

Department of Planning, Zoning & Building

2300 North Jog Road West Palm Beach, FL 33411-2741 (561) 233-5000

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Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
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Official Electronic Letterhead

August 28, 2024

Mr. James Hackett 354 Cypress Drive #6 Ave, Tequesta, FL 33469

RE: NOTIFICATION OF ADMINISTRATIVE POSTPONEMENT

Dear Mr. James Hackett:

This letter is to provide confirmation that the attached request dated August 27, 2024, for a postponement meets the requirements of Article 2.B.6.E.1 to administratively postpone the application referenced below from the September 5, 2024 Zoning Commission and September 26, 2024 Board of County Commissioners Zoning Public Hearing to the October Zoning hearings, as referenced below. The Zoning Director has approved the associated 30 day time extension request.

Application:	Catoe Residences, Z-2024-00318				
Control:	Catoe Residences, 2024-00062				
Request:	August 27, 2024				
Time Extension:	30-days				
Prior Hearing Dates:	September 5, 2024 Zoning Commission September 26, 2024 Board of County Commission				
New Hearing Dates:	October 3, 2024 Zoning Commission October 24, 2024 Board of County Commissioners				

This application will be heard at new date provided above provided that the postponement fee is paid to the Zoning Division within 10 days of the date of this letter.

If you should have any questions and/or require further information, contact, Project Manager, at 561-233-5240 or LFusterSantana@pbc.gov.

Sincerely,

Wendy N. Hernández
Deputy Zoning Director

Attachments: Applicant's Postponement Request

C: Lisa Amara, Zoning Director Carlos Torres, AIA, Principal Site Planner Lorraine Fuster Santana, Site Planner II



Confirmation of Professional Services

August 27, 2024

Palm Beach County Zoning Division 2300 N. Jog Road West Palm Beach, FL 33411 Attention: Lisa Amara, Zoning Director

Re: Catoe Residences (Z-2024-00318)
Postponement Request

Please accept this letter as our request to postpone the above referenced zoning application from the September 5, 2024 Zoning Commission Meeting to the October 3, 2024 Zoning Commission Meeting. Per correspondents from zoning staff today, it is our understanding that there are a few concerned neighbors that we would like to have further discussions with, as well as a proposed condition of approval that we would like to have additional time to review.

Thank you for your consideration. Please don't hesitate to contact me directly should you have any further discussions or required additional information.

Sincerely

James G. Hackett



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION, SEPTEMBER 5, 2024

A. Application Summary

I. General

Application Name: Catoe Residences, Z-2024-00318 **Control Name:** Catoe Residences (2024-00062)

Applicant: Brandon Catoe

Owner: Brandon Catoe

Agent: H & L Planning & Development - James Hackett

Project Manager: Lorraine Fuster Santana, Site Planner II

Title/Request: Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Residential Estate (RE) Zoning District to Residential Transitional (RT) Zoning District on 2.27 acres

Application Summary: The request is for the Catoe Residence application. The site has no prior Board of County Commissioners (BCC) approvals and is currently developed with a Single-Family residence.

The proposed request is for a rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone (COZ) as recommended by Staff. The request does not include the subdivision of the subject site; however, the rezoning would allow the subdivision of the property through a future administrative Development Review Officer (DRO) application. The proposed COZ will ensure that any subdivision of the subject site will require a minimum lot size of one acre unless potable water and sanitary sewer service is available to the site pursuant to Article 11. Access to the site is from Lillian Avenue.

II. Site Data

Acres: 2.27 acres

Location: Northwest corner of Lillian Ave and S. Bates Road

Parcel Control: 00-42-42-24-01-000-0581

Future Land Use: Low Residential (LR-1)

Zoning District: Residential Estate District (RE)
Proposed Zoning: Residential Transitional (RT)

Tier: Urban/Suburban

Utility Service: Seacoast

Overlay/Study: N/A
Neighborhood Plan: N/A
CCRT Area: N/A

Comm. District: 1, Commissioner Maria G. Marino

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B.7.A.2, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C.

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

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received five contacts from the public in opposition to the approval of this application. Neighbors of the area called requesting additional information about the hearing, rezoning process and expressing concerns related to the subdivision of the property.

IV. Hearing History

ZONING COMMISSION: Scheduled for September 5, 2024

BCC HEARING: Scheduled September 26, 2024

B. Data & Analysis

Disclosure of Ownership

H.

The supporting data and analysis is provided within the following Exhibits. I. Exhibits **Page** A. Future Land Use Map & Zoning Map 3-4 Standards Analysis & Findings B. 5-7 C. Conditions of Approval 8 9 D. **Project History** E. Survey dated May 13, 2024 10 **Utility Letter** J 11

12-15

Exhibit A - Future Land Use Map



Exhibit A - Zoning Map

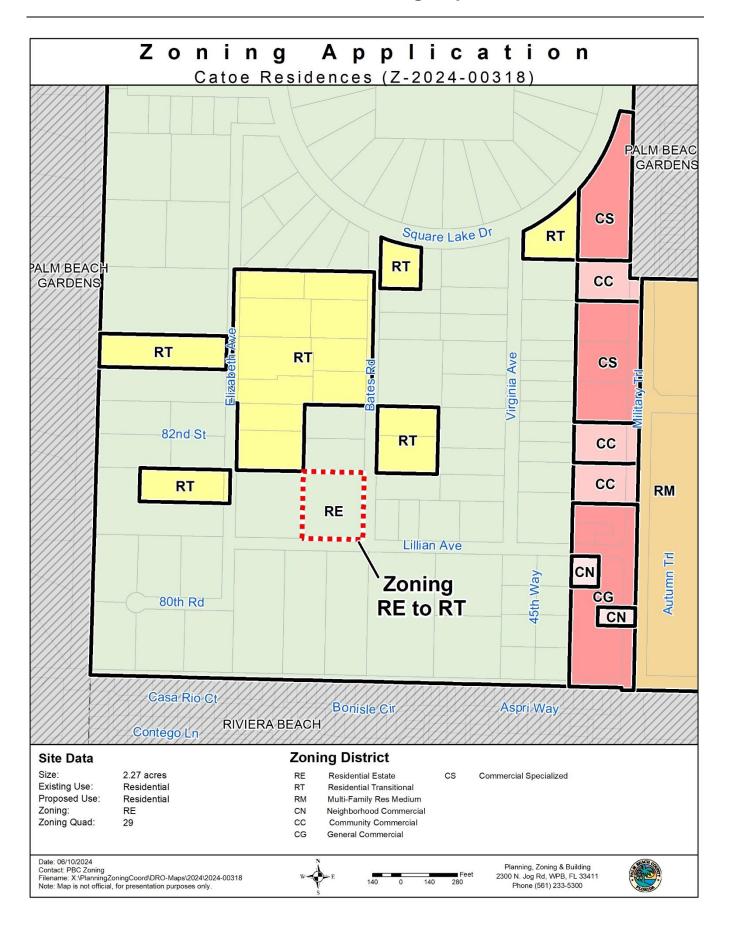


Exhibit B - Standards Analysis & Findings

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

Article 2.B.7.B.2, Standards for an Official Zoning Map Amendment (Rezoning) to a Standard District are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

- **a.** Consistency with the Plan The proposed amendment is consistent with the Plan.
- O 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.
- o 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 plan; however, the Justification Statement indicates a future intent to purchase one Transfer of Development Rights (TDR) unit and subdivide the 2.27-acre parcel into three lots. The 2.27-acre parcel, with a Low Residential, 1 unit per acre (LR-1) Future Land Use designation, would currently be permitted a maximum of 2 units (1 du/ac x 2.27 ac = 2.27 du or 2 units rounded down). The request for subdivision and purchase of TDR will be reviewed at such time that an application is submitted. Please note: The subdivision of the lot into three lots less than 1 acre in size is not allowed by Article 11, Subdivision Regulations, until such time that potable water and sanitary sewer service area available to the site.
- o 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 proposed Amendment is consistent with the stated purpose and intent of the County Unified Land Development Code (ULDC). The subject site is currently zoned Residential Estate District (RE), which is consistent with the current Future Land Use designation Low Residential (LR-1). The proposed rezoning to Residential Transitional (RT) is also consistent with the existing LR-1 designation pursuant to Table 2.21j-1 of the Comprehensive Plan. The 2.27-acre lot is currently developed with a Single Family Residence, and it is the Applicant's intent to subdivide the property into three residential lots for future development of Single Family. A subdivision of the subject 2.27-acre lot, with the current RE Zoning District would not be allowed as the proposed lots would not meet the minimum property development regulations for the RE Zoning District. The proposed rezoning could possibly allow the lot to be subdivided, provided the new lots, and the existing structures meet the property development regulations for the RT Zoning District.

The Applicant has indicated in his justification statement that he wishes to obtain one TDR to further subdivide the lot in three separate lots. Staff has advised that in order to obtain the required TDR the Owner/Applicant will need to obtain the required level of service for water and sewer through the appropriate service provider. A condition of approval has been added requiring the Owner to obtain water and sewer service prior to requesting a TDR.

- o Property Development Regulations: The proposed re-zoning is in compliance with the RT Zoning District PDR's for Minimum Frontage/Lot Width and Minimum Lot depth as indicate in Table 3.D.1.A Property Development Regulations.
- Conditional Overlay Zone (COZ): Staff is recommending a Conditional Overlay Zone (COZ) to ensure that any subdivision of the subject site will require a minimum lot size of one acre unless potable water and sanitary sewer service is available to the site pursuant to Article 11. 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. In application of the COZ, the ULDC requires that the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. The finding shall be based on 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.
- 3. Intensity limits reflect available capacity of public facilities.

The Applicant has indicated in the Justification Statement the intention to subdivide the 2.27 acre site. Under the LR-1 future land use designation, the site qualifies for two lots/dwelling units; however, the applicant's justification statement indicates interest into applying for a TDR unit for a subdivision into three lots. All development orders must be in compliance with the requirements for Adequate Public Facilities. Pursuant to Art. 11, Subdivision Regulations, the minimum level of service for the subdivision of lots less than one acre is connection to centralized potable water supply system and centralized sanitary sewer system. The letter provided by Seacoast utility Authority indicates that potable water is available to the parcel and the existing home is connected. However, there is no sewer available to the property and the closest connection is a gravity main +/- 5,000 ft northeast on Military Trail. Staff is proposing a COZ to require a minimum lot size of one acre until such time that the site has access to both potable water and sanitary sewer. This condition specifically relates to Standard 3 Reasons for a COZ, and is provided in Exhibit C.

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 RT Zoning district is compatible and generally consistent with the existing uses and surrounding zoning districts. All parcels surrounding the subject lot are existing Single-Family Dwellings. The proposed rezoning is compatible with the surrounding properties and the surrounding zoning districts. The purpose and intent of the RT Zoning District is to "provide a transition between a suburban Single Family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot." Rezoning the subject property to the RT Zoning District will establish a "transition" from conventional suburban development, to the estate character internal to the Square Lake subdivision.

- **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. Wellfield Protection Zone: This property is not located within Wellfield Protection Zone.
- 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-storm water discharge or the maintenance or use of a connection that results in a non-storm water discharge to the storm water system is prohibited pursuant to Palm Beach County Storm water Pollution Prevention Ordinance No. 93 15.
- 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 proposed RT Zoning District could allow the Applicant to subdivide the lot and develop the newly created lots with Single Family residences, provided the new lots and structures comply with the property development regulations and the required level of service. If they choose not to subdivide, the existing home will remain consistent and compliant with the RT regulations. Development of Single Family homes within this area is a consistent development pattern with surrounding lots. Therefore, the request will result in a logical, orderly and timely development pattern, as the zoning amendment would provide a zoning district consistent with properties in the area.

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

OFFICE OF RESILIENCY: Staff has reviewed this application and have no comment.

<u>ENGINEERING COMMENTS:</u> There are no proposed Engineering conditions of approval with this application.

<u>WATER AND WASTEWATER:</u> The subject parcel is within the service boundaries of Seacoast Utility Authority. They have provided a service provision letter as depicted in Exhibit J. The Utility letters states as follows, "The above reference property [4795 Lillian Ave., Palm Beach Gardens, FL 33418] is currently connected to Seacoast water from a 12" water main that runs east to west on Lillian Ave. There is no available sewer to the property, nearest sewer connection point is a gravity manhole \pm 5,000 ft northeast on Military Trl."

As indicated in the Analysis above for Consistency with the Code, a COZ with Condition of approval has been included for compliance with the minimum levels of service and compliance with adequate public facilities prior to the subdivision of lots less than one acre in size.

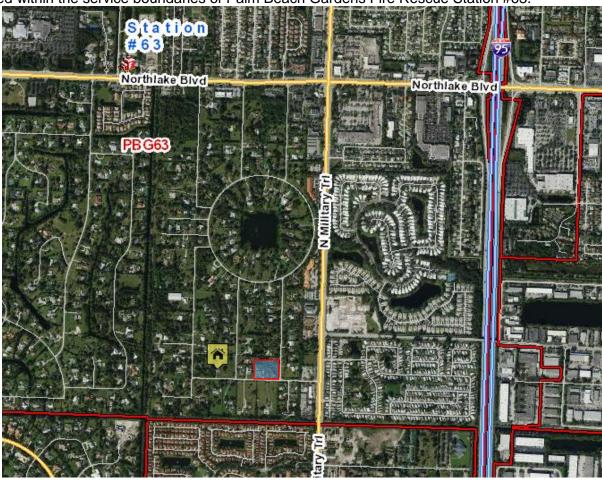
<u>PALM BEACH COUNTY HEALTH DEPARTMENT:</u> This project has met the requirements of the Florida Department of Health. The subject property is currently connected to Water as provided by Seacoast Utility Authority. The existing home has a Septic Tank for its onsite sewage treatment and disposal system. The addition of any units will need to be reviewed at time of application.

<u>SCHOOL IMPACTS</u>: The School Board has no issue with the rezoning request. The subject parcel is within the School District attendance zones as follows:

Elementary: Grove Park Elementary, Middle: John F. Kennedy Middle; High: Palm Beach Gardens High

<u>PARKS AND RECREATION</u>: Parks and Recreation has no comment on this zoning application request is to rezone to allow property to be divided into three lots. The addition of any units will need to be reviewed at time of application for compliance with adequate public facilities and the minimum levels of service for Regional, Beach, District and Local Parks. ..

<u>FIRE PROTECTION</u>: Staff has reviewed this application and have no comment. The subject site is located within the service boundaries of Palm Beach Gardens Fire Rescue Station #63.



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 Applicant's Justification Statement indicates the following justification for their changed conditions of circumstances: "The request to rezone the subject property from Residential Estate (RE) to Residential Transitional (RT) is consistent with the surrounding uses and zoning districts. The property owner is seeking to further develop the property by subdividing the property from one single-family residential lot to three single-family residential lots."

Exhibit C - Conditions of Approval

Official Zoning Map Amendment With a Conditional Overlay Zone

ALL PETITION

1. The subdivision of the site shall be limited to a minimum of one acre lot size until such time that the subdivided lots can connect to potable water and sanitary sewer pursuant to the minimum requirements of Article 2.F. Concurrency, Adequate Public Facility Standards, and Article 11.E.5. Wastewater System. (ONGOING/DRO/PLAT: ZONING - Zoning)

DISCLOSURE

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

Exhibit D - Project History

The site is currently developed with a Single-Family residence and has no prior approvals by the Boa of County Commisioners (BCC)	ırd					

Exhibit E - Survey

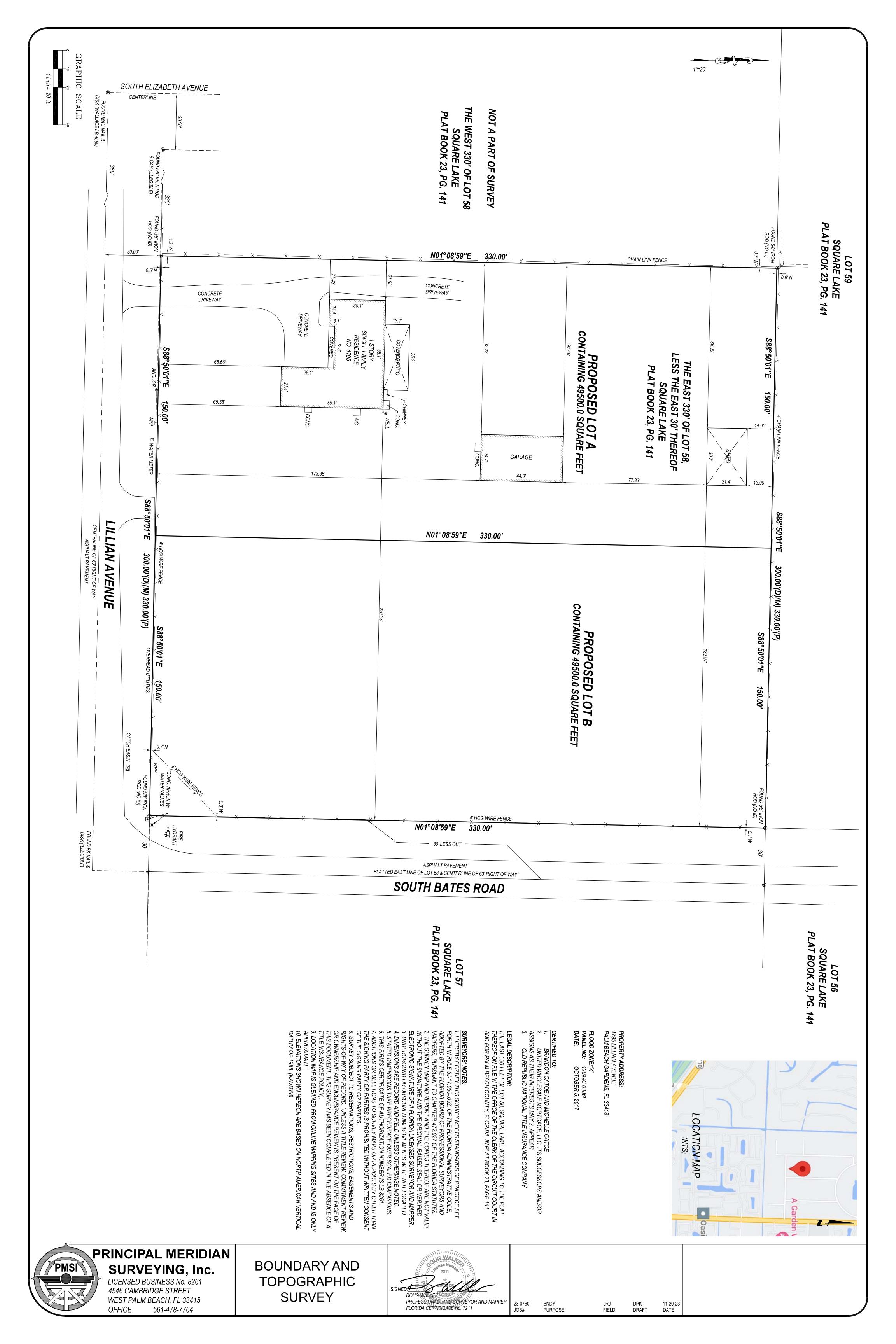


Exhibit J - Utility Letter



August 1, 2024

Ron Last 1860 Old Okeechobee Rd., Ste. 504 West Palm Beach, FL 3309

RE: Water & Sewer Availability for 4795 Lillian Ave., Palm Beach Gardens, FL 33418 PCN: 00-42-42-24-01-000-0581

To Whom it May Concern:

The above reference property is currently connected to Seacoast water from a 12" water main that runs east to west on Lillian Ave. There is no available sewer to the property, nearest sewer connection point is a gravity manhole ± 5,000 ft northeast on Military TrI.

4795 Lillian Ave., PBG, FL is currently supplied with water only by Seacoast Utility Authority.

Sincerely,

SEACOAST UTILITY AUTHORITY Laura H. Niemann Engineering Technician II

Customer Service (561) 627-2920 • Admin/After Hours (561) 627-2900 • Fax (561) 624-2839 www.sua.com

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 Brandon Catoe	undersigned	authority,		day persor	nally appeared as "Affiant," who
being by me first duly sw	orn, under oath,				20 Juniary Wile
 Affiant is the [k] indive.g., president, partrand type of entity - ownership interest in "Property"). The Pramendment or Development. 	er, trustee] of e.g., ABC Con real property is operty is the si	poretion, XY egally descr ubject of an	Z Limite ribed on applica	d Partnership the attached tion for Com	p] that holds an Exhibit "A" (the
2. Affiant's address is:	4795 Lillian Ave.	3			
	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.
- 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.
- 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.

Disclosure of Beneficial Interest – Property form Form # 9 Page 1 of 4

Revised 12/27/2019 Web Format 2011 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.

Branden, Colore (Print Affiant Name)

NOTARY PUBLIC INFORMATION:	STATE OF FLORIDA COUNTY OF PALM BEACH
online notarization, this 15 15	ged before me by means of [X4-physical presence or [] day of
to me or has producedidentification and displaid not take an oath	(type of identification) as
Notary Public - State of Florida (Name State of Florida S	Signature) May
My Commission Expires on:	HOTALIVIS SEAL OR STAMP

EXHIBIT "A"

PROPERTY

THE EAST 330 FEET OF LOT 58, SQUARE LAKE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COUT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 23, PAGE 141

Disclosure of Beneficial Interest – Property form Form # 9 Page 3 of 4

Revised 12/27/2019 Web Format 2011

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.

Addesse

Name		Address			
Brandon Catoe	4795	Lillian Ave.,	Palm Bear	ch Gardens	FL 33418
Michelle Catoe	4795	Lillian Ave.,	Palm Bead	ch Gardens,	FL 33418

Disclosure of Beneficial Interest – Property form Form #9 Page 4 of 4

Revised 12/27/2019 Web Formst 2011