

RESOLUTION NO. R-2020- 1417

RESOLUTION DENYING ZONING APPLICATION ZV/CA-2018-01804
(CONTROL NO. 2018-00013)
APPLICATION OF Dakota Limited Holdings, LLC
BY Gentile Glas Holloway O'Mahoney & Associates, Inc., AGENT
(Hedge House)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 Supplement 25, have been satisfied;

WHEREAS, Zoning Application ZV/CA-2018-01804 was presented to the Board of County Commissioners at a public hearing conducted on September 24, 2020;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby finds that the application fails to meet seven of eight Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use based on the evidence and testimony at the hearing including the testimony by the professional experts of the opponents.

WHEREAS, Article 2.B.6.C (Board Action) of the 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 ZV/CA-2018-01804, the Application of Dakota Limited Holdings, LLC, by Gentile Glas Holloway O'Mahoney & Associates, Inc., Agent, for a Class A Conditional Use to allow a Type 2 Congregate Living Facility, on a parcel of land generally described as shown on the legal description 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 denied on September 24, 2020.

Commissioner Bernard moved for approval of the Resolution.

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

| | | |
|---|---|--------|
| Commissioner Dave Kerner, Mayor | - | Aye |
| Commissioner Robert S. Weinroth, Vice Mayor | - | Aye |
| Commissioner Hal R. Valeche | - | Aye |
| Commissioner Gregg K. Weiss | - | Aye |
| Commissioner Mary Lou Berger | - | Absent |
| Commissioner Melissa McKinlay | - | Aye |
| Commissioner Mack Bernard | - | Aye |

The Mayor thereupon declared the resolution was duly passed and adopted on September 24, 2020.

Filed with the Clerk of the Board of County Commissioners on October 6th, 2020

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

The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "FLORIDA" at the bottom, separated by a small star on the left. The inner ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "DEPUTY CLERK" at the bottom, also separated by a small star on the left.

EXHIBIT A
LEGAL DESCRIPTION

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A PARCEL OF LAND IN SECTION 22, TOWNSHIP 41 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THE NORTH 225 FEET OF THE SOUTH 300 FEET OF THE EAST 214 FEET OF A PART OF SECTION 22, THE EAST LINE OF SAID PART BEING AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION AND CUTTING THE NORTH LINE OF THE SOUTH 1250 FEET OF SAID SECTION AT A POINT 704 FEET EAST OF THE INTERSECTION OF SAID NORTH LINE WITH WEST SECTION LINE AS MEASURED ALONG SAID NORTH LINE, AND THE SOUTH LINE OF THE PARCEL DESCRIBED BEING THE NORTH RIGHT OF WAY LINE OF DONALD ROSS ROAD.

CONTAINING 1.095 ACRES MORE OR LESS, OR 47,678 SQUARE FEET MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



