

RESOLUTION NO. ZR-2021-016

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOA-2021-00111
(CONTROL NO. 2004-00009)
TYPE 2 VARIANCE (*CONCURRENT*)
APPLICATION OF SGD Wellington Crossing, LLC
BY Urban Design Studio, AGENT
(HARBOR CHASE OF WELLINGTON CROSSING MUPD)

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 as amended, 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/PDD/DOA-2021-00111 was presented to the Zoning Commission at a public hearing conducted on June 3, 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD/DOA-2021-00111 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 ZV/PDD/DOA-2021-00111, the Application of SGD Wellington Crossing, LLC, by Urban Design Studio, Agent, for a Type 2 Variance to reduce Right-of-Way (R-O-W) Buffer Landscape Requirements, 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 June 3, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Scarborough moved for the approval of the Resolution.

The motion was seconded by Commissioner Caliendo and, upon being put to a vote, the vote was as follows:

John Kern, Chair	-	Yes
Marcelle Griffith Burke, Vice Chair	-	Yes
Cheri Pavlik	-	Abstain
Sheri Scarborough	-	Yes
Michael Kelley	-	Yes
Sam Caliendo	-	Yes
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Jess Sowards	-	Yes

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD/DOA-2021-00111 by the Board of County Commissioners.

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

TRACT "A" AND WATER MANAGEMENT TRACT 1, HARBOR CHASE AT WELLINGTON CROSSING, P.U.D. ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 18 AND 19, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 775,205 SQUARE FEET OR 17.796 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 April 26, 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)

VARIANCE

1. At time of submittal of the building permit for the medical office, a Landscape Plan shall be submitted for review and approval providing for the addition of 19 palms and/or pines to be located on the north side of the east-west drive aisle, to the west of the dry detention pond located in the north-east corner of the site. (BLDGPM: BUILDING DIVISION - Building Division)

2. The Development Order for this concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/PDD/DOA-2021-00111. 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; 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

	ULDC Article	Required	Proposed	Variance
V.1	Table 7.C.2.A – R-O-W Buffer Landscape Requirements.	1 palm or pine per 30 linear feet (19 palms/pines)	0 palms/pines	-19 palms/pines (100 percent reduction)