

RESOLUTION NO. ZR-2020-020

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/PDD/CA-2019-01090
(CONTROL NO. 2019-00092)
SUBDIVISION VARIANCE (*CONCURRENT*)
APPLICATION OF James Baroni, Rinker Companies, LLC, Mary Baroni, Tairon
Coronel, James Gelsomino, Colleen Gelsomino, Arelis Coronel
BY Schmidt Nichols, AGENT
(LEE'S LANDING PUD)

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 SV/ZV/PDD/CA-2019-01090 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 Subdivision 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 SV/ZV/PDD/CA-2019-01090 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 SV/ZV/PDD/CA-2019-01090, the application of James Baroni, Rinker Companies, LLC, Mary Baroni, Tairon Coronel, James Gelsomino, Colleen Gelsomino, Arelis Coronel, by Schmidt Nichols, Agent, for a Subdivision Variance to allow access to a major street of higher classification (Jog Road), 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 Kanel 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	- No
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Abstain

Filed with the Palm Beach County Zoning Division on June 23, 2020

This resolution shall not become effective unless or until the effective date approving Zoning Application SV/ZV/PDD/CA-2019-01090 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

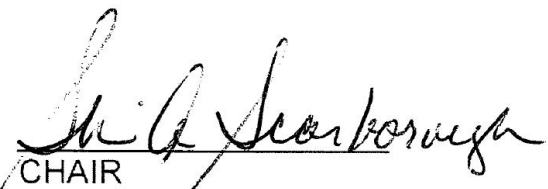
BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

LOT 4

DESCRIPTION:

TRACT 11, LESS THE WEST 645 FEET THEREOF AND THE WEST 200 FEET OF TRACT 12, BLOCK 13, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

LOT 5

DESCRIPTION:

THE EAST 215 FEET OF THE WEST 415 FEET OF THE TRACT 12, BLOCK 13, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE(S) 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

DESCRIPTION

LOT 6, OF AN UNRECORDED SUBDIVISION PLAT OF TRACTS 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, MORE FULLY DESCRIBED AS FOLLOWS:

TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54 THEREOF, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; LESS THE WEST 415 FEET THEREOF.

ALSO, THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE NORTHEAST CORNER OF TRACT # 12, BLOCK 13, PALM BEACH FARMS CO., PLAT NO. 3, LYING IN SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE, RUN EASTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID TRACT # 12, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE, SOUTHERLY ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT # 12 EXTENDED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT # 12 EXTENDED A DISTANCE OF 121 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT # 12; THENCE NORTHERLY ALONG THE EAST LINE OF SAID TRACT # 12 TO THE POINT OF BEGINNING.

LESS, THE EAST 40 FEET THEREOF FOR RIGHT OF WAY OF JOG ROAD. SUBJECT TO AN EASEMENT OVER THE NORTH 160 FEET THEREOF, FOR FLORIDA POWER AND LIGHT.

ALSO KNOWN AS

A PORTION OF TRACTS 11 AND 12, BLOCK 13, PALM BEACH FARMS COMPANY PLAT NO. 3 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK

2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE S. 00° 29' 16" W. ALONG THE EAST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 3 FOR 1036.11 FEET; THENCE S. 89° 00' 39" W. FOR 92.87 FEET TO THE POINT OF POINT OF BEGINNING; THENCE S. 01° 50' 37" E. ALONG THE WEST LINE OF SAID PARCEL 139 FOR 620.36 FEET ; THENCE S. 43° 35' 24" W. FOR 35.62 ; THENCE S. 89° 01' 19" W. FOR 131.21 ; THENCE S. 00° 59' 01" E. FOR 15.00; THENCE S. 89° 01' 19" W. ALONG THE SOUTH LINE OF SAID TRACTS 11 AND 12 FOR 467.04 FEET; THENCE N. 01° 01' 28" W. FOR 660.54 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID TRACT 11; THENCE N. 89° 00' 53" E. ALONG SAID NORTH LINE OF TRACT 11 FOR 15.17 FEET; THENCE ; THENCE N. 89° 00' 40" E. ALONG THE NORTH LINE OF SAID TRACT 12 FOR 599.24 FEET TO THE POINT OF BEGINNING,

CONTAINING 406,358 SQ.FT. OR 9.3287 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

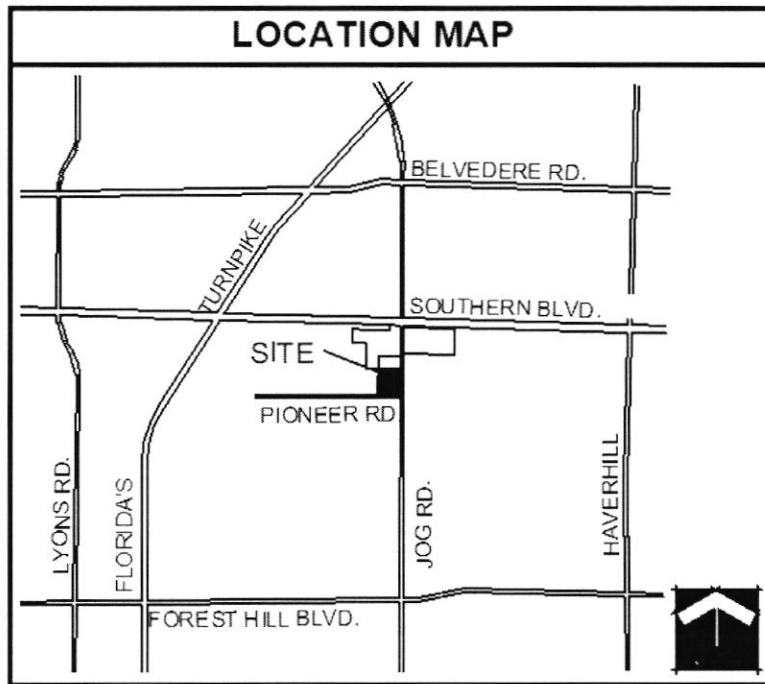


EXHIBIT C

CONDITIONS OF APPROVAL

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

SUBDIVISION VARIANCE

ULDC Article	Required	Proposed	Variance
11.E.2.A.4.b Double Frontage Lots and Corner Lots- Nonresidential Lots	Where a lot abuts streets of Local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a Local Residential or Residential Access Street as prescribed on Table 11.E.2.A-2, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial standards.	Allow access to Jog Road	Allow access to a major street of higher classification