

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

Application No.: Z-2020-00909
Application Name: Rice Project
Control No./Name: 2020-00060 (Rice Project)
Applicant: Betty Kaylor and Gregory Rice
Owners: Betty Kaylor and Gregory Rice
Agent: Brandenburg & Associates, P.A. - Gary Brandenburg
Telephone No.: (561) 799-1414
Project Manager: Meredith Leigh, Senior Site Planner

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.

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment for the Rice Project. The 2.08-acre site has no previous zoning approvals and currently supports a Single Family home and accessory structures.

The Applicant is requesting to rezone the site from the Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District, which is consistent with the subject site s existing Medium Residential, 5 units per acre (MR-5) Future Land Use designation. No new uses are proposed at this time and a Site Plan is not required for review as part of this rezoning application. The Applicant indicates they may seek to subdivide the site into residential lots through a subsequent development application, which may only require administrative approval. While access will be determined at a later date, the site has frontage and existing access on Belvedere Road.

This application was reviewed under Unified Land Development Code (ULDC), Ord. 2003-067, Supplement 27.

SITE DATA:

Location:	South side of Belvedere Road, approximately 0.15 miles east of Jog Road.
Property Control Number(s)	00-42-43-27-05-005-0030
Existing Future Land Use Designation:	Medium Residential (MR-5)
Proposed Future Land Use Designation:	No change
Existing Zoning District:	Agricultural Residential (AR)
Proposed Zoning District:	Single Family Residential (RS)
Total Acreage:	2.08 acres
Affected Acreage:	2.08 acres
Tier:	Urban/Suburban
Overlay District:	Palm Beach International Airport Overlay, Turnpike Aquifer Protection Overlay District
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	Haverhill
Future Annexation Area	Haverhill, West Palm Beach

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

ACTION BY ZONING COMMISSION (ZC): At the November 5, 2020 ZC Hearing, this item was on the Consent Agenda. There was no one from the public to speak on the item and no discussion among the Commissioners. Commissioner Beatty made a motion to approve the Consent Agenda, which was seconded by Commissioner Kern. The motion carried by a vote of 6-0-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 1 contact from the public regarding this project, a letter of no objection from the Town of Haverhill.

PROJECT HISTORY: The 2.08-acre site currently supports a Single Family home, a large shed and other accessory structures. There are no prior Zoning approvals on this site.

SURROUNDING LAND USES:

NORTH (Across Belvedere Road):

FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential (RS)
Supporting: Residential (Cam Estates Subdivision, Control No N/A)

SOUTH:

FLU Designation: Medium Residential (MR-5)
Zoning District: Agricultural Residential (AR)
Supporting: Residential (N/A, Control No N/A)

EAST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential (RS)
Supporting: Residential (Catalina Townhomes, Control No 1986-00140)

WEST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential (RS)
Supporting: Vacant (Life Church, Control No 2000-00027)

FINDINGS:

Rezoning Standards: When considering an application for an Official Zoning Map Amendment 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 ULDC Article 2.B.7.A, 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.

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

PLANNING DIVISION COMMENTS:

- *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.
- *Density:* The subject parcel is approximately 2.081-acres in size, with a Medium Residential, 5 units per acre (MR-5) Future Land Use designation. The maximum number of units that is allowed is 5 du/ac x 2.081 Ac = 10.405 du. The Applicant is planning to create two lots which meets the max density.
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's PBI Approach Path Overlay, the Comprehensive Plan's Turnpike Aquifer Overlay, the 1995 Jog Corridor Study and the 1992 Haverhill Neighborhood Plan. The analysis for each planning area is provided below:
 - *PBI Approach Path Overlay:* The subject site is not located in an area eligible to convert to industrial uses through a rezoning PBI Approach Path Overlay (Policy 1.2.4-d, FLUE). Therefore, the proposed residential use is consistent with the Overlay.
 - *Turnpike Aquifer Overlay:* The proposed project does not require a well dedication as it is less than 25 acres minimum identified in the Turnpike Aquifer Overlay and the site will not store or handle regulated substances. This project does not exceed any of the regulatory thresholds identified in this Overlay, so the provisions do not apply.

○ *Haverhill Neighborhood Plan and Jog Road Corridor Study:* The subject site was recommended to maintain residential use by the Haverhill Neighborhood Plan (Map, Page 52a, Haverhill Neighborhood Plan) and the Jog Road Corridor Study (Map 10, Pages 56-59, Jog Road Corridor Study). The proposed residential development on the subject site has a MR-5 future land use designation as identified in both of these special studies. Letter of no objection dated 8/14/2020 was received from the Town of Haverhill.

2. 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 proposed RS Zoning District is consistent with the existing MR-5 FLU designation pursuant to Table 3.A.3.B, Future Land Use Designation and Corresponding Standard Zoning Districts. According to ULDC Article 3.C.1.C.4, RS, Single Family Residential District, the RS district is intended primarily for the development of moderate density Single Family dwelling units. The existing AR Zoning District supporting a SFD unit may be considered consistent with the MR-5 FLU designation in the U/S Tier for existing agricultural uses or for the purpose of permitting new agricultural uses, pursuant to Art. 3.C.1.C.1.c, Agricultural Uses in the U/S Tier. Therefore, redevelopment of the site to anything other than SFD, or subdividing the site, would require a rezoning to a compatible district.

○ *Property Development Regulations:* The Applicant is not proposing any new uses at this time. The property meets the minimum lot dimensions required for the proposed Zoning District and the existing structures meet minimum setbacks in accordance with Table 3.D.1.A, Property Development Regulations. The Justification Statement indicated the intent to subdivide the property into two lots through the Land Development process. Any new lots created will be evaluated at that time for compliance with the Code.

○ *Conditional Overlay Zone (COZ):* although Zoning is not recommending any Conditions of Approval, a COZ will be applied to this rezoning due to a Land Development Condition to configure the property into a legal lot of record prior to the issuance of the building permit.

3. 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 for a rezoning to the RS Zoning District is compatible with the surrounding area. The site is surrounded by AR and RS Zoning Districts and by SFD to the north (across Belvedere Road), and south, Townhouses (under construction) to the east, and an approved, not yet constructed Place of Worship to the west. The proposed district will bring the site into consistency with the subject site's FLU designation and use and allow for the subdivision of the land into two lots as indicated in the Justification Statement.

4. 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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

Vegetation Protection: The site is an existing single-family residence.

Wellfield Protection Zone: The 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 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.

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

The proposed RS Zoning District will result in a logical, orderly and timely development pattern. The request is consistent with the Haverhill Neighborhood Plan, which emphasizes a preference for the Haverhill Road and Belvedere Road corridors to maintain its residential character. The subject site is contiguous or in close proximity to RS Zoning Districts with a MR-5 FLU designation to the north (across Belvedere Road), east and west. The parcels immediately to the south are still within the AR Zoning District with an MR-5 FLU designation. If any of the parcels to the south were to redevelop or subdivide, a similar rezoning would be necessary. A rezoning to RS will maintain the residential nature of the surrounding zoning districts.

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

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 Florida Department of Health's requirements.

FIRE PROTECTION: Staff has reviewed this application and has no comment at this time.

SCHOOL IMPACTS: Staff has reviewed this application and has no comment at this time.

PARKS AND RECREATION: The Parks and Recreation Department has "no comments" at this time.

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

The proposed rezoning is necessary due to changed conditions and circumstances that have occurred since the adoption of the current zoning district of AR. The Comprehensive Plan was adopted in 1989, establishing the FLU designations. The subject site and surrounding lands were designated MR-5 due to the then-approximate density of existing residential uses. The ULDC established that the intent of the AR zoning district was "to prevent premature urbanization of certain areas, while protecting the lifestyle of residents until such time the agricultural uses convert to other uses consistent with the Comprehensive Plan". As such, any redevelopment or subdivision of the site would require a rezoning action. According to the Applicant's Justification Statement, the County's population grew 1.31 percent in the past year, and 10 percent in the past decade. Rezoning the site to subdivide into two residential lots will allow the Applicant to contribute to the effort to meet the demands of that sustained growth.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request and has determined that any of the potential impact will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C - Official Zoning Map Amendment with a Conditional Overlay Zone

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 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: MONITORING - 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: MONITORING - 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

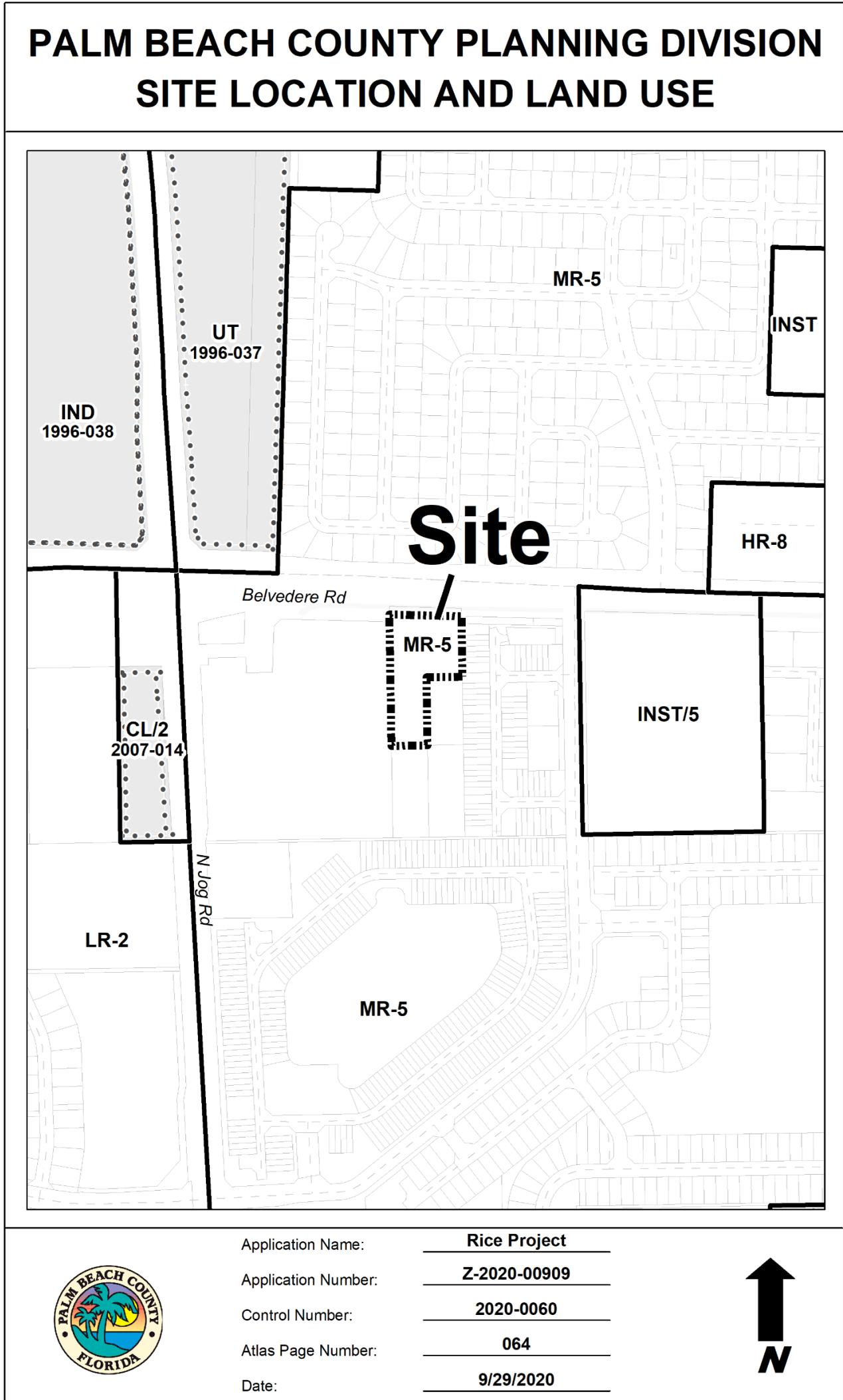
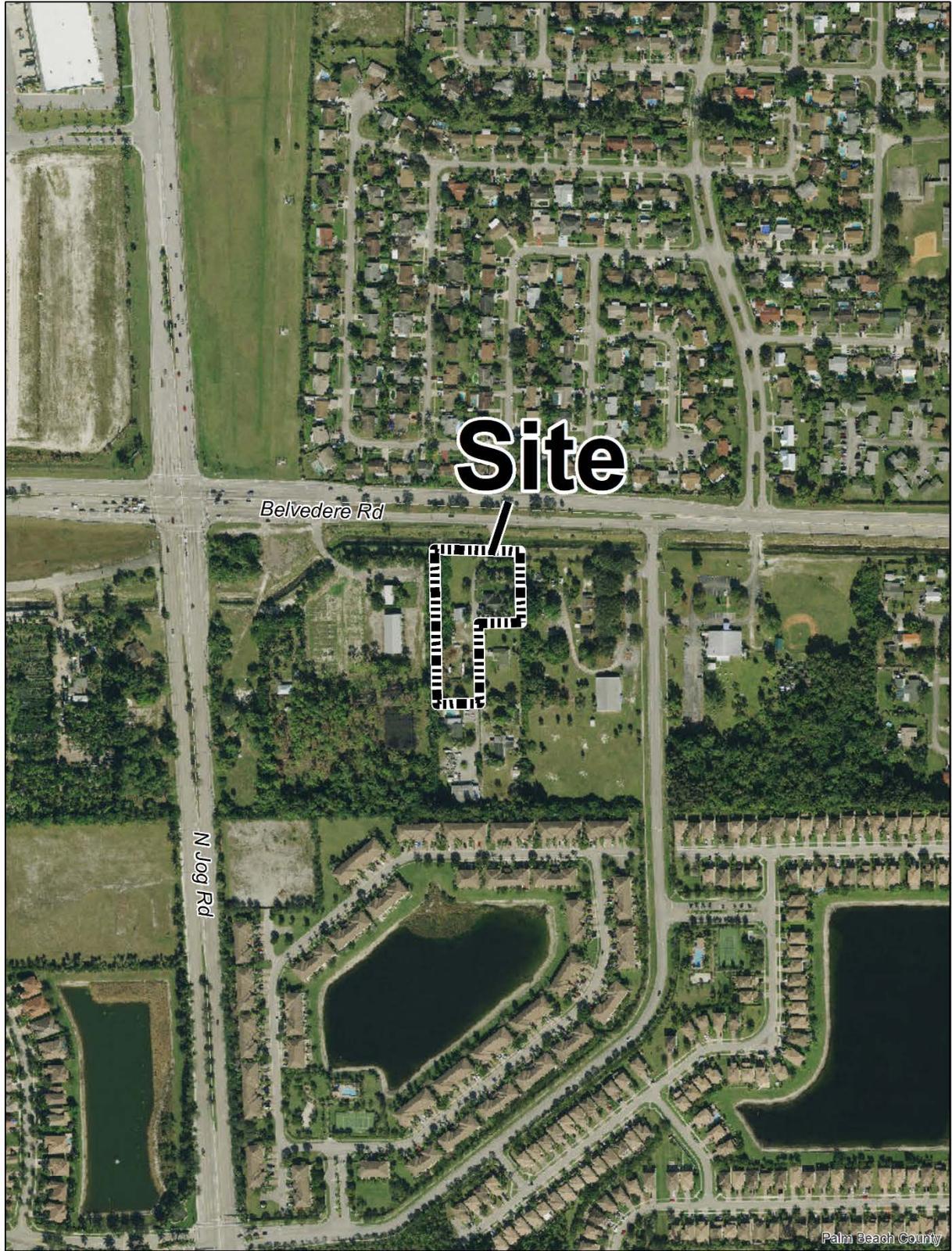


Figure 2 - Zoning Map



Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Rice Project</u>
Application Number:	<u>Z-2020-00909</u>
Control Number:	<u>2020-0060</u>
Atlas Page Number:	<u>064</u>
Date:	<u>9/29/2020</u>

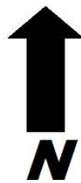


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 Gregory Rice, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [x] 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: 511 Lucerne Ave, Suite 501 Lake Worth, FL 33460-3860
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.

Gregory Rice, 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 21 day of September, 2020 by Gregory Rice (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).

Jamie Winnick
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: March 18, 2023

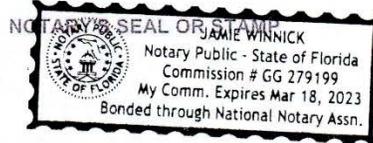


EXHIBIT "A"

PROPERTY

RICE PROJECT
CONTROL NO. 2020-0060
APPLICATION NO. Z-2020-00909

PROPERTY ADDRESS
6360 Belvedere Road
West Palm Beach, FL 33413

LEGAL DESCRIPTION

A parcel of land in Tract 3, Block 5, THE PALM BEACH FARMS CO., PLAT NO.3, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida said parcel being a portion of the West 5 acres (West 262.0 feet) of said Tract 3, and being particularly described as follows:

From the Southwest Corner of said Tract 3, Block 5, run thence Northerly on the West line of said Tract 3 a distance of 332 feet to the POINT OF BEGINNING of the parcel herein described; thence continue Northerly on the same course a distance of 501.02 feet to the Northwest corner of said Tract 3; thence run Easterly, angling 87 degrees, 41 minutes, 30 seconds from South to East, on a line parallel to and 55 feet Southerly from (measured at right angles) the center-line of Belvedere Road, as now laid out and in use (said parallel line being also the approximate center-line of existing Lake Worth Drainage District Lateral Canal No. 1, and being 25 feet Southerly from and parallel to the North line of Section 34, Township 43 South, Range 42 East), a distance of 262.20 feet; thence run Southerly, parallel to said West line of Tract 3, a distance of 247.43 feet; thence run Westerly, at right angles to the preceding course, a distance of 131.0 feet, thence run southerly, parallel to said West line Tract 3, a distance of 245.0 feet; thence run Westerly at right angles to the preceding course, a distance of 131.0 feet to the POINT OF BEGINNING; Less and except right of way of Lake Worth Drainage District Canal No.1 and right of way for Belvedere Road.

Subject to: easement for road purposes over the South 20 feet of the North 76 feet of the East 46 feet of the West 187 feet of said Tract 3 and over the East 20 feet of the West 141 feet of the North 497.73 feet of said Tract 3.

Containing in all 2.081 acres, more or less

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
Gregory Rice	511 Lucerne Ave, Suite 501
	Lake Worth, FL 33460-3860
Betty J. Kaylor, Trustee, Title Holder	
	6388 Belvedere Road
	West Palm Beach, FL 33413
Betty J. Kaylor, Trustee	
	6388 Belvedere Road
	West Palm Beach, FL 33413