

RESOLUTION NO. R-2021-1170

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2020-00268
(CONTROL NO. 2005-00506)
an Official Zoning Map Amendment
APPLICATION OF Tuscan Gardens Of Delray Beach Properties, LLC
BY WGINC, AGENT
(Tuscan Gardens of Delray Beach)

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, as amended, have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2020-00268 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 2021;

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-2020-00268, the Application of Tuscan Gardens Of Delray Beach Properties, LLC, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (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 August 26, 2021, 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 Marino 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 Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 26, 2021.

Filed with the Clerk of the Board of County Commissioners on September 8th, 2021

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

PARCEL 1

THE EAST ONE-HALF (E 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), LESS THE NORTH 105.03 FEET OF THE WEST 219.14 FEET AND LESS THE NORTH 12.50 FEET FOR ROADWAY (FROST LANE) PURPOSES, SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 14; THENCE RUN N 88°24'36" E, ALONG THE NORTH LINE OF SAID S.E. 1/4 OF THE N.W. 1/4 AND THE CENTER LINE OF FROST LANE, A DISTANCE OF 336.54 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID E. 1/2 OF THE N.W. 1/4, S.E. 1/4, NW 1/4 OF SAID SECTION 14; THENCE RUN S 00°00'46"W, ALONG THE WEST LINE OF SAID E. 1/2, A DISTANCE OF 105.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 601.80 FEET TO THE SOUTHWEST CORNER OF SAID E 1/2; THENCE RUN N 88°16'19" E, ALONG THE SOUTH LINE OF SAID E 1/2 A DISTANCE OF 338.05 FEET TO THE SOUTHEAST CORNER OF SAID E 1/2; THENCE RUN N 0°06'28" W, A DISTANCE OF 693.47 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FROST LANE; THENCE RUN S 88°24'36" W, ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 117.43 FEET TO A POINT, THENCE RUN S 0°00'46" W, A DISTANCE OF 92.52 FEET TO A POINT; THENCE RUN S 88°24'36" W, A DISTANCE OF 219.14 FEET TO THE POINT OF BEGINNING

PARCEL 2

A PORTION OF THE EAST ONE-HALF (E 1/2) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 14; THENCE RUNNING NORTH 88 DEGREES 24 MINUTES 36 SECONDS EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER (S.E. 1/4) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) AND THE CENTER LINE OF FROST LANE, A DISTANCE OF 336.54 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF SAID EAST ONE-HALF (E. 1/2) OF THE NORTHWEST ONE-QUARTER (N.W. 1/4), SOUTH EAST ONE-QUARTER (S.E. 1/4), NORTHWEST ONE-QUARTER (N.W. 1/4) OF SAID SECTION 14; THENCE RUN SOUTH 0 DEGREES 00 MINUTES 46 SECONDS WEST, ALONG THE WEST LINE OF SAID EAST ONE-HALF (1/2), A DISTANCE OF 12.50 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF FROST LANE AND TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 92.52 FEET TO A POINT; THENCE RUN NORTH 88 DEGREES 24 MINUTES 36 SECONDS EAST A DISTANCE OF 219.14 FEET TO AN IRON PIPE; RUNNING THENCE RUN NORTH 0 DEGREES 00 MINUTES 46 SECONDS EAST A DISTANCE OF 92.52 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FROST LANE; THENCE RUN SOUTH 88 DEGREES 24 MINUTES 36 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 219.14 FEET TO THE POINT OF THE BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

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

CONTAINING 234,315 SQUARE FEET /5.3791 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

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

EXHIBIT B
VICINITY SKETCH

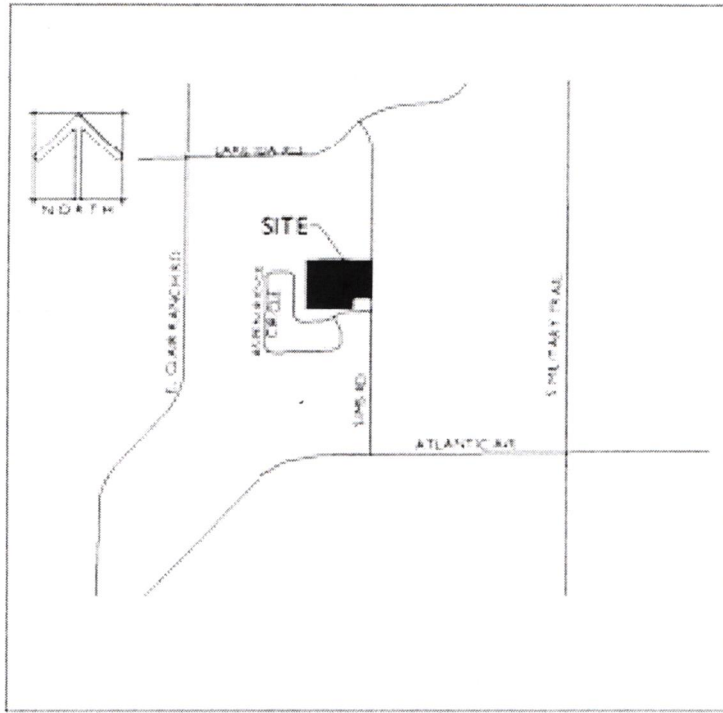


EXHIBIT C

CONDITIONS OF APPROVAL

Official Zoning Map Amendment - Residential Planned Unit Development

DISCLOSURE

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