

RESOLUTION NO. R-2020-1620

RESOLUTION APPROVING ZONING APPLICATION Z-2020-00471  
(CONTROL NO. 2019-00094)  
an Official Zoning Map Amendment  
APPLICATION OF Rene F Aguiar Trust  
BY Cotleur & Hearing, Inc., AGENT  
(Reach Estate)

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 27, have been satisfied;

WHEREAS, Zoning Application Z-2020-00471 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 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 Z-2020-00471, the Application of Rene F Aguiar Trust, by Cotleur & Hearing, Inc., Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Low Office (CLO) Zoning District, subject to a Conditional Overlay Zone (COZ), 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 22, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth 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 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	-	Absent
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 22, 2020.

Filed with the Clerk of the Board of County Commissioners on November 4th, 2020

This Resolution shall not become effective unless or until the effective date of Large-Scale Future Land Use Atlas Amendment No. LGA-2020-00015.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



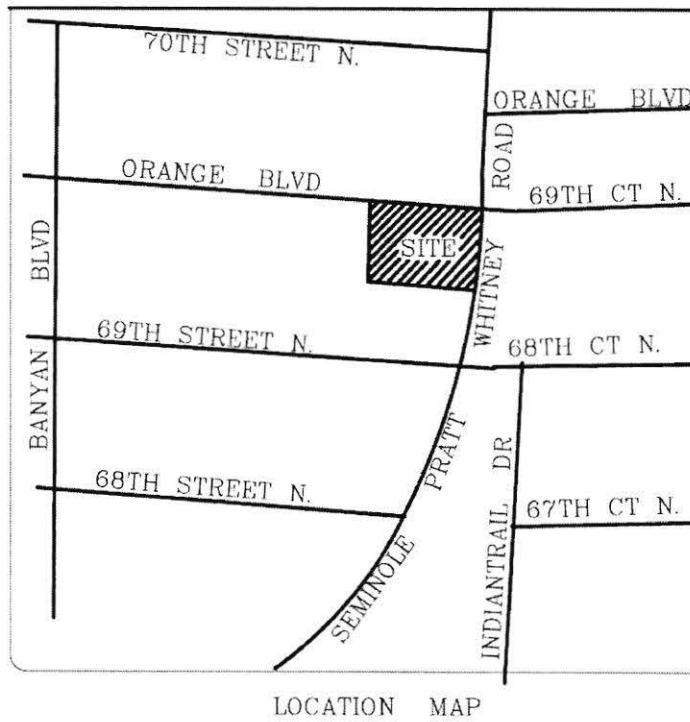
EXHIBIT A

LEGAL DESCRIPTION

TRACT M-16: COMMENCING AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 42 SOUTH, RANGE 40 EAST, SAID CORNER BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING, PROCEED WESTERLY ALONG THE NORTH SECTION LINE A DISTANCE OF 307.36 FEET TO A POINT; THENCE PROCEED SOUTHERLY PARALLEL TO THE WEST SECTION LINE A DISTANCE OF 252.9 FEET TO A POINT; THENCE PROCEED EASTERLY PARALLEL TO THE NORTH SECTION LINE TO A POINT LYING ON A CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 77 DEGREES 46 MINUTES 34 SECONDS AND A RADIUS OF 2420.23 FEET, SAID CURVE BEING CENTERLINE OF A 120 FOOT DEDICATED ROAD EASEMENT; THENCE PROCEED NORTHEASTERLY ALONG THE ABOVE DESCRIBED CURVE TO THE NORTHEAST SECTION CORNER AND THE POINT OF BEGINNING, SUBJECT TO AN EASEMENT TO INDIAN TRAIL WATER CONTROL DISTRICT FOR ROAD AND DRAINAGE PURPOSES OVER THE NORTH 40 FEET AND THE EASTERLY 60 FEET.

CONTAINING 76,769.46 SQ. FT. OF 1.76 ACRE MORE OR LESS GROSS AREA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment with a Conditional Overlay Zone

##### PLANNING

1. Per LGA 2020-15, Condition 1: Development of the site under the CL-O future land use designation, A maximum of 3,833 square feet (.05 FAR) including residential and non-residential uses. (ONGOING: PLANNING - Planning)
2. Per LGA 2020-15, Condition 2: Development of the site under the CL-O future land use designation, Preserves a minimum of 25% of existing native vegetation. (ONGOING: PLANNING - Planning)
3. Per LGA 2020-15, Condition 3: Development of the site under the CL-O future land use designation, excludes drive through uses. (ONGOING: PLANNING - Planning)
4. Per LGA 2020-15, Condition 4: Development of the site under the CL-O future land use designation, Provides a minimum 50 foot building setback and a minimum 15 foot landscape buffer from adjacent residential lots; and enhanced landscaping and vegetative screening shall be provided on Seminole Pratt Whitney Rd. (ONGOING: PLANNING - Planning)
5. Per LGA 2020-15, Condition 5: Development of the site under the CL-O future land use designation, The building front façade and primary entrance shall not face Seminole Pratt Whitney Rd. (ONGOING: PLANNING - Planning)
6. Per LGA 2020-15, Condition 6: Development of the site under the CL-O future land use designation, Prior to submittal of the first building permit, the applicant shall provide a Preliminary Site Plan with estimated preliminary finished grades, and a Vegetation Disposition Chart for review and approval by the Planning Division and Environmental Resources Management Department. (BLDGPM: MONITORING - Planning)
7. Per Future Land Use Element Policy 1.3-j, the development shall be residential in scale, be comprised of a single building, and designed with architectural and landscaping features that enhance the rural character and preserves and protects The Acreage s unique rural lifestyle. (ONGOING: PLANNING - Planning)
8. If the total building square footage does not exceed the DRO threshold, the property owner shall be required to submit a Preliminary Site Plan to the Zoning Director to coordinate review with key agencies to ensure compliance with code and conditions of approval prior to submitting a building permit application. (BLDGPM: MONITORING - Planning)
9. Prior to site plan approval by County agencies, the Property Owner shall obtain a letter of support for the site plan from the Acreage Landowner Association and forward the correspondence to the County. (BLDGPM: MONITORING - Planning)
10. A minimum fifteen (15) foot wide Type 2 Incompatibility Buffer (as specified in Table 7.C.2.C.3 of the Unified Land Development Code), shall be provided along the west property line, regardless of the adjacent use. (BLDGPM/ONGOING: MONITORING - Planning)
11. Prior to submitting a building permit application, the Property Owner shall provide a Preliminary Vegetation Disposition Chart and provide a preliminary grading plan to ensure all vegetation that is subject to either preservation, relocation on site, replacement, or mitigation shall be clearly identified on the Site Plan. The Vegetation Disposition Chart and Site Plans shall be consistent. (BLDGPM: MONITORING - Planning)

12. Development shall be generally consistent with the Conceptual Site Plan dated June 18, 2020, Exhibit 10 of LGA 2020-015. Consistency of the FSP with the Conceptual Site Plan is limited to building orientation; building setback from residential properties; and, orientation and distribution of the vehicle parking layout. (ONGOING: 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: 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.