

RESOLUTION NO. ZR-2021-030

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2020-01842
CONTROL NO. 2020-00022
SUBDIVISION VARIANCE (STAND ALONE)
APPLICATION OF K&F Investment Group, Inc.
BY United Construction Partners, AGENT
(STACY STREET 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, Land Development Application SV-2020-01842 was presented to the Zoning Commission at a public hearing conducted on November 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 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 Land Development Application SV-2020-01842, the Application of K&F Investment Group, Inc., by United Construction Partners, Agent, for a Subdivision Variance to allow access from the existing 50-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips, 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 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 Scarborough 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:

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

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

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

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 West One Hundred (100) feet and the East One Hundred (100) feet of the West Two Hundred (200) feet of Tract Five (5), HAVERHILL ACRES, according to the Map or Plat thereof, as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida.

Containing 0.741 acres, more or less.

EXHIBIT B
VICINITY SKETCH

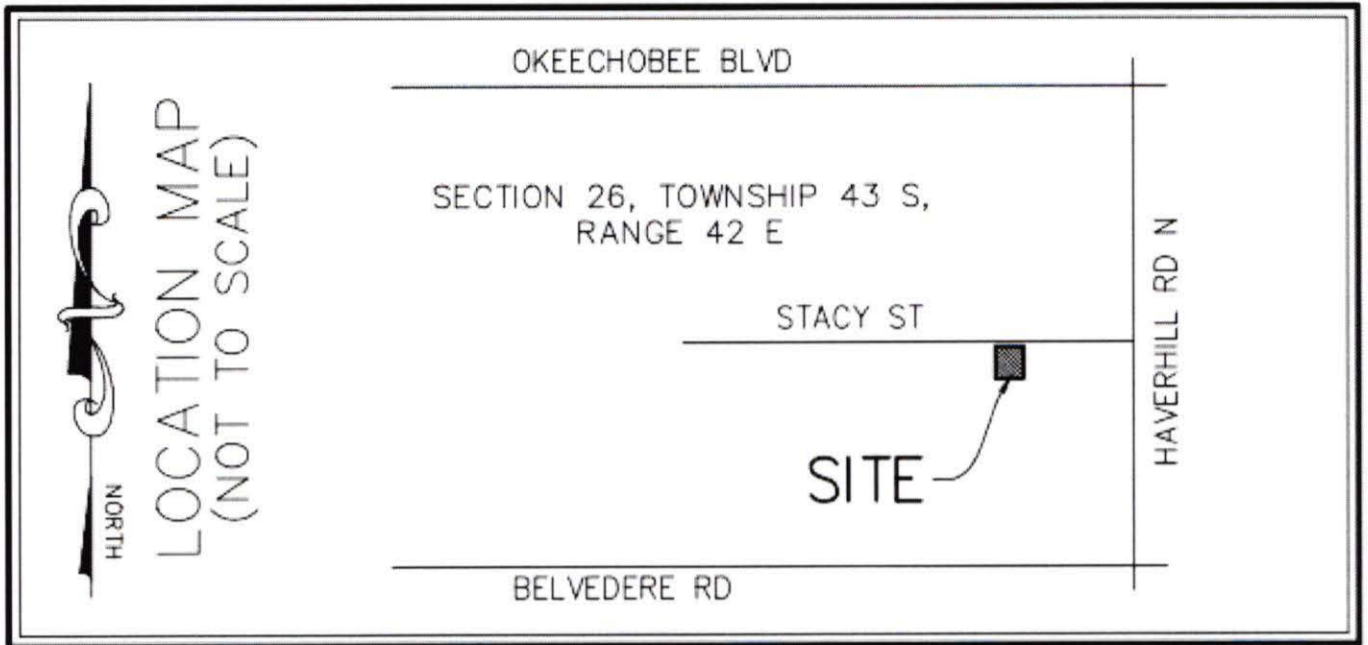


EXHIBIT C

CONDITIONS OF APPROVAL

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 Chart of Minor Streets	1,500 Average Daily Trips (ADT) (maximum)	5,177 ADT	Exceed maximum allowable ADT by 3,677 daily trips by adding 44 additional daily trips
11.E.2.A.2 Minimum Legal Access	80-foot right-of-way (ROW)	50-foot right-of-way	Allow the existing 50-foot Residential Access Street to serve as legal access