

RESOLUTION NO. ZR-2024- 001

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2023-00955
(CONTROL NO. 2021-00073)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Boca Raton Associates X LLLP
BY Boca Raton Associates X, LLLP, AGENT
(JOHNS PUD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/PDD/DOA-2023-00955, the Application of Boca Raton Associates X LLLP, by Boca Raton Associates X, LLLP, Agent, for a Type 2 Variance to allow an increase in wall height was presented to the Zoning Commission at a public hearing conducted on January 11, 2024;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission 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 Variance;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application ZV/PDD/DOA-2023-00955, the Application of Boca Raton Associates X LLLP, by Boca Raton Associates X, LLLP, Agent, for a Type 2 Variance to allow an increase in wall height on 329.87 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, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Variance Request in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Scarborough moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Absent
John Kern	- Aye
Michael Kelley	- Absent
Glen Gromann	- Absent
Sheri Scarborough	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Aye
Lisa Reves	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on January 11, 2024.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD/DOA-2023-00955 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on January 11, 2024.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

CHAIR

EXHIBIT A

LEGAL DESCRIPTION

JOHNS PUD

LEGAL DESCRIPTION:

ALL OF TRACTS 4, 5, 6, 9, 10, 11, 18, 19, 20, 23, 24 & 25 AND THOSE PORTIONS OF TRACTS 7, 8, 21 AND 22, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 2934, PAGE 1767, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 26.40 FEET OF SAID TRACTS 4 THROUGH 7.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING SOUTH OF SAID TRACTS 8, 9, 10, 11 AND NORTH OF SAID TRACTS 18, 19, 20, 21, SAID BLOCK 76, LESS AND EXCEPT THE WESTERLY 29.00 FEET THEREOF. LESS AND EXCEPT THAT PARCEL OF LAND DENOTED AS "PARCEL 102" AND DESCRIBED IN AN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 21795, PAGE 1135, OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF TRACTS 2 THROUGH 31 INCLUSIVE AND ALL OF TRACTS 34 THROUGH 63, INCLUSIVE AND THOSE PORTIONS OF TRACTS 1, 32, 33 AND 64, BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 2934, PAGE 1767, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

THE NORTH 30.00 FEET OF SAID TRACT 1, THE NORTH 26.40 FEET OF SAID TRACTS 2 THROUGH 8, INCLUSIVE, THE NORTH 28.00 FEET OF SAID TRACT 9, THE NORTH 27.72 FEET OF SAID TRACT 10, THE NORTH 28.00 FEET OF SAID TRACT 11, THE NORTH 27.72 FEET OF SAID TRACTS 12, 13, 14 AND 15, THE NORTH 28.97 FEET OF SAID TRACT 16 AND THE WEST 60.72 FEET OF SAID TRACTS 16, 17, 48 AND 49.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING SOUTH OF SAID TRACTS 17 THROUGH 32 AND NORTH OF SAID TRACTS 33 THROUGH 48, SAID BLOCK 77, LESS AND EXCEPT THE WESTERLY 60.72 FEET THEREOF, ALSO LESS AND EXCEPT THE EASTERLY 29.00 FEET THEREOF.

TOGETHER WITH THAT ROAD, DYKE & DITCH RESERVATION 30 FEET IN WIDTH LYING EAST OF SAID TRACTS 9, 24, 31 AND 56 AND WEST OF SAID TRACTS 8, 25, 40 AND 57, SAID BLOCK 77, LESS AND EXCEPT THE NORTH 26.40 FEET OF THE EAST 15.00 FEET THEREOF, ALSO LESS AND EXCEPT THE NORTH 28.00 FEET OF THE WEST 15.00 FEET THEREOF.

ALSO, LESS AND EXCEPT THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 5773, PAGE 1000, SAID PUBLIC RECORDS AND DESCRIBED AS FOLLOWS:

PART OF TRACTS 1, 2, 3, 4, 5, 6, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 AND 38 TOGETHER WITH A 30 FOOT PLATTED STREET, ALL LOCATED IN BLOCK 77, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF LYONS ROAD AND THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT DITCH L-44, SAID POINT BEING 30.0 FEET SOUTH OF THE NORTH LINE OF THE HERETOFORE MENTIONED TRACT 1 AND SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE, SOUTH 00° 02' 05" WEST ALONG AND WITH THE WEST RIGHT OF WAY LINE OF SAID LYONS ROAD FOR A DISTANCE OF 1570.33 FEET TO A POINT 15.0 FEET MORE OR LESS NORTH OF AN EXTENSION OF THE TOP OF BANK OF AN EAST-WEST DRAINAGE AND IRRIGATION CANAL; THENCE NORTH 89° 41' 53"

WEST ALONG A LINE 15.0 FEET MORE OR LESS NORTH OF AND PARALLEL WITH THE TOP OF BANK OF SAID EAST-WEST DRAINAGE AND IRRIGATION CANAL FOR A DISTANCE OF 1662.92 FEET, TO A POINT;
THENCE NORTH 00° 02' 05" EAST PARALLEL WITH SAID WEST RIGHT OF WAY LINE OF LYONS ROAD FOR A DISTANCE OF 1603.07 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HERETOFORE MENTIONED LAKE WORTH DRAINAGE DISTRICT DITCH L-44, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID BLOCK 77;
THENCE EAST ALONG AND WITH SAID SOUTH RIGHT OF WAY LINE, SAME BEING THE SAID NORTH LINE OF SAID BLOCK 77 FOR A DISTANCE OF 1361.94 FEET, TO A POINT;
THENCE SOUTH ALONG AND WITH A WEST LINE OF SAID RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT DITCH L-44 FOR A DISTANCE OF 30.00 FEET TO A POINT;
THENCE EAST ALONG AND WITH SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 301.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 329.868 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

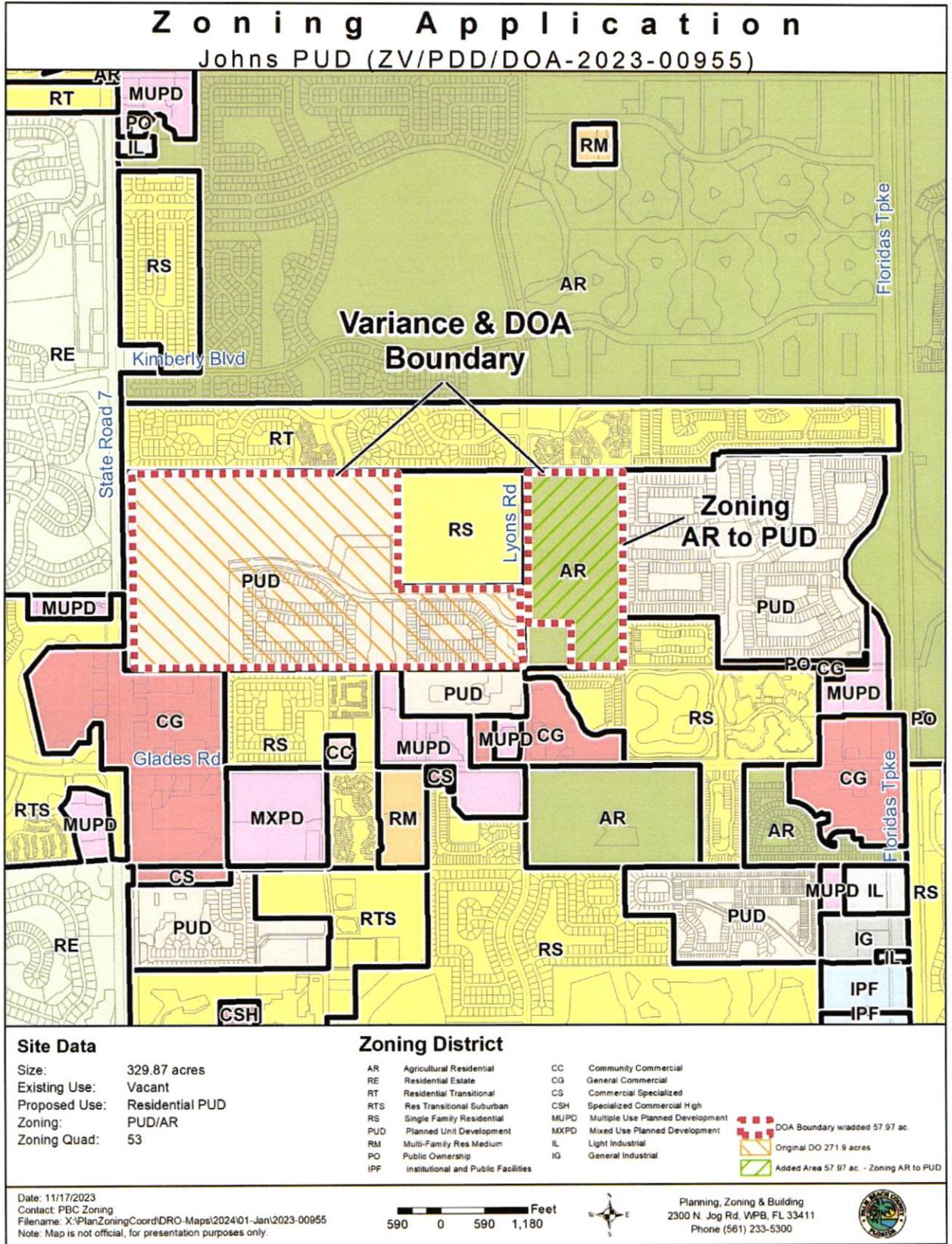


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Master Plan and Preliminary Landscape Plan dated October 23, 2023. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Site Plan.

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE PROPERTY LINE EAST OF POD D AND RECREATION POD

1. Landscaping along the property line shall be upgraded to include:
 - a. one (1) Canopy Tree for each twenty (20) linear feet (78 Canopy Trees) on the exterior of the wall
 - b. one 1 Canopy Tree per thirty-three (33) linear feet (48 Canopy Trees) on the interior of the wall
 - c. one (1) Palm or Pine for each thirty (30) linear feet of the property line (52 Palms or Pines) on the exterior of the wall
 - d. one (1) Palm or Pine for each fifteen (15) linear feet 105 Palm or Pines on the interior of the wall
 - e. 522 Medium Shrubs on the exterior of the wall
 - f. 85 Medium Shrubs on the interior of the wall, and
 - g. 1570 Small Shrubs on the interior of the wall (BLDG/PMT/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE PROPERTY LINE NORTH OF POD A AND LAKE 3

1. Landscaping along the property line shall be upgraded to include:
 - a. one (1) Canopy Tree for each twenty (20) linear feet (78 Canopy Trees) on the exterior of the wall
 - b. one 1 Canopy Tree per fifty-five (55) linear feet (28 Canopy Trees) on the interior of the wall.
 - c. one (1) Palm or Pine for each thirty (30) linear feet of the property line (52 Palms or Pines) on the exterior of the wall
 - d. one (1) Palm or Pine for each forty-five (45) linear feet 35 Palm or Pines on the interior of the wall
 - e. 519 Medium Shrubs on the exterior of the wall,
 - f. f.222 Medium Shrubs on the interior of the wall, and
 - g. 1558 Small Shrubs on the interior of the wall (BLDG PERMIT: LANDSCAPE – Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/DOA-2023-00955. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (ONGOING: ZONING – Zoning)

3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Master Plan. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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

REQUEST

#	ULDC Article	Required	Proposed	Variance
V1	5.B.1.A.2.b.1.c, Wall Height and Related Standards (Residential Uses)	6 feet	-16-foot high wall on top of a 10-high berm within the perimeter landscape buffer along the east property line -16-foot high wall on top of a 5 high berm within the perimeter landscape buffer along the north property line.	increase of 10 feet