

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



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**Application No.:** Z-2010-00667 and Z-2010-668  
**Control No.:** 2010-00113 and 2010-00125  
**Applicant:** None  
**Owners:** 1951 1997 South Military Trail LLC; Adonidia LLC;  
Alejandro Martinez; Avenge Tatto Co; B & R Enterprises Inc;  
Bayview Loan Servicing LLC; Bellsouth Mobility Inc;  
Benjamin Properties LLC; Pep Boys; Carlos Fonseca;  
Carlos Remirez; Changemaker Corp; Chs Properties Inc;  
Cmcc Ventures Ltd; Cohen Waterside LLC;  
College Shops LLC; Commerce Bank Na; David Perez;  
David Pollow; Defaus Realty Inc; Donald Shelhamer;  
Dwellings & Abodes LLC; Elwill Assoc Inc;  
Elwill Associates Inc; Ess Prisa LLC; Eva Flores;  
Evroy Grant; F P Petroleum LLC; Forest Hill Condos Inc;  
Fu Long LLC; Gam Realty LLC; Gay Durrance;  
Gerald Barbarito; Gilbert Suarez; Gilo Realty LLC;  
Gods Church Of Faith Inc; Grasso Lo;  
Great Games Of Florida Inc; Gun Club LLC;  
Gun Club Partners LLC; Gun Club Properties LLC;  
Gun Club Subsidiary LLC: Gustavo Ruano;  
Health Care District Of Palm Beach Cnty;  
Health Costs Recovery Inc; Heaven & Earth Floral Inc;  
Helm Bank; Henick Property LLC; Home Depot Usa Inc;  
Howell Garolsky; Hui Lin; Ib Property Holdings LLC;  
Indus Direct LLC; Inshan Hosein; Isabel Diaz;  
James Kerr; Javier Jaramillo; John Harrod;  
Jomar Florida Enterprises LLC; Jonathan Commander;  
Jorge Suarez; Jvotsna Ajinkya; Kamala Rampersad;  
Ladhani Properties LLC; Lavindra Maharaj;  
Lawrence Buchan; Lazaro Gonzalez; Lemontree Jpb;  
Leong Holdings LLC; Local Union 728 Building Corp;  
Lograsso Properties Inc; Luciano Jaramillo;  
Luz Alfonso; Masterguard Aluminum Rail & Fence Co Inc;  
Mdds LLC; Military & Trail Inv Inc;  
Military Trail Realty Associates LC; Mission Azure LLC;  
Mitchell Warner; Mobil Oil Corp; Monete Hessen;  
New Water Holdings LLC; Nicolas Hernandez;  
Pace Cars LLC; Palm Beach County;  
Palms White; Patrick Herisee;  
Pharaohs Investment Group LLC; Phil Mar Leasing Inc;  
Plaza Gruber; Polo Shopping Ltd; Prg Empire Inc;  
Promociones 96 Inc; Pt Department;  
Ramon Gonzalez; Ranch House Prop Owners Assn;  
Restaurant Cnl; Restaurants Mcdonalds;  
Robert Dunn; Robert Williamson; Roland Rosendahl;  
Sanar Enterprises LLC;  
School Board Of Palm Beach County Fl; Scotts Gas LLC;  
Se Petro Two LLC;  
Sky King Of West Palm Beach Holdings LLC

Sonia E Paez LLC; Southern Bell Tel & Tel Co;  
Spectrum Electrical Cont Inc; Spring Estates South LLC;  
St Pierre; Steven Sell; Summit Pines LLC;  
Sunrise Financial Cntr Condo Assn Inc; Ta Cresthaven LLC;  
Thomas Floyd; Thomas Gallo;  
United States Postal Service Facilities; Veronica Whyte;  
Victoria Carballo; Victory Baptist Church Of Wpb Inc;  
Wage LLC; Walter Delacruz; Wayjohn Inc;  
West Palm Beach Fla Cpdc Ltd; Wilfredo Alvarado;  
Witt De; Yanez Investments Inc  
PBC Zoning Division - Autumn Sorrow  
(561) 233-5278  
Autumn Sorrow, Senior Site Planner

**Agent:**

**Telephone No.:**

**Project Manager:**

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**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 and Urban Infill PRA Rezoning)

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**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from multiple Zoning Districts to the Urban Center (UC) or Urban Infill (UI) Zoning District.

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**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. The general locations of the 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 or a UI Future Land Use designation only.

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**ISSUES SUMMARY:**

o History

On August 22, 2005, the Board of County Commissioners 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 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 10<sup>th</sup> Avenue North.

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 purpose of this proposed rezoning is to bring the subject parcels into consistency with the newly adopted UC and UI 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.

o Consistency with Comprehensive Plan

The Planning Division has reviewed and found the request to be consistent with the site's newly adopted Urban Center (UC) and Urban Infill (UI) Future Land Use (FLU) designations of the Comprehensive Plan. See Planning Comments for additional information.

o Consistency with the Code

Palm Beach County Zoning Division has initiated the rezoning of the Priority Redevelopment Area to the UC and UI Zoning Districts so that these parcels are consistent with the Future Land Use designations. (Note: The rezoning shall apply to those properties that have the Urban Center or Urban Infill Future Land Use designations only).

Concurrent with the County-initiated rezoning process are amendments to the Unified Land Development Code to implement the policies of the Comprehensive Plan and the goals of the Urban Redevelopment Area Master Plan. The Unified Land Development Code 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 and the rezoning to the UI Zoning District affects approximately 435.10-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 intensive district, which is comprised mostly of intense commercial uses and located at the major intersections and the UI Zoning District is the least intense zoning district, which is comprised mostly of mixed-use development and is located away from intersections near existing residences. At this time, the rezonings 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 these two zoning districts 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 currently nonconforming under the current regulations. Expansion, maintenance, renovations, or damage repair beyond the thresholds require the site to comply with new 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 three scenarios will apply to a parcel within the Urban Redevelopment Area Overlay:

- Vested – projects are vested for what was previously approved and may continue the use of the site provided compliance with the original approval(s).
- Conforming sites – projects in compliance with existing code requirements but not in compliance with the new URA requirements may continue the use of the property as existing and may perform annual maintenance and some minor modifications as established in Article 1.E, 'Prior Approvals' and Article 1.F, 'Nonconformities'. If any expansion, maintenance, renovations, or damage repair exceeds the thresholds then the site will have to be brought into compliance with the new URA requirements.
- Nonconforming sites – projects not in compliance with current code requirements or the new URA requirements will be subject to Article 1.E, 'Prior Approvals' and Article 1.F, 'Nonconformities' for any expansion, maintenance, renovations, or damage repair beyond the 50% threshold.

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 lists what the main inquiries and comments 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 list the main inquiries and comments 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 don't support the encouragement for increased density.

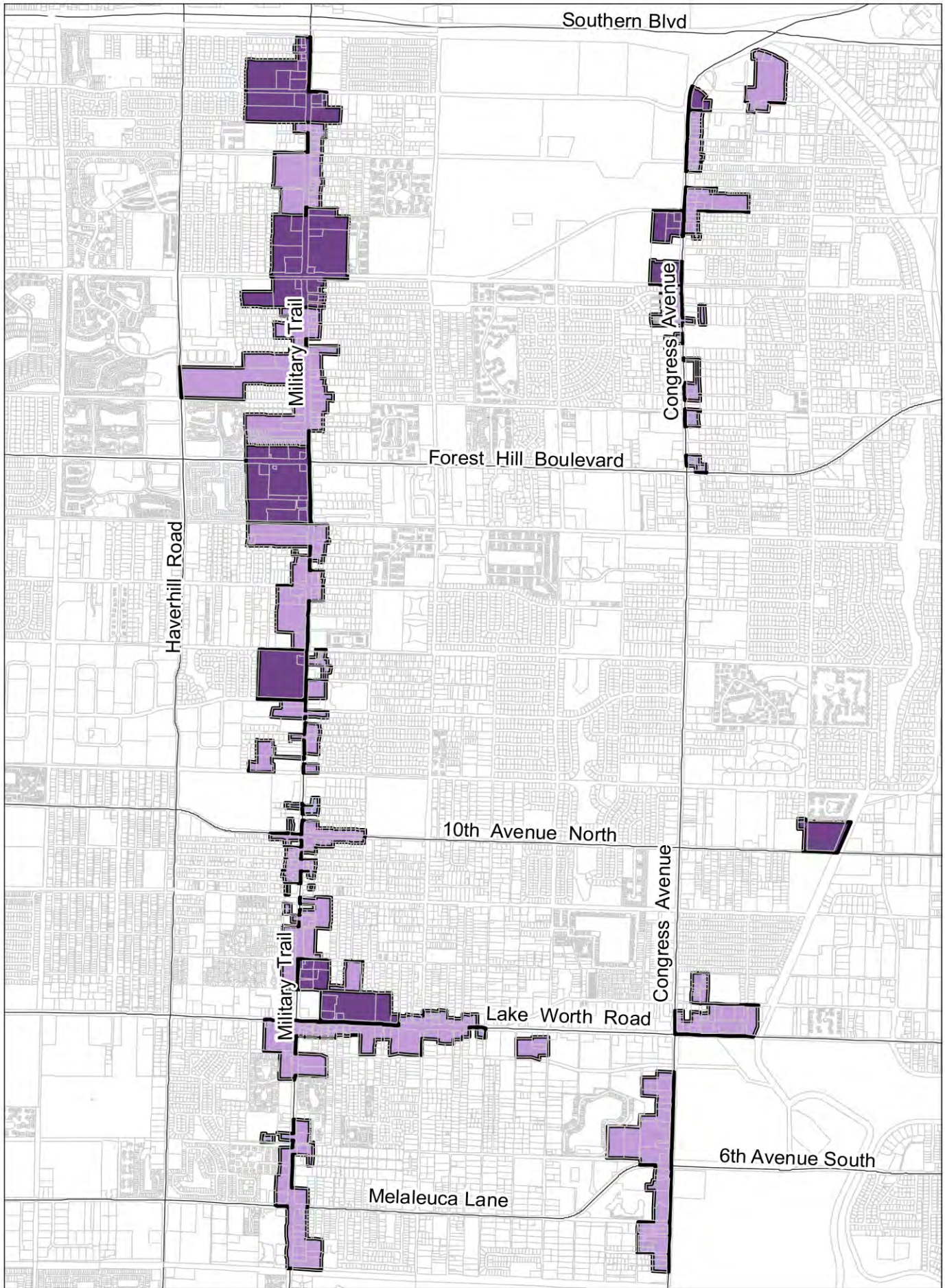
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**PUBLIC COMMENT SUMMARY** At the time of publication, staff had received numerous telephone contacts from the public regarding this project requesting additional information about the UC and UI Zoning Districts and the overall URA PRA Master Plan. 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) or Urban Infill (UI) Zoning Districts.

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**MOTION:** To recommend approval of an Official Zoning Map Amendment to allow a rezoning from multiple Zoning Districts to the Urban Center (UC) Zoning District or the Urban Infill (UI) Zoning District.






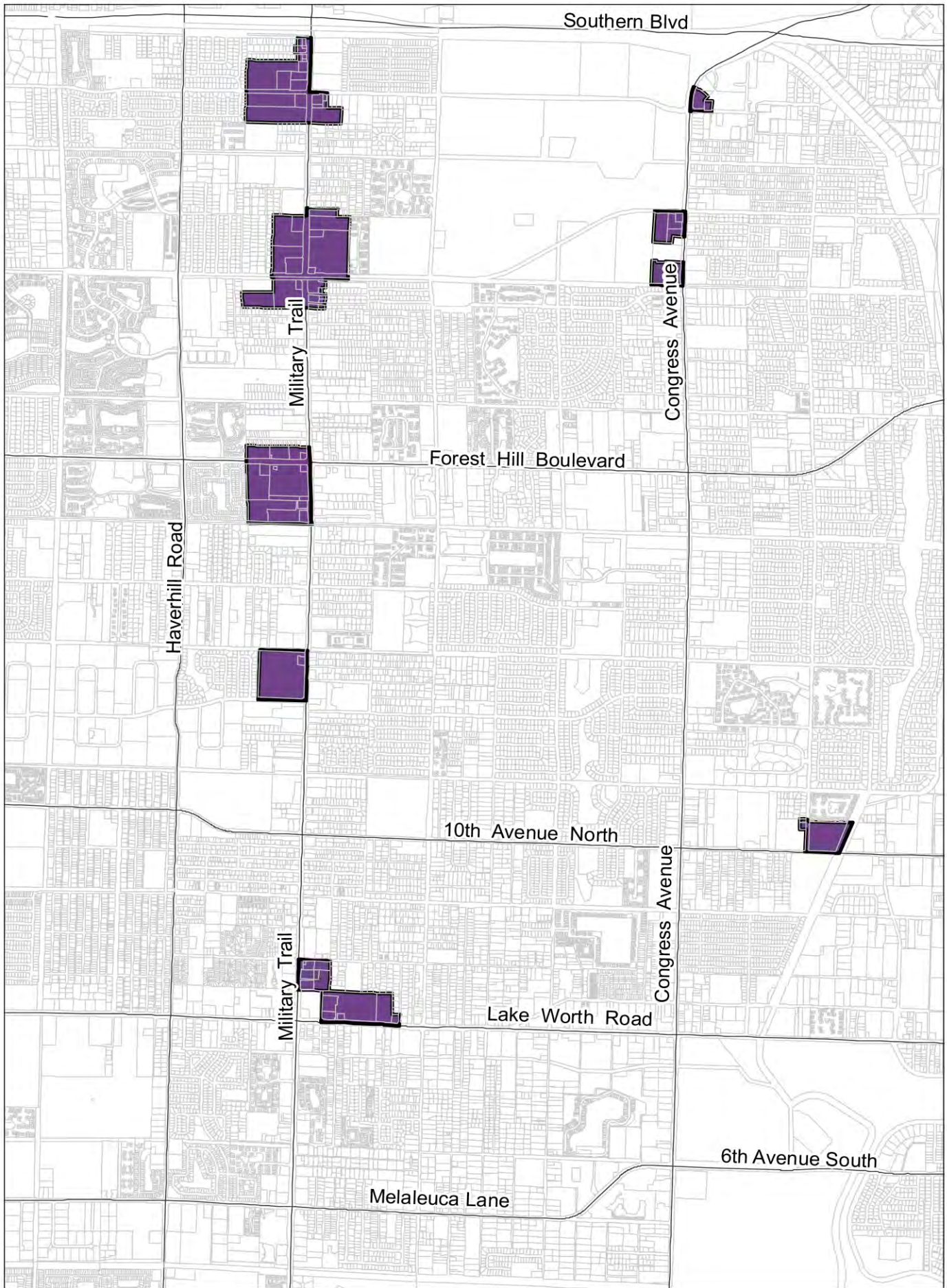
<p><b>URA REZONING AREAS</b></p> <p> UI Zoning Designation</p> <p> UC Zoning Designation</p>		 <p><b>Planning, Zoning and Building Department - GIS</b></p> <p>2300 N. Jog Road West Palm Beach, FL 33411 (561) 233-5000 pzmap@pbcgov.com www.pbcgov.com/pzb</p>
<p>1 inch = 1,894 feet</p> <p>Date March 18, 2010    Filename: URA_Rezoning_11x17_Maps.mxd/sek</p>		

Figure 1 URA Map (showing both UC and UI)





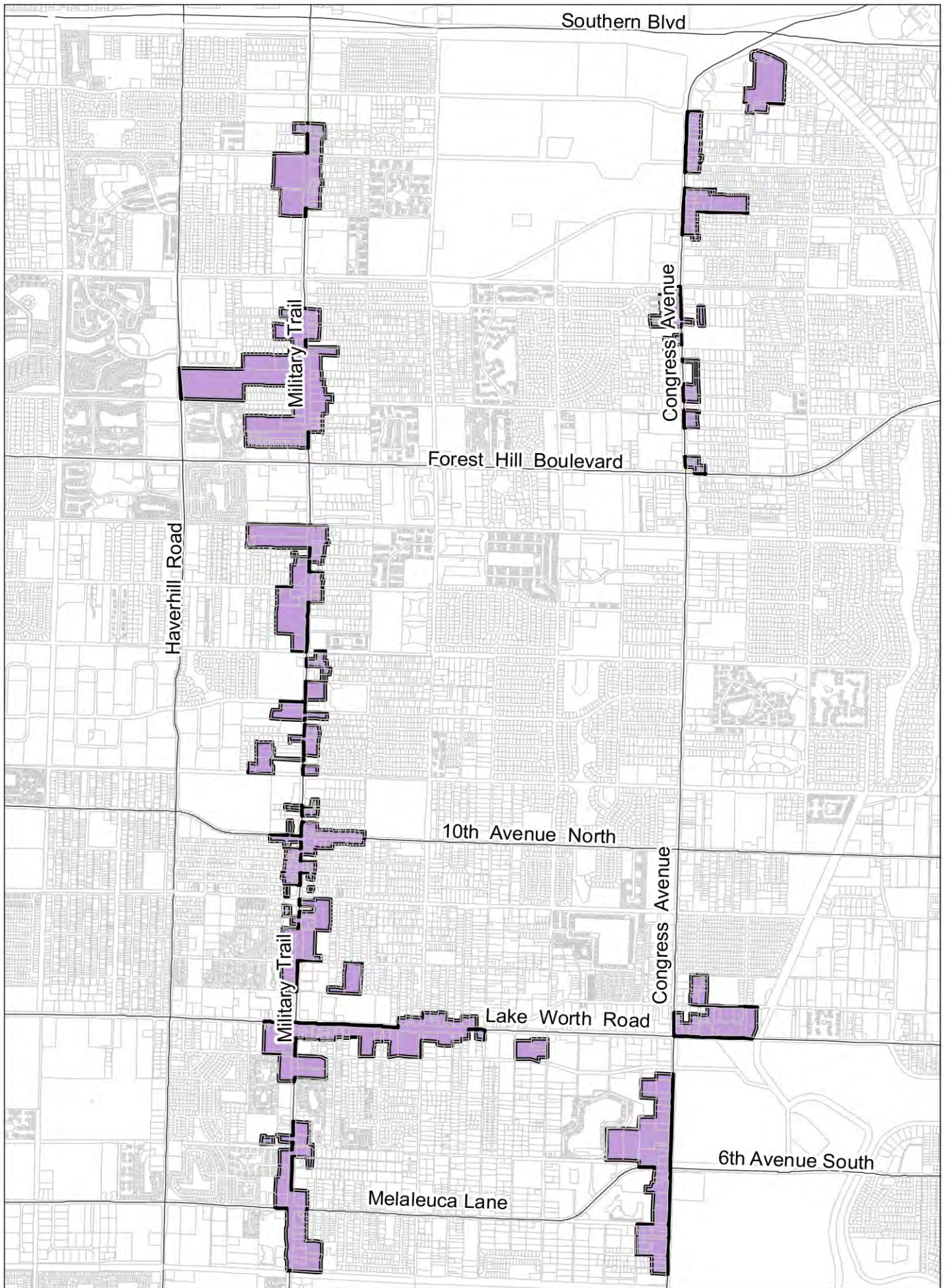
<p align="center"><b>URA REZONING AREAS</b></p> <p align="center">  UC Zoning Designation         </p> <p>1 inch = 1,894 feet      Date March 18, 2010    Filename: URA_Rezoning_11x17_Maps.mxd/sek</p>	<p align="center">  </p> <p align="center"><b>Planning, Zoning and Building Department - GIS</b></p> <p align="center">           2300 N. Jog Road            West Palm Beach, FL 33411            (561) 233-5000  <a href="mailto:pzbmap@pbcgov.com">pzbmap@pbcgov.com</a>  <a href="http://www.pbcgov.com/pzb">www.pbcgov.com/pzb</a> </p>
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Figure 2 URA Map for UC area




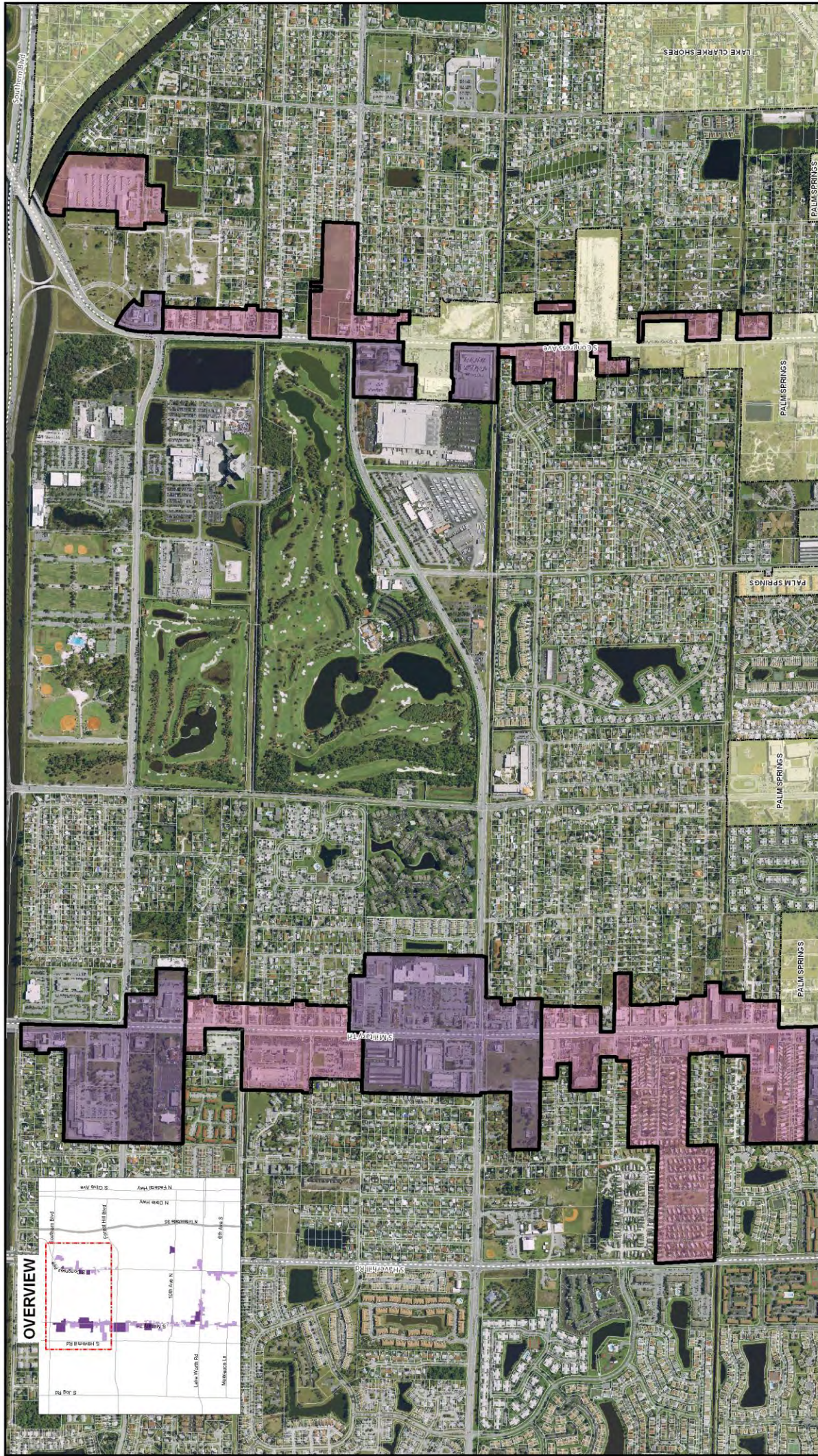
<p align="center"><b>URA REZONING AREAS</b></p> <p align="center">  UI Zoning Designation         </p> <p>1 inch = 1,894 feet</p> <p>Date March 18, 2010    Filename: URA_Rezoning_11x17_Maps.mxd/sek</p>	<p align="center">  </p> <p align="center"><b>Planning, Zoning and Building Department - GIS</b></p> <p align="center">         2300 N. Jog Road          West Palm Beach, FL 33411          (561) 233-5000          pzbmap@pbcgov.com          www.pbcgov.com/pzb       </p>
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Figure 3 URA Map for UI area





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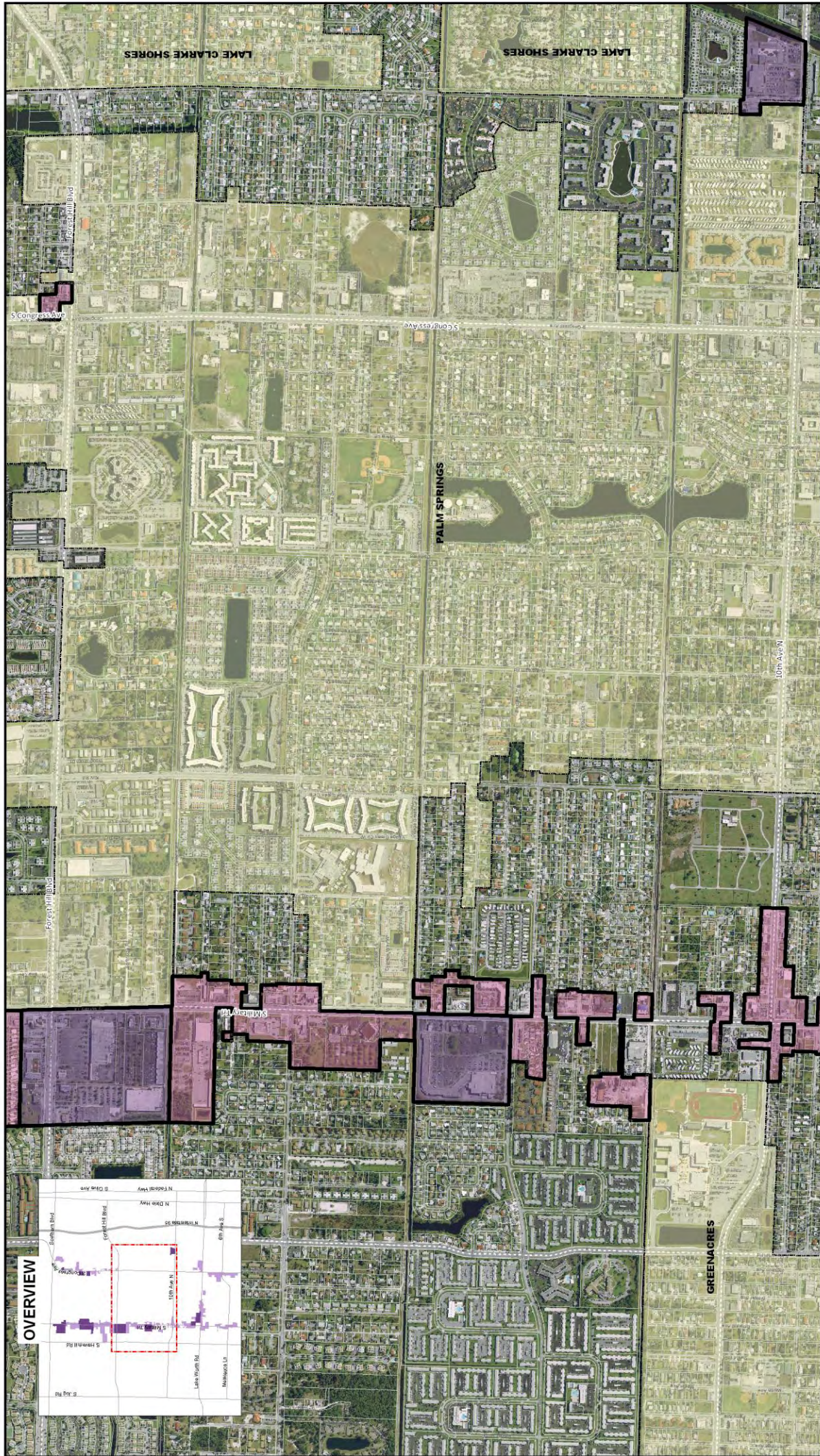


**PRIOR APPROVALS WITHIN URA/PRA  
 WITH UC AND UI ZONING DESIGNATIONS**

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

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Figure 4 Aerial top



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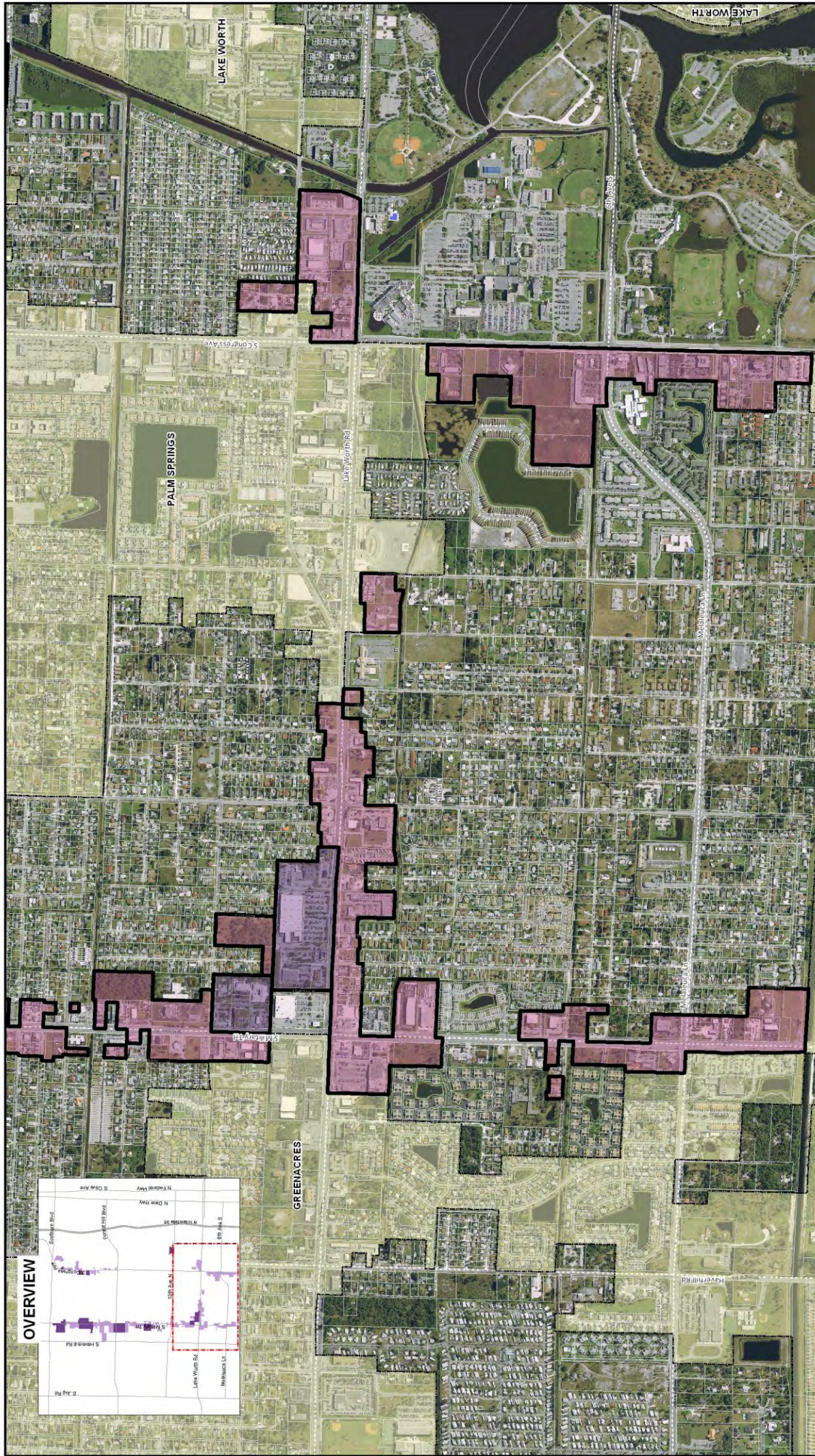
**PRIOR APPROVALS WITHIN URA/PRA  
 WITH UC AND UI ZONING DESIGNATIONS**

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

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Figure 5 – Aerial Middle



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

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

Date 03/29/2010    Filename: URA\_Resoning\_with\_Approvals\_bottom\_aerial.mxd    0    316    632    948    1260    1576    2124

Figure 6 Aerial Bottom

## STAFF REVIEW AND ANALYSIS

### **PLANNING DIVISION COMMENTS:**

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

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

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

INTERGOVERNMENTAL COORDINATION: The subject property is located within one mile of the Haverhill, Cloud Lake, Glen Ridge, and 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 or Urban Infill Zoning Districts.

Approximately 247.74 acres of land will be rezoned to the Urban Center (UC) Zoning District, and approximately 430.45 acres will be rezoned to the Urban Infill (UI) 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) and Urban Infill (UI) Land Use designations. 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) and Urban Infill (UI) 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 (UC) or Urban Infill (UI) 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

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### **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.

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### **PALM BEACH COUNTY HEALTH DEPARTMENT:**

No staff analysis.

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**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

This application is for re-zoning only. Once a site plan is developed for individual projects then they would be subject to review.

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**OTHER:**

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: This application is for re-zoning only. Once a site plan is developed for individual projects then they would be subject to review.

PARKS AND RECREATION: This application is for re-zoning only. Once a site plan is developed for individual projects then they would be subject to review.

CONCURRENCY: This application is for re-zoning only. Once a site plan is developed for individual projects then they would be subject to review.

WATER/SEWER PROVIDER: N/A

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

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**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 or UI Zoning District and found the request to be consistent with the UC and UI 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 or UI Zoning District will bring them into compliance with the UC or UI Future Land Use designation. The subject sites will be required to comply with previous conditions of approval, if applicable and the subsequent ULDC Amendments, as they come in for future development.

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 or UI. The changed circumstances are the newly adopted UC and UI Future Land Use designations and the requirement for the zoning to be consistent with the Future Land Use designations.