

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

Application No.: Z-2022-01640
Application Name: Howell Lane Rezoning
Control No./Name: 2022-00063 (Howell Lane Rezoning)
Applicant: Leonard Schulz
Owners: Leonard Schulz
Agent: Team Plan Inc. - William C Whiteford
Telephone No.: (561) 594-3972
Project Manager: Phil Myers, Site Planner I

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District on 2.25 acres

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment for the 2.25-acre Howell Lane development. The site has no prior Board of County Commission (BCC) approvals and is currently being utilized as a Single Family Residence.

The request is to allow a rezoning from Agricultural Residential (AR) to Residential Transitional (RT) Zoning District. As the site is rezoning to a Standard Zoning District, no Site Plan has been provided at this time for review and approval and will require Zoning Approval at time of Building Permit.

SITE DATA:

Location:	West side of Howell Lane, approximately 2,000 feet north of Northlake Boulevard
Property Control Number(s)	00-42-42-14-00-000-5160
Existing Future Land Use Designation:	Low Residential (LR-1)
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Residential Transitional (RT)
Total Acreage:	2.25 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Palm Beach Gardens
Future Annexation Area	Palm Beach Gardens
Commissioner District	District 1, Commissioner Maria G. Marino

RECOMMENDATION: Staff recommends approval of the request, with a Conditional Overlay Zone (COZ), subject to the Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): At the March 2, 2023 ZC Hearing, this item was on the Consent Agenda. No members of the public were present and no discussion occurred. Commissioner Kelley made a motion to approve the Consent Agenda, which was seconded by Commissioner Scarborough. The motion carried by a vote of 7-0-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: There have been no prior approvals by the Board of County Commissioners (BCC) for this site. The site is developed with a Single Family dwelling unit.

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

PLANNING DIVISION COMMENTS

- ***Consistency with the Comprehensive Plan:*** The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- ***Relevant Comprehensive Plan Policy:*** Future Land Use Element Policy 2.2.1-j establishes consistent residential zoning districts with their corresponding Future Land Use designation in Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency. The proposed Residential Transitional (RT) Zoning District is consistent with the Low Residential, 1 unit per acre (LR-1) Future Land Use designation.
- ***Density:*** The request does not include a site or subdivision plan; however, the justification indicates an intent to subdivide the 2.25-acre parcel into two lots. The subject 2.25-acre parcel, with a Low Residential, 1 unit per acre (LR-1) Future Land Use designation would be permitted a maximum of 2 units (1 du/ac x 2.25 ac = 2.25 du or 2 units rounded down). The Applicant indicates plans to create two lots, which is within the maximum density permitted by the Future Land Use.
- ***Special Overlay District/Neighborhood Plan/Planning Study Area:*** The site is not located within any neighborhood plans, overlays or study areas as identified in the Comprehensive Plan.

b. 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 subject site is currently zoned Agricultural Residential (AR) which is consistent with the Future Land Use (FLU) designation of Low Residential, 1 unit per acre (LR-1). The proposed rezoning to Residential Transitional (RT) is consistent with the existing LR-1 FLU pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. As the site is rezoning to a Standard Zoning District, no use is proposed at this time Zoning for the use and process would be in accordance with Art. 4.B. There is a single family dwelling unit that is on site and is currently occupied. Staff has confirmed with the Applicant it is the intention of the Property Owner to subdivide into two lots and submit a plat waiver to the Land Development Department. Pursuant to the Comprehensive Plan, lots that are zoned AR may subdivide without rezoning provide that the proposed lots are a minimum of one acre in size. The survey (Figure 3) indicates that the proposed lots will be 1.52 and 0.73 acres in size, thus necessitating the request to rezone.

- ***Property Development Regulations:*** As proposed each of the two lots will meet the property development requirements as indicated under Table 3.D.1.A Property Development Regulations for minimum lot dimensions of 20,000 sq. ft. lots, 100 ft. of width and frontage, and 125 ft. of depth, as the site is a 2.25 acre lot, has 337 ft. of width and frontage, and is 290 ft. in depth.
- ***Conditional Overlay Zone (COZ):*** Article 3.B.3 indicates that the purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. As required under Article 3.B.3.C the BCC shall find one or more of the following reasons for the COZ district:

1. Potential impact to surrounding land uses requires mitigation;
2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified; and/or
3. Intensity limits reflect available capacity of public facilities

The Applicant has not proposed any use for the newly created lot. Engineering Staff is recommending a COZ, as part of the rezoning request, to ensure that the Property Owner configures the property into legal lots of record before any building permit occurs. This corresponds to Reason 3 under Article 3.B.3.C and listed above for a COZ District (intensity limits reflect available capacity of public facilities). Engineering Staff deemed it necessary to require the condition as part of the rezoning request. The Applicant is in agreement and voluntarily agrees with the recommended Engineering Conditions of Approval and the COZ with this rezoning.

- c. **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 proposed amendment to the zoning is compatible, and generally consistent with existing uses and surrounding zoning districts. The surrounding zoning districts are agricultural residential to the north and south. The east and west adjacent properties are residential lots located in the city of Palm Beach Gardens. The rezoning will remain in consistency with the exiting future land use. The RT zoning district is an appropriate zoning district for the subject parcel because it is consistent with the surrounding parcels.

- d. **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, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

- o *Vegetation Protection:* There is no impact to native vegetation as a result of this application.
- o *Wellfield Protection Zone:* This property is located within Wellfield Protection Zone 4.
- o *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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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.
- o *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The surrounding area consists of mainly residential uses and zoning districts. The future land use for the surrounding parcels are low residential. The surrounding zoning districts are agricultural residential to the north and south. The east and west adjacent properties are residential uses but are located in the jurisdiction of the city of Palm Beach Gardens. The proposed amendment will result in a logical, orderly, and timely development pattern with the adjacent properties, and will maintain the zoning consistency with the land use established for the property.

- f. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The Property Owner shall configure the property into a legal lot of record prior to the issuance of the building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is located within the service area of PBC Fire Station #63.



SCHOOL IMPACTS:

The School Board has no issue with the Applicant's request.

PARKS AND RECREATION:

The Parks and Recreation Department has "no comment" on this application.

- g. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The areas surrounding the subject site between Howell Lane and Green Meadows Way, indicate areas designated for residential uses, more specifically Howell Lane. The proposed Zoning Amendment will allow the exiting FLU and zoning district to remain consistent with each other. Therefore, Staff has determined that the amendment is necessary to obtain the required zoning approvals and allowing other possible Residential Uses compliant with Staff Conditions of Approval.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.A.2 and determined that there is a balance between the need for change and the potential impacts generated by rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning. Therefore, Staff is recommending approval subject to a Conditional Overlay Zone and the Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C - Official Zoning Map Amendment

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or provide documentation that this property is a legal lot of record as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

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

Figure 1 - Land Use Map



Figure 2 - Zoning Map

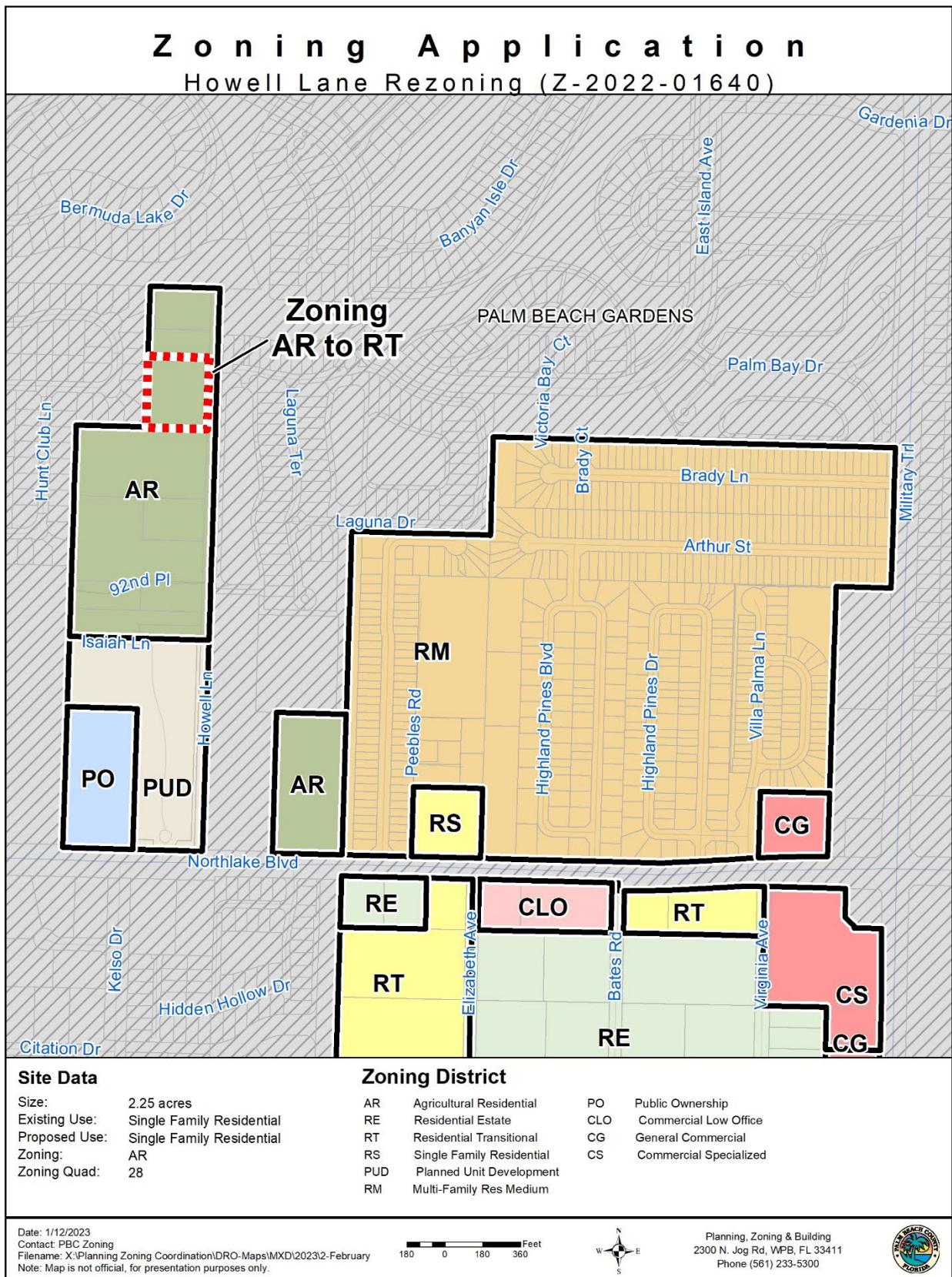


Exhibit D – Disclosure of Ownership

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 Leonard F. Schulz, Jr., 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 _____ [position - e.g., president, partner, trustee] of _____ [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: 9425 Howell Lane
Palm Beach Gardens, FL 33418

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.

[Signature]
Leonard F. Schulz, Jr. _____, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 28th day of June, 2022 by _____ (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

[Signature]
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: Jan 4, 2025



EXHIBIT "A"

PROPERTY

14-42-42, S 330.15 FT OF N 660 FT OF E 330 FT OF W 1/2 OF NE 1/4 OF SE 1/4 OF SEC (LESS E 40 FT K/A HOWELL LN)

