

RESOLUTION NO. R-2026- 0617

RESOLUTION APPROVING ZONING APPLICATION DOA-2024-00518
(CONTROL NO. 1980-00212)
a Development Order Amendment
APPLICATION OF New City Westchester Group, LLC, New City Westchester Development LLC
BY Dunay, Miskel and Backman, LLP, AGENT
(Westchester Village at Pipers Glen PUD)

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 DOA-2024-00518 was presented to the Board of County Commissioners at a public hearing conducted on May 28, 2026;

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 Development Order 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 DOA-2024-00518, the Application of New City Westchester Group, LLC, New City Westchester Development LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Development Order Amendment to delete a Condition of Approval for Pod J on 10.81 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 May 28, 2026, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Sachs moved for the approval of the Resolution.

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

Commissioner Sara Baxter, Mayor - Aye

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 28, 2026.

Filed with the Clerk of the Board of County Commissioners on May 28, 2026.

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

MICHAEL A. CARUSO
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

TRACT "R" OF THE PLAT OF PIPERS GLEN PLAT NO. 1 AS RECORDED M PLAT BOOK 43, AT PAGES 97 THROUGH 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PORTION OF SAID TIWCT "R"

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "R" RUN S02°00'00"W ALONG THE EAST LINE OF SAID TRACT "R" A DISTANCE OF 624.94 FEET; THENCE S22°00'00"W A DISTANCE OF 162.79 FEET; TO A POINT ON THE SOUTH LINE OF SAID TRACT "R"; THENCE N68°00'00"W ALONG SAID SOUTH LINE AND ALONG THE DISTANCE OF 113.33 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN N26° 58' 34"E A DISTANCE OF 72.32 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 100.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31° 45'37" A DISTANCE OF 55.46 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET, THENCE OF 54° 18'53" A DISTANCE OF 47.40 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADWS OF 125.00 FEET THENCE OF 53°52'42" A DISTANCE OF 117.54 FEET TO THE POINT OF TANGENCY; THENCE ALONG SAID TANGENT LINE N04° 21'54"W A DISTANCE OF 81.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 90.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CEVTRAL ANGLE OF 28° 10'51" A DISTANCE OF 44.27 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 125.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°59'33" A DISTANCE OF 95.98 FEET TO THE POINT OF TANGENCY; THENCE N20° 10'35"W ALONG SAID TANGENT LINE A DISTANCE OF 58.31 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 18'41" A DISTANCE OF 12.49 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 120.00 FEET, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°58'54" A DISTANCE OF 173.80 FEET; THENCE ALONG A NON-TANGENT LINE N00°25'19"W A DISTANCE OF 25.57 FEET; TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-28 CANAL,; THENCE N89° 34'41"E ALONG THE NORTH LINE OF SAID TRACT "R" A DISTANCE OF 86.17 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

VICINITY SKETCH

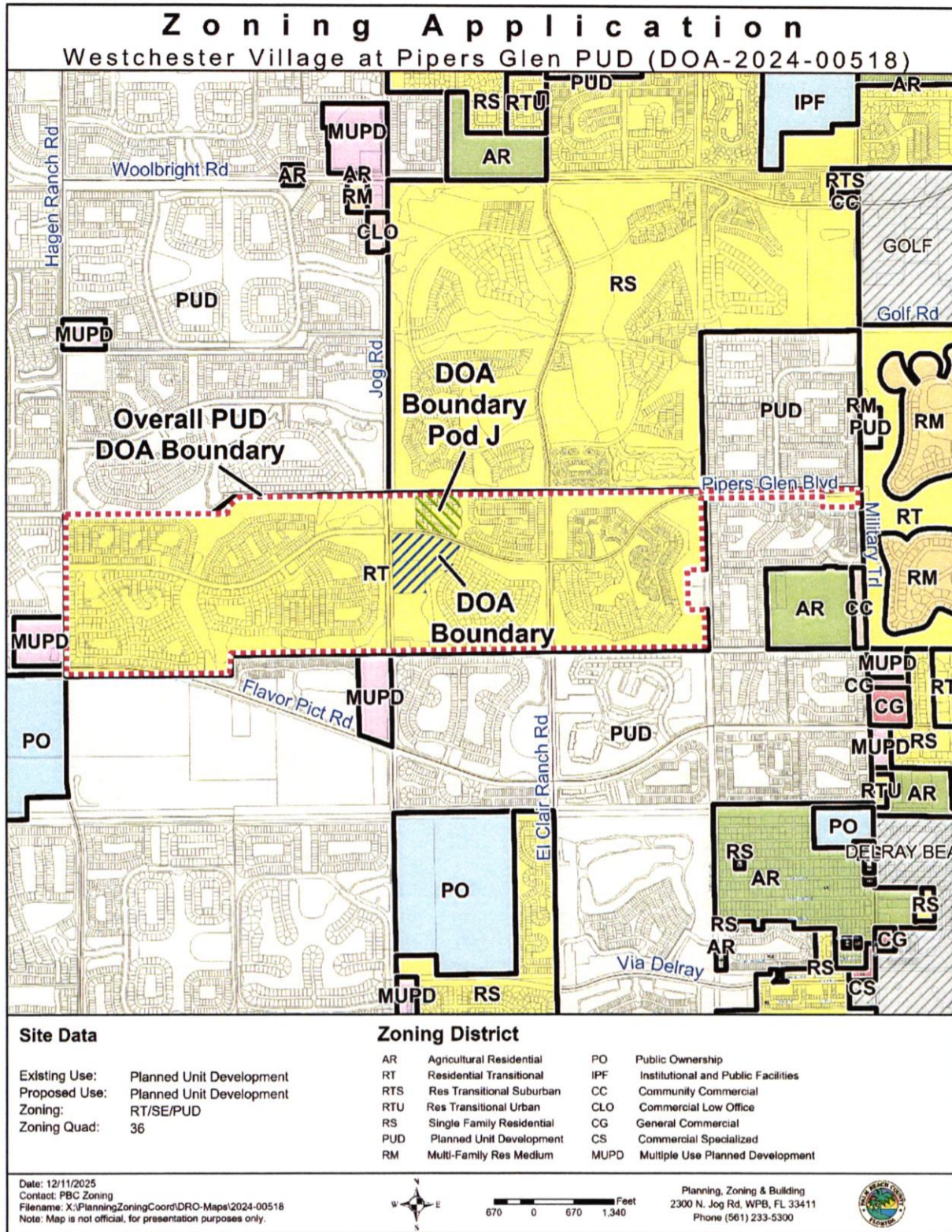


EXHIBIT C

CONDITIONS OF APPROVAL

Development Order Amendment to Pod J

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1995-1479 (Control 1980-212), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. The property owner shall construct an additional 24 inch RCP pipe under Pipers Glen Boulevard at the project's east property line to connect to the existing lake system to the south as determined by the County Engineer in accordance with the property owner's approved drainage study for this POD if it is determined by the County Engineer that the drainage improvements set forth in Conditional A-5 have not satisfactorily drained Pipers Glen Boulevard during normally heavy rainfall. This obligation shall remain in effect for 2 years from the date of construction of the improvements in Condition A-5. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-1995-1479, Control No.1980-00212)

2. The Property owner shall construct a left turn lane, west approach on Pipers Glen Boulevard at the project's entrance road. 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-tray. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-1995-1479, Control No.1980-00212)

3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 80-212(E) , to be paid at the time of issuance of the Building Permit presently is \$1,650.00 per approved single family dwelling unit (10 trips X \$165.00 per trip). (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-1995-1479, Control No.1980-00212)

4. Prior to the issuance of the technical compliance for the proposed plat of the site, the property owner shall convey to Palm Beach County Land Development Division by road right-of -way warranty deed for an isosceles trapezoid connecting the required corner clips across this property owners road right of way to be conveyed to Palm Beach County. This conveyance shall be in the form of a roadway easement. Construction within such area shall conform to Palm Beach County Standards. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-1995-1479, Control No.1980-00212)

GENERAL-POD J

1. Previous GENERAL Condition 1 of Resolution R-1995-1479, Control No.1980-00212, which currently states:

Prior to certification of a site plan for Pod J by the Development Review Committee, the property owner shall prepare and record a Restrictive Covenant on the balance of the Par 3 golf course, located on the south side of Pipers Glen Boulevard east of Jog Road, restricting it to golf course, recreational and open space uses in perpetuity, in a manner and form acceptable to the County Attorney.

Is hereby deleted. [REASON: To allow the Project.]

2. The petitioner shall prepare and submit a landscape plan for the area along the east side of Pod J. The landscape plan shall be prepared with the input of the Lakeridge Homeowners Association or its designated representatives. All improvements required by the plan shall be installed and completed prior to issuance of the first Certificate of Occupancy (CO) in Pod J. (ONGOING: ZONING - Zoning) (Previous GENERAL Condition 2 of Resolution R-1995-1479, Control No.1980-00212)

3. The petitioner shall install, at its expense, a water aerator or fountain in the lake area lying between the subject property and the Lakeridge subdivision, subject to approval by any required permitting agency. The aerator/fountain shall be on West Chester Lake property and include an automatic shut-off mechanism so that it does not operate past 10:00 p.m. nightly. The fountain shall be equipped with colored lights to further enhance the aesthetics of the aerator/fountain. The petitioner shall seek the input of the Lakeridge Homeowners Association or its designees in selecting the aerator/fountain and lights. The petitioner, or its successors or assigns, shall maintain the aerator/fountain at its expense, including the payment of all electrical and maintenance bills associated with its operation. The aerator/fountain shall be installed prior to issuance of the first Certificate of Occupancy (CO) in Pod J. (CO: ZONING - Zoning) [Note: COMPLETED] (Previous GENERAL Condition 3 of Resolution R-1995-1479, Control No.1980-00212)

4. The petitioner shall repair the portion of the lake to the east of the subject property. A sketch of the affected area is attached as part of Exhibit D. The work shall include 4x4's and railroad ties to prevent further erosion. The work shall be:

- 1) completed during the construction of the drainage facilities for the subject property;
- 2) subject to receipt of any permits required by governmental agencies; and
- 3) completed in accordance with engineering plans to be submitted and completed at the petitioner's expense. [Note: COMPLETED] (Previous GENERAL Condition 4 of Resolution R-1995-1479, Control No.1980-00212)

5. The petitioner shall, at its sole expense, implement and construct the drainage improvements submitted by its Engineer and approved by Palm Beach County. These improvements shall include a drainage outfall to the LWDD Canal L-28 to the north, with a "screwgate", subject to receipt of all required permits by the applicable governmental agencies. These drainage improvements shall be constructed as part of the subject property's infrastructure construction and completed prior to issuance of the first building permit. [Note: COMPLETED] (Previous GENERAL Condition 5 of Resolution R-1995-1479, Control No.1980-00212)

6. Prior to commencement of construction, the petitioner shall place the subject property on a regular grass-cutting schedule. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous GENERAL Condition 6 of Resolution R-1995-1479, Control No.1980-00212)

7. Trees shall not be removed from the subject property, except upon receipt of all applicable governmental permits. (ONGOING: ZONING - Zoning) [Note: COMPLETED] (Previous GENERAL Condition 7 of Resolution R-1995-1479, Control No.1980-00212)

8. The site plan certified by the Development Review Committee for Pod J shall be consistent with Exhibit. E. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous GENERAL Condition 8 of Resolution R-1995-1479, Control No.1980-00212)

PLANNED UNIT DEVELOPMENT-POD J

1. Streetlights shall be provided pursuant to Section 6.8.A. 23. d(l) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 1 of Resolution R-1995-1479, Control No.1980-00212)

2. Street trees shall be planted within or adjacent to all rights-of-way pursuant to Section 6.8.A.23.d(3) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 2 of Resolution R-1995-1479, Control No.1980-00212)

3. Street bike lanes shall be provided pursuant to Section 6.8.A.23.d(4) of the ULDC, subject to approval by the County Engineer. (ONGOING: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 3 of Resolution R-1995-1479, Control No.1980-00212)

4. All utilities shall be underground pursuant to Section 6.8.A.23.d(5) of the ULDC. (ONGOING: ZONING - Zoning) (Previous PLANNED UNIT DEVELOPMENT Condition 4 of Resolution R-1995-1479, Control No.1980-00212)

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.