

RESOLUTION NO. R-2015- 1351

RESOLUTION APPROVING ZONING APPLICATION PDD/R-2015-00755
(CONTROL NO. 2005-00506)
a Requested Use
APPLICATION OF Providence I Investments LLC
BY Wantman Group Inc., AGENT
(Providence Living in Delray Beach)

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;

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) (ULDC), have been satisfied;

WHEREAS, Zoning Application PDD/R-2015-00755 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2015;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

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

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC 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 PDD/R-2015-00755, the application of Providence I Investments LLC, by Wantman Group Inc., Agent, for a Requested Use to allow a Type 3 Congregate Living Facility, 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 September 24, 2015, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Taylor moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Absent
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on September 24, 2015.

Filed with the Clerk of the Board of County Commissioners on September 29th, 2015

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
PALM BEACH COUNTY COMMISSIONERS
FLORIDA

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the south 500 feet thereof, and LESS the north 12.5 feet for road right-of-way, and LESS the east 40 feet for the E-3 Canal right-of-way, and LESS the west 40.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 2:

The north 125 feet of the south 500 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the east 80 feet for the E-3 Canal right-of-way, and LESS the west 40.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 3:

The north 125 feet of the south 375 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida, LESS the east 40 feet for the E-3 Canal right-of-way, and LESS the west 80.00 feet of the east 120 feet thereof for road right-of-way.

PARCEL 4:

The West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, LESS the north 12.5 feet for road right-of-way, of Section 14, Township 46 South, Range 42 East, in Palm Beach County, Florida.

Said lands situate in Palm Beach County, Florida and containing 329,712 square feet (7.57 acres) more or less.

EXHIBIT B
VICINITY SKETCH

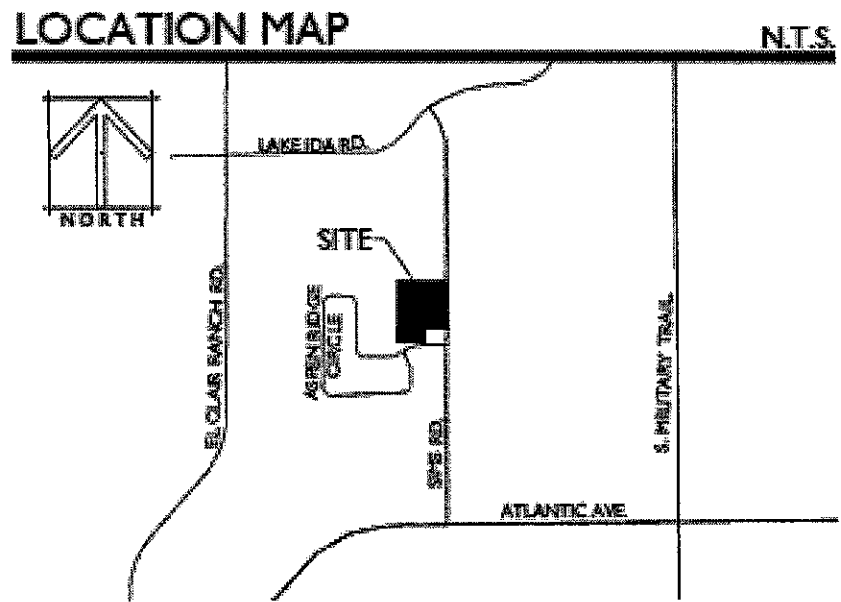


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 9, 2015. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type 3 Congregate Living Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 15, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

ENVIRONMENTAL

1. Submit a Phase II Audit, consistent with Florida Department of Environmental Protection best management practices, prior to DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. The Property Owner shall adhere to the requirements pursuant to the approved Dust Control Letter during all applicable phases of construction. The Letter shall be posted alongside the Building Permit on the construction site.

LANDSCAPE - GENERAL

1. All preserved trees (including canopy trees, pines or palms) are required to be protected with tree barriers during all stages of construction. Permanent tree protection devices including, but not limited to: tree wells, retaining walls, shall be installed for the preservation of trees. (ONGOING: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (BLDGPM: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTHERN PROPERTY LINE

3. Prior to Final Plan approval by the Development Review Officer, the Applicant shall provide a tree survey along the area of the southern property line abutting Aspen Ridge extending a minimum of 30 feet to the north. Applicant shall meet with Zoning Staff to preserve the maximum amount of vegetation on site. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-EASTERN PROPERTY LINE

4. In addition to the Code requirements, the ROW Buffer along the eastern property line shall include a 2 foot high berm. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-WESTERN PROPERTY LINE

5. In addition to the Code requirements, The landscape buffer along the western property line shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted;
- b. one (1) palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPM: 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; 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.

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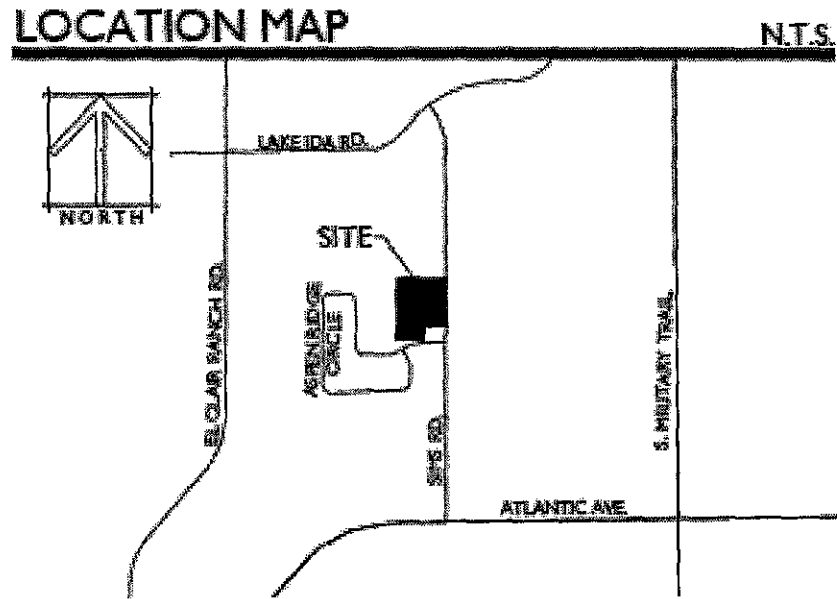


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