

RESOLUTION NO. ZR-2020- 011

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-01966
CONTROL NO. 2018-00188
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Concert Fountains Properties, LLC
BY WGI INC., AGENT
(LAKEWOOD COVE *FKA LAKE WORTH CROSSING*)

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 26, 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-2019-01966 was presented to the Zoning Commission at a public hearing conducted on June 4, 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 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-2019-01966, the Application of Concert Fountains Properties, LLC, by WGI INC., Agent, for a Type 2 Variance to reduce the setback for an existing wall in a Landscape Buffer; reduce the planting width on the exterior side of the wall, and to eliminate the requirements to plant trees and shrubs on the exterior side of the wall, 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 4, 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
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on June 4, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 23, 2020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

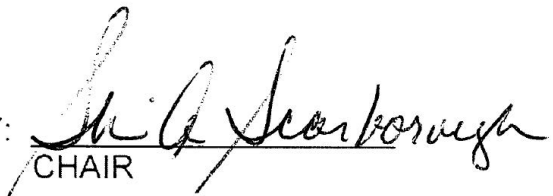
BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST. ALSO BEING A PORTION OF BLOCK 30, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. ALSO, BEING A PORTION OF THE GOLF COURSE TRACT, PLAT NO. 3, PALM BEACH GOLF CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGE 107, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE N. 00° 58' 17" E. ALONG THE EAST LINE OF THE WEST HALF OF SAID SECTION 27 FOR 3399.72 FEET; THENCE S. 89° 02' 02" W. FOR 582.74 FEET; THENCE N. 00° 57' 58" W. FOR 1005.00 FEET; THENCE S. 89° 02' 02" W. FOR 330.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S. 00° 57' 58" E. FOR 429.73 FEET; TO THE BEGINNING POINT OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 07° 41' 02" FROM WHICH THE RADIUS POINT BEARS S.43°51'35" W., THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 20.12 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 49° 58' 56" W. FOR 20.10 FEET; THENCE N. 53° 49' 27" W. FOR 508.61 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 850.00 FEET AND A CENTRAL ANGLE OF 31° 13' 48" FOR AN ARC LENGTH OF 463.31 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 69° 26' 21" W. FOR 457.59 FEET; THENCE N. 85° 03' 15" W. FOR 265.18 FEET; THENCE S. 37° 38' 42" W. FOR 69.99 FEET; THENCE N. 52° 21' 18" W. FOR 12.74 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 282.79 FEET AND A CENTRAL ANGLE OF 51° 23' 23" FOR AN ARC LENGTH OF 253.64 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 26° 39' 37" W. FOR 245.22 FEET; THENCE N. 89° 02' 02" E. FOR 1270.00 FEET; THENCE S. 00° 57' 58" E. FOR 260.00 FEET, TO THE POINT OF BEGINNING.

THE AREA BEING 411,300 SQ. FT±. OR 9.442 ACRES±.

EXHIBIT B
VICINITY SKETCH

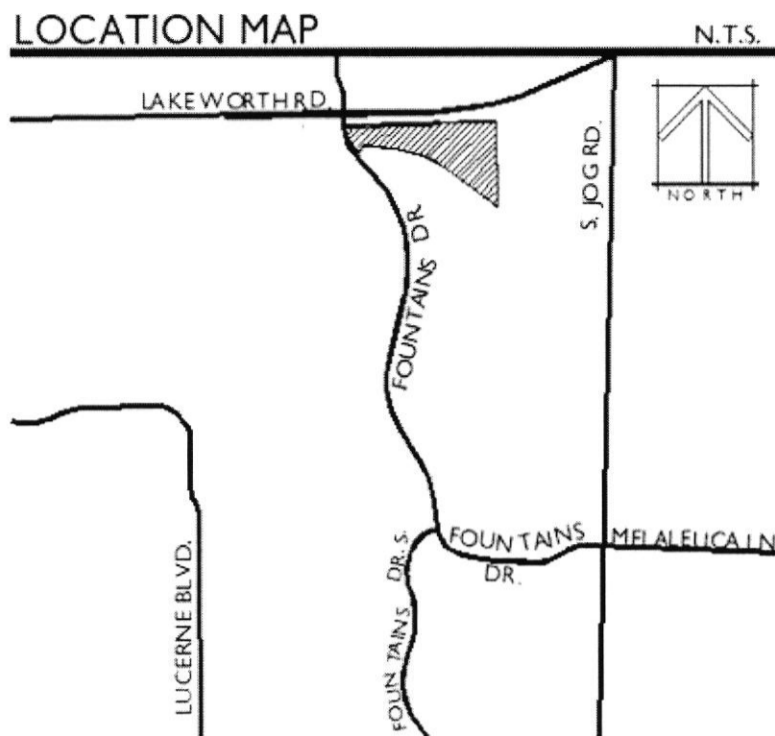


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 18, 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 Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. 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. (BLDGPM: BUILDING DIVISION - Zoning)

2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO-2018-02352, Control No. 2018-00188. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (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 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 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.

EXHIBIT D

TYPE 2 VARIANCE SUMMARY

ULDC CODE SECTION	#	REQUIRED	PROPOSED	VARIANCE
Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer	V.1	Setback for the Wall or Fence 10 feet from the edge of the Base Building Line	2 feet from the edge of the Base Building Line	- 8 feet
	V.2	Planting Width 7.5 feet on both sides of the wall, or 10 feet if a continuous footer is used	2 foot planting width on the exterior side of the wall	- 8 feet
	V.3	Canopy Tree Planting 75 % of required trees shall be located along the exterior side of the wall or fence	Required trees to be located along the interior side of the wall only	No trees along exterior side of wall
	V.4	Shrub Planting Shrubs shall be planted on both sides of the wall or fence	Required shrubs to be planted on interior side of wall only	No shrubs on exterior side of wall