

RESOLUTION NO. R-2023 -0112

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2022-00488
(CONTROL NO. 1978-00129)
TRANSFER OF DEVELOPMENT RIGHTS (TDR)
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 a to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights in excess of two units per acre 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 Matthew 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

BY: 
COUNTY ATTORNEY

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

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

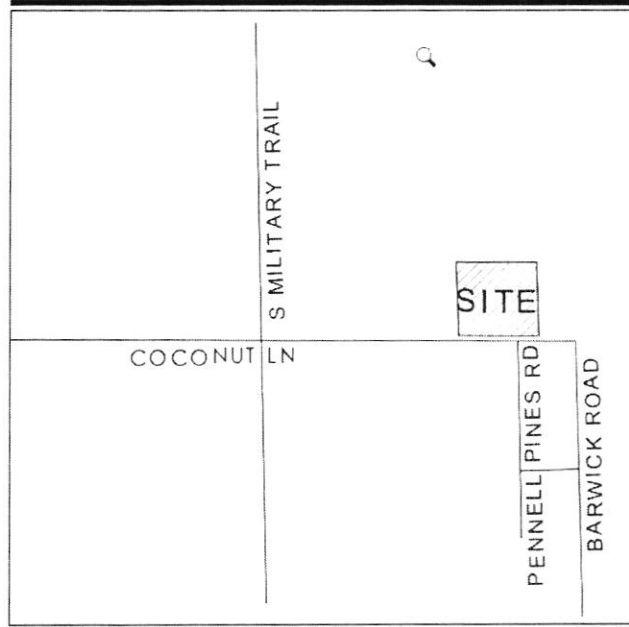


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use to allow a combined density increase of Workforce Housing Program and Transfer of Development Rights in excess of two units per acre – 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)

LANDSCAPING – PERIMETER (NORTH, EAST and WEST Property Line)

1. Landscape within the Compability Buffers shall be upgraded as follows:
 - a. Minimum Width: 8 feet;
 - b. Canopy Trees: Minimum height of 14 feet and the minimum quantity shall be one tree for each 20 linear feet.
 - c. Palm or Pine: Minimum quantity shall be one for each 20 linear feet;
 - d. Hedge: Minimum 4 foot at time of installation, and maintained at eight foot height.
 - e. Wall: Minimum height 6 feet within the perimeter buffers along the north and west property lines; and,
 - f. Fence: Minimum height 6 feet within the perimeter buffer along the east property line.
- (DRO/BLDG PERMIT:ZONING- Zoning)

PLANNING

1. Per SCA-2022-022, Condition 1, residential dwelling units shall be limited to a maximum of 38 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)
2. Per SCA-2022-022, Condition 2, the zoning development order shall require a minimum of 16% of the total dwelling units to be built as on-site 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 the ULDC. (ONGOING: PLANNING - Planning)
3. Per SCA-2022-022, Condition 3, a total of 10 Transfer of Development Rights (TDR) units shall be purchased and constructed. The thirty four percent workforce housing obligation of the TDR units, pursuant to the ULDC, shall apply to the minimum number of workforce housing units required by this ordinance. TDRs may be purchased at the WHP rate for WHP units provided on-site. (ONGOING: PLANNING - Planning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department.

The Contract for Sale and Purchase of TDRs shall accommodate a maximum of 10 TDR units at a total selling price of \$189,200 (4 TDR units to be purchased at the Market Rate Single Family price of \$44,000 per unit (\$176,000) and 6 TDR units to be purchased at the at the Workforce Single Family rate of \$2,200 per unit (\$13,200)..

Upon execution, the Property Owner shall submit the Contract to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded Contract shall be provided to the Zoning Division. (DRO: ZONING - Planning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING-Zoning)

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 Funds, pursuant to the recorded Contract for Sale and Purchase of TDRs, to the Board of County Commissioners, through the Zoning Division. (BLDG/PMT/TC: ZONING- Zoning)

4. Prior to the issuance of the first Building Permit, except Sales Models or temporary Real Estate Sales and Management Offices, the Zoning Division provides the Developer and/or Property Owner the executed Transfer of Development Rights Deed, in order for the Property Owner to submit the TDR Deed to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded TDR Deed shall be provided to the Zoning Division. (BLDGPM: MONITORING – 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.