

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

Application No.: Z-2013-01842
Application Name: Town of Lake Clarke Shores Public Works
Control No.: 2013-00122
Applicant: Town of Lake Clarke Shores
Owners: Town of Lake Clarke Shores
Agent: Gentile Glas Holloway O'Mahoney & Assoc Inc. - Dan Siemsen
Telephone No.: (561) 575-9557
Project Manager: Donna Adelsperger, Site Planner I

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Residential Multi-Family (RM) Zoning District to Public Ownership District (PO) Zoning District

APPLICATION SUMMARY: Proposed is a rezoning of a 1.58-acre parcel of land from the Residential Multi-family (RM) Zoning District to the Public Ownership (PO) Zoning District to allow for the expansion of a Minor Utility. On May 8, 2013, the Development Review Officer (DRO) approved a Final Site Plan consisting of 3,452 square feet (sq. ft.) of Minor Utility use. During the review of the application an illegal subdivision had been identified. The project is under review for a replat of the lot. Additionally, as a result of the subdivision, the subject rezoning was necessary to remedy non-conforming setbacks for the buildings.

Through another subsequent application, the applicant will be seeking Deviations from the Unified Land Development Code (ULDC) to address site non-conformities in regard to Article 6 Parking and Article 7 Landscaping and from the County Engineer for Article 11 - Subdivision, Platting and Improvements. The Preliminary Site Plan indicates a total of 3,452 sq. ft. for three structures (1,658 sq. ft. of office and, two storage buildings totaling 1,884 sq. ft.). The Final Site Plan indicates 8 parking spaces. Access to the site is by way of a 24-foot ingress/egress easement along the east property line.

SITE DATA:

Location:	Approximately 700 feet east of the intersection of Seminole Drive and Kewanee Road and 310 feet north of Kewanee Road (Town of Lake Clarke Shores Public Works)
Property Control Number(s)	00-43-45-06-03-012-0060
Existing Land Use Designation:	Medium Residential (MR-5)
Proposed Land Use Designation:	No change proposed
Existing Zoning District:	Multi-Family Residential (Medium Density) District (RM)
Proposed Zoning District:	Public Ownership (PO)
Acreage:	1.58 acres
Tier:	Urban/Suburban (U/S)
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	Seminole Manor
Municipalities within 1 Mile	City of Atlantis and City of Boynton Beach
Future Annexation Area	Town of Lantana

RECOMMENDATION: Staff recommends approval of the request.

ACTION BY THE ZONING COMMISSION: November 7, 2013: Motion to recommend approval carried by a vote of 8-0.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

The site received Final Site Plan approval on May 16, 2013 for a Minor Utility use. The parcel is part of an overall drainage tract as shown on the 1958 recorded plat for Seminole Manor Subdivision. The site has been in existence as a Minor Utility since 1978. The Utility including the property was purchased in 1988 by the Town of Lake Clark Shores. In 1994 the Town sold most of the Drainage Tract to the School District of Palm Beach County for drainage for the Starlight Cove Elementary School. The Town retained a 275-foot by 275-foot parcel of land that had been used as a component of the Town's potable water treatment, storage, and distribution facility for over 25 years. An office and storage building for the utility department are located on the parcel to support this southern service area.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Drainage (Seminole Elementary School, Control No 1994-00041)

SOUTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Drainage (Seminole Elementary School, Control No 1994-00041)

EAST:

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Drainage (Seminole Elementary School, Control No 1994-00041)

WEST:

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Residential (Seminole Manor Subdivision, Control No N/A)

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are 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.

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

The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Per Future Land Use Element (FLUE) Policy 2.2.8-a, Public facility uses are allowed in all FLU designations, provided that the residential neighborhood is protected from undesirable impacts. Additionally, the PO Zoning District is consistent with all the FLU designations.

Intensity: The request for 3,542 square feet equates to a Floor Area Ratio (FAR) of approximately 0.05 (3,542 /68,824.8 square feet or 1.58 acres = 0.05). The subject 1.58 acre site could develop with a total of 30,971 square feet based on the maximum allowable FAR of 0.45(1.58 ac x 43,560 x .45 = 30,971 square feet).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is not located within an Overlay or Neighborhood Planning Area identified within the Comprehensive Plan.

1. **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 PO Zoning District is established to accommodate the development of public buildings and facilities for government owned and operated lands. The PO Zoning District is consistent with all FLU designations of the Comprehensive Plan and allows for Minor Utility uses as permitted subject to a Site Plan Approval. The proposed rezoning to the Public Ownership (PO) Zoning District is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of the Code.

With the rezoning to the PO Zoning District any site non-conformities will be addressed in regard to property development regulations addressed in Table 3.D.1.A., for setbacks, lot frontage or minimum lot size.

Through a subsequent application, PCN 2013-02731, the applicant is requesting PO Deviations pursuant to Article 2 of the ULDC. They will be requesting deviations from Article 6 Parking, Article 7 Landscaping, and Article 11 Subdivision, Platting and Improvements. Those Deviations are shown in application PCN-2013-02731 and are listed below for reference.

Article 6A.1.D.2.c - Pedestrian Pathway
Article 7 – Table 7.C.3 - Protective Curbing
Article 7.G.2.E. Landscape Protection Measures
Article 7.F.1.B - Compatibility Buffer - North, South and East
Article 7.F.1.A - Minimum Right-of-Way - Perimeter Buffer - west property line
Article 7.F.1.A - Minimum Trees in Right-of-Way buffer
Article 7 – Table 7.C.3 Minimum Tier – Landscape Buffer - west property line
Article 7 – Table 7.C.3 - Minimum Tree Quantity – Non-Residential
Article 7 – Table 7.C.3 - Minimum Shrubs Quantities – Non-Residential
Article 7 – Table 7.C.3 Foundation Planting width for building facades
Article 7.G.2.B – Minimum Landscape Islands

2. **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 site is surrounded on all sides by the RM Zoning District, although has non-residential uses on three of the four sides. The site has been developed and operating as a Utility Minor site for over 25 years. The continuance of the use will remain compatible with the surrounding uses. There are no foreseeable compatibility issues that would result from the change in zoning and continued occupancy of the Utility Minor use. Therefore, the rezoning will be an appropriate zoning district for the land.

3. **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.*

VEGETATION PROTECTION: The site is an existing Lake Clark Shores facility.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

Conclusion: The site is developed as a Utility Minor use and supports no significant native vegetation

or other environmental features. Accordingly, this rezoning request will not result in significantly adverse effects on the natural environment.

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

The site has been developed as a Minor Utility since 1978 and is surrounded by primarily a drainage tract; and small amount of residential. The proposed rezoning to the Public Ownership (PO) Zoning District is to provide for the appropriate Zoning Designation for a parcel of land owned by a governmental entity. This rezoning request, to allow for the continuation of the Minor Utility on this site, will have no adverse effect on the development pattern of the area.

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

ENGINEERING COMMENTS:

The Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit. The Property Owner shall provide proof of legal access for the site and proof of legal positive outfall from the site.

If the rezoning to the PO Zoning District is approved and the Property Owner does not intend to comply with the above requirements of Article 11 of the Unified Land Development Code, the Property Owner shall submit a deviation request to the County Engineer.

TRAFFIC IMPACTS: There would be no additional traffic impacts from this project.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: Concurrency has been approved for a Utility Minor consisting of 3,452 square feet. The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facilities Standards).

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

The subject site is identified as Tract C on the 1958 recorded plat for the Seminole Manor Subdivision and was used as drainage for the subdivision. In 1988 the Town of Lake Clarke Shores purchased the property from Florida Water Services, Inc.

In November 1994 the Town of Lake Clarke Shores sold the majority of Tract C to the School District of Palm Beach County for drainage for the Seminole Manor School (Starlight Cove Elementary School). It was at that time that the 275-foot by 275-foot lot for the Town of Lake Clark Shores was created. As part of the sale to the School District there was an agreement that the School District would provide drainage and access to the lot through a 24-foot ingress-egress easement for use by the Town of Lake Clark Shores.

The site has been used as a component of the Town's potable water treatment, storage and distribution facilities since 1978 (35 years) and until 2008, the site also contained a 300,000 gallon capacity steel water storage tank that has since been decommissioned and removed. Existing structures consist of a 1,658 square foot (sq. ft.) office building; an 84 sq. ft. equipment building; and a 1,800 sq. ft. storage building for a total of 3,452 sq. ft. Currently the Town of Lake Clarke Shores operates the Administrative Office for the utility maintenance and public works group, and stores equipment for the utility department.

Conclusion: Staff has evaluated the applicant's justification and responses for Standards 1-7 of Article 2.B.1.B for an Official Zoning Map Amendment, and has determined that the need of the requested change balanced the potential impacts generated by the request.

Figure 1 Future Land Use Map

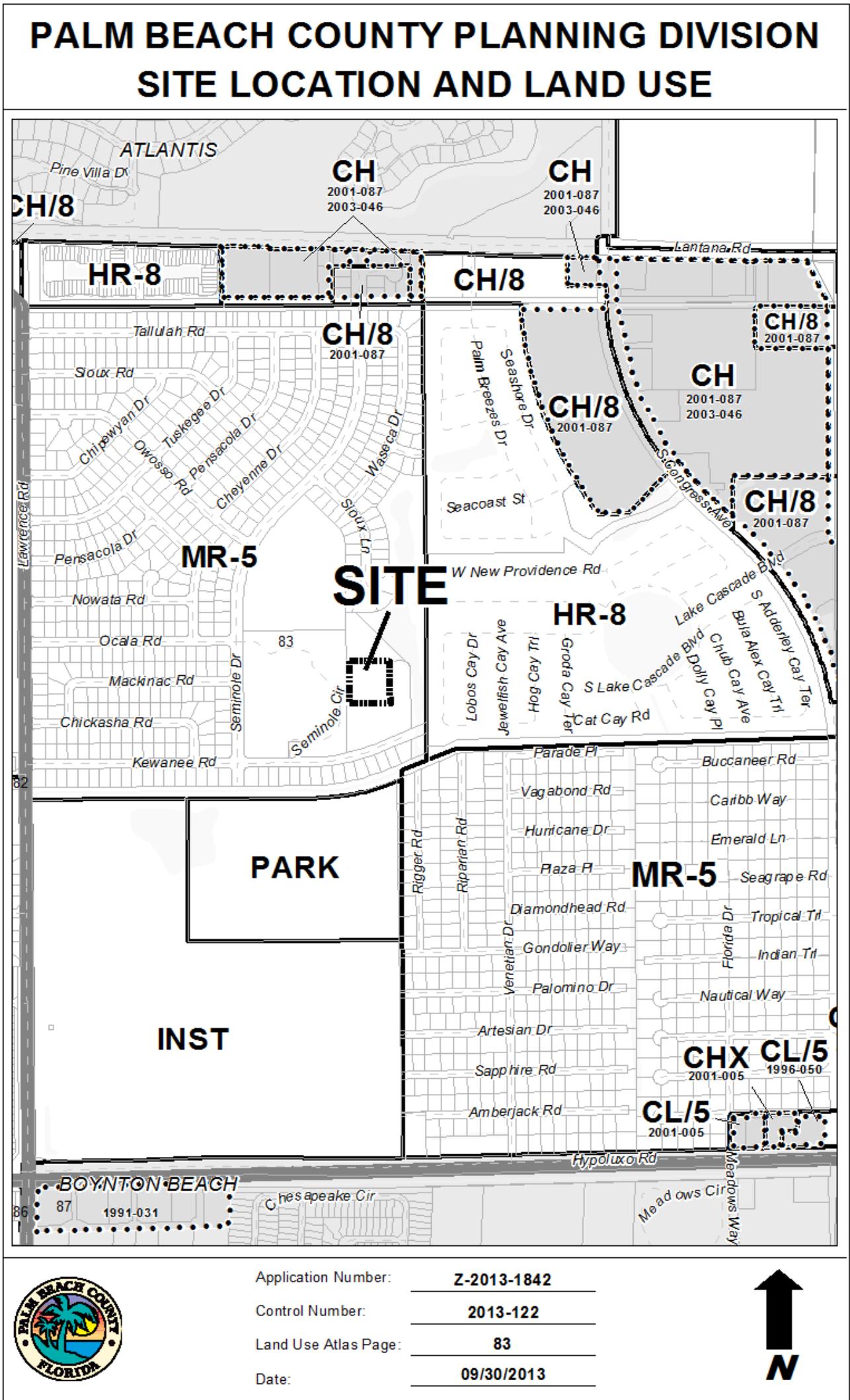


Figure 2 Zoning Map

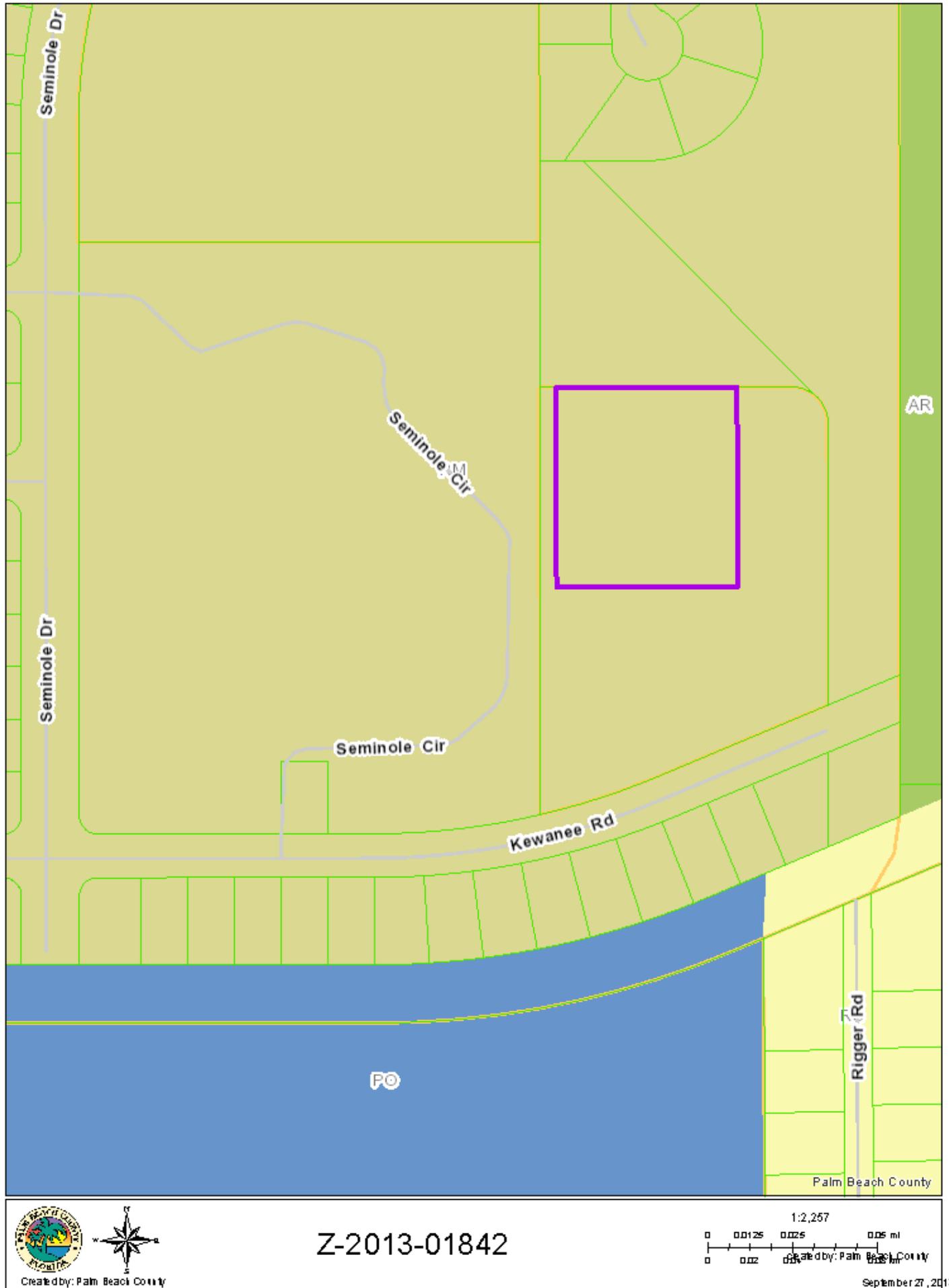
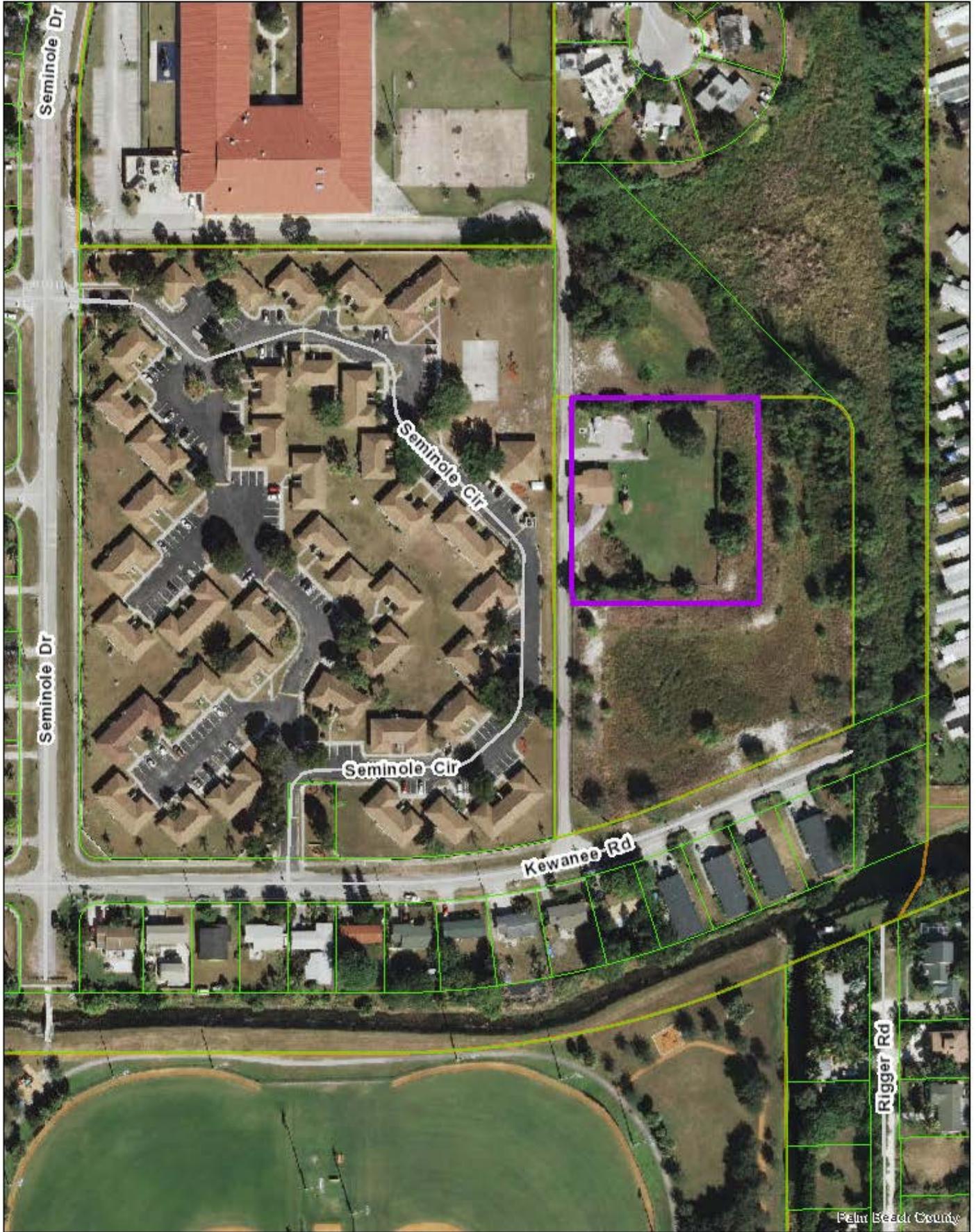
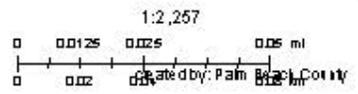


Figure 3 Aerial

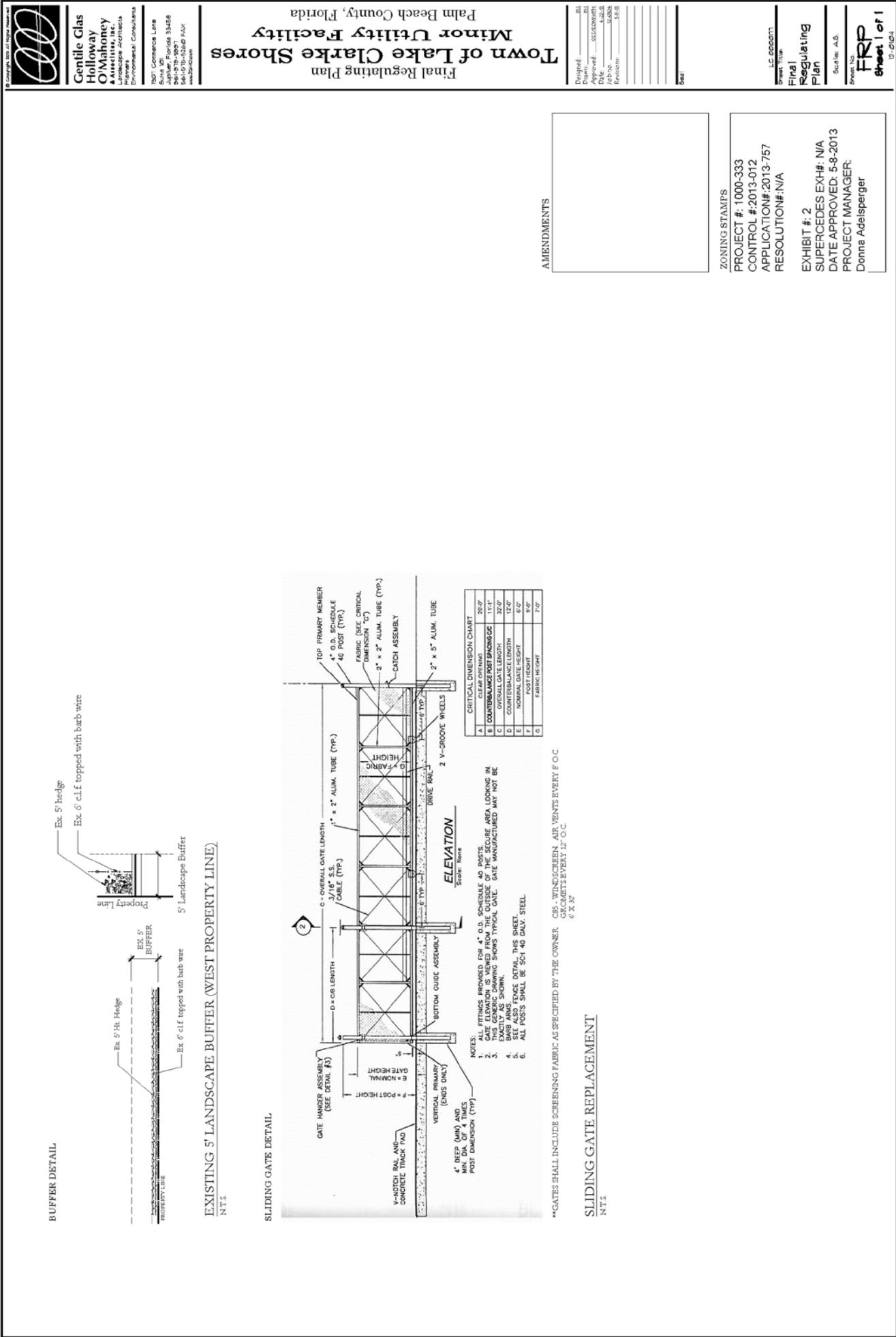


Z-2013-01842



September 27, 2013

Figure 5 Final Regulating Plan dated May 8, 2013



DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared DANIEL CLARK, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [Town Administrator] position - e.g., president, partner, trustee] of Town of Lake Clarke Shores [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1707 Barbados Road West Palm Beach FL 33406
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

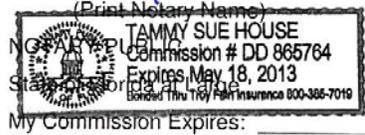
FURTHER AFFIANT SAYETH NAUGHT.

Daniel Clark
Daniel Clark, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1st day of March 2013, by Daniel Clark, NA who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Tammy Sue House
Notary Public

Tammy Sue House
(Print Notary Name)



My Commission Expires: _____

EXHIBIT "A"
PROPERTY

TRACT "C", PLAT NO. 1 OF SEMINOLE MANOR, AS RECORDED IN PLAT BOOK 25, PAGES 164-166 OF THE PUBLIC RECORDS OF PBC.

