

RESOLUTION NO. ZR-2022-029

RESOLUTION APPROVING ZONING APPLICATION ZV-2022-00505

CONTROL NO. 1985-00054

TYPE II VARIANCE (*STAND ALONE*)

APPLICATION OF SCT Properties LLC, PS Florida One Inc

BY Government Law Group, BOHLER Engineering, AGENT
(BABCOCK PUD)

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) 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-2022-00505 was presented to the Zoning Commission at a public hearing conducted on August 4, 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 finds that the request meets all 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-2022-00505, the Application of SCT Properties LLC, PS Florida One Inc, by Government Law Group, BOHLER Engineering, Agent, for a Type 2 Variance to eliminate Planned Development District frontage, 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 August 4, 2022, 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 Kern moved for the approval of the Resolution.

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

Marcelle Griffith Burke, Chair	- Yes
John Kern, Vice Chair	- Yes
Cheri Pavlik	- Yes
Michael Kelley	- Yes
Sam Caliendo	- 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 August 4, 2022.

This resolution is effective when filed with the Palm Beach County Zoning Division on August 4, 2022.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS


BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF BABCOCK P.U.D.

THE FOLLOWING DESCRIBED P.U.D. IS WITHIN THE LANDS DESCRIBED IN "WATERWAYS AT DELRAY - PHASE I" AS DESCRIBED IN PLAT BOOK 67, PAGES 180-181, "WATERWAYS AT DELRAY - PHASE II" AS DESCRIBED IN PLAT BOOK 68, PAGES 86-87, "WATERWAYS AT DELRAY - PHASE III" AS DESCRIBED IN PLAT BOOK 69, PAGES 53-54, AND "WATERWAYS AT DELRAY - PHASE IV" AS DESCRIBED IN PLAT BOOK 71, PAGES 124-126. LYING IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 20; THENCE SOUTH 89°18'07" WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 346.24 FEET; THENCE SOUTH 00°41'53" EAST, A DISTANCE OF 37.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°52'47" EAST, A DISTANCE OF 637.08 FEET; THENCE NORTH 89°20'44" EAST, A DISTANCE OF 331.94 FEET; THENCE SOUTH 01°52'56" EAST ALONG A LINE 15.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH) THE EAST LINE OF SECTION 20, A DISTANCE OF 1,988.44 FEET; THENCE SOUTH 89°23'36" WEST, A DISTANCE OF 788.12 FEET TO A POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF FLORIDA'S TURNPIKE; THENCE NORTH 01°24'09" WEST, A DISTANCE OF 2,405.42 FEET; THENCE NORTH 89°22'39" EAST, A DISTANCE OF 353.72 FEET; THENCE NORTH 23°13'42" EAST, A DISTANCE OF 77.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'29", A DISTANCE OF 43.82 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°52'47" WEST, A DISTANCE OF 80.82 FEET; THENCE NORTH 45°42'15" WEST, A DISTANCE OF 35.36 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 806; THENCE NORTH 89°18'07" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 64.50 FEET TO THE POINT OF BEGINNING.

SAID P.U.D. CONTAINING 40.01 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

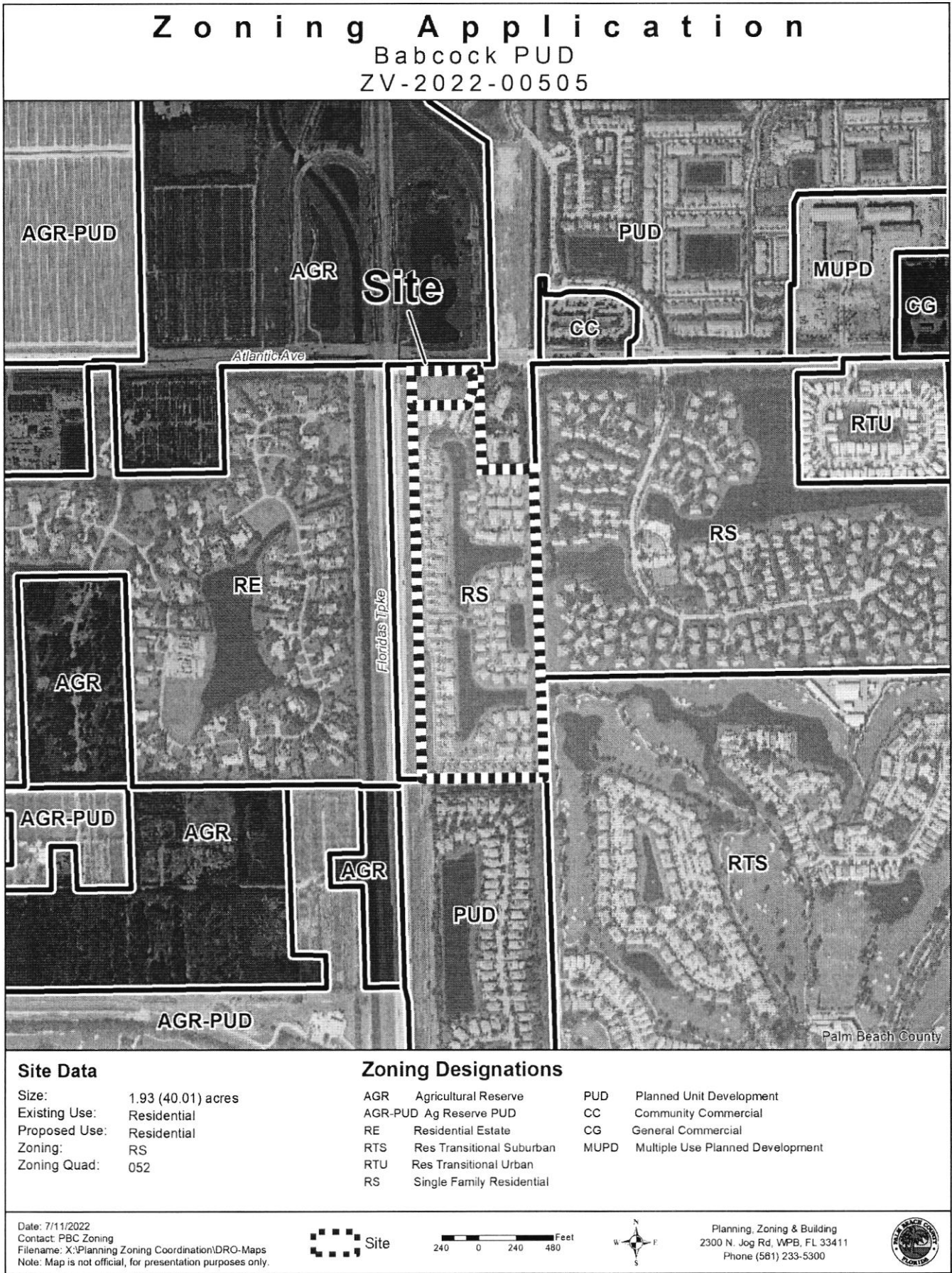


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning)

2. The Development Order for this non-concurrent Variance shall be valid till August 4, 2023, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit or Commencement of Development to vest this Variance. (DATE: 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: ZONING - 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
V1	3.E.1.C.2	PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street	0 linear feet of frontage along the north property line of the PUD	elimination of 200 linear feet along the north property line of the PUD

SITUS ADDRESS:	8130 Atlantic Ave Delray Beach 33446	
OWNER NAME & ADDRESS:	Sct Properties Llc 9600 NW 25th St, Ste 2a Doral, FL 33172-1416	
PCN:	00-42-46-20-01-000-0021	
ZONING DISTRICT:	RS	
BCC DISTRICT:	5	
PROJECT MANAGER:	Jordan Jafar, Senior Site Planner	
LAND USE:	CH/5	S/T/R: 20-46-42
CONTROL #:	1985-00054	
LOT AREA:	40.1 acres +/-	
APPLICANT REQUEST:	to eliminate Planned Development District frontage	