

RESOLUTION NO. ZR-2023- 008

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-01013
CONTROL NO. 2022-00114
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Chabad of Lake Worth Inc
BY Schmidt Nichols, AGENT
(CHABAD OF LAKE WORTH)

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-2022-01013 submitted on behalf of Chabad of Lake Worth Inc, by Schmidt Nichols, Agent, for a Subdivision Variance to allow access from the existing 40-foot right-of-way with no swales or gutters and to allow access to a road of non-plan collector or higher classification 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-2022-01013, the Application of Chabad of Lake Worth Inc, by Schmidt Nichols, Agent, for a Subdivision Variance to allow access from the existing 40-foot right-of-way with no swales or gutters and to allow access to a road of non-plan collector or higher classification, 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

LOT 101, BLOCK 32, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 20 FEET THEREOF, AND LESS THE RIGHT OF WAY DESCRIBED IN OFFICIAL RECORDS BOOK 6251, PAGE 1905.

CONTAINING 131923.169 SQUARE FEET (3.03 ACRES)

EXHIBIT B

VICINITY SKETCH

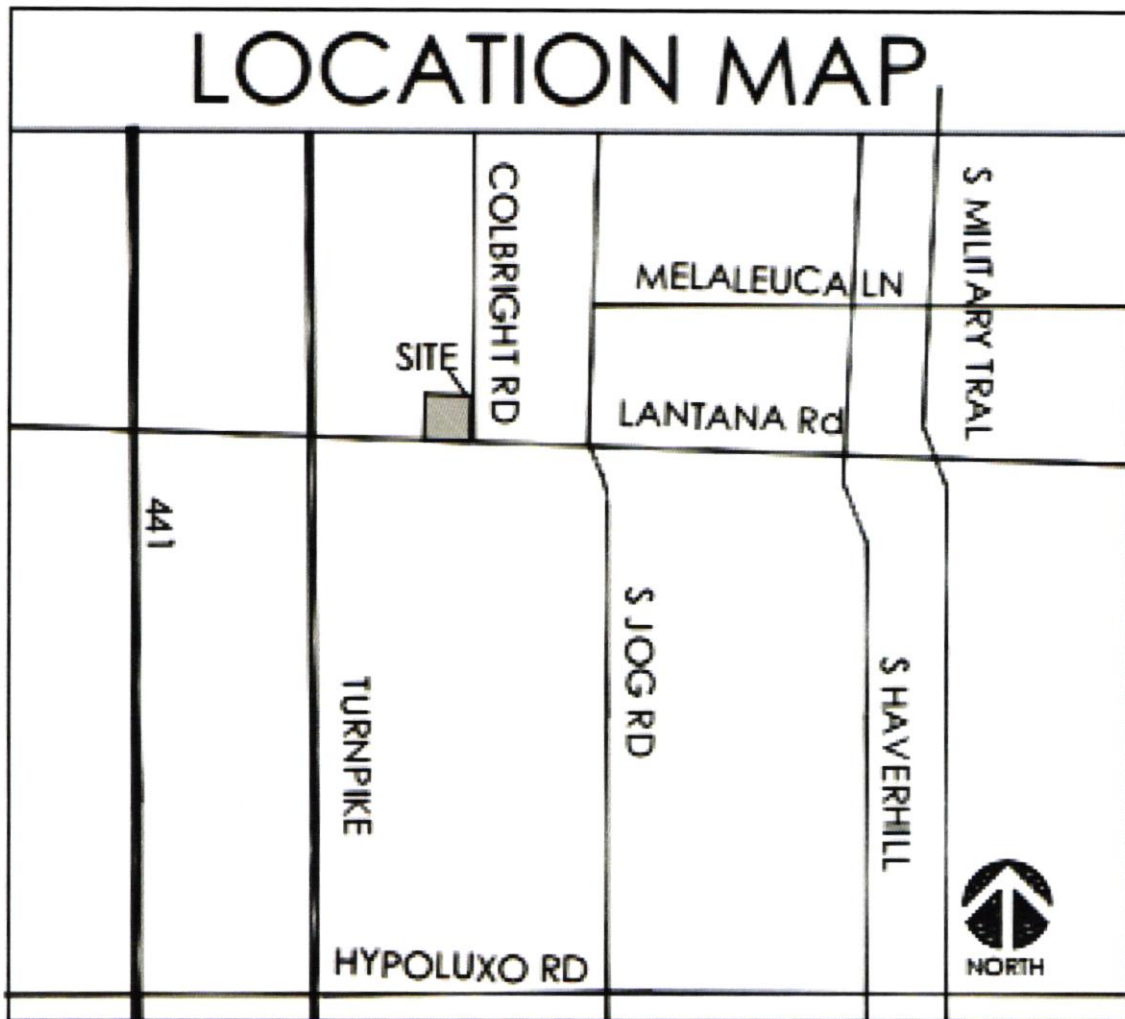


EXHIBIT C

CONDITIONS OF APPROVAL

ENGINEERING

1. The driveway connection to Lantana Road is restricted as an egress only connection.
(ONGOING: ENGINEERING - Engineering)

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' ROW for Local Commercial Road Classification with 24-foot of pavement	40-foot ROW width and 20-foot of pavement	40-foot of ROW and 4-foot of pavement
Table 11.E.2.A-2 Chart of Minor Streets	Corner lots which abut a street of non-plan collector of higher classification (Lantana Road) shall have access to the local street (Colbright Road)	Access provided to a nonplan collector or higher classification street (Lantana Road)	To allow access to a road of non-plan collector or higher classification (Lantana Road)
SITUS ADDRESS:	5801 Colbright Rd Lake Worth 33467		
OWNER NAME & ADDRESS:	Chabad Of Lake Worth Inc 6450 Melaleuca Ln Lake Worth, FL 33463-3807		
PCN:	00-42-43-27-05-032-3070		
ZONING DISTRICT:	AR		
BCC DISTRICT:	3		
PROJECT MANAGER:	Scott Cantor, Division Director IV		
LAND USE:	LR-1	S/T/R: 27-43-42	
CONTROL #:	2022-00114		
LOT AREA:	3.03 acres +/-		
APPLICANT REQUEST:	to allow access from the existing 40-foot ROW with no swales or gutters and to allow access to a road of non-plan collector or higher classification on 3.03 acres.		