

RESOLUTION NO. R-2023- 1184

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/CA-2022-01785
(CONTROL NO. 2016-00163)
a Class A Conditional Use
APPLICATION OF Jon Channing, BC Boynton Industrial, LLC, Randall Thorne,
Paul Dye
BY JMorton Planning & Landscape Architecture, AGENT
(BC Commerce Center)

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 ZV/PDD/CA-2022-01785 the Application of Jon Channing, BC Boynton Industrial, LLC, Randal Thorne, Paul Dye by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a 100 percent buffer overlap within a preserve on 47.21 acres; for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District; a Class A Conditional Use to allow a Brewery-Distillery Manufacturing and Processing use with a Taproom on 47.21 acres; and A Class Conditional Use to allow Limited Access Self Service Storage on 47.21 acres was presented to the Board of County Commission at a public hearing conducted on August 24, 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 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

ZV/PDD/CA-2022-01785, the Application of Jon Channing, BC Boynton Industrial, LLC, Randall Thorne, Paul Dye, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Brewery-Distillery Manufacturing and Processing use with a Taproom on 47.21 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 August 24, 2023, 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 Marino 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 A. Barnett	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Sara Baxter	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 24, 2023.

Filed with the Clerk of the Board of County Commissioners on August 24th, 2023.

This resolution shall not become effective until the Large Scale Land Use Amendment No. LGA-2023-00003 is effective.

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

DESCRIPTION:

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE WEST ONE-HALF (W 1/2) OF TRACT 99, TRACTS 100, 101, 102, 119, 120, 121 AND THE WEST ONE-HALF (W 1/2) OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 30 FEET OF TRACTS 119, 120, 121 AND THE WEST ONE-HALF OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS DESCRIBED IN THAT RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1018, PAGE 449, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN THAT ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 119, 120, 121 AND 122 OF BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 1/2" ROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE N 89° 26'12" E ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) FOR A DISTANCE OF 66.97 FEET; THENCE N 00° 33'48" W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N 46°22'41" W, A DISTANCE OF 37.30 FEET; THENCE N 00°33'48" W, A DISTANCE OF 98.00 FEET; THENCE S 89°26'12" W, ALONG A LINE 184 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 25.00 FEET; THENCE S 00°33'48" E, A DISTANCE OF 144.00 FEET; THENCE N 89°26'12" E, A DISTANCE OF 1320.00 FEET; THENCE N 00°33'48" W A DISTANCE OF 65.14 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A CHORD BEARING OF S 86°25'28" W AND A RADIUS OF 8972.64 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 434.20 FEET THROUGH A CENTRAL ANGLE OF 02°46'22" TO A POINT OF REVERSE CURVATURE HAVING A CHORD BEARING OF S 87°14'15" W AND A RADIUS OF 7579.44 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 581.86 FEET THROUGH A CENTRAL ANGLE OF 04°23'55"; THENCE S 89°26'12" W A DISTANCE OF 253.39 FEET TO THE POINT OF BEGINNING.

ALSO KNOW AS:

BEING A PORTION OF TRACTS 119, 120, 121 AND 122, ALL OF TRACTS 99, 100, 101 AND 102, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 102, BLOCK 50; THENCE ALONG THE NORTH LINE OF SAID TRACTS 99, 100, 101 AND 102, BLOCK 50, N89°02'57"E, A DISTANCE OF 1,650.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 99, BLOCK 50; THENCE ALONG THE EAST LINE OF SAID TRACTS 99 AND 122, BLOCK 50, S00°57'03"E, A DISTANCE OF 1,221.25 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF PARCEL 108, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES: THENCE S89°02'57"W, A DISTANCE OF 75.42 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 8,972.64 FEET AND A CENTRAL ANGLE OF 01°37'33"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 254.62 FEET TO A POINT OF INTERSECTION WITH THE NORTHEAST CORNER OF RIGHT-OF-WAY LINE OF PARCEL 105, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY LINE OF PARCEL 105, THE FOLLOWING SIX (6) COURSES AND DISTANCES: SAID POINT BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 8,972.64 FEET AND A CENTRAL ANGLE OF 02°46'22"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 434.20 FEET TO A POINT OF REVERSE CURVATURE TO THE RIGHT, HAVING A RADIUS OF 7,579.44 FEET AND A CENTRAL ANGLE OF 04°23'55"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 581.86 FEET; THENCE S89°02'57"W, A DISTANCE OF 253.39 FEET; THENCE N46°45'56"W, A DISTANCE OF 37.30 FEET; THENCE N00°57'03"W, A DISTANCE OF 98.00 FEET; THENCE S89°02'57"W, A DISTANCE OF 25.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 119, BLOCK 50; THENCE ALONG SAID WEST LINE AND THE WEST LINE OF SAID TRACT 102, BLOCK 50, N00°57'03"W, A DISTANCE OF 1,146.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,056,563 SQUARE FEET/47.2122 ACRES, MORE OR LESS.

DESCRIPTION:

PRESERVE PARCEL:

BEING A PORTION OF TRACTS 99, 100, 101, 102, 121 AND 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 99, BLOCK 50; THENCE ALONG THE EAST LINE OF SAID TRACT 99, BLOCK 50, S00°57'03"E, A DISTANCE OF 118.60 FEET; THENCE S88°50'48"W, A DISTANCE OF 343.49 FEET; THENCE S01°03'32"E, A DISTANCE OF 726.55 FEET; THENCE S89°12'32"W, A DISTANCE OF 461.11 FEET; THENCE N00°57'14"W, A DISTANCE OF 726.28 FEET; THENCE S88°53'43"W, A DISTANCE OF 821.74 FEET TO A POINT ON THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 102, BLOCK 50; THENCE ALONG SAID PARALLEL LINE, N00°57'03"W, A DISTANCE OF 121.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACTS 99, 100, 101 AND 102, BLOCK 50; THENCE ALONG SAID NORTH LINE, N89°02'57"E, A DISTANCE OF 1,625.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 528,790 SQUARE FEET/12.1393 ACRES, MORE OR LESS.

DESCRIPTION:

DEVELOPMENT PARCEL:

BEING A PORTION OF TRACTS 99, 100, 101, 102, 119, 120, 121 AND 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 99, BLOCK 50; THENCE ALONG THE EAST LINE OF SAID TRACT 99, BLOCK 50, S00°57'03"E, A DISTANCE OF 118.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EAST LINE OF SAID TRACTS 99 AND 122, BLOCK 50, S00°57'03"E, A DISTANCE OF 1,100.65 FEET; THENCE S89°02'57"W, A DISTANCE OF 75.42 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 8,974.64 FEET AND A CENTRAL ANGLE OF 00°42'08"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 109.99 FEET; THENCE N78°08'43"W, A DISTANCE OF 50.79 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S01°58'05"E, A RADIAL DISTANCE OF 8,986.64 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 02°31'43", A DISTANCE OF 396.61 FEET TO A POINT OF NON-TANGENCY; THENCE S50°34'02"W, A DISTANCE OF 20.98 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S04°36'23"E, A RADIAL DISTANCE OF 8,974.64 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 00°44'35", A DISTANCE OF 116.39 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N04°52'46"W, A RADIAL DISTANCE OF 9,843.98 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°52'32", A DISTANCE OF 837.68 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF BOYNTON BEACH BOULEVARD (S.R. 804), AS DESCRIBED IN PARCEL 105, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, N46°45'56"W, A DISTANCE OF 33.67 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 102 AND 119, BLOCK 50; THENCE ALONG SAID PARALLEL LINE, N00°57'03"W, A DISTANCE OF 1,123.00 FEET; THENCE N88°53'43"E, A DISTANCE OF 821.74 FEET; THENCE S00°57'14"E, A DISTANCE OF 726.28 FEET; THENCE N89°12'32"E, A DISTANCE OF 461.11 FEET; THENCE N01°03'32"W, A DISTANCE OF 726.55 FEET; THENCE N88°50'48"E, A DISTANCE OF 343.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,490,498 SQUARE FEET OR 34.2171 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

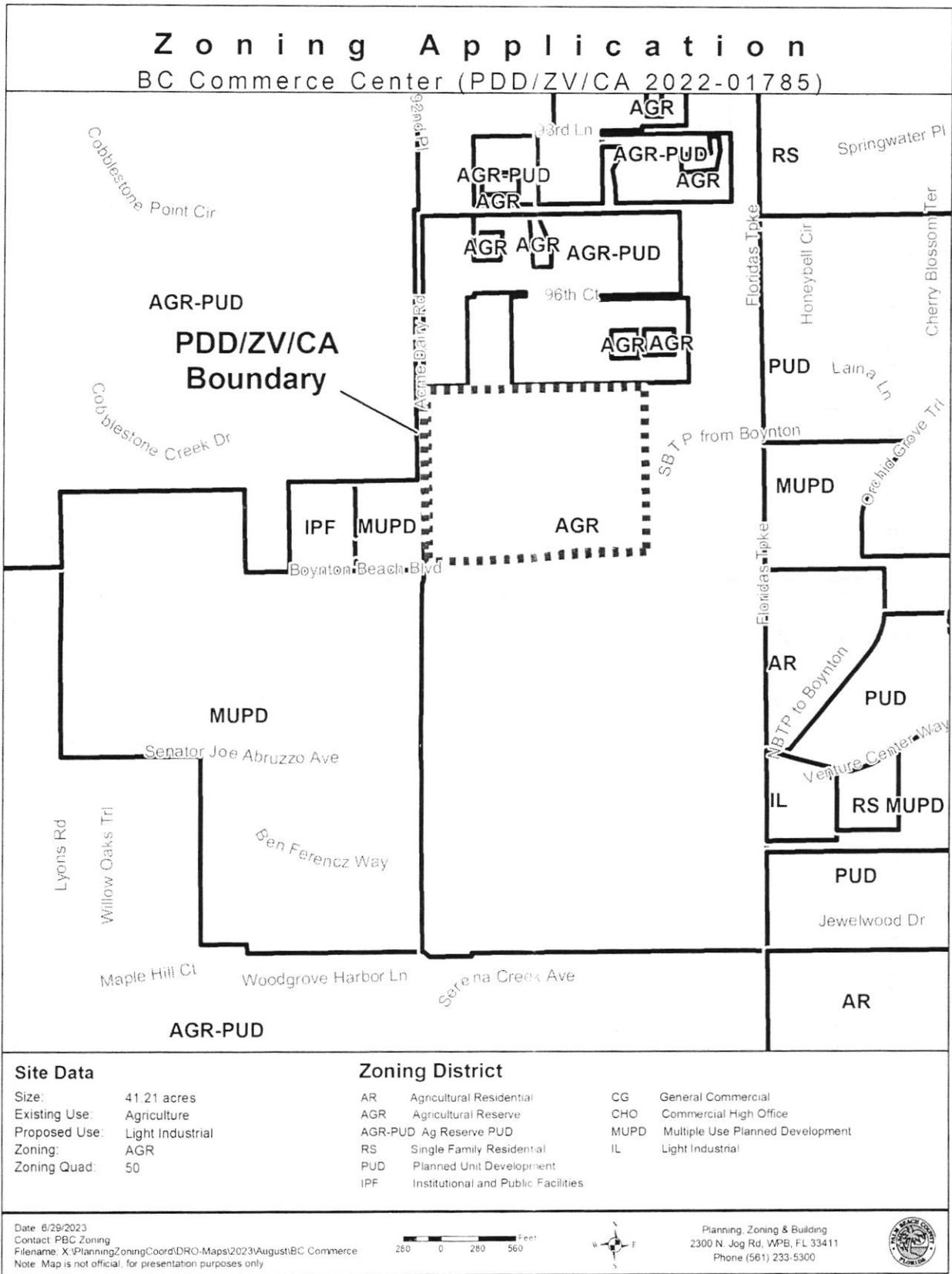


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use Tap Room

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 6, 2023. 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)

USE LIMITATIONS

1. The Manufacturing and Processing with accessory 6,000 square foot Taproom is limited to Building C or may be relocated to the Building A through the administrative site plan approval process subject to any increases allowed by Art. 2.C and provided that the tap room is no closer than 240 feet from the northern property line. (ONGOING: ZONING – 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.