

RESOLUTION NO. R-2023- 0108

RESOLUTION APPROVING ZONING APPLICATION ABN/DOA/CA-2021-02125
(CONTROL NO. 1996-00081)
a Class A Conditional Use
APPLICATION OF Civic Hypoluxo Holding LLC
BY JMorton Planning & Landscape Architecture, AGENT
(Villages of Windsor - SE Residential)

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/DOA/CA-2021-02125 submitted on behalf of Civic Hypoluxo Holding LLC by JMorton Planning & Landscape Architecture, Agent for a Development Order Abandonment abandon a Class A Conditional Use to allow a Type 3 Congregate Living Facility on 12.12 acres; a Development Order Amendment to reconfigure the Master Plan; add units; re-designate land use from a Civic Pod to a Residential Pod; and, modify and delete Conditions of Approval on 543.59 acres; a Class A Conditional Use to allow a Transfer of Development Rights (TDRs) on 11.84 acres; and a Class A Conditional Use to Workforce Housing density bonus greater than 50 percent on 11.84 acres was presented to the Board of County Commissioners at a public hearing conducted on January 26, 2023;

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 a Class A Conditional Use;

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/DOA/CA-2021-02125, the Application of Civic Hypoluxo Holding LLC, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow a Transfer of Development Rights (TDRs) on 11.84 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 January 26, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	- Aye
Commissioner Maria Sachs, Vice Mayor	- Nay
Commissioner Maria G. Marino	- Aye
Commissioner Michael A. Barnett	- 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 January 26, 2023.

Filed with the Clerk of the Board of County Commissioners on February 1, 2023.

The Chair thereupon declared that this resolution shall not become effective the Large Scale Land Use Amendment No. LGA-2022-00017 is effective.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: [Signature]
COUNTY ATTORNEY

BY: [Signature]
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS BY WARRANTY DEED RECORDED DECEMBER 29, 2020 IN OFFICIAL RECORDS BOOK 32043, PAGE 1740.

ALSO DESCRIBED AS

A PORTION OF PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL A; THENCE ON A GRID BEARING OF SOUTH 89°01'05" WEST ALONG THE NORTH LINE OF TRACTS 44 THROUGH 46, BLOCK 42, THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 PAGES 45 THROUGH 54 OF SAID PUBLIC RECORDS, A DISTANCE OF 990.00 FEET; THENCE SOUTH 01°02'51" EAST ALONG THE WEST LINE OF SAID TRACT 44, A DISTANCE OF 661.91 FEET; THENCE SOUTH 89°00'19" WEST ALONG THE SOUTH LINE OF SAID PARCEL A, A DISTANCE OF 626.32 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 32043, PAGE 1740; THE FOLLOWING TEN COURSES AND DISTANCES ARE ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 12°07'27" EAST, A DISTANCE OF 50.73 FEET; THENCE NORTH 00°23'18" EAST, A DISTANCE OF 78.33 FEET; THENCE NORTH 00°41'41" WEST, A DISTANCE OF 100.30 FEET; THENCE NORTH 02°31'45" EAST, A DISTANCE OF 70.92 FEET; THENCE NORTH 37°49'05" WEST, A DISTANCE OF 17.86 FEET; THENCE NORTH 02°48'24" EAST, A DISTANCE OF 53.84 FEET; THENCE NORTH 00°58'10" WEST, A DISTANCE OF 10.68 FEET; THENCE NORTH 11°26'17" EAST, A DISTANCE OF 6.98 FEET; THE FOLLOWING TEN COURSES AND DISTANCES ARE ALONG THE SOUTH RIGHT-OF-WAY LINE OF HYPOLUXO ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 10031, PAGE 692 OF SAID PUBLIC RECORDS AND SAID OFFICIAL RECORD BOOK 32043, PAGE 1740; THENCE NORTH 00°58'10" WEST, A DISTANCE OF 280.00 FEET; THENCE NORTH 44°01'50" EAST, A DISTANCE OF 56.57 FEET; THENCE NORTH 89°01'50" EAST, A DISTANCE OF 88.45 FEET; THENCE SOUTH 77°28'40" EAST, A DISTANCE OF 51.44 FEET; THENCE NORTH 88°56'00" EAST, A DISTANCE OF 337.48 FEET; THENCE NORTH 49°23'47" EAST, A DISTANCE OF 19.32 FEET; THENCE NORTH 87°56'17" EAST, A DISTANCE OF 52.05 FEET; THENCE NORTH 01°02'51" WEST, A DISTANCE OF 6.11 FEET; THENCE NORTH 89°01'50" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 01°02'51" EAST, A DISTANCE OF 5.73 FEET; THENCE NORTH 87°56'17" EAST, A DISTANCE OF 300.49 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 00°58'10" WEST, A RADIAL DISTANCE OF 1,480.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 28°11'51", A DISTANCE OF 728.37 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A; THENCE SOUTH 01°02'51" EAST ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 225.56 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTIONS 7 AND 8, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 515,875 SQUARE FEET OR 11.8429 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

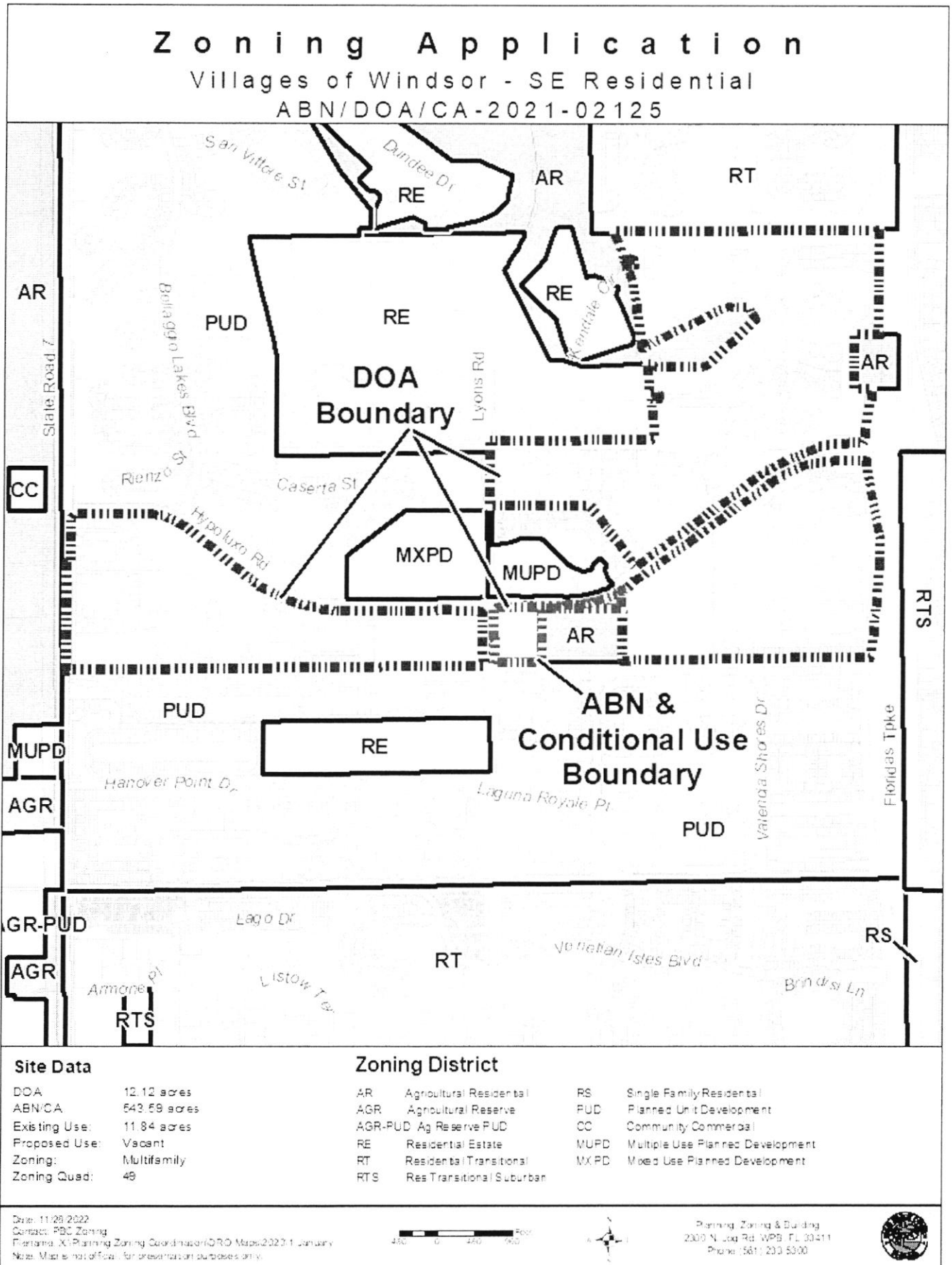


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use – Transfer of Development Rights – 11.84 acres

ALL PETITIONS

1. The approved Site Plan is dated November 29, 2022. 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 Board of County Commissioners. (ONGOING: ZONING - Zoning)

PLANNING

1. The subject request for 187 units with a 47-unit Workforce Housing Program (WHP) obligation was calculated based on a WHP obligation of 25% of the total units per LGA 2022-17 condition 3. The WHP units are to be rentals and will be provided onsite. A 59% WHP density bonus or 56 units and 36 TDR's were utilized. The companion amendment (LGA2022-17) conditions 1-3, limits total units to 187du, required 25% WHP onsite (47du) and requires the purchase of 36 TDR s. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-017, condition 2: A minimum of 36 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate 36 TDR units at a total selling price of \$ \$602,700.00 (24 TDR units to be purchased at the Market Rate Multifamily price of \$ \$24,500.00 per unit = \$ 588,000.00; and, 12 TDR units to be purchased at the WHP Multifamily price of \$ 1,225.00 per unit = \$ 14,700.00). Upon execution of the contract, the contract shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (DRO: ZONING - County Attorney)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING - County Attorney)

3. Prior to technical compliance of the plat or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDGPMT/TC: ZONING - Zoning)

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.