

RESOLUTION NO. ZR-2023 - 035

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2023-00532

(CONTROL NO. 2023-00035)

SUBDIVISION VARIANCE (*CONCURRENT*)

APPLICATION OF United Spectrum Corp.

BY Urban Design Studio, AGENT

(BOCA RATON ACHIEVEMENT 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 (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/CA-2023-00532 the Application of United Spectrum Corp. by Urban Design Studio, Agent, for a Subdivision Variance to allow a reduction of the legal access width on 5.00 acres; and a Class A Conditional Use to allow a Private Elementary or Secondary School on 5.00 acres was presented to the Zoning Commission at a public hearing conducted on December 7, 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:

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

2. Zoning Application SV/CA-2023-00532, the Application of United Spectrum Corp., by Urban Design Studio, Agent, for a Subdivision Variance to allow a reduction of the legal access width on 5.00 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 December 7, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof; and Subdivision 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	- Absent
Sheri Scarborough	- Aye
Lisa Reves	- Absent
Alex Brumfield III	- Absent
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on December 7, 2023.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2023-00532 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on December 7, 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

PARCEL 1

THAT PORTION OF TRACT 51, OF SECTION 20, THE PALM BEACH FARMS CO., PLAT NO.1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN THE WEST 990 FEET OF THE NORTH WEST QUARTER (NW ¼) OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, LESS THE EASTERLY 23.40 FEET THEREOF.

PARCEL 2

THE EAST 23.40 FEET OF TRACT 51, SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

TRACT 51, PLAM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 26 THROUGH 28, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT 51; THENCE S01°22'55"E, ALONG THE WEST LINE OF TRACT 52 OF SAID PLAT 653.30 FEET TO THE NORTH RIGHT-OF-WAY LINE OF L.W.D.D. CANAL LATERAL 35, AS RECORDED IN OFFICIAL RECORDS BOOK 1732, PAGE 612, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S89°52'50"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 332.36 FEET TO THE EAST LINE OF THE TRACT 50 OF SAID PLAT; THENCE N01°22'27"W, ALONG SAID EAST LINE OF TRACT 50, A DISTANCE OF 653.31 FEET TO THE SOUTH LINE OF TRACT 46 OF SAID PLAT; THENCE N89°52'59"E, ALONG SAID SOUTH LINE OF TRACT 49, A DISTANCE OF 332.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 217,051 SQUARE FEET (5.0 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

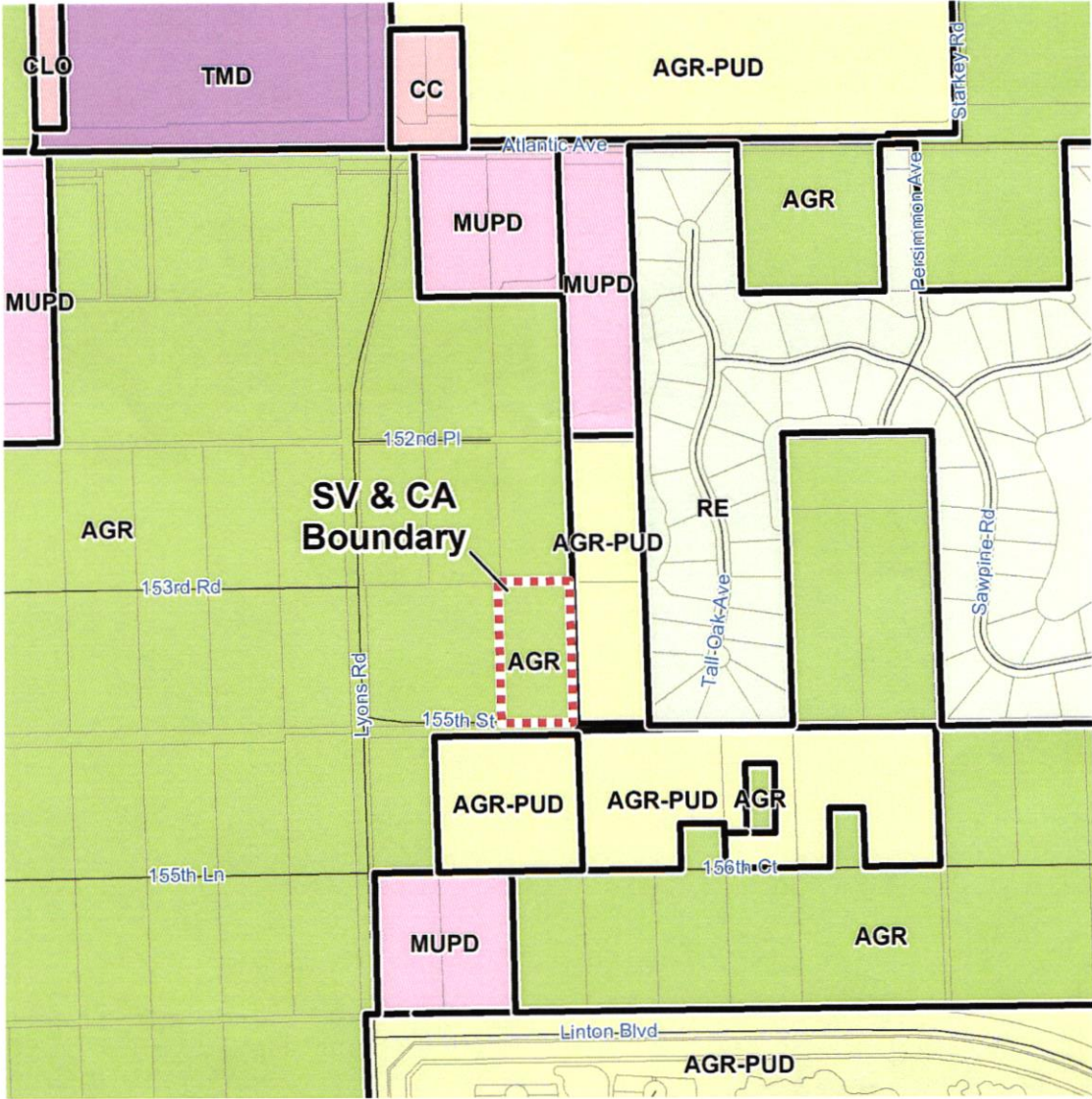


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance on 5.00-acres

ENGINEERING

1. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall construct 155th Street South from Lyons Road to the eastern project limits, including a 6 feet wide sidewalk, Type "F" curb & gutter on both north & south sides of roadway, and guardrail on the canal side along with an approved turn-around, to be consistent with Palm Beach County standards for a non-plan collector/local commercial roadway, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (BLDGPMT/CO: MONITORING - Engineering)

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 Minimum Legal Access	Minimum legal access width of 80-foot Right-of-Way ("ROW")	Access width of 40-foot easement	To allow access from 40 feet wide easement

SITUS ADDRESS:	8839 155th St S Delray Beach 33446		
OWNER NAME & ADDRESS:	Ellyn Feldman Plant Triad 4566 St Andrews Dr Boynton Beach, FL 33436-4426		
PCN:	00-42-46-20-01-000-0511 00-42-46-20-01-000-0512		
ZONING DISTRICT:	AGR		
BCC DISTRICT:	5		
PROJECT MANAGER:	Nancy Frontany Bou, Senior Site Planner		
LAND USE:	AGR	S/T/R: 20-46-42	
CONTROL #:	2023-00035		
LOT AREA:	5.00 acres +/-		
APPLICANT REQUEST:	to allow a reduction of the legal access width on 5.00 acres		