

RESOLUTION NO. R-2020-0336

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2018-02140  
(CONTROL NO. 2004-00369)  
an Official Zoning Map Amendment  
APPLICATION OF Boynton Beach Associates XXII, LLLP, AKD Real Estate  
Investments, LLC, Twin States Land Holding, LLC  
BY G.L. Homes, AGENT  
(Valencia Cove AGR-PUD)

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 (ULDC), Ordinance 2003-067 Supplement 24, have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2018-02140 was presented to the Board of County Commissioners at a public hearing conducted on March 26, 2020;

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 Zoning Application PDD/DOA-2018-02140, the Application of Boynton Beach Associates XXII, LLLP, AKD Real Estate Investments, LLC, Twin States Land Holding, LLC, by G.L. Homes, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District, 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 March 26, 2020, 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 Weinroth and, upon being put to a vote, the vote was as follows:

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Hal R. Valeche	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Mary Lou Berger	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 26, 2020.

Filed with the Clerk of the Board of County Commissioners on March 31, 2020.

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

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY: /s/ Scott Stone  
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

BEING A PORTION OF TRACTS 61 AND 62, BLOCK 18, ACCORDING TO THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

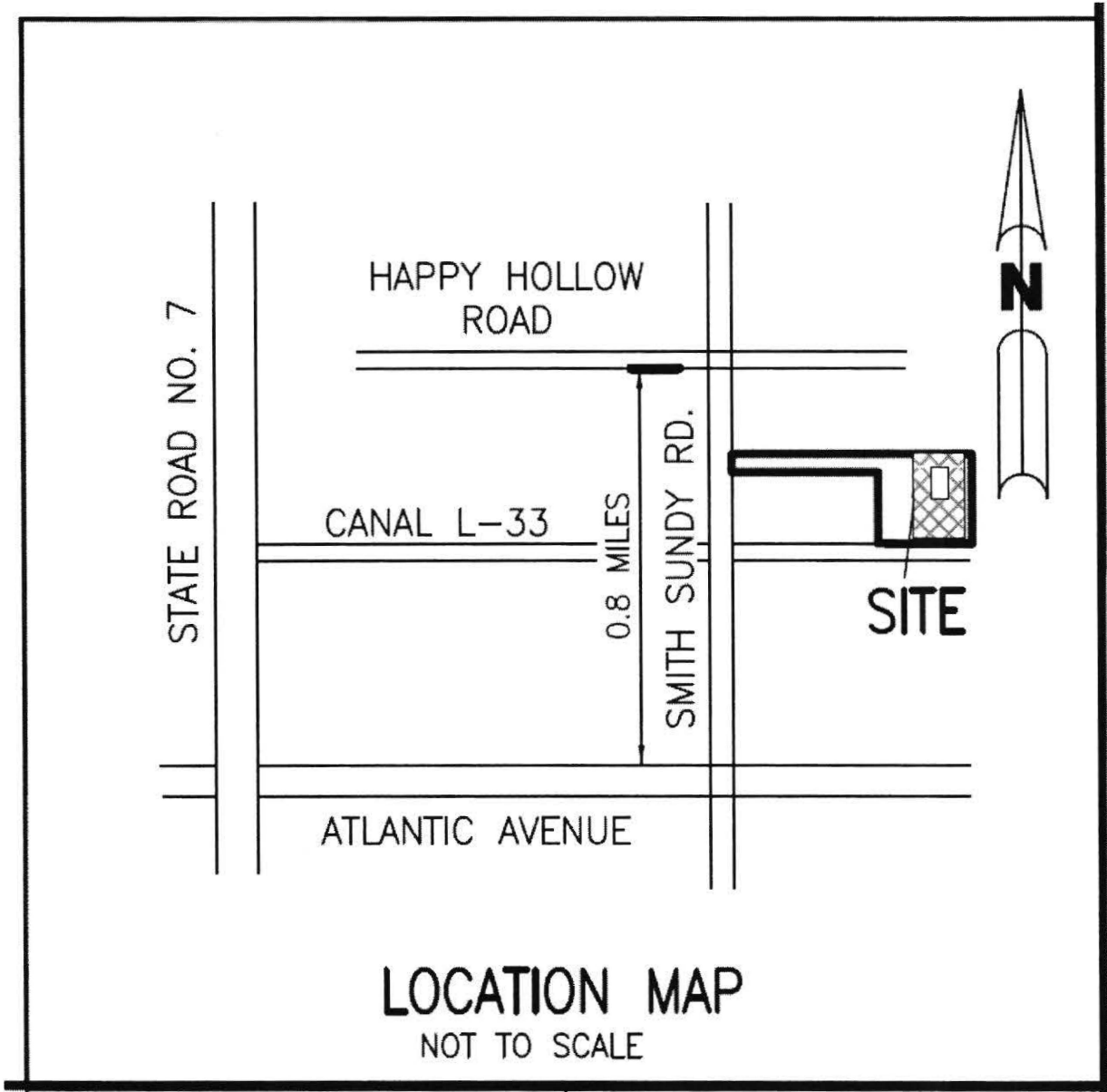
BEGIN AT THE NORTHEAST CORNER OF SAID TRACT 62; THENCE, ON AN ASSUMED BEARING OF SOUTH 0 DEGREES 40 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 62, A DISTANCE OF 665.33 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 26 SECONDS EAST ALONG A LINE 15.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH, THE SOUTH LINE OF SAID TRACTS 61 AND 62, A DISTANCE OF 374.14 FEET; NORTH 0 DEGREES 40 MINUTES 22 SECONDS WEST, A DISTANCE OF 664.00 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 50 SECONDS WEST, ALONG THE NORTH LINE OF SAID TRACTS 61 AND 62, A DISTANCE OF 374.14 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 62; THENCE SOUTH 46 DEGREES 34 MINUTES 07 SECONDS WEST, A DISTANCE OF 123.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 40 MINUTES 22 SECONDS EAST, A DISTANCE OF 240.00 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 181.50 FEET, THENCE NORTH 00 DEGREES 40 MINUTES 22 SECONDS WEST, A DISTANCE OF 240.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 50 SECONDS EAST, A DISTANCE OF 181.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.709 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **PDD- Residential Planned Development District**

##### **ALL PETITIONS**

1. The approved Preliminary Master Plan is dated June 24, 2019. 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 or the Zoning Commission. (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.