

RESOLUTION NO. R-2022- 0387

RESOLUTION APPROVING ZONING APPLICATION SV/PDD/CA-2021-00460
(CONTROL NO. 2012-00424)
a Class A Conditional Use
APPLICATION OF Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico
BY WGINC, AGENT
(All Seasons 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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application SV/PDD/CA-2021-00460 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 2022;

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 incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

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 SV/PDD/CA-2021-00460, the Application of Greg Jacob, All Seasons of Delray Beach LLC - Peter L Odorico, by WGINC, Agent, for a Class A Conditional Use to allow a Congregate Living Facility (CLF), 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 approved on April 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on April 28, 2022.

Filed with the Clerk of the Board of County Commissioners on April 28th, 2022.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2021-00009.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

Legal Description Parent Parcel (9.729 AC)

TRACT 81, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

LESS AND EXCEPT THAT PARCEL IN ORDER OF TAKING RECORDED IN O. R. BOOK 18414, PAGE 774, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN TRACT 81, BLOCK 20, PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT SOUTHWEST CORNER OF SAID TRACT 81, THENCE NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 81, A DISTANCE OF 667.98 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 19 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 81, A DISTANCE OF 45.01 FEET; THENCE SOUTH 01 DEGREES 52 MINUTES 21 SECONDS EAST, ALONG A LINE 45.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 81, A DISTANCE OF 667.98 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 19 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT 81, A DISTANCE OF 45.01 FEET TO THE POINT OF BEGINNING. BEARINGS ARE BASED ON THE WEST LINE OF BLOCK 20 HAVING AN ASSUMED BEARING OF NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST.

PARCEL 2:

TRACT 82, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

TOTAL 9.729, ACRES, 423808 SQUARE FEET.

Legal Description On-site Preserve Parcel A (0.975 AC)

BEING A PORTION OF TRACT 82, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 82; THENCE, ALONG THE EAST LINE OF SAID TRACT 82, NORTH 01°50'58" WEST, A DISTANCE OF 229.21 FEET; THENCE, DEPARTING SAID EAST LINE, SOUTH 88°09'02" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01°50'58" EAST, A DISTANCE OF 183.76 FEET; THENCE SOUTH 89°23'19" WEST, A DISTANCE OF 242.09 FEET; THENCE NORTH 00°36'12" WEST, A DISTANCE OF 43.03 FEET; THENCE NORTH 89°06'02" EAST, A DISTANCE OF 13.10 FEET; THENCE NORTH 01°41'56" WEST, A DISTANCE OF 140.50 FEET; THENCE NORTH 89°24'49" EAST, A DISTANCE OF 227.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 42,470 SQUARE FEET OR 0.9750 ACRES, MORE OR LESS.

Legal Description Off-site Preserve Parcel B (5 AC)

A PORTION OF TRACTS 31 AND 32, BLOCK 61, PALM BEACH FARMS COMPANY PLAT NO.3 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGES 45

THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 31, THENCE
NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACT 31, A DISTANCE
OF
55.00 FEET; THENCE NORTH 89°28'29" EAST, ALONG A LINE PARALLEL WITH AND
55.00 FEET
NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 647.08
FEET
TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE
NORTH
00°58'21" WEST, A DISTANCE OF 466.70 FEET; THENCE NORTH 89°28'29" EAST, A
DISTANCE OF 466.70 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7,
AS
DESCRIBED IN OFFICAL RECORDS BOOK 11107, PAGE 992 OF THE PUBLIC
RECORDS
OF SAID PALM BEACH COUNTY; THENCE SOUTH 00°58'21" EAST, ALONG SAID
WEST
RIGHT OF WAY LINE, A DISTANCE OF 466.70 FEET; THENCE SOUTH 89°28'29"
WEST,
ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF
SAID
TRACTS 31 AND 32, A DISTANCE OF 466.70 FEET TO THE POINT OF BEGINNING.

AREA: 217,803 SQFT 5.000 ACRES

EXHIBIT B
VICINITY SKETCH

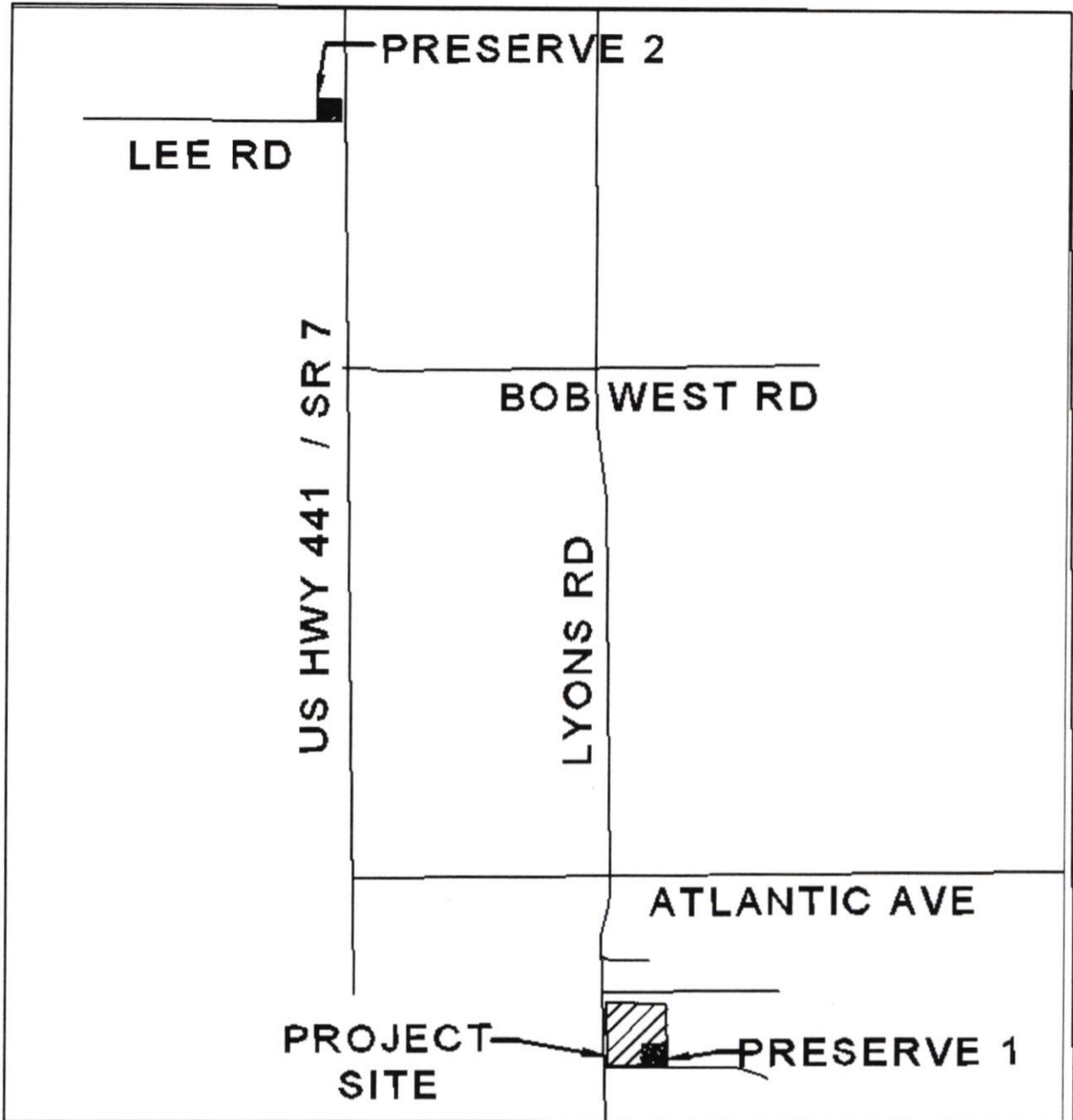


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Site Plan is dated February 16, 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: MONITORING - Zoning)

SITE DESIGN

1. No building or structure, shall exceed a maximum height of three (3) stories, regardless of the allowance of additional stories from additional setbacks. (ONGOING: 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.