

RESOLUTION NO. R-2023- 1579

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2023-00378
(CONTROL NO. 2018-00187)
a Class A Conditional Use
APPLICATION OF Mazzoni A William Revocable Trust
BY JMorton Planning & Landscape Architecture, AGENT
(Erickson Boynton Beach CCRC)

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

WHEREAS, Zoning Application ZV/PDD/CA-2023-00378 the Application of Mazzoni A William Revocable Trust, by JMorton Planning & Landscape Architecture, Agent for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 93.51 acres, and a Class A Conditional Use to allow a Congregate Living Facility on 55.44 acres was presented to the Board of County Commissioners at a public hearing conducted on October 26, 2023;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/PDD/CA-2023-00378, the Application of Mazzoni A

William Revocable Trust, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Congregate Living Facility on 55.44 acres, 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 October 26, 2023, 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 Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Absent
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 October 26, 2023.

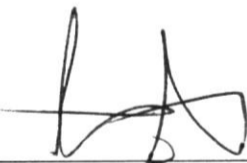
Filed with the Clerk of the Board of County Commissioners on October 26, 2023.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2023-00018.

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

ALSO KNOWN AS:

BEING A PORTION OF TRACTS 2, 3, 4, 5, 6, 30, 31, 34, 35, 36, 37 AND 38, BLOCK 54, AND ALL OF TRACTS 27 THROUGH 29, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A 30-FOOT STRIP OF LAND LYING BETWEEN SAID TRACTS 27 THROUGH 31 AND SAID TRACTS 34 THROUGH 38, BLOCK 54, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00°23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS CO. PLAT NO. 3; THENCE N00°24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89°36'22"W, A DISTANCE OF 1,650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54, N00°25'41"W, A DISTANCE OF 743.74 FEET TO THE POINT OF BEGINNING #2; THENCE ALONG SAID WEST LINE OF TRACT 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF TRACTS 27 AND 6, BLOCK 54, N00°25'41"W, A DISTANCE OF 1875.91 FEET; THENCE N86°36'43"E, A DISTANCE OF 3.32 FEET; THENCE N66°43'31"E, A DISTANCE OF 35.33 FEET; THENCE N86°48'55"E, A DISTANCE OF 67.27 FEET; THENCE N85°02'42"E, A DISTANCE OF 201.31 FEET; THENCE N85°54'04"E, A DISTANCE OF 197.56 FEET; THENCE N87°54'12"E, A DISTANCE OF 97.55 FEET; THENCE N88°28'34"E, A DISTANCE OF 98.91 FEET; THENCE N89°02'57"E, A DISTANCE OF 297.25 FEET; THENCE S88°39'37"E, A DISTANCE OF 40.72 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6269, PAGE 403 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: THENCE S00°57'03"E, A DISTANCE OF 196.13 FEET TO A POINT OF ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF 70°48'51"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 526.51 FEET TO A POINT OF NON-TANGENCY; THENCE S00°24'43"E, A DISTANCE OF 193.38 FEET TO THE POINT OF ARC OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S85°12'22"E, A RADIAL DISTANCE OF 3,314.02 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 09°50'35", A DISTANCE OF 569.33 FEET TO THE POINT OF ARC OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S85°04'44"W, A RADIAL DISTANCE OF 2,985.49 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°42'49", A DISTANCE OF 401.93 FEET TO THE POINT OF ARC OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N87°14'14"W, A RADIAL DISTANCE OF 217.84 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 87°06'46", A DISTANCE OF 331.21 FEET TO THE POINT OF ARC OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S05°26'40"W, A RADIAL DISTANCE OF 5,125.18 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 09°57'17", A DISTANCE OF 890.47 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT, HAVING A RADIUS OF 162.76 FEET AND A CENTRAL ANGLE OF 35°32'11"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 100.95 FEET TO A POINT OF NON-TANGENCY; THENCE S89°34'19"W, A DISTANCE OF 123.70 FEET TO THE POINT OF BEGINNING #2.

CONTAINING 2,415,131 SQUARE FEET OR 55.4438 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

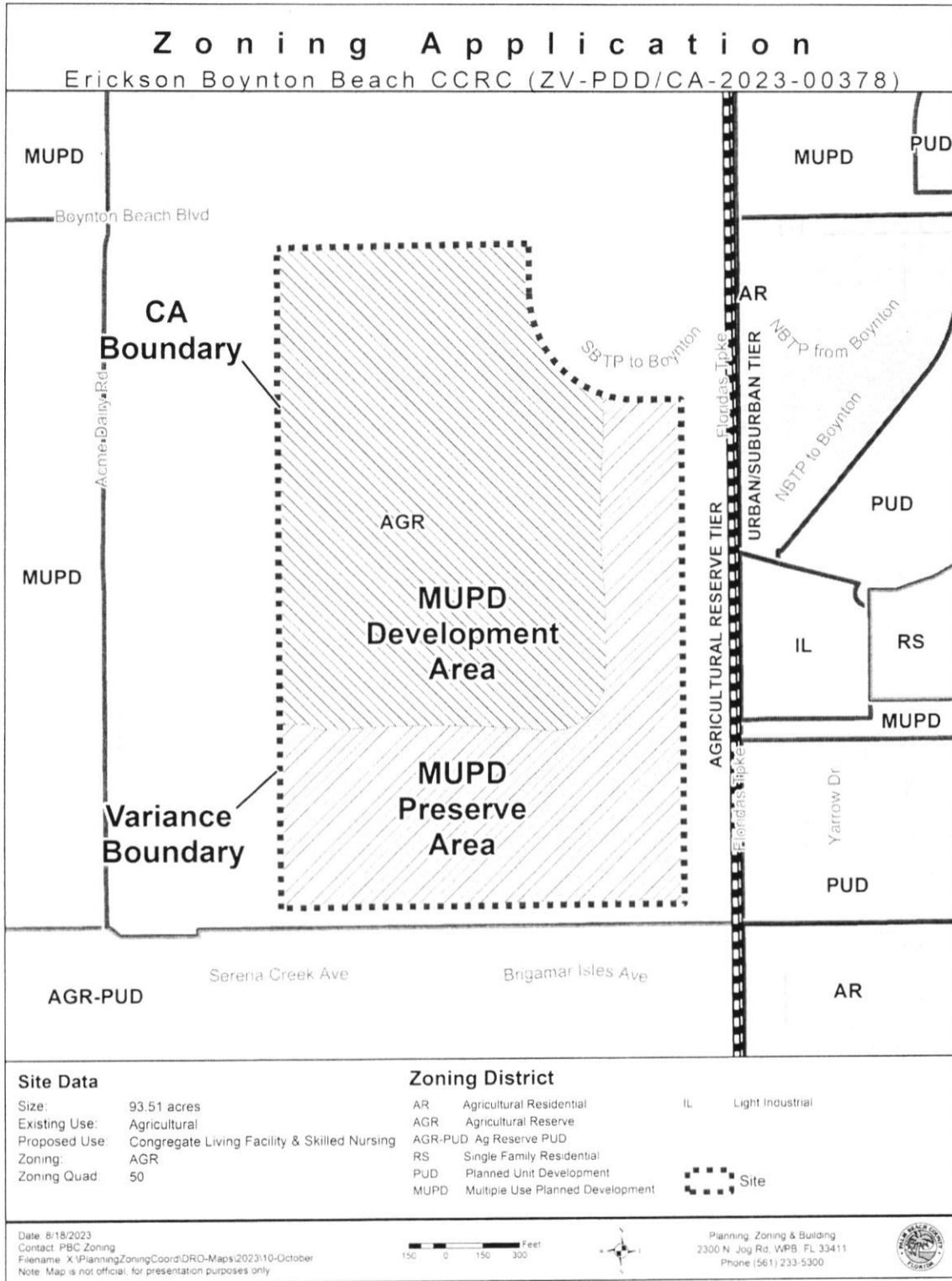


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 10, 2023. 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: ZONING - Zoning)

HEALTH

1. Prior to the issuance of the first Building Permit, the property owner shall submit to the Health Department a "No Further Action" letter from the Florida Department of environmental Protection (FDEP). (BLDGPM: HEALTH DEPARTMENT - Health Department)

USE LIMITATIONS

1. The residential use of the property shall be limited to a maximum of 1,192 beds/residents Congregate Living Facility. (ONGOING: ZONING-Zoning)

2. The Skilled Nursing or Residential Treatment Facility shall be limited to a maximum of 70 beds/residents. (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: ZONING - 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: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the

development authorized by this Development Permit.