

RESOLUTION NO. R-2022- 0783

RESOLUTION APPROVING ZONING APPLICATION PDD/CA-2022-00192  
(CONTROL NO. 2021-00058)  
a Class A Conditional Use  
APPLICATION OF Taheri Grandchildrens Trust, Mina Property Group LLC  
BY JMorton Planning & Landscape Architecture, AGENT  
(Reserve at Atlantic)

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 PDD/CA-2022-00192 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 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 PDD/CA-2022-00192, the Application of Taheri Grandchildrens Trust, Mina Property Group LLC, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a General Day Care, 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 July 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

The motion was seconded by Commissioner McKinlay 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	- Nay
Commissioner Dave Kerner	- 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 July 28, 2022.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2022.

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA 2022-00006.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

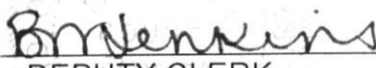
BY:   
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

DEVELOPMENT AREA 2 IN POINT ORDER

A PORTION OF TRACTS 8, BLOCK 19, PALM BEACH FARMS COMPANY PLAT NO. 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 89° 32' 38" WEST, ALONG THE NORTH LINE OF SAID SECTION 19 A DISTANCE OF 2659.88 FEET;

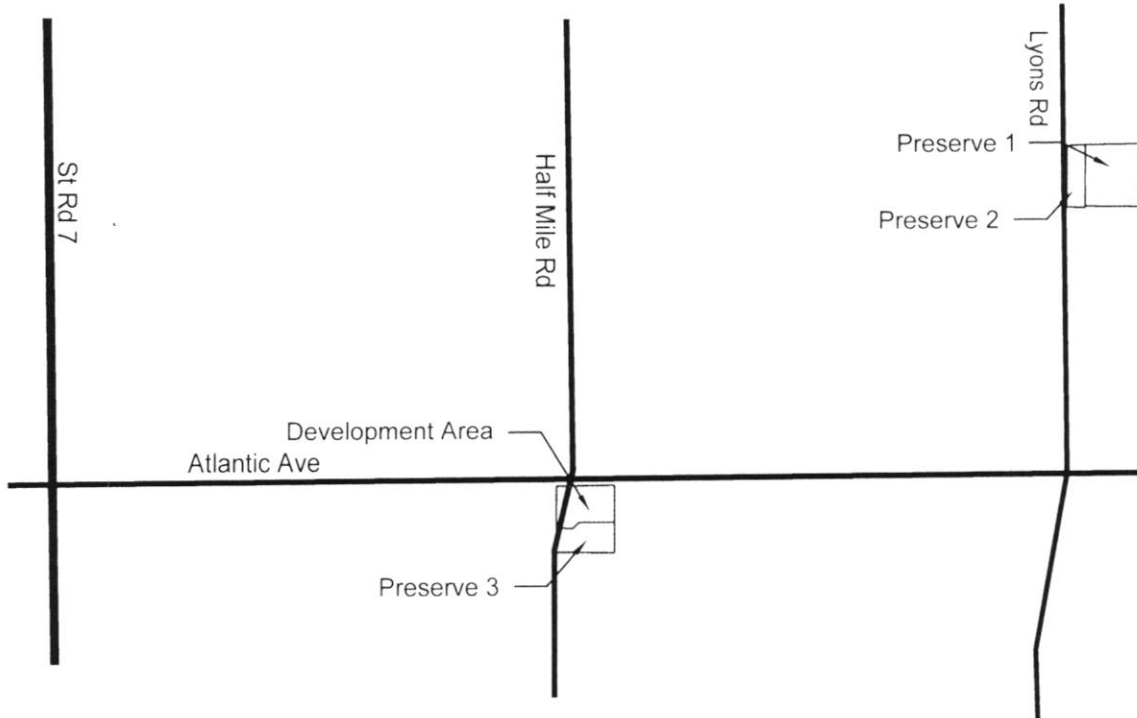
THENCE SOUTH 1° 38' 29" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 141.81 FEET; THENCE NORTH 88° 21' 31" EAST, A DISTANCE OF 24.74 FEET TO A POINT ON THE EASTERLY MAINTENANCE RIGHT OF WAY LINE OF HALF MILE ROAD AS RECORDED IN ROAD PLAT BOOK 7, PAGE 169 OF SAID PUBLIC RECORD AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 31' 27" EAST, A DISTANCE OF 190.09 FEET TO A POINT ON A NON-TANGENT, 2045.00 FEET RADIUS CURVE TO THE RIGHT FOR AN ARC LENGTH OF 381.37 FEET HAVING A CENTRAL ANGLE OF 10° 41' 06" (CHORD BEARING OF SOUTH 04° 54' 13" WEST); THENCE SOUTH 88° 59' 38" WEST, A DISTANCE OF 143.33 FEET TO SAID EASTERLY MAINTAINABLE RIGHT OF WAY LINE; THE NEXT FIVE (5) COURSES RUN ALONG SAID LINE; THENCE NORTH 00° 04' 36" EAST 54.62 FEET; THENCE NORTH 00° 12' 33" WEST 100.03 FEET; THENCE NORTH 02° 57' 31" WEST 100.03 FEET; THENCE NORTH 04° 26' 49" WEST 100.12 FEET; THENCE NORTH 02° 12' 52" WEST 26.02 FEET, TO THE POINT OF BEGINNING.

BEING 64,444 SQUARE FEET OR 1.479 ACRES.

EXHIBIT B  
VICINITY SKETCH

Location Map

NTS 



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### EXHIBIT C-2: Class A Conditional Use

##### ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated May 12, 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)

##### LANDSCAPE - GENERAL

1. The required shrubs within the fifteen (15) foot right of way buffer along the west property line of the General Day Care shall be planted at a minimum six (6) feet in height. (ONGOING: BUILDING DIVISION - Zoning)

##### SIGNS

1. Prior to final Development Review Officer approval, the Applicant shall modify the Preliminary Master Sign Plan to correct the sign types. (ONGOING: ZONING - Zoning)

2. Ground Mounted Freestanding signs fronting on Half Mile Road shall be limited as follows:

- a. maximum sign height - 10 feet, measured from finished grade to highest point;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (ONGOING: BUILDING DIVISION - 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.