

RESOLUTION NO. R-2025- 1026

RESOLUTION APPROVING ZONING APPLICATION W-2024-01566
(CONTROL NO. 2024-00106)
a Type 2 Waiver
APPLICATION OF PK Beach Sound, LLC
BY 2GHO, Inc, AGENT
(Beach Sound)

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 W-2024-01566 was presented to the Board of County Commissioners at a public hearing conducted on July 24, 2025;

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 Type 2 Waiver;

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 W-2024-01566, the Application of PK Beach Sound LLC, by 2GHO, Inc, Agent, for a Type 2 Waiver to allow a reduction of front setback and a reduction in the additional front and side setbacks for a structure over 35 feet in height on 1.46 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 July 24, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Waiver as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

The motion was seconded by Commissioner Weiss and, upon being put to a vote, the vote was as follows:

Commissioner Maria G. Marino, Mayor	- Aye
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel G. Flores	- Absent
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 24, 2025.

Filed with the Clerk of the Board of County Commissioners on July 24th, 2025.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

TRACT 1: UNIT 201-A; UNIT 202-B; UNIT 203-B; 204-A; UNIT 301-A; UNIT 302-B; UNIT 303-B; UNIT 304-A; UNITS 401-A; 402-B; 403-B AND 404-A, OF BEACH SOUND CONDOMINIUM, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 3999, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS. UPON COMPLIANCE WITH SCHEDULE B-I NOS. 4A THROUGH 4P, THE LEGAL DESCRIPTION FOR TRACT 1 WILL BE REVISED TO READ AS FOLLOWS:

PARCEL "A":

THAT PORTION OF THE NORTH 100 FEET OF LOT 178 AND THE NORTH 17.3 FEET OF THE SOUTH 217.3 FEET OF LOT 178, OF JUPITER ISLAND, IN THE GOMEZ GRANT, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 707, AS RECORDED IN PLAT BOOK 1, PAGE 80, OF THE PUBLIC RECORDS OF 'PALM BEACH COUNTY, FLORIDA.

PARCEL "B":

A PARCEL OF SUBMERGED LAND IN JUPITER SOUND IN SECTION 30, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF A LINE 117.3 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 178, JUPITER ISLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 80, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE BULKHEAD LINE ESTABLISHED BY THE COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 64, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE BEING ALSO THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY; THENCE NORTH 15°52'13" WEST, ALONG SAID BULKHEAD LINE AND SAID EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 122.38 FEET TO A POINT IN THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 178; THENCE SOUTH 89°18'01" EAST, ALONG SAID NORTH LINE OF LOT 178, A DISTANCE OF 116.32 FEET TO A POINT IN THE HIGH WATER LINE ON THE WESTERLY SHORE OF JUPITER ISLAND; THENCE SOUTH 21°48'01" EAST ALONG SAID HIGH WATER-LINE, A DISTANCE OF 126.96 FEET TO A POINT IN THE WESTERLY EXTENSION OF THE AFORESAID PARALLEL LINE, BEING 117.3 FEET SOUTH OF THE NORTH LINE OF LOT 178; THENCE NORTH 89°18'01" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 130 FEET TO THE POINT OF BEGINNING.

TRACT 2:

THAT PORTION OF THE NORTH 100 FEET OF LOT 178 AND THE NORTH 17.3 FEET OF THE SOUTH 217.3 FEET OF LOT 178, OF JUPITER ISLAND, IN THE GOMEZ GRANT, LYING WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 707, AS RECORDED IN PLAT BOOK 1, PAGE 80, OF THE PUBLIC RECORDS OF 'PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

EAST UPLAND PARCEL:

A PARCEL OF LAND BEING A PORTION OF LOT 178 OF THE PLAT OF GOMEZ GRANT AND JUPITER ISLAND, RECORDED IN PLAT BOOK 1, PAGE 80, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LAND LYING EAST OF THE WEST ONE HALF OF SECTION 30, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF CURVATURE OF A CURVE IN THE CENTERLINE OF SOUTH BEACH ROAD SHOWN AS STATE ROAD 707, LABELED WITH A STATION OF 75+53.96 AS SHOWN ON THAT STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP AS RECORDED IN ROAD PLAT BOOK 3, PAGE 40, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT OF CURVATURE HAVING A TANGENT BEARING TO THE SOUTH OF SOUTH 15°45'03" EAST, SAID TANGENT BEARING HAVING A GRID BEARING OF SOUTH 16°12'02" EAST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE TO SAID GRID BEARING, SAID CURVE BEING CONCAVE TO THE EAST, HAVING A RADIUS OF 5729.58 FEET; THENCE ALONG SAID CENTERLINE AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°10'06", A DISTANCE OF 16.84 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 17.3 FEET OF THE SOUTH 217.3 FEET

OF SAID LOT 178; THENCE ALONG SAID SOUTH LINE, NORTH 89°38'28" EAST, A DISTANCE OF 51.95 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID STATE ROAD 707 AND TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CHORD BEARING OF NORTH 15°33'41" WEST, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°13'29", A DISTANCE OF 121.41 FEET TO THE NORTH LINE OF SAID LOT 178; THENCE ALONG SAID NORTH LINE, NORTH 89°38'28" EAST, A DISTANCE OF 387.56 FEET TO THE MEAN HIGH WATER OF THE ATLANTIC OCEAN; THENCE ALONG SAID MEAN HIGH WATER FOR THE FOLLOWING FIVE COURSE, SOUTH 23°52'16" EAST, A DISTANCE OF 18.79 FEET; THENCE SOUTH 11°58'22" EAST, A DISTANCE OF 25.47 FEET; THENCE SOUTH 12°06'09" EAST, A DISTANCE OF 25.60 FEET; THENCE SOUTH 17°00'15" EAST, A DISTANCE OF 26.12 FEET; THENCE SOUTH 14°05'22" EAST, A DISTANCE OF 25.63 FEET TO THE SAID SOUTH LINE OF THE NORTH 17.3 FEET OF THE SOUTH 217.3 FEET OF LOT 178; THENCE ALONG SAID SOUTH LINE, SOUTH 89°38'28" WEST, A DISTANCE OF 387.12 FEET TO THE POINT OF BEGINNING. CONTAINING 1.045 ACRES OR 45,510 SQUARE FEET MORE OR LESS.

TOGETHER WITH:

WEST UPLAND & SUBMERGED PARCEL:

A PARCEL OF LAND BEING A PORTION OF LOT 178 OF THE PLAT OF GOMEZ GRANT AND JUPITER ISLAND, RECORDED IN PLAT BOOK 1, PAGE 80, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING A PORTION OF SUBMERGED LAND IN JUPITER SOUND, SAID LAND LYING EAST OF THE WEST ONE HALF OF SECTION 30, TOWNSHIP 40 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF CURVATURE OF A CURVE IN THE CENTERLINE OF SOUTH BEACH ROAD SHOWN AS STATE ROAD 707, LABELED WITH A STATION OF 75+53.96 AS SHOWN ON THAT STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP AS RECORDED IN ROAD PLAT BOOK 3, PAGE 40, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT OF CURVATURE HAVING A TANGENT BEARING TO THE SOUTH OF SOUTH 15°45'03" EAST, SAID TANGENT HAVING BEING A GRID BEARING OF SOUTH 16°12'02" EAST AND ALL OTHER BEARINGS STATED HEREIN ARE RELATIVE TO SAID GRID BEARING, SAID CURVE BEING CONCAVE TO THE EAST, HAVING A RADIUS OF 5729.58 FEET; THENCE ALONG SAID CENTERLINE AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°10'06", A DISTANCE OF 16.84 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 17.3 FEET OF THE SOUTH 217.3 FEET OF SAID LOT 178; THENCE ALONG SAID SOUTH LINE, SOUTH 89°38'28" WEST, A DISTANCE OF 51.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 707 AND TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°38'28" WEST, A DISTANCE OF 44.50 FEET TO THE MEAN HIGH WATER LINE OF THE JUPITER SOUND; THENCE ALONG THE WESTERLY PROJECTION OF SAID SOUTH LINE AND CONTINUE SOUTH 89°38'28" WEST, A DISTANCE OF 107.35 FEET TO THE BULKHEAD LINE ACCORDING TO PLAT BOOK 27, PAGE 64, AND AS REDEFINED DUE TO SCRIVENER'S ERROR IN PLAT BOOK 28, PAGE 154, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY, THENCE ALONG SAID BULKHEAD LINE AND EASTERLY RIGHT-OF-WAY LINE, NORTH 16°16'59" WEST, A DISTANCE OF 121.83 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 178; THENCE ALONG SAID WESTERLY EXTENSION, NORTH 89°38'28" EAST, A DISTANCE OF 104.80 FEET TO THE SAID MEAN HIGH WATER LINE OF THE JUPITER SOUND; THENCE ALONG THE SAID NORTH LINE OF LOT 178 AND CONTINUE NORTH 89°38'28" EAST, A DISTANCE OF 49.24 FEET TO SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 707 AND TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 5779.58 FEET AND A CHORD BEARING OF SOUTH 15°17'31" EAST; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE AND SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°12'07", A DISTANCE OF 121.26 FEET TO THE POINT OF BEGINNING. CONTAINING 0.410 ACRES OR 17,893 SQUARE FEET MORE OR LESS.

ALL OF THE ABOVE CONTAINING 1.455 ACRES OR 63,403 SQUARE FEET MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

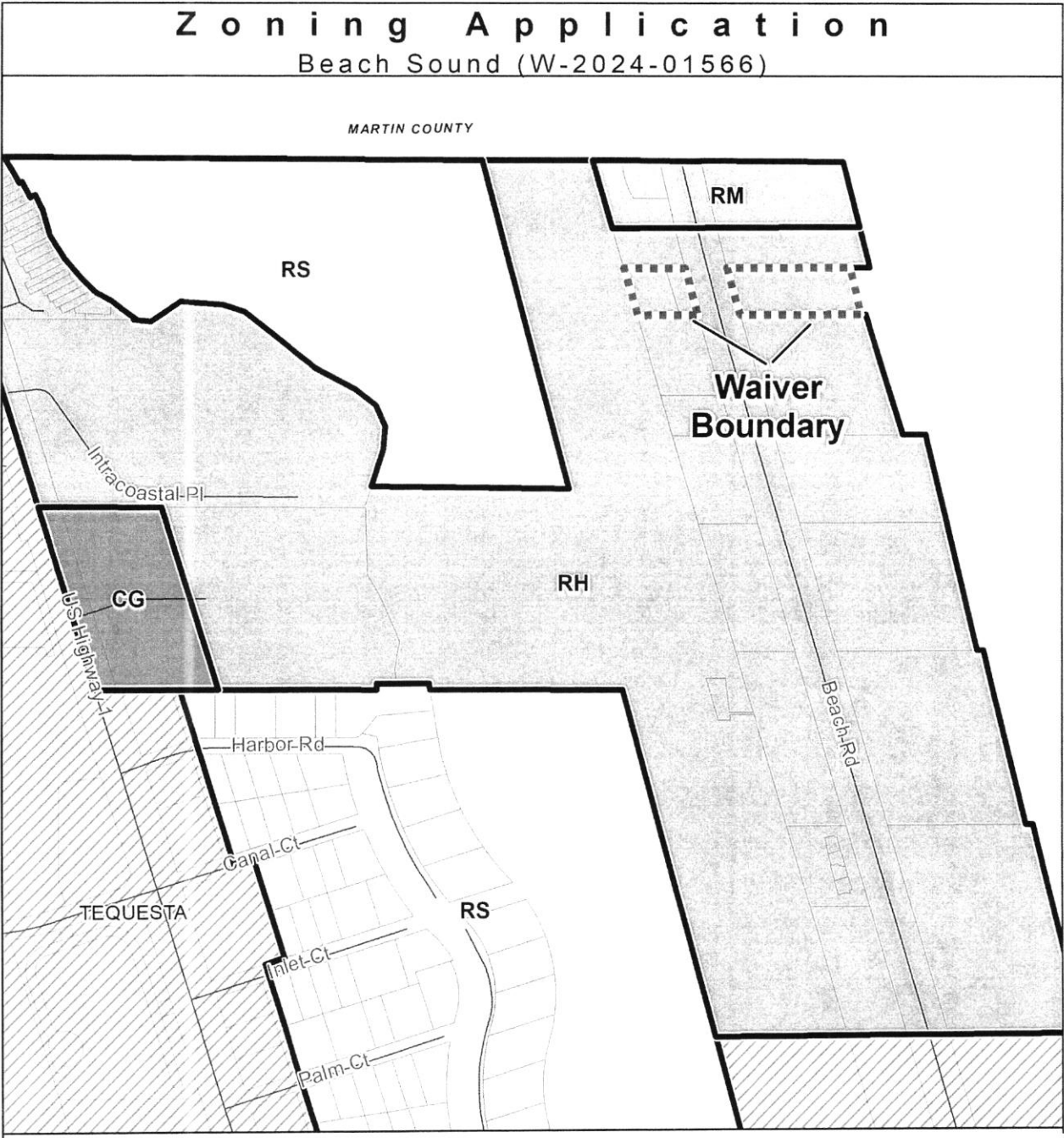


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 13, 2025. 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. The approved Architectural Elevations are dated June 13, 2025. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the elevations which are inconsistent with the elevations presented at the July 24, 2025 public hearing for the justification of the waiver and are 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)

BUILDING AND SITE DESIGN

1. The maximum height of the overall structure measured from finished grade shall be 110 feet - 2 inches. (BLDGPMPT: ZONING - Zoning)

2. The building shall incorporate tinted glass in order to comply with the requirements of Article 14.A.8, Sea Turtle Protection Lighting. (BLDGPMPT: ZONING - Environmental Resources Management)

ENGINEERING

1. Prior to the issuance of a building permit, the Property Owner shall release any easements in conflict with the existing and proposed structures including the proposed stormwater management system. (BLDG PERMIT: MONITORING - Eng)

LANDSCAPE - PERIMETER

1. The Right of Way Buffer along Beach Road shall be a minimum of 20 feet in width with a maximum five-foot easement overlap. (BLDGPMPT/DRO: ZONING - Zoning)

2. Utility easements and drainage are prohibited in the Compatibility buffers along the north and south property lines. (BLDGPMPT: ZONING - Zoning)

LIGHTING

1. The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement identifying and notifying of the existence of Beachfront Lighting Standards in the vicinity of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on July 1, 2026 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (DATE: MONITORING - 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: ZONING - 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.

EXHIBIT D

Type 2 Waiver Chart

WAIVER	ULDC REFERENCE SECTION	REQUIRED	PROVIDED	WAIVER
W1	Art. 3.D.1.E.2, Building Height; Multifamily, Non- Residential Districts, and PDDs	1 additional foot of setback for each 1 foot in height over 35 ft, or fraction thereof (in addition to the required setback) Side Setback: 110.2 ft height = 90 ft (15 ft + 75 ft) Front Setback: 110.2 ft height = 100 ft (25 feet + 75 ft)	1 additional foot of setback for each 7.5 feet of height over 35 ft for the portion of the building over 35 ft in height Side Setback: 110-2" ft height = 15 ft for 1 st 35 ft and 25 ft at highest floor Front Setback: 110.2 ft height = 20 ft for 1 st 35 ft and 30 ft at highest floor	Side setback: 65 ft waiver Front setback: 70 ft waiver
W2	Table 3.D.1. Property Development Regulations	Front Setback = 25 feet	Front Setback 20 feet	Waiver 5 feet