

RESOLUTION NO. ZR-2020- 012

RESOLUTION APPROVING ZONING APPLICATION ZV/CA-2019-00333
(CONTROL NO. 2005-00327)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF Stephanie Dodge
BY Frogner Consulting, Inc., AGENT
(GENESIS HOUSE)

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, as amended 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/CA-2019-00333 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 ZV/CA-2019-00333 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/CA-2019-00333, the Application of Stephanie Dodge, by Frogner Consulting, Inc., Agent, for a Type 2 Variance to reduce and eliminate perimeter Landscape Buffers, Foundation Planting, and side and rear setbacks; to allow a fence to be located on the property line; and, to reduce drive aisle width, 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

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. ZV/CA-2019-00333 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

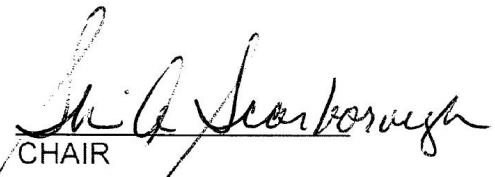
BY: 
CHAIR

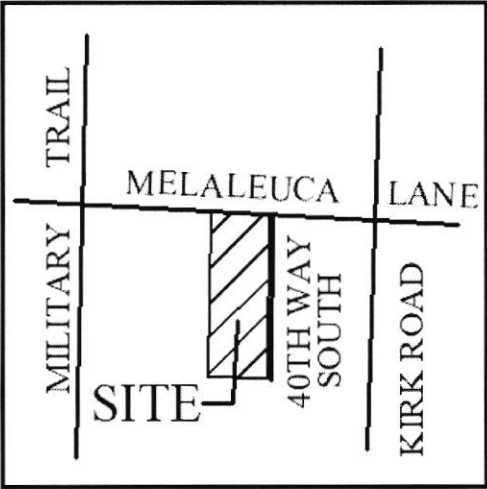
EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LYING AND BEING IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE PROCEED N32°35'16"W A DISTANCE OF 829.76 FEET TO A POINT ON THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIBED PARCEL OF LAND, SAID POINT BEING THE POINT OF BEGINNING; THENCE PROCEED N86°56'12"W A DISTANCE OF 201.40 FEET; THENCE N01°28'43"E A DISTANCE OF 634.07 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MELALEUCA LANE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°56'12"E A DISTANCE OF 201.04 FEET; THENCE S01°28'22"W ALONG THE WESTERLY LINE OF BLOCK 2, SAID PLAT OF KIRKWOOD ESTATES, A DISTANCE OF 634.07 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE NORTH 8.81 FEET THEREOF.

CONTAINING: 125645.38 SQUARE FEET OR 2.884 ACRES

EXHIBIT B
VICINITY SKETCH



LOCATION MAP
NTS

EXHIBIT C

CONDITIONS OF APPROVAL

Concurrent - Type 2 Variance

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 10, 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)

VARIANCE

1. This Variance is approved for the Nursing Home/Convalescent Facility. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

2. The Development Order for this concurrent Variance shall remain valid consistent with the Development Order ZV/CA-2019-00333. (ONGOING: MONITORING - Zoning)

3. Prior to Final Approval by the Development Review Officer the Applicant shall revise the site plan and variance exhibits to correctly match the revised numerical order of the approved Zoning Variances consistent with the Resolution. (DRO: ZONING - Zoning)

4. Prior to Final Approval by the Development Review Officer the Applicant shall provide a valid Building Permit for the existing PVC fence located on the property lines or secure a new permit for the existing or proposed perimeter fence. (DRO: ZONING - Building Division)

5. 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: ZONING - Zoning)

6. In addition to Code requirements, landscaping along the perimeter and/or within the interior of the subject site shall be upgraded to retain the trees, palms and pines shown on the Preliminary Regulating Plan (Vegetation Disposition Chart) dated February 10, 2020, except where in conflict with the Code, or any reductions in number of trees or shrubs as approved herein. (DRO: ZONING - Building Division)

7. Any existing prohibited or controlled plant species shall be removed in accordance with Code requirements prior to issuance of a Business Tax Receipt for any Nursing or Convalescent Facility related uses, or April 2, 2021, whichever occurs first. (DATE: 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

TYPE 2 VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V.1	3.D.2.A, Property Dev. Regulations (Rear Setback)	15 foot rear setback in the RM Zoning District Building A	11.5 ft. rear setback	-3.5 foot
		Building B	12.6 ft rear setback	- 2.5 foot
V.2	Table 6.A.1.D, Dimension Of Access Ways	Two way access, 25 feet in width	12 feet	-13 feet
V.3	6.A.1.D.14.b.2).c) Four Foot Sidewalk Between Parking And Buildings: A & B	A paved pedestrian walkway shall be provided between the front of the parking space and the structure	Walkway between Buildings A & B and parking area is less than 4 foot	-3 feet varies
V.4	7.C.2.C.3, Landscape Requirements SOUTH BUFFER	15 foot Wide Incompatibility Buffer (East);	5 foot buffer width	- 10 foot
		One Canopy tree every 20 linear feet (LF) 10 required;	5 trees;	- 5 trees
		One Palm every 30 Linear Feet (6 required);	4 palms;	-2 palms
		One small Shrub every 2 LF (100 required);	20 small shrubs;	- 80 small shrubs
		One Medium Shrub every 4 LF (50 required)	0 shrubs	- 50 medium shrubs
V.5	7.C.2.C.3, Landscape Requirements Incompatibility Buffer EAST BUFFER	15 foot Wide Incompatibility Buffer (East);	3 foot buffer width	- 12 foot
		One Canopy tree every 20 linear feet (32 required)	0 trees;	- 32 trees
		One Palm every 30 Linear Feet (21 required)	0 palms;	- 21 palms
		One small Shrub every 2 LF (317 required)	117 small shrubs;	-200 small shrubs
		One Medium Shrub every 4 LF (158 required)	58 medium shrubs	- 100 medium shrubs
V.6	7.C.2.C.3, Landscape Requirements WEST BUFFER	15 foot Wide Incompatibility Buffer (West);	5 foot buffer width	- 10 foot
V.7 - WITHDRAWN				

V.8	Table 7.D.4.D, Requirements for a Wall or Fence in an Incompatibility Landscape Buffer or ROW Buffer SOUTH; EAST AND WEST Property Lines	10 feet Setback from the edge of the property line	Fence on Property Line	-10 foot
		7.5 feet minimum planting area on both sides of the wall or fence	Fence on Property Line	-7.5 feet interior/exteri or planting area (varies)
		75 percent of required trees shall be located along the exterior side of the wall or fence	Trees on interior side of fence	No trees on exterior side of fence
		Shrubs shall be planted on both sides of the wall or fence.	Shrubs on the interior side of the fence	No Shrubs on the exterior side of fence
V.9	Table 7.C.3.B, Foundation Planting Buildings A, B, & C	Eight feet front and sides in the Urban Suburban Tier	Varies from 0 to 8 feet with existing landscaping	-0 to 8 feet in width (varies)