

RESOLUTION NO. R-2025-1587

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2024-01593
(CONTROL NO. 1978-00229)

a Class A Conditional Use

APPLICATION OF Melodye S. Abell Revocable Trust, Norman Speier, Laura Fountain
BY Land Development Operations, Lennar Homes, LLC, WGINC, AGENT
(Nash Trail)

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-2024-01593 was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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 Z/CA-2024-01593, the Application of Melodye S. Abell Revocable Trust, Norman Speier, Laura Fountain, by Land Development Operations, Lennar Homes, LLC, WGINC, Agent, for a Class A Conditional Use to allow Townhomes on 7.57 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 October 23, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Flores moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs 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
- Absent
- Aye
- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 23, 2025.

Filed with the Clerk of the Board of County Commissioners on October 23, 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

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 35; THENCE SOUTH 89 DEGREES, 14 MINUTES, 58 SECONDS EAST, ALONG THE EAST-WEST 1/4 SECTION LINE, A DISTANCE OF 1012.63 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 58 SECONDS EAST, A DISTANCE OF 337.55 FEET, THENCE SOUTH 2 DEGREES, 3 MINUTES, 5 SECONDS WEST, A DISTANCE OF 352.29 FEET; THENCE NORTH 89 DEGREES, 14 MINUTES, 58 SECONDS WEST, A DISTANCE OF 337.29 FEET; THENCE NORTH 2 DEGREES, 1 MINUTE, 34 SECONDS EAST, A DISTANCE OF 352.28 FEET TO THE POINT OF BEGINNING, LESSING THEREFROM THE EAST 10 FEET THEREOF DEEDED TO PALM BEACH COUNTY FOR ROAD RIGHT-OF-WAY BY DEED RECORDED IN OFFICIAL RECORDS BOOK 3011, PAGE 1023 AND SUBJECT TO A CANAL EASEMENT TO L.W.D.D. OVER THE NORTH 75 FEET RECORDED IN OFFICIAL RECORDS BOOK 2962, PAGE 437.

TOGETHER WITH:

THE SOUTH 332.78 FEET OF THE NORTH 685.06 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION THIRTY-FIVE (35), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST, LESS THE EAST 10 FEET FOR ROAD RIGHT-OF-WAY, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 332.93 FEET OF THE NORTH 1,007.99 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$), SECTION THIRTY-FIVE (35), TOWNSHIP FORTY-FOUR (44) SOUTH, RANGE FORTY-TWO (42) EAST, PALM BEACH COUNTY, FLORIDA, LESS THE EAST 10 FEET THEREOF.

MORE PARTICULARLY DESCRIBED AS:

ALL OF THAT PART OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SAID SECTION 35; THENCE N89°14'59"W, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1360.15 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE, S02°02'53"W ALONG A LINE 10 FOOT WEST OF AND PARALLEL TO MEASURED RIGHT ANGLES TO THE EAST LINE OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1008.26 FEET TO THE NORTHEAST CORNER OF PLAT, COLONY RESERVE AT LAKE WORTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 119, PAGE 66 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID PLAT, COLONY RESERVE AT LAKE WORTH, N89°15'00"W FOR A DISTANCE OF 327.10 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE N02°01'20"E, ALONG THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST OF THE SOUTHEAST QUARTER OF SAID SECTION 35 FOR A DISTANCE OF 1008.25 FEET TO A POINT ON THE NORTH LINE OF A 75 FOOT EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 2962, PAGE 437 OF SAID PUBLIC RECORDS; THENCE ALONG SAID NORTH LINE, S89°14'59"E FOR A DISTANCE OF 327.55 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 329,943 SQUARE FEET OR 7.574 ACRES, MORE OR LESS, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

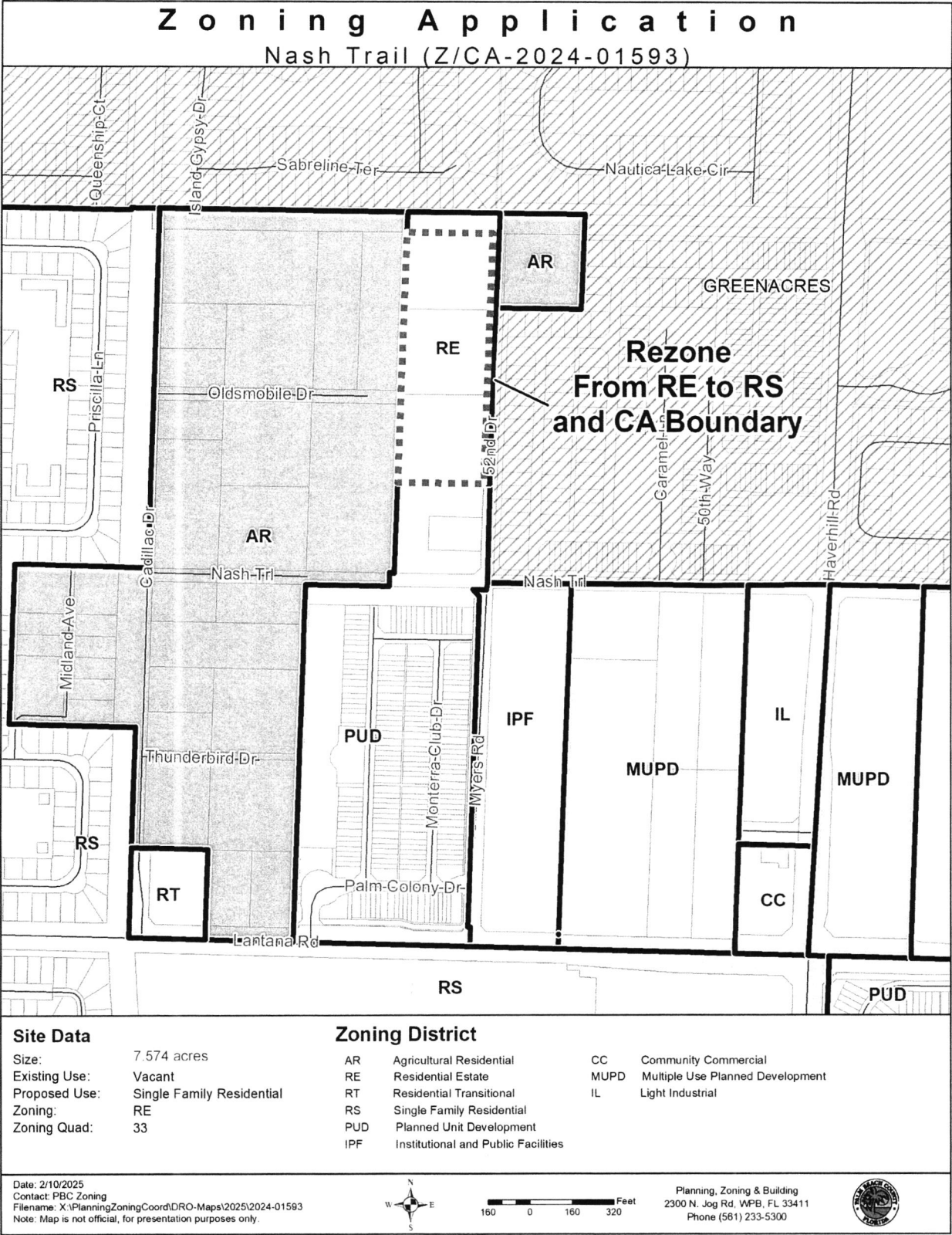


EXHIBIT C

CONDITIONS OF APPROVAL

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Subdivision Plan is dated February 13, 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 December 20, 2024, 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. The Property Owner shall improve Nash Trail from 52nd Drive South to Haverhill Road, including a 5-foot sidewalk along the north and south right-of-way, in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

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. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)
- c. Alternatively, prior to the issuance of the first Certificate of Occupancy, the Property Owner may provide documentation to the Land Development Division demonstrating that Nash Trail has been improved to Land Development Design Standards for a local street, and any permit to improve said right-of-way has been certified as complete and passed the final inspection (BLDGPMT/CO: MONITORING - Engineering)

3. The Property Owner shall improve 52nd Drive South from the intersection of Nash Trail to the project's entrance, including a 5-foot sidewalk along the east and west right-of-way, and then transition to the existing road, in accordance with Palm Beach County's Land Development Design Standards for a Local Street, or as approved by the County Engineer.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)
- b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

4. 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. (BLDGPMT/PLAT: MONITORING - Engineering)

5. Prior to issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering)

6. Prior to final approval of the subdivision plan by the Development Review Officer, the Applicant shall submit a revised drainage statement. (DRO: ENGINEERING - Engineering)

7. The Property Owner shall be responsible for repairing any damage caused to 52nd Drive South as a direct result of the construction on the project site. Repairs, if any, shall be done to existing conditions at the expense of the Property Owner.

a. Prior to the issuance of the Land Development Permit, the Property Owner shall conduct an inspection with the Department of Engineering and Public Works (DEPW) to determine the existing condition of 52nd Drive South. (BLDGPM: MONITORING - Engineering)

b. 52nd Drive South shall be inspected by DEPW with the Engineer of Record prior to issuance of the first Certificate of Occupancy. If 52nd Drive South is found to have sustained damage as a result of the construction on the project site, the Property Owner shall repair the road and have a satisfactory inspection completed by the DEPW prior to issuance of the first Certificate of Occupancy. (CO: MONITORING - Engineering)

c. Prior to the closeout of the Land Development Permit, a final inspection with the DEPW shall take place and the Engineer of Record shall certify that there is no noticeable damage to 52nd Drive South, attributed to the construction on the project site. Any damage attributed to the construction of the project site shall be repaired to the existing conditions. (ONGOING: ENGINEERING - Engineering)

8. Construction vehicles and/or equipment are prohibited from parking within 52nd Drive South right-of-way. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - GENERAL

1. Prior to final approval of the subdivision plan by the Development Review Officer, the Applicant shall submit civil plans, landscape plans, and a tree barricade and management plan in order to determine the height and location of a berm along the west property line. The berm shall be up to a maximum of three feet but may be reduced or eliminated where it is inconsistent with the preservation and protection of any existing vegetation required under the Code, unless part of the mitigation as described in the Environmental Resources Management PNW Permit. (DRO: ZONING - Environmental Resources Management)

2. Prior to final approval of the Subdivision Plan by the Development Review Officer, a Landscape Plan shall be submitted depicting the proposed landscaping for the site which includes, the preserved, relocated, and mitigate plant material in accordance with the Preliminary Regulating Plan and tree list, and the required landscaping in accordance with the Conditions of Approval and the ULDC. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-WEST PROPERTY LINE

1. Prior to final approval by the Development Review Officer, the Subdivision Plan shall be revised as follows:

a. Width: Provide a 20-foot Type 3 Incompatibility buffer, including a minimum 6-foot-high concrete wall, along the southern 325 feet of the west property line, abutting the agricultural property.

b. Width: Provide a 20-foot Type 1 Incompatibility buffer, including a minimum 6-foot-high concrete wall, along the northern 610 feet (approximately) of the west property line abutting the single-family home. A section(s) of the 6-foot-high concrete wall may be replaced with a minimum 6-foot-high opaque fence where installation of the wall is inconsistent with the preservation and protection of any existing vegetation required under the Code.

c. Plant Material: The entire landscape buffer along the western property line shall have Canopy trees, Pine Trees, and shrubs and quantity of plant materials consistent with a Type 3 Incompatibility buffer. (DRO: ZONING - Zoning)

2. Prior to final approval of the Subdivision Plan by the Development Review Officer, the location of the six-foot high concrete wall and the allowance to replace portions of the wall with a fence as described in Landscape-Perimeter-West Property Line Condition No. 1.b, shall be reviewed in conjunction with the evaluation of a berm as required by Landscape-General Condition No. 1. (DRO: ZONING - Zoning)

PLANNING

1. The subject request is for 53 for-sale townhouse units. Using the Limited Incentive Development Option, a 39% WHP Density Bonus was applied, and a WHP obligation of 4 units was calculated. The applicant has voluntarily agreed to six (6) WHP units, which will be provided as 9 off-site rentals using the Exchange Builder Option 1 and applying the multiplier required by ULDC Article 5.G.1.C.4.b of the Workforce Housing Program. (ONGOING: PLANNING - Planning)

2. The exchange price for the Exchange Builder shall be 80 percent of the applicable In-Lieu fee in effect at the time of the Development Order for the subject development which equates to \$570,528 (6 WHP X \$118,860 for Townhome = \$713,160 total In-Lieu fee) X 0.80 = \$570,528 total exchange price for Exchange Builder). (ONGOING: PLANNING - Planning)

3. Prior to the issuance of the first residential Building Permit at the subject site, the Property Owner shall record in the official records of Palm Beach County a Notice of Disposition, in a form acceptable to the Palm Beach County Attorney. (BLDGPM: MONITORING - Planning)

4. Prior to the issuance of the first residential Building Permit, the Property Owner shall submit all required documentation as described in Art. 5. G.1.C.4.b.2.c).(1). demonstrating engagement of the Exchange Builder, with prior approval by the County Attorney and Planning Division. The Guarantee for Option 1, at 80% of the In-Lieu Fee, equates to \$570,528 (6 WHP X \$118,860 for Townhome \$713,160 total In-Lieu fee X 0.80 = \$570,528). (BLDGPM: MONITORING - Planning)

5. Prior to issuance of the first residential Certificate of Occupancy (CO), the Site Plan and other appropriate documents shall be modified to include the Official Record Book and Page of the recorded Documents, the name of the Off-Site Project(s), the total number of WHP units, the number in each applicable WHP income category and provide a copy of the revised Site Plan to Planning. (CO: MONITORING - 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)

SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Subdivision Plan shall be amended to incorporate guest parking spaces. (DRO: 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.