

RESOLUTION NO. ZR-2023- 006

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-00637
CONTROL NO. 2022-00033
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Community Land Trust of Palm Beach County, CP 4489 Davis LLC,
Housing Partnership Inc
BY PLACE Planning & Design, AGENT
(DAVIS COMMONS)

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 of the ULDC have been satisfied;

WHEREAS, Land Development Application SV-2022-00637 was presented to the Zoning Commission at a public hearing conducted on January 5, 2023;

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-2022-00637, the Application of Community Land Trust of Palm Beach County, CP 4489 Davis LLC, Housing Partnership Inc, by PLACE Planning & Design, Agent, for a Subdivision Variance to allow access from the existing 30-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 January 5, 2023, 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 Caliendo 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	- N/A
Sam Caliendo	- Yes
Sheri Scarborough	- Yes
Alex Brumfield III	- N/A
Mark Beatty	- Yes
Jess Sowards	- N/A

The Chair thereupon declared the resolution was duly passed and adopted on January 5, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on January 5, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1:

Lot D, (Less the West 20 feet for Davis Road right-of-way), Block 57, and the West 25 feet of Lot D, Block 58, The Palm Beach Farms Co., Plat No. 7 of Section 30, Township 44 South, Range 43 East, according to the Plat thereof as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel 2:

The Northerly 50 feet of the Southerly 70 feet of the Easterly 10 feet of the Westerly 135 feet and the Westerly 20 feet of Tract "E", LESS the Southerly 20 feet, in Block 57, of The Palm Beach Farms Co. Plat No. 7 of Section 30, Township 44 South, Range 43 East, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 5, Page 72.

Parcel 3:

The Westerly 135 feet of Lot "E", LESS the South 70 feet and the West 20 feet, Block 57, The Palm Beach Farms Co. Plat No. 7 of Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel 4:

The Northerly 50 feet of the Southerly 70 feet of the Westerly 125 feet of Tract "E", LESS the West 20 feet thereof, Block 57, of The Palm Beach Farms Co. Plat No. 7, of Section 30, Township 44 South, Range 43 East, according to the Plat thereof as recorded in Plat Book 5, Page 72, Public Records of Palm Beach County, Florida.

Parcel 5:

All of Tract "E", Block 57, according to the Plat of The Palm Beach Farms Company Plat No. 7 of Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 5, Page 72, in and for the Public Records of Palm Beach County, Florida; LESS the South 20 feet (S 20') of said Tract "E"; LESS the East 115 feet (E 115') of said Tract "E", LESS the West 135 feet (W 135') of said Tract "E".

Parcel 6:

The Westerly 70.00 feet of the Easterly 115.00 feet of Tract "E", Block Fifty-Seven (57), according to the Plat of The Palm Beach Farms Company Plat No. 7 of Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 5, Page 72, in and for the Public Records of Palm Beach County, Florida. LESS the South 20.00 feet thereof for roadway purposes.

AND

The Easterly 45.00 feet of Tract "E", Block Fifty-Seven (57), and the West 25.00 feet of Tract "E", Block Fifty-Eight (58), according to the Plat of The Palm Beach Farms Company Plat No. 7 of Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, as recorded in Plat Book 5, Page 72, in and for the Public Records of Palm Beach County, Florida. LESS the South 20.00 feet thereof for roadway purposes.

All less and except right-of-way shown on Maintenance Maps recorded in Road Plat Book 9, pages 4-9 and Road Plat Book 9, pages 72-73 of said Public Records.

ALSO DESCRIBED AS FOLLOWS:

PORTIONS OF LOTS D AND E OF BLOCK 57 AND LOTS D AND E OF BLOCK 58, OF "THE PALM BEACH FARMS COMPANY PLAT NO. 7", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5 AT PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SECTION 30 TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE SOUTH $01^{\circ}26'31''$ WEST, ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 2438.30 FEET; THENCE SOUTH $87^{\circ}51'51''$ EAST, ALONG THE NORTH LINE OF SAID LOT D BLOCK 57 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $87^{\circ}51'51''$ EAST, ALONG THE NORTH LINE OF SAID LOT D BLOCK 57 AND LOT D BLOCK 58, A DISTANCE OF 322.40 FEET; THENCE SOUTH $01^{\circ}26'29''$ WEST, ALONG THE WEST LINE OF BUFFER TRACT 2, OF "EMERALD LAKES TOWNHOMES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105 AT PAGES 69 THROUGH 76 OF SAID PUBLIC RECORDS, A DISTANCE OF 251.00 FEET; THENCE NORTH $87^{\circ}50'22''$ WEST, ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT E BLOCK 58 AND LOT E BLOCK 57, A DISTANCE OF 322.21 FEET; THENCE NORTH $14^{\circ}52'24''$ WEST, A DISTANCE OF 8.15 FEET; THENCE NORTH $88^{\circ}29'53''$ WEST, A DISTANCE OF 12.29 FEET (THE LAST TWO DESCRIBED COURSES BEING COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF DAVIS ROAD, ACCORDING TO THE MAINTENANCE MAP AS RECORDED IN ROAD PLAT BOOK 9 AT PAGES 72 AND 73 OF SAID PUBLIC RECORDS); THENCE NORTH $01^{\circ}30'07''$ EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF DAVIS ROAD, ACCORDING TO THE MAINTENANCE MAP AS RECORDED IN ROAD PLAT BOOK 9 AT PAGES 4 THROUGH 9 OF SAID PUBLIC RECORDS, A DISTANCE OF 107.78 FEET; THENCE SOUTH $87^{\circ}51'07''$ EAST, ALONG THE NORTH LINE OF SAID LOT E BLOCK 57, A DISTANCE OF 14.27 FEET; THENCE NORTH $01^{\circ}26'31''$ EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF DAVIS ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 27824 AT PAGE 522 OF SAID PUBLIC RECORDS, A DISTANCE OF 135.43 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 82445 SQUARE FEET (1.893 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 Minimum Legal Access	80-ft Right-of-Way (ROW)	Existing 30-ft ROW	50-ft of ROW
11.E.2.A.2 Chart of Minor Streets	1,500 ADT threshold for a Residential Access Street	1,746 projected daily trips	Exceed maximum allowable ADT by 246 daily trips by adding 146 additional daily trips

SITUS ADDRESS:	4938 Davis Road Lake Worth Beach, FL 33461		
OWNER NAME & ADDRESS:	Community Land Trust of Palm Beach County CP 4489 Davis LLC Housing Partnership Inc 2001 W Blue Heron Blvd Riviera Beach, FL 33404		
PCN:	00-43-44-30-01-057-0040 00-43-44-30-01-057-0051 00-43-44-30-01-057-0053 00-43-44-30-01-057-0055 00-43-44-30-01-057-0054 00-43-44-30-01-057-0056		
ZONING DISTRICT:	Multi-Family Residential (Medium Density) District (RM)		
BCC DISTRICT:	3, Commissioner Dave Kerner		
PROJECT MANAGER:	Scott Cantor, Division Director IV		
LAND USE:	High Residential (HR-8)	S/T/R: 30-44-43	
CONTROL #:	2022-00033		
LOT AREA:	1.89 acres +/-		
APPLICANT REQUEST:	to allow access from the existing 30-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips on 1.89 acres.		