

RESOLUTION NO. R-2023- 0050

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA-2022-00213
(CONTROL NO. 2021-00031)
an Official Zoning Map Amendment
APPLICATION OF G.L. Homes of Palm Beach Associates LTD and Boynton Beach
Associates 30, LLLP, AGENT
(Whitworth 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 as amended, have been satisfied;

WHEREAS, Zoning Application PDD/DOA-2022-00213, submitted on behalf of G.L. Homes of Palm Beach Associates LTD and Boynton Beach Associates 30, LLLP, 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, and, a Development Order Amendment to modify Conditions of Approval; reconfigure the Master Plan; add and delete land area; add units; and, add access points was presented to the Board of County Commissioners at a public hearing conducted on January 11, 2023;

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-2022-00213, the Application of G.L. Homes of Palm Beach Associates LTD and Boynton Beach Associates 30, LLLP, 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 143.90 acres, 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 January 11, 2023, subject to the Conditions 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 Woodward and, upon being put to a vote, the vote was as follows:

- Commissioner Gregg K. Weiss, Mayor - Aye
- Commissioner Maria Sachs, Vice Mayor - Aye
- Commissioner Maria G. Marino - Aye
- Commissioner Michael Barnett - Aye
- Commissioner Marci Woodward - Aye
- Commissioner Sara Baxter - Aye
- Commissioner Mack Bernard - Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 11, 2023.

Filed with the Clerk of the Board of County Commissioners on January 11, 2023.

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

Development Parcel

A PARCEL OF LAND BEING ALL OF TRACTS 14 THROUGH 23, INCLUSIVE, TRACTS 26 THROUGH 35, INCLUSIVE, TRACTS 38 THROUGH 47, INCLUSIVE, AND A PORTION TRACTS 1 THROUGH 13, INCLUSIVE, TRACTS 24, 25, 36, 37 AND 48 AND A PORTION OF THE ABUTTING ROAD, DYKE AND DITCH RESERVATIONS, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 48, THENCE SOUTH 89°32'21" WEST, ALONG THE SOUTH LINE OF SAID TRACT 48, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE, ALONG THE SOUTH LINE OF SAID TRACTS 37 THROUGH 48, SOUTH 89°32'21" WEST, A DISTANCE OF 4758.20 FEET; THENCE NORTH 01°00'31" WEST, A DISTANCE OF 2646.30 FEET; THENCE ALONG THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY, ACCORDING TO DEED BOOK 113, PAGE 225, DEED BOOK 113, PAGE 246, OFFICIAL RECORDS BOOK 6495, PAGE 761 ALL OF SAID PUBLIC RECORDS, FOR THE FOLLOWING NINE (9) COURSES, NORTH 89°36'36" EAST, A DISTANCE OF 260.57 FEET; THENCE SOUTH 00°31'48" EAST ALONG THE WEST LINE OF SAID TRACT 11, A DISTANCE OF 0.15 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 660.46 FEET; THENCE NORTH 00°31'20" WEST ALONG THE WEST LINE OF SAID TRACT 10, A DISTANCE OF 0.28 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 661.39 FEET; THENCE SOUTH 00°30'52" EAST ALONG THE WEST LINE OF SAID TRACT 9, A DISTANCE OF 0.28 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 676.39 FEET; THENCE NORTH 00°30'24" WEST, A DISTANCE OF 1.60 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 2525.61 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 1 AND 24, A DISTANCE OF 919.86 FEET TO A POINT DESIGNATED AS POINT "A" FOR FUTURE REFERENCE; THENCE SOUTH 13°03'17" WEST, A DISTANCE OF 51.42 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 142.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE SOUTH 45°26'28" EAST, A DISTANCE OF 16.97 FEET; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 130.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 25 AND 48, A DISTANCE OF 1211.86 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEING A PORTION OF SAID TRACTS 24 AND 25 AND A PORTION OF THAT ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, LYING BETWEEN SAID TRACTS 24 AND 25, ALL LYING WITHIN SAID BLOCK 60 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE PREVIOUSLY DESCRIBED POINT "A"; THENCE NORTH 89°33'32" EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°26'28" EAST, ALONG A LINE 30.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 510.00 FEET; THENCE NORTH 45°26'28" WEST, A DISTANCE OF 16.97 FEET; THENCE NORTH 00°26'28" WEST, ALONG A LINE 42.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST LINE OF SAID TRACTS 24 AND 25, A DISTANCE OF 448.00 FEET; THENCE NORTH 13°03'17" EAST, A DISTANCE OF 51.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 289.604 ACRES, MORE OR LESS.

Preserve Parcel 5:

A PARCEL OF LAND BEING A PORTION TRACTS 12, 13, 36, 37, AND A PORTION OF THE ABUTTING ROAD, DYKE AND DITCH RESERVATION, 30 FEET IN WIDTH, ALL LYING WITHIN BLOCK 60, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 48, SAID BLOCK 60, THENCE SOUTH 89°32'21" WEST, ALONG THE SOUTH LINE OF TRACTS 37 THROUGH 48, SAID BLOCK 60, A DISTANCE OF 4888.20 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°32'21" WEST, A DISTANCE OF 346.82 FEET; THENCE NORTH 01°00'31" WEST, ALONG THE WEST LINE OF SAID TRACTS 12, 13, 36, 37, A DISTANCE OF 2646.72 FEET; THENCE NORTH 89°36'36" EAST, ALONG THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY, ACCORDING TO OFFICIAL RECORDS BOOK 6495, PAGE 761, SAID PUBLIC RECORDS, A DISTANCE OF 346.82 FEET; THENCE SOUTH 01°00'31" EAST, A DISTANCE OF 2646.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.070 ACRES, MORE OR LESS. (917,809.2 SF)

Preserve Parcel 6

SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 26, 27 AND 28, TOGETHER WITH, ALL OF LOTS 1 AND 48 AND A PORTION OF LOTS 2 AND 47, BLOCK 2, ALL OF LOTS 1 AND 48 AND A PORTION OF LOTS 2 AND 47, BLOCK 3, ALL OF LOTS 1 AND 48 AND A PORTION OF LOTS 2 AND 47, BLOCK 4, A PORTION OF 3RD STREET, 4TH STREET AND FOREST AVENUE, ALL OF ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 1, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 29; THENCE NORTH 01°45'58" WEST, ALONG THE WEST LINE OF SAID TRACT 29, A DISTANCE OF 668.22 FEET; THENCE NORTH 89°20'01" EAST, ALONG THE NORTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 460.70 FEET; THENCE NORTH 01°50'43" WEST ALONG THE WEST LINE OF SAID TRACTS 47 AND 48, BLOCK 4, ATLANTIC PARK, A DISTANCE OF 50.23 FEET; THENCE NORTH 89°20'01" EAST, A DISTANCE OF 653.44 FEET; THENCE SOUTH 01°57'53" EAST ALONG THE EAST LINE OF SAID LOTS 1 AND 2, BLOCK 2, ATLANTIC PARK, A DISTANCE OF 35.23 FEET; THENCE SOUTH 89°20'01" WEST ALONG THE SOUTH LINE OF SAID LOTS 1 AND 48, BLOCK 2, ATLANTIC PARK, A DISTANCE OF 194.41 FEET; THENCE SOUTH 01°55'29" EAST, ALONG THE EASTERLY BOUNDARY OF THAT PORTION OF FOREST AVENUE THAT WAS ABANDONED, ACCORDING TO OFFICIAL RECORDS BOOK 5675, PAGE 1301, SAID PUBLIC RECORDS, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°20'01" EAST, ALONG THE NORTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 383.28 FEET; THENCE SOUTH 01°52'12" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 706, PAGE 205 OF SAID PUBLIC RECORDS, A DISTANCE OF 668.05 FEET; THENCE SOUTH 89°19'31" WEST ALONG THE SOUTH LINE OF SAID TRACTS 29, THROUGH 32, A DISTANCE OF 1304.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.679 ACRES, MORE OR LESS. (900,777.24 SF)

Preserve Parcel 7

TRACT 102, IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM

BEACH COUNTY, ACCORDING TO THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 1, RECORDED IN PLAT BOOK 2, PAGES 26 TO 28 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.107 ACRES MORE OR LESS. (222,460.92 SF)

Preserve Parcel 8

TRACTS 87, 88, 89 AND 90, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT; IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGES 26 TO 28 INCLUSIVE, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE NORTH 20 FEET OF TRACTS 87 THROUGH 90 AS DESCRIBED HEREIN ABOVE.

CONTAINING 20.830 ACRES MORE OR LESS. (907,354.8 SF)

Preserve Parcel 9

ALL OF TRACT 19, SECTION 20, PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, LESS AND EXCEPT THE EAST 23.40 FEET THEREOF, ACCORDING TO THAT TAX DEED RECORDED IN OFFICIAL RECORDS BOOK 10009, PAGE 876, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.731 ACRES, MORE OR LESS. (206,082.36 SF)

Preserve Parcel 11

BEING A PORTION OF TRACTS 17 THROUGH 19, INCLUSIVE, A PORTION OF TRACTS 30 THROUGH 32, INCLUSIVE, AND A PORTION OF A ROAD, DYKE AND DITCH RESERVATION 30 FEET IN WIDTH, ALL IN BLOCK 69, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF TRACT 48 OF SAID BLOCK 69 AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7 AS SHOWN ON THAT RIGHT-OF-WAY MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, SECTION NO. 93210-2515 AND ACCORDING TO THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10622, PAGE 830, SAID PUBLIC RECORDS; THENCE SOUTH 89°34'36" WEST, ALONG SAID SOUTH LINE OF TRACTS 41 THROUGH 48 SAID BLOCK 69, A DISTANCE OF 2385.49 FEET; THENCE NORTH 00°25'24" WEST, A DISTANCE OF 683.15 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°25'24" WEST, A DISTANCE OF 1028.40 FEET; THENCE NORTH 89°36'38" EAST ALONG A BOUNDARY LINE OF THE CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, SAID PUBLIC RECORDS AND ITS WESTERLY EXTENSION, A DISTANCE OF 766.32 FEET; THENCE SOUTH 00°25'24" EAST ALONG A BOUNDARY LINE OF SAID CONSERVATION EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 33505, PAGE 1982, A DISTANCE OF 1027.95 FEET; THENCE SOUTH 89°34'36" WEST, ALONG A LINE 683.15 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE SOUTH LINE OF TRACTS 41 THROUGH 48, SAID BLOCK 69, A DISTANCE OF 766.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.088 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

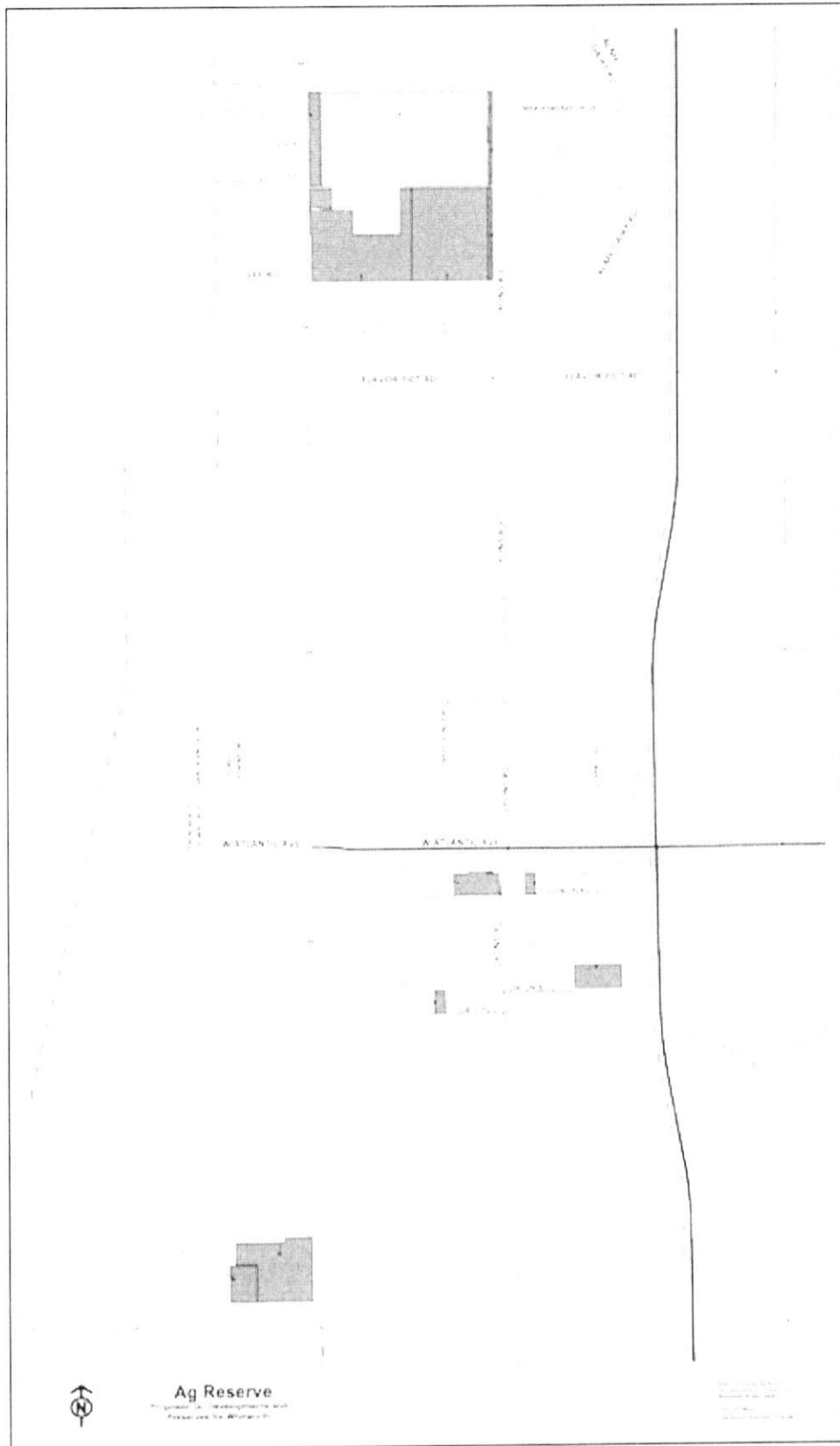


EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

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