

RESOLUTION NO. R-2025- 1308

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/Z/CA-2025-00428

(CONTROL NO. 2025-00030)

a Class A Conditional Use

APPLICATION OF Neighborlee Development LLC

BY Urban Design Studio, AGENT

(Neighborlee Living Westgate)

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 SV/ZV/Z/CA-2025-00428 was presented to the Board of County Commissioners at a public hearing conducted on September 25, 2025;

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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/ZV/Z/CA-2025-00428, the Application of Neighborlee Development LLC, by Urban Design Studio, Agent, for a Class A Conditional Use to allow for a mixed-use development incorporating 38 Multifamily residential units (33 units from the WCRA Density Bonus Pool, and 5 units from the future land use designation) on 0.66 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 September 25, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weiss moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor
Commissioner Sara Baxter, Vice Mayor
Commissioner Gregg K. Weiss
Commissioner Joel G. Flores
Commissioner Marci Woodward
Commissioner Maria Sachs
Commissioner Bobby Powell, Jr.

- Aye
- Aye
- Aye
- Aye
- Aye
- Aye
- Absent

The Mayor there upon declared that the resolution was duly passed and adopted on September 25, 2025.

Filed with the Clerk of the Board of County Commissioners on September 25, 2025.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

MICHAEL A. CARUSO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

ALL OF LOTS 20, 21, 22, 23, 24, 50, 51, 52, 53 AND 54 BLOCK 32, "WEST GATE ESTATES (NORTHERN SECTION)", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 25 OF SAID BLOCK 32; THENCE SOUTH 01°07'27" WEST, ALONG THE WEST LINE OF LOTS 25 AND 55 OF SAID BLOCK 32, A DISTANCE OF 230.00 FEET; THENCE NORTH 88°54'16" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF NOKOMIS AVENUE, AS SHOWN ON SAID PLAT, A DISTANCE OF 125.00 FEET; THENCE NORTH 01°07'27" EAST, ALONG THE EAST LINE OF LOTS 49 AND 19 OF SAID BLOCK 32, A DISTANCE OF 230.00 FEET; THENCE SOUTH 88°54'16" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON SAID PLAT, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 28750 SQUARE FEET (0.660 ACRES) MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

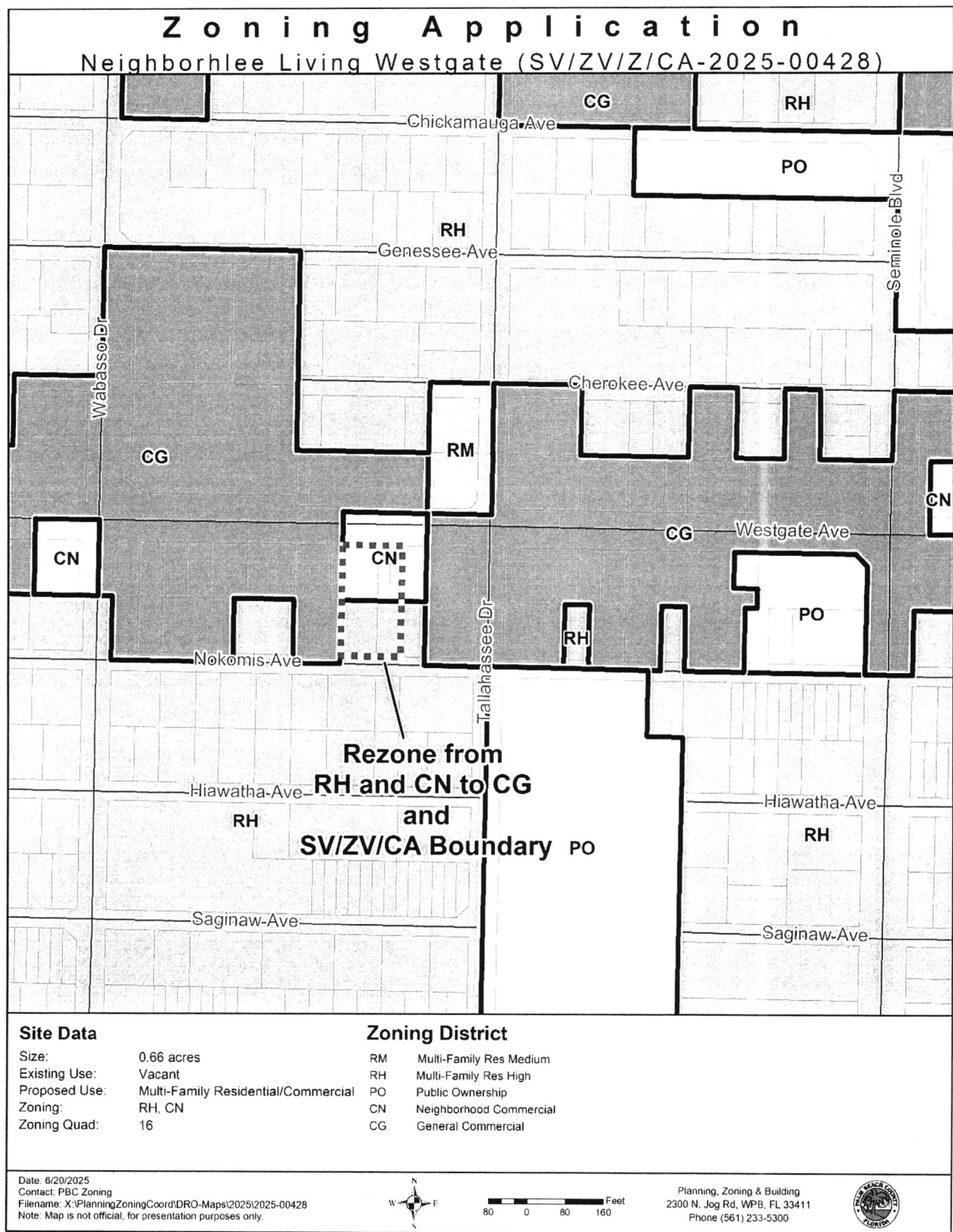


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use Density Bonus

ALL PETITIONS

1. The Preliminary Site Plan is dated June 16, 2025. 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)

ARCHITECTURAL REVIEW

1. Prior to final approval by the Development Review Officer, the Architectural Elevations, floor plans and roof plans shall be submitted for review and approval consistent with the requirements of the ULDC and the Conditions of Approval. (DRO: ZONING - Zoning)

2. Each Dwelling Unit shall have an individual bathroom and kitchen or kitchenette inside the unit, and there shall be no communal bathrooms or kitchens within the 4-story structure. (ONGOING: BUILDING - Zoning)

ENGINEERING

1. Pursuant to the Traffic Analysis dated March 3, 2025, the Buildout Date is December 31, 2028. No Building Permits for the site may be issued after December 31, 2028. 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)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER

1. The Perimeter Buffers are modified pursuant to Article 3.B.14.H.1.c Type 1 waiver process and Article 7.C.2, and shall be shown as follows:

a. The required Type 2 Incompatibility buffers along the east and west property lines shall be reduced from 15 feet to a minimum 5 feet in width.

b. The buffers along north and south property lines shall remain 10 feet in width, with a 5 foot Utility Easement (UE) overlap and 5 feet of unobstructed planting area. (DRO: ZONING - Zoning)

PLANNING

1. The subject request for 38 multifamily rental units with an 8 unit WHP obligation was calculated based on 5 units by land use and 33 units from the WCRA Bonus Pool, resulting in a 20% or 8 unit WHP obligation of the total units. No other Bonus densities were utilized. The WHP units will be for rent and provided onsite. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (Ongoing: Planning - Planning)

2: Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for the Workforce Housing Program in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING-Planning)

3: Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation for the Workforce Housing Program, such as an affidavit on a form provided by the County, demonstrating compliance with the required design standards including compatible exteriors and the provision of a model. (BLDGPM: Monitoring-Planning)

4: Prior to the issuance of the Certificate of Occupancy (CO), the Developer shall contact the Planning Division and the Westgate CRA to review the Workforce Housing Program (WHP) requirements at the commencement of leasing. (CO: MONITORING-Planning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer the applicable Final Site, Regulating and/or Master Sign Plans shall be revised as follows:

- a. Notate the reduction in the Utility Easement along Westgate Avenue and Nokomis Avenue;
- b. Notate the Recreation requirements in the Site Data
- c. Remove reference to conceptual roof top activity plan and indicate as the Recreation Area if used to meet Art. 5.D requirements.
- d. Provide all signage, ground mounted and building mounted on the Master Sign Plan (MSP).
- e. Notate Foundation planting tabular data with the foundation details on the Final Regulating Plan.(DRO: ZONING - Zoning)

USE LIMITATION

1. The maximum number of units shall be 36, unless the site plan is revised at time of final approval by the DRO to include the required number of parking spaces for 38 units. (ONGOING: 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.