

RESOLUTION NO. ZR-2023-025

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2022-01755
(CONTROL NO. 2018-00187)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Logan Barbara M Trust
BY JMorton Planning & Landscape Architecture, AGENT
(LOGAN RANCH RESIDENTIAL)

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-2022-01755 the application of Barbara Logan Trust by JMorton Planning & Landscape Architecture, Agent for a Type 2 Variance to allow 100 percent buffer overlap within a preserve on 39.24 acres; and for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 39.24 acres was presented to the Zoning Commission at a public hearing conducted on August 3, 2023;

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 Zoning Application ZV/PDD-2022-01755, the Application of Logan Barbara M Trust, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow 100 percent buffer overlap within a preserve on 39.24 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 August 3, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Gromann 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	- Aye
John Kern	- Aye
Michael Kelley	- Absent
Glen Gromann	- Aye
Sheri Scarborough	- Absent
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Recusal

The Chair thereupon declared the resolution was duly passed and adopted on August 3, 2023.

This resolution shall only become effective upon the effective date of a resolution approving Zoning Application ZV/PDD-2022-01755 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on August 3, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

TRACTS 7, 8, 25, 26, 39, 40, 57 AND 58, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 25-26 AND 39-40, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF SAID TRACTS 7 AND 8, DESCRIBED AS PARCEL 106 IN THAT CERTAIN ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PORTION OF TRACTS 7 AND 8, BLOCK 54 OF PALM BEACH FARMS CO. PLAT NO. 3 IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8, RUN NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACTS, A DISTANCE OF 659.80 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 88 DEGREES 08 MINUTES 04 SECONDS WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 16 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.39 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 281.60 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.31 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 42 SECONDS WEST, A DISTANCE OF 25.00 FEET TO SAID WEST LINE OF TRACT 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 438.08 FEET, TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT THE 15 FOOT RIGHT OF WAY FOR ACME DAIRY ROAD, AS CONVEYED IN DEED BOOK 692, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE WEST 15 FEET OF TRACTS 8, 25, 40 AND 57, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 30 FEET OF TRACT 8, BLOCK 54, AS CONTAINED IN DEED RECORDED IN DEED BOOK 113, PAGE 126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

REVISED: AND LESS AND EXCEPT THAT REQUIRED RIGHT OF WAY AS REFERENCED ON INSTRUMENT RECORDED IN O. R. BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT THAT CERTAIN STRIP OF LAND EXCEPTED IN DEED FROM LAKE WORTH DRAINAGE DISTRICT RECORDED IN DEED BOOK 697, PAGE 421, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINE OF THE COUNTY ROAD.

ALSO KNOWN AS:

BEING A PORTION OF TRACTS 7, 8, 25, 40 AND 57, ALL OF TRACTS 26, 39 AND 58, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54, AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 106, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS AND TO THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE OF SAID PARCEL 106, THE FOLLOWING FOUR (4) COURSES AND DISTANCES: SAID POINT BEING ON THE CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N03°33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 02°36'22", A DISTANCE OF 353.62 FEET; THENCE S89°02'57"W, A DISTANCE OF 279.79 FEET TO A POINT ON THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE, S00°23'24"E, A DISTANCE OF 343.46 FEET; THENCE S89°34'27"W, A DISTANCE OF 10.00 FEET TO A POINT ON THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND A LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 25, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND SAID TRACTS 40 AND 57, BLOCK 54, S00°23'24"E, A DISTANCE OF 2,311.05 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 57, BLOCK 54; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 57 AND 58, BLOCK 54 AND ALONG THE NORTH LINE OF 30.00 FEET LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF SAID PUBLIC RECORDS, N89°36'22"E, A DISTANCE OF 644.96 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 58, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACTS 58 AND 39, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND SAID TRACTS 26 AND 7, BLOCK 54, N00°25'41"W, A DISTANCE OF 2,668.71 FEET TO THE POINT OF BEGINNING.

MUPD CONTAINING 1,709,166 SQUARE FEET OR 39.2370 ACRES, MORE OR LESS.

DEVELOPMENT PARCEL:

BEING A PORTION OF TRACTS 7, 8, 25, 26, 39 AND 40, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54 AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 136.11 FEET TO THE POINT OF BEGINNING; THENCE S86°36'43"W, A DISTANCE OF 82.58 FEET; THENCE S00°34'45"E, A DISTANCE OF 36.08 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S76°52'34"W, A RADIAL DISTANCE OF 1,491.63

FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°03'04", A DISTANCE OF 183.56 FEET TO A POINT OF NON-TANGENCY; THENCE S00°24'19"E, A DISTANCE OF 52.05 FEET; THENCE N89°49'42"W, A DISTANCE OF 385.87 FEET; THENCE S32°24'33"W, A DISTANCE OF 180.97 FEET; THENCE S00°12'36"E, A DISTANCE OF 388.15 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S83°00'11"E, A RADIAL DISTANCE OF 635.89 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 15°27'00", A DISTANCE OF 171.47 FEET TO A POINT OF NON-TANGENCY; THENCE S00°48'42"E, A DISTANCE OF 286.33 FEET; THENCE S89°26'40"W, A DISTANCE OF 53.80 FEET; THENCE N56°12'56"W, A DISTANCE OF 11.12 FEET; THENCE N00°45'31"W, A DISTANCE OF 41.78 FEET; THENCE S89°41'19"W, A DISTANCE OF 44.98 FEET TO A POINT OF INTERSECTION WITH THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 25, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND SOUTHERLY PROLONGATION THEREOF AND ALONG A LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 40, BLOCK 54, S00°23'24"E, A DISTANCE OF 125.11 FEET; THENCE N89°36'36"E, A DISTANCE OF 44.85 FEET; THENCE N01°01'50"E, A DISTANCE OF 19.63 FEET; THENCE N38°27'37"E, A DISTANCE OF 14.43 FEET; THENCE N89°46'32"E, A DISTANCE OF 53.83 FEET; THENCE S00°12'35"W, A DISTANCE OF 195.09 FEET; THENCE S84°09'10"E, A DISTANCE OF 109.43 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N83°21'58"W, A RADIAL DISTANCE OF 4,767.04 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°52'12", A DISTANCE OF 405.18 FEET TO A POINT OF NON-TANGENCY; THENCE N11°20'18"W, A DISTANCE OF 212.78 FEET; THENCE N11°47'23"E, A DISTANCE OF 174.22 FEET; THENCE N89°30'49"E, A DISTANCE OF 82.83 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N77°52'33"E, A RADIAL DISTANCE OF 140.10 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°27'12", A DISTANCE OF 125.81 FEET TO A POINT OF NON-TANGENCY; THENCE S00°22'12"E, A DISTANCE OF 663.73 FEET; THENCE S24°02'35"W, A DISTANCE OF 218.95 FEET; THENCE N89°42'11"W, A DISTANCE OF 116.38 FEET; THENCE S00°25'36"E, A DISTANCE OF 129.33 FEET; THENCE S89°56'14"E, A DISTANCE OF 451.02 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 39, BLOCK 54; THENCE ALONG SAID EAST LINE OF TRACT 39, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND ALONG THE EAST LINE OF SAID TRACTS 26 AND 7, BLOCK 54, N00°25'41"W, A DISTANCE OF 1,828.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 672,517 SQUARE FEET OR 15.4389 ACRES, MORE OR LESS.

PRESERVE PARCEL 1:

BEING A PORTION OF TRACTS 7, 8 AND 25, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACT 7, BLOCK 54, S00°25'41"E, A DISTANCE OF 136.11 FEET; THENCE S86°36'43"W, A DISTANCE OF 82.58 FEET TO THE POINT OF BEGINNING; THENCE S86°36'43"W, A DISTANCE OF 29.27 FEET; THENCE S87°21'36"W, A DISTANCE OF 147.33 FEET; THENCE N74°16'16"W, A DISTANCE OF 42.58 FEET; THENCE S89°02'28"W, A DISTANCE OF 153.05 FEET; THENCE S89°02'57"W, A DISTANCE OF 150.58 FEET; THENCE S83°55'01"W, A DISTANCE OF 29.93 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PARCEL 106, AS DESCRIBED ON OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS AND TO A POINT ON THE LINE 25.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID

PARALLEL LINE AND SAID EAST RIGHT-OF-WAY LINE, S00°23'24"E, A DISTANCE OF 302.78 FEET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, S89°34'27"W, A DISTANCE OF 10.00 FEET TO A POINT ON THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND ALONG THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 25, BLOCK 54, S00°23'24"E, A DISTANCE OF 910.79 FEET; THENCE N89°41'19"E, A DISTANCE OF 44.98 FEET; THENCE S00°45'31"E, A DISTANCE OF 41.78 FEET; THENCE S56°12'56"E, A DISTANCE OF 11.12 FEET; THENCE N89°26'40"E, A DISTANCE OF 53.80 FEET; THENCE N00°48'42"W, A DISTANCE OF 286.33 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N81°32'50"E, A RADIAL DISTANCE OF 635.89 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 15°27'00", A DISTANCE OF 171.47 FEET TO A POINT OF NON-TANGENCY; THENCE N00°12'36"W, A DISTANCE OF 388.15 FEET; THENCE N32°24'33"E, A DISTANCE OF 180.97 FEET; THENCE S89°49'42"E, A DISTANCE OF 385.87 FEET; THENCE N00°24'19"W, A DISTANCE OF 52.05 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S83°55'38"W, A RADIAL DISTANCE OF 1,491.63 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°03'04", A DISTANCE OF 183.56 FEET; THENCE N00°34'45"W, A DISTANCE OF 36.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 261,749 SQUARE FEET OR 6.0089 ACRES, MORE OR LESS.

PRESERVE PARCEL 2:

BEING A PORTION OF TRACTS 25, 26, 39 AND 40, BLOCK 54, AND ALL OF TRACTS 57 AND 58, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND A PORTION OF 30-FOOT WIDE ROAD, DIKE AND DITCH RESERVATION, LYING BETWEEN SAID TRACTS 25, 26, 39 AND 40, BLOCK 54 AS RECORDED IN OFFICIAL RECORDS BOOK 10738, PAGE 289 OF SAID PUBLIC RECORDS, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 58, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACTS 58 AND 39, BLOCK 54, N00°25'41"W, A DISTANCE OF 790.83 FEET; THENCE N89°56'14"W, A DISTANCE OF 451.02 FEET; THENCE N00°25'36"W, A DISTANCE OF 129.33 FEET; THENCE S89°42'11"E, A DISTANCE OF 116.38 FEET; THENCE N24°02'35"E, A DISTANCE OF 218.95 FEET; THENCE N00°22'12"W, A DISTANCE OF 663.73 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N26°25'21"E, A RADIAL DISTANCE OF 140.10 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 51°27'12", A DISTANCE OF 125.81 FEET TO A POINT OF NON-TANGENCY; THENCE S89°30'49"W, A DISTANCE OF 82.83 FEET; THENCE S11°47'23"W, A DISTANCE OF 174.22 FEET; THENCE S11°20'18"E, A DISTANCE OF 212.78 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N88°14'10"W, A RADIAL DISTANCE OF 4,767.04 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°52'12", A DISTANCE OF 405.18 FEET TO A POINT OF NON-TANGENCY; THENCE N84°09'10"W, A DISTANCE OF 109.43 FEET; THENCE N00°12'35"E, A DISTANCE OF 195.09 FEET; THENCE S89°46'32"W, A DISTANCE OF 53.83 FEET; THENCE S38°27'37"W, A DISTANCE OF 14.43 FEET; THENCE S01°01'50"W, A DISTANCE OF 19.63 FEET; THENCE S89°36'36"W, A DISTANCE OF 44.85 FEET TO A POINT OF INTERSECTION WITH THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 40, BLOCK 54; THENCE ALONG SAID PARALLEL LINE AND ALONG THE LINE 15.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID TRACT 57, BLOCK 54, S00°23'24"E, A DISTANCE OF 1,275.15 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF

SAID TRACT 57, BLOCK 54 AND WITH THE NORTH LINE OF 30-FOOT WIDE LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE OF TRACT 57, BLOCK 54 AND ALONG THE SOUTH LINE OF SAID TRACT 58, BLOCK 54 AND ALONG SAID NORTH RIGHT-OF-WAY LINE, N89°36'22"E, A DISTANCE OF 644.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 747,516 SQUARE FEET OR 17.1606 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

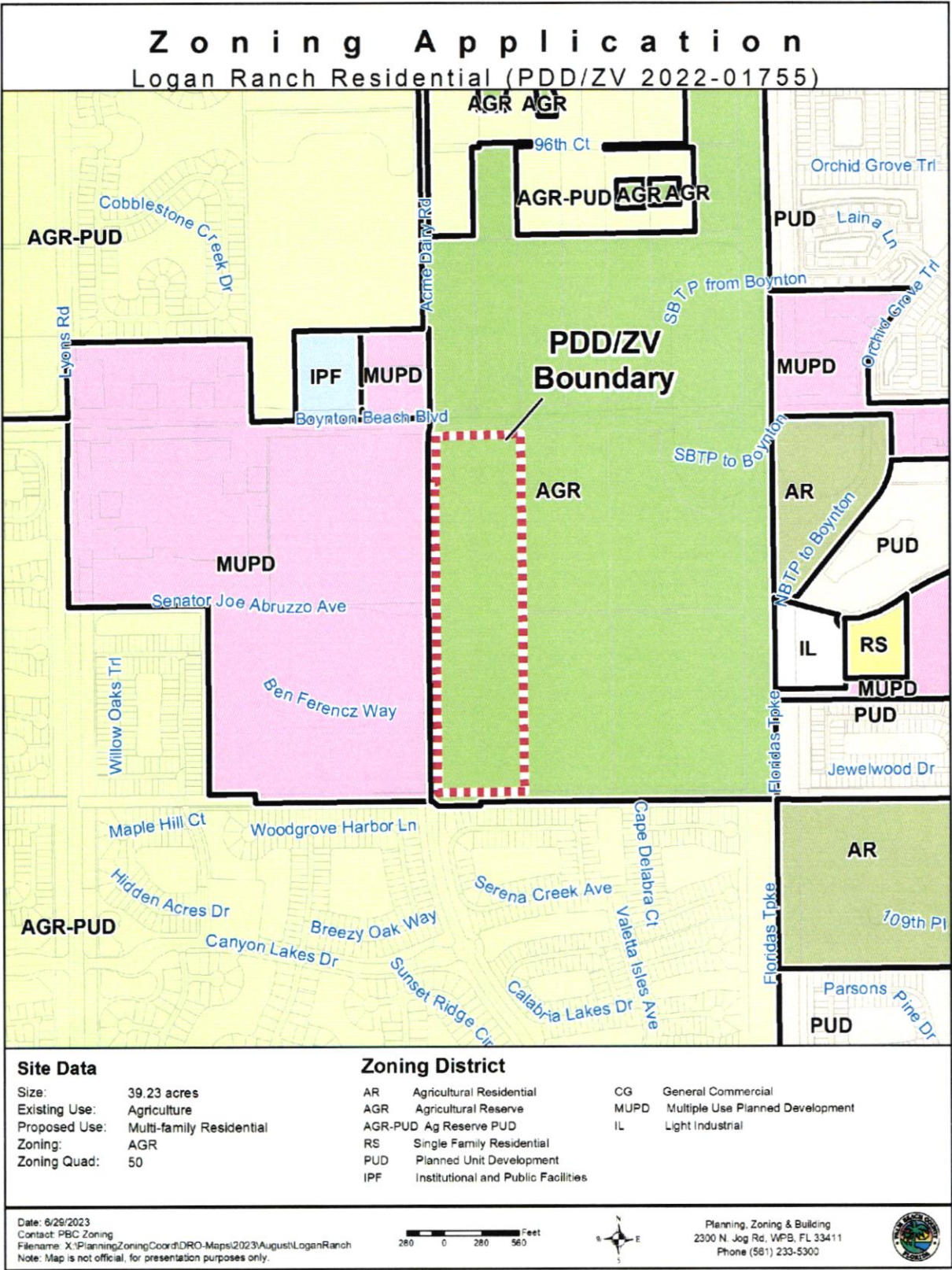


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 15, 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 Zoning Commission. (ONGOING: ZONING - 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. (BLDG PERMIT: BLDG - Zoning)
3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD-2022-01755. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING- Zoning)

VARIANCE

1. 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 Final Site 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: 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; 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

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
Table 7.C.2.A – Right of Way (R-O-W) Buffers Landscape Requirements and Table 7.C.2.C – Incompatibility Buffer Landscape Requirements	20 Foot Wide R-O-W Buffer along the North and West property lines.	100% Overlap of the R-O-W within the Preserve Parcels along the North and West property lines	To allow 100% overlap within the Preserve on the R-O-W buffers along the North and West property lines
	15 foot Wide Incompatibility buffer along the south property line.	100% Overlap of the Incompatibility Buffer within the Preserve Parcels along the south property line	To allow 100% overlap of the Incompatibility Buffer within the Preserve Parcels along the south property line

SITUS ADDRESS:	11275 Acme Dairy Rd Boynton Beach 33473		
OWNER NAME & ADDRESS:	Logan Barbara M Trust 651 Village Dr, Apt 502 Pompano Beach, FL 33060-3701		
PCN:	00-42-43-27-05-054-0070		
ZONING DISTRICT:	AGR		
BCC DISTRICT:	5, Vice Mayor Maria Sachs		
PROJECT MANAGER:	Matthew Boyd, Site Planner II		
LAND USE:	AGR (EH Proposed)	S/T/R: 27-43-42	
CONTROL #:	2018-00187		
LOT AREA:	39.24 acres +/-		
APPLICANT REQUEST:	to allow 100 percent buffer overlap within a preserve on 39.24 acres.		