

RESOLUTION NO. ZR-2023-034

RESOLUTION APPROVING ZONING APPLICATION ZV-2023-00375
CONTROL NO. 2022-00116
TYPE II VARIANCE (*STAND ALONE*)
APPLICATION OF Alternate Educational Systems Property 4 LLC
BY Schmidt Nichols, AGENT
(CHABAD CHAI CENTER)

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) 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-2023-00375 of Alternate Educational Systems Property 4 LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to allow a reduction in lot size, lot depth, and rear setback on 2.77 acres was presented to the Zoning Commission at a public hearing conducted on November 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 finds that the request meets all 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

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application ZV-2023-00375, the Application of Alternate Educational System Property 4 LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to allow a reduction in rear setback on 2.77 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 November 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 Reves moved for the approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted on November 2, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on November 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

TRACTS 119 AND 120, BLOCK 71, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE FLORIDA TURNPIKE A/K/A THE SUNSHINE STATE PARKWAY RIGHT OF WAY THROUGH TRACT 120.

AND LESS

A PORTION OF TRACTS 119 AND 120, BLOCK 71, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 119; THENCE NORTH 89°33'47" EAST, ALONG THE NORTH LINE OF SAID TRACTS 119 AND 120 A DISTANCE OF 444.70 FEET; THENCE SOUTH 01°13'47" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 386.89 FEET; THENCE SOUTH 89°33'47" WEST A LONG A LINE 386.86 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 119 AND 120, A DISTANCE OF 449.98 FEET; THENCE NORTH 00°26'50" WEST, ALONG THE WEST LINE OF SAID TRACT 119, A DISTANCE OF 386.86 FEET TO THE POINT OF BEGINNING.

AND LESS

A PORTION OF TRACTS 119 AND 120, ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING WITHIN SECTION 5, TOWNSHIP 47 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 119; THENCE SOUTH 89°33'47" WEST, ALONG THE NORTH LINE OF TRACT 119, A DISTANCE OF 199.48 FEET; THENCE SOUTH 00°26'13" EAST, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2,837.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 05°41'22" EAST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°41'01", A DISTANCE OF 281.42 FEET; THENCE NORTH 89°59'34" EAST, A DISTANCE OF 42.90 FEET; THENCE SOUTH 01°13'47" EAST, ALONG THE WEST RIGHT OF WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 11.51 FEET; THENCE SOUTH 89°33'47" WEST, ALONG THE NORTH LINE OF THE 50 FOOT ROAD, DITCH AND DYKE RESERVATION ACCORDING TO THE PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS CONVEYED TO LAKE WORTH DRAINAGE DISTRICT (L-40 CANAL RIGHT OF WAY) PER O.R. BOOK 1585, PAGE 505, A DISTANCE OF 324.11 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 2.769 ACRES, MORE OR LESS, SITUATE, LYING AND BEING

EXHIBIT B

VICINITY SKETCH

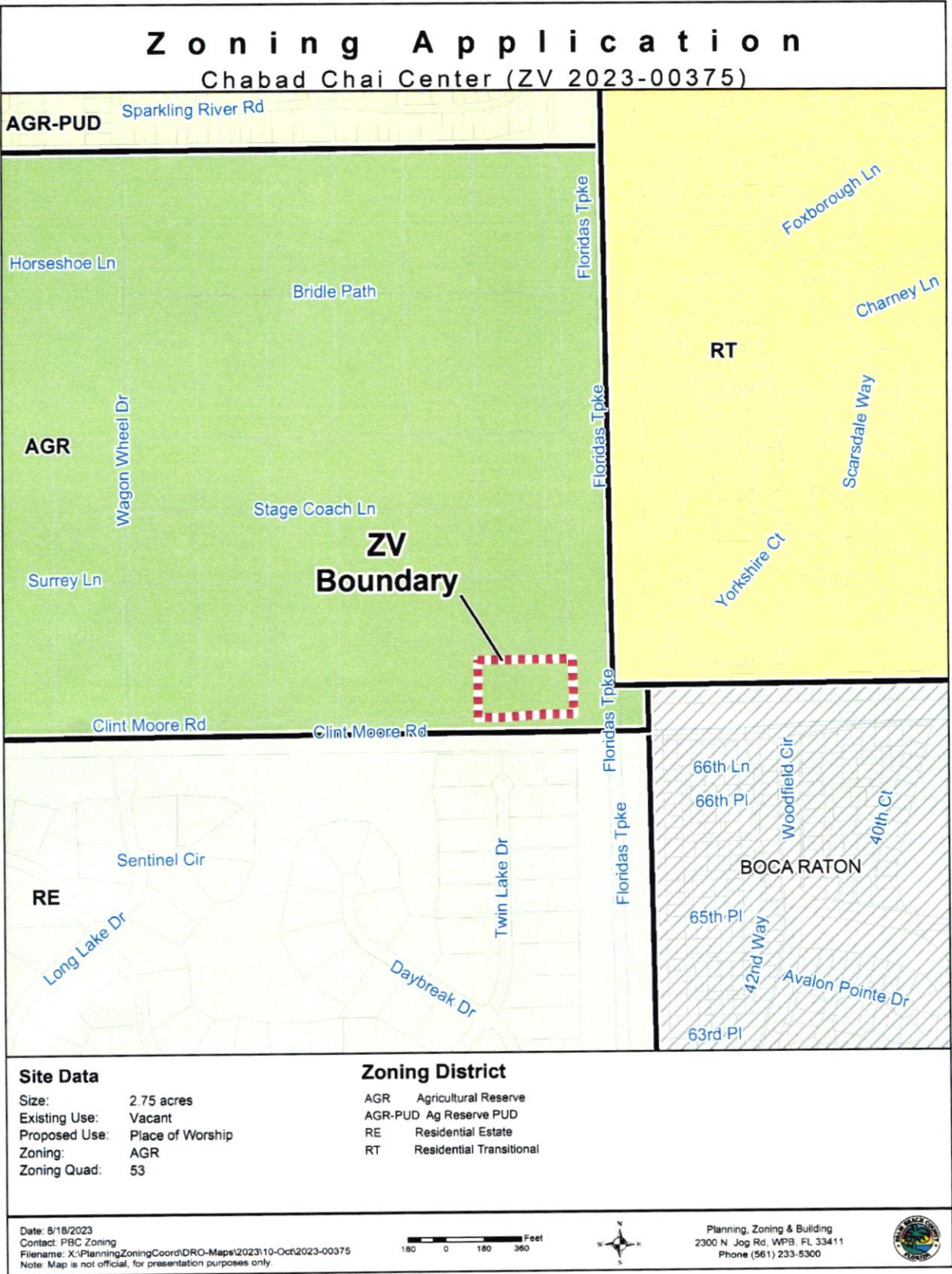


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The Preliminary Site Plan is dated August 9, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, to site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. The Development Order for this Variance shall be valid till November 1, 2024, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit to vest the variance for the setback. (DATE: MONITORING - Zoning)
3. Prior Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)
4. 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)

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

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: MONITORING - 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: MONITORING - 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

Variance	ULDC Article	Required	Proposed	Variance
V-1 Removed	Art. 3.D.1.A, Property Development Regulations	Minimum lot size required of 5 acres	2.77 acres	2.23 acres reduction
V-2 Removed	Art. 3.D.1.A, Property Development Regulations	300 ft. Depth of lot	261.8 ft. lot depth	38.2 ft. reduction
V-3	Art. 3.D.1.A, Property Development Regulations	100 ft. rear setback	60.0 ft. rear setback	40.0 ft. reduction

SITUS ADDRESS:	Vacant	
OWNER NAME & ADDRESS:	Educational Alternate 10540 La Reina Rd Delray Beach, FL 33446-2725	
PCN:	00-42-43-27-05-071-1192	
ZONING DISTRICT:	AGR	
BCC DISTRICT:	5	
PROJECT MANAGER:	Vincent Stark, Site Planner I	
LAND USE:	AGR	S/T/R: 27-43-42
CONTROL #:	2022-00116	
LOT AREA:	2.77 acres +/-	
APPLICANT REQUEST:	to allow a reduction in lot size, lot depth, and rear setback on 2.77 acres	