

RESOLUTION NO. ZR-2023-

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2022-01469
(CONTROL NO. 2022-00057)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Joseph Mulvehill
BY JMorton Planning & Landscape Architecture, AGENT
(STATE ROAD 7 BUSINESS PLAZA)

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/PDD-2022-01469 the Application of Joseph Mulvehill, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a 100 percent buffer overlap within a preserve on 40.00 acres; for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 40.00 acres was presented to the Zoning Commission at a public hearing conducted on May 4, 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD-2022-01469 by the Board of County Commissioners;

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/PDD-2022-01469, the Application of Joseph Mulvehill, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a 100 percent buffer overlap within a preserve on 40.00 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 May 4, 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 _____ moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on May 4, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/PDD-2022-01469 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on _____.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR