

RESOLUTION NO. ZR-2020- 008

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2018-01723
(CONTROL NO. 2003-00079)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Hatzlacha WP Holdings, LLC
BY WGINC, AGENT
(WINDSOR PLACE MXPDP)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, (ULDC), Ordinance 2003-067, Supplement 25, 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/CA-2018-01723 was presented to the Zoning Commission at a public hearing conducted on March 5, 2020;

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/CA-2018-01723 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/CA-2018-01723, the Application of Hatzlacha WP Holdings, LLC, by WGINC, Agent, for a Type II Variance to deviate from the required Land Use Mix for a Mixed Use Planned Development (MXPDP); and, to reduce Townhouse rear setbacks, 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 March 5, 2020, 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 Caliendo 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:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Philip L. Barlage	- Absent
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on March 5, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ZV/DOA/CA-2018-01723 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:

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LEXINGTON 1 OF SHERBROOKE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGES 195 THROUGH 198, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; THENCE, NORTH 89° 26' 07" EAST, ALONG THE SOUTH LINE OF SAID PLAT OF LEXINGTON 1 OF SHERBROOKE, A DISTANCE OF 2610.00 FEET; THENCE, SOUTH 00° 33' 53" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 725.61 FEET, FOR A POINT OF BEGINNING; THENCE, CONTINUE SOUTH 00° 33' 53" EAST, A DISTANCE OF 530.50 FEET; THENCE, SOUTH 03° 12' 41" WEST, A DISTANCE OF 250.54 FEET; THENCE, SOUTH 00° 33' 53" EAST, A DISTANCE OF 300.00 FEET; THENCE, SOUTH 44° 26' 07" WEST, A DISTANCE OF 56.57 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 88° 10' 30" WEST, A DISTANCE OF 250.06 FEET; THENCE, SOUTH 89° 26' 07" WEST, A DISTANCE OF 1144.50 FEET; THENCE, NORTH 00° 33' 53" WEST, A DISTANCE OF 570.00 FEET; THENCE, NORTH 52° 30' 57" EAST, A DISTANCE OF 925.60 FEET; THENCE, NORTH 89° 26' 07" EAST, A DISTANCE OF 1000.00 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS

A PARCEL OF LAND LYING IN BLOCK 43, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT PRM 12, TOWNE PARK TRACT F, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 95 THROUGH 101 OF SAID PUBLIC RECORDS; THENCE ON A GRID BEARING SOUTH 00° 58' 10" EAST, A DISTANCE OF 530.50 FEET; THENCE SOUTH 02° 48' 24" WEST, A DISTANCE OF 250.54 FEET; THENCE SOUTH 00° 58' 10" EAST, A DISTANCE OF 300.00 FEET, THE PREVIOUS THREE COURSES AND DISTANCES ARE ALONG THE WEST RIGHT-OF-WAY OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 9745, PAGE 1416 OF SAID PUBLIC RECORDS; THENCE SOUTH 44° 01' 50" WEST, A DISTANCE OF 56.57 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 289.00 FEET; THENCE SOUTH 87° 46' 13" WEST, A DISTANCE OF 250.06 FEET; THENCE SOUTH 89° 01' 50" WEST, A DISTANCE OF 1144.50 FEET, THE PREVIOUS FOUR COURSES AND DISTANCES ARE ALONG THE NORTH RIGHT-OF-WAY OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS TO PRM 15 OF SAID TOWNE PARK TRACT F; THENCE NORTH 00° 58' 10" WEST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 570.00 FEET TO PRM 14 OF SAID TOWNE PARK TRACT F; THENCE NORTH 52° 06' 40" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 925.60 FEET TO PRM 13 OF SAID TOWNE PARK TRACT F; THENCE NORTH 89° 01' 50" EAST ALONG A BOUNDARY LINE OF SAID TOWNE PARK TRACT F, A DISTANCE OF 1000.00 FEET TO PRM 12 OF TOWNE PARK TRACT F TO THE POINT OF BEGINNING.

CONTAINING 1,742,477 SQUARE FEET/40.0018 ACRES, MORE OR LESS.
SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

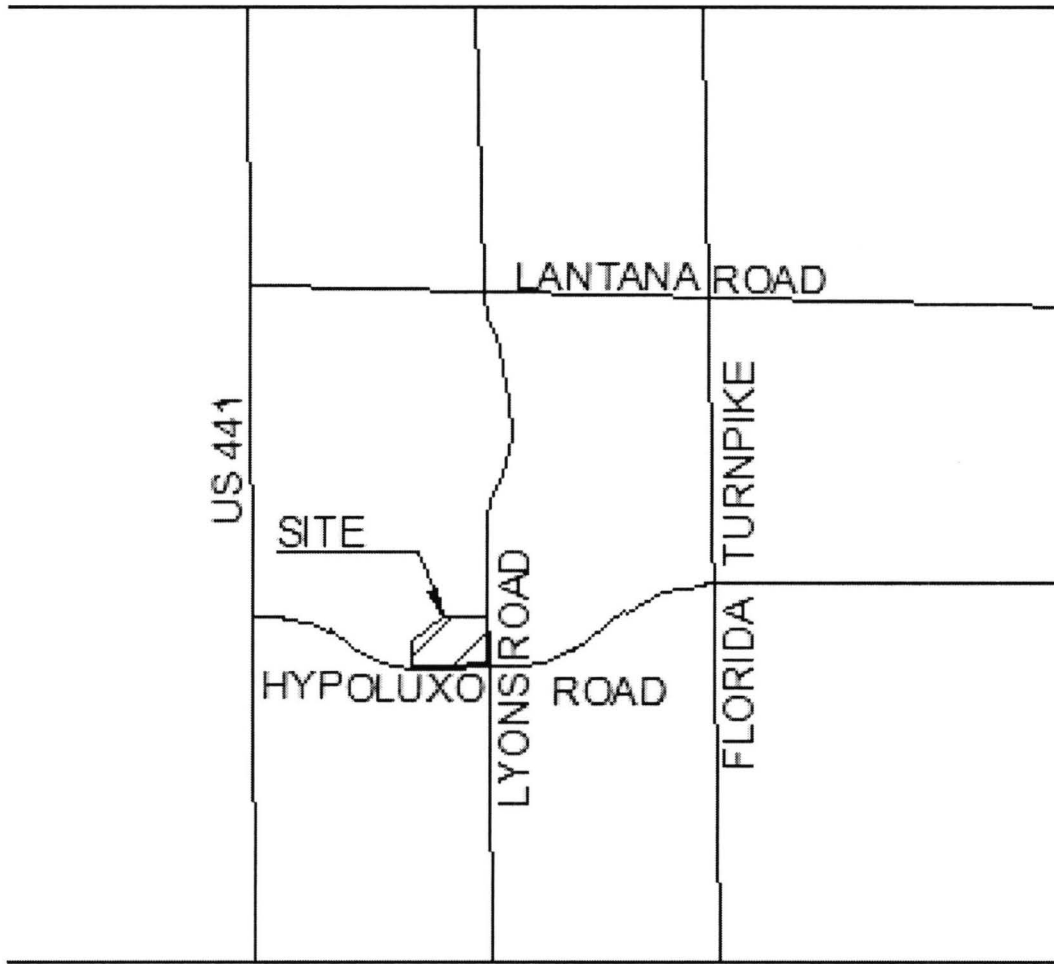


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 27, 2020. 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA/CA-2018-01723. (ONGOING: MONITORING - 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 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; 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
V.1.	3.D.2.A, Property Development Regulations - Townhouse Rear Setback	25 foot rear Townhouse setback from interior edge of the PDD Buffer.	15 foot rear Townhouse setback from the interior edge of the PDD buffer	-10 foot rear Townhouse setback
V.2.	3.E.4.C, MXPD Land Use Mix	Residential: Minimum 50% and Maximum 75%	94% Residential	+19%
		Non-Residential: Minimum 25% and Maximum 50%	6% Commercial	-19%