

RESOLUTION NO. R-2023- 0106

RESOLUTION REVOKING RESOLUTION R-2019-0173  
(CONTROL NUMBER 1996-00081)  
AFFIRMING THE LEGISLATIVE ABANDONMENT  
OF ZONING APPLICATION ABN/DOA/CA-2021-02125

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 ABN/DOA/CA-2018-00964, an application of Civic Hypoluxo Holding, LLC, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Type 3 Congregate Living Facility, in the Planned Unit Development Zoning District, and subject to Conditions of Approval was approved by the Board of County Commissioners at a public hearing on January 24, 2019 by Resolution R-2019-0173;

WHEREAS, Zoning Application ABN/DOA/CA-2021-02125 submitted on behalf of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent for a Development Order Abandonment abandon a Class A Conditional Use to allow a Type 3 Congregate Living Facility on 12.12 acres; a Development Order Amendment to reconfigure the Master Plan; add units; re-designate land use from a Civic Pod to a Residential Pod; and, modify and delete Conditions of Approval on 543.59 acres; a Class A Conditional Use to allow a Transfer of Development Rights (TDRs) on 11.84 acres; and a Class A Conditional Use to Workforce Housing density bonus greater than 50 percent on 11.84 acres was presented to the Board of County Commissioners at a public hearing on January 26; 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-2019-0173, which approved a Class A Conditional Use to allow a Type 3 Congregate Living Facility on a parcel of land generally described as shown on the legal description in Exhibit A, is hereby revoked.

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	- Nay
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 January 26, 2023.

Filed with the Clerk of the Board of County Commissioners on February.

The Chair thereupon declared that this resolution shall not become effective the Large Scale Land Use Amendment No. LGA-2022-00017 is effective.

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

DESCRIPTION:

PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS BY WARRANTY DEED RECORDED DECEMBER 29, 2020 IN OFFICIAL RECORDS BOOK 32043, PAGE 1740.

ALSO DESCRIBED AS

A PORTION OF PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL A; THENCE ON A GRID BEARING OF SOUTH 89°01'05" WEST ALONG THE NORTH LINE OF TRACTS 44 THROUGH 46, BLOCK 42, THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 PAGES 45 THROUGH 54 OF SAID PUBLIC RECORDS, A DISTANCE OF 990.00 FEET; THENCE SOUTH 01°02'51" EAST ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 661.91 FEET; THENCE SOUTH 89°00'19" WEST ALONG THE SOUTH LINE OF SAID PARCEL A, A DISTANCE OF 626.32 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 32043, PAGE 1740; THE FOLLOWING TEN COURSES AND DISTANCES ARE ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 12°07'27" EAST, A DISTANCE OF 50.73 FEET; THENCE NORTH 00°23'18" EAST, A DISTANCE OF 78.33 FEET; THENCE NORTH 00°41'41" WEST, A DISTANCE OF 100.30 FEET; THENCE NORTH 02°31'45" EAST, A DISTANCE OF 70.92 FEET; THENCE NORTH 37°49'05" WEST, A DISTANCE OF 17.86 FEET; THENCE NORTH 02°48'24" EAST, A DISTANCE OF 53.84 FEET; THENCE NORTH 00°58'10" WEST, A DISTANCE OF 10.68 FEET; THENCE NORTH 11°26'17" EAST, A DISTANCE OF 6.98 FEET; THE FOLLOWING TEN COURSES AND DISTANCES ARE ALONG THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS AND SAID OFFICIAL RECORD BOOK 32043, PAGE 1740; THENCE NORTH 00°58'10" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 44°01'50" EAST, A DISTANCE OF 56.57 FEET; THENCE NORTH 89°01'50" EAST, A DISTANCE OF 88.45 FEET; THENCE SOUTH 77°28'40" EAST, A DISTANCE OF 51.44 FEET; THENCE NORTH 88°56'00" EAST, A DISTANCE OF 337.48 FEET; THENCE NORTH 49°23'47" EAST, A DISTANCE OF 19.32 FEET; THENCE NORTH 87°56'17" EAST, A DISTANCE OF 52.05 FEET; THENCE NORTH 01°02'51" WEST, A DISTANCE OF 6.11 FEET; THENCE NORTH 89°01'50" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 01°02'51" EAST, A DISTANCE OF 5.73 FEET; THENCE NORTH 87°56'17" EAST, A DISTANCE OF 300.49 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 00°58'10" WEST, A RADIAL DISTANCE OF 1,480.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 28°11'51", A DISTANCE OF 728.37 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A; THENCE SOUTH 01°02'51" EAST ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 225.56 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTIONS 7 AND 8, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 515,875 SQUARE FEET OR 11.8429 ACRES, MORE OR LESS.