

## JUSTIFICATION STATEMENT

### ULDC Privately Initiated Amendment (PIA)

Submittal Date: February 8, 2017

Resubmittal: May 8, 2017



Urban Planning and Design  
Landscape Architecture  
Communication Graphics

### Request

This Privately Initiated Amendment (PIA) is to request to amend the Palm Beach County (PBC) Unified Land Development Code (ULDC), as recently amended by the PBC Board of County Commissioners (BCC) on February 23, 2017, via Ordinance 2017-007. The proposed changes are being requested in order to permit the use of Entertainment, Outdoor within a Planned Industrial Park Development (PIPD) district in the unincorporated County, without restriction in regard to the use zone of the land area the use is proposed to be located. Currently this use is a permitted use within a Commercial Use Zone of a PIPD.

While a PIA amendment applies County-wide and is not project specific, there is a user wishing to locate within a PIPD in the County with an Entertainment, Outdoor Use which requires a considerable amount of land area. Current conceptual designs reflect that the proposed use will occupy approximately 46 acres. The proposed use will consist of a concrete man-made lagoon approximately 13 acres in size and is proposed to be 2,000 feet in length with the majority of the lagoon being approximately 185 feet in width. The project, named Surf Ranch Florida, will be proposing to construct a world-class, man-made surfing lake which will provide consistent waves and a safe environment for public recreational and competition purposes.

This privately initiated code amendment was presented to the Board of County Commissioners (BCC) on March 23, 2017 at which time the BCC approved the initiation of the amendment. While a specific user is requesting these code changes, it is important to be aware that this is not a site-specific amendment, but an amendment that would apply to all PIPD zoning districts in the county.

Since the Board initiation, discussions have taken place with staff that have resulted in the applicant requesting the use be allowed within a PIPD, non-specific to the use zone proposed for the location, but instead be permitted in the PIPD based on a maximum percentage of land area for the use within the overall PIPD, via the approval of a Class A Conditional Use. This approval process requires that the Zoning Commission first hear and make a recommendation to the BCC in regard to the use approval and allows the BCC to place conditions on the approval to mitigate any potential impacts to the surrounding area.

The request serves to define the aspects of the proposed use which would allow for the consideration of a Class A Conditional Use. This includes the use be of a nature to have a substantive impact in providing economic benefits. Additional measures are proposed within the code language to provide for an opportunity for input to be provided by the Business Development Board (BDB). This will assure that any requests for this use within a PIPD in the future will allow for the BCC to consider the BDB's assessment as to whether the proposed use approval would negatively impact the supply of appropriate land area for industrial uses within the County.

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As such, the premise for these proposed code amendments allows for an exemption from the requirement that support uses, specifically Entertainment Outdoor uses, are to serve only the PIPD workforce and residents. The approval of such a use would be limited in regard to the amount of land area permissible for the use within the PIPD, proposed to be at four percent (4%) of the overall PIPD. As the minimum acreage for a PIPD is 40 acres in the Industrial Land Use Designation and 20 acres for the Economic Development Center land use designation, this would result in only 1.6 acres and .8 acres respectively for the smallest permitted PIPD's. This approach also takes into consideration that as a PIPD increases in size, the introduction of the use does not materially impact the amount of land area available for pure industrial development or development of other support uses as currently permitted by code.

This, in conjunction with the opportunity for the BDB to provide input, will provide assurances that the use of the land will not negatively impact the supply of industrial lands within Palm Beach County that are suitable for the type and size of job creating industrial uses which meet the goals of economic development and job creation. Additionally, the applicant is proposing to increase the setback for the use from 100 to 1,000 feet from residential for uses greater 5 acres. This will provide for substantial buffering of the impacts to residential uses. Smaller uses deemed to still provide support services only to the residents and workforce of the PIPD would not be impacted by these code revisions.

It is important to note that recent approvals for planned industrial developments within unincorporated Palm Beach County have been in the form of Multiple Use Planned Development (MUPD), rather PIPD's. This is evidenced by the fairly recent rezoning of the Central Park Commerce Center (Control No. 2015-85) and the Southern Light Industrial Park (Control No. 2001-64). If this trend continues, the potential for future PIPD's would appear to be limited in nature.

The applicant is proposing the following code amendments in order to allow an Entertainment, Outdoor Use within a PIPD in unincorporated Palm Beach County.

**c. Approval Process – PIPD Exception**

An Entertainment Outdoor use that serves to promote economic benefits, such as enhanced tourism, job creation, and an amenity for business recruitment, and which provides for national recognition as a unique recreational facility, not otherwise allowed in a PIPD subject to Class A Conditional Use approval, and the following:

- 1) Economic Development Consideration  
Notice is required to be provided to the Business Development Board of the Class A Conditional Use application for the Board to provide input for consideration during the approval process.
- 2) Maximum Percentage  
The land area associated with the use shall not exceed four percent (4%) of the total land area of the PIPD
- 3) Additional Residential Setbacks  
The setback from Residential District or Use in Table 4.B.3.C. shall be increased to 1,000 feet
- 4) Access Applicability  
The Access requirement to a Collector or Arterial Street may be met via access to the Use Zone where the use is located.

5) PIPD Workers/Residents Exception

Entertainment Outdoor uses approved under this exemption shall not be limited to serving only the needs of the PIPD workforce or residential population.

The above revisions also necessitate other cross references to Article 3 for consistency as outlined on the proposed draft code language submitted herewith.

**Consistency with the Plan**

In regard to consistency with the comprehensive plan, please see below for consistency with **Policy 4.4.7-a:**

A Planned Industrial Park Development District (PIPD) is an economic activity center allowed in the Industrial and Economic Development Center future land use designations. The PIPD is intended for large Employment Centers primarily designed to accommodate and promote manufacturing, research, development, other value-added activities and support uses. Therefore, non-industrial uses such as residential, retail, office, and hotels, are expected to occur to support its major function as an Employment Center and to implement effective mobility strategies.

*Response: The proposed code changes are not inconsistent with the policy to primarily design to accommodate and promote industrial uses and other value-added activities. The recreation use of Entertainment, Outdoor use is already permitted within a PIPD in the code and the code language regarding the assessment of economic benefit and input from the BDB will aid in assuring that land of sufficient size and possessing the attributes necessary to attract the type of job generating industrial users desired will not be sacrificed to provide for this type of use.*

**Conclusion**

While this is not a site-specific amendment, it may be beneficial to note that the land area currently under consideration has been available for over 10 years for development since brought into the PIPD. The narrow configuration of the parcel has inhibited the marketing of the property for larger warehouse or manufacturing/processing uses desired for the existing IG Use Zone designation on the 80+ acre parcel. Code amendments to allow for the use to be considered by the BCC will allow for a tax generating facility to be constructed on site that will focus world-wide surfing sport attention on Palm Beach County, supplementing the unique attributes of the area. The potential, with the use permitted in the proposed location, still exists for spin off smaller scale industrial flex space development to occur on the parcel as well in the future.

Urban Design Kilday Studios requests favorable review and approval of this request to amend the text of the ULDC as contained herein. The Project Managers at Urban Design Kilday Studios are Ken Tuma and Joni Brinkman and can be reached at 561-366-1100. Please feel free to contact either of these project representatives with any questions or for additional information in support of this application.