

RESOLUTION NO. R-2025- 0234

RESOLUTION APPROVING ZONING APPLICATION CA-2024-00609
(CONTROL NO. 2017-00009)
a Class A Conditional Use
APPLICATION OF Housing Partnership, Inc.
BY WGINC, AGENT
(Celtic Multifamily)

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 CA-2024-00609 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 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, and Article 5.G.1.B.2.e.2)b), Factors for Consideration, for requests for Density Bonus pursuant to Article 5.G.1 Workforce Housing Program;

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 CA-2024-00609, the Application of Housing Partnership, Inc., by WGINC, Agent, for a Class A Conditional Use to allow a combined density increase greater than 2 units per acre through the Workforce Housing (16 units) and Transfer of Development Rights (10 units) programs (total increase of 26 units) on 2.46 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 February 27, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter 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	- Absent
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2025.

Filed with the Clerk of the Board of County Commissioners on March 6, 2025.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK *



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT D, BLOCK 89, LESS THE NORTH 100 FEET AND LESS THE WEST 15 FEET THEREOF; AND LOT E, BLOCK 89, LESS THE SOUTH 53 FEET AND LESS THE WEST 15 FEET THEREOF AND LESS A TRIANGULAR PARCEL CONVEYED IN OFFICIAL RECORDS BOOK 7043, PAGE 1363 FOR ROAD RIGHT-OF-WAY PURPOSES ACCORDING TO THE PLAT OF PALM BEACH FARMS CO. PLAT NO. 7 RECORDED IN PLAT BOOK 5, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

NORTH 100 FEET OF TRACT D, BLOCK 89, LESS THE WEST 10 FEET FOR ROAD RIGHT-OF-WAY, ACCORDING TO THE PLAT OF THE PALM BEACH FARMS CO. PLAT NO. 7, RECORDED IN PLAT BOOK 5 PAGE 72, LESS LEGAL DESCRIBED IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 7074, PAGE 362, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LOT C, BLOCK 89, LESS THE WEST 10 FEET FOR ROAD RIGHT-OF-WAY, THE PALM BEACH FARMS COMPANY, PLAT NO. 7, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND CONTAINS 2.464 ACRES OR 107,346 SQUARE FEET, MORE OR LESS, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT C, BLOCK 89, LESS THE WEST 10 FEET FOR ROAD RIGHT-OF-WAY, THE PALM BEACH FARMS COMPANY, PLAT NO. 7, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 72, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND CONTAINS 2.464 ACRES OR 107,346 SQUARE FEET, MORE OR LESS, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

FURTHER DESCRIBED AS:

A PARCEL OF LAND BEING A PORTION OF LOT C, LOT D AND LOT E OF BLOCK 89, PALM BEACH FARMS CO. PLAT NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT C, BLOCK 89 OF SAID PLAT; THENCE S 1°26'15" W ALONG THE WEST LINE OF BLOCK 89, A DISTANCE OF 352.43 FEET TO A POINT ON A NON-TANGENT CURVE AND THE POINT OF INTERSECTION OF SAID WEST LINE OF BLOCK 89 AND THE NORTH RIGHT OF WAY OF MELALEUCA LANE, AS RECORDED IN ROAD BOOK 4, PAGE 61 OF SAID PUBLIC RECORDS; THENCE ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 43.17 FEET, HAVING A RADIUS OF 765.51 FEET, THROUGH A CENTRAL ANGLE OF 3°13'52" AND A CHORD BEARING OF N 89°19'51" W, WITH A CHORD DISTANCE OF 43.16 FEET TO THE BEGINNING OF A TANGENT LINE; THENCE N 87°42'56" W ALONG THE NORTH RIGHT OF WAY OF MELALEUCA LANE, A DISTANCE OF 234.87 FEET; THENCE N 43°08'06" W, A DISTANCE OF 35.09 FEET TO A LINE 15 FEET EAST OF AND PARALLEL TO, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID BLOCK 89; THENCE ALONG SAID PARALLEL LINE, N 1°26'31" E, A DISTANCE OF 193.34 FEET TO THE SOUTH LINE OF LOT C, BLOCK 89; THENCE N 87°44'25" W ALONG THE SOUTH LINE OF LOT C, A DISTANCE OF 5.01 FEET TO A POINT ON A LINE 10 FEET EAST OF AND PARALLEL TO, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF BLOCK 89; THENCE ALONG SAID PARALLEL LINE, N 1°26'31" E, A DISTANCE OF 135.48 FEET TO THE NORTH LINE OF LOT C, BLOCK 89; THENCE S 87°45'10" E, ALONG THE NORTH LINE OF SAID LOT C, A DISTANCE OF 307.63 FEET TO THE POINT OF BEGINNING.

SAID LAND CONTAINS 2.464 ACRES OR 107,346 SQUARE FEET, MORE OR LESS, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

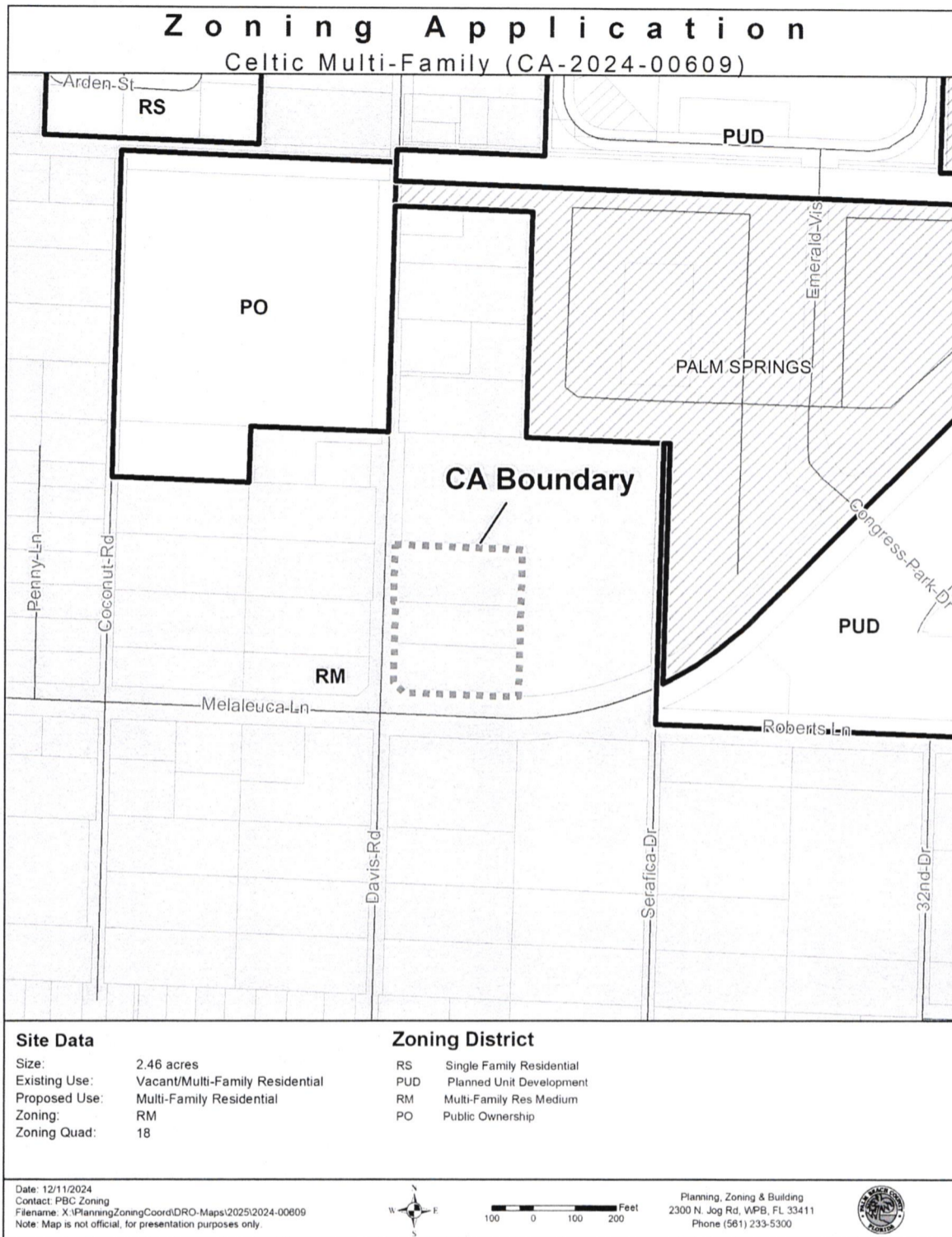


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 12, 2024. 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. No Building Permits for the site may be issued after December 31, 2026, 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. 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. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for Davis Road right-of-way and all associated documents as required by the County Engineer for 40 feet, measured from the centerline of the proposed right-of-way, including a 40-foot corner clip at the intersection of Melaleuca Lane and Davis Road.

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. (BLDGPM/ONGOING: MONITORING - Engineering)

4. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall remove the proposed 20 foot drainage easement at the southwest corner of the property. (DRO: ENGINEERING - 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 any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

PLANNING

1. The subject Development Order for 46 multifamily units with a 17 unit Workforce Housing Program (WHP) obligation was calculated based on the Full Incentive Development Option and purchase of 10 WHP TDR Units. The WHP units will be provided on-site and for-rent. An 80% WHP Density Bonus, or 16 units, and 10 TDRs were utilized. 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: PLANNING - Planning)
4. The Developer shall notify the Planning Division at the commencement of leasing. (ONGOING: PLANNING - Planning)
5. Prior to the issuance of eighty-five percent (second building) of the residential Building Permits, all WHP units (17) must receive Certificate of Occupancy (CO). (BLDGPM: MONITORING - Planning)
6. Should both 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)

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), the 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. (CO: MONITORING - School Board)

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 \$4,130.00 (10 TDR units to be purchased at the RRIO, Multi-family Workforce rate of \$413.00 per unit (\$4,130.00).

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. (BLDGPM/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/TC: 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.