

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: Z-2010-00667
Control No.: 2010-00113
Applicant: Palm Beach County
Owners:

Owner's Name	Property Control Number
Mdds Llc	0042440100001010
Elwill Assoc Inc	0042440100001020
Elwill Associates Inc	0042440100001021
Maharaj Lavindra	0042440100001050
Bellsouth Mobility Inc	0042440100001090
F P Petroleum Llc	00424401000005012
West Palm Beach Fla Cpdc Ltd	00424401000005040
Mcdonalds Restaurants Of	00424401000005080
Department Pt FI 08218	00424401000007680
Department Pt FI 08218	00424401000007830
Spring Estates South Llc	00424401000007870
Durrance Gay P Rev Trust	00424401030000221
Polo Shopping Ltd	00424401050001100
Durrance Gay P Rev Trust	00424401090000010
Durrance Gay P Trust	00424401090000020
Garolsky Howell & Doree	00424401090000220
Garolsky Howell &	00424401090000240
Sunrise Financial Cntr Condo Assn Inc	00424401240010000
Military Trail Realty Associates Lc	00424401240011010
Dwellings & Abodes Llc	00424401240012010
Dwellings & Abodes Llc	00424401240012020
Dwellings & Abodes Llc	00424401240012030
Gun Club Partners Llc	00424401240012040
Military Trail Realty Associates Lc	00424401240021010
Ajinkya Jvotsna A &	00424401240021020
Rosendahl Roland E &	00424401240021030
Pierre St Jean Pa	00424401240021040
Commander Jonathan D Tr	00424401240021050
Kerr James E & Vivian S	00424401240022010
Kerr James E & Vivian S	00424401240022020
Gun Club Partners Llc	00424401240022030
Gun Club Partners Llc	00424401240022040
Gun Club Subsidiary Llc &	00424401280000000
Local Union 728 Building Corp	00424412000003120
Commerce Bank Na	00424412000003121
Local Union 728 Building Corp	00424412000003122
Gilo Realty Llc	00424412000007190
Gilo Realty Llc	00424412000007190
Victory Baptist Church Of Wpb Inc	00424412000007230
1951 1997 South Military Trail Llc	00424412000007290
1951 1997 South Military Trail Llc	00424412000007310
Prg Empire Inc	00424412020000100
Lograsso Properties Inc	00424412020000170
Flores Eva M	00424412020000430
Remirez Carlos M	00424412020000440
Alvarado Wilfredo &	00424412020000590
Gruber Plaza	00424412210000010

Pollow David	0042441221000011
Promociones 96 Inc	0042441221000030
Health Costs Recovery Inc	0042441230000010
Health Costs Recovery Inc	0042441230000020
Health Costs Recovery Inc	0042441230000030
Health Costs Recovery Inc	0042441230000040
Health Costs Recovery Inc	0042441230000050
Forest Hill Condos Inc	0042441230000060
Forest Hill Condos Inc	0042441230000070
Forest Hill Condos Inc	0042441230000080
Forest Hill Condos Inc	0042441230000090
Forest Hill Condos Inc	0042441230000100
Forest Hill Condos Inc	0042441230000110
Forest Hill Condos Inc	0042441230000120
Forest Hill Condos Inc	0042441230000130
Forest Hill Condos Inc	0042441230000140
Forest Hill Condos Inc	0042441230000150
Cnl Restaurant Net Lease	00424424000005131
United States Postal Service Facilities	00424424000005620
De Witt Robert L & Judith H	0042442411000010
Gallo Thomas S	00424424310070050
Southern Bell Tel & Tel Co	00424424310080010
Pharaohs Investment Group Llc	00424424310090010
Pep Boys Manny Moe & Jack	00424424340000010
Fu Long Llc	00424424340000020
Home Depot Usa Inc	00424424340000030
Gam Realty Llc	00434405000030030
Gam Realty Llc	00434405000030040
School Board Of Palm Beach County Fl	00434405050000770
Gods Church Of Faith Inc	00434405050000880
School Board Of Palm Beach County Fl	00434405060140010
Mobil Oil Corp	00434406000005020
Ess Prisa Llc	00434406000005070
Cmcc Ventures Ltd	00434406010010000
Harrod John M	00434420010080060
Health Care District Of Palm Beach Cnty	00434420010080080
B & R Enterprises Inc	00434420010230010
Cohen Waterside Llc	00434420010240010
Palm Beach County	00424401000001022
Gun Club Llc	00424401000003160
Barbarito Gerald M Dd Jcl Bishop Of	00424401000003290
Hessen Monete E &	00424401030000220
Durrance Gay P Trust	00424401090000060
Garolsky Howell &	00424401090000260
Military & Trail Inv Inc	00424401270030000
Phil Mar Leasing Inc	00424412000007170
Jomar Florida Enterprises Llc	00424412000007180
Palm Beach County	00424412000007260
1951 1997 South Military Trail Llc	00424412000007340
Lo Grasso Gaetano &	00424412020000600
Gilo Realty Llc	00424412210000013
Wayjohn Inc	00424413410010000
Ta Cresthaven Llc	00424413410020000
Southern Bell Tel & Tel Co	00424424000005680
Gallo Thomas S	00424424310070010
Mission Azure Llc	00424424330010010
Mission Azure Llc	00424424330010020
Williamson Robert A Rev Trust	00424424330010030
Floyd Thomas P & Carrol F	00424424330010040
Dunn Robert & Doreen A	00424424330010050
Sell Steven &	00424424330010060
Pace Cars Llc	00424424330010070
Pace Cars Llc	00424424330010080

Pace Cars Llc	00424424330010090
New Water Holdings Llc	00424424330010100
White Palms Fire	00424424330010110
Warner Mitchell P &	00424424330010120
Buchan Lawrence L &	00424424330020010
Buchan Lawrence L &	00424424330020020
Shelhamer Donald E & Virginia	00424424330020030
Masterguard Aluminum Rail & Fence Co Inc	00424424330020040
Masterguard Aluminum Rail & Fence Co Inc	00424424330020050
Spectrum Electrical Cont Inc	00424424330020060
Gam Realty Llc	00434405050000181
Gods Church Of Faith Inc	00434405050000892
United States Postal Service Facilities	00434406010020000
Gun Club Properties Llc	00424401270010020
College Shops Llc	00424401270020010
Sky King Of West Palm Beach Holdings Llc	00424401270020020
Pollow David	00424412210000015
Pollow David	00424412210000016
Se Petro Two Llc	00424412210000017
Jpb Lemontree	00424412360000180
Summit Pines Llc	00424401320030060
Summit Pines Llc	00424401320030070
Summit Pines Llc	00424401320030080
Grant Evroy Sr &	00424401320040010
Adonidia Llc	00424401320040020
Adonidia Llc	00424401320040030
Delacruz Walter	00424401320040040
Delacruz Walter	00424401320040050
Perez David &	00424401320040060
Sanar Enterprises Llc	00424401320040070
Suarez Jorge M	00424401320040080
Hosein Inshan &	00424401320040090
Ib Property Holdings Llc	00424401320040100
Summit Pines Llc	00424401320040110
Heaven & Earth Floral Inc	00424401320010010
Suarez Gilbert &	00424401320010020
Suarez Gilbert &	00424401320010030
Adonidia Llc	00424401320010040
Bayview Loan Servicing Llc	00424401320040120
Summit Pines Llc	00424401320050010
Summit Pines Llc	00424401320050020
Summit Pines Llc	00424401320050030
Summit Pines Llc	00424401320050040
Leong Holdings Llc	00424401320050050
Changemaker Corp	00424401320050060
Summit Pines Llc	00424401320050070
Sonia E Paez Llc	00424401320050080
Summit Pines Llc	00424401320050090
Summit Pines Llc	00424401320050100
Summit Pines Llc	00424401320050110
Summit Pines Llc	00424401320050120
Defaus Realty Inc	00424401320060010
Yanez Investments Inc	00424401320060020
Adonidia Llc	00424401320060030
Henick Property Llc	00424401320060040
Indus Direct Llc	00424401320060050
Rampersad Kamala	00424401320060060
Alfonzo Luz M &	00424401320060070
Gonzalez Ramon	00424401320060080
Gonzalez Lazaro &	00424401320060090
Ladhani Properties Llc	00424401320060100
Helm Bank	00424401320010050
Great Games Of Florida Inc	00424401320010060

Great Games Of Florida Inc	00424401320010070
Wage Llc	00424401320010080
Summit Pines Llc	00424401320020010
Summit Pines Llc	00424401320020020
Summit Pines Llc	00424401320020030
Summit Pines Llc	00424401320020040
Summit Pines Llc	00424401320020050
Summit Pines Llc	00424401320020060
Summit Pines Llc	00424401320020070
Summit Pines Llc	00424401320020080
Summit Pines Llc	00424401320030010
Summit Pines Llc	00424401320030020
Summit Pines Llc	00424401320030030
Summit Pines Llc	00424401320030040
Summit Pines Llc	00424401320030050
Chs Properties Inc	00434405230120000
Ranch House Prop Owners Assn	00434405230230010
Scotts Gas Llc	00434405230000013
Hernandez Nicolas	00424424390004378
Carballo Victoria	00424424390004380
Whyte Veronica O &	00424424390004376
Jaramillo Javier &	00424424390004382
Ruano Gustavo	00424424390004384
Lin Hui Stanley	00424424390004386
Martinez Alejandro &	00424424390004388
Fonseca Carlos	00424424390004396
Benjamin Properties Llc	00424424390004398
Jaramillo Luciano	00424424390004390
Diaz Isabel	00424424390004392
Herisee Patrick	00424424390004394

Agent: PBC Zoning Division - Autumn Sorrow
Telephone No.: (561) 233-5278
Project Manager: Autumn Sorrow, Senior Site Planner

Location: Along the east and west sides of Congress Avenue and Military Trail, and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. (Urban Center Primary Redevelopment Area Rezoning)

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from multiple Zoning Designations to the Urban Center (UC) Zoning District

APPLICATION SUMMARY: Proposed is the rezoning of 263.64-acres for approximately 92 parcels of land from multiple zoning districts to the Urban Center (UC) Zoning District. Also proposed is the rezoning of 435.10-acres for approximately 501 parcels of land from multiple zoning districts to the Urban Infill (UI) Zoning District (Concurrent Application 2010-667). The general locations of these rezonings are along the east and west sides of Congress Avenue and Military Trail, and bordered by Southern Boulevard to the north and extends as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. (see map insert). The rezoning shall apply to those properties that have a UC Future Land Use designation only.

ISSUES SUMMARY:

- o History

On August 22, 2005, the Board of County Commissioners (BCC) amended the Comprehensive Plan to establish an Urban Redevelopment Area pursuant to Ordinance 2005-029. The goal of the Urban Redevelopment Area is to coordinate redevelopment efforts and provide development regulations and infrastructure improvements needed in the area consistent with the following Comprehensive Plan policies:

- Provide and enhance viable redevelopment opportunities to discourage further westward expansion;
- Provide a variety of housing options for persons and families of all income ranges; support existing Comprehensive Plan and Managed Growth Tier System provisions for sustainable urban development;
- Utilize and enhance existing infrastructure facilities and services; and,
- Attract new residents, businesses, and services to improve the quality of life for the current population in the Urban Redevelopment Area.

Priority Redevelopment Areas

Additional amendments were adopted pursuant to Ordinance 2007-026 on November 26, 2007, to implement the Urban Redevelopment Area (URA) Planning Study and Corridor Master Plans. Those amendments established the Priority Redevelopment Areas (PRA) that are generally located along the east and west sides of Congress Avenue and Military Trail, bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal, with additional locations along Lake Worth Road and 10th Avenue North. The BCC adopted Ordinances 2009-046 and 2008-056 which changed multiple land uses for the subject properties to the UC and UI Future Land Use (FLU) designations.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and found the request to be consistent with the site's newly adopted UC FLU designations of the Comprehensive Plan. See Planning Comments for additional information.

o Consistency with the Code

The purpose of this County-initiated rezoning is to bring the subject parcels into consistency with the newly adopted UC Future Land Use Designation and to further the goals of the Comprehensive Plan. The subject sites which had prior approvals will be required to comply with previous conditions of approval, if applicable and the subsequent ULDC Amendments.

Concurrent with the County-initiated rezoning process are amendments to the Unified Land Development Code (ULDC) to implement the policies of the Comprehensive Plan and the goals of the Urban Redevelopment Area Master Plan. The ULDC creates an Overlay for the Urban Redevelopment Area and establishes development regulations consistent with the following purpose and intent:

- Implement the concepts of the July 2007 Palm Beach County Urban Redevelopment Area Planning Study and Corridor Master Plan prepared by the Treasure Coast Regional Planning Council inclusive of the 2009 Planning Division addendum;
- Implement the Urban Redevelopment Area Objectives and Policies of the Plan, with an emphasis on Priority Redevelopment Area policies;
- Utilize Smart Growth and Form Base Code principles to create a predictable regulatory framework to encourage the fundamental principals of urban design and architecture to create authentic traditional development; and,
- Encourage development that is in a form that is compact, mixed use, and walkable, with emphasis on safety, comfort, and ecological responsibility.

o Compatibility with Surrounding Land Uses

As mentioned above, the rezoning to the UC Zoning District affects approximately 263.24 acres along the east and west sides of Congress Avenue and Military Trail, and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. The UC Zoning District is the most intense of the two proposed zoning districts (UC and UI), which is comprised mostly of intense

commercial uses and located at the major intersections. At this time, the rezoning to UC will not affect compatibility with surrounding land uses as no new developments are proposed with these rezonings. It is important to note that the concurrent ULDC amendments will include provisions that will address compatibility and protect adjacent properties when new development and/or renovations are proposed within the PRA. The ULDC amendments will create regulations for the new UC Zoning District as it relates to building height, building use, building type, allowable uses, location of parking and outdoor uses, access points, interconnectivity, streets and blocks. The design and form and how the buildings are placed are further defined by their proximity to the street, existing commercial uses, and adjacent residential units.

o Prior Approvals/nonconformities

For projects that have prior approvals they are vested for that information that is clearly labeled/indicated on their Development Permit (e.g. site plan or building permit) and stated in their Development Order. Modifications to prior approvals are subject to the regulations and thresholds of modifications as stated in Article 1.E, 'Prior Approvals' and Article 1.F, 'Nonconformities'.

Many of the sites within these areas are nonconforming under the current regulations. Expansion, maintenance, renovations, or damage repair beyond the thresholds require the site to comply with new Urban Redevelopment Area Overlay (URAO) Code. Article 1 of the ULDC currently contains thresholds to address nonconformities in relationship to what is vested and to what extent renovations and modifications can be made; that threshold is 30% of the assessed improvement value of the structure established by the Property Appraiser. The proposed code has increased the nonconformity threshold to 50% for the properties located within the Urban Redevelopment Area Overlay.

One of the following scenarios will apply to a parcel within the Urban Redevelopment Area Overlay:

- Vacant Parcels- Development of the site shall comply with the Comprehensive Plan and Unified Land Development Code Requirements for the Urban Center requirements.
- Prior Approvals-
Article 1.E.1.B:
All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations shall remain in full force and effect until superseded by amendment, expiration, revocation, or abandonment. The uses, structures, lot size, site elements and the associated site design, access, intensity, density, and tabular data shown on a valid development order such as a development permit or plan that was approved in accordance with a prior ordinance shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan. **[Ord. 2010-005]**
- Modifications of Prior Approvals-
Article 1.E.1.C.2
Proposed modifications may not increase a nonconformity. The applicant shall identify the extent of the proposed modification on the applicable plan and in the application pursuant to Art. 2, Plan Requirements. The application and plan shall: **[Ord. 2010-005]**
 - a. list all prior Zoning resolutions and prior ULDC Amendment Ordinances to establish a record of any prior vesting claim; **[Ord. 2010-005]**
 - b. delineate on the plan the boundary of the affected area and indicate all proposed modifications; If necessary, the Zoning Director shall render decision on the affected area. **[Ord. 2010-005]**
 - c. identify all nonconformities with prior approved development orders, which includes: lot, structure, use, and site elements of the subject property or affected area of the subject property to establish a record of nonconformities in the tabular data of the plan, and notate on the plan these nonconformities, where applicable. **[Ord. 2010-005]**
 - d. all nonconformities outside of the affected area that are clearly shown on a prior development order shall be vested. **[Ord. 2010-005]**

Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion

Improvement Classification	Major Nonconforming Use in a Conforming Structure (1)	Minor Nonconforming Use in a Conforming Structure (1) (2)	Conforming Use in a Nonconforming Structure	Nonconforming Site Element (4)
Expansion				
Non-Government and Government	One time only 10% max. allowed with DRO Approval.	One time only 10% max. allowed with DRO Approval.	Comply with Code through applicable review approval process.	Comply with applicable Code to greatest extent possible through applicable review approval process.
IR-O, URAO, WCRA-O (4)	Shall not be expanded in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming nonconforming.	Shall not exceed 10% max. of approved floor area of the structure or 10% of the improvement value of the structures on site, whichever is less, or other form of measures pursuant to Art. 1.F.4.D.	Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	
[Ord. 2010-005]				
Notes:				
1.	Nonconforming use in a nonconforming structure shall not expand.			
2.	Expansion shall be based upon intensity or density pursuant to Art. 1.F.4.D, Nonconforming Use.			
3.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays.			
4.	Refer to Art. 1.F.5, Nonconforming Site Elements for additional information.			

G. Maximum Improvement to a Nonconformity

The standards, limitations, and approval processes for improvements to nonconformities shall be as follows: **[Ord. 2010-005]**

1. Maintenance, Renovation and Natural Disaster Damage Repair - The total combined value for improvement classifications shall not exceed the allowable maximum percentage of any single improvement classification. The percentage of each improvement classification is pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. **[Ord. 2010-005]**
2. Maintenance – may be performed in any 12-consecutive month period. **[Ord. 2010-005]**
3. Renovation and Natural Disaster Damage Repair - The cumulative changes in total value of improvement are calculated over the previous five-year period as a nonconforming use or structure is renovated or repaired for damages. **[Ord. 2010-005]**
4. Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter. **[Ord. 2010-005]**
5. For additional requirements for each type of nonconformities, see applicable Sections of this Chapter. **[Ord. 2010-005]**
6. No variance shall be permitted for the percentages stated in Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion. **[Ord. 2010-005]**
7. Repair for non natural disaster damage shall comply with percentage pursuant to Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion. **[Ord. 2010-005]**

**Table 1.F.1.G,
Nonconformities – Percentage (1) and Approval Process for
Maintenance, Renovation and Natural Disaster Damage Repair**

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
Non-Government				
Maintenance	≤20%; By Right	≤30%; By Right	≤20%; By Right OR >20%≤30%; DRO	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster Damage Repair				
Government (3)				
Maintenance	≤30%; By Right	≤45%; By Right		
Renovation				
Natural Disaster Damage Repair				
URAO WCRA-O, IR-O (4)				
Maintenance	≤20%; By Right OR >20%≤ 30%; DRO	30%; By Right OR >30 ≤ 50%; DRO	30%; By Right OR ≤ 50%; DRO	
Renovation				
Natural Disaster Damage Repair				
[Ord. 2010-005]				
Notes:				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art. 1.F.1.D, unless stated otherwise herein.			
2.	For nonconforming use in a conforming or nonconforming structure, the percentage of the nonconforming use shall apply.			
3.	A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.			
4.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays.			
5.	If the use or structure is nonconforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.			

o Public Informational Meetings

On May 25, 2010 and June 8, 2010, the Palm Beach County Planning and Zoning Divisions held two Public Information Meetings to allow staff to explain to property owners of 1) the County initiated rezoning process and 2) the proposed ULDC that address development regulations for specific locations of the Urban Redevelopment Area. At the May 25, 2010, meeting the following inquiries and comments were voiced by the public: affect(s) of annexation into a municipality; the ability to rebuild after a natural disaster; traffic impacts; existing stormwater management problems; nonconformities; permitted uses under the new zoning designations; “walkable” designs are not appropriate along Military Trail; and the ability to opt-out of the plan. At the June 8, 2010, meeting the following inquiries and comments were voiced by the public: the lack of proper notification of the land-use amendments; the ability to opt-out of the plan now; nonconformities; proposed code amendments relating to site and building design; and concerns that density is already high and do not support the encouragement for increased density.

o Zoning Commission (ZC) Hearing and subsequent meetings

At the July 1, 2010 ZC hearing, Zoning Division staff gave a presentation of the proposed application, followed by comments from the public. Three people spoke at the hearing stating that they were not properly notified of the Site Specific Land-Use amendments and even questioned proper notification of the Rezoning applications. Zoning Division staff commented that the individuals were at the hearing because they did receive notice of the rezonings. Bryan Davis, Principal Planner, of the Planning Division and the County Attorney, Robert Banks, attested that proper notification was sent out to all property owners during the Site Specific Land-Use amendments. The 3 individuals were not necessarily opposed to the rezoning, but they had concerns about how the rezonings and subsequent code amendments would affect them in the future as far as redeveloping and selling of their property. The Zoning Commission had concerns relating to the proper notifications of the Site Specific Land-Use amendments and stated that proper notification was not done and that property owners should have been sent certified and regular mail. The ZC recommended approval of the rezonings with the exception of the 3 properties (PCN:00-41-24-412-00-000-5390; 00-43-44-07-12-000-0092; and 00-43-44-05-06-014-0010 & 00-43-44-05-05-000-0770) where the property owners spoke regarding mis-notification. The ZC wanted to exempt these properties from the rezoning, subject to them meeting with staff and approval by the Board of County Commissioners.

On July 1, 2010, Planning and Zoning staff met with representatives from the Palm Beach County School Board District (PBCSBD) to discuss their property (00-43-44-05-06-014-0010 & 00-43-44-05-05-000-0770) and the effects of the rezoning and subsequent code amendments. [The site is now being used as Repair and Maintenance, General/Dispatching. At said meeting, County staff explained the new code requirements (pending approval) for the new Zoning District as well as the new code language regarding vesting prior approvals. At the conclusion of the meeting the representatives from the PBCSBD stated that they no longer have any opposition to the rezoning.

On July 6, 2010, Zoning staff met with the property owners (Mr. Patel and Ms. Patel) for PCN: 00-43-44-07-12-000-0092 to discuss their property and the effects of the rezoning and subsequent code amendments. [The site is now being used as a convenience store] At said meeting Zoning staff answered many of their questions regarding the existing code requirements for the existing zoning designation (Commercial Neighborhood) and the proposed UI Zoning District (Urban Infill) and code amendments. Zoning staff also explained to them the language in Article 1 regarding non-conforming uses, site elements, and the percent thresholds regarding future expansions/modifications/renovations. Zoning staff also explained the review and appeal process for the existing Commercial Neighborhood Zoning District and the proposed UI Zoning District. At the conclusion of the meeting the property owners stated that they were not necessarily opposed to the rezoning but wanted to review the existing code requirements versus the proposed code with their attorney to see what would work best for them and their future business plans. The property owners said that they would get back with staff prior to the July 22, 2010 BCC hearing. At time of printing this report staff has not heard a decision from the property owners.

On July 9, 2010, Zoning staff contacted the property owner's representative (daughter) via telephone for PCN:00-42-44-12-00-000-5390 to inquire if they would like to schedule a meeting with staff to go over the proposed rezoning and code amendments. The owner's representative stated that she had a telephone conversation with Planning staff on July 6, 2010, regarding the prior future land use atlas amendment and notification processes. The owner's representative stated that they would like to meet again with County Planning and Zoning staff to discuss the rezoning and code amendments, and as such a meeting has been scheduled for July 16, 2010. [At time of writing this report, the follow-up meeting has not yet occurred].

PUBLIC COMMENT SUMMARY At the time of publication, staff had received numerous telephone contacts from the public regarding this project requesting additional information about the UC and UI Zoning Districts and the overall URA PRA Master Plan. The majority of the callers didn't voice objection or support of the project, instead they just sought information if they were affected or not. Staff provided the callers the requested additional information. Staff received 13 letters in opposition and 6 letters in support of the application. The main issues for objection stated were: higher taxes, lower property values, benefiting big business only, proposal is unworkable and ill-advised, planned restrictions would severely limit small property owners future or continued usage of land, and zoning restrictions are onerous and poorly conceived by county staff.

RECOMMENDATION: Staff recommends approval of the Official Zoning Map Amendment to rezone the subject properties from multiple zoning districts to the Urban Center (UC) Zoning District.

MOTION: To recommend approval on first reading, of an Official Zoning Map Amendment to allow a rezoning from multiple Zoning Districts to the Urban Center (UC) Zoning District and schedule a second hearing on August 26, 2010.

Urban Redevelopment Area (URA)

2009 Future Annexation Areas

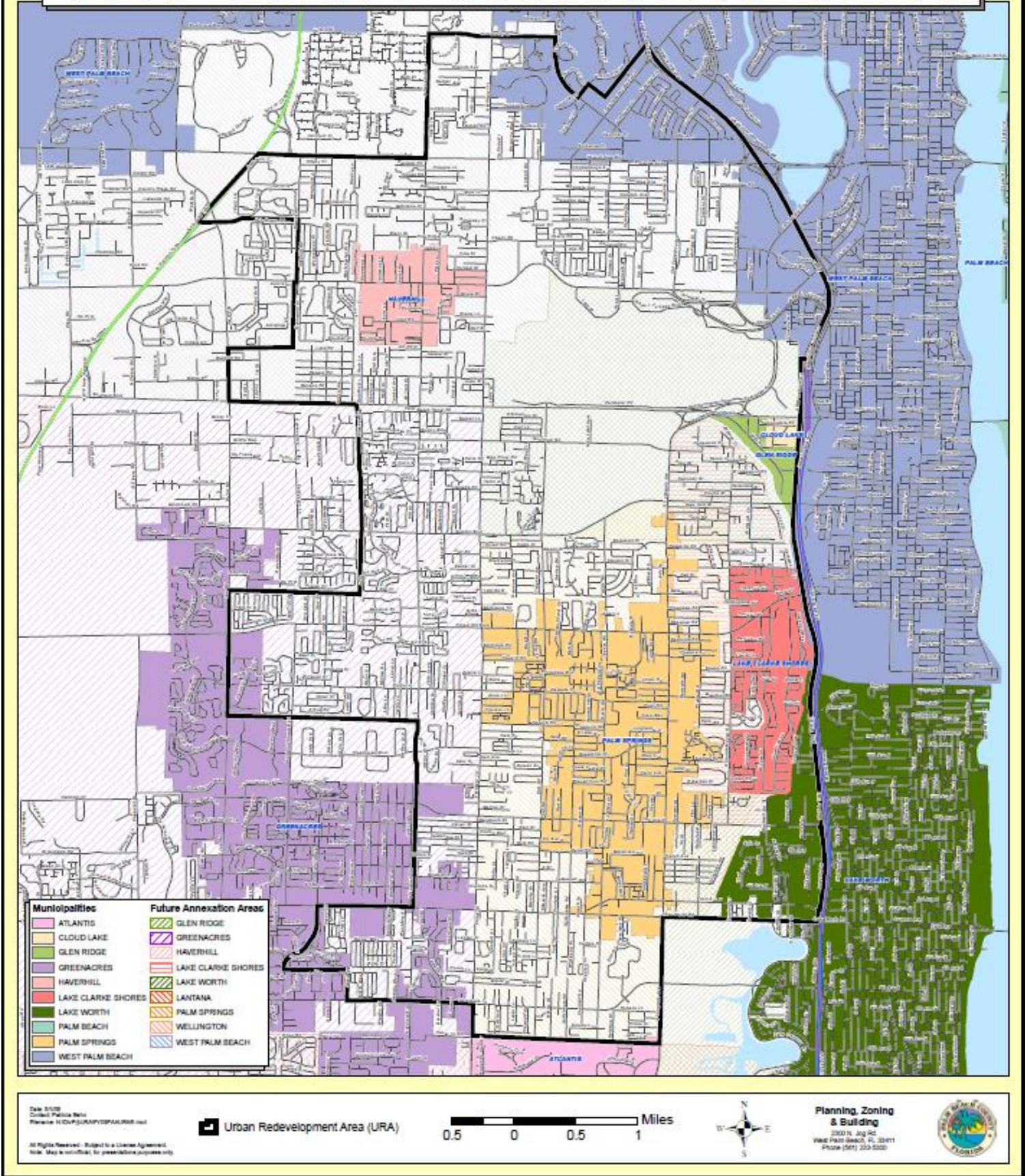


Figure 1 Overall URA Map

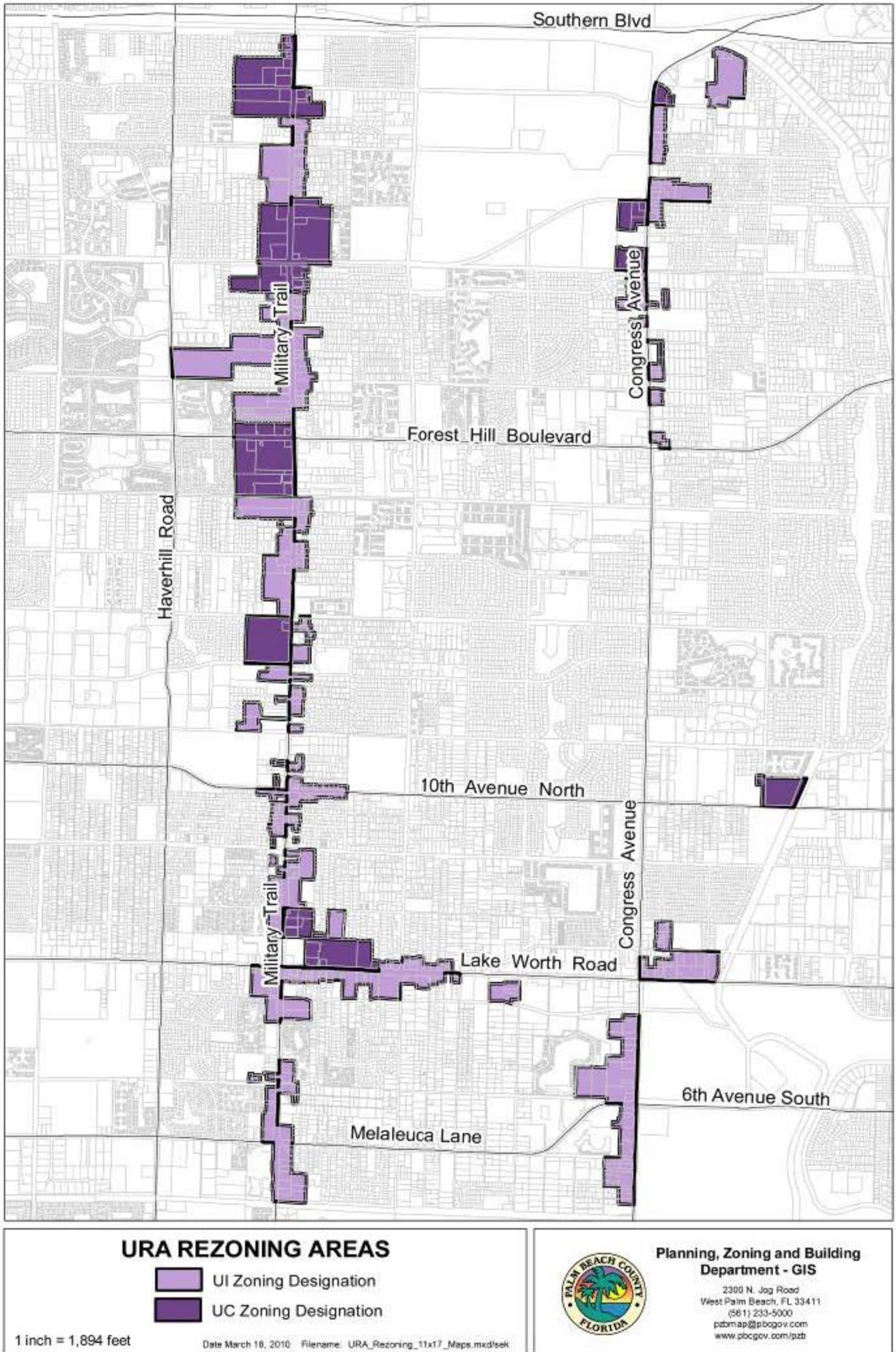
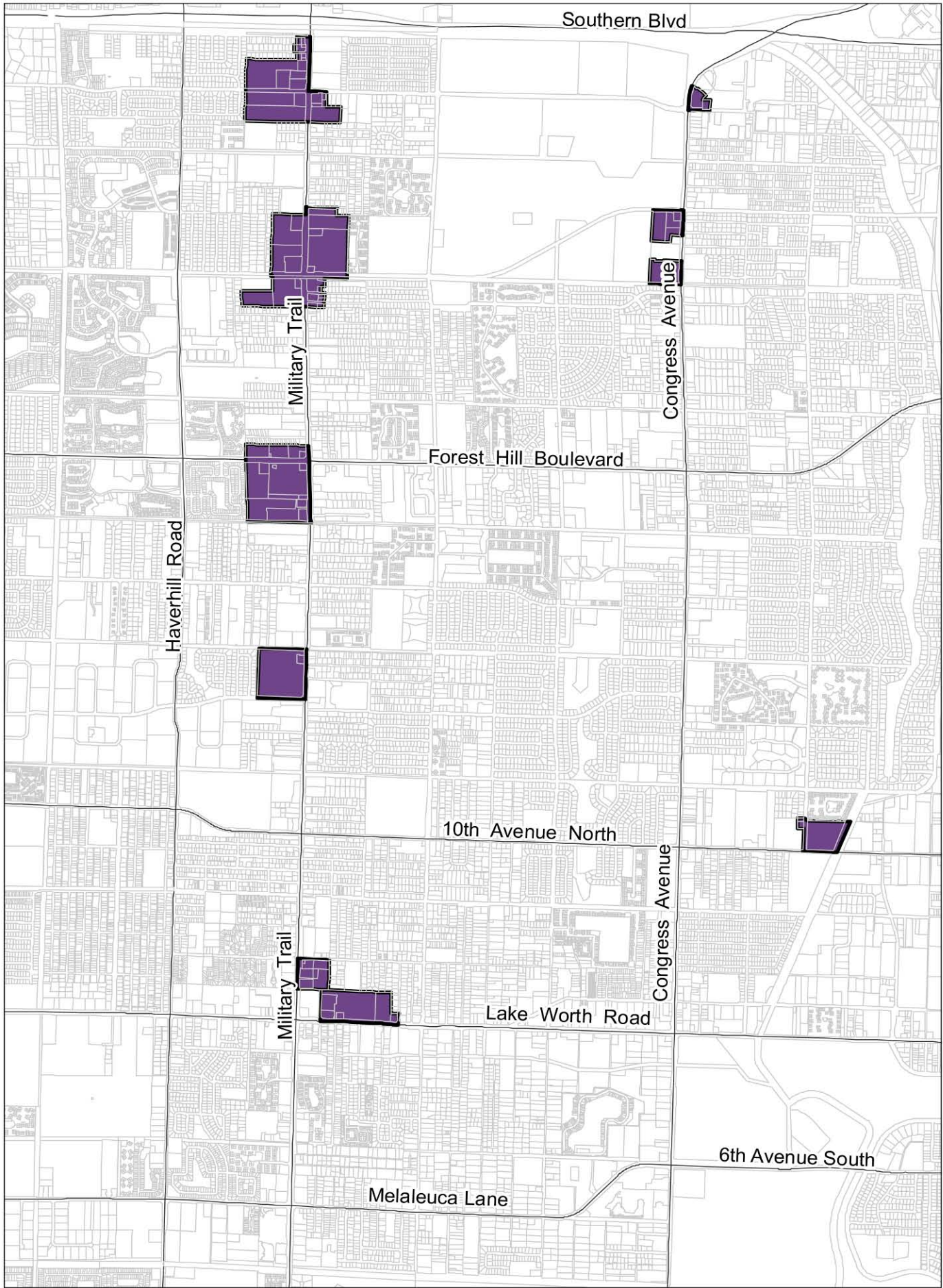



Figure 2 URA Map (showing both UC and UI)



URA REZONING AREAS

 UC Zoning Designation

1 inch = 1,894 feet Date March 18, 2010 Filename: URA_Rezoning_11x17_Maps.mxd/sek

**Planning, Zoning and Building
Department - GIS**

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Figure 3 URA Map for UC area
 BCC
 Application No. Z-2010-00667
 Control No. 2010-00113

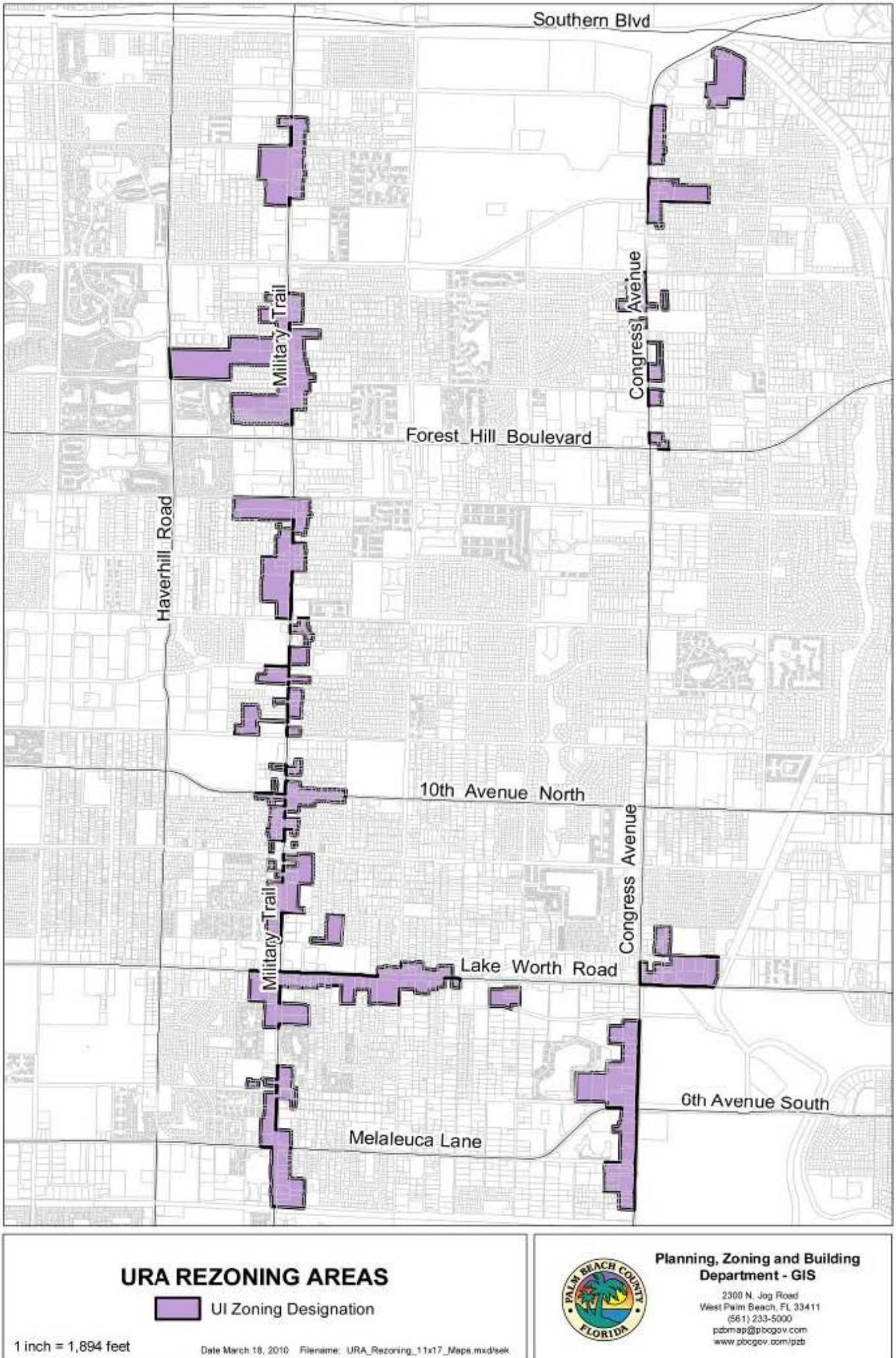
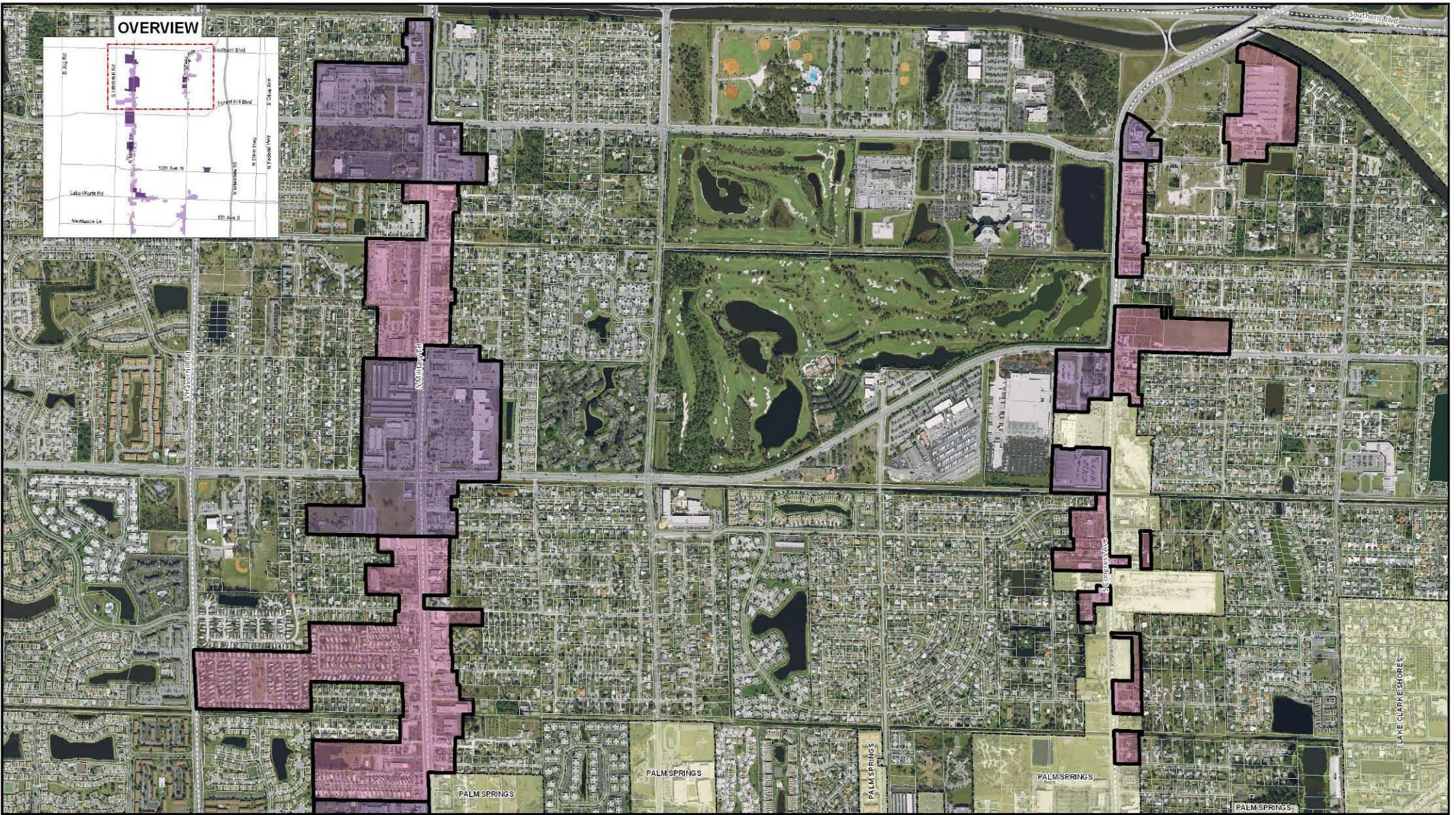


Figure 4 URA Map for UI area



Proposed Rezoning Areas

- PROPOSED URBAN INFILL (UI) REZONING
- PROPOSED URBAN CENTER (UC) REZONING

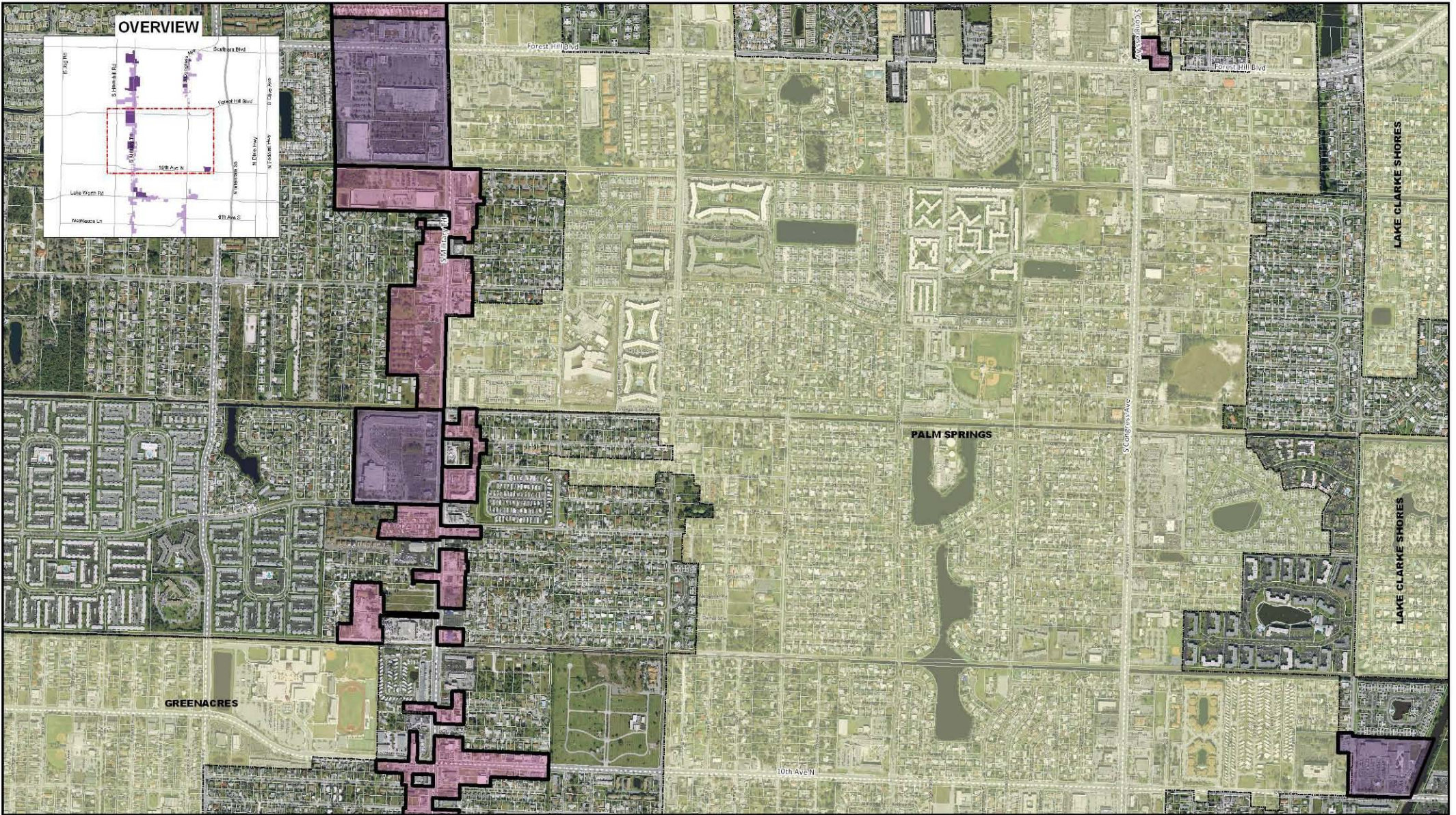
**PRIOR APPROVALS WITHIN URA/PRA
WITH UC AND UI ZONING DESIGNATIONS**

Date 03/29/2010 Filename: URA_Rezoning_with_Approvals_top_aerial.mxd (sk)



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- Proposed Rezoning Areas**
- PROPOSED URBAN INFILL (UI) REZONING
 - PROPOSED URBAN CENTER (UC) REZONING

**PRIOR APPROVALS WITHIN URA/PRA
WITH UC AND UI ZONING DESIGNATIONS**

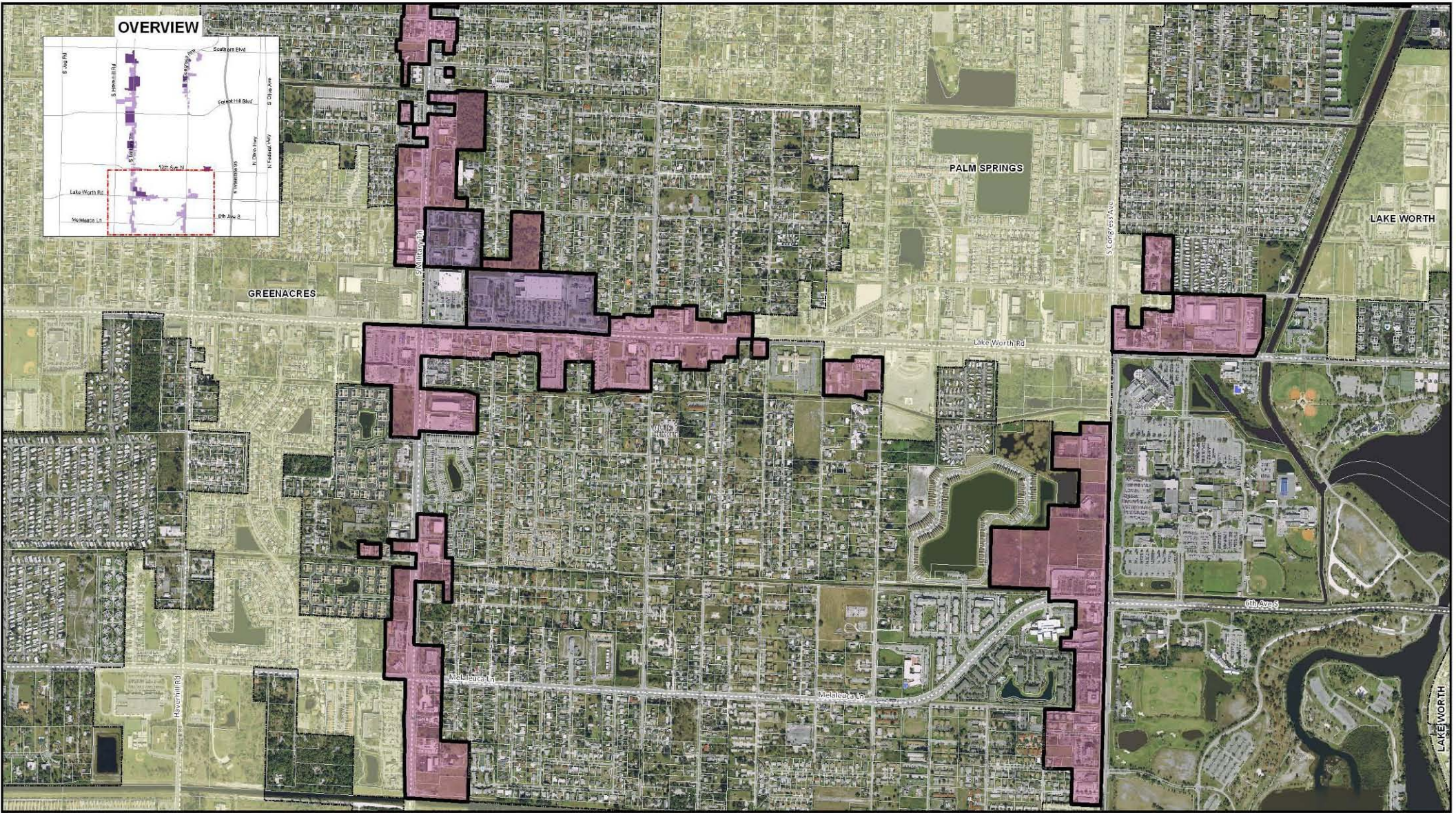
Date 03/29/2010 Filename: URA_Rezoning_with_Approvals_middle_aerial.mxd 0 715 630 1,260 1,990 2,520 Feet



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Figure 6 – Aerial Middle



- Proposed Rezoning Areas**
- PROPOSED URBAN INFILL (UI) REZONING
 - PROPOSED URBAN CENTER (UC) REZONING

**PRIOR APPROVALS WITHIN URA/PRA
WITH UC AND UI ZONING DESIGNATIONS**

Date 03/29/2010 Filename: URA_Rezoning_with_Approvals_bottom_aerial.mxd 0 315 630 1260 1890 2520
Foot



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STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Urban Center (UC).

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject property is within the future annexation areas for Haverhill, Cloud Lake, Glen Ridge, West Palm Beach, Greenacres, Palm Springs, Lake Worth, Atlantis, and Lake Clarke Shores.

INTERGOVERNMENTAL COORDINATION: The subject properties are located within one mile of Haverhill, Cloud Lake, Glen Ridge, West Palm Beach, Greenacres, Palm Springs, Lake Worth, Atlantis, and Lake Clarke Shores.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION/ SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: Proposed is an Official Zoning Map Amendment to rezone lands in the Urban Redevelopment Area from multiple zoning designations to the corresponding Urban Center Zoning District.

Approximately 247.74 acres of land will be rezoned to the Urban Center (UC) Zoning District.

The Comprehensive Plan was amended in Rounds 2008-02 and 2009-02, creating the Future Land Use designations of Urban Center (UC) and Urban Infill (UI). The Plan mandated the creation of new land development regulations and zoning districts consistent with the amendment. The land development regulations for the Urban Redevelopment Area are scheduled for adoption on August 26, 2010.

The Florida Growth Management Act mandates that land use and zoning designations be consistent with one another. Presently, the Zoning designations for the subject properties are inconsistent with the Urban Center (UC) Land Use designation. In order for the land use and zoning to be consistent, all of the properties within the Urban Redevelopment Area that have Urban Center (UC) Future Land Use designations must be rezoned to the corresponding Zoning designation.

Properties in the Urban Redevelopment area that have a land use designation other than Urban Center will not be affected by this Official Zoning Map Amendment.

FINDINGS: The request is consistent with the land use designations of the Palm Beach County Comprehensive Plan and the intent of the Urban Redevelopment Area Overlay.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

This application is for re-zoning only. Once a site plan is developed for individual projects, the property owner shall obtain an onsite Drainage Review from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto County owned and maintained roads and a permit from the Florida Department of Transportation for access onto State owned and maintained roads.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No staff analysis required for this application.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

No staff analysis required for this application.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection. No staff analysis required for this application.

SCHOOL IMPACTS: No staff analysis required for this application.

PARKS AND RECREATION: No staff analysis required for this application.

CONCURRENCY: No change to the existing concurrency with this rezoning request.

WATER/SEWER PROVIDER: No change to the existing water providers with this rezoning request.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Rezoning Standards:

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1-8 indicated below. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

The Planning Division has reviewed the request to rezone from multiple Zoning Districts to the UC Zoning District and found the request to be consistent with the UC land use designation of the Plan.

2. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The BCC adopted Ordinance 2009-046 and 2008-056 which changed multiple land uses for the subject properties to the UC and UI Future Land Designations. The rezoning request is in accordance with the requirement of ULDC Article 3.C.1.A. "Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts". The rezoning of the parcels to the UC Zoning District will bring them into compliance with the UC Future Land Use designation. The subject sites will be required to comply with previous conditions of approval, if applicable and the subsequent ULDC Amendments.

3. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The rezonings will not affect compatibility with surrounding uses at this time as there is no development proposed with these rezonings. The overall intent of the URA/PRA is to encourage development and redevelopment by requiring a new urbanism design that focuses on compact development, mixed use, and walkability, with emphasis on safety, comfort, and ecological responsibility, as well as visually appealing architecture and site designs. The goal of the URA/PRA is to give incentives (through increased density and intensity and decreased parking, landscaping, etc.

requirements) to encourage development and remove the blighted areas to enhance the quality of life for the surrounding businesses and homes.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Environmental Resource Management (ERM) has reviewed the requested amendment and determined that there are no significant environmental issues associated with this application beyond compliance with ULDC requirements. Any future application that comes in will be reviewed and analyzed for environmental impacts and will be required to comply with code in effect at the time of submittal.

5. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed amendment will allow the parcels to be consistent with the future land designations and the URA Master Plan which has been created as the development pattern for this geographic area.

6. **Consistency with Neighborhood Plan** – *The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.*

The rezonings will not have any affect on the neighborhood plans at this time.

7. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

The rezonings will not have any affect on public facilities at this time. Any new future applications for development will have to comply with Art.2.F, Concurrency.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The existing multiple Zoning Districts are not consistent with the existing Future Land Use designations of UC. The changed circumstances is the newly adopted UC Future Land Use designations and the requirement for the zoning to be consistent with the Future Land Use designations.