

RESOLUTION NO. ZR-2023-028

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2023-00378
(CONTROL NO. 2018-00187)

TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Mazzoni A William Revocable Trust
BY JMorton Planning & Landscape Architecture, AGENT
(ERICKSON BOYNTON BEACH CCRC)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the 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, a Class A Conditional Use to allow a Congregate Living Facility on 55.44 acres and Type 2 Variance to allow 100% buffer overlap within a preserve area on 93.51 acres was presented to the Zoning Commission at a public hearing conducted on October 5, 2023;

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

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Type 2 Variance to allow 100% buffer overlap within a preserve area on 93.51 acres;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION 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 Type 2 Variance to allow 100% buffer overlap within a preserve area on 93.51 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 5, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Scarborough moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Aye
Michael Kelley	- Aye
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Recusal

The Chair thereupon declared the resolution was duly passed and adopted on October 5, 2023.

This resolution shall only become effective upon the effective date of a resolution approving Zoning Application ZV/PDD/CA-2023-00378 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on October 5, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY
Scott Stone

BY: 
CHAIR
Jess Sowards

EXHIBIT A

LEGAL DESCRIPTION

ALSO KNOWN AS:

BEING A PORTION OF TRACTS 2 AND 3, ALL OF TRACTS 4 THROUGH 6, ALL OF TRACTS 27 THROUGH 31, ALL OF TRACTS 34 THROUGH 38, AND ALL OF TRACTS 59 THROUGH 63, 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 THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, 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, $N00^{\circ}23'24''W$, 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 $N00^{\circ}24'55''W$, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, $S89^{\circ}36'22''W$, A DISTANCE OF 1650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF SAID TRACTS 27 AND 6, BLOCK 54, $N00^{\circ}25'41''W$, A DISTANCE OF 2,668.71 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES $N03^{\circ}33'25''W$, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF $00^{\circ}22'31''$, A DISTANCE OF 50.93 FEET; THENCE ALONG A LINE 84.48 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 3, 4, 5, AND 6, BLOCK 54, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 24, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, $N89^{\circ}02'57''E$, A DISTANCE OF 984.35 FEET; THENCE ALONG 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, $S00^{\circ}57'03''E$, A DISTANCE OF 205.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF $89^{\circ}26'55''$; THENCE SOUTHEASTERLY ALONG THE ARC AND ALONG SAID WESTERLY LINE OF PARCEL 100, A DISTANCE OF 665.06 FEET; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL 100, $N89^{\circ}36'02''E$, A DISTANCE OF 187.16 FEET; THENCE ALONG THE EAST LINE OF SAID TRACTS 2 AND 31, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND THE EAST LINE OF SAID TRACTS 34 AND 63, BLOCK 54, $S00^{\circ}25'49''E$, A DISTANCE OF 2,054.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,073,078 SQUARE FEET/93.5050 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

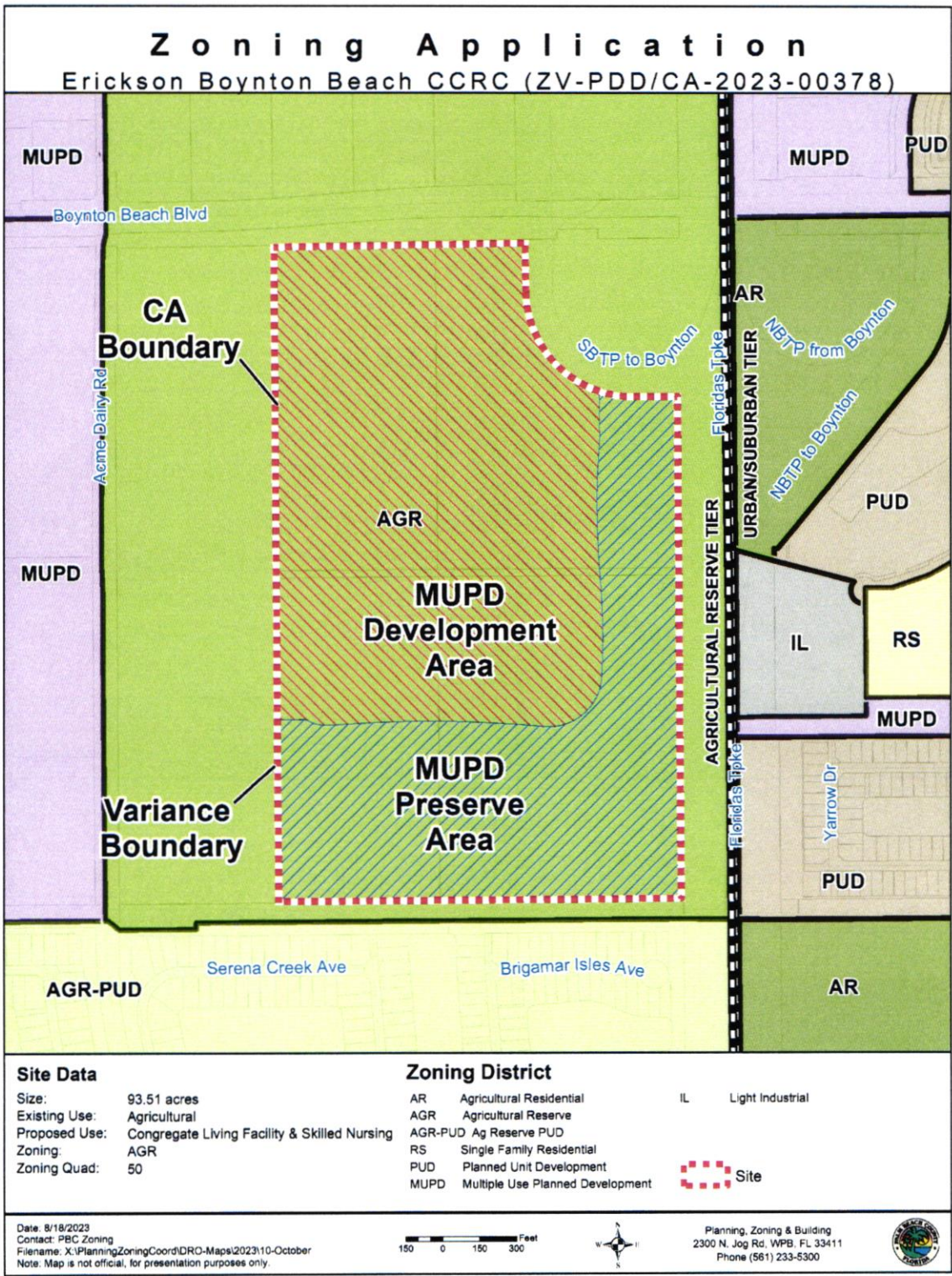


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance – Concurrent on 93.51 acres

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated August 10, 2023. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning)

2. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/CA-2023-00378. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING – Zoning)

3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING-Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission for review under the compliance Condition of 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; 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.

EXHIBIT D
REQUEST

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
Table 7.C.2.A – Right of Way (R-O-W) Buffers Landscape Requirements and Table 7.C.2.C – Incompatibility Buffer Landscape Requirements	20 Foot Wide R-O-W Buffer along the east property line.	100% Overlap of the R-O-W within the Preserve Parcels along the east property line	To allow 100% overlap within the Preserve on the R-O-W buffers along the east property line
	15 foot Wide Incompatibility buffer along the south property line.	100% Overlap of the Incompatibility Buffer within the Preserve Parcel along the south property line	To allow 100% overlap of the Incompatibility Buffer within the Preserve Parcel along the south property line

SITUS ADDRESS:	8344 Boynton Beach Blvd Boynton Beach 33472		
OWNER NAME & ADDRESS:	Mazzoni William A Revocable Trust 9634 Captiva Cir Boynton Beach, FL 33437-3637		
PCN:	00-42-43-27-05-054-0050 and 00-42-43-27-05-054-0022		
ZONING DISTRICT:	Multiple Use Planned Development (MUPD)		
BCC DISTRICT:	District 05, Vice Mayor Maria Sachs		
PROJECT MANAGER:	Joyce Lawrence, Senior Site Planner		
LAND USE:	Instituional Facilities with an underlying Congregate Living Residential (INST/CLR)	& Public with an Congregate Residential	S/T/R: 27-43-42
CONTROL #:	2018-00187		
LOT AREA:	93.51 acres +/-		
APPLICANT REQUEST:	to allow 100% buffer overlap within a preserve area on 93.51 acres		