

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

Application No.: ABN-2023-00247
Application Name: Brentwood of Wellington
Control No./Name: 2006-00368 (Carlyles Shops)
Applicant: AHC of Lake Worth LLC
Owners: AHC of Lake Worth LLC
Agent: Insite Studio - Brian Terry
Telephone No.: (561) 249-0940
Project Manager: Jerome Ottey, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Conditional Overlay Zone pursuant to R-2007-0425 with subsequent modifications pursuant to R-2008-2257 on 1.05 acres

APPLICATION SUMMARY:

The proposed request is for the abandonment of the 1.05-acre parcel Carlyles Shops development. The development had prior separate approvals in 2007 and 2008 to allow for a rezoning from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District and a Development Order Amendment that allowed for the approval of a Financial Intuition with three drive-through lanes through the DRO approval process. The approval was never implemented.

The proposed request will abandon the previously approved Conditional Overlay Zone to allow for the rezoning to the RM Zoning District and the development of 132 Multifamily residential dwelling units.

SITE DATA:

Location:	West side of State Road 7, approx. 0.5 miles north of Lantana Road
Property Control Number(s)	00-41-44-36-11-000-0020
Existing Future Land Use Designation:	Commercial Low, with an underlying LR-2 (CL/2)
Proposed Future Land Use Designation:	High Residential, 8 units per acre (HR-8)
Existing Zoning District:	Community Commercial District (CC)
Proposed Zoning District:	Residential Multifamily (RM)
Total Acreage:	1.05 acres
Tier:	Urban/Suburban
Municipalities within 1 Mile	Wellington
Future Annexation Area	N/A
Commission District	District 6, Commissioner Sara Baxter

RECOMMENDATION: Staff recommends approval of the request to abandon a Conditional Overlay Zone with prior modifications

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

PROJECT HISTORY:

There have been two previous approvals for this site. On December 10, 2008, Resolution R-2002-2287 was approved to allow a Development Order Amendment to reconfigure the Site Plan, as part of Application DOA-2008-01195. Resolution R-2007-0425 was approved through Application Z-2006-00963 to allow an Official Zoning Map Amendment to rezone the property from the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District with a Conditional Overlay Zone on March 22, 2007.

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6, Standards.

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

The proposed abandonment of the COZ and prior modifications will not create any consistencies with the Goals, Objectives and Policies of the Comprehensive Plan. The Applicant is requesting the abandonment to allow for the development of 132 Multifamily units pursuant to Application ABN/Z/CA 2022-00218, and is contingent upon a Future Land Use Amendment and Rezoning to the consistent district. The COZ would be no longer applicable due to those changes.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the Development Order (DO) for the previously approved COZ and modifications does not create any non-conformities as the subject site is currently undeveloped, and the Conditions of Approval were never implemented. The Applicant is requesting to modify the land use and zoning district to allow for the development of 132 Multifamily units, and will comply with all the requirements of the Plan and the ULDC.

c. Adequate Public Facilities – *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards)Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the COZ and prior modifications will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval which is under review for the overall site in Application ABN/Z/CA-2022-00218.

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The subject site currently has an approval for a Financial Institution within the standard CC Zoning District. The Applicant states in their Justification Statement that the increased trend towards the use of the more convenient options of online and remote banking has diminished the need for the standard brick and mortar banking location, and reduced the demand for these structures. The Conditions of Approval associated with the currently approved Financial Institution is therefore required to be abandoned to allow for the rezoning of the parcel to the RM Zoning District and the future development of the proposed Multifamily use. The Applicant has submitted a request to modify the Future Land Use and Zoning District, and with those requests would render the COZ inconsistent. The Applicant has demonstrated the need for the abandonment as the Financial Institution was never constructed, resulting in the Conditions of Approval never being implemented.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.F.6 and determined that there is balance between the need for change and the potential impacts generated by the Development Order Abandonment. Therefore, Staff is recommending approval of the request.

Figure 1 - Land Use Map

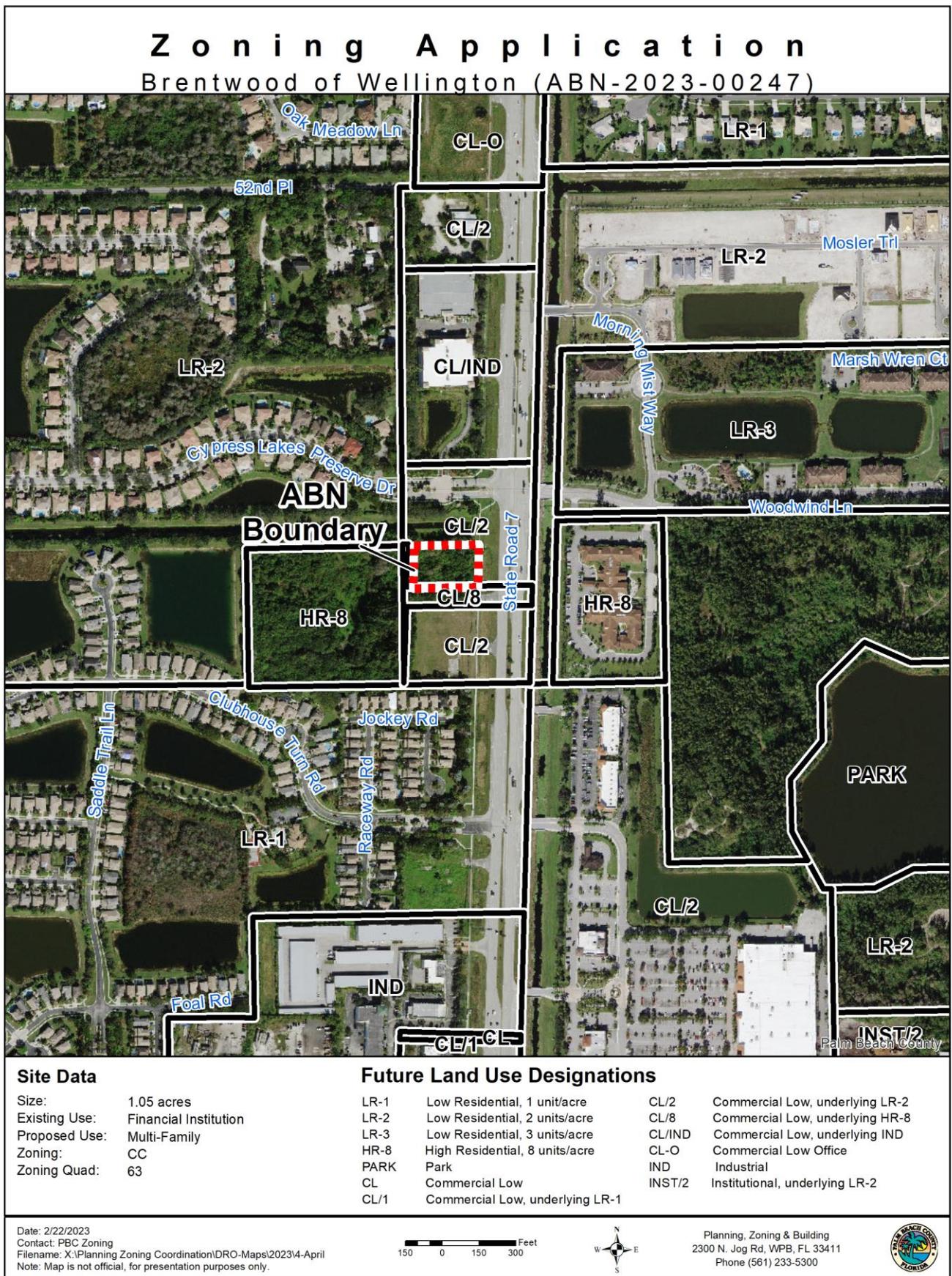


Figure 2 - Zoning Map

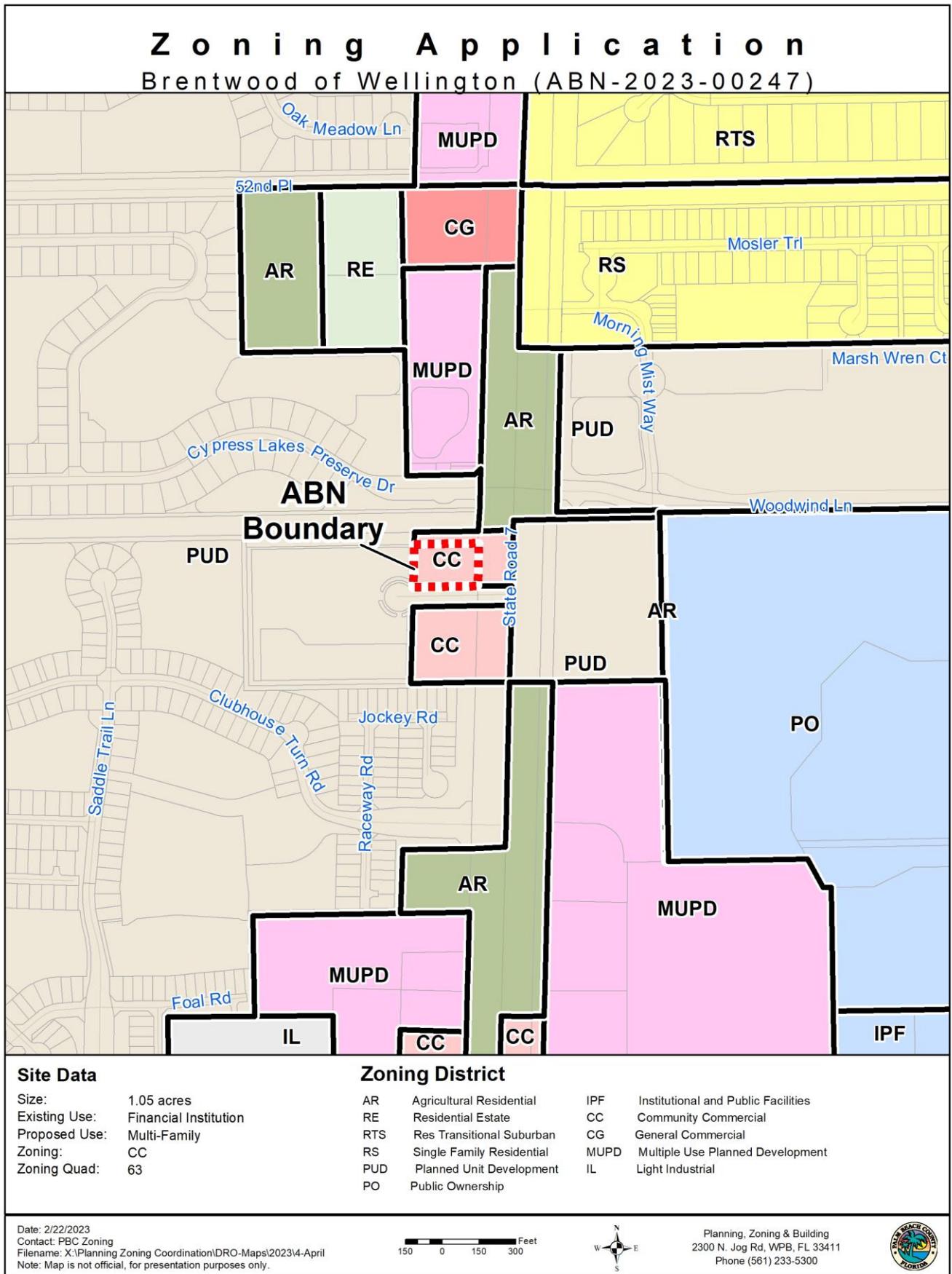


Exhibit D – Disclosure of Ownership

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 Charles Scardina, 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 Manager AHC of Lake Worth, LLC *[position - e.g., president, partner, trustee]* of AHC of Lake Worth, LLC *[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: 2000 Glades Rd, Suite 410
Boca Raton, FL 33431

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]
Charles Scardino, Jr. Manager 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 8th day of February, 2022 by Charles Scardino, Jr. Manager (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: 7-31-25

NOTARY



EXHIBIT "A"

PROPERTY

BEGINNING AT THE NORTHEAST CORNER OF BRENTWOOD OF WELLINGTON, P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 117, PAGES 177 THROUGH 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N.8900' 51"E., ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 947.43 FEET TO THE NORTHEAST CORNER OF SAID PLAT, THENCE S.0128'20"W., ALONG THE EAST LINE OF PARCELS B AND C, A DISTANCE OF 253.98 FEET TO THE SOUTHEAST CORNER OF PARCEL C, THENCE S.8903'41"W., ALONG THE SOUTH LINE OF PARCEL C, A DISTANCE OF 263.48 FEET TO THE EAST LINE OF A 20 FOOT BUFFER TRACT AS DEPCITED IN SAID PLAT, THENCE S.0128'20"W., ALONG THE EAST LINE OF SAID BUFFER TRACT A DISTANCE OF 310.27 FEET TO THE SOUTHEAST CORNER OF SAID PLAT, THENCE S.8903'41"W., ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 659.70 FEET TO THE SOUTHWEST CORNER OF SAID PLAT, THENCE N.0059'28"W., ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 562.98 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. 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.

Name

Address

Charles Scardina, Jr - 7593 Boynton Beach Blvd, Suite 220, Boynton Beach, FL 33437
