

RESOLUTION NO. ZR-2020-045

RESOLUTION APPROVING ZONING APPLICATION ZV-2020-01294

CONTROL NO. 1980-00028

TYPE 2 VARIANCE (*STAND ALONE*)

APPLICATION OF Eastpointe Homeowners Assn, Inc., Eastpointe Country Club, Inc.,  
Northern Palm Beach County Improvement District, EPBG, LLC

BY Urban Design Studio, AGENT

(EASTPOINTE COUNTRY CLUB PLAT 15 VARIANCE)

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 27, 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-2020-01294 was presented to the Zoning Commission at a public hearing conducted on November 5, 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, 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-2020-01294, the Application of Eastpointe Homeowners Assn, Inc., Eastpointe Country Club, Inc., Northern Palm Beach County Improvement District, EPBG, LLC, by Urban Design Studio, Agent, for a Type 2 Variance to increase the height of a wall within a rear setback for a residential use, 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 November 5, 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 Kern and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Aye
Sam Caliendo, Vice Chair	- Absent
Amir Kanel	- Aye
John Kern	- Aye
Michael Kelley	- Absent
Marcelle Griffith Burke	- Absent
Alex Brumfield III	- Aye
Mark Beatty	- Aye
Jess Sowards	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on November 5, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on November 5, 2020.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

## EXHIBIT A

### LEGAL DESCRIPTION

#### LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF TRACTS "C", "E", AND THE WATER MANAGEMENT TRACT, TOGETHER WITH A PORTION OF TRACT "B", OF PLAT NO. 14 EASTPOINTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALSO TOGETHER WITH A PORTION OF THE WATER MANAGEMENT TRACT AND GOLF COURSE, AS SHOWN ON PLAT NO. 12 EASTPOINTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGE 168, SAID PUBLIC RECORDS; ALSO TOGETHER WITH A PORTION OF TRACT "H", PLAT NO. 14A EASTPOINTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 59, PAGE 136, SAID PUBLIC RECORDS; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PLAT NO. 14 EASTPOINTE SUBDIVISION; THENCE, SOUTH 01°15'32" WEST, ALONG THE WEST LINE OF SAID PLAT AND THE WEST LINE OF SAID PLAT NO. 12 EASTPOINTE SUBDIVISION, A DISTANCE OF 4531.38 FEET TO THE SOUTHWEST CORNER OF SAID WATER MANAGEMENT TRACT OF PLAT NO. 12 EASTPOINTE SUBDIVISION; THENCE, SOUTH 89°13'14" EAST, DEPARTING SAID WEST LINE, AND ALONG THE SOUTH LINE OF SAID PLAT AND THE BOUNDARY OF SAID WATER MANAGEMENT TRACT, A DISTANCE OF 1273.46 FEET; THENCE, NORTH 30°50'32" EAST, DEPARTING SAID SOUTH PLAT LINE, AND CONTINUING ALONG SAID TRACT BOUNDARY FOR THIS AND THE NEXT SEVEN COURSES, A DISTANCE OF 26.61 FEET; THENCE, NORTH 14°09'28" WEST, A DISTANCE OF 35.36 FEET; THENCE, NORTH 59°09'27" WEST, A DISTANCE OF 5.60 FEET; THENCE, NORTH 89°13'14" WEST, A DISTANCE OF 1068.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 20.00 FEET; THENCE, NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 125°32'51", A DISTANCE OF 43.82 FEET TO THE POINT OF TANGENCY; THENCE, NORTH 36°19'37" EAST, A DISTANCE OF 189.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 150.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°15'07", A DISTANCE OF 102.76 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 50.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°56'18", A DISTANCE OF 28.74 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEAST, HAVING A RADIUS OF 90.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°31'24", A DISTANCE OF 2.39 FEET TO THE END OF SAID CURVE AND THE BOUNDARY OF PLAT NO. 12A EASTPOINTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 124, SAID PUBLIC RECORDS; THENCE, NORTH 01°19'47" EAST, DEPARTING SAID TRACT BOUNDARY, AND ALONG SAID PLAT BOUNDARY, A DISTANCE OF 377.53 FEET TO A POINT ON A CURVE CONCAVE SOUTHEAST, HAVING A RADIUS OF 95.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH 18°57'04" EAST; THENCE, SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°04'14", A DISTANCE OF 109.55 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 04°58'42" WEST, CONTINUING ALONG SAID TRACT BOUNDARY FOR THIS AND THE NEXT TWENTY-THREE COURSES, A DISTANCE OF 151.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 80.00 FEET; THENCE, SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°05'00", A DISTANCE OF 40.61 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 150.00 FEET; THENCE, SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°41'38", A DISTANCE OF 101.30 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH 14°35'20" WEST, A DISTANCE OF 68.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWEST, HAVING A

RADIUS OF 90.00 FEET; THENCE, SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $32^{\circ}04'46''$ , A DISTANCE OF 50.39 FEET TO THE POINT OF TANGENCY; THENCE, SOUTH  $46^{\circ}40'06''$  WEST, A DISTANCE OF 139.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 20.00 FEET; THENCE, NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $155^{\circ}47'19''$ , A DISTANCE OF 54.38 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $22^{\circ}27'25''$  EAST, A DISTANCE OF 163.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 140.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $40^{\circ}12'06''$ , A DISTANCE OF 98.23 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $17^{\circ}44'41''$  WEST, A DISTANCE OF 96.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 140.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $25^{\circ}11'41''$ , A DISTANCE OF 61.56 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 150.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $42^{\circ}19'50''$ , A DISTANCE OF 110.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 150.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $36^{\circ}08'22''$ , A DISTANCE OF 94.61 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $01^{\circ}15'32''$  EAST, A DISTANCE OF 181.43 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 140.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $34^{\circ}03'46''$ , A DISTANCE OF 83.23 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 60.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $50^{\circ}53'54''$ , A DISTANCE OF 53.30 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 50.00; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}28'52''$ , A DISTANCE OF 36.20 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WEST, HAVING A RADIUS OF 50.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $76^{\circ}50'33''$ , A DISTANCE OF 67.06 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 50.00 FEET; THENCE, NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $52^{\circ}11'53''$ , A DISTANCE OF 45.55 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $01^{\circ}15'36''$  EAST, A DISTANCE OF 52.22 FEET TO A POINT ON A CURVE CONCAVE SOUTHEAST, HAVING A RADIUS OF 40.00 FEET AND WHOSE RADIUS POINT BEARS SOUTH  $29^{\circ}35'46''$  EAST; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $10^{\circ}42'18''$ , A DISTANCE OF 7.47 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWEST, HAVING A RADIUS OF 100.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $69^{\circ}42'28''$ , A DISTANCE OF 121.66 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 270.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $32^{\circ}43'22''$ , A DISTANCE OF 154.20 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEAST, HAVING A RADIUS OF 150.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $58^{\circ}16'15''$ , A DISTANCE OF 152.55 FEET TO A POINT ON THE BOUNDARY OF SAID GOLF COURSE AND THE END OF SAID CURVE; THENCE, SOUTH  $57^{\circ}45'09''$  EAST, DEPARTING SAID TRACT BOUNDARY, AND ALONG SAID GOLF COURSE BOUNDARY, A DISTANCE OF 360.57 FEET; THENCE, NORTH  $32^{\circ}13'14''$  EAST, CONTINUING ALONG SAID GOLF COURSE BOUNDARY FOR THIS AND THE NEXT SIX COURSES, A DISTANCE OF 943.73 FEET; THENCE, NORTH  $16^{\circ}05'05''$  WEST, A DISTANCE OF 147.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEAST, HAVING A RADIUS OF 35.00 FEET; THENCE, NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $123^{\circ}52'35''$ , A DISTANCE OF 75.67 FEET; THENCE, SOUTH  $72^{\circ}12'30''$  EAST, A DISTANCE OF 98.88 FEET; THENCE, NORTH  $39^{\circ}33'05''$  EAST, A DISTANCE OF 170.00 FEET; THENCE, NORTH  $50^{\circ}23'01''$  WEST, A DISTANCE OF 307.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEAST, HAVING A



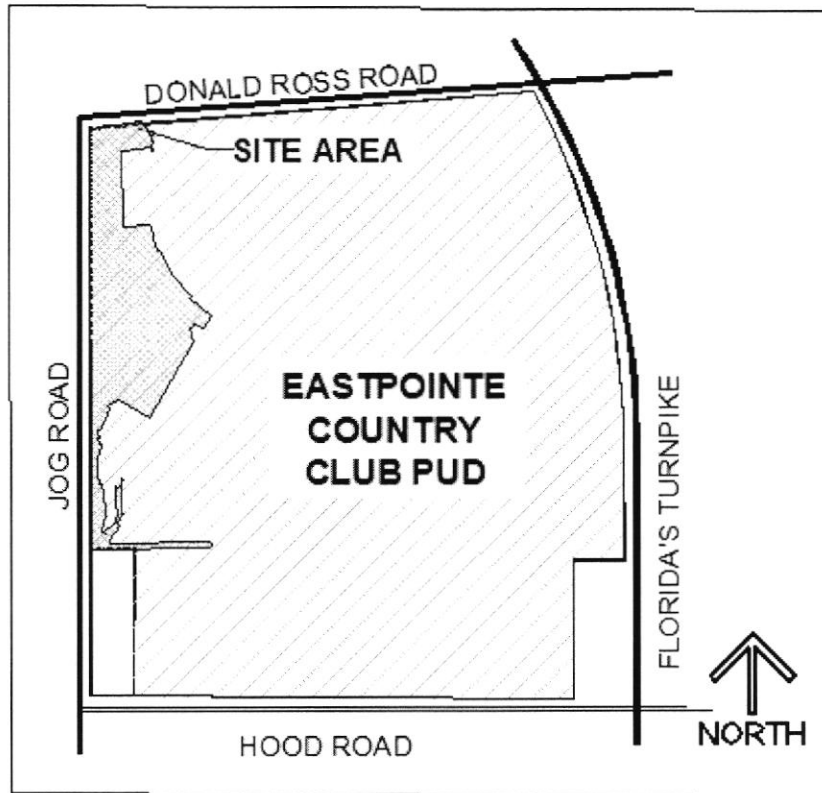
RADIUS OF 1030.00 FEET; THENCE, NORTHWESTERLY, ALONG SAID CURVE AND THE BOUNDARY OF SAID TRACT "B", THROUGH A CENTRAL ANGLE OF  $34^{\circ}56'38''$ , A DISTANCE OF 628.18 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $15^{\circ}26'23''$  WEST, CONTINUING ALONG SAID BOUNDARY OF TRACT "B" FOR THIS AND THE NEXT THREE COURSES, A DISTANCE OF 56.13 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST, HAVING A RADIUS OF 1530.00 FEET; THENCE, NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $07^{\circ}32'21''$ , A DISTANCE OF 201.32 FEET; THENCE, NORTH  $48^{\circ}57'01''$  WEST, A DISTANCE OF 32.84 FEET; THENCE, NORTH  $90^{\circ}00'00''$  WEST, A DISTANCE OF 277.13 FEET; THENCE, NORTH  $00^{\circ}00'00''$  EAST, CONTINUING ALONG SAID TRACT BOUNDARY AND THE BOUNDARY OF SAID TRACT "C", A DISTANCE OF 802.81 FEET; THENCE, NORTH  $90^{\circ}00'00''$  EAST, CONTINUING ALONG SAID BOUNDARY OF TRACT "C", A DISTANCE OF 14.48 FEET; THENCE, NORTH  $84^{\circ}29'01''$  EAST, DEPARTING SAID BOUNDARY OF TRACT "C", AND ALONG THE BOUNDARY OF SAID TRACT "E", A DISTANCE OF 305.24 FEET; THENCE, SOUTH  $47^{\circ}15'08''$  EAST, DEPARTING THE BOUNDARY OF SAID TRACT "E", A DISTANCE OF 37.31 FEET TO THE BOUNDARY OF SAID TRACT "H" AND A POINT ON A CURVE CONCAVE WEST, HAVING A RADIUS OF 640.00 FEET AND WHOSE RADIUS POINT BEARS NORTH  $88^{\circ}59'18''$  WEST; THENCE, NORTHERLY, ALONG SAID CURVE AND SAID BOUNDARY OF TRACT "H" AND SAID BOUNDARY OF TRACT "E", THROUGH A CENTRAL ANGLE OF  $06^{\circ}31'41''$ , A DISTANCE OF 72.92 FEET TO THE POINT OF TANGENCY; THENCE, NORTH  $05^{\circ}30'59''$  WEST, CONTINUING ALONG SAID BOUNDARY OF TRACT "E", A DISTANCE OF 35.00 FEET; THENCE, SOUTH  $84^{\circ}29'01''$  WEST, CONTINUING ALONG SAID BOUNDARY OF TRACT "E", A DISTANCE OF 18.00 FEET; THENCE, NORTH  $05^{\circ}30'59''$  WEST, CONTINUING ALONG SAID BOUNDARY OF TRACT "E", A DISTANCE OF 102.93 FEET; THENCE, NORTH  $42^{\circ}56'33''$  WEST, CONTINUING ALONG SAID BOUNDARY OF TRACT "E" AND THE BOUNDARY OF SAID WATER MANAGEMENT TRACT OF PLAT NO. 14 EASTPOINTE SUBDIVISION, A DISTANCE OF 134.93 FEET; THENCE, SOUTH  $84^{\circ}29'01''$  WEST, CONTINUING ALONG SAID WATER MANAGEMENT TRACT BOUNDARY, A DISTANCE OF 555.42 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,561,914 SQUARE FEET OR 58.81 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B  
VICINITY SKETCH

**LOCATION MAP**



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Type 2 Variance - Standalone**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 17, 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. (ONGOING: ZONING - Zoning)

##### **VARIANCE**

1. The yards within the rear setbacks of Lots 43 through 75, shall be consistent with the Cross Section Detail indicated on the Preliminary Regulating Plan, Dated September 17, 2020. (ONGOING: CODE ENF - Zoning)

2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DROW-2019-02372 (Control No. 1980-00028). 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  
REQUEST

TYPE 2 VARIANCE SUMMARY:

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Article 5.B.1.A.2.b.1.b, [related to Fences and Walls, Height and Related Standards for Residential Uses]	Maximum height for a fence or wall within required side, side street, and rear setback: six feet	8 ft. within rear setback for lots 43-75 adjacent to Jog Road and Donald Ross Road	+2 ft.