

RESOLUTION NO. ZR-2020-049

RESOLUTION APPROVING ZONING APPLICATION SV-2020-00760

CONTROL NO. 2007-00008

SUBDIVISION VARIANCE (*STAND ALONE*)

APPLICATION OF Summertime Apartments LLC

BY **Urban Design Studio**, AGENT

(SUMMERTIME APARTMENTS)

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-2020-00760 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-2020-00760, the application of Summertime Apartments LLC, by Urban Design Studio, Agent, for a Subdivision Variance to allow access from a 40-foot right-of-way with no paved shoulders or 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 Burke 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

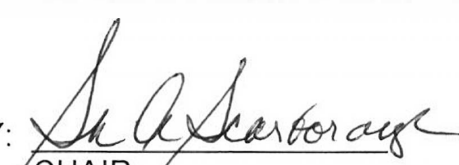
BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 47, OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 5, PAGE 79, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTH 01 DEGREES 32' 54" EAST, 455.14 FEET, ALONG THE WEST LINE OF SAID TRACT 47 TO A POINT; THENCE RUN SOUTH 88 DEGREES 07' 50" EAST, 145.29 FEET TO A POINT; THENCE RUN SOUTH 01 DEGREES 32' 35" WEST, 199.91 FEET TO A POINT; THENCE RUN SOUTH 88 DEGREES 10' 03" EAST, 185.79 FEET, PARALLEL TO THE SOUTH LINE OF SAID TRACT 47, TO A POINT; THENCE RUN SOUTH 01 DEGREES 32' 28" WEST 255.14 FEET TO A POINT; THENCE RUN NORTH 88 DEGREES 10' 03" WEST, 331.13 FEET ALONG THE SOUTH LINE OF SAID TRACT 47 TO THE POINT OF BEGINNING.

(LOTS 5 AND 6 OF MOORE'S SUBDIVISION AS RECORDED IN PLAT BOOK 23, PAGE 89, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ARE INCLUDED WITHIN THE ABOVE DESCRIPTION.)

TOGETHER WITH NON-EXCLUSIVE EASEMENT RIGHTS FOR ROAD PURPOSES OVER AND UPON THE PARCEL OF LAND SET FORTH IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 435, PAGE 174, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6, MOORE'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 89, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN EAST ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 6, 20 FEET TO A POINT; THENCE RUN SOUTH PARALLEL TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 6 FOR 50 FEET TO A POINT; THENCE RUN WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 6, 20.0 FEET TO A POINT; THENCE RUN NORTH ALONG AN EXTENSION OF THE EAST LINE OF SAID LOT 6 FOR 50 FEET TO THE POINT OF BEGINNING.

CONTAINING: 113,531.67 SQUARE FEET, 2.6 ACRES.

EXHIBIT B
VICINITY SKETCH

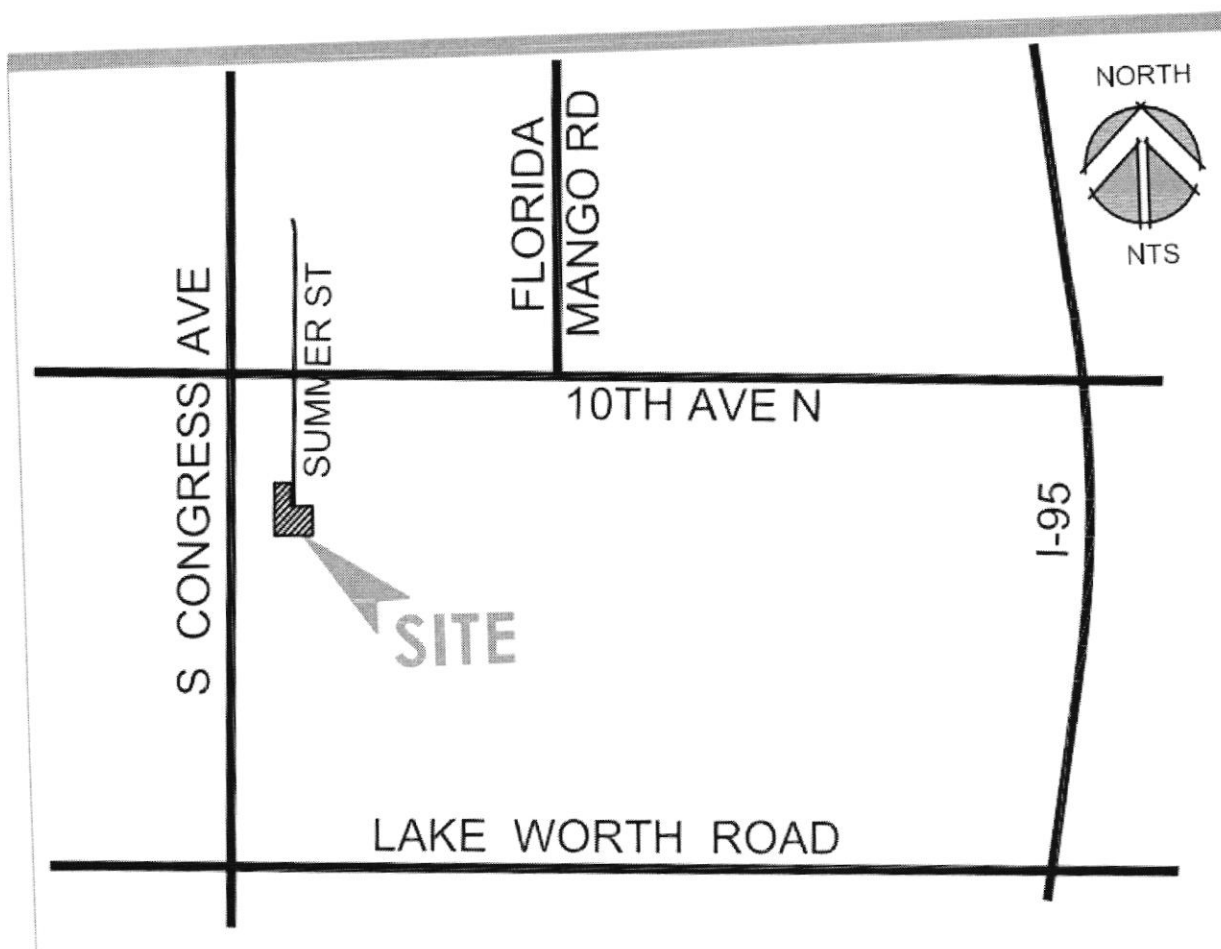


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance - Standalone

ENGINEERING

1. The property shall not be gated unless acceptable turnaround provisions are made, as approved by the County Engineer. (ONGOING: ENGINEERING – Eng)

2. Prior to issuance of the first Certificate of Occupancy for additional units, the Property Owner shall construct a minimum 5 foot wide concrete sidewalk (6 foot minimum along the roadway pavement) along one side of Summer Street from its southern terminus northward to the south side of 10th Ave North, as approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Should the County Engineer determine that previously unknown existing conditions prevent construction of the sidewalk, the County Engineer may allow for partial sidewalk construction or elimination of the requirement altogether. (CO: ENGINEERING – Eng)

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	80-foot right-of-way with 24-feet of pavement, paved shoulders and sidewalk	40-foot right-of-way with 20-feet of pavement no shoulders and no sidewalk	40-foot right-of- way, 4-foot of pavement and 1 sidewalk