

RESOLUTION NO. ZR-2020- 021

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/PDD/CA-2019-01090  
(CONTROL NO. 2019-00092)  
TYPE 2 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 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 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 Type 2 Variance to eliminate a Type 3 Incompatibility Buffer, 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 of the resolution approving Zoning Application No. SV/ZV/PDD/CA-2019-01090 by the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

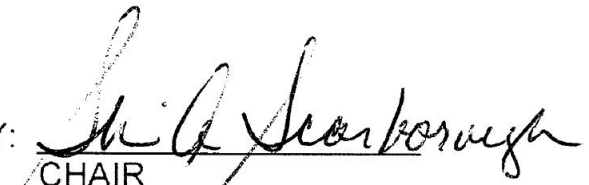
BY:   
CHAIR

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.

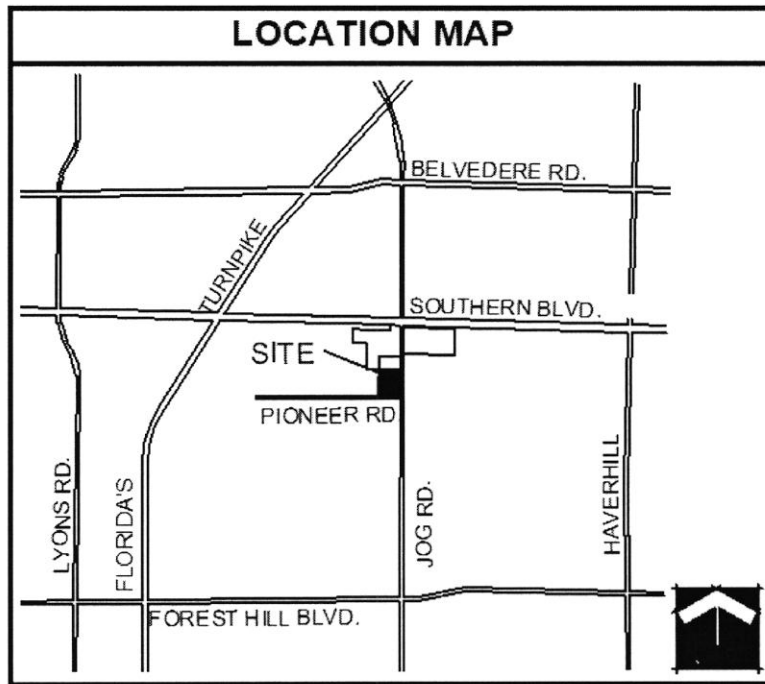
ALSO KNOWN AS

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 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

#### **Type 2 Variance - Concurrent**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated February 24, 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 SV/ZV/PDD/CA-2019-1090. (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 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  
REQUEST

TYPE 2 VARIANCE SUMMARY:

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Art. 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	Type 3 Incompatibility Buffer along north property line.	Elimination of the west 160 ft. of the north Type 3 Incompatibility Buffer	Elimination of the west 160 ft. of the north Type 3 Incompatibility Buffer