

RESOLUTION NO. R-2023- 0383

RESOLUTION REVOKING RESOLUTION R-2009-0509»
(CONTROL NUMBER 2005-00454)
AFFIRMING THE LEGISLATIVE ABANDONMENT
OF ZONING APPLICATION ABN/Z/CA-2022-00218

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 related 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, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application W/PDD/R-2008-01902, the application of SRR Holdings LLC, by Miller Land Planning, Agent, for a Requested Use to allow a Type 3 Congregate Living Facility in the PUD Zoning District, and subject to the Conditions of Approval, was approved by the Board of County Commissioners on March 30, 2009 by resolution R-2009-0509;

WHEREAS, Zoning Application ABN/Z/CA-2022-00218, submitted on behalf of Palm Beach Recovery 2016 LLC, HRS Palm Beach LLC, and AHC Acquisitions, LLC, by Insite Studio, Agent, for a Development Order Abandonment to abandon a Type 3 Congregate Living Facility, an Official Zoning Map Amendment to allow a rezoning from the Community Commercial (CC) Zoning District on 1.05 acres and the Planned Unit Development (PUD) Zoning District on 9.17 acres to the Residential Multifamily (RM) Zoning District on 10.22 acres, and a Class A Conditional Use to allow a combined density increase with the Workforce Housing Program and Transfer of Development Rights Program in excess of two units per acre on 10.22 acres, was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2023;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

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 Abandonment;

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 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 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 Resolution R-2009-0509, which approved a Requested Use to allow Type 3 Congregate Living Facility, the application of SRR Holdings LLC, by Miller Land Planning, Agent, approved March 30, 2009 is hereby revoked.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 23, 2023.

Filed with the Clerk of the Board of County Commissioners on March 24, 2023

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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

Tracts 17 and 18, Block 35, The Palm Beach Farms Company Plat No. 3, 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, Pages 45-54 inclusive, excepting therefrom the right of way for State Road No. 7 through Tract 17 and lying within 75.00 feet of Survey Baseline as shown in Road Plat Book 1, Page 40, Public Records of Palm Beach County, Florida;

LESS that part of said Tract 17 being more particularly described as follows:

BEGINNING at a point in the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, said point being the intersection of said right of way line and the South line of said Tract 17; thence South $87^{\circ}31'38''$ West, along said South line of Tract 17, a distance of 423.11 feet to a point in the West line of said Tract 17; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 563.25 feet to an intersection with a line 97.00 feet Southerly of and parallel with the North line of said Tract 17; thence North $87^{\circ}31'38''$ East, along said parallel line, a distance of 423.11 feet to a point in said Westerly right of way line; thence South along said Westerly right of way line, a distance of 563.25 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL C:

A portion of Tract 17, Block 35, The Palm Beach Farms Company Plat No. 3, 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, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right of way line of State Road No. 7, said right of way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17, bear North, along said Westerly right of way line, a distance of 310.29 feet to the POINT OF BEGINNING; thence South $87^{\circ}31'38''$ West along a line 310.00 feet North of and parallel with the South line of said Tract 17, a distance of 423.11 feet; thence North, parallel with the Westerly right of way line of said State Road No. 7, a distance of 56.71 feet; thence South $86^{\circ}01'00''$ East, a distance of 122.17 feet; thence North $87^{\circ}31'38''$ East along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet to a point on said Westerly right of way line; thence South along said Westerly right of way line, a distance of 42.96 feet to the POINT OF BEGINNING; LESS and EXCEPT the East 158.54 feet thereof.

TOGETHER WITH:

(P/O PARCEL "B")

A portion of Tract 17, Block 35, Palm Beach Farms Company Plat No. 3, 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, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCING at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, of the Public Records of Palm Beach County, Florida, with the South line of said Tract 17; bear North, along said Westerly right-of-way line, a distance of 353.25 feet to the POINT OF BEGINNING; thence South $87^{\circ}31'38''$ West, along a line 306.80 feet South of and parallel with the North line of said Tract 17, a distance of 301.11 feet; thence North $86^{\circ}01'00''$ West, a distance of 122.17 feet; thence North, parallel with the Westerly right-of-way line of said

State Road No. 7, a distance of 22.49 feet to a point on a line 390 feet North of and parallel with said South line of Tract 17; thence North 89°03'00" East, along said parallel line, 421.64 feet to a point on aforesaid Westerly right-of-way line; thence South 01°28'20" West, along said westerly right-of-way line, 35.97 feet to the POINT OF BEGINNING; LESS and EXCEPT the East 158 feet thereof.

ALSO LESS that parcel of land described in special warranty deed as recorded in Official Records Book 22570, Page 1530, more particularly described as follows:

A portion of Tract 17, Block 35, PALM BEACH FARMS COMPANY PLAT NO. 3, 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, Pages 45-54, inclusive, being more particularly described as follows:

COMMENCE at the intersection of the Westerly right-of-way line of State Road No. 7, said right-of-way line shown in Road Plat Book 1, Pages 35 to 41, Public Records of Palm Beach County, Florida, with the South line of said Tract 17; thence Northerly, along said Westerly right-of-way line, a distance of 564.39 feet, more or less, to a point of intersection with a line 97.00 feet Southerly of and parallel with, as measured at right angles of, the North line of said Tract 17; thence South 87°31'37" West, along said parallel line, said parallel line also being the Easterly prolongation of the Southerly line of Tract B1, THOROUGHbred LAKE ESTATES PLAT 1, according to the plat thereof, recorded in Plat Book 91, Page 75, said Public Records, a distance of 158.37 feet, more or less, to the West right-of-way line of State Road No. 7, Parcel No. 130, as recorded in Official Records Book 10616, Page 482, said Public Records, and the POINT OF BEGINNING of the following described parcel of land; thence South 00°00'52" East, along said West right-of-way line (said West right-of-way line is assumed to bear South 00°00'52" East and all other bearings are relative thereto), a distance of 173.92 feet; thence departing said right-of-way line, South 87°33'51" West a distance of 263.48 feet; thence North 00°00'52" West, parallel with said West right-of-way line of State Road No. 7, Parcel No. 130, a distance. of 173.75 feet to a point on a line, 97 feet Southerly of and parallel with, as measured at right angles to, the North line of said Tract 17, (said parallel line being common with the Southerly line of said Tract B1); thence North 87°31 '38" East, along said parallel line, a distance of 263.49 feet to said West right-of-way line of State Road No. 7, Parcel No. 130, and the POINT OF BEGINNING.

Containing in all, 9.171 Acres, more or less.