

RESOLUTION NO. ZR-2019-019

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CAW-2018-02152  
(CONTROL NO. 2017-00194)  
TYPE 2 VARIANCE (*CONCURRENT*)  
APPLICATION OF Lake Worth Road Villas, LLC  
BY Insite Studio, AGENT  
(LAKE WORTH ROYALE)

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/DOA/CAW-2018-02152 was presented to the Zoning Commission at a public hearing conducted on June 6, 2019;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA/CAW-2018-02152 by the Board of County Commissioners;

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/DOA/CAW-2018-02152, the Application of Lake Worth Road Villas, LLC, by Insite Studio, Agent, for a Type 2 Variance to allow relocation of a fence along the west property line; and, relocation of required planting material and reduction of the required planting width along the south and west property line, 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 June 6, 2019, 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 Beatty moved for the approval of the Resolution.

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

Sheri Scarborough, Chair	-	Yes
Sam Caliendo, Vice Chair	-	Yes
Amir Kanel	-	Yes
John Kern	-	Yes
Marcelle Griffith Burke	-	Absent
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Robert Currie	-	Yes

Filed with the Palm Beach County Zoning Division on June 6, 2019.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA/CAW-2018-02152 by the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

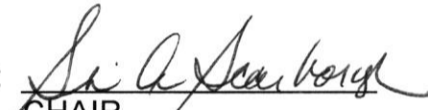
BY:   
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION (LAKE WORTH ROYALE - RESIDENTIAL PUD)

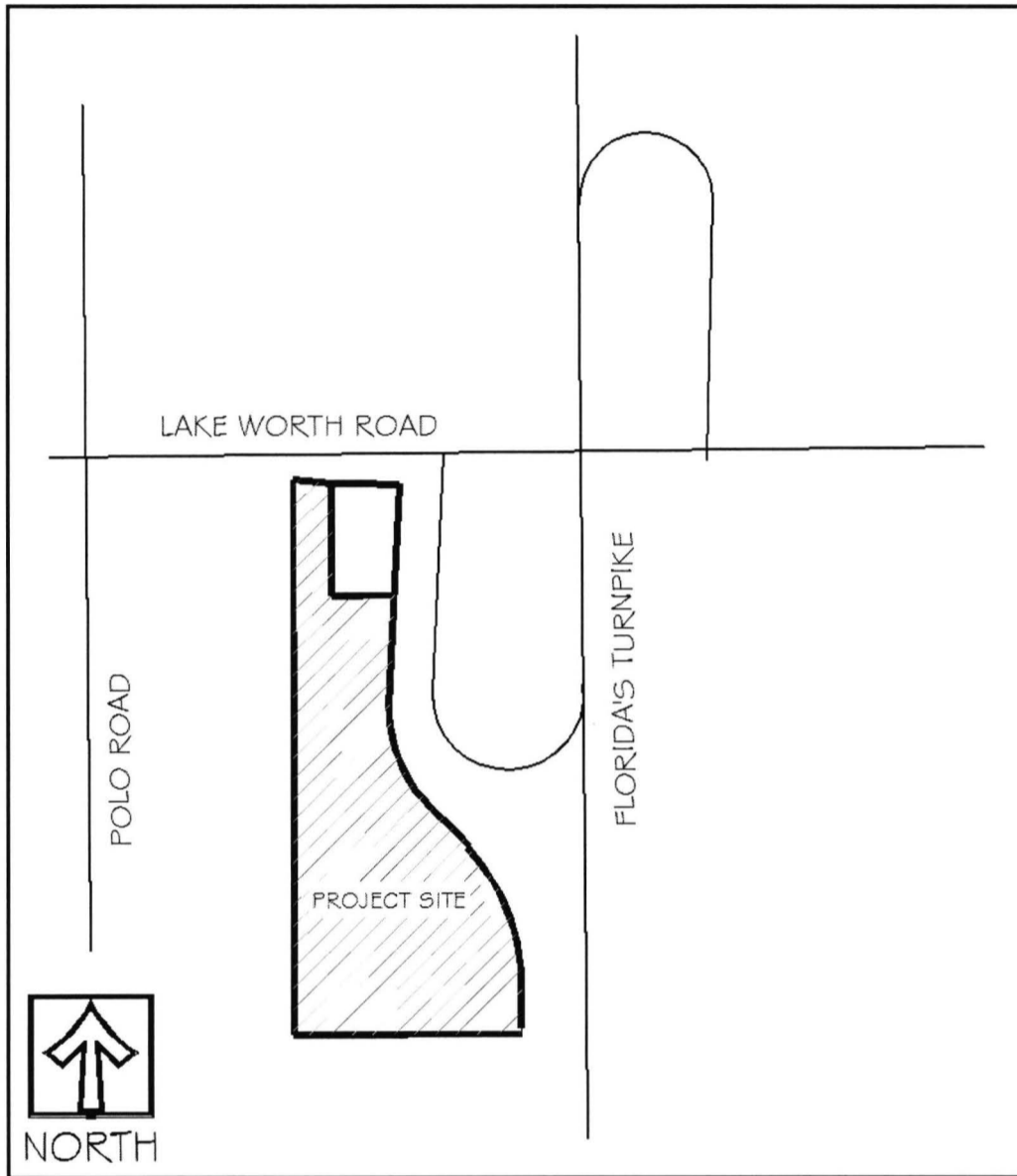
A PARCEL OF LAND LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING A PORTION TRACTS 2, 15, 17, 18, 31 AND 32 TOGETHER WITH THAT PORTION OF THE 30 FOOT WIDE RIGHT-OF-WAY LYING BETWEEN SAID TRACTS 15 AND 18, ALL IN BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF FIELDS AT GULFSTREAM POLO - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH  $00^{\circ}56'30''$  WEST ALONG THE WEST LINE OF SAID TRACT 2, BLOCK 28, BEING THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 575.07 FEET TO A POINT ON THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH  $85^{\circ}23'17''$  EAST ALONG SAID SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, A DISTANCE OF 80.38 FEET; THENCE SOUTH  $00^{\circ}56'30''$  EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 389.31 FEET; THENCE NORTH  $89^{\circ}03'30''$  EAST, A DISTANCE OF 333.37 FEET TO A POINT ON THE WESTERLY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY; THENCE SOUTH  $01^{\circ}48'42''$  WEST, A DISTANCE OF 522.55 FEET; THENCE SOUTH  $02^{\circ}28'02''$  EAST, A DISTANCE OF 30.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 552.19 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $44^{\circ}22'48''$ , A DISTANCE OF 427.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $46^{\circ}50'50''$  EAST, A DISTANCE OF 146.86 FEET; THENCE SOUTH  $44^{\circ}08'44''$  EAST, A DISTANCE OF 74.36 FEET (THE PRECEDING FIVE COURSES BEING COINCIDENT WITH SAID WESTERLY LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 24358, PAGE 1059 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA); THENCE SOUTH  $45^{\circ}51'16''$  WEST DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 10.30 FEET TO A NON-TANGENT POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 811.46 FEET AND WHOSE CENTER BEARS SOUTH  $45^{\circ}51'16''$  WEST, FROM SAID POINT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $43^{\circ}08'08''$ , A DISTANCE OF 610.91 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $01^{\circ}00'36''$  EAST, A DISTANCE OF 177.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 11628.54 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $0^{\circ}08'08''$ , A DISTANCE OF 27.52 FEET TO A POINT OF NON-TANGENCY, SAID POINT BEING A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID TRACTS 31 AND 32, BLOCK 28, PALM BEACH FARMS COMPANY PLAT NO. 3, SAID POINT ALSO BEING THE NORTH LINE OF TRACT L-5, AS SHOWN ON SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE SOUTH  $89^{\circ}03'30''$  WEST ALONG SAID SOUTH LINE OF THE NORTH HALF OF TRACTS 31 AND 32, BLOCK 28 AND SAID NORTH LINE OF TRACT L-5, A DISTANCE OF 925.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 31, BLOCK 28, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID FIELDS AT GULFSTREAM POLO - PLAT ONE; THENCE NORTH  $00^{\circ}56'30''$  WEST ALONG THE WEST LINE OF SAID TRACTS 15, 18 AND 31, BLOCK 28 AND THE WEST LINE OF SAID 30 FOOT WIDE RIGHT-OF-WAY AND SAID EAST LINE OF FIELDS AT

GULFSTREAM POLO - PLAT ONE, A DISTANCE OF 1680.00 FEET TO THE  
AFOREMENTIONED POINT OF BEGINNING.

THE TOTAL LAND AREA = 27.354 ACRES (1,191,554 SQUARE FEET) MORE OR  
LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Type 2 Variance – Concurrent

##### VARIANCE

1. This Variance is based on the approved Preliminary Master Plan dated April 8, 2019. 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. Prior to the submittal for Building Permit, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (BLDGPMPT: ZONING - Zoning)
3. 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. (BLDGPMPT/ONGOING: 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; 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: ZONING - 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 2 VARIANCE SUMMARY**

	ULDC Article	Required	Proposed	Variance
<b>V.1, Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer</b>				
Incompatibility buffer along the South Property Line (926 +/- feet)				
V.1.a	Planting Width	Minimum 7.5 ft. on both sides of the wall or fence	0 ft. on exterior; and, 5 ft. on interior for east 100 ft.	Exterior: -7.5 ; and, Interior: -2.5 ft.
V.1.b	Canopy Tree Planting	75% of required trees shall be located along the exterior side of the wall or fence	0 trees along exterior (required trees shall be located along the interior of the wall.)	100% elimination along exterior
V.1.c	Shrub Planting	Shrubs shall be planted on both sides of the wall.	0 shrubs along exterior (required shrubs shall be relocated to the interior wall.)	100% elimination along exterior
<b>V.2, Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer</b>				
Incompatibility buffer along South 900 feet of the West Property Line				
V.2.a	Planting Width	Minimum 7.5 ft. on both sides of the wall or fence.	0 ft. on exterior	-7.5 ft.
V.2.b	Canopy Tree Planting	75% of required trees shall be located along the exterior side of the wall.	0 trees along exterior (required trees shall be located along the interior of the wall)	100% elimination along exterior
V.2.c	Shrub Planting	Shrubs shall be planted on both sides of the wall or fence.	0 shrubs along exterior (required shrubs shall be relocated to the interior of the wall.)	100% elimination along exterior
V.2.d	Setback for the Wall or Fence	Minimum 10 ft. setback from the edge of the property line.	0 ft. setback	-10 feet