

RESOLUTION NO. R-2025- 1311

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2025-00406
(CONTROL NO. 1983-00050)
a Class A Conditional Use
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 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 ABN/ZV/PDD/CA-2025-00406, the Application of Investment Corporation Of Palm Beach, by Urban Design Studio, Agent, for a Class A Conditional Use to allow WCRA Density Pool Bonus Request on 16.05 acres of the 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
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 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

BY: 
COUNTY ATTORNEY

MICHAEL A. GARUSO,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: (RESIDENTIAL PARCEL A)

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 A PORTION OF PARCEL 1 OF AFFIDAVIT OF WAIVER AS RECORDED IN OFFICIAL RECORDS BOOK 35339, PAGE 495, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL 1 ACCORDING TO SAID RECORDED AFFIDAVIT OF WAIVER; THENCE NORTH 01°27'23" EAST, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 1293.61 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG THE WEST LINE OF SAID PARCEL 1, NORTH 01°27'23" EAST A DISTANCE OF 799.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 88°37'33" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 859.08 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1, SAID NORTHEAST CORNER ALSO BEING 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 AND SAID EAST LINE OF PARCEL 1 THROUGH THE FOLLOWING THREE 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 250.08 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, NORTH 88°37'33" WEST A DISTANCE OF 879.27 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 1 AND THE POINT OF BEGINNING.

CONTAINING IN ALL 699,138 SQUARE FEET OR 16.05 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

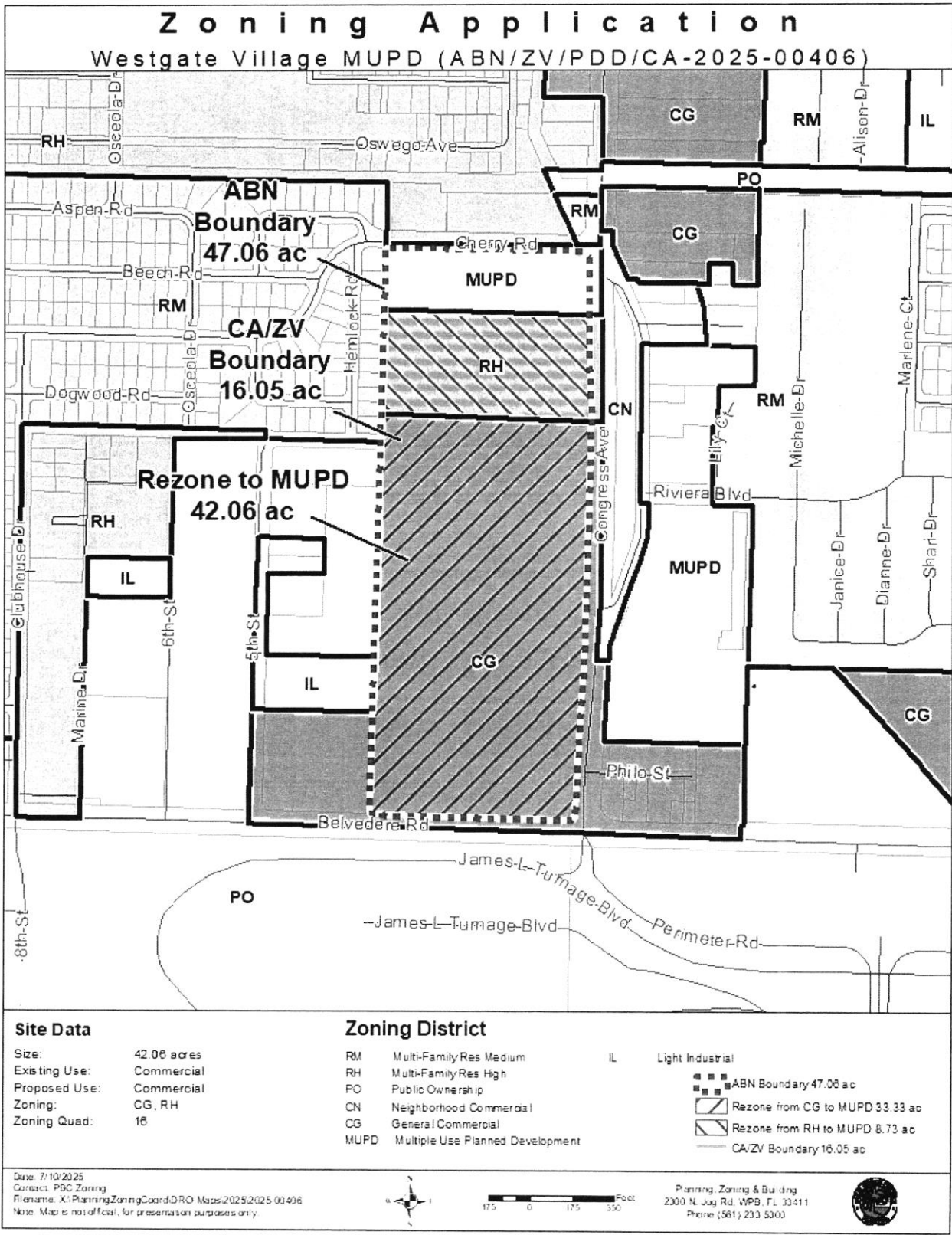


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use – Density Bonus

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)

PLANNING

1. The subject request for 405 units with an 81-unit Workforce Housing Program (WHP) obligation was calculated based on the base FLUA Land use (80 units) and the utilization of 325 units from the WCRA Density Bonus Pool. The WHP obligation is 20% with the WHP units to be rental and will be provided onsite. (ONGOING: PLANNING - Planning)

2. Per the Palm Beach County WHP letter dated May 22, 2025, the distribution of the 81 required WHP units are as follows: 40 provided in the Low Category and, 41 provided in the Moderate 1 category. (ONGOING: PLANNING - Planning)

3. The developer shall notify the Westgate CRA, the Planning Division and the Department of Housing and Economic Development (DHED) at the commencement of leasing. (ONGOING: PLANNING - Planning)

4. 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)

5. 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)

6. Prior to the issuance of fifty percent of the Residential Building Permits (203 units), fifty percent of the WHP units (41 units) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning)

7. Prior to the issuance of eighty-five percent of the residential Building Permits (344 units), all WHP units (81) must receive Certificate of Occupancy (CO). (BLDGPM: MONITORING - Planning)

8. Should more than 50% of the Residential Building Permits be issued simultaneously, then the initial Certificates of Occupancy (CO) that are released shall be attributable to the WHP obligation. (ONGOING: PLANNING - Planning)

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.