

RESOLUTION NO. ZR-2020-048

RESOLUTION APPROVING ZONING APPLICATION SV-2020-00453
CONTROL NO. 2011-00381
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF PBFL Properties LLC
BY **Halperin Law**, AGENT
(PENNY LANE)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), 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-2020-00453 was presented to the Zoning Commission at a public hearing conducted on December 3, 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 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, 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-2020-00453, the application of PBFL Properties LLC, by Halperin Law, Agent, for a Subdivision Variance to to allow access from a 30-foot Right-of-Way with no sidewalks, on a parcel of land generally described as shown in 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 December 3, 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
VACANT, Vice Chair	- N/A
Amir Kanel	- Yes
John Kern	- Yes
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on December 3, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on December 3, 2020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

The North 355 feet of the Southeast 1/4 of the Northwest 1/4 of Section 27, Township 40 South, Range 42 East, Palm Beach County, Florida, LESS the East 660 feet thereof.

Together with a non-exclusive easement for road purposes, and for ingress and egress, over, across, in and upon the following-described property:

- (a) The North 30 feet of Government Lot 2, Section 27, Township 40 South, Range 42 East, Palm Beach County, Florida, lying West of the County Road (Loxahatchee River Road as now laid out and in use).
- (b) The North 30 feet of the East 645 feet of the Southeast 1/4 of the Northwest 1/4 of said Section 27.
- (c) The West 30 feet of the East 675 feet of the North 1,005 feet of the Southeast 1/4 of the Northwest 1/4 of said Section 27.
- (d) The South 30 feet of the North 370 feet of the West 323 feet of the East 998 feet of the Southeast 1/4 of the Northwest 1/4 of said Section 27.

Approximately 5.37 acres

EXHIBIT B
VICINITY SKETCH

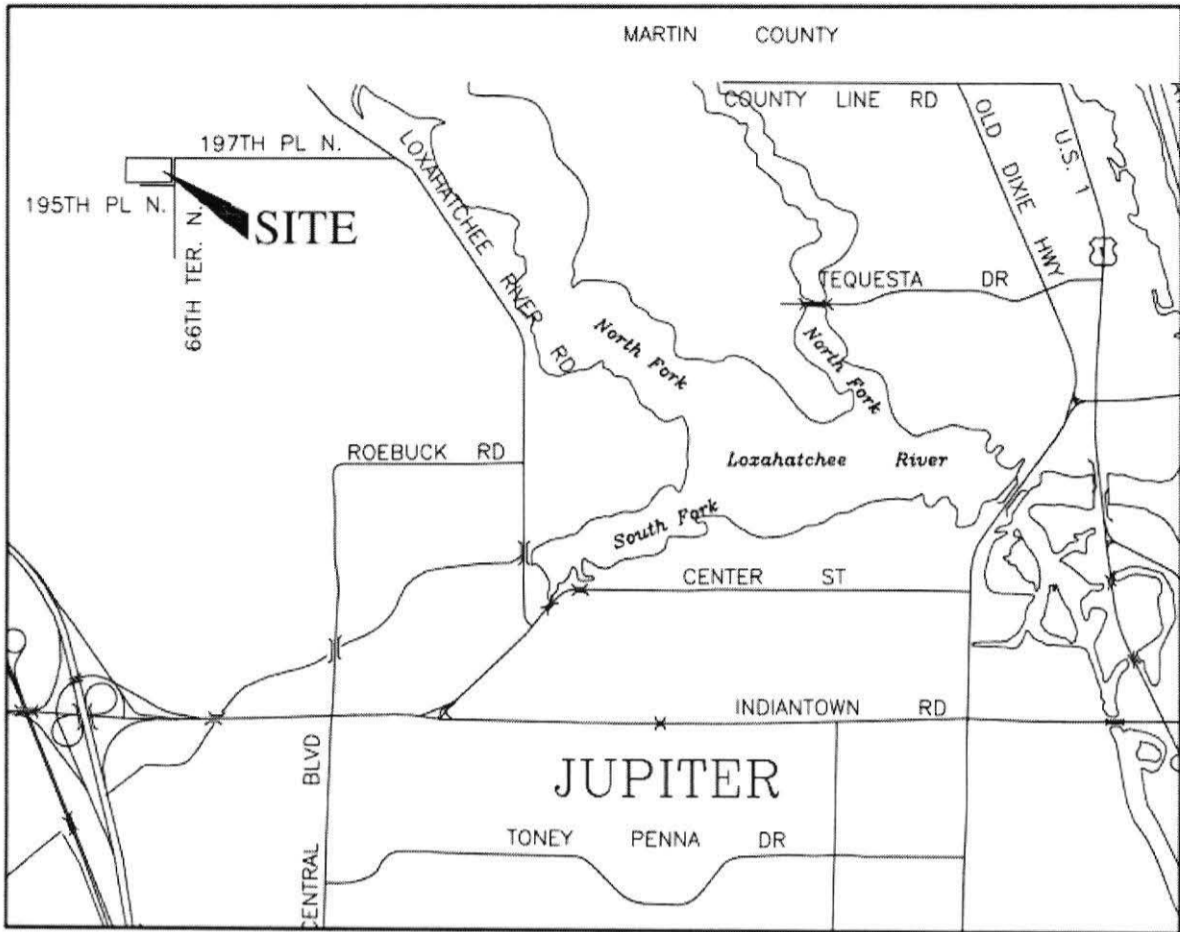


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance - Standalone

ENGINEERING

1. The Property Owner, his successors and assigns, shall be responsible for maintenance of the access roadway (197th PI N) for this subdivision from its western terminus east to Fox Run Cir where Palm Beach County maintains begins. Roadway maintenance includes maintenance of all transportation related items within the right of way or access easement for 197th PI N, as determined by the County Engineer. The Property Owner shall create a home owner's association and this maintenance obligation shall be included in those association documents prior to plat recordation. (ONGOING/PLAT/TC: LAND DEVELOPMENT - ENGINEERING – Eng)

2. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall install a piped drainage system for public use to serve as legal positive outfall for the proposed subdivision as well as the roadway's tributary area. The system shall be as approved by the County Engineer and all costs for such system including design, permitting and construction, shall be the Property Owner's responsibility. (BLDG/PMT/CO: MONITORING - Engineering)

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 SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	Access to local residential lots shall be by a 40 foot right-of-way with 20 feet of pavement	Access from an existing 30 foot right-of-way with 18 ft of pavement and no sidewalks	10 ft right-of-way; reduction of 2 ft of pavement and sidewalks