

RESOLUTION NO. R-2023- 0111

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2022-00488
(CONTROL NO. 1978-00129)
a Class A Conditional Use
APPLICATION OF Willis Family Trust, The Colony Estates at Boynton LLC
BY WGINC, AGENT
(Colony Estates at Boynton)

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 Z/CA-2022-00488, submitted on behalf of Willis Family Trust, and The Colony Estates at Boynton LLC, by WGINC, Agent for approving an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Residential Single Family (RS) Zoning District, a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units and; a Class A Conditional Use a to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights in excess of two units per acre 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 Z/CA-2022-00488, the Application of Willis Family Trust and The Colony Estates at Boynton, LLC, by WGINC, Agent, for a Class A Conditional Use to allow Zero Lot Line (ZLL) dwelling units on 9.78 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 Woodward moved for the approval of the Resolution.

The motion was seconded by Commissioner Marino 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 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 Small Scale Land Use Amendment No. SCA-2022-00022 is effective.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK




EXHIBIT A
LEGAL DESCRIPTION

PARCEL A

THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT OF WAY DEED RECORDED IN DEED BOOK 1048, PAGE 222 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

THE FOLLOWING DESCRIBED PARCEL OF LAND, SITUATE, LYING AND BEING IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE RUN SOUTH 2° 05' 56" EAST, A DISTANCE OF 65 FEET TO THE SOUTH LINE OF LAKE WORTH DRAINAGE DISTRICT RIGHT OF WAY; THENCE RUN SOUTH 89° 43' 14" WEST, A DISTANCE OF 334.24 FEET TO A POINT; THENCE RUN SOUTH 2° 08' 51" WEST, A DISTANCE OF 612.04 FEET TO A POINT; THENCE RUN SOUTH 89° 49' 34" WEST, A DISTANCE OF 333.52 FEET TO THE POINT OF BEGINNING OF THE LAND SOUGHT TO BE DESCRIBED HEREIN;

THENCE RUN SOUTH 2° 15' 30" EAST, A DISTANCE OF 625.70 FEET TO THE NORTH BOUNDARY OF COCONUT LANE; THENCE RUN ALONG SAID BOUNDARY NORTH 89° 59' 44" WEST, A DISTANCE OF 348.09 FEET TO A POINT; THENCE RUN NORTH 2° 15' 30" WEST, A DISTANCE OF 625.70 FEET TO A POINT; THENCE RUN SOUTH 89° 59' 44" EAST, A DISTANCE OF 348.09 FEET TO THE POINT OF BEGINNING OF THE PARCEL SOUGHT TO BE DESCRIBED HEREIN.

CONTAINING: 9.779 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

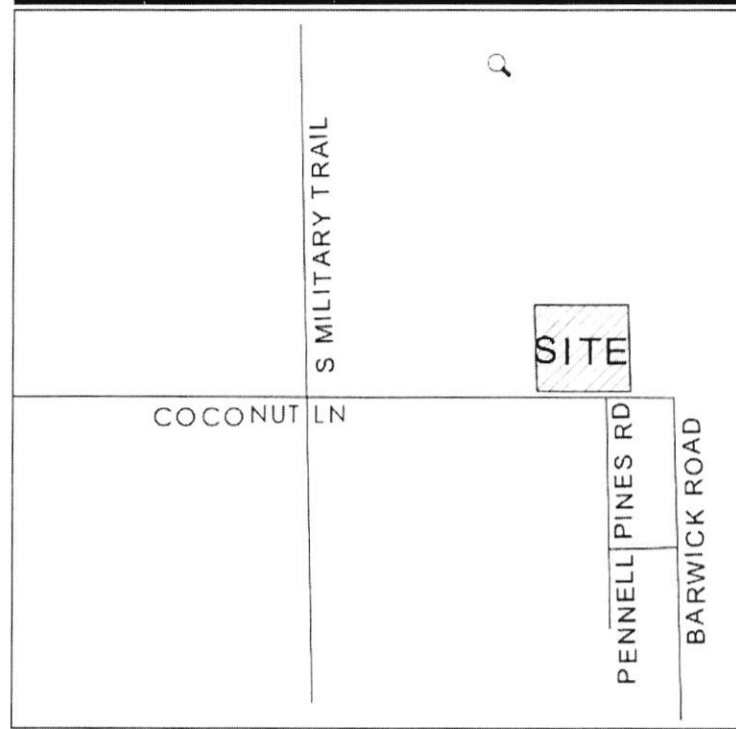


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use (Zero Lot Line) – 9.78

ALL PETITIONS

1. The approved Subdivision Plan is dated September 25, 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)

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. The Property Owner shall shorten the taper and extend the left turn bay storage length, north approach on Military Trail at Coconut Ln to the maximum extent feasible, 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)

3. Prior to the issuance of the first building permit, the Property Owner shall plat 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)

4. The Property Owner shall fund and construct a drainage system from the project site to the Barwick Road drainage system to provide for legal positive outfall for this project. The piped drainage system shall be designed to accept discharge from all other properties both adjacent to the road right of way and those discharging to the right of way. An alternative route will be acceptable as approved by the County Engineer.

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 for Improvements identified above shall be obtained from Palm Beach County 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)

5. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with the plat or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

6. Prior to final approval of the Subdivision Plan by the Development Review Officer, the Property

Owner shall add street names to the Subdivision Plan. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify the general relocation area(s) of the native species, or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PARKS

1. The recreational facilities shall be complete and open to the residents prior to the issuance of the 16 residential building permits, unless a phasing plan for the completion of the required recreation area is approved by the Parks and Recreation Department (BLDGPMT: PARKS AND RECREATION - Parks and Recreation)

SCHOOL BOARD

1. The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

SITE DESIGN

1. The development shall be limited to a maximum of 38 Zero Lot Line Dwelling Units. (DRO/BLDG PERMIT: ZONING/BUILDING DIVISION – Zoning)

2. The Zero Lot Line dwelling units abutting the north, east, and west property lines, shall have a minimum rear setback of 27 feet for the principal structure. (ONGOING/DRO/BLDG PERMIT: BUILDING DIVISION – 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: ZONING - 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.