

RESOLUTION NO. R-2012- 0778

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2011-02350
(CONTROL NO. 1984-00139)
a Development Order Amendment
APPLICATION OF SPBC Federation Housing Inc
BY Land Design South, Inc., AGENT
(Rainberry PUD Pods 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 ZV/DOA-2011-02350 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2012; 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 Development Order Amendment.

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 ZV/DOA-2011-02350, the petition of SPBC Federation Housing Inc, by Land Design South, Inc., agent, for a Development Order Amendment to modify the Master Plan, to reconfigure the Site Plans for Pods A and B; to re-designate uses for Pod A; and to modify and delete Conditions of Approval (Use Limitation and Engineering) in the RTS/SE 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 May 24, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on May 24, 2012.

Filed with the Clerk of the Board of County Commissioners on June 8, 2012.

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

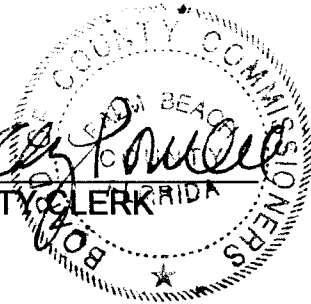


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

All of RAINBERRY P.U.D., PODS A, B & C, according to the Plat thereof, as recorded in Plat Book 80, at Page 24 through 26 inclusive, of the Public Records of Palm Beach County, Florida;

INCLUDING:

That portion of 95th Avenue as shown on said plat of RAINBERRY P.U.D., PODS A, B, & C, according to the Plat thereof, as recorded in Plat Book 80, at Page 24 through 26 inclusive, and as modified by the realignment of 95th Avenue as described in Official Records Book 12340, at Page 1641, both of the Public Records of Palm Beach County, Florida;

AND

All of Tract B, RAINBERRY POD "D", according to the Plat thereof, as recorded in Plat Book 86, at Page 7 through 8 inclusive, of the Public Records of Palm Beach County, Florida;

TOGETHER WITH: POD D

All of THE RICHARD AND CAROLE SIEMENS JEWISH CAMPUS, according to the Plat thereof, as recorded in Plat Book 64, at Page 136 through 138 inclusive, and THE RICHARD AND CAROLE SIEMENS JEWISH CAMPUS REPLAT NO. 1, according to the Plat thereof, as recorded in Plat Book 112, at Page 55 through 56 inclusive, both of the Public Records of Palm Beach County, Florida;

ALSO TOGETHER WITH: POD E

All of HERITAGE HOUSE, according to the Plat thereof, as recorded in Plat Book 61, at Page 126 through 127 inclusive, of the Public Records of Palm Beach County, Florida;

ALSO TOGETHER WITH: POD F

All of ARBOR OAKS AT BOCA RATON, according to the Plat thereof, as recorded in Plat Book 72, at Page 93 through 95 inclusive, of the Public Records of Palm Beach County, Florida;

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at the Northeast corner of Pod B, RAINBERRY P.U.D., PODS A, B & C, according to the Plat thereof, as recorded in Plat Book 80, at Page 24 through 26 inclusive, of the Public Records of Palm Beach County, Florida, said point being the POINT OF BEGINNING; Thence South 00°00'20" East, for 1,309.00 feet; Thence South 89°59'40" West, for 990.29 feet; Thence South 00°00'57" East, for 16.13 feet; Thence South 00°00'39" East, for 660.00 feet; Thence South 89°59'21" West, for 360.00 feet; Thence South 00°00'39" East, for 308.63 feet; Thence South 89°59'21" West, for 931.54 feet; Thence South 57°48'02" West, for 210.35 feet to a point at the beginning of a non-tangent curve, concave to the Southwest, said curve having a radius of 395.00 feet, through a central angle of 19°38'40" and from said point a radial line bears South 57°48'03" West; Thence Northwesterly along said curve for 135.43 feet; Thence North 38°09'23" East, for 347.06 feet; Thence North 00°00'39" West, for 272.24 feet; Thence South 89°59'21" West, for 458.55 feet; Thence South 00°00'39" East, for 460.65 feet; Thence South 89°59'21" West, for 223.09 feet to a point of curvature with a curve concave to the South, said curve having a radius of 438.81 feet, through a central angle of 28°29'44"; Thence Westerly along said curve for 218.24 feet; Thence South 61°29'37" West, for 198.25 feet to a point of curvature with a curve concave to the North, said curve having a radius of 348.81 feet, through a central angle of 28°29'44"; Thence Westerly along said curve for 173.48 feet; Thence South 89°59'21" West, for 415.41 feet; Thence North 00°31'13" West, for 1,086.14 feet; Thence North 89°59'21" East, for 2,641.91 feet; Thence North 00°01'09" West, for 370.31 feet to a point at the beginning of a non-tangent curve, concave to the East, said curve having a radius of 65.00 feet, through a central angle of 101°32'47" and from said point a radial line bears North 27°25'21" East; Thence Northerly along said curve for 115.20 feet to a point of reverse curvature with a curve concave to the West, said curve having a radius of 25.00 feet, through a central angle of 38°59'17"; Thence Northerly along said curve for 17.01 feet; Thence North 00°01'09" West, for 206.54 feet; Thence South 89°59'40" West, for 975.00 feet; Thence North 00°01'09" West, for 630.00 feet; Thence North 89°59'40" East, for 990.00 feet; Thence North 00°01'09" West, for 4.00 feet; Thence North 89°59'40" East, for 1,350.69 feet to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.
Said lands lying and situate in Section 19, Township 47 South, Range 42 East, Palm Beach County, Florida.
Said lands contain 115.62 acres, more or less.

VICINITY SKETCH

Vicinity Sketch

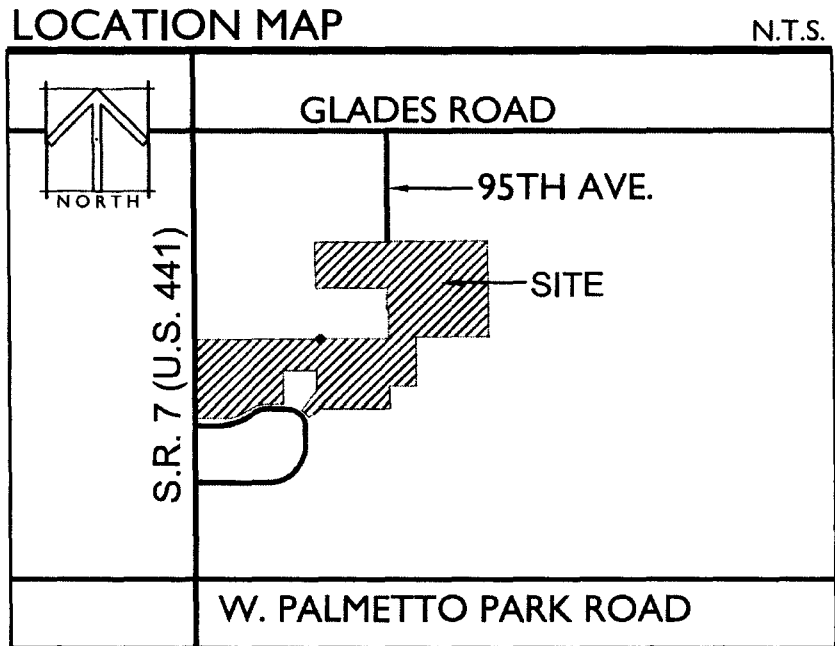


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2010-1173 (Control 1984-139), have been consolidated as contained herein.

The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous Condition No. ALL PETITIONS 1 of Resolution R-2010-1173, Control No. 1084-139, that currently states:

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)

Is hereby amended to read:

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 March 15, 2012 and the approved Preliminary Site Plan for Pods B is dated March 15, 2012. 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 Office (DRO), the property owner shall submit Preliminary simple line elevations and line of sight analysis of Building A to demonstrate compliance with building height and to address compatibility issues. (DRO: ARCH. REVIEW - Zoning) (Previous Condition No. ARCHITECTURE REVIEW 1 of Resolution R-2010-1173, Control No. 1084-139) [Note: No longer applicable with this request. COMPLETED]

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 to ensure:

- a. the noise level generated by these proposed unit(s) is in compliance with Art. 5.E.4.B, Noise Limitations and Prohibitions; and,
- b. these air cooling equipment (centralized or individual units) are screened from view from adjacent properties. (DRO: ARCH REVIEW - Zoning) (Previous Condition No. ARCHITECTURE REVIEW 2 of Resolution R-2010-1173, Control No. 1084-139)

ARCHITECTURAL REVIEW-POD B ONLY

3. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for the Type III CLF located in Pod B shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved architectural elevations, the DRO approved Site Plan, all applicable conditions of approval, and all ULDC requirements. (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) (Previous Condition No. DRO 1 of Resolution R-2010-1173, Control No. 1084-139)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the applicant shall provide a restrictive covenant or other suitable documentation acceptable to the Planning Division and the County Attorney's office, which demonstrates compliance with the County's Affordable Housing Program (AHP). (DRO: PLANNING/COUNTY ATTORNEY-Planning)

2. Prior to final approval by the Development Review Officer (DRO), revise the Final Site Plan to depict the required information regarding total AHP units and quantities assigned to each income category (0-60% AMI).(DRO: Planning- Planning)

USE LIMITATIONS

1. Previous Condition No. USE LIMITATION 1 of Resolution R-2010-1173, Control No. 1084-139, that currently states:

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)

Is hereby amended to read:

Pod B shall include:

- a) Congregate Living Facility, Type 3 - 538 beds
- b) 23,000 square feet and 90 adults and 20 employees for the adult daycare facility.
- c) Nursing or Convalescent Facility 60 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) (Previous Condition No. COMPLIANCE 1 of Resolution R-2010-1173, Control No. 1084-139)

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) (Previous Condition No. COMPLIANCE 2 of Resolution R-2010-1173, Control No. 1084-139)