

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

Application No.: Z-2022-01110
Application Name: Deleon Rezoning
Control No./Name: 2003-00073 (Hidden Lakes)
Applicant: Jose Deleon
Property Owners: Jose Deleon
Agent: Land Research Management, Inc. - Kevin McGinley
Telephone No.: (561) 686-2481
Project Manager: Vincent Stark, Site Planner I

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District on 8.66 acres

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment for the 8.66 acre Hidden Lakes 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 Single Family (RS) 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:	South side of Pioneer Road, approx. 2,200 feet east of Lyons Road.
Property Control Number(s)	00-42-43-27-05-011-0171; 00-42-43-27-05-011-0175
Existing Future Land Use Designation:	Low Residential (LR-2)
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Single Family Residential (RS)
Total Acreage:	8.66 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Greenacres, Wellington
Commissioner District	District 6, Commissioner Sara Baxter

RECOMMENDATION: Staff recommends approval of the request, subject to the Condition 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. Commissioner Kelly made a motion to approve the Consent Agenda, which was seconded by Commissioner Scarborough. The motion carried by a vote 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 currently developed with a Single Family Residence.

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.*

- *Consistency with the Comprehensive 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.
- *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 Single Family Residential (RS) Zoning District would be consistent with the Low Residential, 2 unit per acre (LR-2) Future Land Use designation.
- *Density:* The Applicant has indicated the intent to subdivide the 8.66 acres in the future for a single-family residential subdivision. The subject 8.66-acres, with a Low Residential, 2 unit per acre (LR-2) Future Land Use designation would be permitted a maximum of 17 units (2 du/ac x 8.66 ac = 17.32 du or 17 units). Any request for 10 or more units will have a Workforce Housing Program requirement.
- *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 current FLU designation of LR-2. The proposed rezoning to Residential Single Family (RS) is consistent with the existing LR-2 FLU pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. As the site is only rezoning to a Standard Zoning District no use is proposed at this time, however the Applicant has indicated a desire to subdivide the property to develop Single Family dwelling units.

- *Property Development Regulations:* As proposed, the property meets and exceeds Code requirements for minimum lot dimensions of 6,000 sq. ft. size, 65 ft. of width and frontage, and 75 ft. of depth.

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 rezoning is compatible and generally consistent with existing uses and the surrounding zoning districts. The north adjacent properties are Residential Estate (RE) and Residential Transitional (RT) each with an LR-2 FLU. The properties to the west are zoned Agricultural Residential (AR) each with an LR-2 FLU. The south adjacent properties are residential uses, they have a zoning district of (RT) and they have a LR-1 FLU. The east adjacent properties are Institutional and Public Facilities (IPF) use, and they have an INST/2 and INST/8 FLU. The rezoning of the site is consistent with the exiting future land use. The RS zoning district is an appropriate zoning district for the subject parcel because it is consistent with the surrounding parcels. The Applicant has indicated with the proposed subdivision plan, a future administrative application, that the lots would be consistent in size and shape with the parcels to the west and the PUD lots to the south.

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.*

- *Vegetation Protection:* The application request does not impact native vegetation. However, the site supports native vegetation that is regulated by Article 14.C. and the project will be required to obtain a Protection of Native Vegetation Approval from the Department of Environmental Resources Management during the applicable PZB process as outlined in the ULDC, Article 14.C.7.C.
- *Wellfield Protection Zone:* This property is not located within 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 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 rezoning of the parcels to the RS Zoning District is consistent with the future land use designation and will not have a negative effect on the development patterns in the area.. The parcels are surrounded by residential lands and exist within a residential area. The properties to the west are zoned Agricultural Residential (AR) but the lots are smaller than .75 acres and are consistent with RS Zoning District . The south adjacent properties are residential uses and have a zoning district of (RT) but they are located in a PUD which follows the RS Zoning District property development regulations. Therefore, the proposed amendment will result in a logical, orderly and timely development pattern.

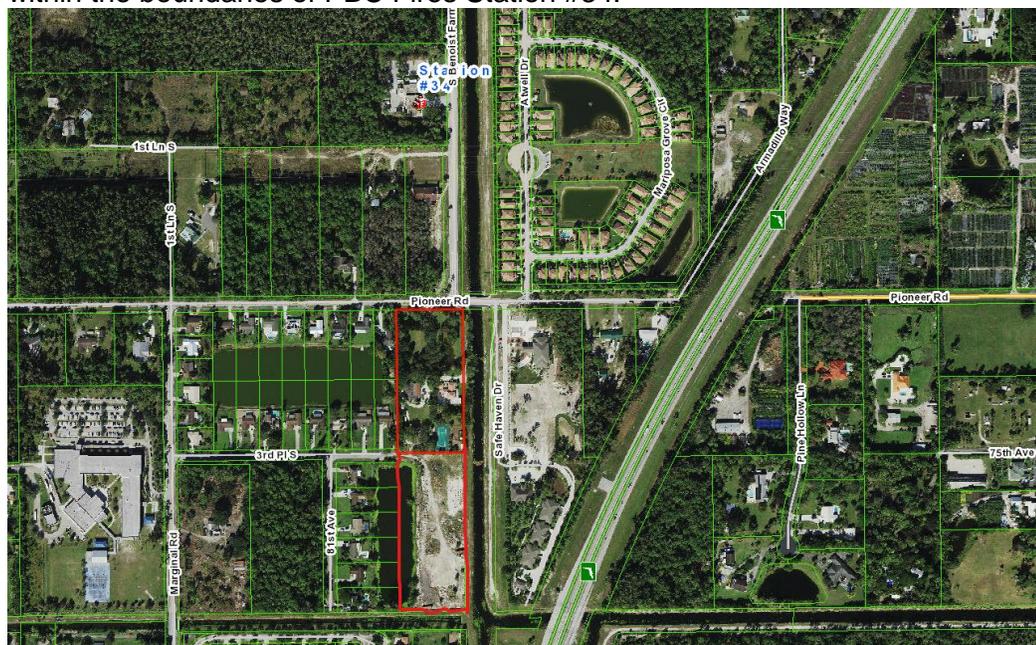
f. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS: Traffic impacts will be evaluated when a site plan and a traffic impact study are provided as part of future development approval process.

There are no proposed Engineering conditions of approval with this application.

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 boundaries of PBC Fires Station #34.



SCHOOL IMPACTS: The School Board has no issues with the rezoning request.

PARKS AND RECREATION: The Park and Recreation department has no issues with the rezoning. The project is still subject to Park and Recreation department’s on-site recreation DRO requirements after rezoning approval.

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 Property Owner of the property is hoping to redevelop and further subdivide the property for more residential housing to address the increasing rise in demand for additional housing in Palm Beach County. Therefore, these changes warrant the rezoning of the properties to the RS zoning district.

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 the Official Zoning Map Amendment. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Official Zoning Map Amendment

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

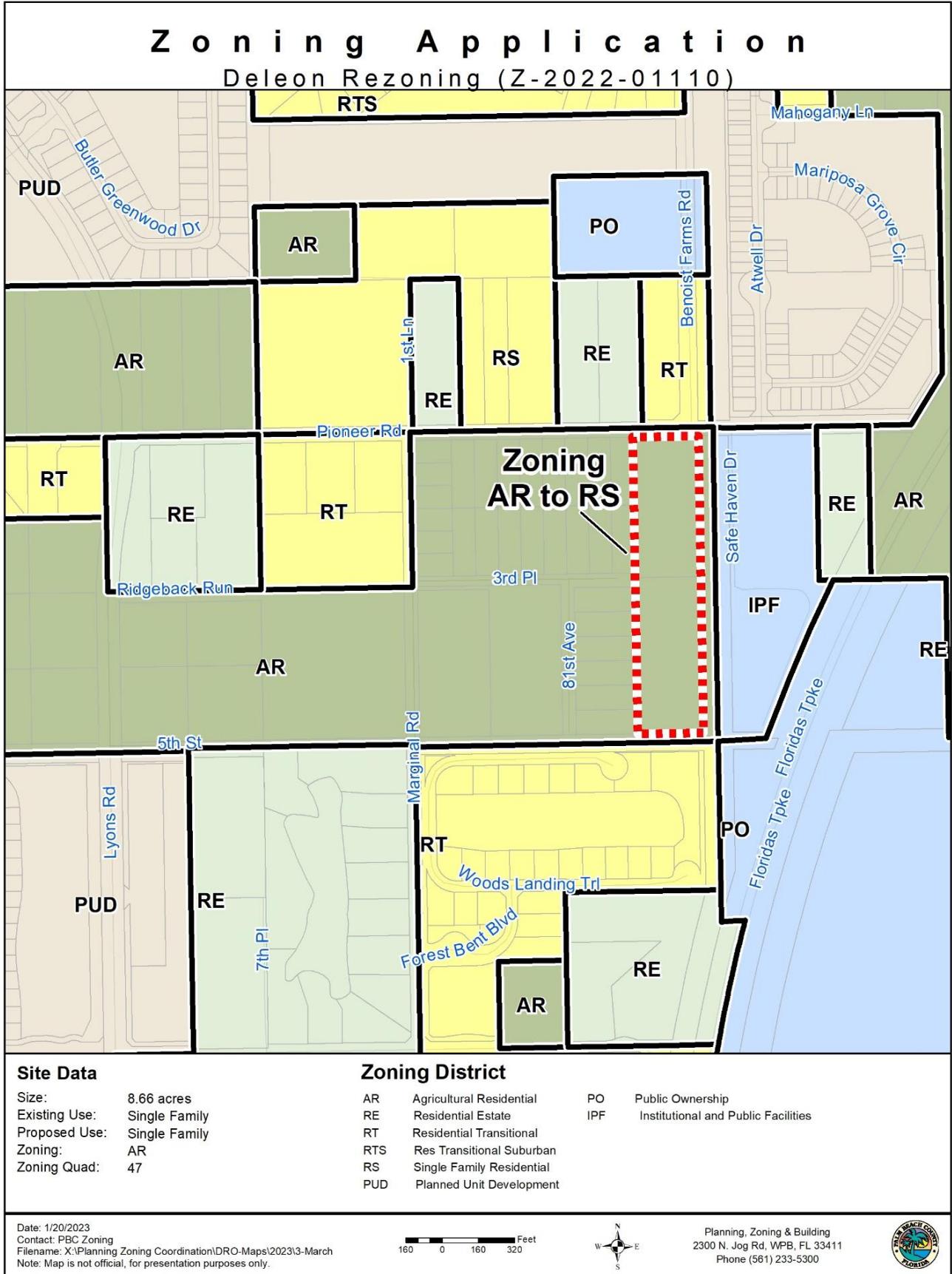


Figure 4 – Survey dated 6/27/2022 (South Parcel)

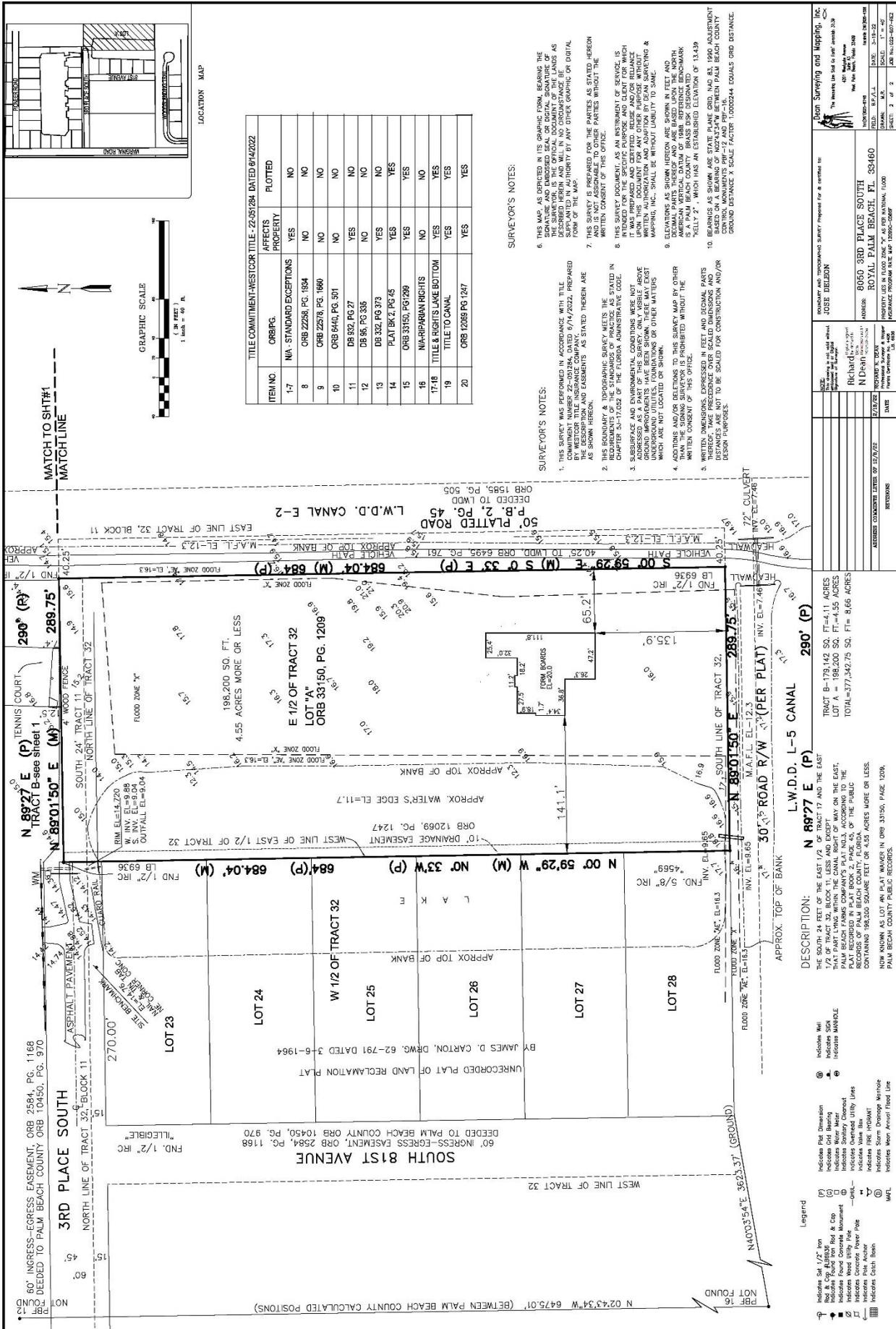


Exhibit D – Disclosure of Property Ownership

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 Jose Deleon, 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: 1030 Lake Avenue #2
Lake Worth, FL 33460

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.

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION: 020-601

THE SOUTH 24 FEET OF THE EAST 1/2 OF TRACT 17 AND THE EAST 1/2 OF TRACT 32, BLOCK 11, PALM BEACH FARMS COMPANY'S PLAT NO. 3, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 45 AS RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THAT PART LYING WITHIN CANAL RIGHT OF WAY ON THE EAST.

CONTAINING 198,200 SQUARE FEET OR 4.55 ACRES MORE OR LESS.

LEGAL DESCRIPTION: 022-607

THE EAST 1/2 OF TRACT 17, LESS THE NORTH 18 FEET AND LESS THE SOUTH 24 FEET THEREOF, BLOCK 11, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE(S) 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 179,066 SQUARE FEET OR 4.11 ACRE MORE OR LESS.

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