

RESOLUTION NO. ZR-2023-020

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/ABN/Z-2022-01751
(CONTROL NO. 2005-00193)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF First Care Family Resources Inc
BY JMorton Planning & Landscape Architecture, AGENT
(FIRST CARE OFFICE)

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 SV/ZV/ABN/Z-2022-01751 the Application of First Care Family Resources Inc, by JMorton Planning & Landscape Architecture, Agent, for a subdivision Variance to allow access from a major street; a Type 2 Variance to allow a reduction in lot size, Right-of-Way buffer width and, Foundation planting; a Development Order Abandonment to to abandon a Elementary or Secondary School; an Official Zoning Map Amendment Request to allow a rezoning from the Residential Transitional (RR) Zoning District to the Commercial Low Office (CLO) Zoning District on 0.98 acres as presented to the Zoning Commission at a public hearing conducted on July 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, this approval shall only become effective upon the effective date of a resolution approving Zoning Application SV/ZV/ABN/Z-2022-01751 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 SV/ZV/ABN/Z-2022-01751, the Application of First Care Family Resources Inc, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow a reduction in lot size, Right-of-Way buffer width and, Foundation planting on 0.98 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 July 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	- Absent
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Absent
Mark Beatty	- N/A

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

This resolution shall only become effective upon the effective date of a resolution approving Zoning Application SV/ZV/ABN/Z-2022-01751 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on July 6, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LOT 1, PLAT OF CHARLES E. WALTER, P.U.D, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 32, PAGE 84, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE LANDS DESCRIBED IN O.R. BOOK 5752, PAGE 269, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATED IN SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 42,595 SQUARE FEET OR 0.978 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

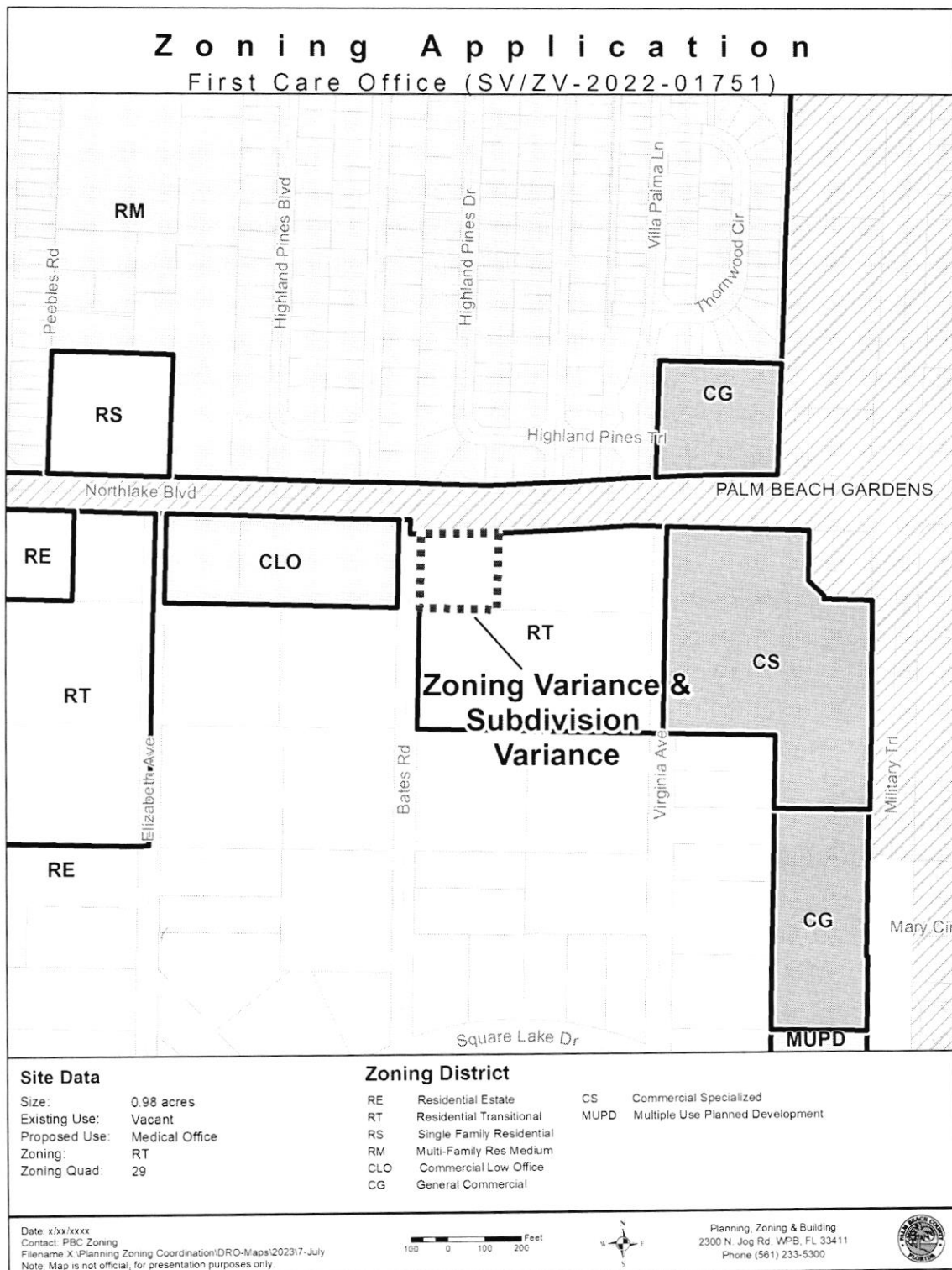


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan dated April 24, 2023 and Preliminary Landscape Plan is dated May 19, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the the Zoning Commission. (ONGOING: ZONING - Monitoring)

VARIANCE

1. 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/ONGOING: 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 - Monitoring)

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 - Monitoring)

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
V.1	Table 3.D.1.A, Property Development Regulations	Minimum Lot Size –1 Acre for lands with a CLO Future Land Use	0.98 Acres	0.02 acre reduction
V.2	Table 7.C.2.A, Width of Right-of-way (ROW) Buffer	R-O-W Buffer must be 20 ft when facing a ultimate R-O-W larger that 100'	10 ft. minimum ROW buffer along Northlake Boulevard including a five foot easement overlap	10 ft.reduction
V.3	Table 7.C.3.B, Foundation planting	8 ft. Planting Width for Front and Side of the Building	5 ft. Width Front (North) and Side (West) façade.	3 ft.reduction

SITUS ADDRESS:	Vacant	
OWNER NAME & ADDRESS:	First Care Fmly Resources Inc Po Box 15198 West Palm Beach, FL 33416-5198	
PCN:	00-42-42-24-05-000-0010	
ZONING DISTRICT:	Residential Tansitional	
PROPOSED ZONING:	Commercial Low Office	
BCC DISTRICT:	1	
PROJECT MANAGER:	Vincent Stark, Site Planner I	
LAND USE:	LR-1	S/T/R: 24-42-42
CONTROL #:	2005-00193	
LOT AREA:	0.98 acres +/-	
APPLICANT REQUEST:	to allow a reduction in lot size, a reduction in ROW buffer width and, a reduction in Foundation plantings width on 0.98 acres	