

RESOLUTION NO. ZR-2023- 007

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-00847
CONTROL NO. 1994-00094
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Westgate Belvedere Homes CRA, Danza of Westgate LLC
BY Arc Development Global, LLC, AGENT
(WESTGATE TERRACE)

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-2022-00847, submitted on behalf of Westgate Belvedere Homes CRA, and Danza of Westgate LLC, by Arc Development Global, LLC, Agent, for a Subdivision Variance to allow access from the existing 40-foot Right-of-Way was presented to the Zoning Commission at a public hearing conducted on February 2, 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-2022-00847, the Application of Westgate Belvedere Homes CRA, Danza of Westgate LLC, by Arc Development Global, LLC, Agent, for a Subdivision Variance to allow access from the existing 40-foot Right-of-Way, 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 February 2, 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:

John Kern, Vice Chair	- Aye
Cheri Pavlik	- Aye
Michael Kelley	- Absent
Sam Caliendo	- Aye
Sheri Scarborough	- Aye
Nicole Karuzas	- Aye
Alex Brumfield III	- Absent
Mark Beatty	- Aye
Jess Sowards	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on February 2, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on February 2, 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

LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), 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 8, PAGE 38.

TOGETHER WITH:

LOTS 7, 8, 9 AND 10, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), 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 8, PAGE 38.

TOGETHER WITH:

LOTS 11, 12, 13, 14 AND 15, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), 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 8, PAGE 38.

TOGETHER WITH:

LOTS 31, 32, 33, 34, 35, 36, 37, 38 AND 39, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), 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 8, PAGE 38.

TOGETHER WITH:

LOTS 40, 41, 42, 43, 44 AND 45, BLOCK 34, WEST GATE ESTATES (NORTHERN SECTION), 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 8, PAGE 38.

CONTAINING 2.0 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

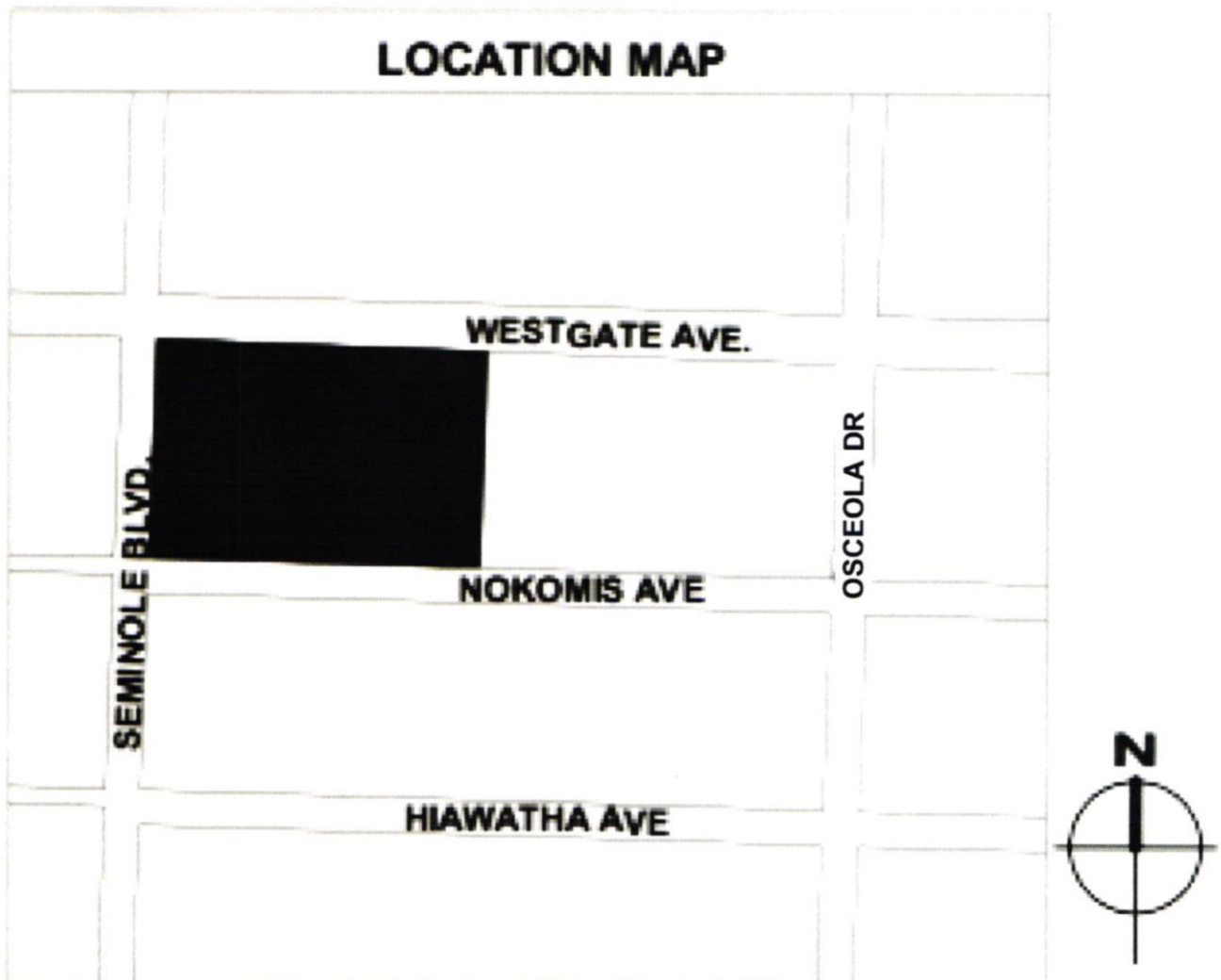


EXHIBIT C

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-foot Right-of-Way (ROW) with sidewalks, swales and gutters	40-foot ROW with 370 feet of sidewalk, no swales and no gutters	40-ft of ROW, swales and gutters
SITUS ADDRESS:	2636 Westgate Ave West Palm Beach 33409 2634 Westgate Ave West Palm Beach 33409 1420 Seminole Blvd A West Palm Beach 33409 1420 Seminole Blvd B West Palm Beach 33409 3485 Nokomis Ave West Palm Beach 33409 3483 Nokomis Ave West Palm Beach 33409 3473 Nokomis Ave West Palm Beach 33409		
OWNER NAME & ADDRESS:	Belvedere Westgate Danza of Westgate LLC 1280 N Congress Ave, Ste 215 West Palm Beach, FL 33409-6377		
PCNs:	00-43-43-30-03-034-0010 00-43-43-30-03-034-0070 00-43-43-30-03-034-0310 00-43-43-30-03-034-0350 00-43-43-30-03-034-0400 00-43-43-30-03-034-0420 00-43-43-30-03-034-0110		
ZONING DISTRICT:	CG		
BCC DISTRICT:	7		
PROJECT MANAGER:	Scott Cantor, Division Director IV		
LAND USE:	CH/8	S/T/R: 30-43-43	
CONTROL #:	1994-00094		
LOT AREA:	2 acres +/-		
APPLICANT REQUEST:	to allow access from the existing 40-foot ROW on 2.00 acres		