

RESOLUTION NO. R-2025- 1310

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2025-00406
(CONTROL NO. 1983-00050)
an Official Zoning Map Amendment
APPLICATION OF Investment Corporation Of Palm Beach
BY Urban Design Studio, AGENT
(Westgate Village MUPD)

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/ZV/PDD/CA-2025-00406 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 an Official Zoning Map Amendment;

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 ABN/ZV/PDD/CA-2025-00406, the Application of Investment Corporation Of Palm Beach, by Urban Design Studio, Agent, for an Official Zoning Map Amendment to allow a rezoning from General Commercial (CG) and Residential High (RH) to the Multiple Use Planned Development (MUPD) Zoning District on 42.06 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	- Aye
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel G. Flores	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Absent

The Mayor thereupon 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

MICHAEL A. CARUSO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: WESTGATE VILLAGE MUPD

PARCEL 1 OF THE AFFIDAVIT OF WAIVER AS RECORDED IN OFFICIAL RECORDS BOOK 35339, PAGE 495, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO KNOWN AS:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, A DISTANCE OF 64.75 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°37'01" EAST A DISTANCE OF 61.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 4, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES; NORTH 88°22'59" WEST A DISTANCE OF 776.63 FEET; THENCE NORTH 01°27'23" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 88°22'59" WEST A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF THE WEST 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, SAID LINE ALSO BEING THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PLAT NO. 3 OF GOLFVIEW HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 234, SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 01°27'23" EAST, ALONG SAID EAST LINE AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 2093.26 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 88°37'33" EAST, A DISTANCE OF 859.08 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4041, PAGE 37, SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH THE FOLLOWING EIGHT COURSES; SOUTH 01°32'49" EAST A DISTANCE OF 243.87 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5675.60 FEET AND A CENTRAL ANGLE OF 03°05'26"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 306.14 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 01°32'37" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 713.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5675.60 FEET AND A CENTRAL ANGLE OF 02°07'52"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 211.10 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 03°40'29" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5783.60 FEET AND A CENTRAL ANGLE OF 00°54'17"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 91.33 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 02°46'12" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 307.83 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°50'49"; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 46.52 FEET TO A POINT OF TANGENCY WITH THE NORTH RIGHT-OF-WAY LINE OF SAID BELVEDERE ROAD AND THE POINT OF BEGINNING.

CONTAINING IN ALL 1,831,954 SQUARE FEET OR 42.056 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH

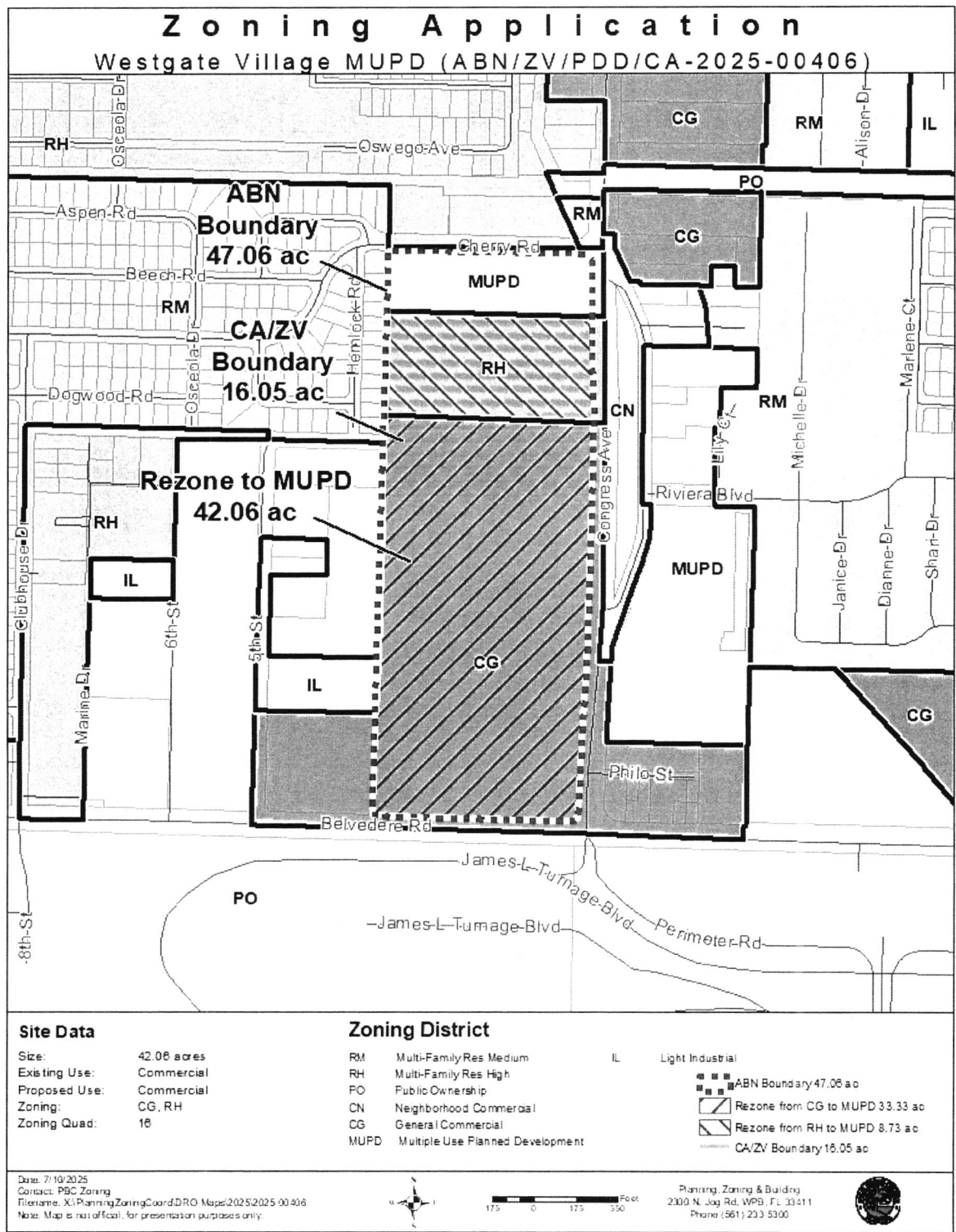


EXHIBIT C

CONDITIONS OF APPROVAL

PDD- Residential Planned Development District

ALL PETITIONS

1. The Proposed Preliminary Site Plan is dated June 23, 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)

ENGINEERING

1. Pursuant to the Traffic Analysis dated July 9, 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 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 Congress Avenue at the north entrance. 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. 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. (BLDG/PMT/ONGOING: MONITORING - Engineering)

3. Prior to the issuance of the first Building Permit, the Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Congress Avenue, 60 feet measured from centerline of the proposed right of way on an alignment approved by the County Engineer, adjacent to the residential portion of the project.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved 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. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner

shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Belvedere Road, 55 feet measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit outside of the residential parcel. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

5. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right-of-way and all associated documents as required by the County Engineer for Congress Avenue, 60 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer for the portions of Congress Avenue not included in Engineering Condition 3.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit outside of the residential parcel. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

6. The Property Owner shall i) either extend existing left turn lane west approach on Belvedere Rd at Congress Ave to 800 feet of storage and 50 feet of taper, or construct an additional left turn lane to County standards with associated signal modifications at the intersection, as approved by the County Engineer ii) modify left turn lane taper north approach on Congress Ave at Belvedere Rd to extend the storage for north approach left turn lane as approved by the County Engineer iii) extend left turn lane south approach on Congress Ave at northern most project entrance to County standards of 280 feet storage and 50 feet taper or as approved by the County Engineer iv) modify right turn lane north approach on Congress Ave at project's northern most entrance to County standards of 280 feet in storage and 50 feet in taper 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. (BLDGPMPT: MONITORING - Engineering)

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

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release and relocate the existing 40-foot drainage easement recorded in ORB 6085 PG143 adjacent to the west and north property lines. This condition can be deemed satisfied should the site be redesigned to not modify the ditch. (BLDGPMPT: MONITORING - Engineering)

8. 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. (BLDGPMPT: MONITORING - Engineering)

9. Prior to the issuance of the first building permit, a Removal Agreement shall be filed with Land Development for the proposed 8 ft multi-use trail that overlaps the 30 ft drainage easement. That pathway shall be constructed of easily removable materials such as paver bricks; concrete or asphalt will not be permitted. (BLDGPMPT: MONITORING - Engineering)

LANDSCAPE

1. The 0.80 acre Useable Open space shall be upgraded to include a minimum of 28 canopy trees and 22 palm or pine trees. (BLDGPMPT/DRO: ZONING - Zoning)

LANDSCAPE – PERIMETER

1. The landscape buffer along the north property line shall be a minimum 16 feet in width, and shall include the required Type 2 Incompatible Buffer per ULDC Art. 7 with a 6-foot high wall (BLDGPMPT/DRO: ZONING - Zoning)

2. The landscape buffer along the west property line shall be a minimum 21 feet in width, and shall include the required Type 3 Incompatible Buffer per ULDC Art. 7. (BLDGPMPT/DRO: ZONING - Zoning)

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)

2. Prior to the issuance of the first Certificate of Occupancy (CO), a 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (BLDGPMPT/CO/ONGOING: SCHOOL BOARD - School Board)

UTILITIES

1. Prior to final approval by the Development Review Officer, the Applicant will be required to provide a final Concurrency Reservation from PBCWUD. Prior to the issuance of any building permits, the Property Owner must obtain the applicable approval and permits from PBCWUD. (DRO: PBC WATER UTILITIES - PBC Water Utilities) (BLDGPMPT/DRO/ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

2. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the Developer/Property Owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING-

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.