

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2023-00378  
(CONTROL NO. 2018-00187)  
an Official Zoning Map Amendment  
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 an Official Zoning Map 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:

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 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, 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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

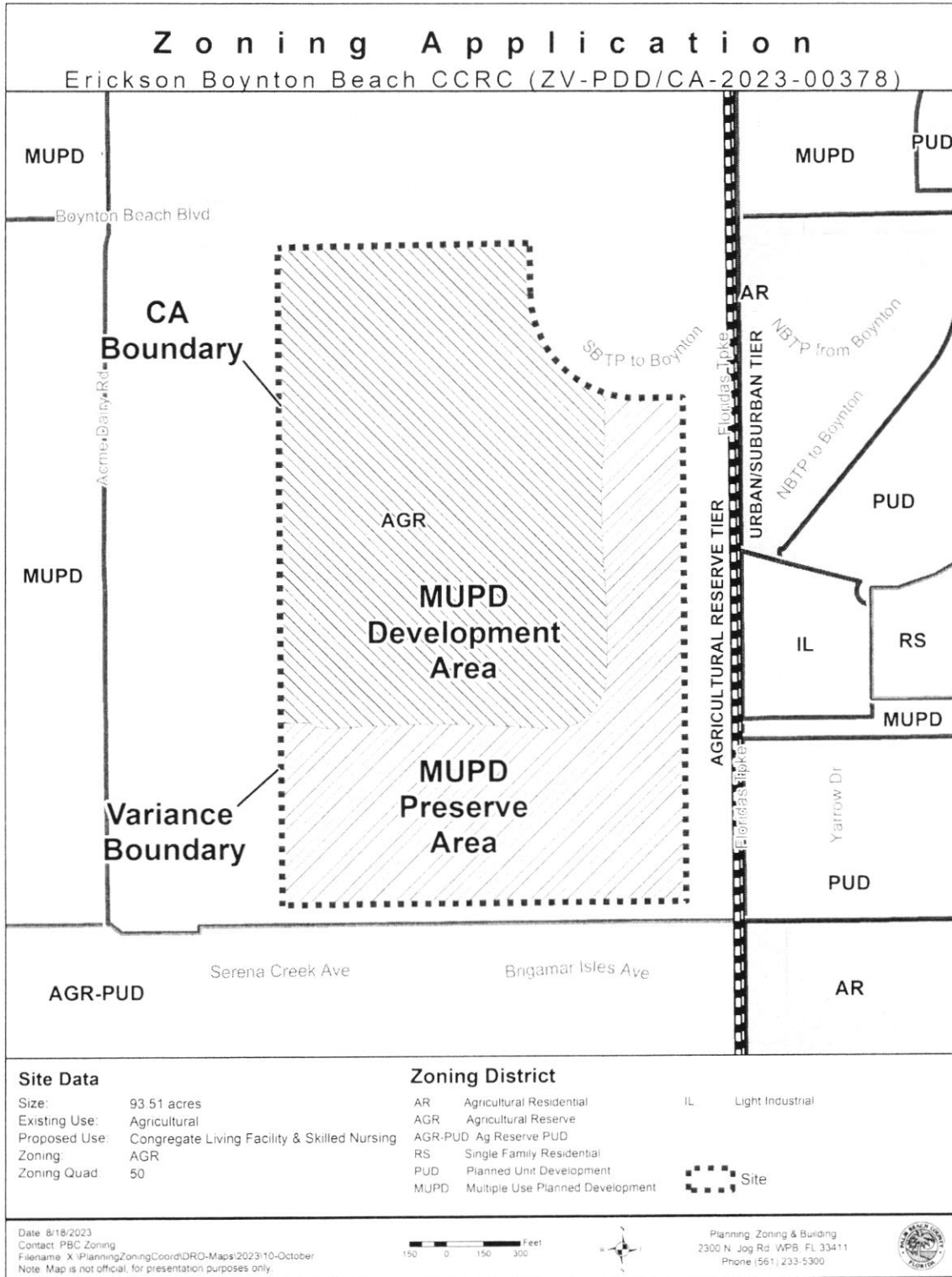
ALSO KNOWN AS:

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

#### Multiple Use Planned Development District

##### ALL PETITIONS

1. The approved Preliminary Site Plan 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)

##### ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2028, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall modify the existing full median opening on Boynton Beach Blvd at the proposed project entrance to a restricted median opening (peanut), allowing eastbound left (west approach), westbound left (east approach), and disallowing northbound left (south approach) and southbound left (north approach), as approved by the FDOT.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

5. Noise Mitigation:

a. Prior to DRO certification of the Preliminary Development Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project

Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Preliminary Development Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

6. As identified in the Drainage Statement and shown on the Final Site Plan, a perimeter berm, no lower than the 25 year-3 day peak stage, is required around the development area to hydraulically separate the preserve area. (ONGOING: ENGINEERING - Engineering)

## **ENVIRONMENTAL**

1. Prior to the final approval by the Development Review Officer, the applicant shall:

- a. provide an analysis that calculates and graphically depicts the anticipated hydrologic function(s) of the site, while accounting for the surrounding area's lakes, canals and wellfields, inter alia; and,
- b. provide hydrological modeling to ERM for review and acceptance. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, a Preserve Management Plan for the 36.96 acre Preserve Parcel(s) shall be provided to the Department of Environmental Resources Management for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. All plant species to be established and maintained on the project shall be native to Florida or as approved by ERM in writing. (BLDG/PMT/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to the final approval by the Development Review Officer, the applicant shall provide a detailed analysis and report, prepared by a qualified person (e.g., a civil engineer, etc.), which identifies the total fill to be generated as a result of the proposed excavations, the methodologies and calculations for the use of fill on the site and off-site, if applicable, to ERM for review. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. The littoral area(s) to be depicted on the Plan(s) shall be consistent with the associated, recorded Restrictive Covenant Agreement. (ONGOING/PLAT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

6. Prior to the issuance of the first Certificate of Occupancy, the applicant shall provide

- a. an as-built survey to ERM for review; and,
- b. an analytical comparison of actual fill generated to the previously provided to-be-generated fill calculations. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. After issuance of the first Certification of Occupancy for the project Monitoring report for invasive exotic vegetation received quarterly for the first year and semi-annually until to fifth year, at which time the monitoring report will no longer be required. (CO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Monitoring)

8. The Official Record Book and Page for the Restrictive Covenant Agreement for the littoral areas shall be referenced on the plat. (PLAT/TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

9. Prior to the issuance of any residential building permit, the applicant shall provided a

copy of the Soil Remediation Implementation Report and the FDEP Technical Compliance Letter to ERM for review be submitted to the Department of Environmental Resources Management (ERM) (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

10. Prior to the issuance of the excavation permit and/or the storm water management system permit, the applicant shall provide documentation to ERM that the area(s) of the proposed excavation(s) and the surrounding 300 feet thereof does not contain any known contaminants that exceed state clean-up levels, as regulated by FDEP. (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### **LANDSCAPE - GENERAL**

1. Prior to final approval by the Development Review Officer (DRO), the Applicant shall indicate on the Final Regulating Plan landscape details of the perimeter buffers and Right of Way buffer along each property line and Boynton Beach Boulevard. (DRO: ZONING - Zoning)

2. In order to implement policies for a sustainable land use pattern, where palms or pines are required, pursuant to Article 7, no more than 25% shall be planted as Palms. The Property Owner shall use Pines or canopy trees. (BLDGPMT/ONGOING: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR- PRESERVE AREA**

1. Landscaping interior to the areas identified on the site plan as Passive Park will be compliant with the Public Park requirements of Art. 5. Prior to final approval by the Development Review Officer (DRO), a typical planting detail shall be provided on the Regulating Plan to include canopy trees to be provided along the walking trail to provide shade. Trees planted on interchanging sides of the path with minimum 50 foot spacing. (DRO: ZONING - Zoning)

#### **PLANNING**

1. Per LGA-2023-018, Condition 1: Development of the site under the INST/CLR future land use designation is limited to 1,192 congregate living facility beds and 70 nursing home beds. (ONGOING: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), all applicable plans and documents shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning)

3. Prior to Final Approval by the Development Review Officer (DRO), the Conservation Easement for the Preserve parcel shall be recorded, as approved by the County Attorney's Office and the Planning Division.

a. The conservation easement for the preserve parcel shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for the easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division. (DRO: PLANNING - Planning)

4. Title Insurance for the AGR Preserve Conservation Easement is based on the cost of a multi-family Transfer of Development Right (TDR) in effect at the time PDD/CA-2023-0378 was deemed sufficient (January 9, 2023). Accordingly, the cost will be \$29,400 per acre for the area within the AGR Preserve Conservation Easement. (ONGOING: PLANNING - Planning)

5. Prior to Final Approval by the Development Review Officer (DRO), submit a Preserve Management Plan. The management plan shall contain a legal description and sketch of the parcel, an inventory of existing uses and environmental assets on the site, and a plan for exotic removal and maintenance. The management plan shall be reviewed and approved by the Planning Division. (DRO: PLANNING - Planning)

6. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall provide a Preserve Passive Park and Wetland/WMT Landscape Plan, for the entire Preserve area, subject to approval by the Planning Division. The plans shall include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs and a full plant species list. For those areas containing the WMT and wetland, submit an affidavit from an Environmental Professional that corresponds to the plans demonstrating how the environmental features are to be constructed consistent with the intent of FLUE Policy 1.5.1-j.7-4. (DRO: PLANNING - Planning)

7. Per the Comprehensive Plan FLUE Policy 1.5.1-j.7.b.4.(b) for storm-water management purposes: water management tracts within the preserve area taking drainage from the development area are limited to no more than 10% of the total project preserve area. (ONGOING: PLANNING - Planning)

8. Uses proposed in the preserve area are subject to the limitations in Comprehensive Plan FLUE Policy 1.5.1-j.7 and, if required, shall be accompanied by documentation by all applicable agencies. (ONGOING: PLANNING - Planning)

9. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the locations depicted on the site plans for both vehicular and pedestrian cross access to the development area and preserve. (DRO: PLANNING - Planning)

10. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official Records Book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

11. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: PLANNING - Planning)

## **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.