

RESOLUTION NO. R-2026 0615

RESOLUTION APPROVING ZONING APPLICATION W-2025-01909
(CONTROL NO. 2006-00362)

a Type 2 Waiver

APPLICATION OF Fury Construction & Development LLC - Guy Gil

BY Wantman Group Inc., AGENT

(Modern Gardens at Delray Lakes Estates)

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-2025-01909 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 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 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-2025-01909, the Application of Fury Construction & Development LLC - Guy Gil, by Wantman Group Inc., Agent, for a Type 2 Waiver to allow the substitution of a 6-foot opaque wall with a 6-foot-tall hedge within the Type 3 Incompatibility Buffer along the south property boundary on 21.53 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 May 28, 2026, 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 Woodward 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.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2026.

Filed with the Clerk of the Board of County Commissioners on May 28, 2026.

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

MICHAEL A. CARUSO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

PROPERTY DESCRIPTION:

BEING A REPLAT OF TRACTS 55 AND 56 AND A PORTION OF TRACTS 23, 24, 25, 40, 41, 42 AND 57, SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 38, DELRAY LAKES ESTATES P.U.D., AS RECORDED IN PLAT BOOK 41, PAGES 200 AND 201 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE $S01^{\circ}52'29''E$ ALONG THE WEST LINE OF LOTS 38 THROUGH 43 OF SAID DELRAY LAKES ESTATES P.U.D. AND THE SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 1351.01 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 57; THENCE $S89^{\circ}23'53''W$ ALONG THE SOUTH LINE OF SAID TRACT 57, 56 AND 55, A DISTANCE OF 694.73 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF LOTS 24 THROUGH 28 AND TRACT D-4 OF SAID DELRAY LAKES ESTATE P.U.D.; THENCE $N01^{\circ}51'43''W$ ALONG SAID SOUTHERLY PROJECTION OF THE EAST LINE OF LOTS 24 THROUGH 29 AND TRACT D-4, A DISTANCE OF 1351.01 FEET TO A BOUNDARY CORNER, BEING AN INTERSECTION WITH THE SOUTH AND EAST LINES OF SAID TRACT D-4 OF SAID DELRAY LAKES ESTATE P.U.D.; THENCE $N89^{\circ}23'55''E$ ALONG THE SOUTHERLY LINE OF SAID DELRAY LAKES ESTATES P.U.D., A DISTANCE OF 694.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 938,156 SQUARE FEET/21.5371 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

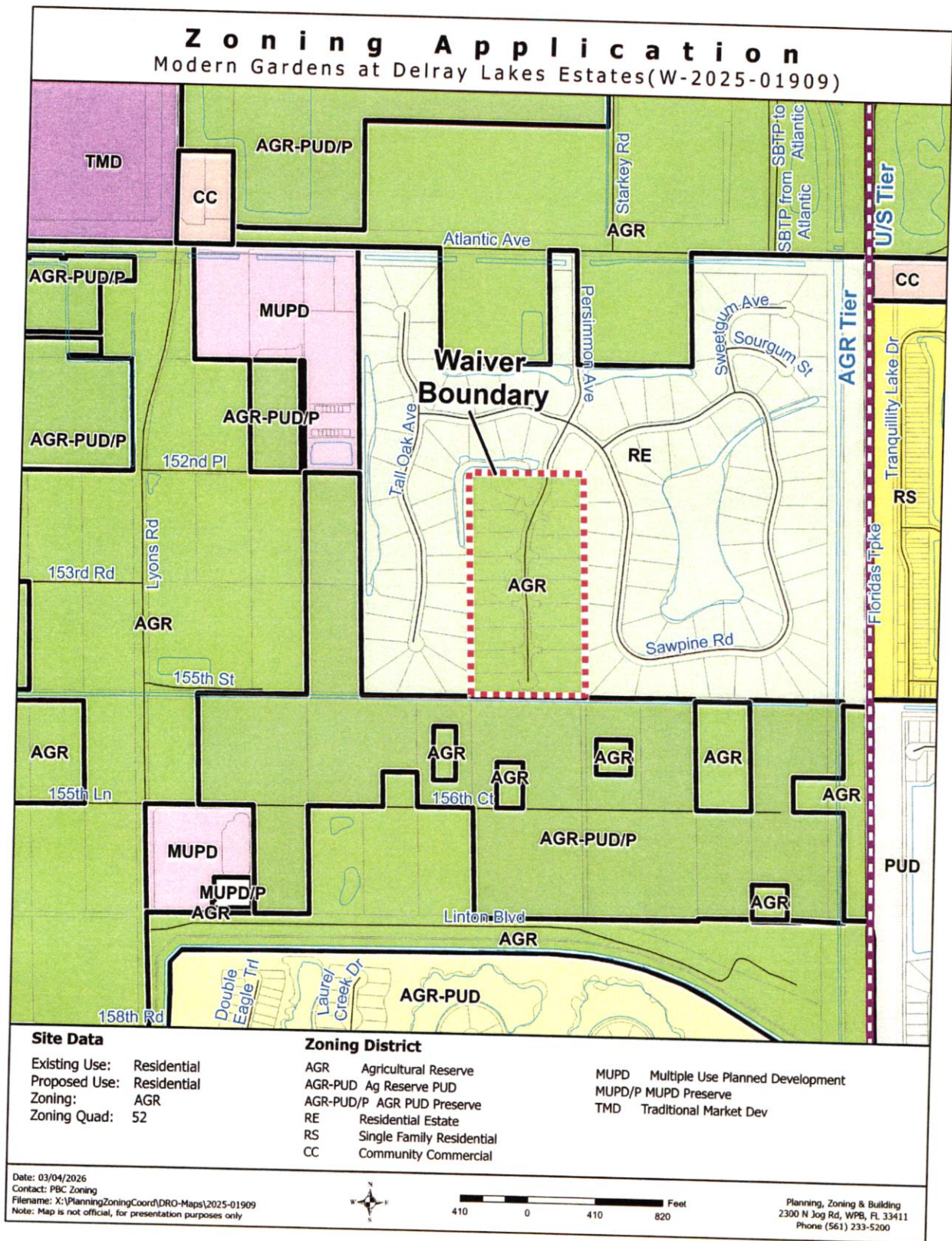


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Plan is dated February 20, 2026. 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: MONITORING - Zoning)

LANDSCAPE - GENERAL

1. A recorded Maintenance Agreement between the Property Owners of Lots 9 and 10 and the Homeowner's Association for the perpetual maintenance of the vegetation within the 20-foot Incompatibility Buffer Easement. (DRO: ZONING - Zoning)

2. Prior to November 28, 2026, the Applicant shall submit a revision to the approved Landscape Plans to revise the wall to a six-foot continuous hedge. (DATE: MONITORING - Zoning)

3. Prior to the issuance of Lot 9 Certificate of Occupancy, the 20-foot Incompatibility Buffer Easement along the south Landscape Buffer shall be installed. (CO: MONITORING - Zoning)

4. Prior to the issuance of Lot 10 Certificate of Occupancy, the 20-foot Incompatibility Buffer Easement along the south Landscape Buffer shall be installed. (CO: MONITORING - Zoning)

5. Prior to final approval by the Development Review Officer (DRO), the Regulating Plan shall be revised to include the required pines and palms. (DRO: 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.