

RESOLUTION NO. R-2023-0826

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2021-02123  
(CONTROL NO. 2014-00014)  
a Class A Conditional Use  
APPLICATION OF Medjool Nurseries LLC  
BY JMorton Planning & Landscape Architecture, AGENT  
(Towns at Tidewater)

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-2021-02123 submitted on behalf of Medjool Nurseries LLC by JMorton Planning & Landscape Architecture, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 9.24 acres, with a Conditional Overlay Zone; A Class A Conditional Use to allow Townhouse dwelling units on 9.24 acres; and a Class A Conditional Use to allow a combined density increase greater than two units per acre through the Workforce Housing and Transfer of Development Rights programs on 9.24 acres was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2023;

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 Zoning Application Z/CA-2021-02123, the Application of Medjool Nurseries LLC, by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow Townhouse dwelling units on

9.24 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 June 22, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Gregg K. Weiss, Mayor	-	Aye
Commissioner Maria Sachs, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Michael A. Barnett	-	Nay
Commissioner Marci Woodward	-	Aye
Commissioner Sara Baxter	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 22, 2023.

Filed with the Clerk of the Board of County Commissioners on June 22nd, 2023.

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE EAST ONE HALF (E. 1/2) OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 56.0 FEET AND THE SOUTH 30.0 FEET THEREOF FOR ROAD AND CANAL PURPOSES. A/K/A PALM BEACH RANCHES (UNRECORDED) LOT 3 BLOCK 8.

TOGETHER WITH:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, EXCEPT THE NORTH 56 FEET THEREOF, AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD AND CANAL PURPOSES. (ALSO KNOWN AS LOT 2, BLOCK 8, OF THE UNRECORDED PLAT OF PALM BEACH RANCHES.)

ALSO DESCRIBED AS

A PORTION OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 11; THENCE ON A GRID BEARING OF SOUTH 81°21'20" WEST, A DISTANCE OF 334.61 FEET TO A POINT OF INTERSECTION OF THE EAST LINE OF THE WEST 1/2 OF THE NE 1/4 OF THE NE 1/4 OF SAID NORTHWEST 1/4 OF SAID SECTION 11 AND THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-18 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING LINE LYING 56.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 11, SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE SOUTH 04°15'10" WEST ALONG SAID EAST LINE, A DISTANCE OF 604.67 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF RANCHES ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 1836, PAGE 167 OF SAID PUBLIC RECORDS; THENCE NORTH 89°01'53" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 666.16 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SAID NORTHWEST 1/4 OF SECTION 11; THENCE NORTH 04°06'56" EAST ALONG SAID WEST LINE, A DISTANCE OF 604.83 FEET TO A POINT OF INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-18 CANAL; THENCE SOUTH 89°00'37" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 667.60 FEET TO THE POINT OF BEGINNING.

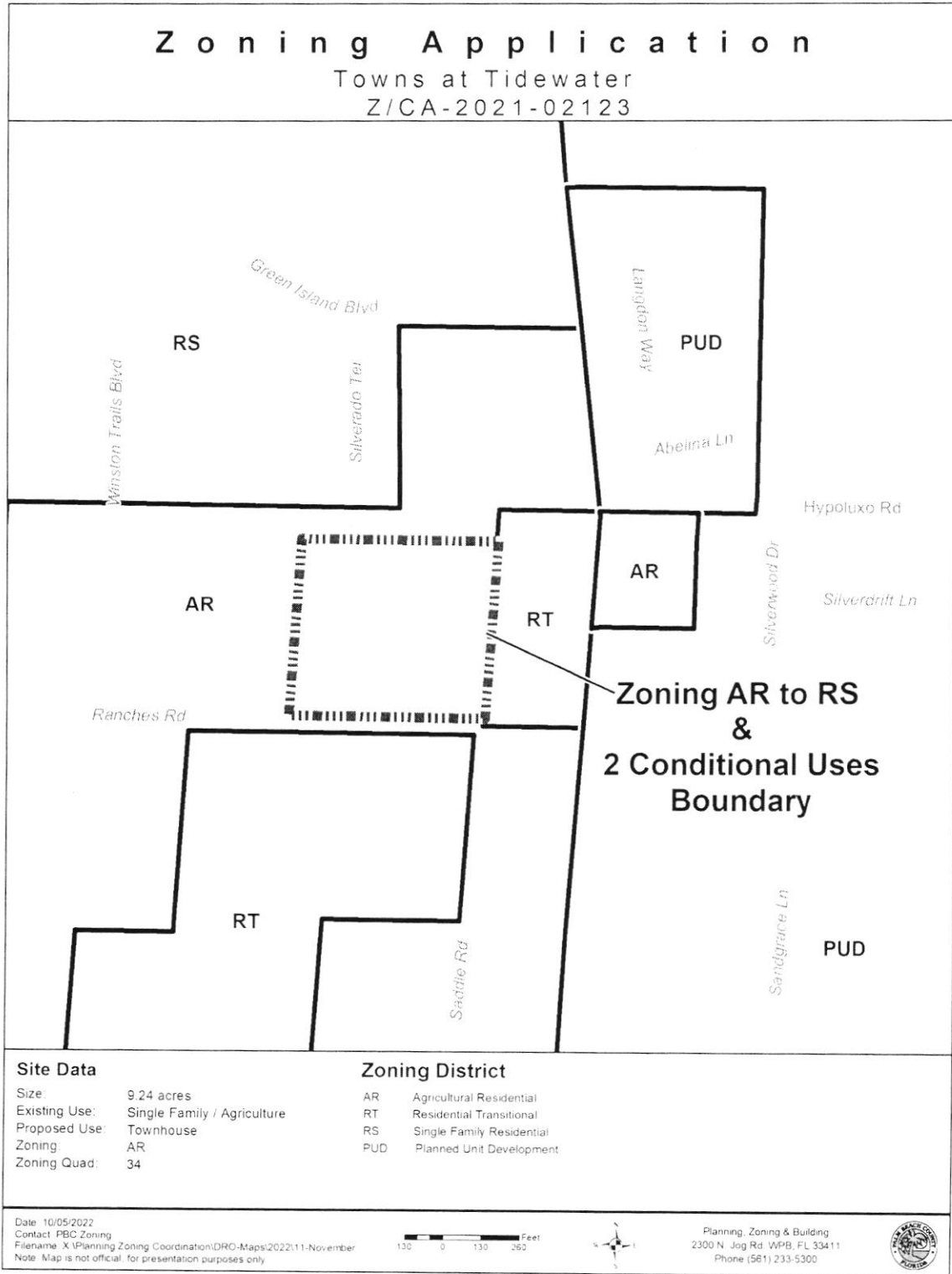
SAID LANDS LYING IN SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 402,665 SQUARE FEET OR 9.2439 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use – Townhouse 9.24 acres**

##### **ALL PETITIONS**

1. The approved Preliminary Subdivision Plan is dated April 11, 2023. 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. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2024, 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 legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. 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 the plat. (PLAT: MONITORING - Engineering)

4. Prior to the approval of the Final Subdivision Plan by the Development Review Officer, the Final Subdivision Plan shall be amended to include the street names. (DRO: ENGINEERING - Engineering)

##### **ENVIRONMENTAL**

1. Prior to final approval by the Development Review Officer, a Tree Mitigation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. All mitigation plantings shall be planted on-site or as approved by ERM. (VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to Final Approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)



**LANDSCAPE –GENERAL**

1. A minimum of 80 percent of shrubs, hedges, and trees shall be native species. (ONGOING: ZONING – Zoning)

**LANDSCAPE - PERIMETER-(SOUTH PROPERTY LINE)**

2. In addition to the requirements for a Right of Way buffer for the south property line the following shall apply:

a. Width: Minimum 30 feet;

b. One additional native pine tree shall be provided for each 30 linear feet;

and

c. Barrier: provide a 6 foot tall wall located on top of a minimum 2 foot tall berm excluding the emergency access to Ranches Road which shall be an opaque gate. (BLDGPMT/DRO/ONGOING: ZONING - Zoning)

**LANDSCAPE - PERIMETER-(WEST PROPERTY LINE)**

3. In addition to the requirements for a 17.5-foot Type 2 Incompatibility buffer for the west property line the Development shall provide a 6 foot wall. (BLDGPMT/DRO: ZONING - Zoning)

**LANDSCAPE - PERIMETER-(EAST PROPERTY LINE)**

4. In addition to the requirements for a 17.5-foot Type 2 Incompatibility buffer for the east property line the Development shall provide a 6 foot fence. (BLDGPMT/DRO: ZONING - Zoning)

**LANDSCAPE - PERIMETER-EAST AND WEST PROPERTY LINES**

5. Buffer reduction and/or easement encroachments within the east and west 17.5-foot Type 2 Incompatibility Buffers are prohibited. (ONGOING: ZONING - Zoning)

**PLANNING**

1. Per SCA 2022-019; Ord. 23-17 Condition 2: A minimum of 28 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

2. Per SCA 2022-019; Ord. 23-17 Condition 3: The zoning development order shall require a minimum of 23% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)

3. Per SCA 2022-019; Ord. 23-17 Condition 4: Prior to final approval by the Development Review Officer (DRO), provide a copy of the required documents for the disclosure that is to be provided to residents of the units with notice of the agricultural uses and activities of the surrounding properties. (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-foot by 15-foot 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)

**USE LIMITATIONS - ACCESS**

1. Construction traffic shall be prohibited from utilizing Ranches Road to access the subject property. (ONGOING: CODE ENF - Zoning)
  
2. Access onto Ranches Roads shall be limited to emergency access only. (DRO/ONGOING: ZONING - Zoning)

**USE LIMITATIONS – AGRICULTURE SURROUNDING**

1. The Property Owner shall include in all homeowner documents, as well as written sales brochures, sales contracts, and related site plans, a disclosure statement identifying and notifying of the existence of active agricultural uses in the vicinity of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building beginning on June 22, 2024 and shall continue annually until all units within the development have been sold or the petitioner relinquishes control to the Property Owners Association. (DATE/ONGOING: MONITORING – 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: ZONING - 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: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.