

RESOLUTION NO. ZR-2020- 038

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2019-01200  
(CONTROL NO. 2018-00158)  
TYPE 2 VARIANCE (*CONCURRENT*)  
APPLICATION OF 4740 Weymouth LLC  
BY Schmidt Nichols, AGENT  
(R80 RESIDENTIAL)

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 ABN/ZV/PDD/CA-2019-01200 was presented to the Zoning Commission at a public hearing conducted on October 1, 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 ABN/ZV/PDD/CA-2019-01200 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 ABN/ZV/PDD/CA-2019-01200, the Application of Southern & Jog Apartments, LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to reduce the number of parking spaces; to reduce minimum frontage along an Arterial or Collector Street; to eliminate a wall within an Incompatibility Buffer; and, 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 October 1, 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 Beatty 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	- Absent
Amir Kanel	- Yes
John Kern	- Absent
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

Filed with the Palm Beach County Zoning Division on October 22, 2020.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ABN/ZV/PDD/CA-2019-01200 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

PARCEL 1:

THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80, AND LESS THE SOUTHERLY 500 FEET OF THE EAST 155 FEET OF SAID TRACT 62, AS CONVEYED IN OFFICIAL RECORDS BOOK 1919, PAGE 1622, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE RIGHT INGRESS AND EGRESS OVER THE WEST 30 FEET OF THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD 80 AND THE SOUTH 15 FEET OF 30 FOOT STRIP LYING NORTH OF AND ADJACENT TO BLOCK 5.

PARCEL 2:

THE SOUTHERLY 500 FEET OF THAT PART OF THE EAST 155 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, LYING NORTH OF THE NORTHERLY LINE OF STATE ROAD NO. 80, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THE NORTH LINE OF SAID SOUTHERLY 500 FEET TRACT TO BE PARALLEL TO THE NORTH LINE OF SAID TRACT 62, AND THE SOUTH 500 FEET IS TO BE MEASURED ALONG THE EAST LINE OF SAID TRACT 62.

PARCEL 3:

THE EASTERLY 84 FEET OF THE NORTHERLY 665 FEET OF THE WEST ½ OF TRACT 62, AND THE WESTERLY 175 OF THE NORTHERLY 665 FEET OF THE EAST ½ OF TRACT 62, IN BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4: (COMPRISED OF SUBPARCELS A THROUGH D BELOW)

SUB PARCEL A

A PORTION OF TRACT 62, BLOCK 5, BEING THE NORTH 433 FEET OF THE EAST 80.83 FEET OF THE WEST 326.83 FEET OF TRACT 62, BLOCK 5, AND THE SOUTH 15 FEET OF 30 FOOT PLATTED ROADWAY LYING BETWEEN THE NORTHERLY EXTENSION

OF THE WEST AND EAST LINES OF SAID PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL B

THE NORTH 208 FEET OF THE WEST 246 FEET OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

SUB PARCEL C

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 THROUGH 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

AND

SUB PARCEL D

A PART OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST BOUNDARY OF SAID TRACT, WHERE IT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 80; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 467.08 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY AT RIGHT ANGLES WITH SAID WEST BOUNDARY, A DISTANCE OF 246 FEET TO A POINT, THENCE NORTHERLY PARALLEL TO SAID WEST BOUNDARY, A DISTANCE OF 150 FEET TO A POINT, THENCE WESTERLY AT RIGHT ANGLES, A DISTANCE OF 246 FEET TO THE SAID WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG THE WEST BOUNDARY, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 344, PAGE 569, SAID PORTION DESCRIBED AS THE WEST 125 FEET OF SAID TRACT 62, BLOCK 5, LESS THE NORTH 433 FEET AND ALSO LESS THAT PORTION OF THE WEST 125 FEET LYING 317 FEET NORTHERLY OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS IN ROAD PLAT BOOK 2, PAGE 11, AS MEASURED ALONG THE WEST LINE OF SAID TRACT 62, BLOCK 5, THE NORTH LINE OF SAID PORTION BEING PARALLEL



WITH THE NORTH LINE OF SAID TRACT 62, BLOCK 5, TOGETHER WITH THAT PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45, LYING NORTH OF THE NORTH LINE OF A PARCEL OF LAND DEEDED TO FRED D. TOSLAND, IN OFFICIAL RECORDS BOOK 202, PAGE 525, SAID PORTION DESCRIBED AS THE EAST 121 FEET OF THE WEST 246 FEET OF THE SOUTH 144.31 FEET OF THE NORTH 577.31 FEET OF SAID TRACT 62, BLOCK 5.

LEGAL DESCRIPTION (CONTINUED)

PARCEL 6:

A PARCEL OF LAND LYING IN TRACT 62, BLOCK 5, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 15 FEET THEREOF AS CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 6495, PAGE 88, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE NORTH 160 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 202, PAGE 525, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. AFORESAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID TRACT 62, WHERE IT INTERSECTS THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80 AS SHOWN IN ROAD PLAT BOOK 2, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°33'00" WEST ALONG SAID WEST LINE OF SAID TRACT 62, A DISTANCE OF 157.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID STATE ROAD 80, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 15.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 160.00 FEET; THENCE SOUTH 88°07'00" EAST ALONG THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 344, PAGE 569, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 110.10 FEET; THENCE NORTH 00°33'00" WEST ALONG A LINE PARALLEL WITH AND 125.00 FEET EAST OF, MEASURED AT RIGHT ANGLES TO SAID WEST LINE OF TRACT 62, A DISTANCE OF 12.03 FEET; THENCE NORTH 89°27'00" EAST, ALONG A LINE PARALLEL WITH AND 577.31 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST, ALONG THE WEST LINE AND THE NORTHERLY PROJECTION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1098, PAGE 675, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 160.00 FEET; THENCE SOUTH 89°27'00" WEST A DISTANCE OF 128.00 FEET; THENCE SOUTH 00°33'00" EAST A DISTANCE OF 12.03 FEET; THENCE NORTH 88°07'00" WEST A DISTANCE OF 110.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM THE ABOVE ANY PORTION CONTAINED WITHIN THE BOUNDARIES OF THE PROPERTY DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814; IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 13538, PAGE 737; AND IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 88.

QUIET TITLE ORDER PARCEL 1

A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT BOOK 2, PAGES 45-54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, AS IN PLAT BOOK 2, PAGES 11 TO 18, WHERE SAID RIGHT-OF-WAY LINE INTERSECTS THE WEST LINE OF SAID TRACT 62; PROCEED NORTHERLY ALONG SAID WEST BOUNDARY LINE A DISTANCE 617 FEET; THENCE RUN EAST, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 80, 246 FEET; THENCE RUN NORTH, PARALLEL TO THE WEST LINE OF TRACT 62 AFORESAID 75 FEET; THENCE RUN WESTERLY PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 80, 246 FEET TO THE WEST BOUNDARY OF SAID TRACT 62; THENCE SOUTHERLY ALONG SAID WEST BOUNDARY A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING.

#### QUIET TITLE ORDER PARCEL 2

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 62, RUN THENCE SOUTH 00°58'09" EAST ALONG THE WEST LINE OF SAID TRACT 62, A DISTANCE OF 208.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 208.00 FEET OF SAID TRACT 62 AND THE POINT OF BEGINNING.

THENCE NORTH 39°01'25" EAST ALONG A LINE 208.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 62, A DISTANCE OF 246.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 246.00 FEET OF SAID TRACT 62; THENCE SOUTH 00°58'09" EAST ALONG A LINE 246.00' EAST OF AND PARALLEL WITH THE SAID WEST LINE OF TRACT 62; THENCE NORTH 88°34'07" WEST ALONG A LINE 692.00 FEET NORTH OF (AS MEASURED ALONG THE SAID WEST LINE OF TRACT 62) AND PARALLEL WITH THE NORTH LINE OF STATE ROAD 80 AS SAME IS SHOWN IN ROAD PLAT BOOK 2, PAGES 11 THROUGH 18, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 246.22 FEET TO A POINT ON THE SAID WEST LINE OF TRACT 62; THENCE NORTH 00°53'09" WEST ALONG SAID WEST LINE, A DISTANCE OF 1.29 FEET TO THE POINT OF BEGINNING.

#### PARCEL 7

A 30' PRIVATE ROAD WAY STRIP (WALLIS ROAD) LOCATED BETWEEN THE NORTH LINE OF TRACT 62, BLOCK 5 AND THE SOUTH LINE TRACT 59, BLOCK 5, OF THE PALM BEACH FARMS PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 62, BLOCK 5 (TRACT 62), THENCE N.0°58'09" W. ALONG THE EAST RIGHT OF WAY LINE OF FIRST ROAD, 30' TO THE SOUTHEAST CORNER OF SAID TRACT 59, BLOCK 5 (TRACT 59); THENCE N.89° 01' 25" E., ALONG THE SOUTH LINE OF TRACT 59, 659.92' TO A FOUND 5/8" IRON ROD WITH PERMANENT REFERENCE MONUMENT LB 4431 DISK; THENCE S.0°58'09" E., 30' TO THE NORTHEAST CORNER OF TRACT 62; THENCE S.89° 01' 25" W., ALONG THE NORTH LINE OF TRACT 62, 659.92' BACK TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 ACRES, MORE OR LESS.

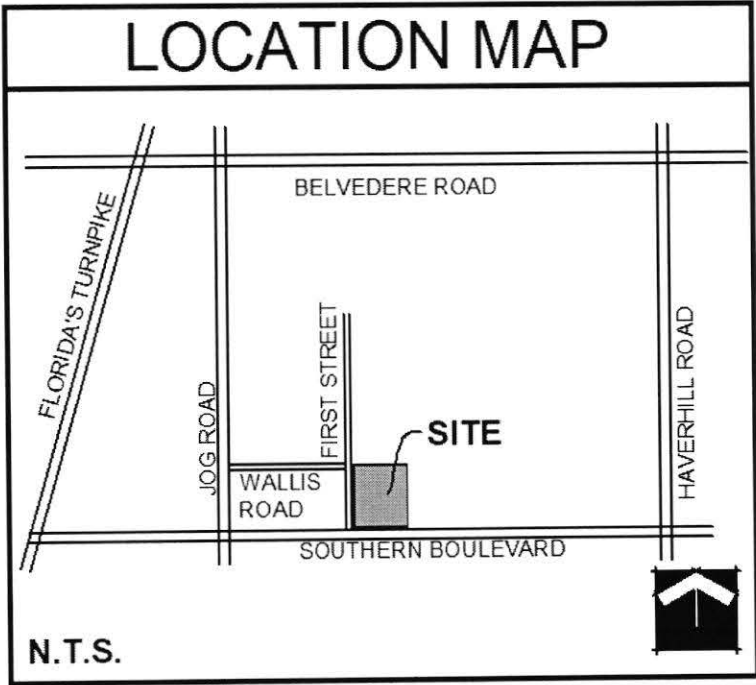
#### ALSO DESCRIBED AS (OVERALL BOUNDARY)

BEING A PORTION OF TRACT 62, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 59 SAID BLOCK 5, RUN THENCE SOUTH 00°58'09" EAST ALONG THE EAST LINE OF SAID TRACT 62, A DISTANCE OF 865.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13538, PAGE 737, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID NORTH RIGHT-OF-WAY LINE ALSO BEING A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 6221.77 FEET (A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°40'30" WEST); THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°06'21", A DISTANCE OF 120.08 FEET TO THE POINT OF TANGENCY; THENCE NORTH 84°49'09" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINES, A DISTANCE OF 35.74 FEET TO A POINT ON THE EAST LINE OF PARCEL 135, AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13791 PAGE 155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°02'54" WEST ALONG SAID EAST LINE AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 160.97 FEET; THENCE SOUTH 88°59'35" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 251.91 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 78.76 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°52'13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.00 FEET; THENCE SOUTH 01°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 11.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80 AS SAME DESCRIBED IN OFFICIAL RECORDS BOOK 13804, PAGE 1814, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°34'07" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 109.94 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FIRST STREET AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 6495, PAGE 88, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 160.16 FEET; THENCE NORTH 88°34'07" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 15.01 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 62 AND THE EAST RIGHT-OF-WAY LINE OF FIRST STREET; THENCE NORTH 00°58'09" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 614.29 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, THENCE NORTH 89°01'29" EAST ALONG THE SOUTH LINE OF SAID TRACT 59, A DISTANCE OF 659.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 499,385 SQUARE FEET OR 11.464 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 May 26, 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. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ABN/ZV/PDD/CA-2019-1200. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

2. 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. (ONGOING: BUILDING DIVISION - Zoning)

3. A minimum of one parking space shall be assigned to each residential unit. The rental or lease agreement shall specify that the space is specifically reserved for use by the tenant, and the assigned space shall be clearly numbered with the applicable unit number. (ONGOING: CODE ENF - Zoning)

4. Each assigned parking space shall be located within a parking area closest to the correspondent residential unit. (ONGOING: CODE ENF - Zoning)

5. The development shall maintain a minimum of 501 parking spaces. (ONGOING: CODE ENF - 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. 6.A.1.B, Minimum Off-Street Parking and Loading Requirements	650 Parking Spaces	501 Parking Spaces	-149 Parking Spaces
V.2	Table 3.D.1.A – Property Development Regulations	200 feet of frontage along an arterial or collector road	30 feet (Wallis Road)	-170 feet
V.3	Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	10 ft. Type 3 Incompatibility Buffer with 6 foot opaque wall (north property line)	Eliminate 6 foot opaque wall (north property line)	Eliminate 6 foot opaque wall (north property line)
V.4	Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	10 ft. Type 3 Incompatibility Buffer with 6 foot opaque wall (east property line)	Eliminate 6 foot opaque wall (east property line)	Eliminate 6 foot opaque wall (east property line)
V.5	Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements	10 ft. Type 3 Incompatibility Buffer along north property line	Eliminate the first 54 feet of the north Type 3 Incompatibility Buffer from west property line	-54 feet of Type 3 Incompatibility Buffer