

RESOLUTION NO. ZR-2023-13

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-01117
CONTROL NO. 2018-00034

SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF DR Horton, Inc. - Karl Albertson
BY WGINC, AGENT
(RESERVE AT JUPITER - PHASE II)

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, Zoning Application SV-2022-01117 the Application of DR Horton, Inc. - Karl Albertson, by WGINC, Agent, for a Subdivision Variance to allow an increase in the maximum allowable daily trips over the 1,500 Average Daily Trip threshold for a local residential street 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 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-2022-01117, the application of DR Horton, Inc. - Karl Albertson, by WGINC, Agent, for a Subdivision Variance to allow an increase in the maximum allowable daily trips over the 1,500 Average Daily Trip threshold for a local residential street, 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 Kern moved for the approval of the Resolution.

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

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

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

This resolution is effective when filed with the Palm Beach County Zoning Division on May 4, 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

ALL OF THOSE LANDS CONTAINED IN THE PLAT ENTITLED "RESERVE AT JUPITER", AS RECORDED IN PLAT BOOK 133, PAGE 66 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOGETHER WITH:

PARCEL 1

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH ALONG THE EAST LINE OF SECTION 33, 788.84 FEET; THENCE NORTH 89°59' WEST 416.4 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 100 FEET; THENCE NORTH 89°59' WEST 435.6 FEET; THENCE NORTH 100 FEET; THENCE SOUTH 89°59' EAST 435.6 FEET TO THE POINT OF BEGINNING; BEING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER.

EXCEPTING: A PARCEL OF LAND IN SECTION 33, TOWNSHIP 40 SOUTH, RANGE 12 EAST, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 BEAR SOUTH ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 788.84 FEET, THENCE NORTH 89°59' WEST A DISTANCE OF 416.4 FEET; THENCE SOUTH A DISTANCE OF 100 FEET, THENCE WEST A DISTANCE OF 267 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH A DISTANCE OF 80 FEET, THENCE WEST A DISTANCE OF 93.75 FEET, THENCE SOUTH A DISTANCE OF 80 FEET, THENCE EAST A DISTANCE OF 93.75 FEET TO THE POINT OF BEGINNING. EXCEPTING: A PARCEL OF LAND IN SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, BEAR SOUTH ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 788.84 FEET, THENCE NORTH 89°59' WEST A DISTANCE OF 416.4 FEET, THENCE SOUTH A DISTANCE OF 100 FEET, THENCE WEST A DISTANCE OF 173.25 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH A DISTANCE OF 80 FEET, THENCE WEST A DISTANCE OF 93.75 FEET, THENCE SOUTH A DISTANCE OF 80 FEET, THENCE EAST A DISTANCE OF 93.75 FEET TO THE POINT OF BEGINNING. EXCEPTING: THE WEST 75 FEET OF THE EAST 852 FEET OF THE SOUTH 100 FEET OF THE NORTH 888.84 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 2

THE SOUTH 100 FEET OF THE NORTH 788.84 FEET OF THE WEST 435.6 FEET OF THE EAST 852 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 3

THE WEST 93.75 FEET OF THE EAST 777.15 FEET OF THE SOUTH 80 FEET OF THE NORTH 888.84 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 4

THE WEST 75 FEET OF THE EAST 852 FEET OF THE SOUTH 100 FEET OF THE NORTH 888.84 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 5

A PARCEL OF LAND IN PALM BEACH COUNTY, FLORIDA IN SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, BEAR SOUTH ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 788.84 FEET; THENCE NORTH 89°59' WEST, A DISTANCE OF 416.40 FEET; THENCE SOUTH A DISTANCE OF 100 FEET; THENCE WEST, A DISTANCE OF 173.25 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH A DISTANCE OF 80 FEET; THENCE WEST A DISTANCE OF 93.75 FEET; THENCE SOUTH 80 FEET; THENCE EAST, A DISTANCE OF 93.75 FEET TO THE POINT OF BEGINNING.

PARCEL 6

THE SOUTH 90.63 FEET OF THE NORTH 979.47 FEET OF THE WEST 145.2 FEET OF THE EAST 779.4 FEET OF THE NE 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 7

THE SOUTH 100.63 FEET OF THE NORTH 989.47 FEET OF THE WEST 435.6 FEET OF THE EAST 852 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42, LESS THE NORTH 90.63 FEET OF THE WEST 217.8 FEET THEREOF LOCATED IN PALM BEACH COUNTY, FLORIDA.

PARCEL 8

THE NORTH 90.63 FEET OF THE WEST 145.2 FEET OF THE SOUTH 100.63 FEET OF THE NORTH 989.47 FEET OF THE WEST 435.6 FEET OF THE EAST 852 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS & EXCEPT THAT PORTION CONVEYED TO CLARENCE RICHARDSON AND JONNIE RICHARDSON BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2376, PAGE 1949, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 72.6 FEET OF THE NORTH 90.63 FEET OF THE WEST 145.2 FEET OF THE SOUTH 100.63 FEET OF THE NORTH 989.47 FEET OF THE WEST 435.6 FEET OF THE EAST 852 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. ALSO DESCRIBED AS:

A PARCEL OF LAND LYING WITHIN A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 33, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, COMMENCE AT THE EAST QUARTER CORNER (E 1/4) OF SECTION 33; THENCE NORTH 89°56'37" WEST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 33, FOR 416.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°01'05" WEST ALONG THE WEST LINE AND THE SOUTHERLY EXTENSION THEREOF OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 3356, AT PAGE 522, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 160.00 FEET; THENCE SOUTH 89°56'37" EAST ALONG THE SOUTH LINE OF 184TH PLACE NORTH RECORDED IN OFFICIAL RECORDS BOOK 27225, AT PAGE 1741, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 383.40 FEET TO THE WEST RIGHT-OF-WAY LINE FOR LIMESTONE CREEK ROAD AS SHOWN ON PALM BEACH COUNTY MAINTENANCE MAP-SPECIFIC PURPOSE SURVEY, PROJECT NO. 2002055-DRAWING NO. S-3-08-2822; THENCE SOUTH 00°01'05" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, FOR 233.84 FEET; THE FOLLOWING THREE (3) COURSES BEING ALONG THE NORTH, WEST AND SOUTH LINES OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 2749, AT PAGE 1797, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE

NORTH 89°56'37" WEST, FOR 383.40 FEET; THENCE SOUTH 00°01'05" WEST, FOR 65.00 FEET; THENCE SOUTH 89°56'37" EAST, FOR 335.00 FEET; THENCE SOUTH 00°01'05" WEST ALONG THE WEST LINE OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 7607, AT PAGE 1070, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 65.00 FEET; THE FOLLOWING THREE (3) COURSES BEING ALONG THE NORTH, WEST AND SOUTH LINES OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 2745, AT PAGE 1954, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°56'37" WEST, FOR 335.00 FEET; THENCE SOUTH 00°01'05" WEST, FOR 65.00 FEET; THENCE SOUTH 89°56'37" EAST, FOR 130.00 FEET; THENCE SOUTH 00°01'05" WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 30724, AT PAGE 40, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 314.00 FEET; THENCE NORTH 89°56'37" WEST ALONG THE NORTH LINE OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 8569, AT PAGE 1469, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR 130.00 FEET; THENCE SOUTH 00°01'05" WEST FOR A DISTANCE OF 85.50 FEET TO A POINT; THENCE NORTH 89°56'37" WEST ALONG FOR A DISTANCE OF 436.50 FEET TO THE NORTH EAST CORNER OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 3617, AT PAGE 434, OFFICIAL RECORDS BOOK 27110, AT PAGE 1115 AND OFFICIAL RECORDS BOOK 26210, AT PAGE 1929, ALL BEING OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°56'37" WEST ALONG THE COMMON NORTH LINE OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 3617, AT PAGE 434, OFFICIAL RECORDS BOOK 27110, AT PAGE 1115 AND OFFICIAL RECORDS BOOK 26210, AT PAGE 1929, ALL BEING OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA, FOR 472.59 FEET TO THE EAST LINE OF THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 6389, AT PAGE 1572, OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA, SAID EAST LINE ALSO BEING THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 33; THENCE NORTH 00°04'30" EAST ALONG SAID LINE, FOR 988.34 FEET TO THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 33; THENCE SOUTH 89°56'37" EAST ALONG SAID NORTH LINE, FOR 908.11 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA

SAID LANDS CONTAIN 24.110 ACRES, MORE OR LESS. (1,050,231.6 SQ FT)

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 Chart of Minor Streets	1,500 Average Daily Trips (ADT) threshold for a 60-ft Right-of- Way	An increase of 180 Projected Daily Trips (PDT) (2,254 ADT previously approved)	Exceed maximum allowable ADT by 2,434 PDT

SITUS ADDRESS:	N/A	
OWNER NAME & ADDRESS:	Ramon Villarino Spriggs Dein P Profit Sharing Trust Spriggs Dein P Trust John Swearingen Spriggs Dein P Profit Trust &	
PCN:	00-42-40-33-00-000-5260 00-42-40-33-00-000-5270 00-42-40-33-00-000-5280 00-42-40-33-00-000-5290 00-42-40-33-00-000-5300 00-42-40-33-00-000-5310 00-42-40-33-00-000-5680 00-42-40-33-00-000-5690	
ZONING DISTRICT:	Multi-Family Residential (High Density) District (RH)	
BCC DISTRICT:	1	
PROJECT MANAGER:	Scott Cantor, Division Director IV	
LAND USE:	Medium Residential (MR-5)	S/T/R: 33-40-42
CONTROL #:	2018-00034	
LOT AREA:	24.11 acres +/-	
APPLICANT REQUEST:	to allow an increase in the maximum allowable daily trips over the 1,500 Average Daily Trip threshold for a local residential street	