

RESOLUTION NO. ZR-2025-013

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/PDD/CA-2025-00406
(CONTROL NO. 1983-00050)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF Investment Corporation of Palm Beach
BY Urban Design Studio, AGENT
(WESTGATE VILLAGE MUPD)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ABN/ZV/PDD/CA-2025-00406 was presented to the Zoning Commission at a public hearing conducted on September 4, 2025;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ABN/ZV/PDD/CA-2025-00406 by the Board of County Commissioners;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION 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 Type 2 Variance to exceed the maximum setback for the build to line 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 4, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vinikoor moved for the approval of the Resolution.

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

James Williams, Chair	-Aye
Cheri Pavlik, Vice-Chair	-Aye
Christopher Kammerer	-Aye
Claudia Mendoza	-Aye
Sam Caliendo	-Aye
Lori Vinikoor	-Aye
Alison Thomas	-Aye
Angella Vann	-Aye
Susan Kennedy	-Aye

The Chair thereupon declared the resolution was duly passed and adopted on September 4, 2025.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ABN/ZV/PDD/CA-2025-00406 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on September 4, 2025

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

COUNTY ATTORNEY

BY: 

CHAIR

EXHIBIT A

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

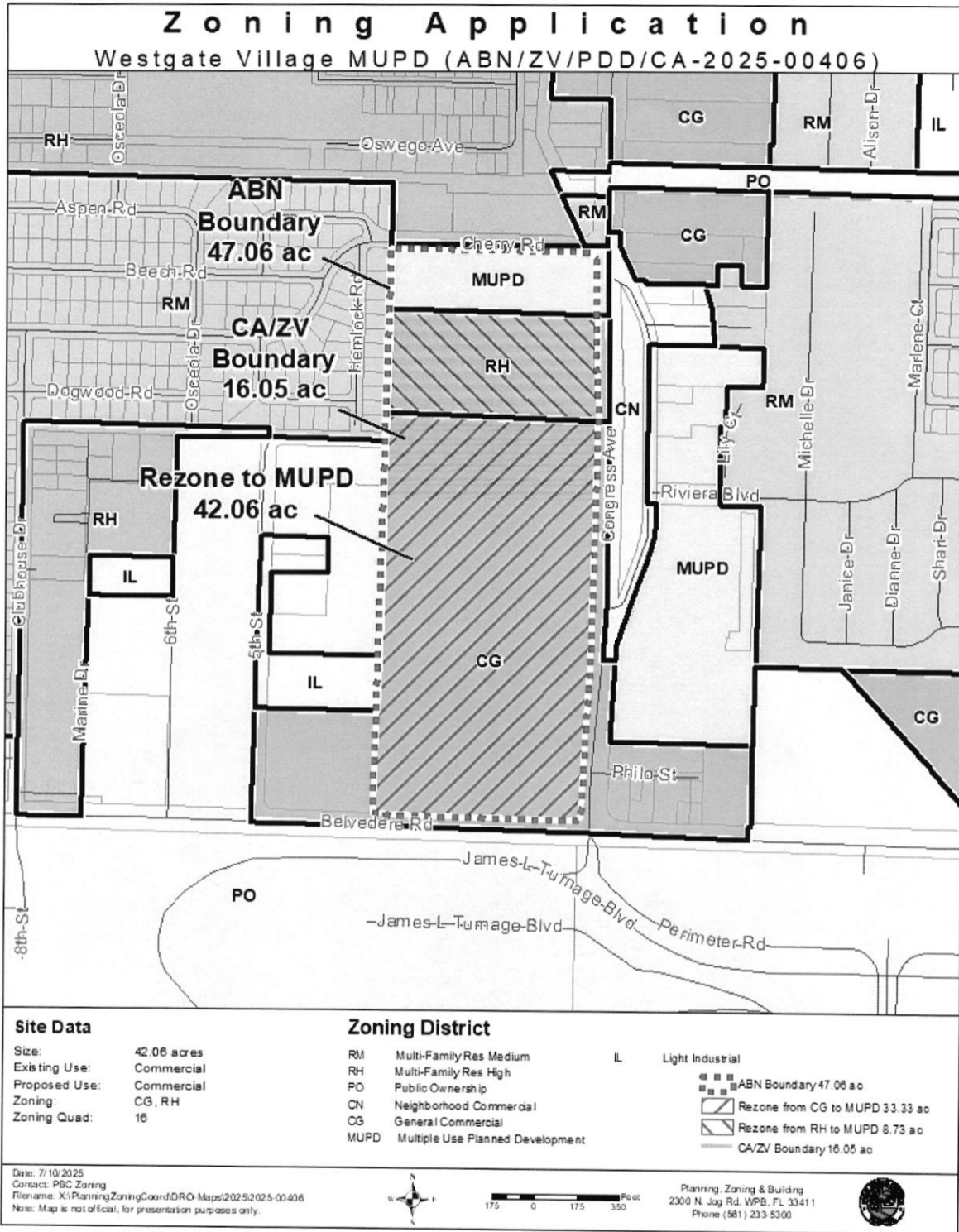


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the Preliminary Site Plan 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 Zoning Commission. (ONGOING: ZONING - Zoning)

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

3. The Development Order for this Concurrent Type 2 Variance shall be tied to the Time Limitations of the Development Order for ABN/ZV/PDD/CA-2025-00406. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

SITE DESIGN

1. Prior to the issuance of the Certificate of Occupancy of Buildings 1 and 2 the plaza shall be constructed with all amenities. (BLDGPM: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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.

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

Variance No.	Code Section	Required	Proposed	Variance
1	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	Plaza and Squares Max. depth of 25 feet	Max. depth of 74'	49'
2.a.	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	10-25 feet Build-To-Line Congress Avenue for Residential Component	36' Build-To-Line for Building 1	+11' Build-To-Line for Building 1
2.b.			103' Build-To-Line for Building 2	+78' Build-To-Line for Building 2
2.c.			36 feet Build-To-Line for Building 3	+11 feet Build-To-Line for Building 3

SITUS ADDRESS:	1111 N Congress Ave West Palm Beach 33409	
OWNER NAME & ADDRESS:	Investment Corporation Of Palm Beach 1111 N Congress Ave West Palm Beach, FL 33409-6317	
PCN:	00-43-43-30-00-000-5190	
ZONING DISTRICT:	CG, MUPD, RH	
BCC DISTRICT:	2	
LAND USE:	CH/5	S/T/R: 30-43-43
CONTROL #:	1983-00050	
LOT AREA:	42.06 acres +/-	
REQUEST:	to exceed the maximum setback for the build to line on 16.05 acres of the 42.06 acres	