

RESOLUTION NO. ZR-2022- 003

RESOLUTION DENYING ZONING APPLICATION ZV-2021-01067
CONTROL NO. 2004-00369
TYPE 2 VARIANCE DENIAL
APPLICATION OF Maximum Nursery Services, LLC
BY URBAN DESIGN STUDIO, AGENT
(MAXIMUM SERVICES)

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-2021-01067 was presented to the Zoning Commission at a public hearing conducted on January 6, 2022;

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, 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-2021-01067, the Application of Maximum Nursery Services LLC, by Urban Design Studio, Agent, for a Type 2 Variance to reduce the rear setback for a structure, 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 denied on January 6, 2022, and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Pavlik 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
- Michael Kelley - Yes
- Sam Caliendo - Yes
- Sheri Scarborough - Yes
- Alex Brumfield III - Yes
- Mark Beatty - Yes
- Jess Sowards - Yes

The Chair thereupon declared the resolution was duly passed and adopted on January 6, 2022.

This resolution is effective when filed with the Palm Beach County Zoning Division on January 6, 2022.

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 46, Section 18, PALM BEACH FARMS COMPANY PLAT NO. 1, according to the plat thereof recorded in Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida, Section 18, Township 46 South, Range 42 East.

Together with a right of way easement over the South 20 feet Tracts 41, 42, 43, 45 and 47, Section 18 PALM BEACH FARMS COMPANY PLAT NO. 1, according to the plat thereof recorded in Plat Book 2, Pages 26-28, Public Records of Palm Beach County, Florida, Section 18, Township 46 South, Range 42 East, recorded in Official Record Book 2718, Page 1205, Public Records, Palm Beach County, Florida.

Subject to that certain conservation easement in favor of Palm Beach County, Florida recorded in Official Record Book 26277, Page 1348, Public Records, Palm Beach County, Florida.

Containing 5.02 Acres, more or less.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP NTS



EXHIBIT D

REQUEST

LOCATION	South side of Happy Hollow Road, approximately 0.31 miles west of Smith Sundry Road
APPLICANT:	Maximum Nursery Services, LLC
OWNERS:	Maximum Nursery Services, LLC
AGENT	Urban Design Studio - Christi Tuttle & Bradley Miller
PCN:	00-42-46-18-01-000-0460
ZONING DISTRICT:	AGR-PUD
BCC DISTRICT:	5
PROJECT MANAGER:	James Borsos
LAND USE:	AGR
CONTROL #:	2004-00369
LOT AREA:	5.02 ACRES

ULDC Article	Required	Proposed	Variance
3.D.1.A Rear setback	100'	57.6' for Building 7 and 8	-42.4 for Building 7 and 8