

RESOLUTION NO. R-2022-0631

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2021-01817
(CONTROL NO. 1997-00048)
a Class A Conditional Use
APPLICATION OF Eastwood Lantana LLC, Stan Crooks, Encompass Health
Rehabilitation Hospital
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(Encompass Health Rehabilitation Hospital of Lake Worth)

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 Z/CA-2021-01817 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 2022;

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 Zoning Application Z/CA-2021-01817, the Application of Eastwood Lantana LLC, Stan Crooks, Encompass Health Rehabilitation Hospital, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Class A Conditional Use to allow a Hospital, 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 June 23, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 23, 2022.

Filed with the Clerk of the Board of County Commissioners on June 23rd, 2022.

This resolution shall not become effective unless or until the effective date of the Small Scale Land Use Amendment No. SCA-2022-012.

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

PARCEL 1

THE EAST ONE-HALF (1/2) OF TRACT FORTY-THREE (43), LESS THE SOUTH 40 FEET ROAD RIGHT-OF-WAY, BLOCK THIRTY-FOUR (34), PALM BEACH FARMS CO. PLAT NO. 3; AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION DESCRIBED IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 11368, PAGE 475, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2

THAT PART OF THE WEST HALF OF TRACT 43, BLOCK 34, LYING NORTH OF THE RIGHT-OF-WAY FOR LANTANA ROAD, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS ADDITIONAL RIGHT-OF-WAY FOR LANTANA ROAD CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 11213, PAGE 937, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 357,759 SQUARE FEET OR 8.213 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

Location Map

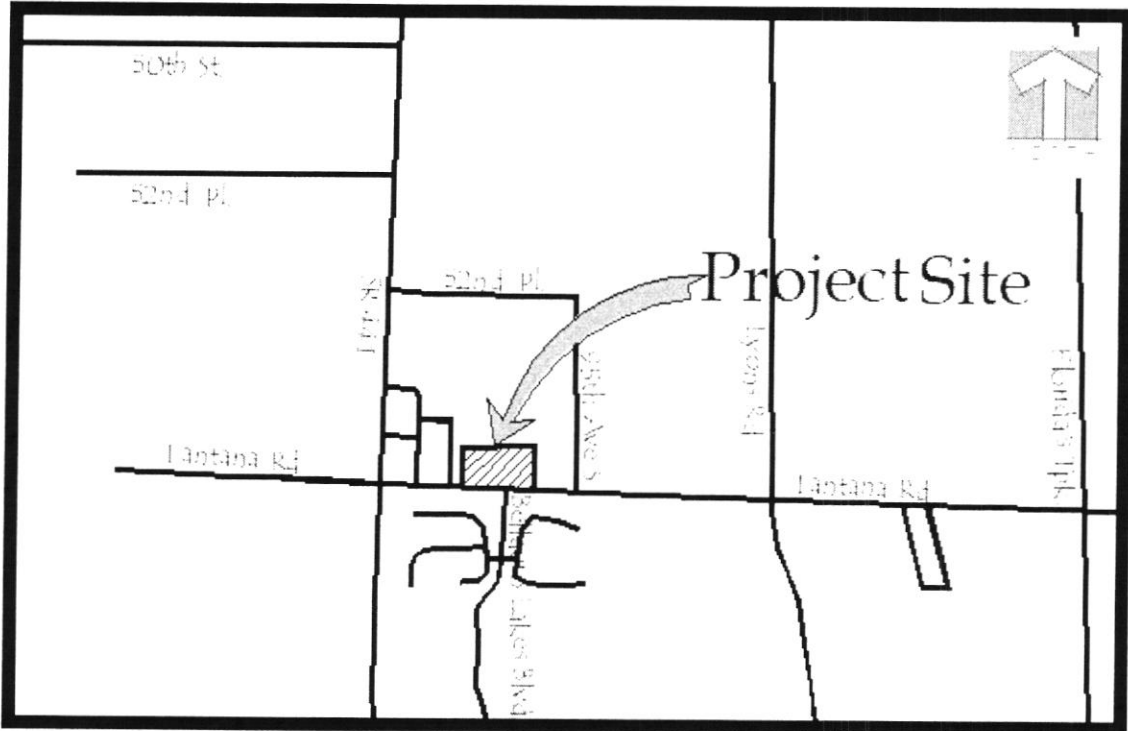


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan Plan is dated April 14, 2022. 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. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2026, 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. Prior to the issuance of the first building permit, the Property Owner shall record a non-exclusive utility easement across the Lantana Road frontage. The easement shall be approved by Land Development prior to recordation. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall permit, fund, install, and have operational any and all necessary modifications to the traffic signal at Lantana Boulevard and Bellagio Lakes Boulevard, including any necessary easements. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition.

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

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

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a copy of a wetland jurisdictional determination from the Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers shall be provided to ERM. Any native vegetation that is not within a jurisdictional wetland will be regulated in accordance with the ULDC, Article 14.C.7.C. and the applicable vegetation North of the proposed retention area shall be preserved in place or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - INTERIOR

1. Prior to the issuance of a building permit, the landscape plan shall include the following along the entire south side of the 45,000 sq. ft retention area:

- a. quantity canopy trees: one for every 25 lineal feet;
- b. average heights canopy trees: 12 feet, with minimum 8 foot height
- c. quantity pines or palms: one for every 30 lineal feet;
- d. minimum height: 12 feet (BLDGPMT/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

1. Prior to final DRO, a conceptual Right of Way buffer detail shall be provided on the Final Regulating Plan. The plans shall incorporate a similar landscape material as

provided in the buffers to the west (Target), and to the south (Bellagio PUD), to provide a consistent landscape theme along Lantana Road. (BLDGPMT/DRO: ZONING - Zoning)

PARKING

1. A minimum of 20 parking spaces shall be converted to grass parking or constructed of pervious pavement. (BLDGPMT/DRO: ZONING - Zoning)

PLANNING

1. 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 location depicted on the site plans. (DRO: PLANNING - Planning)

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

3. 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 final site plan. (CO: PLANNING - Planning)

SIGNS

1. Ground Mounted signs fronting on Lantana Road shall be limited as follows:

- a. maximum sign height: ten feet, measured from finished grade to highest point;
- b. maximum sign face area per side:- 100 square feet; and,
- c. maximum number of signs - two. (BLDGPMT: BUILDING DIVISION - Zoning)

2. Prior to final approval by the Development Review Officer, the Master Sign Plan shall be revised to be consistent with conditions of approval, and include any proposed building mounted signs. (DRO: 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: MONITORING - 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: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.