

RESOLUTION NO. R-2010- 1173

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-00417
(CONTROL NO. 1984-00139)
a Requested Use
APPLICATION OF Jewish Community Facilities Corp
BY Land Design South, Inc., AGENT
(Rainberry PUD Pods A & B)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

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

WHEREAS, Zoning Application DOA/R-2010-00417 was presented to the Board of County Commissioners at a public hearing conducted on July 22, 2010; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application DOA/R-2010-00417, the petition of Jewish Community Facilities Corp, by Land Design South, Inc., agent, for a Requested Use to allow for a Congregate Living Facility Type III, Assembly Non-Profit Institutional use, and a Nursing or Convalescent Facility in the PUD Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 22, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on July 22, 2010.

Filed with the Clerk of the Board of County Commissioners on August 2, 2010.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

Being a portion of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of said Pod B; Thence South 00°00'20" East along the East line of said Pod B for a distance of 1109.00 feet to the Northeast corner of Tract "A" of said Plat of "RAINBERRY P.U.D., PODS A, B AND C"; Thence South 89°59'40" West along the North line of said Tract "A" for a distance of 29.11 feet; Thence South 01°15'41" West along the Westerly and Northerly line of said Tract "A" for a distance of 40.31 feet; Thence continue South 20°31'58" West for a distance of 75.82 feet; Thence continue South 40°33'41" West for a distance of 90.57 feet; Thence continue South 56°54'23" West for a distance of 44.88 feet; Thence continue South 82°46'55" West for a distance of 122.65 feet to a point on the South line of said Pod B; Thence South 89°59'40" West along the South line of said Pod B for a distance 115.61 feet; Thence North 00°00'57" West for a distance of 395.00 feet; Thence South 89°59'40" West for a distance of 867.29 feet to a point on the Easterly right-of-way line of 95th Avenue, said point being on the arc of a curve concave to the West (a radial line through said point bears North 74°59'15" West) having a radius of 65.00 feet and a central angle of 53°55'43"; Thence Northerly along the arc of said curve, also being the Easterly right-of-way line of said 95th Avenue for a distance of 61.18 feet to the beginning of a reverse curve, concave to the Northeasterly, having a radius of 25.00 feet and a central angle of 38°53'49"; Thence continue Northerly along the arc of said curve a distance of 16.97 feet; Thence continue North 00°01'09" West for a distance of 206.64 feet to the beginning of a circular curve, concave to the West, having a radius of 2350.00 feet and a central angle of 6°06'23"; Thence Northerly along the arc of said curve a distance of 250.45 feet; Thence continue North 6°07'32" West for a distance of 273.26 feet to the beginning of a circular curve, concave to the East, having a radius of 2260.00 feet and a central angle of 00°39'15"; Thence Northerly along the arc of said curve a distance of 25.80 feet; Thence North 00°01'09" West for a distance of 86.64 feet to the Northwest corner of said Pod B; Thence North 89°59'40" East along the North line of said Pod B for a distance of 1320.69 feet to the POINT OF BEGINNING.

PARCEL 2:

All of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, less and except therefrom that portion of Pod B, "RAINBERRY P.U.D., PODS A, B AND C", according to the Plat thereof, as recorded in Plat Book 80, Pages 24 through 26, Public Records of Palm Beach County, Florida, more particularly described as follows:

BEGIN at the Northeast corner of said Pod B; Thence South 00°00'20" East along the East line of said Pod B for a distance of 1109.00 feet to the Northeast corner of Tract "A" of said Plat of "RAINBERRY P.U.D., PODS A, B AND C"; Thence South 89°59'40" West along the North line of said Tract "A" for a distance of 29.11 feet; Thence South 01°15'41" West along the Westerly and Northerly line of said Tract "A" for a distance of 40.31 feet; Thence continue South 20°31'58" West for a distance of 75.82 feet; Thence continue South 40°33'41" West for a distance of 90.57 feet; Thence continue South 56°54'23" West for a distance of 44.88 feet; Thence continue South 82°46'55" West for a distance of 122.65 feet to a point on the South line of said Pod B; Thence South 89°59'40" West along the South line of said Pod B for a distance 115.61 feet; Thence North 00°00'57" West for a distance of 395.00 feet; Thence South 89°59'40" West for a distance of 867.29 feet to a point on the Easterly right-of-way line of 95th Avenue, said point being on the arc of a curve concave to the West (a radial line through said point bears North 74°59'15" West) having a radius of 65.00 feet and a central angle of 53°55'43"; Thence Northerly along the arc of said curve, also being the Easterly right-of-

way line of said 95th Avenue for a distance of 61.18 feet to the beginning of a reverse curve, concave to the Northeasterly, having a radius of 25.00 feet and a central angle of 38°53'49"; Thence continue Northerly along the arc of said curve a distance of 16.97 feet; Thence continue North 00°01'09" West for a distance of 206.64 feet to the beginning of a circular curve, concave to the West, having a radius of 2350.00 feet and a central angle of 6°06'23"; Thence Northerly along the arc of said curve a distance of 250.45 feet; Thence continue North 6°07'32" West for a distance of 273.26 feet to the beginning of a circular curve, concave to the East, having a radius of 2260.00 feet and a central angle of 00°39'15"; Thence Northerly along the arc of said curve a distance of 25.80 feet; Thence North 00°01'09" West for a distance of 86.64 feet to the Northwest corner of said Pod B; Thence North 89°59'40" East along the North line of said Pod B for a distance of 1320.69 feet to the POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

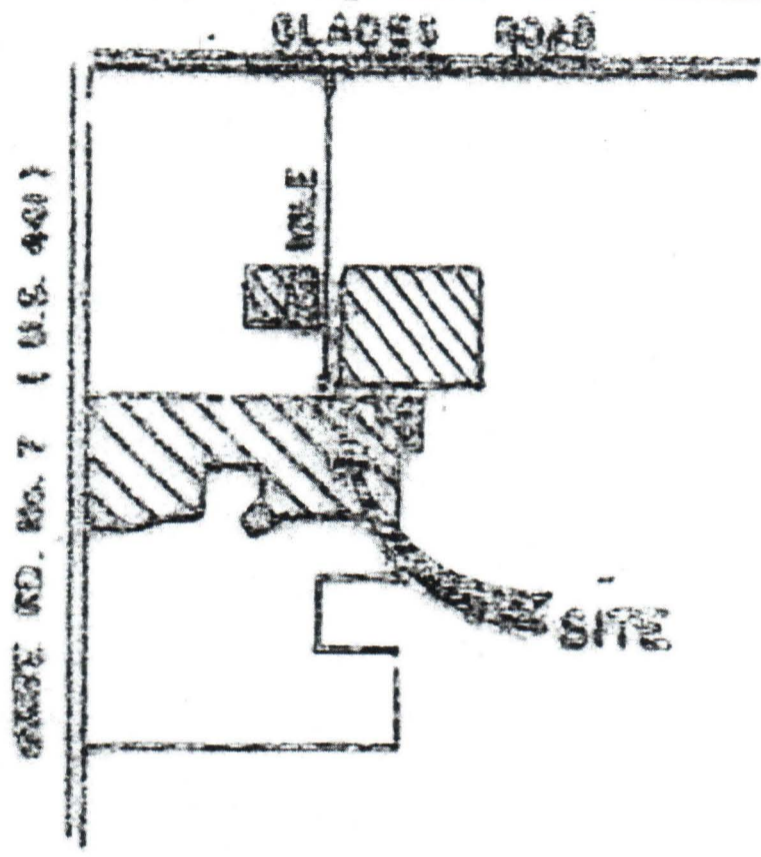


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved Preliminary Master Plan for the Rainberry PUD is dated May 17, 2010 and the approved Preliminary Site Plan for Pods A & B is dated May 18, 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. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall submit line of sight analysis cross section of Building A to demonstrate compliance with building height and to address visual impact from adjacent residential properties. (DRO: ARCH REVIEW Zoning)

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall indicate on the site the location of either a centralized mechanical equipment air cooling facility for the development or location of individual units for each building. The air cooling equipment (centralized or individual units) shall be screened from view from adjacent properties. There shall be no mechanical equipment or dumpsters located on the east side of building E. (DRO: ARCH REVIEW Zoning)

DRO

1. Prior to final approval by the Development Review Officer (DRO), the applicant shall revise the master plan to reflect the acreage recorded by the plats for each pod. (DRO: ZONING - Zoning)

USE LIMITATIONS

1. Previous Use Limitation Condition 2 of Resolution R-2007-0424 (Control No. 1984-139), which currently states:

Pod B shall be limited to a maximum of:

- a. 220,000 square feet and 1,328 students for the elementary, middle and high schools.
- b. 23,000 square feet and 90 adults and 20 employees for the adult daycare facility.
- c. 80,000 square feet for shared facilities (library, dining, etc.). (Previous Use Limitation Condition 2 of Resolution R-2007-0424, Control No. 1984-139 (DRO: ZONING-Zoning)

Is hereby amended to read

Pod B shall include:

- a) Congregate Living Facility, Type 3 - 550 beds
- b) 23,000 square feet and 90 adults and 20 employees for the adult daycare facility.
- c) Nursing or Convalescent Facility 48 beds.
- d) Assembly, Nonprofit Institutional 80,000 square feet. (DRO: ZONING-Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for

review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2.Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)