIMITATIONS Condition 1 of Resolution R-2010-1165, Control No.1993-00040, which currently states:

The site is limited to 31,800 square feet. Uses shall be limited to the following limitations of the Neighborhood Commercial (CN) Zoning District and shall be for the exclusive use of the Century Village residents and their guests:

- a. Retail, General (Class A approved CA93-40): maximum of 3,000 square feet per use and shall be limited to: the sale of prescription and over-the-counter pharmaceutical drugs, health aids, durable medical goods, other health-related items, convenience food and household items, newsstand and gift shop, and postal service, and which are for the exclusive use of the Century Village residents;
- b. Medical or Dental Office (Class A approved CA93-40)
- c. Office, Business or Professional (Class A approved CA93-40): limited to legal, accounting, tax, insurance, real estate, or other Florida state-licensed professional services which do not include the sale of goods; management functions which directly relate to the management and operation of Century Village Communities; or, other services or property management functions for service to Century Village residents only.
- d. Personal Services (Class A approved CA93-40)

- e. Adult Day Care, Limited (Class A approved CA93-40)
- f. Financial institution: limited to up to 5,000 square feet. Drive thru services not permitted. (DRO approval Petition 2008-1684)

Is hereby amended to read:

The site is limited to 31,800 square feet utilizing the Neighborhood Commercial (CN) Zoning District and shall be for the exclusive use of the Century Village residents and their guests. Institutional and Public Facilities uses shall be subject to the approval process as set forth in the permitted use table for the CN Zoning District. All other uses shall be limited as follows:

- a. Retail, General: maximum of 3,000 square feet per use and shall be limited to: the sale of prescription and over-the-counter pharmaceutical drugs, health aids, durable medical goods, other health-related items, convenience food and household items, newsstand and gift shop, and postal service;
- b. Medical or Dental Office;
- c. Office, Business or Professional: limited to legal, accounting, tax, insurance, real estate, or other Florida state-licensed professional services which do not include the sale of goods; management functions which directly relate to the management and operation of Century Village Communities; or, other services or property management functions for service to Century Village residents only;
- d. Personal Services; and
- e. Financial institution (ONGOING: ZONING - Zoning)

2. The Property Owner and all lessees shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (ONGOING: CODE ENF - Code Enforcement) (Previous USE LIMITATIONS Condition 2 of Resolution R-2010-1165, Control No.1993-00040)

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; 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; the 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 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 of Approval; 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map



Figure 2 - Zoning Map

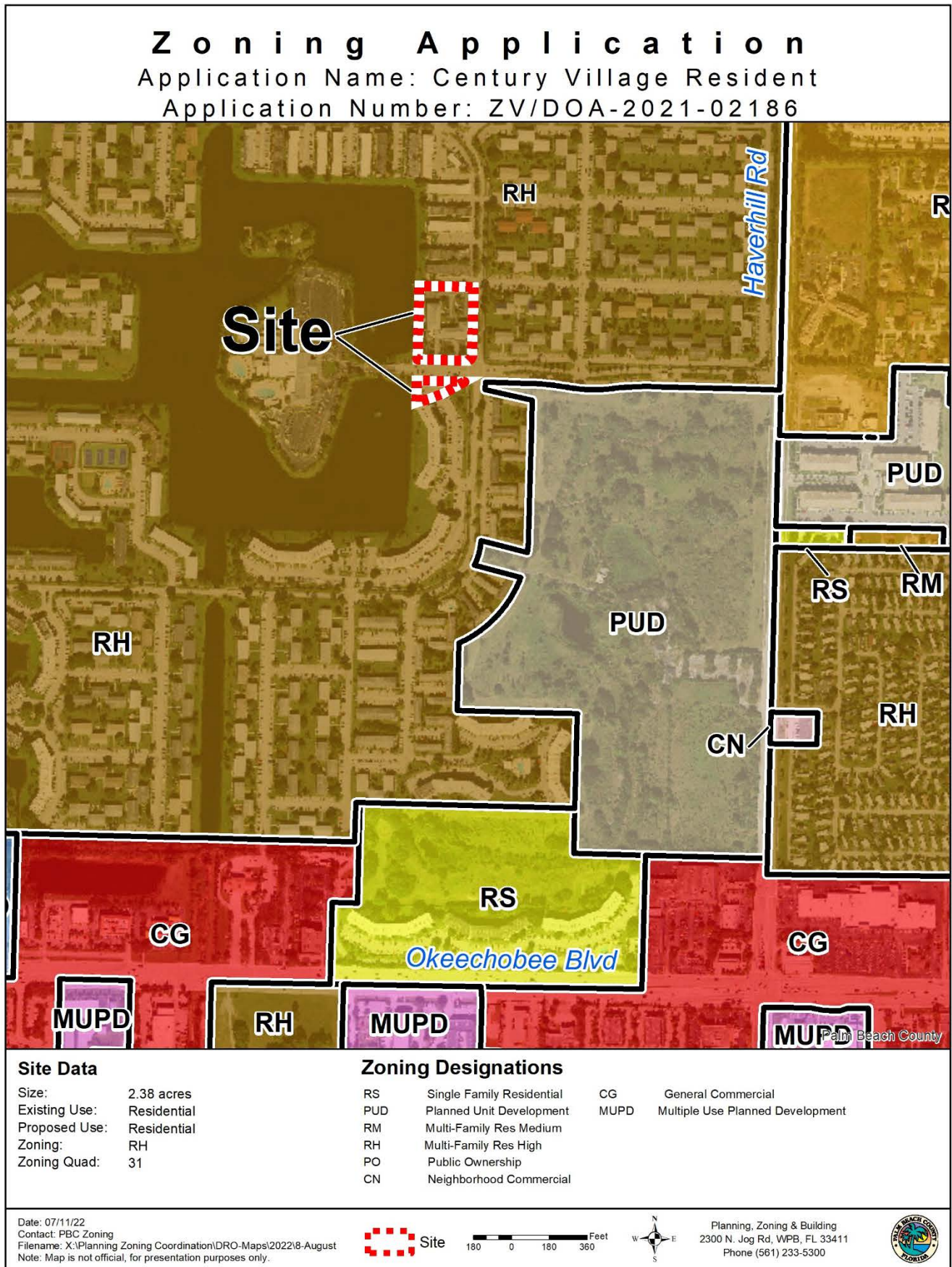


Figure 4 - Approved Final Site Plan dated July 8, 2009

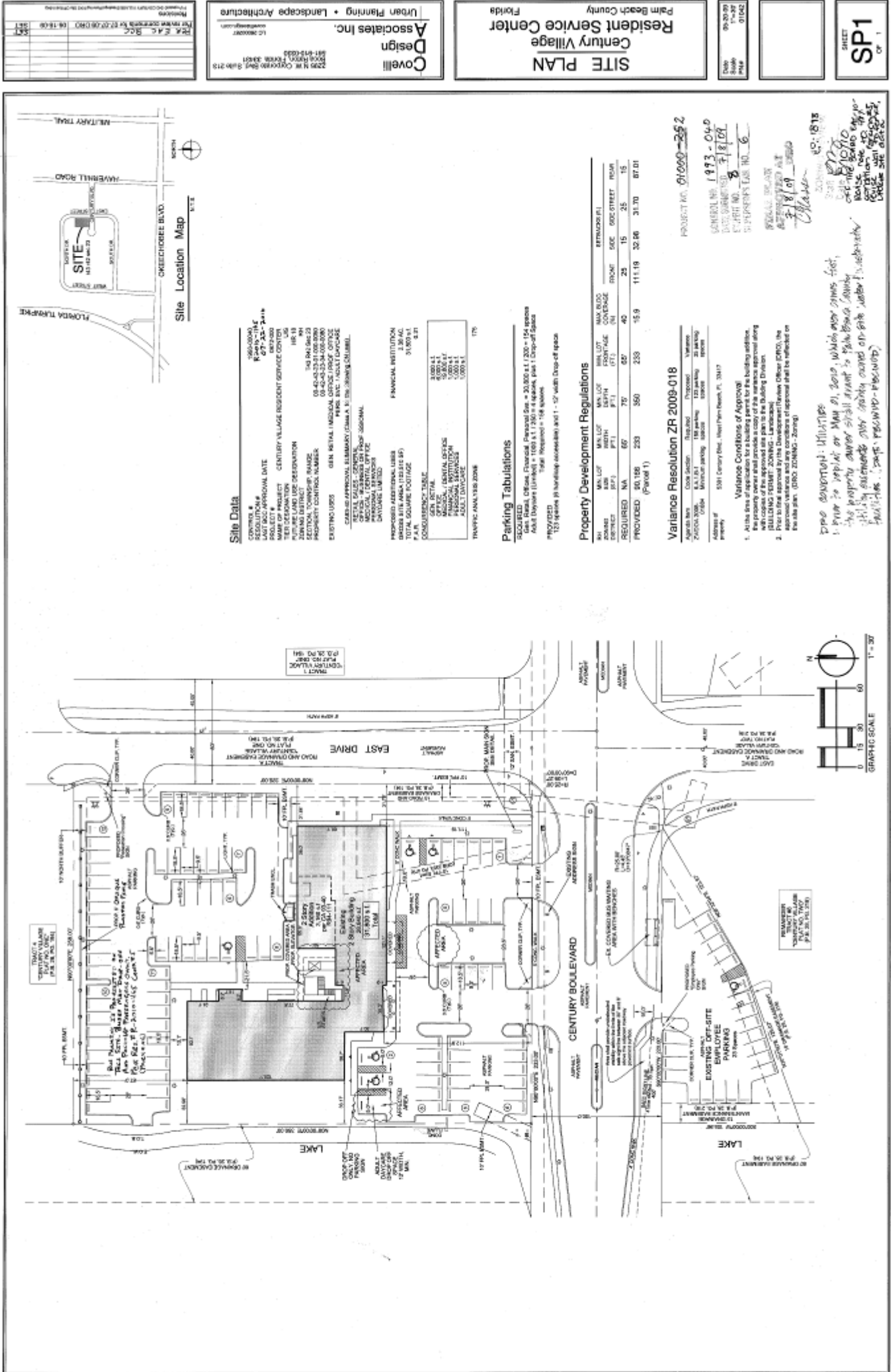


Figure 5 – Preliminary Regulating Plan dated March 28, 2022 (page 1 of 2)

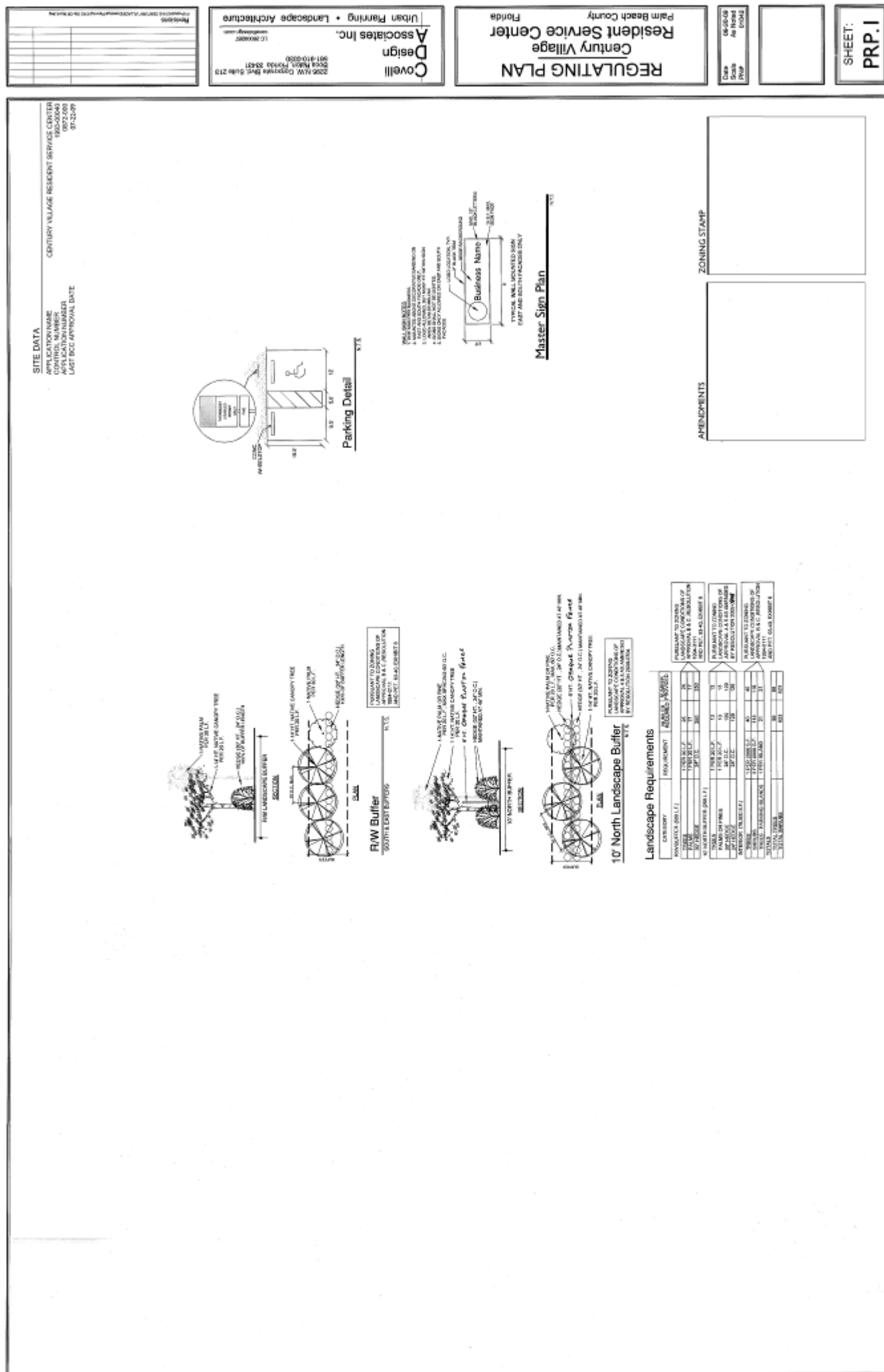


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 [signature], 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] [signature] [position - e.g., president, partner, trustee] of Khal Ghassidim of WPB, LLC [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: 166 Hewes Street, Brooklyn, NY 11211
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.

[Signature]
JACOB FRANKL, 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 5 day of December, 2021 by JACOB FRANKL (name of person acknowledging). He/she is personally known to me or has produced DRIVERS LICENSE (type of identification) as identification and did/did not take an oath (circle correct response).

Harry Deutsch
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 2/5/22

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

PROPERTY DESCRIPTION:

Parcel 1:

Tract 5, Century Village Plat No. One, according to the plat thereof as recorded in Plat Book 28, Page 194, Public records of Palm Beach county, Florida.

Parcel 2:

A parcel of land in Tract 8, Century Village Plat No. Two, according to the plat thereof as recorded in Plat Book 28, Page 219, Public records of Palm Beach County, Florida said parcel of land specifically described as follows:

Begin at the Northwest corner of said Tract #8 and bear assumed due South, along the West line of said Tract #8, a distance of 105.96 feet; thence North 70°01'50" East, a distance of 125.07 feet; thence North 59°32'04" East, a distance of 126.70 feet to a point on a curve having a radius of 25.00 feet; thence Westerly along the arc of said curve, a distance of 4.45 feet; thence due West, along the North line of said Tract #8, a distance of 220.0 feet to the Point of Beginning.

BEGINNING at the northwest corner of said Tract 8; THENCE South 88°29'13" East along the north line of said Tract 8 for 220.00 feet to a point curvature concave to the South; THENCE along said curve for 4.43 feet having a radius of 25.00 feet and a central angle of 10°09'10" to a point; THENCE South 61°02'51" West for 123.97 feet, THENCE South 71°32'42" West for 125.07 feet to a point on the west line of said Tract 8; THENCE North 01°30'47" East along said west line of Tract 8 for 105.96 feet to the POINT OF BEGINNING.

Easement Parcel:

Together with the Roadway Easement recorded June 30, 1994, recorded in O.R. Book 8328, Page 1546, as amended in O.R. Book 23241, Page 1771, Public Records of Palm Beach County, Florida

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

FRIEDMAN, SIMON	166 HEWES ST	BROOKLYN, NY	11211
FRANKL, JACOB	166 HEWES ST	BROOKLYN, NY	11211
SCHLAGER, MORIS	299 HEWES ST	BROOKLYN, NY	11211

Exhibit E – Applicant’s Justification Statement dated September 29, 2022

**JUSTIFICATION STATEMENT
Development Order Amendment (DOA) | Type 2 Variance
Century Village Resident Service Center**

Application No. ZV/DOA-2021-2186 / Control No. 1993-040

Initial Submittal: December 6, 2021

Resubmittal: March 28, 2022, April 25, 2022, May 23, 2022, September 29, 2022

REQUEST

On behalf of the Applicant, WGI is requesting approval of the following:

- 1) **Development Order Amendment (DOA)** to a previously approved Class A Conditional Use to:
 - Modify the ‘Use Limitations’ Conditions of Approval to allow institutional uses subject to the approval process as set forth in the permitted use table for the CN zoning district and retain the remainder of the use limitations previously adopted.
 - Reconfigure the approved Final Site Plan.

- 2) **Type 2 Variance (Concurrent)** approval to allow for:
 - A reduction in the required amount of parking spaces.
 - The elimination of a required Compatibility Buffer (Portion of West Property Line – Existing Site Conditions).
 - A reduction in the required width of the side (west) setback.
 - A reduction in the required width of the rear (north) setback.

SITE CHARACTERISTICS

The subject site, known as “Century Village Resident Service Center”, is located at the northwest corner of the Century Boulevard and East Drive intersection. The subject site is located within the Century Village Community and is approximately 1,500 feet to the west of the Haverhill Road Entrance. The subject site is 2.38 acres in size and is comprised of two parcels which are identified by Parcel Control Numbers (PCNs) 00-42-43-23-01-000-0050 and 00-42-43-23-04-000-0080. The subject site retains a Future Land Use (FLU) designation of High Density Residential, 18 Units Per Acre (HR-18) and is within the Residential High Density (RH) zoning district. It should be noted that the second parcel to the south of Century Boulevard accommodates Staff parking for the service center and will not be affected by the development proposal.



Map ID	PCN	Property Owner	FLU	Zoning
1.	00-42-43-23-01-000-0050	KHAL Chassidim of WPB, LLC	HR-18	RH
2.	00-42-43-23-04-000-0080	KHAL Chassidim of WPB, LLC	HR-18	RH

DEVELOPMENT HISTORY

According to building records and approval history written into the record under previous Palm Beach County Staff Reports, the resident service center was constructed in 1968 and has been providing a service to residents of Century Village since then. It received its first formal approval in 1994 as an accessory commercial use, which was reviewed and approved as a Class A (CA) Conditional Use. Subsequent Development Order Amendment (DOA) approvals followed the initial 1994 CA approval in 2009 and 2010. There have been various administrative level review applications on the subject site related to the finalization of public hearing approved plans, site plan amendments, time extensions, and confirmation letters. An overview of the more relevant Planning and Zoning approvals for the subject site has been provided below.

Date	Application No.	Request	Resolution No.
01/27/1994	CA-1993-40	To allow Accessory Commercial for Century Village	R-1994-0111
08/22/2001	BA-2000-00043	To allow an increase in the maximum amount of retail gross floor area.	-
10/26/2005	SO-2005-01430	Signature only revision to relocate square footage.	-
04/23/2009	ZV/DOA-2008-1684	To modify/delete conditions of approval (Landscaping, Lighting, Use Limitations) and add land area; to allow a reduction in the number of parking spaces.	R-2009-0704; ZR-2009-0018
	DRO-2009-02161	Off the Board Final Site Plan Approval	-
07/22/2010	EAC-2010-00987	To modify conditions of approval (Landscape)	R-2010-1165
08/10/2010	ZZR-2010-01898	Change wall in landscape buffer area from concrete wall to plastic fence.	-

The parking calculation used in Application No. ZV/ DOA-2008-1684 for the variance in the reduction of the number of parking spaces used a flat 1 space per 200 square feet of floor area required parking ratio except for the adult day care use, which had a required parking ratio of 1 space per 250 square feet, see screenshot of the parking tabulations from the approved site plan for said application.

Parking Tabulations

REQUIRED

Gen. Retail, Offices, Financial, Personal Svs. = 30,800 s.f. / 200 = 154 spaces

Adult Daycare (Limited) = 1000 s.f. / 250 = 4 spaces, plus 1 Drop-off Space

Total Required = 158 spaces

PROVIDED

123 spaces (6 handicap accessible) and 1 - 12' width Drop-off space

SURROUNDING PROPERTIES

All uses to the North, South, East, and West of the subject site are part of Century Village. The Century Village development was constructed in the late 1960's under the regulations of the 1957 Palm Beach County Zoning Code, predating the regulations for PUD's, and was approved as a subdivision through building permits. The subject site acts as the commercial pod of the development and is found to be compatible with the surrounding properties. The following is a summary of the uses surrounding the subject site.

	FLU	Zoning District	Existing Use	Approved Use	Existing SF	Approved SF	Control #	Reso. #
East	HR-18	RH	Residential	Residential	-	-	-	R-1971-410
North	HR-18	RH	Residential	Residential	-	-	-	R-1971-410
South	HR-18	RH	Residential	Residential	-	-	-	R-1971-410
West	HR-18	RH	Recreational	Recreational	-	-	2004-419	R-1971-410

North: To the North of the subject site is the Century Village Stratford A condominium. This property accommodates multifamily residential units that support the overall Century Village development. It retains a FLU designation of HR-18 and is within the RH zoning district.

South: To the South of the subject site is the Century Village Dover Condominiums. This property accommodates multifamily residential units that support the overall Century Village development. It retains a FLU designation of HR-18 and is within the RH zoning district.

East: To the East of the subject site is the Century Village Waltham Condominiums. This property accommodates multifamily residential units that support the overall Century Village development. It retains a FLU designation of HR-18 and is within the RH zoning district.

West: To the West of the subject site, across approximately 300 feet of open space (water) is the Century Village Clubhouse. This property accommodates the main recreational component of Century Village. It retains a FLU designation of HR-18 and is within the RH zoning district.

PROPOSED AMENDMENT

The Resident Service Center today provides various services to the residents of Century Village, such as general retail, medical and dental offices, a financial institution, an adult daycare, other personal services, and includes administrative offices for Staff of the center.

Existing	
Use	Area
Retail	3,000 SF
Office	6,000 SF
Medical Dental	19,800 SF
Financial Institution	1,000 SF
Personal Services	1,000 SF
Adult Daycare	1,000 SF
Total Building SF	31,800 SF

Proposed	
Use	Area
Retail	4,000 SF
Office	6,000 SF
Medical/Dental	16,200 SF
Financial Institution	1,000 SF
Personal Services	1,000 SF
Place of Worship	3,600 SF
Total Building SF	31,800 SF

The Applicant respectfully requests the consideration of the development proposal to modify the existing uses within the Resident Service Center, as it will allow for a new Place of Worship component which will only further service and benefit residents of the community. The development proposal is to modify the existing uses within the service center to reallocate 3,600 square feet from the existing Medical/Dental Office component to propose a new Place of Worship component and to reallocate 1,000 square feet from the existing Adult Daycare to Retail. In addition to the proposed 3,600 square foot Place of Worship use that is proposed, two pools are being proposed as accessory to the Place of Worship use, a 1,500 square foot women's pool and a 775 square foot men's pool. Parking and Landscaping will need to be modified to accommodate the proposed pools. The Applicant is proposing an Affected Area consistent with the ULDC.

The growth of the Aitz Chaim Congregation located across Haverhill Road at 2518 Haverhill Road necessitates a convenient expansion for existing Century Village residents who currently walk to the synagogue. Due to religious practices, members of the congregation cannot drive and must walk to worship. This subjects them to cross the dangerous and busy 100' wide Haverhill Road right of way. The proposed location within the Resident Service Center is ideal due to the proximity of it to the many members who reside within Century Village. Furthermore, the development proposal includes the addition of two separate pools within the subject site, one for men and one for women. Under the Jewish orthodox religion, men and women cannot be in the same swimming pool at the same time. Presently, Century Village does not have any pools which accommodate this religious practice. Therefore, the proposal will provide a need to existing members of the congregation who wish to closely follow their religious rites.

As necessary, the Use Limitations condition of approval will need to be modified as outlined below.

R-2010-1165 - USE LIMITATIONS

The site is limited to 31,800 square feet ~~utilizing the. Uses shall be limited to the following limitations of the~~ Neighborhood Commercial (CN) Zoning District and shall be for the exclusive use of the Century Village residents and their guests. ~~Institutional and Public Facilities uses shall be subject to the approval process as set forth in the permitted use table for the CN zoning district. All other uses shall be limited to the following:~~

- a. Retail, General ~~(Class A approved CA93-40):~~ maximum of 3,000 square feet per use and shall be limited to: the sale of prescription and over-the-counter pharmaceutical drugs, health aids, durable medical goods, other health-related items, convenience food and household items, newsstand and gift shop, and postal service, ~~and which are for the exclusive use of the Century Village residents;~~
- b. Medical or Dental Office ~~(Class A approved CA93-40);~~
- c. Office, Business or Professional ~~(Class A approved CA93-40):~~ limited to legal, accounting, tax, insurance, real estate, or other Florida state-licensed professional services which do not include the sale of goods; management functions which directly relate to the management and operation of Century Village Communities; or, other services or property management functions for service to Century Village residents only.
- d. Personal Services ~~(Class A approved CA93-40);~~
- ~~e. Adult Day Care, Limited (Class A approved CA93-40)~~
- f. Financial institution: ~~limited to up to 5,000 square feet. Drive thru services not permitted.~~
(DRO approval Petition 2008-1684) (ONGOING: ZONING-Zoning)

DEVELOPMENT ORDER AMENDMENT (DOA) STANDARDS

This proposal meets the following standards set forth in Article 2.B.7.B.2 of the Palm Beach County Unified Land Development Code (ULDC) for DOA Approval.

A. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

The proposed amendment is relatively minor in nature and will not jeopardize the subject site's existing determination to be consistent with the Comprehensive Plan. An overview of the proposal's consistency with the Comprehensive Plan has been provided below.

The amendment will not be inconsistent with the PUD's consistency with the Comprehensive Plan. The proposed conversion of square footage is consistent with purposes, goals, objectives and policies of the PBC Comprehensive Plan as follows:

- **Policy 2.2.b** – *“All zoning related decisions, including revisions to the Zoning Quad Maps, shall be consistent with the Comprehensive Plan and Future Land Use Atlas. The Unified Land Development Code may limit or restrict any of the land uses allowed by the Future Land Use Element. The County may initiate a district change to the appropriate Zoning Quad Map to eliminate inconsistent land uses and further the Goals, Objectives and Policies of the Comprehensive Plan.”*

The subject site is located within the RH zoning district. According to the Comprehensive Plan and ULDC, the RH zoning district is consistent with the subject site's FLU designation of HR-18. No amendments are proposed to the existing FLU or zoning.

- **Policy 2.2-e: Intensity** – *“The County shall establish and maintain maximum floor area ratios (FAR) specific to each future land use designation in order to establish the maximum non-residential intensity of development, as specified in Table 2.2-e.1. The allowable intensity on a specific parcel may be reduced through the development review process in order to account for the attributes of the subject site, the scale of adjoining properties, and the character of the area. The maximum FAR applies to non-residential uses within these designations; for underlying residential designations and density governed by density in Table 2.2.1-g.1, the maximum FAR does not apply.”*

The subject site is limited to a maximum Floor Area Ratio (FAR) of 0.45. The proposal is consistent with the Comprehensive Plan, as the existing FAR is 0.31. No increase in square footage is associated with this request, only a conversion from one use to another.

B. Consistency with the Code

The proposed use or amendment is not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code.

The development proposal is consistent with the Code. While some portions of the subject site cannot be brought into compliance due to existing conditions, these areas follow the appropriate variance procedure, and have been included as a concurrent Type 2 Variance request. An outline of the subject site's consistency with all other aspects of the Code has been provided below.

Property Development Regulations

The development proposal does not propose the expansion or reconfiguration of the existing building footprint; therefore it will remain in compliance with the Property Development Regulations provided in ULDC Article 3. The PDR chart from the final site plan has been included below for reference.

Property Development Regulations									
RH ZONING DISTRICT	MIN. LOT SIZE (S.F.)	MIN. LOT WIDTH (FT.)	MIN. LOT DEPTH (FT.)	MIN. LOT FRONTAGE (FT.)	MAX. BLDG COVERAGE (%)	SETBACKS (Ft.)			
						FRONT	SIDE	SIDE STREET	REAR
REQUIRED	NA	65'	75'	65'	40	25	15	25	15
PROVIDED	90,166 (Parcel 1)	233	350	233	15.9	111.19	32.98	31.70	87.01

Hazardous Materials

There are no hazardous materials that will be generated, and no special handling of solid waste will be required for the proposed expansion.

C. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

The subject site is part of Century Village and serves as its accessory commercial parcel. It has been found to be compatible with the surrounding uses. The proposed amendment will not jeopardize any of the existing conditions which presently provide screening and buffering of the commercial site to the adjacent residential uses.

D. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The development proposal is consistent with this standard as its design will minimize any adverse impacts including visual and intensity of the proposed use on adjacent lands. The proposed structure is located internal to the Pod therefore it will not have any adverse impacts on adjacent lands. Furthermore, the proposed structure will comply with the County's architectural standards to provide a visually appealing structure.

E. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The proposed request has minimal effect on the natural environment, such as but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. There are no environmental issues associated with this application beyond compliance with ULDC regulations. Any existing vegetation on site will be preserved to the greatest extent possible. A Dust Control Plan Statement has been included within the submittal package.

F. Development Patterns

The proposed use or amendment will result in a logical, orderly, and timely development pattern.

The subject site is currently developed. The proposed amendment will not jeopardize the development patterns of the subject site and surrounding area, as it is simply modifying the uses within resident service

center. Adding a Place of Worship Use to the subject site will prevent members of the Aitz Chaim Congregation from having to cross Haverhill Road to access the synagogue.

G. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

The subject site is currently developed and maintains adequate public facilities. The reallocation of square footage is not anticipated to jeopardize the subject site's compliance with Article 2.F, Concurrency. A traffic study has been included with this application which indicates the proposal complies with Traffic Performance Standards.

H. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances, provided by the Applicants Justification Statement that necessitate a modification.

The growth of the Aitz Chaim Congregation across Haverhill Road at 2518 Haverhill Road necessitates a convenient expansion for existing Century Village residents who currently walk to the synagogue. Due to religious practices, members of the congregation cannot drive and must walk to worship. This subjects them to cross the busy 100' wide Haverhill Road right of way. The proposed location within the Resident Service Center is ideal due to the proximity of it to the many members who reside in Century Village.

TYPE 2 VARIANCE STANDARDS

The Applicant respectfully requests consideration of four Type 2 (Concurrent) Variance requests with regard to Table 6.B.1.B. Minimum Parking and Loading Requirements, Table 3.D.1.A. Setbacks, and Table 7.C.2.B. Compatibility Buffer Landscape Requirements within Palm Beach County's ULDC. The Type 2 Variance requests are detailed in the table below.

Variance ID	ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1.	Table 6.B.1.B Minimum Parking and Loading Requirements	183 parking spaces	112 parking spaces	-71 parking spaces
2.	TABLE 3.D.1.A side setback for CC zoning district	30'	8'-8" to the edge of the men's pool	21'-4"
3.	TABLE 3.D.1.A rear setback for CC zoning district	30'	24' to the edge of the women's pool	6'
4.	Table 7.C.2.B Compatibility Buffer Landscape Requirements	Minimum Width: 8'; 1 canopy tree per 25 LF; 1 row of medium shrubs per 4 LF	Minimum Width: 0'; 1 canopy tree per 25 LF; 6' tall opaque fence	-8' width and no shrubs, opaque fence in lieu of shrubs

All seven (7) criteria listed below and as set forth in ULDC Section 2.B.7.E.6, are met:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

V.1: Applicant's request involves eliminating 11 parking spaces, which would bring the total number of parking spaces on the property down to 112 spaces. Based on current ULDC-required parking the total required parking for Applicant's request would be 183 spaces, which would be a 71-space reduction through the requested variance. However, based on the previously approved variance, Applicant's request would only represent an additional 11-space reduction on top of the 35-space reduction granted via ZR-2009-018. Furthermore, Applicant's request also involves changing the land uses on the property so a re-evaluation of the required parking under the submitted shared parking study is necessary.

The parking study shows that because the place of worship is not open on weekdays, the total parking demand for the property on weekdays, which are the peak parking demand days, is 134 spaces per the ULDC required parking ratios. When only considering the weekday ULDC-generated parking demand of 134 spaces, the deviation in provided parking is only 22 parking spaces. Note that a 22-space reduction is a less intense reduction than the 35-space reduction currently in effect via R-2009-018.

The parking variance is justified due to the fact that the service center is internal to Century Village and not open to the general public, as other commercial uses are which are located outside of Century Village. Furthermore, given the age of many of the residents, other means of travel whether by walking or shuttle bus are provided which

negate the need for excessive parking amounts. Finally, religious practices of members of the congregation do not allow worshipers to drive themselves or be driven by others to the Place of Worship on the Sabbath, and the Sabbath is on Saturday when most of the other businesses in the plaza are closed.

The provided parking study also demonstrates that per ITE parking rates, the proposed site plan has a parking demand that is 10 spaces lower (89 compared to 99 spaces) than the current site plan. A field parking occupancy observation was also conducted on Wednesday, March 2 and Saturday, March 5, 2022. The results of the observation reveal that the peak parking demand on a weekday is only 61 parking spaces, far below the ULDC required parking and also below the ITE estimated parking demand. The peak parking demand on Saturday was 19 spaces. Again, parishioners of the place of worship will not be driving to the place of worship on the Sabbath on Saturday but if they did drive at the ULDC expected ratio of 49 cars, there would be plenty of available parking on a Saturday since there are 112 spaces and only 19 spaces were observed being used at the most at any one time.

Therefore, the County's estimated need for parking for the Place of Worship is vastly overstated and the variance for a reduction in the required parking is justified.

- V.2:** The existing building meets the 30' required side (west) setback but it is physically impossible for the men's pool to meet the 30' side setback. However, the men's pool is situated comfortably between the building and the property line and although the 8' wide compatibility buffer cannot be provided along the western property line, the required canopy trees every 25 feet will be provided and a 6' tall opaque wall is provided in lieu of a shrub.
- V.3:** The existing building exceeds the 30' required rear (north) setback but it is physically impossible for the women's pool to meet the 30' rear setback. However, the women's pool is situated comfortably between the building and the property line and the full 15' wide incompatibility buffer is provided in the affected area.
- V.4:** On the current approved site plan, there is no buffer provided along the western property line. This is an existing condition which was most likely approved this way due to the ample open space (water) that is adjacent to the west side of the subject site. Only a portion of the subject site is the subject of this variance request as it lies only within the affected area of the proposed DOA. The subject site is currently developed and limited in space. The proposed location for the pools is the most ideal location and will cause the least impacts to the existing development. In addition, a six-foot-tall opaque fence is proposed along this boundary to provide for additional screening and canopy trees, 1 per 25 linear feet, will be provided in planter boxes for additional screening.

2. Special circumstances and conditions do not result from the actions of the Applicant.

- V.1.2.3.4:** As previously mentioned, the subject site was developed in the 1960s and many of the requirements have changed and become more restrictive over time. There is a limited amount of developable area within the subject site due to the existing improvements. Coupled with the considerations that many residents will utilize shuttle transportation and/or walk and that the Sabbath falls on Saturday when most of the other businesses are closed, the reduction in parking is justified. Due to the antiquated site elements, and the existing conditions of the site, the formalization of the non-compliant landscape buffers is justified.

3. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

- V.1.2.3.4:** The granting of these variances will not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, building, or structures, in the same district. This is a unique subject site and only applicable to Century Village.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.

- V.1.2.3.4:** Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship. The subject site is well-served by the internal shuttle system for Century Village residents. The building is centrally located for residents and is the only area within the community permitted to provide commercial type uses for the convenience of the residents. Bringing the landscape compatibility buffer into compliance would cause major modifications to the existing circulation and structure on the subject site.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

V.1: As previously mentioned, the subject site is not open to the general public and many of the Century Village residents use the development's shuttle system and/or walk to the subject site. The addition of the Place of Worship use is unique in that many of its members will walk due to religious practices. A parking study has been provided in support of this variance which finds this is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

V.2.3: The reduced setback requests are only for setbacks related to two accessory pools to the place of worship use. There isn't enough space on the subject site to provide the accessory pools and meet the setbacks due to site constraints. The granting of these variances are the minimum variances that will make possible the reasonable use of the parcel of land, building or structure.

V.4: The request to continue to not provide a portion of the western compatibility buffer is the minimum variance possible that will continue to make possible the reasonable use of the parcel of land. Over half of the west-facing side of the property has a condition where a parking lot abuts the west property line. An opaque fence is being provided around the proposed pool deck to mitigate for the elimination of the buffer. It should be noted that the western property line is adjacent to an approximately 300-foot-wide expanse of water and opposite of the water is the parking lot for the Century Village recreation parcel.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

V.1.2.3.4: The proposed variances are consistent with the purposes, goals, objectives, and policies of the Plan and the Code. The reduction in parking is consistent with the approved development order on the subject site and does not alter the employee parking lot. The provided parking study and parking observation study further verifies that the requested variance still adequately provides parking for the uses within the subject site. The variance requests related to the setbacks and buffer will not jeopardize the subject site's consistency with the Plan.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

V.1.2.3.4: Granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The variance requests for a reduction in parking, reduced side and rear setbacks, and a reduced compatibility buffer along the west side will have no life-safety impacts or negative visual impacts to any of the adjacent uses, while not interfering in the functions of surrounding uses. The approval of the variances will allow the subject site to further its services to the residents of Century Village.

CONCLUSION

Based on the above justification and attached information, the petitioner respectfully requests approval of the subject DOA and Type 2 Variance applications.