

RESOLUTION NO. R-2022-0906

RESOLUTION APPROVING ZONING APPLICATION Z-2021-00121
(CONTROL NO. 2005-00162)
an Official Zoning Map Amendment
APPLICATION OF Delray Beach Associates II LLLP
BY G.L. Homes, AGENT
(Amestoy Rezoning)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapters 125 and 163, 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 Z-2021-00121, submitted on behalf of Delray Beach Associates II LLLP, by G.L. Homes, Agent, for an Official Zoning Map Amendment to allow a rezoning from Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to Agricultural Reserve (AGR) Zoning District, was presented to the Board of County Commissioners at a public hearing conducted on August 25, 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 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-2021-00121, the Application of Delray Beach Associates II LLLP, by G.L. Homes, Agent, for an Official Zoning Map Amendment to allow a rezoning from Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to Agricultural Reserve (AGR) 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 25, 2022, subject to the Condition of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino 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 Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Nay
Commissioner Maria Sachs	- Nay
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 25, 2022.

Filed with the Clerk of the Board of County Commissioners on August 25th, 2022.

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

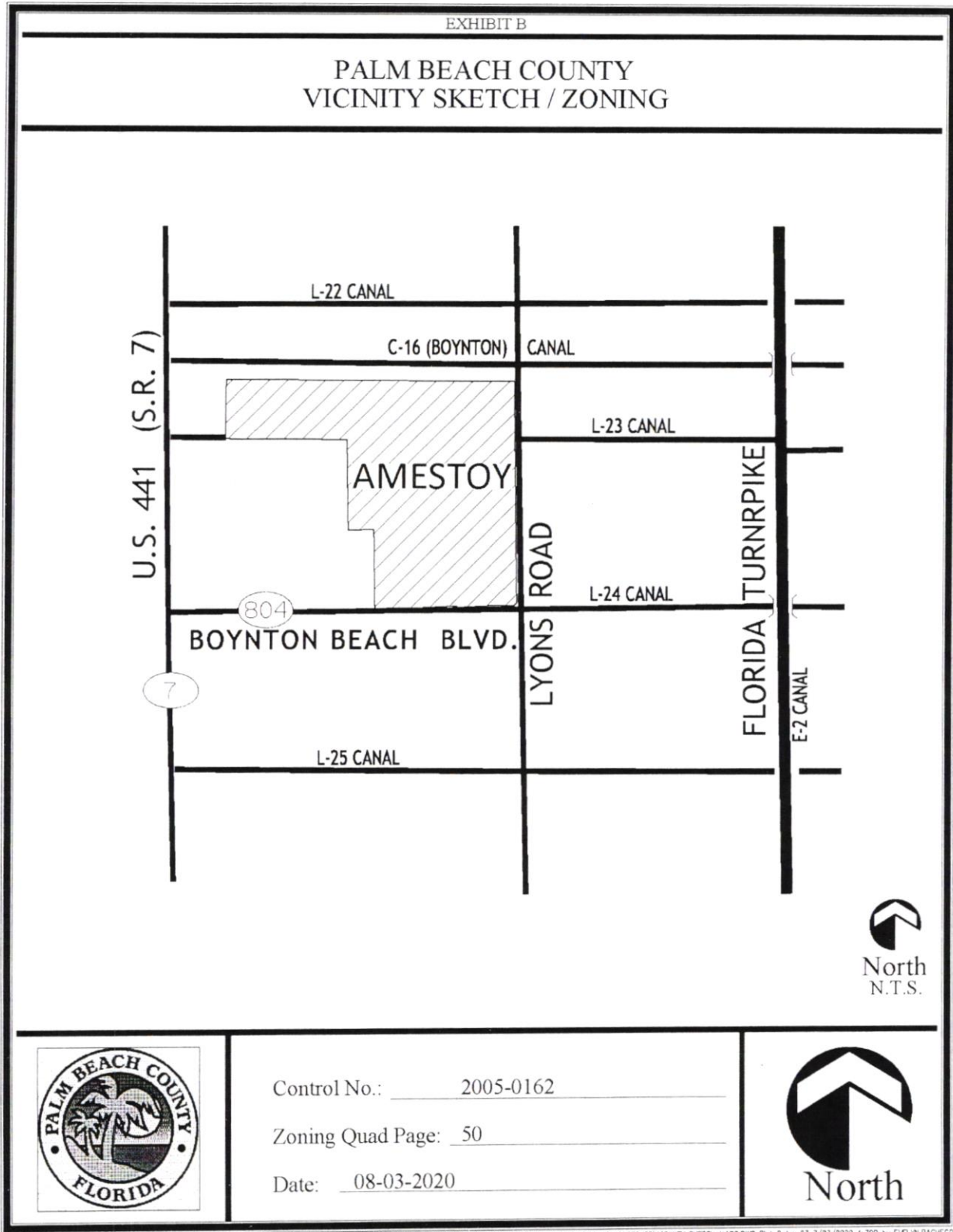
BEING ALL OF TRACTS 60 THROUGH 66, TRACTS 79 THROUGH 85 AND TRACTS 88 THROUGH 91, AND A PORTION OF TRACTS 46 THROUGH 59, 86, 87, 92, 93 AND TRACTS 107 THROUGH 112, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 51, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, ALSO LYING WITHIN SECTION 19, TOWNSHIP 45 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 44, SAID BLOCK 51; THENCE SOUTH $00^{\circ}56'47''$ EAST, ALONG THE WEST LINE OF TRACTS 44 AND 45, SAID BLOCK 51, A DISTANCE OF 917.58 FEET TO A POINT ON A LINE 807.57 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT C. STANLEY WEAVER CANAL, AS RECORDED IN DEED BOOK 118, PAGE 518 OF SAID PUBLIC RECORDS; THENCE ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO DESCRIBED COURSES, NORTH $89^{\circ}03'05''$ EAST, A DISTANCE OF 1079.05 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH $89^{\circ}03'05''$ EAST, A DISTANCE OF 4,190.99 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 23226, PAGE 1022, SAID PUBLIC RECORDS; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR DESCRIBED COURSES, SOUTH $00^{\circ}57'00''$ EAST, A DISTANCE OF 2627.91 FEET; THENCE SOUTH $11^{\circ}27'27''$ WEST, A DISTANCE OF 51.20 FEET; THENCE SOUTH $00^{\circ}57'00''$ EAST, A DISTANCE OF 280.88 FEET; THENCE SOUTH $44^{\circ}02'44''$ WEST, A DISTANCE OF 56.40 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16189, PAGE 1405, SAID PUBLIC RECORDS FOR THE FOLLOWING THREE DESCRIBED COURSES, SOUTH $89^{\circ}02'44''$ WEST, A DISTANCE OF 425.65 FEET; THENCE SOUTH $87^{\circ}08'11''$ WEST, A DISTANCE OF 345.20 FEET; THENCE SOUTH $89^{\circ}02'44''$ WEST, A DISTANCE OF 242.68 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH $00^{\circ}57'00''$ WEST, A DISTANCE OF 62.00 FEET; THENCE SOUTH $89^{\circ}02'44''$ WEST, A DISTANCE OF 532.12 FEET; THENCE SOUTH $00^{\circ}57'00''$ EAST, A DISTANCE OF 2.00 FEET; ; THENCE SOUTH $89^{\circ}02'44''$ WEST, A DISTANCE OF 278.23 FEET; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARIES OF THAT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 25806, PAGE 1074, SAID PUBLIC RECORDS FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES, NORTH $00^{\circ}57'00''$ WEST, A DISTANCE OF 496.60 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF $13^{\circ}55'35''$; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 72.92 TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 188.13 FEET AND A CENTRAL ANGLE OF $36^{\circ}26'54''$; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 119.68 TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE; THENCE NORTH $00^{\circ}57'00''$ WEST, A DISTANCE OF 260.42 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH $03^{\circ}39'25''$ EAST, HAVING A RADIUS OF 215.88 FEET AND A CENTRAL ANGLE OF $10^{\circ}08'28''$; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 38.21 TO A POINT OF TANGENCY; THENCE NORTH $76^{\circ}12'07''$ WEST, A DISTANCE OF 108.31 FEET; TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF $14^{\circ}44'53''$; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 7.72 TO A POINT OF TANGENCY; THENCE SOUTH $89^{\circ}03'00''$ WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH $00^{\circ}57'00''$ WEST ALONG THE EAST LINE OF TRACT "A", AMESTOY PLAT TWO - 14 ACRE PARCEL, AS RECORDED IN PLAT BOOK 115, PAGES 156 THROUGH 159 OF SAID PUBLIC RECORDS, A DISTANCE OF 162.61 FEET THENCE SOUTH $89^{\circ}03'00''$ WEST, ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 506.43 FEET; THENCE NORTH $00^{\circ}57'00''$ WEST ALONG THE EAST LINE OF TRACT 95, SAID BLOCK 51, A DISTANCE OF 25.00 FEET; THENCE NORTH $89^{\circ}02'58''$ EAST, ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID TRACT 95, A DISTANCE OF 15.00 FEET; THENCE NORTH $00^{\circ}57'00''$ WEST ALONG THE WEST LINE OF THE EAST 15.00 FEET OF SAID ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH (ALSO BEING A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE SAID TRACTS 66 AND 79), A DISTANCE OF 1,380.06 FEET; THENCE SOUTH $89^{\circ}03'00''$ WEST, ALONG THE SOUTH LINE OF SAID TRACTS 46 THROUGH 50 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 1994.99 FEET; THENCE NORTH $00^{\circ}57'00''$ WEST ALONG THE WEST LINE OF SAID TRACT 46, A DISTANCE OF 92.38 FEET; THENCE NORTH $89^{\circ}03'05''$ EAST, ALONG A LINE 1,116.41 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH

DRAINAGE DISTRICT C. STANLEY WEAVER CANAL, A DISTANCE OF 400.00 FEET; THENCE NORTH 00°57'00" WEST, ALONG A LINE 400.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 46, A DISTANCE OF 308.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 174.544 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH



Control No.: 2005-0162
 Zoning Quad Page: 50
 Date: 08-03-2020



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EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

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