

RESOLUTION NO. R-2026-0103

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2025-00966  
(CONTROL NO. 2024-00140)  
a Class A Conditional Use  
APPLICATION OF Hibiscus Development LLC – Darryn Dunn  
BY Managed Land Entitlements, LLC, AGENT  
(Hibiscus Gardens)

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 Z/CA-2025-00966 was presented to the Board of County Commissioners at a public hearing conducted on January 22, 2026;

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, the Board of County Commissioners hereby incorporate 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 and Article 5.G.1.B.2.e.2b), Factors for Consideration;

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 Z/CA-2025-00966, the Application of Hibiscus Development LLC – Darryn Dunn, by Managed Land Entitlements, LLC, Agent, for a Class A Conditional Use to allow a combined increase in density greater than two units per acre through the Workforce Housing Program (WHP) and Transfer of Development Rights (TDRs) on 5.55 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 22, 2026, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

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

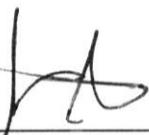
The Mayor thereupon declared that the Resolution was duly passed and adopted on January 22, 2026.

Filed with the Clerk of the Board of County Commissioners on January 22, 2026.

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

BY:   
\_\_\_\_\_  
COUNTY ATTORNEY

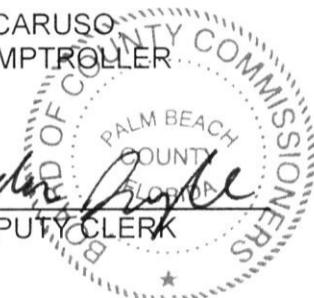
MICHAEL A. CARUSO  
CLERK & COMPTROLLER  
BY:   
\_\_\_\_\_  
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; EXCEPTING THE NORTH 330 FEET, AND ALSO EXCEPTING THE SOUTH 165 FEET THEREFROM, LESS THE RIGHT-OF-WAY FOR MILITARY TRAIL.

PARCEL 2:

THE SOUTH 165 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE RIGHT-OF-WAY FOR MILITARY TRAIL.

ALSO DESCRIBED AS:

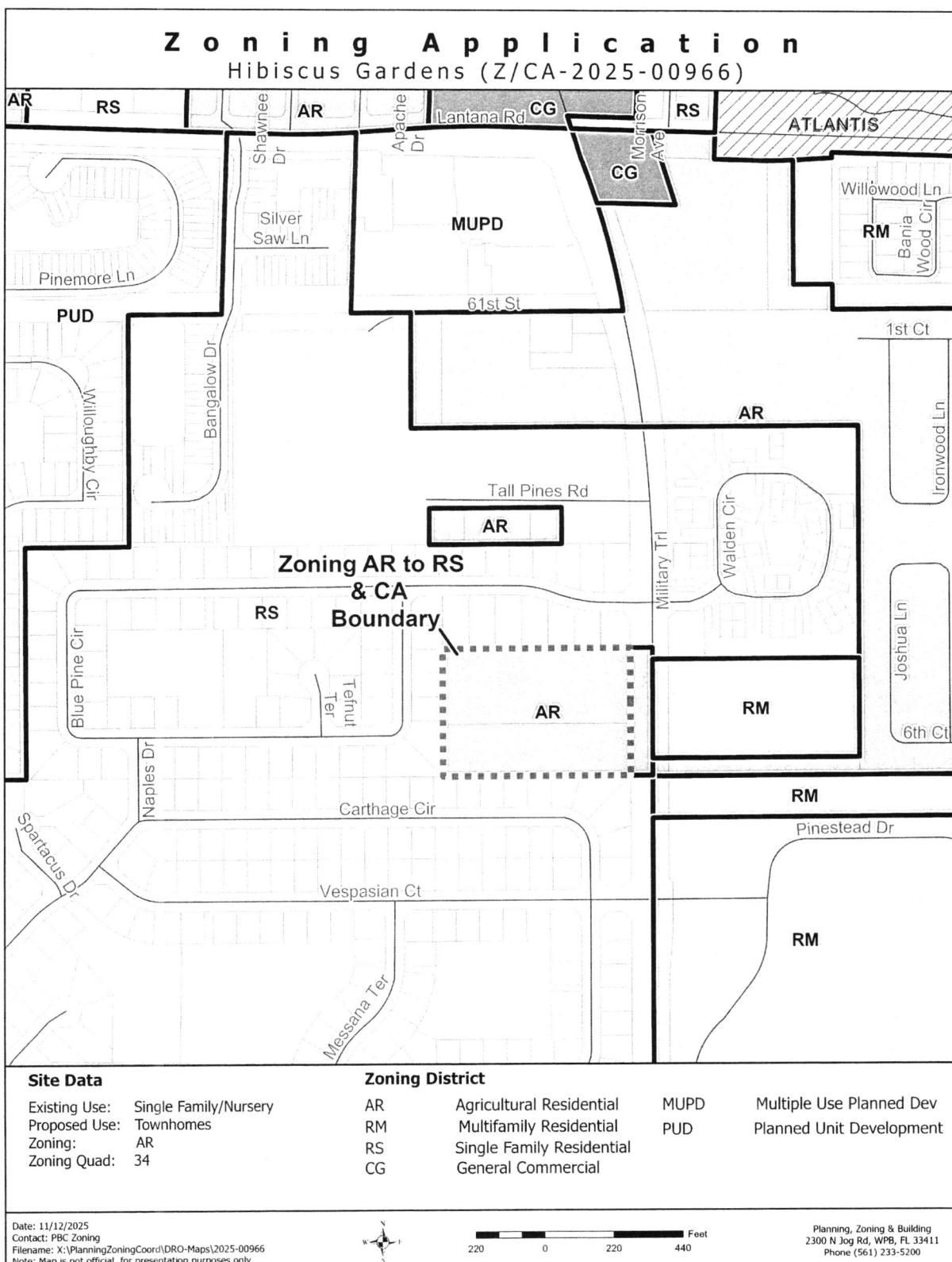
A PORTION OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 1; THENCE SOUTH 0°11'39" EAST ALONG THE NORTH-SOUTH ONE QUARTER SECTION LINE, THE NORTH-SOUTH QUARTER SECTION LINE IS ASSUMED TO BEAR SOUTH 0°11'39" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 1064.94 FEET; THENCE SOUTH 89°36'03" WEST A DISTANCE OF 67.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MILITARY TRAIL (STATE ROAD NO. 809) AND THE SOUTHEAST CORNER OF LOT 56 CONCEPT HOMES OF LANTANA PLAT NO. 5 AS LAID OUT AND IN USE AND AS RECORDED IN PLAT BOOK 40, PAGE 122, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°36'03" WEST ALONG THE SOUTH LINE OF SAID CONCEPT HOMES OF LANTANA PLAT NO. 5 AS LAID OUT AND IN USE A DISTANCE OF 598.86 FEET; THENCE SOUTH 00°13'48" EAST, ALONG THE EAST LINE OF CONCEPT HOMES OF LANTANA PLAT NO. 5 AS LAID OUT AND IN USE, A DISTANCE OF 403.15 FEET TO THE NORTH LINE OF CONCEPT HOMES OF LANTANA PLAT NO. 1 AS RECORDED IN PLAT BOOK 35, PAGE 104, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA THENCE NORTH 89°45'17" EAST ALONG THE NORTH LINE OF SAID CONCEPT HOMES OF LANTANA PLAT NO. 1, AS LAID OUT AND IN USE A DISTANCE OF 598.60 FEET TO A POINT BEING THE NORTHEAST CORNER OF LOT 4 CONCEPT HOMES OF LANTANA PLAT NO. 1 AND THE WEST RIGHT OF WAY OF SOUTH MILITARY TRAIL (STATE ROAD 809) THENCE NORTH 00°11'39" WEST ALONG THE WEST RIGHT OF WAY OF SAID OF SOUTH MILITARY TRAIL, A DISTANCE OF 404.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.552 ACRES MORE OR LESS.

## EXHIBIT B

### VICINITY SKETCH



**EXHIBIT C**  
**CONDITIONS OF APPROVAL**

**Class A Conditional Use – Combined Density Bonus**

**ALL PETITIONS**

1. The approved Preliminary Subdivision Plan is dated November 10, 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)

**PLANNING**

1. The subject request for 48 units with a 5-unit Workforce Housing Program (WHP) obligation was calculated based on the Limited Incentive Development Option. The WHP units will be provided on-site for-sale. A 50% WHP Density Bonus, or 14 units, and 6 TDRs were utilized. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (ONGOING: PLANNING - Planning)

2. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for the Workforce Housing Program, in a form acceptable to the Palm Beach County Attorney. (BLDGPMT: MONITORING - Planning)

3. Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation for the Workforce Housing Program, such as an affidavit on a form provided by the County, demonstrating compliance with the required design standards including compatible exteriors and the provision of a model. (BLDGPMT: MONITORING - Planning)

4. The Developer shall notify Planning and the Department of Housing and Economic Development (DHED) at the commencement of sales. (ONGOING: PLANNING - Planning)

5. Prior to the issuance of fifty percent of the residential Building Permits (24 units or 5 buildings), fifty percent of the WHP units (3 units) must receive Certificates of Occupancy (CO). (BLDGPMT: MONITORING - Planning)

6. Prior to the issuance of eighty-five percent of the residential Building Permits (41 units or 8 buildings), one hundred percent of the WHP units (5 units) must receive Certificates of Occupancy (CO). (BLDGPMT: MONITORING - Planning)

**TRANSFER OF DEVELOPMENT RIGHTS**

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department.

The Contract for Sale and Purchase of TDRs shall accommodate a maximum of 6 TDR units at a total selling price of \$33,826 (4 TDR units to be purchased at the Multi-family Full (Market Rate) TDR price of \$8,250 per unit (\$33,000) and 2 TDR units to be purchased at the at the Multi-family Workforce rate of \$413 per unit (\$826).

Upon execution, the Property Owner shall submit the Contract to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded Contract shall be provided to the Planning Division. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department. (DRO: PLANNING - Planning)

3. Prior to Technical Compliance of the plat, or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Funds, pursuant to the recorded Contract for Sale and Purchase of TDRs, to the Board of County Commissioners, through the Planning Division. (BLDGPMT/TC: ZONING - Planning)

4. Prior to the issuance of the first Building Permit, except Sales Models or temporary Real Estate Sales and Management Offices, the Planning Division provides the Developer and/or Property Owner the executed Transfer of Development Rights Deed, in order for the Property Owner to submit the TDR Deed to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded TDR Deed shall be provided to the Planning Division. (BLDGPM: PLANNING - Planning)

#### **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.