

RESOLUTION NO. R-2023-1740

RESOLUTION APPROVING ZONING APPLICATION ZV/DOAW-2023-00372
(CONTROL NO. 1979-00106)
a Development Order Amendment
APPLICATION OF Glades Road West Investments LLC, Boca Pier Assoc Ltd
BY JMorton Planning & Landscape Architecture, AGENT
(Lyons Glades 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/DOAW-2023-00372 the Application of Glades Road West Investments LLC, Boca Pier Assoc Ltd, by JMorton Planning & Landscape Architecture, Agent, for a Development Order Amendment to reconfigure the site plan, to add and delete uses, and to add square footage on 4.86 acres was presented to the Board of County Commissioners at a public hearing conducted on November 29, 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 Development Order 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/DOAW-2023-00372, the Application of Glades Road West Investments LLC, Boca Pier Assoc Ltd, by JMorton Planning & Landscape

Architecture, Agent, for a Development Order Amendment to reconfigure the site plan, to add and delete uses, and to add square footage on 4.86 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 November 29, 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 Baxter and, upon being put to a vote, the vote was as follows:

| | |
|--|-------|
| Commissioner Maria Sachs, Mayor | - Aye |
| Commissioner Maria G. Marino, Vice Mayor | - Aye |
| Commissioner Gregg K. Weiss | - 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 November 29, 2023.

Filed with the Clerk of the Board of County Commissioners on November 29th, 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

PARCEL OF LAND LYING WITHIN TRACT 96, BLOCK 77, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 96, BLOCK 77; THENCE NORTH 89 DEGREES 57'17" EAST ALONG THE NORTH LINE OF SAID TRACT 96, A DISTANCE OF 301.08 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 55 DEGREES 27'25" WEST, A DISTANCE OF 42.59 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, A DISTANCE OF 141.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 62 DEGREES 45'40" WEST, A DISTANCE OF 76.33 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 43.14 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 96; THENCE NORTH 00 DEGREES 00'22" WEST ALONG SAID WEST LINE OF TRACT 96, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, PUBLIC RECORDS OF PALM BEACH COUNTY, HAVING A BEARING OF SOUTH 00 DEGREES 00'22" EAST

ALSO DESCRIBED AS

TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 29 FEET AND THE SOUTH 65 FEET THEREOF, ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN O.R. BOOK 6515, PAGE 281, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL AS RECORDED IN O.R. BOOK 28079, PAGE 868, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE EAST 60 FEET OF TRACT 95, BLOCK 77, OF THE 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, LESS AND EXCEPT THE SOUTH 65 FEET THEREOF FOR ROAD RIGHT OF WAY.

ALSO KNOWN AS

A PORTION OF TRACTS 95 AND TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 60.00 FEET OF SAID TRACT 95; THENCE N.89°36'50"E. ALONG THE NORTH LINE OF SAID TRACTS 95 AND 96, A DISTANCE OF 361.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 2825, PAGE 18 OF SAID PUBLIC RECORDS; THENCE S.00°28'42"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 291.67 FEET; THENCE S.02°31'18"W. ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 265.55 FEET; THENCE S.46°01'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 54.80 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADES

ROAD(STATE ROAD 808), AS RECORDED IN OFFICIAL RECORD BOOK 3129, PAGE 1606 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS; THENCE S.89°38'08"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 307.37 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF AFORESAID EAST 60.00 FEET OF TRACT 95; THENCE N.00°28'42"W. ALONG SAID WEST LINE, A DISTANCE OF 594.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 211,548 SQUARE FEET/4.8565 ACRES MORE OR LESS.

LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH

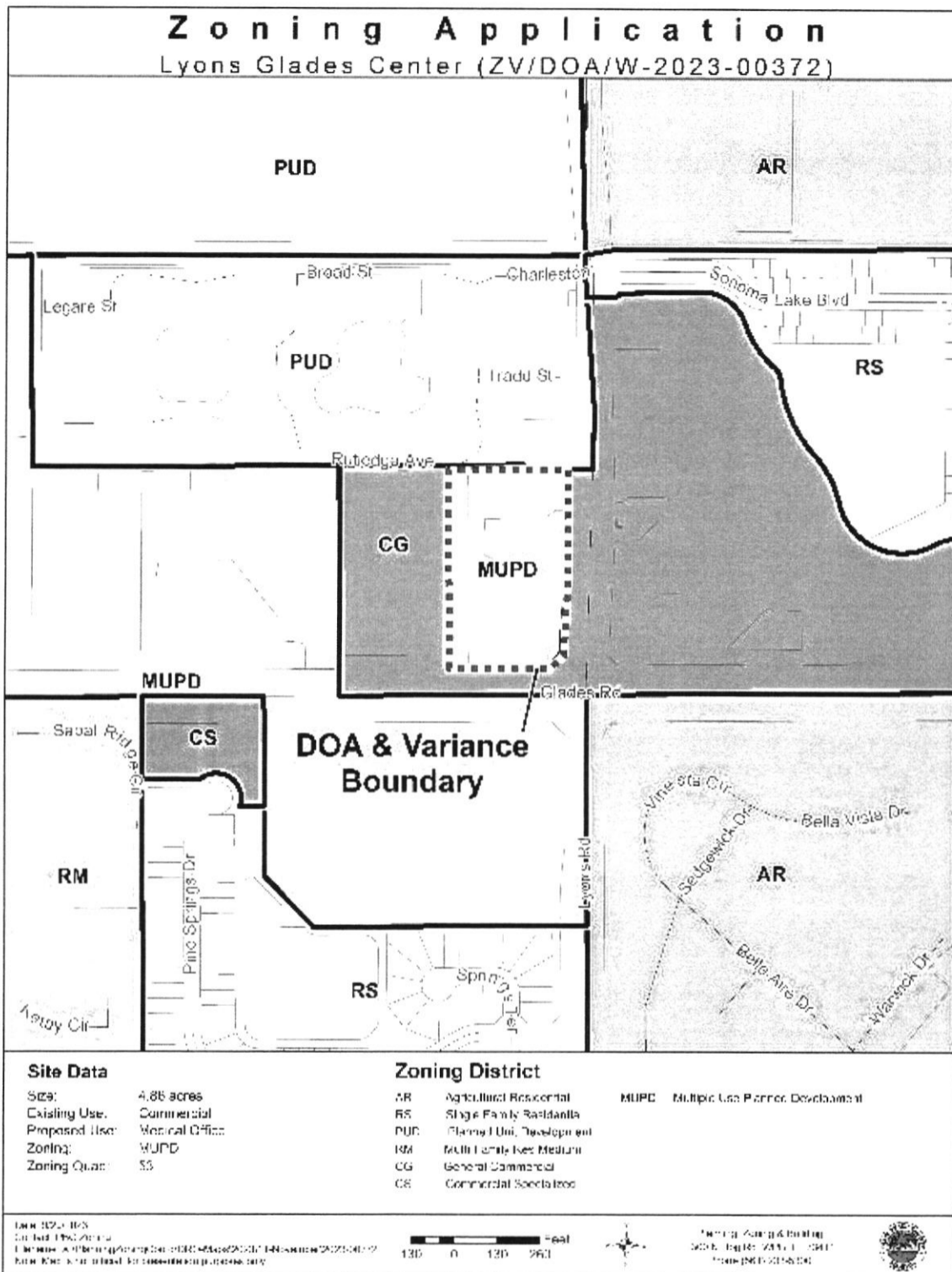


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

The approved Preliminary Site Plan is dated November 13, 2018. 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 or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated September 13, 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)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-169 (Control 1979-00106), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

Is hereby amended to read:

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-169, Control No.1979-00106)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Lyons Road to meet the expanded intersection requirements of Lyons Road and Glades Road as approved by the County Engineer. This dedication shall also include the forty (40) foot corner clip at the intersection as needed.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-169, Control No.1979-00106)

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove the existing driveway located within the sixty (60) foot access easement. In addition to removal of the driveway, the Property Owner shall also restore the area to match adjacent property. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2019-169, Control No.1979-00106)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the access easement located over the west sixty (60) feet of the site. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2019-169, Control No.1979-00106)

ENVIRONMENTAL

1. All mitigation plantings shall be planted on-site or as approved by ERM. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

Prior to July 24, 2019, the Property Owner shall replace all dead and missing plant materials on the entire subject property.

Is hereby amended to read:

Prior to May 29, 2024, Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONITORING - Zoning)

LANDSCAPE - PERIMETER

2. Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2019-169, Control No.1979-00106, which currently states:

Should the trees within the utility easement indicated on the Preliminary Site Plan dated November 13, 2018 along the Lyons Road frontage require removal, the Property Owner shall submit an Alternative Landscape Plan to the Zoning Division indicating where the tree(s) shall be replaced within the same buffer or the interior of the site. Replacement of vegetation shall be in accordance with Article 7 Landscaping Tree Credit and Replacement standards.

Is hereby amended to read:

Should the trees within the utility easement indicated on the Preliminary Site Plan dated September 13, 2023 along the Lyons Road frontage require removal, the Property Owner shall submit an Alternative Landscape Plan to the Zoning Division indicating where the tree(s) shall be replaced within the same buffer or the interior of the site. Replacement of vegetation shall be in accordance with Article 7 Landscaping Tree Credit and Replacement standards. (DRO/ONGOING/VEGPMT: ZONING - Zoning)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the Site Plan. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official Records Book and Page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy (CO), the Property Owner shall construct, and pave to the property line, the cross access as shown on the Final Site Plan. (CO: MONITORING - Planning)

SIGNS

1. Replacement or relocation of the existing freestanding signs fronting on Lyons Road shall be in compliance with requirements of this Code as amended. (BLDGPM: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2019-169, Control No.1979-00106)

2. Previous SIGNS Condition 2 of Resolution R-2019-169, Control No.1979-00106, which currently states:

At time of the issuance of the first Building Permit for Building 4, as indicated on the Preliminary Site Plan dated November 13, 2018, Ground Mounted Freestanding Sign D fronting on Lyons Road shall be relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback, and:

a. Prior to Final Site Plan approval by the DRO, the Site Plan shall be amended to indicate Ground Mounted Freestanding Sign D fronting on Lyons Road relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback.

Is hereby amended to read:

2. Prior to Final Site Plan approval by the DRO, the Site Plan shall be amended to indicate Ground Mounted Freestanding Sign D fronting on Lyons Road relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback. (DRO: ZONING - Zoning)

3. At time of the issuance of the first Building Permit for Building 4, as indicated on the Preliminary Site Plan dated September 13, 2023, Ground Mounted Freestanding Sign D fronting on Lyons Road shall be relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback. (BLDGPM: 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.