

RESOLUTION NO. R-2022-0899

RESOLUTION APPROVING ZONING APPLICATION DOA-2021-01763  
(CONTROL NO. 1984-00139)  
a Development Order Amendment  
APPLICATION OF Federation Weinberg Preservation LP, SPBC Federation Housing  
Inc, Jewish Community Facilities Corp Lessor  
BY WGINC, 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 Chapters 125 and 163, 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 DOA-2021-00121, submitted on behalf of Federation Weinberg Preservation LP, SPBC Federation Housing Inc, and Jewish Community Facilities Corp Lessor, by WGINC Agent, for a Development Order Amendment to modify the Master Plan and add building square footage; and a Development Order Amendment to modify the Site Plan and add building square footage, was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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 Development Order Amendment;

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 DOA-2021-01763, the Application of Federation Weinberg Preservation LP, SPBC Federation Housing Inc, Jewish Community Facilities Corp Lessor, by WGINC, Agent, for a Development Order Amendment to modify the Site Plan and add building square footage,

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 August 25, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Bernard 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	- Nay
Commissioner Maria Sachs	- Nay
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2022.

Filed with the Clerk of the Board of County Commissioners on August 25th, 2022.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

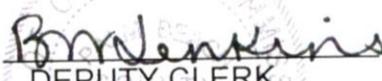
BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

POD A

ALL OF THE PLAT "RAINBERRY P.U.D., PODS A, B, & C REPLAT NO. 2", AS RECORDED IN PLAT BOOK 121, AT PAGE 139 THROUGH 141 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH:

POD B

ALL OF THE PLAT "RAINBERRY P.U.D., PODS A, B, & C REPLAT NO. 1", AS RECORDED IN PLAT BOOK 118, AT PAGE 14 THROUGH 22 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;;

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

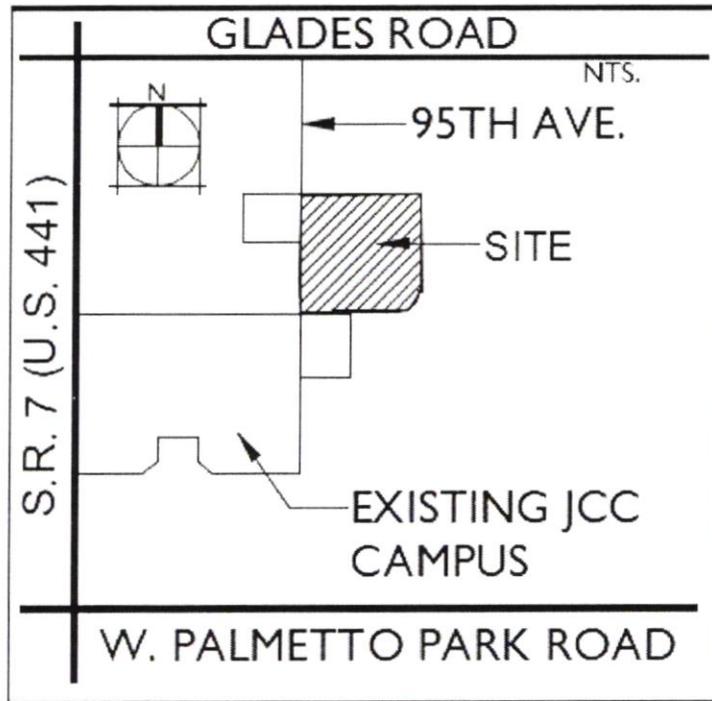
BEGINNING AT THE NORTHEAST CORNER OF TRACT B-1, RAINBERRY P.U.D., PODS A, B & C REPLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, AT PAGE 14, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00°00'20" EAST, FOR 1089.00 FEET; THENCE SOUTH 89°59'40" WEST FOR 29.11 FEET; THENCE SOUTH 01°15'41" WEST, FOR 40.31 FEET; THENCE SOUTH 20°31'58" WEST, FOR 75.82 FEET; THENCE SOUTH 40°33'41" WEST, FOR 90.57 FEET; THENCE SOUTH 56°54'23" WEST, FOR 44.88 FEET; THENCE SOUTH 82°46'55" WEST, FOR 122.65 FEET; THENCE SOUTH 89°59'40" WEST, FOR 715.52 FEET; THENCE SOUTH 00°00'57" EAST, FOR 16.13 FEET; THENCE SOUTH 89°59'21" WEST, FOR 360.09 FEET; THENCE NORTH 00°01'09" WEST, FOR 691.16 FEET; THENCE NORTH 89°59'16" EAST, FOR 30.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE WEST, SAID CURVE HAVING A RADIUS OF 2305.00 FEET, THROUGH A CENTRAL ANGLE OF 6°06'23" AND FROM SAID POINT A RADIAL LINE BEARS SOUTH 89°58'51" WEST; THENCE NORTHERLY ALONG SAID CURVE FOR 245.66 FEET; THENCE NORTH 06°07'32" WEST, FOR 273.26 FEET TO A POINT ON A TANGENT CURVE, CONCAVE TO THE EAST, SAID CURVE HAVING A RADIUS OF 2305.00 FEET, THROUGH A CENTRAL ANGLE OF 2°49'16"; THENCE NORTHERLY ALONG SAID CURVE A DISTANCE OF 113.50 FEET; THENCE NORTH 89°59'40" EAST, FOR 21.43 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 40.22 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Development Order Amendment (Development Order Amendment (Type 3 CLF, Assmebly Non-profit)**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-697, Control No.1984-00139, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2012-0778 (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.

##### **Is hereby amended to read:**

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-697 (Control 1984-129), 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 ALL PETITIONS Condition 2 of Resolution R-2019-697, Control No.1984-00139, which 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 January 28, 2019 and the approved Preliminary Site Plan for Pods A & B is dated March 21, 2019. 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.

##### **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 Site Plan for Pods A & B is dated April 28, 2022. 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. (BLDGPMT/ONGOING: ZONING - Zoning)

##### **ARCHITECTURAL REVIEW**

1. Prior to final approval by the Development Review Office (DRO), the property owner shall submit line of sight analysis cross section of Building A to demonstragte compliance with building height and to address visual impact from adjacent residential properrties. (DRO: ARCH. REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2019-697, Control No.1984-00139)

2. Prior to Final Approval by the Development Review Officer, the architectural elevations for the Type 3 Congregate Living Facility, Building C of Pod B, shall be submitted for 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: ARCHITECTURAL REVIEW - Zoning) Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2019-697, Control No.1984-00139)

3. The Type 3 Congregate Living Facility (Building C) shall be limited to the following maximum height and minimum setbacks from the east property line of Pod B. Height shall be measured from the top of the roof to the finished grade where the building is located:

- Four-story portion of Building C - 59 feet in height and 185 feet of setback;
- Three-story portion of Building C - 48 feet in height and 115 feet of setback;
- Resident Courtyard above garage of Building C - 18 feet in height and 100 feet of setback; and,
- The Four-story portion of the building shall not be increased in floor area so as to expand into the three-story portion of Building C. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2019-697, Control No.1984-00139)

4. No mechanical equipment or dumpster area allowed to be located on the east exterior side of the Type 3 Congregate Living Facility, Building C. (BLDGPMT: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 5 of Resolution R-2019-697, Control No.1984-00139)

5. Prior to final Development Review Officer (DRO) approval, Architectural Elevations shall be submitted Building I in accordance with Article 5.C. Design Standards. (DRO: ZONING – Zoning)

6. Prior to Final Approval by the Development Review Officer, the architectural elevations for the Type 3 Congregate Living Facility, Building C of Pod B, shall be submitted for 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: ARCHITECTURAL REVIEW - Zoning) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2019-697, Control No.1984-00139)

7. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2010-1173, Control No.1984-00139, which currently states:

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 dumpster located on the east side of Building E. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: This condition was modified on the Amendments to the Agenda for Application DOA/R-2010-0417, and erroneously not carried forward. Through Application DOA-2018-01047, the site was reconfigured, Building E was relocated, and screening and mechanical equipment location utilized Article 5 requirements.]

## PLANNING

1. Per LGA 2018-09 condition 1, the density associated with the Medium Residential, 5 units per acre (MR5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR-3) future land use designation. (ONGOING: PLANNING - Planning)

2. 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) [Note: COMPLETED] (Previous PLANNING Condition 1 of Resolution R-2019-697, Control No.1984-00139)

3. 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) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2019-697, Control No.1984-00139)

4. Prior to Final Approval by the Development Review Officer (DRO), the Site Plan shall be revised to amend the site data and PDR Chart to indicate the max FAR as .45 in accordance with Note 8 of FLUE Table 2.2-e.1. (DRO: PLANNING - Planning)

#### **SITE DESIGN**

1. Prior to final Development Review Officer (DRO) approval, the site plan shall be modified to reflect the previously approved site design, building layout, and site data for Pod B. The overall gross floor area for Pods A and B shall indicate the approved additional square footage of Building I of Pod A. (DRO: ZONING – Zoning)

2. Prior to final Development Review Officer (DRO) approval, the site plan shall be modified to reflect the foundation planting of Building I. (DRO: ZONING – Zoning)

#### **USE LIMITATIONS**

1. Pod B shall include:

a) Congregate Living Facility, Type 3 - 740 beds

b) 23,000 sq. ft. and 90 adults and 20 employees for the adult daycare facility.

c) Nursing or Convalescent Facility 60 beds.

d) Assembly, Nonprofit Institutional 25,000 sq. ft..

(ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2019-697, Control No.1984-00139)

#### **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.