

RESOLUTION NO. ZR-2023-029

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD-2022-00143
(CONTROL NO. 2022-00005)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF G. L. Homes of Palm Beach Associates LTD,
Lake Worth Drainage District
BY G.L. Homes, AGENT
(HYDER WEST AGR-PUD)

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-2022-00143 the Application of G.L. Homes of Palm Beach Associates LTD, Lake Worth Drainage District by G.L. Homes, Agent, for a Type 2 Variance to eliminate a portion of the east and west perimeter buffers of the proposed wetlands preserve area on 581.92 acres and for an Official Zoning Map Amendment from the Agricultural Reserve (AGR) and the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning Districts to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District on 581.92 acres was presented to the Zoning Commission at a public hearing conducted on October 5, 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, 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/PDD-2022-00143, the Application of G. L. Homes of Palm Beach Associates LTD, Lake Worth Drainage District, by G.L. Homes, Agent, for a Type 2 Variance to eliminate a portion of the east and west perimeter buffers of the proposed wetlands preserve area on 581.92 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 October 5, 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	- 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 October 5, 2023.

This resolution shall only become effective upon the effective date of a resolution approving Zoning Application ZV/PDD-2022-00143 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on October 5, 2023 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

COUNTY ATTORNEY
Scott Stone

BY: 

CHAIR
Jess Sowards

EXHIBIT A

LEGAL DESCRIPTION

BEING A PARCEL OF LAND LYING WITH IN SECTION 36, TOWNSHIP 46 SOUTH, RANGE 41 EAST, BEING ALL OF TRACTS 2 THROUGH 8, INCLUSIVE, TRACTS 13 THROUGH 23, INCLUSIVE, TRACTS 26 THROUGH 47, INCLUSIVE AND A PORTION OF TRACTS 1, 9, 24 25 AND 48, TOGETHER WITH THE ABUTTING ROAD, DYKE AND DITCH RESERVATIONS, ALL LYING WITHIN BLOCK 69, ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4; THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4; ALL OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A PORTION OF SECTION 25, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00°52'07" EAST, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 672.99 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°52'07" EAST, A DISTANCE OF 13.01 FEET; THENCE NORTH 89°36'38" EAST, ALONG THE NORTH LINE OF SAID TRACTS 13 THROUGH 16, A DISTANCE OF 2043.43 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 1974.84 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 293.56 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 260.61 FEET; THENCE NORTH 89°05'42" EAST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 163.36 FEET; THENCE SOUTH 89°21'36" WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00°54'17" WEST, A DISTANCE OF 557.34 FEET; THENCE SOUTH 89°39'27" WEST, A DISTANCE OF 1356.34 FEET; THENCE SOUTH 00°56'16" EAST, A DISTANCE OF 529.84 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 406.94 FEET; THENCE NORTH 00°54'18" WEST, A DISTANCE OF 254.70 FEET; THENCE SOUTH 89°03'44" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 00°54'18" WEST, ALONG THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 780.45 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2050.84 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 55.00 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 2998.57 FEET; THENCE SOUTH 01°06'47" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 93210-2515 RIGHT-OF-WAY MAP, A DISTANCE OF 214.31 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01°06'44" EAST, A DISTANCE OF 956.95 FEET; THENCE ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3922, PAGE 1127 AND THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 11873, PAGE 1779, SAID PUBLIC RECORDS, SOUTH 88°55'00" WEST, A DISTANCE OF 366.34 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 11873, PAGE 1779 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES, SOUTH 01°06'44" EAST, A DISTANCE OF 537.00 FEET; THENCE NORTH 88°55'00" EAST, A DISTANCE OF 366.34 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF STATE ROAD 7, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION STATE PROJECT NO. 93210-2515 RIGHT-OF-WAY MAP FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES SOUTH 01°06'44" EAST, A

DISTANCE OF 1360.22 FEET; THENCE SOUTH 01°06'45" EAST, A DISTANCE OF 1362.50 FEET; THENCE SOUTH 01°48'05" EAST, A DISTANCE OF 30.01 FEET; THENCE SOUTH 01°28'29" EAST, A DISTANCE OF 1320.36 FEET; THENCE SOUTH 89°34'36" WEST, A DISTANCE OF 5.79 FEET; THENCE SOUTH 01°16'34" EAST, A DISTANCE OF 30.00 FEET; THENCE ALONG THE NORTH LINE OF STONEBRIDGE PLAT NO. 1, AS RECORDED IN PLAT BOOK 49, PAGES 112 THROUGH 119, AND ALONG THE NORTH LINE OF STONEBRIDGE PLAT NO. 2, AS RECORDED IN PLAT BOOK 53, PAGES 38 THROUGH 44, ALL OF SAID PUBLIC RECORDS FOR THE FOLLOWING THREE (3) DESCRIBED COURSES, SOUTH 89°34'36" WEST, A DISTANCE OF 5075.61 FEET; THENCE NORTH 00°52'07" WEST, A DISTANCE OF 37.26 FEET; THENCE SOUTH 89°50'37" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 1318.72 FEET; THENCE NORTH 00°51'32" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 2013.43 FEET; THENCE NORTH 89°36'12" EAST, ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 1318.33 FEET TO THE POINT OF BEGINNING

CONTAINING 581.923 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

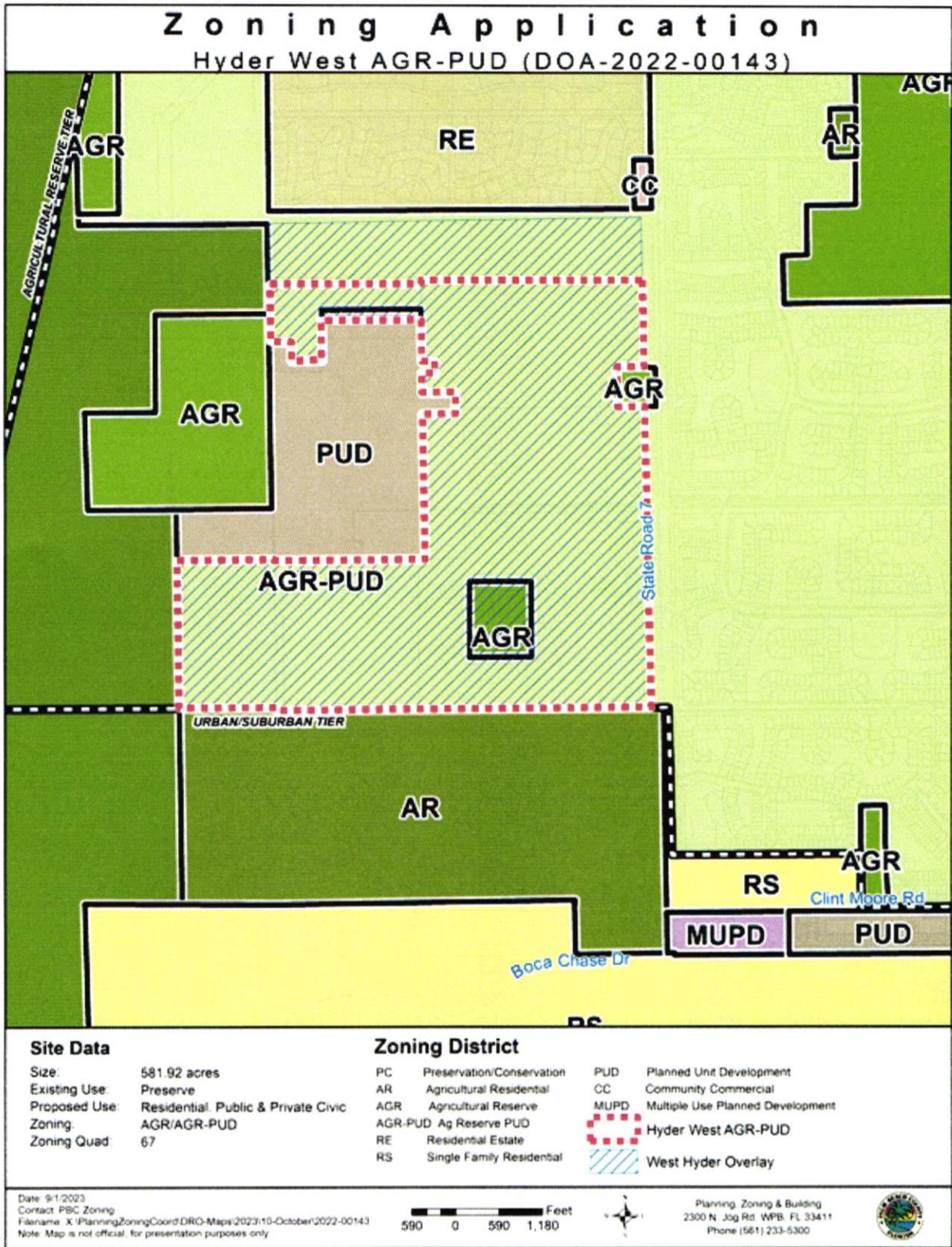


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Master Plan is dated August 21, 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 Zoning Commission. (ONGOING: ZONING - Zoning)

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. (BLDGPMT 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: 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

TYPE II VARIANCE SUMMARY

Variance No.	ULDC Article	Required	Proposed	Variance
V.1	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the east property line	Elimination of approx. 470 ft. of the AGR-PUD Buffer along the easterly edge of preserve area	Eliminate 50 ft. wide AGR-PUD Buffer (for approx. 470 linear ft.)
V.2	Article 7, Chapter C.2.C.4. AGR-PUD Landscape Buffer	50 ft. AGR-PUD Buffer along the west property line	Elimination of approx. 1350 ft. of the AGR-PUD Buffer along the westerly edge of preserve area	Eliminate 50 ft. wide AGR-PUD Buffer (for approx. 1350 linear ft.)

SITUS ADDRESS:	17507 S State Road 7 Delray Beach 33446	
OWNER NAME & ADDRESS:	G L Homes Of Palm Beach Associates LTD GI Homes Of Palm Beach Associates LTD Lake Worth Drainage District 1600 Sawgrass Corporate Pkwy, Ste 400 Fort Lauderdale, FL 33323-2890	
PCN:	00-41-46-25-00-000-1040, 00-41-46-25-00-000-1050 00-41-46-25-00-000-5020, 00-41-46-25-00-000-5030 00-41-46-25-00-000-5040, 00-41-46-35-00-000-1010 00-42-43-27-05-069-0092, 00-42-43-27-05-069-0012 00-42-43-27-05-069-0011, 00-42-43-27-05-069-0131 00-42-43-27-05-069-0013, 00-42-43-27-05-069-0132	
ZONING DISTRICT:	AGR, AGR-PUD	
BCC DISTRICT:	District 5, Vice Mayor Maria Sachs	
PROJECT MANAGER:	Timothy Haynes, Senior Site Planner	
LAND USE:	AGR	S/T/R: 25-46-41 27-43-42 35-46-41
CONTROL #:	2022-00005	
LOT AREA:	581.92 acres +/-	
APPLICANT REQUEST:	to eliminate a portion of the east and west perimeter buffers of the proposed wetlands preserve area on 581.92 acres	