

RESOLUTION NO. R-2024-0198

RESOLUTION APPROVING ZONING APPLICATION ABN/CA-2023-01142  
(CONTROL NO. 1986-00094)  
a Class A Conditional Use  
APPLICATION OF PFCF Bentbrook, LLC, The Intellectually Developmentally Disabled  
BY Pulte Family Charitable Foundation, AGENT  
(IDDeal Home)

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 ABN/CA-2023-01142, the Application of PFCF Bentbrook, LLC, The Intellectually Developmentally Disabled, by Pulte Family Charitable Foundation, Agent, for a Development Order Abandonment to abandon an approval for a Special Exception for a Recreation Facility and Club with prior modifications on 3.27 acres and a Class A Conditional Use to allow a Congregate Living Facility was presented to the Board of County Commissioners at a public hearing conducted on February 22, 2024;

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 ABN/CA-2023-01142, the Application of PFCF

Bentbrook, LLC, The Intellectually Developmentally Disabled, by Pulte Family Charitable Foundation, Agent, for a Class A Conditional Use to allow a Congregate Living Facility on 3.27 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 February 22, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Maria Sachs, Mayor	-	Aye
Commissioner Maria G. Marino, Vice Mayor	-	Aye
Commissioner Gregg K. Weiss	-	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 February 22, 2024.

Filed with the Clerk of the Board of County Commissioners on February 22, 2024

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

THE WEST 299.69 FEET OF THE SOUTH 374.29 FEET OF TRACT 84 AND THE WEST 299.69 FEET OF TRACT 109, LESS THE SOUTH 240.35 FEET, LYING NORTH OF THE NORTH RIGHT OF WAY OF LANTANA ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 29205, PAGE 205, BLOCK 32, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2. PAGE 45. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF TRACT 109 AS CONVEYED TO PALM BEACH COUNTY BY RIGHT OF WAY WARRANTY DEED RECORDED IN O.R. BOOK 5298. PAGE 742. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ABOVE TOGETHER WITH THE FOLLOWING

THAT PORTION OF THE 30-FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 84 AND 109, BLOCK 32, 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 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 84; THENCE ALONG THE SOUTH LINE OF SAID TRACT 84, NORTH 88°59'17" EAST A DISTANCE OF 299.69 FEET TO THE WEST LINE OF LOT 85, COUNTRYWOOD PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 31 AND 32 OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST LINE OF SAID LOT 85, SOUTH 01°00'43" EAST A DISTANCE OF 30.00 FEET TO THE NORTH LINE OF SAID TRACT 109; THENCE ALONG THE NORTH LINE OF SAID TRACT 109, SOUTH 88°59'17" WEST A DISTANCE OF 299.69 FEET TO THE NORTHWEST CORNER OF SAID TRACT 109; THENCE NORTH 01°00'43" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

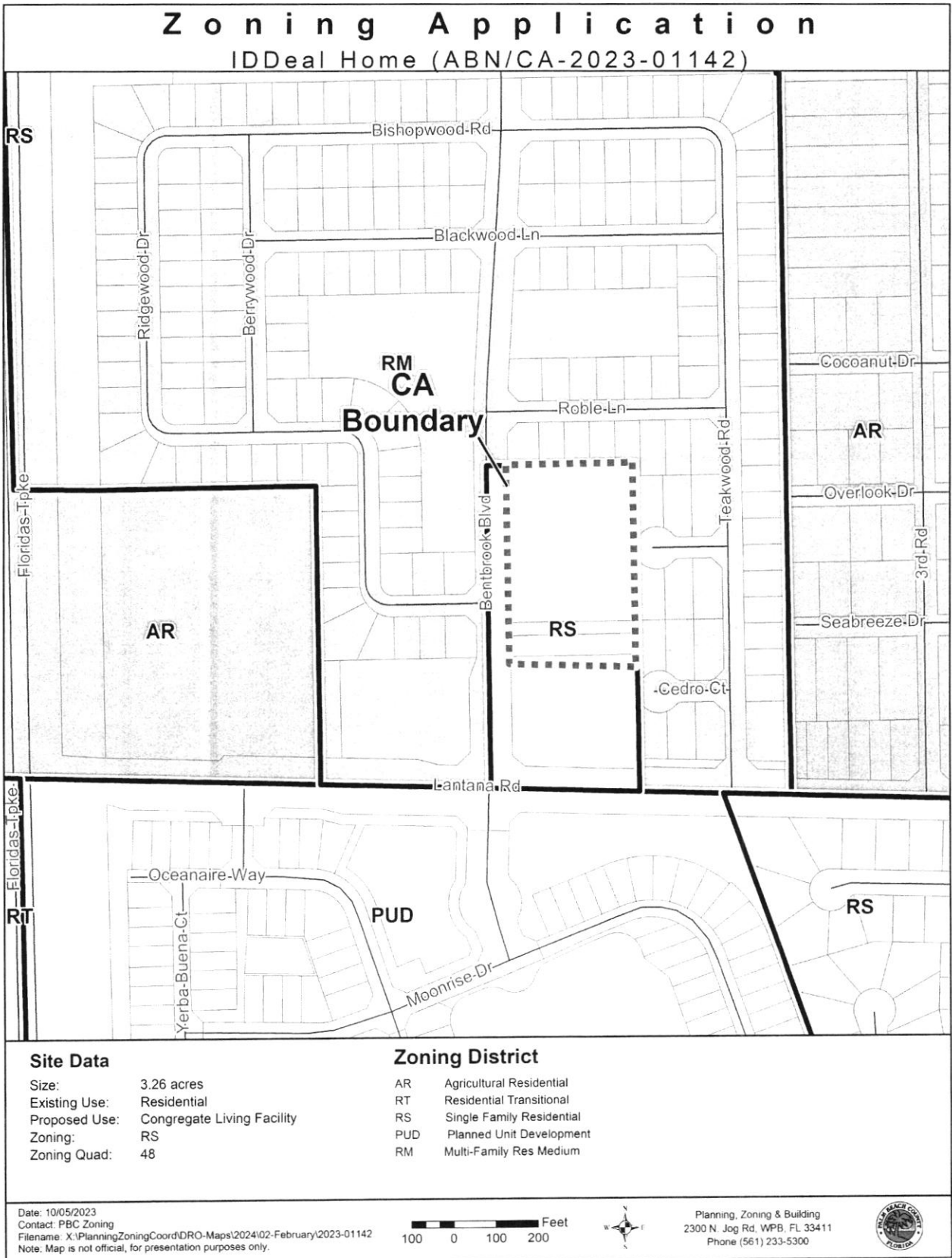
ALL OF THE ABOVE ALSO KNOWN AS

A PORTION OF TRACTS 84 AND 109, BLOCK 32 TOGETHER WITH THAT PORTION OF THAT 30-FOOT RIGHT-OF-WAY LYING BETWEEN TRACTS 84 AND 109, BLOCK 32, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2. PAGE 45. PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 69, COUNTRYWOOD PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGES 31 AND 32 OF SAID PUBLIC RECORDS; ; THENCE ALONG THE SOUTH LINE OF SAID LOT 69 AND LOTS 70 THROUGH 73, AS SHOWN ON SAID PLAT, NORTH 88°59'17" EAST A DISTANCE OF 299.69 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LOT 79 OF SAID COUNTRYWOOD PLAT NO. 1; THENCE ALONG THE WEST LINE OF SAID LOT 79 AND LOTS 80 AND 85, AS SHOWN ON SAID PLAT, SOUTH 01°00'43" EAST A DISTANCE OF 481.70 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 29205, PAGE 205 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE, NORTH 88°31'48" WEST A DISTANCE OF 299.97 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF BRENTBROOK BOULEVARD, AN 80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON SAID COUNTRYWOOD PLAT NO. 1; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01°00'43" WEST A DISTANCE OF 468.72 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 3.2694 ACRES (142,414 SQUARE FEET) MORE OR LESS AND ARE SITUATED IN SECTION 33, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use on 3.27 acres**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated December 14, 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, 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 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)

3. The Property Owner shall reconstruct the northbound lane of Bentbrook Boulevard from Lantana Road to the northern most driveway (plus tapers) to be consistent with Palm Beach County standards for a non-plan collector roadway. 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 for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. If approved by the County Engineer [for a County-maintained roadway only], the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering)

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

4. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the east side of Bentbrook Boulevard from Lantana Road to connect to the sidewalk to the north of this property. 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. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING - Engineering)

5. Prior to the recordation of the plat, the Property Owner shall abandon the 30 foot Palm Beach Farms right-of-way bifurcating the site. (PLAT: ENGINEERING - Engineering)

##### **LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE**

1. In addition to the requirements for a Type 2 Incompatibility buffer, the buffer width shall be increased to 40 feet starting from the southwest corner of the lot to the west boundary of the recreation area. (BLDGPM/DRO: ZONING - Zoning)

##### **PARKS**

1. Per U.L.D.C Article 5, Chapter D. the Certificates of Occupancy for Building A shall be held until such time the recreational common elements are complete and open to the

residents. (CO: MONITORING - Parks and Recreation)(CO: MONITORING - Parks and Recreation)

### **USE LIMITATIONS**

1. Building C shall serve as the residence for the CLF Director/Caretaker and family and occupants shall not count towards the approved CLF beds/residents. This structure shall not be used to house residents of the CLF and shall not be used as a single family use separate from the facility. (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: 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.