

RESOLUTION NO. R-2022- 1414

RESOLUTION APPROVING ZONING APPLICATION ABN/Z-2022-00681  
(CONTROL NO. 2007-00288)  
an Official Zoning Map Amendment  
APPLICATION OF Toll Brothers, Inc., 7 T'S Enterprises Inc, Westside Farms Inc  
BY Urban Design Studio, AGENT  
(Thomas Property)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/Z-2022-00681 submitted on behalf of Toll Brothers, Inc., 7 T'S Enterprises Inc, Westside Farms Inc, by Urban Design Studio, Agent, for a Development Order Abandonment to Abandon to abandon a Type 1 Restaurant; 4 Type 2 Restaurants; and a Congregate Living Facility Type 3; and an Official Zoning Map Amendment to allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District was presented to the Board of County Commissioners at a public hearing conducted on November 28, 2022;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment and Article 3.B.3 for a Conditional Overlay Zone;

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 the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/Z-2022-00681, the Application of Toll Brothers, Inc., 7 T'S Enterprises Inc, Westside Farms Inc, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to

allow a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Single Family Residential (RS) Zoning District on 37.40 acres, with a Conditional Overlay Zone (COZ), 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 28, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kerner moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 28, 2022.

Filed with the Clerk of the Board of County Commissioners on December 2nd, 2022

This resolution shall not become effective unless or until the effective date of the Large Scale Land Use Amendment No. LGA-2022-0016

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY: [Signature] for S.S.  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

TRACTS 113, 114 AND 115, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2

TRACTS 116, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3

TRACTS 117, 118 AND 119 OF BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND SECTION 6, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 1,629,100 SQUARE FEET/ 37.399 ACRES, MORE OR LESS.

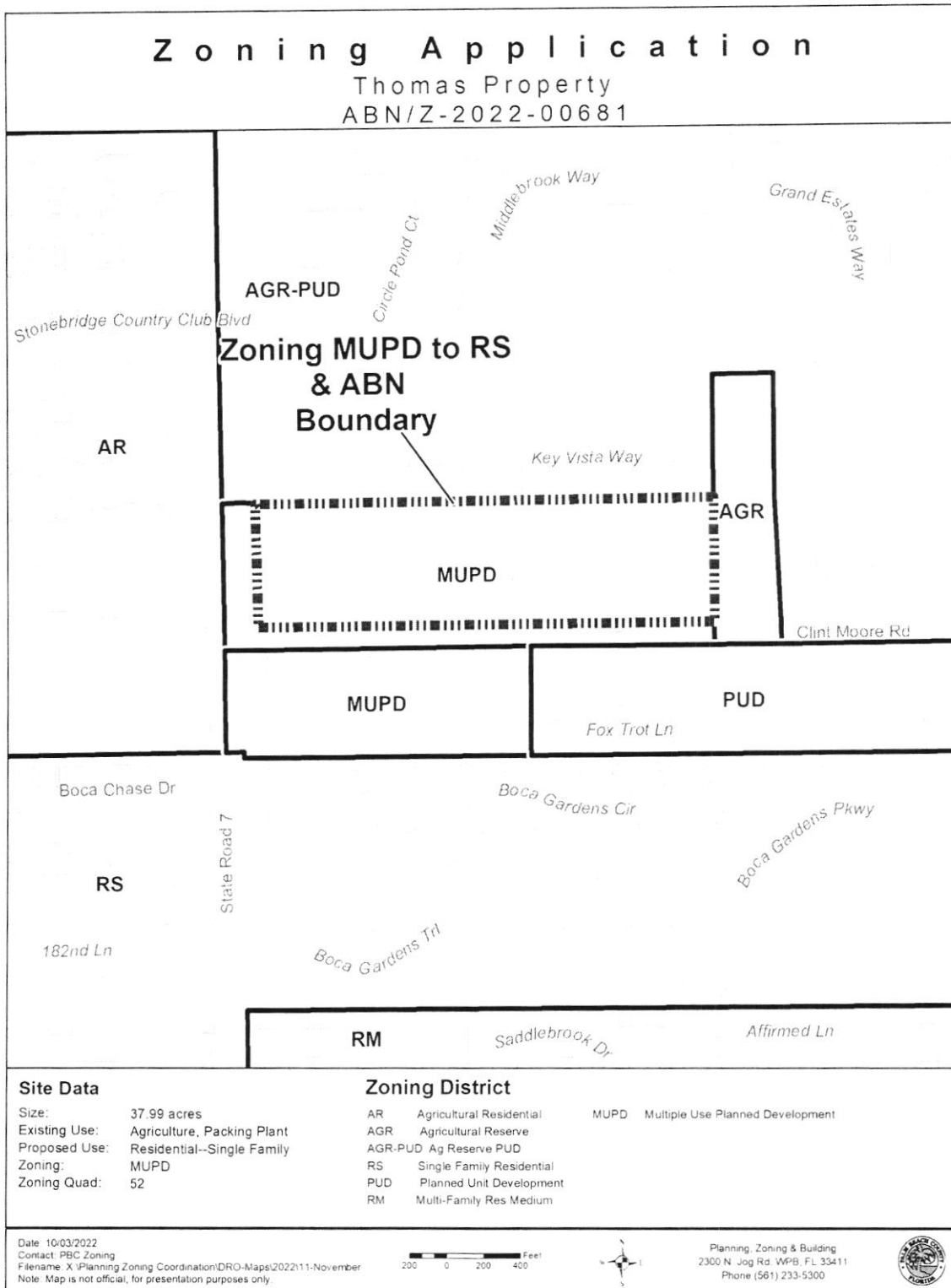
ALSO KNOW AS:

TRACTS 113, 114, 115, 116, 117, 118 AND 119, BLOCK 70, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 113; THENCE ALONG THE WEST LINE OF SAID TRACT 113, NORTH 01°27'31" WEST A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 113; THENCE ALONG THE NORTH LINES OF SAID TRACTS 113, 114, 115, 116, 117, 118 AND 119, NORTH 89°34'01" EAST A DISTANCE OF 2,474.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT 119; THENCE ALONG THE EAST LINE OF SAID TRACT 119, SOUTH 00°25'59" EAST A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 119; THENCE ALONG THE SOUTH LINES OF SAID TRACTS 119, 118, 117, 116, 115, 114 AND 113, SOUTH 89°34'01" WEST A DISTANCE OF 2,462.43 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND SECTION 6, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 1,629,100 SQUARE FEET (37.399 ACRES), MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

##### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2027, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. 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)

3. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Clint Moore Road at the intersection of Clint Moore Road and State Road 7. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

4. The Property Owner shall modify the existing full median opening on Clint Moore Road at the proposed access to align it with the existing shopping center main driveway on the south side of Clint Moore Rd as shown on the approved site plan 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.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

##### LAKE WORTH DRAINAGE DISTRICT

1. LWDD will require the petitioner to convey a 35-foot exclusive easement on the north side of the L-40 Canal prior to platting. (PLAT: ENGINEERING - Lake Worth Drainage District)

2. LWDD will require the petitioner to convey a 50-foot exclusive easement on the east side of the E-1 Canal prior to platting. (PLAT: ENGINEERING - Lake Worth Drainage District)

##### PLANNING

1. Per LGA 2022-16, Condition 1: Residential dwelling units shall be limited to a maximum of 75 units with no further density increases permitted through density bonus programs. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-16, Condition 2: The zoning development order shall require a minimum of 10% of the total dwelling units to be provided as workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC and may utilize all disposition options, with the exception of the in-lieu fee option. (ONGOING: PLANNING - Planning)

3. Prior to Final DRO, the Property Owner shall submit all of the applicable documents and plans to match what the BCC approves. (DRO: PLANNING - Planning)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners 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 Board of County Commissioners 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 of Approval; 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.