

RESOLUTION APPROVING ZONING APPLICATION ZV-2022-01788  
CONTROL NO. 2016-00078  
TYPE II VARIANCE (STAND ALONE)  
APPLICATION OF Pebb Atlantic LLC  
BY WGINC, AGENT  
(PLAZA DELRAY MUPD)

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, Zoning Application ZV-2022-01788 the Application for Pebb Atlantic, LLC, by WGINC, for a Type 2 Variance to reduce the sign setback on 4.83 acres was presented to the Zoning Commission at a public hearing conducted on April 6, 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 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-2022-01788, the Application of Pebb Atlantic LLC, by WGINC, Agent, for a Type 2 Variance to allow a reduction in the sign setback on 4.83 acres, 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 April 6, 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 Kern moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Aye
Michael Kelley	- Aye
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Absent
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on April 6, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on April 6, 2023.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
CHAIR

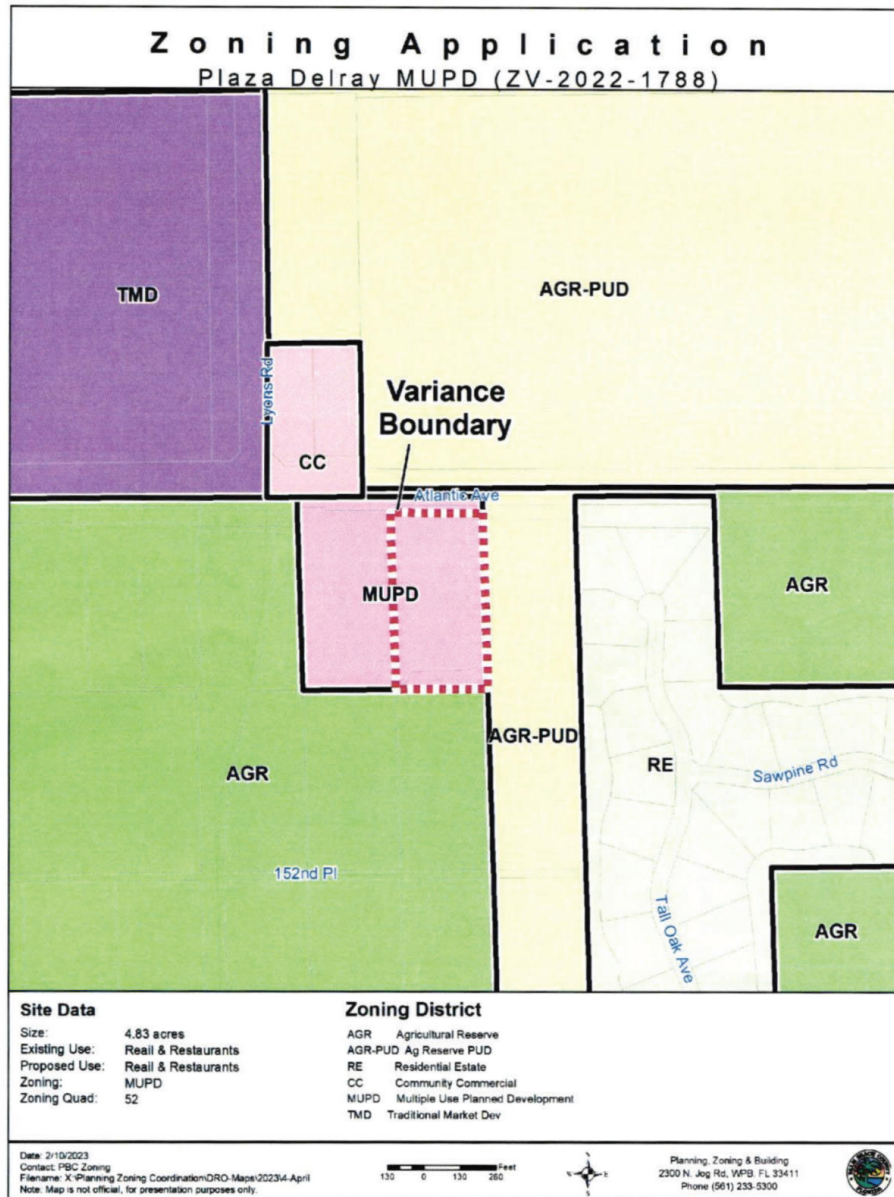
EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

ALL OF THE PLAT OF PLAZA DELRAY MUPD, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK 135, PAGES 15 THRU 17 OF THE PUBLIC RECORDS  
OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 4.838 ACRES MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Type 2 Variance - Standalone**

##### **VARIANCE**

1. No later than June 6, 2023 the Property Owner shall submit to the Development Review Officer (DRO), an amendment to the approved Final Site Plan to show the approved Variance(s) and any associated Conditions of Approval. (DATE: ZONING - Zoning)

2. 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. (BLDGPM: BUILDING DIVISION - 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: ZONING - 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
Table 8.G.2.A Freestanding Sign Standards	10-foot setback from Property line	1.6-foot setback from Property line	8.4-foot reduction in required setback.

SITUS ADDRESS:	8858 Atlantic Ave Delray Beach 33446 8862 Atlantic Ave Delray Beach 33446 8854 Atlantic Ave Delray Beach 33446 8870 Atlantic Ave Delray Beach 33446	
OWNER NAME & ADDRESS:	Pebb Atlantic Llc 7900 Glades Rd, Ste 600 Boca Raton, FL 33434-4105	
PCN:	00-42-46-20-20-001-0000 00-42-46-20-20-023-0000	
ZONING DISTRICT:	MUPD	
BCC DISTRICT:	5	
PROJECT MANAGER:	Phil Myers, Site Planner I	
LAND USE:	CL/AGR	S/T/R: 20-46-42
CONTROL #:	2016-00078	
LOT AREA:	4.83 acres +/-	
APPLICANT REQUEST:	to allow a reduction in the sign setback on 4.83 acres	