

RESOLUTION NO. ZR-2021- 011

RESOLUTION APPROVING ZONING APPLICATION ZV-2020-02113
CONTROL NO. 2001-00039
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Palm Medical Holdings, LLC - Eric Rogers, Opportunity Inc Of Palm
Beach County
BY Schmidt Nichols, AGENT
(PMH 1713 QUAIL, LLC)

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 ZV-2020-02113 was presented to the Zoning Commission at a public hearing conducted on March 4, 2021;

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-2020-02113, the Application of Palm Medical Holdings, LLC - Eric Rogers, Opportunity Inc Of Palm Beach County, by Schmidt Nichols, Agent, for a Type 2 Variance to allow for a reduction of minimum lot depth and parking spaces, 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 March 4, 2021, 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
Cheri Pavlik	- Yes
John Kern	- Yes
Michael Kelley	- Absent
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Absent
Mark Beatty	- Yes
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on March 4, 2021.

This resolution is effective when filed with the Palm Beach County Zoning Division on March 4, 2021 -.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:



COUNTY ATTORNEY

BY:

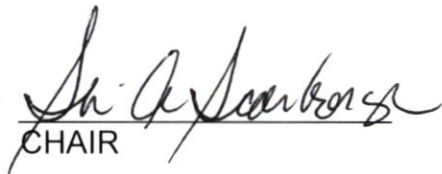

CHAIR

EXHIBIT A

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE SOUTH 01 DEGREE 33 MINUTES 35 SECONDS WEST, ALONG THE EAST LINE OF SAID SECTION 25, A DISTANCE OF 1292.19 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON ROAD PLAT BOOK 2, PAGE 205 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND FURTHER AMENDED IN OFFICIAL RECORDS BOOK 9484, PAGE 622 OF SAID PUBLIC RECORDS; THENCE NORTH 88 DEGREE 51 MINUTES 13 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 6.57 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH WITH A CENTRAL ANGLE OF 12 DEGREES 54 MINUTES 49 SECONDS AND A RADIUS OF 2059.93 FEET; THENCE WEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 464.28 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A CENTRAL ANGLE OF 02 DEGREES 38 MINUTES 24 SECONDS AND A RADIUS OF 2140.00 FEET; THENCE WEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 98.61 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF QUAIL DRIVE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 10601 PAGE 858 OF SAID PUBLIC RECORDS, BEING THE POINT OF BEGINNING; THENCE SOUTH 48 DEGREES 48 MINUTES 03 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 38.48 FEET; THENCE SOUTH 01 DEGREE 31 MINUTES 32 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 124.93 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST A CENTRAL ANGLE OF 60 DEGREES 01 MINUTE 23 SECONDS AND A RADIUS OF 150.00 FEET; THENCE SOUTH AND SOUTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 157.14 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE, TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 24 DEGREES 04 MINUTES 21 SECONDS AND A RADIUS OF 210.00 FEET; THENCE SOUTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.23 FEET; THENCE NORTH 20 DEGREES 59 MINUTES 13 SECONDS WEST, A DISTANCE OF 65.28 FEET; THENCE NORTH 01 DEGREE 31 MINUTES 32 SECONDS EAST, A DISTANCE OF 228.67 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 96 DEGREES 14 MINUTES 02 SECONDS AND A RADIUS OF 25.00 FEET; THENCE NORTHWEST ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 2140.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 25 MINUTES 08 SECONDS AND WHOSE RADIAL AT SAID POINT BEARS NORTH 04 DEGREES 42 MINUTES 30 SECONDS WEST; THENCE EAST ALONG SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 165.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.01 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

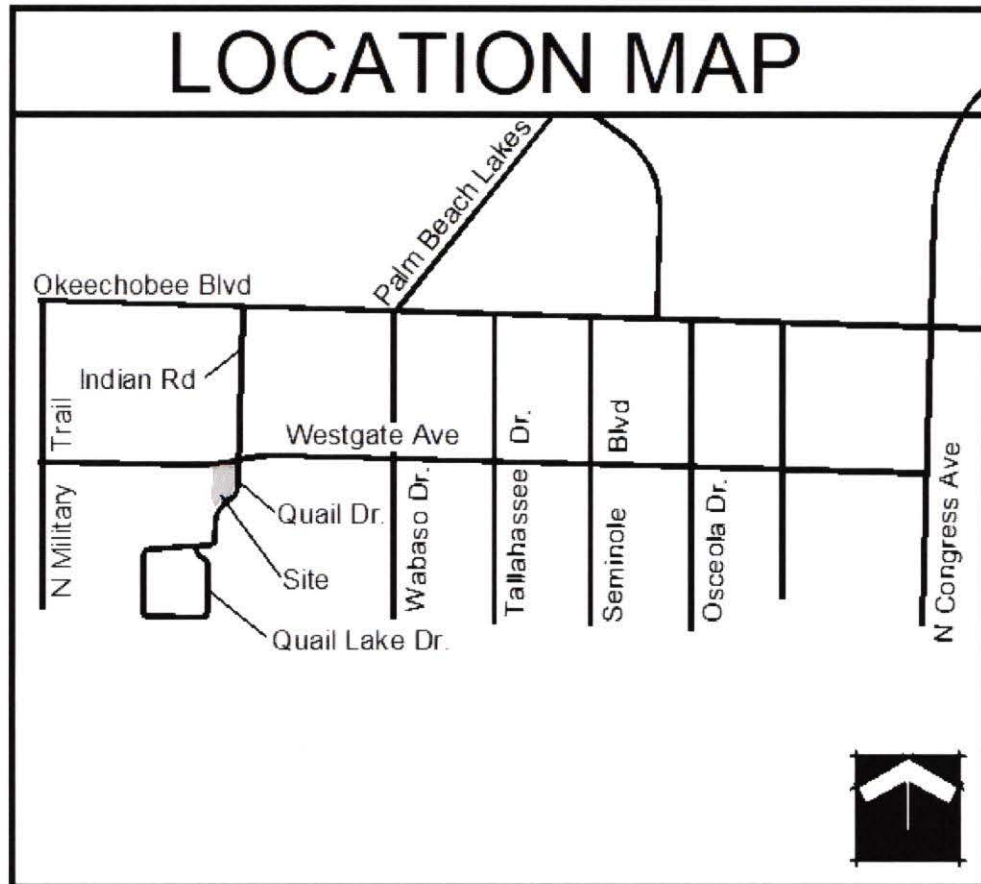


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 25, 2021. 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)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners 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 II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
Art. 3.D.1.A, Lot Depth	200 feet	165 feet	-35 feet
6.B, Minimum Off- Street Parking & Loading Standards.	40 Spaces (1 space per 200 sq. ft.)	25 Spaces	-15 Spaces