



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION PUBLIC HEARING, MAY 1, 2025

A. Application Summary

I. General

Application Name:	West Atlantic RV Resort, SV/ZV/PDD-2024-01422
Control Name:	West Delray RV Resort (2021-00127)
Applicant:	Karen and Roger Fina
Owner:	Karen and Roger Fina
Agent:	JMorton Planning & Landscape Architecture Lauren McClellan and Alex Ahrenholtz
Project Manager:	Nancy Frontany Bou, Senior Site Planner

Title: an Official Zoning Map Amendment to a Planned Development District **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Recreational Vehicle Planned Development (RVPD) Zoning District on 10.11 acres **Title:** a Type 2 Variance **Request:** to eliminate a portion of the Right-of-Way buffer on 10.11 acres **Title:** a Subdivision Variance **Request:** to allow access from the existing 56-foot Right-of-Way on 10.11 acres

Application Summary: The application is for the proposed West Atlantic RV Resort. The parcel has no prior approvals by the Board of County Commissioners and is currently developed with a single-family residence.

The request proposes a an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Recreational Vehicle Planned Development (RVPD) Zoning District for the development of an RV park with 113 RV campsites, and 8 Camping Cabins, for a total of 121 sites. The request includes a Subdivision Variance to allow access from the existing 56-foot Right-of-Way and a Type 2 Variance to eliminate a portion of the Right-of-Way buffer on the south property line. Access is from Atlantic Avenue.

This application is contingent upon a concurrent application for a Comprehensive Plan text and Future Land Use Amendment, LGA-2024-00011, to change the Future Land Use designation from Agricultural Reserve (AGR) to Commercial Recreation with an underlying Agricultural Reserve (CR/AGR) and associated text amendments.

II. Site Data

Acres:	10.11 acres
Location:	North of Atlantic Avenue, approximately 0.5 miles west of State Road 7
Parcel Control:	00-41-46-13-00-000-7010
Future Land Use:	Agricultural Reserve (AGR)
Proposed Future Land Use:	Commercial Recreation with an underlying Agricultural Reserve (CR/AGR)
Zoning District:	Agricultural Reserve (AGR) District
Proposed Zoning:	Recreational Vehicle Planned Development (RVPD)
Tier:	AG Reserve
Utility Service:	Palm Beach County Water Utilities
Overlay/Study:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Comm. District:	5, Commissioner Maria Sachs

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C-1, C-2 and C-3.

STAFF RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-1, C-2 and C-3

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

IV. Hearing History

ZONING COMMISSION: *Scheduled for May 1, 2024*

BCC HEARING: *Scheduled May 22, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A-1 - Future Land Use Map



Exhibit A-2 - Zoning Map

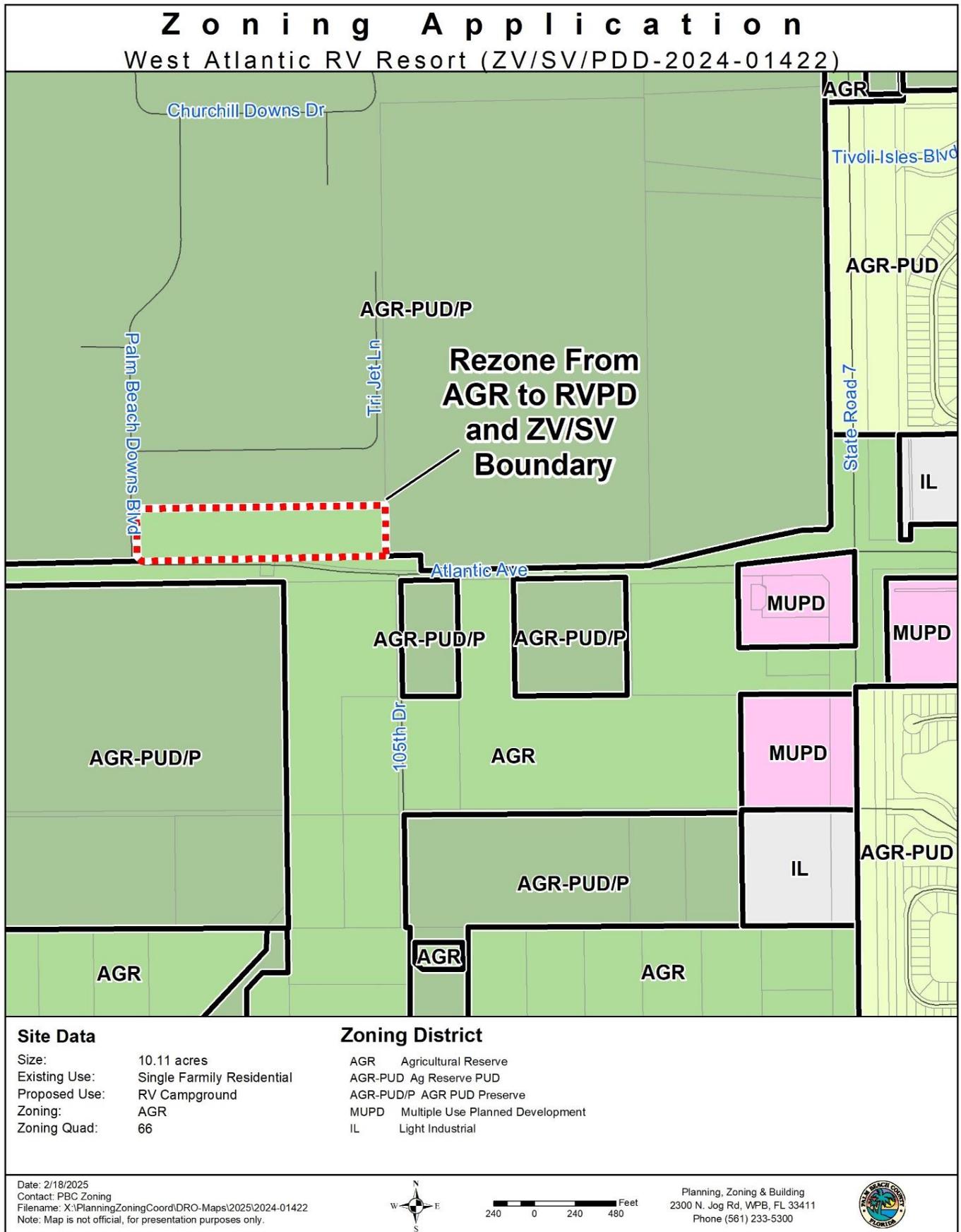


Exhibit B - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment 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 use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

o *Consistency with the Comprehensive Plan:* Should the BCC approve the amendment request, then the proposed use and amendment are consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

o *Concurrent Land Use Amendments:* The site is the subject of a concurrent Large Scale Future Land Use Atlas (FLUA) Amendment known as West Delray RV Resort (LGA 2024-011). The request seeks to revise the Future Land Use Element (FLUE) of the Comprehensive Plan related to the Agricultural Reserve Tier in order to allow Recreational Vehicle Parks, and amend the land use on the subject site from Agricultural Reserve (AGR) to Commercial Recreation, with an underlying Agricultural Reserve (CR/AGR). The Board transmitted the item on November 6, 2024 by a vote of 5 to 0, subject to the following conditions:

1. The site shall be limited to up to 121 recreational vehicle spaces and accessory uses as allowed within the ULDC. All other uses allowed within the CR FLU shall be prohibited.
2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.

The request to rezone the site from the Agricultural Reserve (AGR) Zoning District to the Recreational Vehicle Planned Development (RVPD) Zoning District in order to allow an RV Resort consisting of 113 recreational vehicle spaces and 8 campsites is consistent with the first condition in the amendment. The second condition is proposed for deletion as the proposed FLU amendment and zoning application are proceeding to the same public hearing.

o *Relevant Comprehensive Plan Policies:* The concurrent FLUA amendment includes text amendments to the Comprehensive Plan related to the Agricultural Reserve Tier in order to allow Recreational Vehicle Parks in the CR FLU designation. Among these text amendments include revisions to Policy 1.5-q to add new criteria for Recreational Vehicle Parks, as shown below:

1. **REVISE Policy 1.5-q:** Freestanding golf courses and recreational vehicle parks shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier, as further described below:

1. Freestanding Golf Course. All development rights shall be removed from the freestanding golf course site seeking the Commercial Recreation (CR) designation. Golf courses associated with residential or nonresidential development using the 60/40 Planned Development Option shall not be permitted to use this designation. ~~Gaming, parimutuel wagering, offtrack betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier.~~ All freestanding golf courses designated as Commercial Recreation in the Agricultural Reserve Tier shall have a management plan which, at a minimum, shall contain the following:

<<Omitted for brevity>>

2. Recreational Vehicle Park. Recreational Vehicle Parks are permitted with a Commercial Recreation (CR) future land use designation subject to the following criteria:

- a. a minimum of 5 acres;
- b. located on the north side of Atlantic Avenue and adjacent to the entrance of the West Delray Regional Park (Palm Beach Downs Road); and
- c. provide a preserve area consistent with AGR-MUPD as outlined in Policy 1.5.1- q.

The subject site is 10.11 acres and located on the north side of Atlantic Avenue adjacent to the entrance of the West Delray Regional Park at Palm Beach Downs Road. In accordance with FLUE Policy 1.5.1-q, since the site is less than 16 acres in size, no preserve area is required. Therefore, the proposed RV Park meets the criteria specified in the above policy.

In addition, Future Land Use Element (FLUE) Table 2.2-f.1, Non-Residential Future Land Use-Zoning Consistency, establishes consistency between FLU designations and Zoning Districts. In accordance with said Table, the proposed CR/AGR land use designation is consistent with the requested RVPD Zoning District.

- **Intensity:** The request for 8,112 square feet (sq. ft.) equates to a FAR of approximately 0.02 (8,112 / 440,306 sq. ft. or 10.11 acres = 0.018 or 0.02 rounded up). The maximum Floor Area Ratio (FAR) of .05 is allowed for the proposed Commercial Recreation future land use designation in the Agricultural Reserve Tier (440,306 sq. ft. or 10.11 acres x .05 maximum FAR = 22,0153 sq. ft. maximum). The proposed square footage is therefore below the maximum allowed.

- **Compatibility:** County Direction #4 establishes that "Land Use Compatibility" is one of the eighteen directions that are the basis for the Goals, Objectives and Policies of the Comprehensive Plan. The directive reads as follows: "*Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*" Several policies within the Plan's Future Land Use Element (FLUE) further address compatibility through the ULDC and development review process. FLUE Policy 2.2-c establishes that the ULDC is consistent with the Plan, and that consistency shall "*ensure compatibility with adjacent future land uses.*" Further, FLUE Policy 4.3-i indicates (in part) that "*the Development Review process shall also consider the compatibility of the density or intensity of proposed development with adjacent future land uses.*" The Planning Division has reviewed the proposed development application and determined it is compatible with adjacent and surrounding land uses.

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 request will be consistent with the ULDC if the Comprehensive Plan Amendment (LGA-2024-011) and the ULDC modification are adopted. The Comprehensive Plan Amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Commercial Recreation with an underlying AGR (CR/AGR) in order allow for a recreational vehicle park development (RVPD).

- **Frontage and Access:** All proposed Planned Developments are required to have 200 feet of frontage and access from an Arterial or Collector Street. The proposed access is from and frontage is along Atlantic Avenue meeting the requirements for the Planned Development District with the proposed Subdivision Variance.

- **Cross Access:** Non-residential PDD's shall provide cross access to adjacent properties where applicable. Zoning Staff have included a condition of approval to provide a pedestrian cross access pathway a minimum of 5 feet in width to allow the patrons of the RVPD to walk to the West Delray Regional Park.

- **Utilities:** Utility services are required to be located within easements, and installed underground. There will be potential service points above ground that each RV will need to connect to.

- **Phasing:** No Phasing Plan was submitted, and thus will be completed in one phase.

- **RVPD Thresholds:**

- **Acreage:** The property is in compliance with Code requirements for minimum lot dimensions of ten acres size, as depicted in Exhibit E.1 Preliminary Site Plan.
- **Sites:** Within the RVPD Zoning District with a CR Future Land Use, the maximum number of RV campsites is calculated at 12 per acre. This would allow for 121 RV sites. Further, the ULDC allows a maximum of 30% of the total number of campsites be allowed as Camping Cabins. The Preliminary Site Plan indicates 113 RV campsites, and 8 campsites as Camping Cabins.
- **Land Use Mix:** The proposed development is required a minimum 98% of the land are be Recreation and maximum 2% Commercial. The Master Plan indicates 100% of the land use mix is Recreation Pod.

- **Pods:**

- **Recreation:** A minimum 10% of the land area in a Recreation Pod shall be devoted exclusively to recreation uses. The Preliminary Site Plan indicates 1.12 acres are proposed for the recreation areas, meeting the minimum required area for the 10.11 acre development. These recreation areas include a 5,562 sq. ft. clubhouse with pool, 850 sq. ft. office, 1,700 sq. ft. of bathrooms/washrooms and 1.12 acres of recreation area which includes a dog park.
- **Commercial:** No commercial Pod is proposed.

- *Time Limitations:*
 - *RV campsites:* No person shall reside or be permitted to reside in an RV campsite for more than 180 days per calendar year.
 - *Campsites/Camping Cabins:* The length of stay is restricted to a maximum of 30 consecutive days in a six-month period.
- *Property Development Regulations:*
 - *Recreation – RV Campsite:* Each RV campsite is to be a minimum of 1,000 sq. ft. with a minimum 20 ft. width/frontage and 40 ft. depth. The widths range from 20 feet to 25 feet in width and 54 feet to 72 feet in depth meeting the minimum dimensions.
 - **Concurrent ULDC Revision.** Currently, the ULDC requires a 25 foot setback of the RV 'space' measured from the interior of the landscapes buffer. However, the Site Plan a 25 foot setback of the RV Pad to the perimeter property line of the RVPD, rather than the interior landscape buffer. Therefore, the Site Plan is contingent upon a concurrent ULDC Revision to allow this reduced setback in the Agricultural Reserve Tier. Zoning Staff have included a Condition of Approval that requires the Site Plan to be revised at time of Final Approval of the Site Plan, if the amendment to the ULDC is not approved by the Board.
- *Use criteria – Applicant is proposing to develop a Campground with RV and Camping Cabin campsites.*
 - *Lot Size:* A Campground is required to be on a minimum of five acres, however, because the Applicant is proposing an RVPD, the minimum lot size for the development is 10 acres.
 - *Campsites per Acre:* When a Property Owner wants to increase the number of campsites from 6 sites per acre to 12 sites per acre the development is required to be an RVPD. The proposed Campground, as depicted on the Preliminary Site Plan, includes a total of 121 campsites (113 for RVs and 8 for tent or cabin),
 - *Setback:* All sites shall be setback a minimum of 50 feet from any property line.
 - **Concurrent ULDC Revision.** The Applicant proposes that the RV sites be setback 20 feet from the property line which is less than the current 50 foot minimum. Therefore, the Site Plan is contingent upon a concurrent ULDC Revision to allow this reduced setback in RVPD in the Agricultural Reserve Tier. Staff have included a Condition of Approval that requires the Site Plan to be revised at time of Final Approval of the Site Plan, if the amendment to the ULDC is not approved by the Board.
 - *Record Keeping:* The Campground Owner/Operator is required to keep records of the RVs located on lots within the development. They are required to ensure that the RVs are mobile and maintained at all times. The license plate is required to be visible at all times. Zoning Staff have included a Condition of Approval that requires the Property Owner to submit annually a copy of their time limitation records.
 - *Camping Cabins/Tents:* Camping cabins are allowed and proposed on 8 lots described on the Preliminary Site Plan. The maximum size is 800 sq. ft., but may include an additional porch or patio not to exceed 500 sq. ft.
 - *Retail Sales:* No Commercial Pod is proposed for this development.
- *Architectural:* The development, is required to comply with the Architectural Guidelines pursuant to Article 5.C, Design Standards. Elevations are required to be consistent in Architectural Character. No Architectural elevations have been provided at this time. The Applicant requested that the elevations be submitted at time of Building Permit.
- *Landscape/Buffering:* The Preliminary Site Plan indicates the following:
 - North Property Line: a 20 foot Type 3 Incompatibility buffer, which includes a 6 foot wall.
 - South Property Line: a 20 foot Right of Way buffer, with a 5 foot easement. Approximately 215 feet of that buffer is proposed to be eliminated through the variance described under the Variance Standards, due to a Lake Worth Drainage District Easement encroachment. The landscape material within that area is proposed, by Condition to be relocated elsewhere on site.
 - East Property Line: a 20 foot Type 3 Incompatibility buffer, which includes a 6 foot wall.
 - West Property Line: a 20 foot right of way buffer with a five foot easement overlap

The development will also have to comply with foundation plantings around the proposed buildings, interior landscape island adjacent to the parking spaces, and interior landscaping required at 1 tree for each 1500 sq. ft. of vehicular use area and 3 shrubs per 1500 sq. ft. of vehicular use area.

○ **Parking:** Because this is a Planned Development the Applicant could provide a maximum/minimum amount of parking. However, the Applicant is providing parking in accordance with Article 6. Campgrounds to provide parking for the overall development based on the number of campsites, one parking space per campsite, and one parking space per 250 sq. ft. for the Office. The Preliminary Site Plan indicates a total of 143 parking spaces including 121 spaces (one for each campsite), 18 guest parking spaces and four spaces provided for the office.

Zoning Staff have included a condition of approval to reduce the impervious area of the campsite lots and any associated heat from the excess pavement. The 25 ft. wide lots must have a minimum of 10 feet of pervious grass area. The 20 ft. wide lots must have a minimum of 5 feet of pervious grass area.

○ **Lighting:** The proposed use is a non-residential commercial recreational use. Due to the proximity of the site to the Loxahatchee Wildlife refuge, Zoning Staff have included conditions of approval limiting the heights, location, and illumination for the development. The maximum height of the lighting for the internal recreation areas shall be a maximum of 15 feet from finished grade to highest point. The maximum / minimum illumination at the recreational areas shall be 10:1. The maximum foot-candle at the boundary of the recreation area shall be 0.30.

Other lighting allowed internal to the development will include pathway lighting. These types of lighting shall be located next to the internal driveway. These lights shall be a maximum of three feet, shielded downward. This lighting is encouraged to be incorporated into any signage identifying the individual numbering of the lots. Maximum illumination at the property line of the RV development shall be 0.00 foot candles.



○ **Signage:** The site plan indicates a ground mounted sign as the entrance sign, which will be in accordance with Article 8 of the ULDC. Lighting for any signage is restricted to external or silhouette lighting only. Digital Displays are prohibited.

c. Compatibility with Surrounding Uses - *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

To the north and west of the site is the West Delray Regional Park which provides outdoor recreation activities for the residents of Palm Beach County and is located within an AGR-PUD Preserve. To the south, across Atlantic Avenue, the parcels are zoned AGR and AGR-PUD Preserve. The uses are a mix of vacant and wholesale nurseries. To the east of the site the parcel is within an AGR-PUD Preserve and has a bona fide agricultural use of equestrian uses. The proposed RVPD zoning district will complement the existing uses, more specifically the West Delray Regional Park and further west the Loxahatchee Wildlife Refuge.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed rezoning and Campground use is designed to minimize adverse impact by providing landscape buffers to reduce the visual impact from adjacent properties and proposed usage of low-impact lighting to reduce light pollution. As stated under consistency with the Code, staff have also included conditions relating to lighting and increase pervious areas to reduce impact on the adjacent parcels. The proposal minimizes adverse impacts, and intensity of the proposed use and structure relative to the surrounding area subject to the conditions of approval.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*
- *Vegetation Protection:* The subject site is heavily vegetated with native species (e.g., Cypress, Strangler Fig and Sabal Palm). Native vegetation that cannot be preserved in place are being either relocated or mitigated. The water management tracts, and open space have been located to maximize onsite preservation. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C. The subject site is adjacent to the Arthur R. Marshall Loxahatchee National Wildlife Refuge (Refuge). Staff is recommending conditions of approval to further compatibility and reduce negative impacts of the site development on the natural areas which include the planting of native vegetation and lighting. Staff has also corresponded with the Loxahatchee National Wildlife Refuge for recommendations and best management practices for developments in close proximity to the Refuge. No recommendations were provided to Staff.
 - *Site Contamination:* Based on the Phase I Environmental Site Assessment, dated November 22, 2024 prepared by Nutting Environmental of Florida, Inc. (NEF), Staff finds the absence of up-to-date laboratory analytical results of soil and groundwater samples require further testing regarding potential soil and/or groundwater impacts from the application on the subject site. As such, ERM Staff recommends the performance of a Phase II Environmental Site Assessment to develop additional information regarding this concern. Given the aforementioned, ERM has conditioned a Phase II ESA be provided during the Off-the-board DRO application. Should any constituents be found in the soil and/or groundwater that exceed applicable clean-up levels, the property owner will need to work with the Florida Department of Environmental Protection to resolve any discovered contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the Applicant is coordinating with FDEP.
 - *Wellfield Protection Zone:* This property is not located within 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.
 - *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- f. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The subject site has never been developed as commercial or agriculture. The site is development with a single-family residence. The intent of an RVPD is to provide tourist oriented uses in a park-life environment for temporary residents. The requested rezoning to RVPD would allow a recreational use adjacent to other surrounding recreational uses. The use of Campground will result in a logical, orderly, and timely development pattern as the site is surrounded by agricultural zoning districts and uses and directly adjacent to a Regional Park which provides outdoor recreation activities to the residents.

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

TRAFFIC DIVISION:

The Engineering Traffic Division reviewed this application and traffic study during the application review process. The proposed RV Resort is expected to generate 397 net daily trips, 25 net AM peak hour trips, and 33 net PM peak hour trips. The build out of the project is assumed to be by 2028.

The traffic impacts of the project will be insignificant, as per the definition in the Traffic Performance Standards. A courtesy analysis of the intersection of Atlantic Ave and SR-7 indicate that this intersection will operate at the adopted Level of Service at build out of the project. Access to the site is from West Atlantic Ave. No turn lane is warranted at the entrance.

LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application and requested modification have been incorporated by the Applicant. The Property Owner will construct an onsite dry detention pond to meet the drainage requirements for the site. The property associated with the application was found to comply with the regulations and code requirements of the ULDC under the authority of the Land Development Division, subject to the following conditions of approval:

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

The Property Owner shall configure the property into a legal lot of record.

DRAINAGE DISTRICT:

The overall development is located within the bounds of the South Florida Water Management District (SFWMD) and Lake Worth Drainage District C-15 Drainage Basin. Per the Drainage Statement (Exhibit E.5) prepared by the Applicant's Engineer he states, "...it is proposed that runoff be directed to on-site water management areas or underground exfiltration trench by means of paved and grass swales and inlets and storm sewer. Legal positive outfall is available via discharge to the Lake Worth Drainage District L-34W Canal adjacent to the parcel's south property line."

The Applicant must obtain required permits from the Districts before issuance of any Building Permits.

MASS TRANSIT:

Palm Tran review Staff were provided the application for review and have no comments. There are no bus stops within ½ mile of the site. Nearest bus stop is approximately 3 miles east of the proposed development along Atlantic Avenue.



WATER AND WASTEWATER:

The subject site is within the boundaries of the Palm Beach County Water Utilities Department (PBCWUD). PBCWUD review Staff provided comments throughout the review of this application. PBCWUD requested that the Applicant provide a copy of their Concurrency approval. The Applicant provided a Service Availability letter dated May 10, 2024 from PBCWUD, but did not provide the final Concurrency. The Applicant states in their Justification Statement (dated March 13, 2025) that they will extend the sewer lines from the east to serve the property, but want to utilize well for water services. At the October 11, 2024 Planning Commission hearing the issue on connecting to water and sewer was raised and the Applicant stated at the hearing they would be connecting to both services. After that hearing the Applicant revised their Zoning Justification to state otherwise.

PBCWUD Staff advised that connection to potable water was required pursuant to Chapter 2 of their Uniform Policies and Procedures. Should the Applicant propose a connection to the public (central) sanitary sewer system, then a connection to the public potable water system is also required. The nearest points of connection to sanitary sewer and potable water are approximately 2,000 ft from the subject property. Offsite utility extensions at the owner/developer's expense will be required to make the connections. Applicant must evaluate their future water usage requirements for the proposed development and reserve capacity. Capacity is reserved by submitting a Utility Concurrency request form to WUD. Conditions of Approval have been included for proof of compliance with Utility Concurrency Letter (UCL) (Adequate Public Facilities) prior to final approval by the DRO. A) Applicant

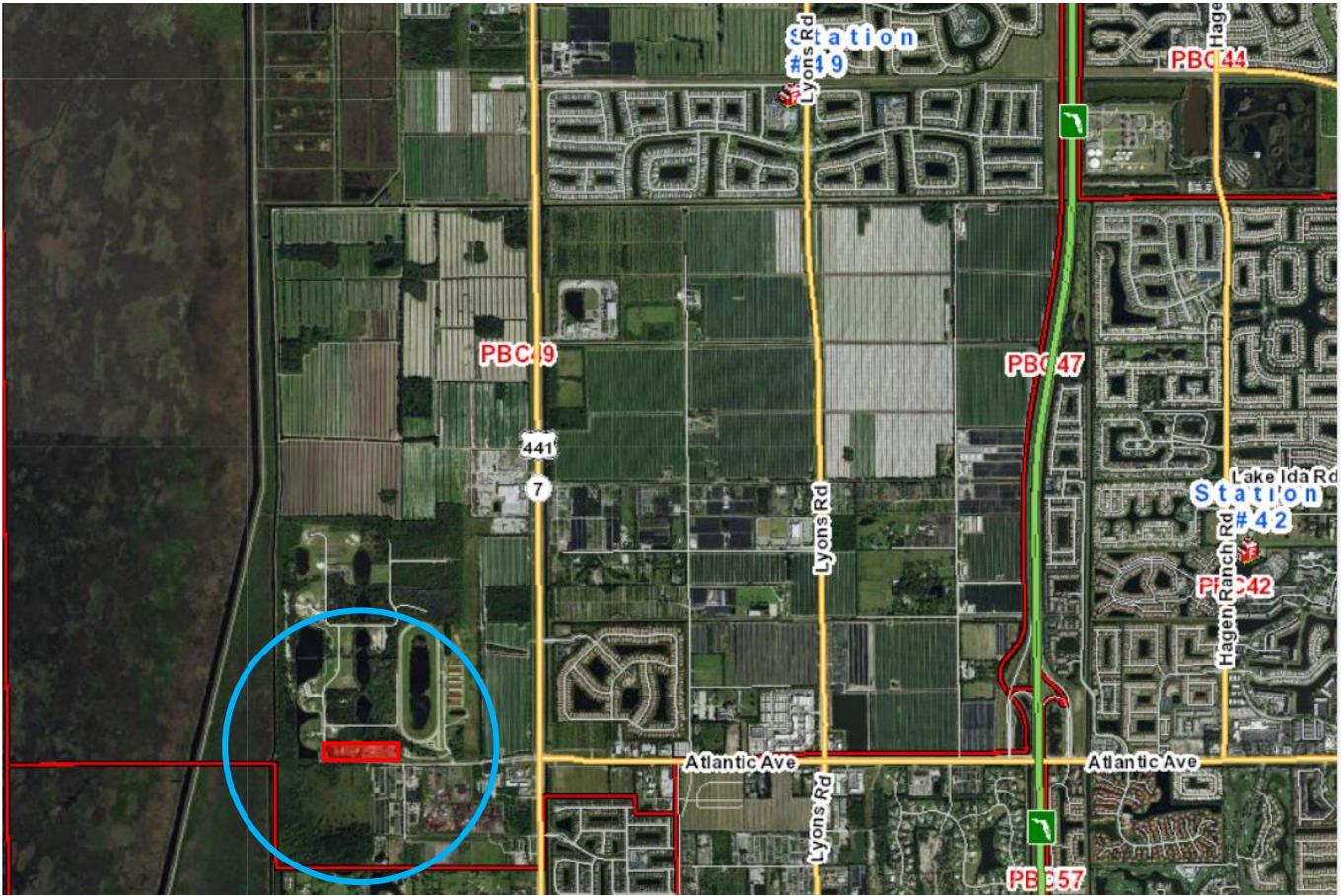
Prior to issuance of a building permit, the Applicant must connect to water and wastewater service, and is subject to the permitting approval process of PBCWUD.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Florida Department of Health review Staff were provided this application for review and have no comments. Recreational Vehicle Parks are also reviewed and permitted by the Department of Health pursuant to Florida Administrative Code Chapter 64E-15 and Florida Statue Chapter 513. Permits are required annually. The Applicant is required to obtain all applicable permits prior to the issuance of a building permit.

FIRE-RESCUE:

Fire Department review Staff were provided this application for review and have no comments. The subject site is located within the service boundaries of PBC Fire Rescue Station 49.

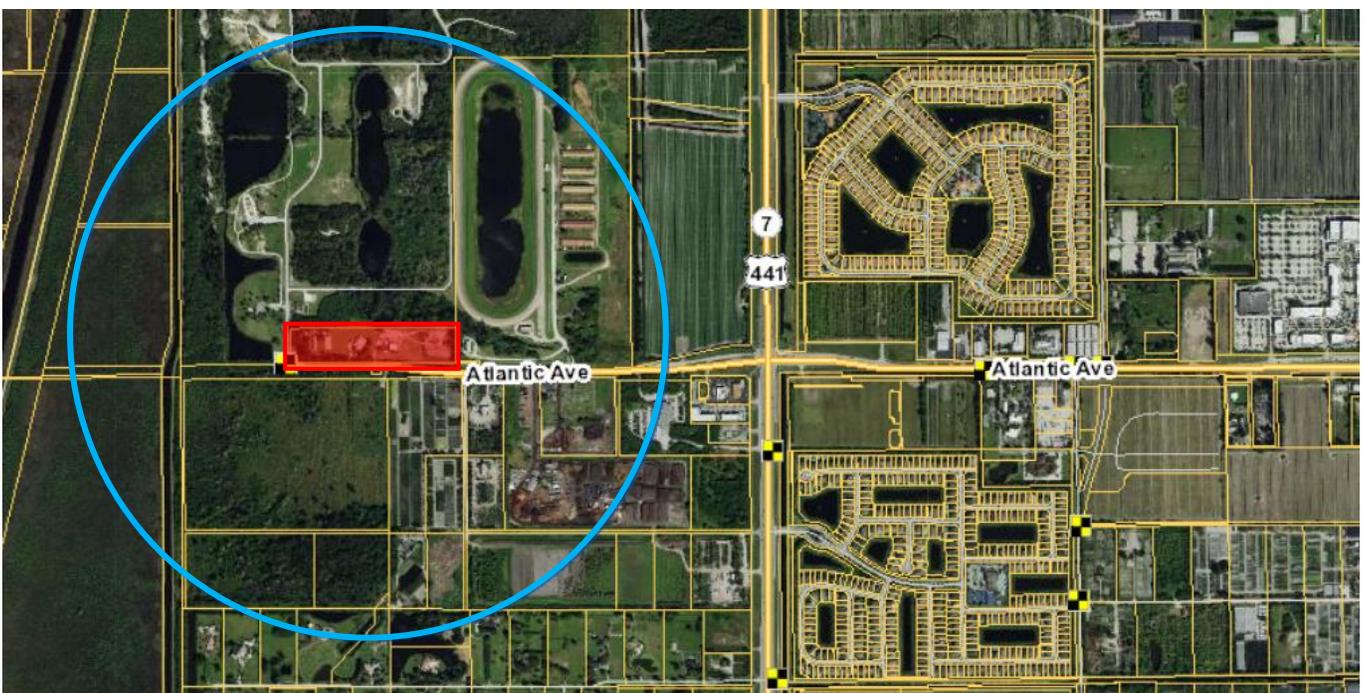


PARKS AND RECREATION:

The Parks and Recreation Department review Staff were provided this application for review, and commended that the site was adjacent to the County’s West Delray Regional Park, and that the proposed site plan met recreation requirements.

SCHOOL IMPACTS:

The PBC School District review Staff were provided this application for review and have no comments. There is one school bus stop location within ½ mile of the subject property.



- h. 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: *“Because of the development of intensive agricultural uses, the regional park and Palm Beach Downs equestrian facility over the years, the Property is no longer a viable single family residential homesite. The RV campground use, within the proposed RVPD, will be a more appropriate use that will better serve the residents and visitors of the Agricultural Reserve. The RVPD is compatible and consistent with the changes to this area that works to support the nearby uses instead of fighting them. Additionally, there is a national trend of people purchasing or renting RV to travel.*

As tourism in Palm Beach County continues to grow, there are few campgrounds throughout the County that offer short-term spaces for RV travelers and no facilities in South County. Agritourism and Environmental tourism are also becoming popular as the State and County push to further develop the amenities of the region and this use will support the events at West Delray Regional Park and Loxahatchee National Wildlife Refuge.”

Exhibit B - Standards Analysis & Findings

Type 2 Variance Standards:

Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance are indicated below with Applicant's Response from the Justification Statement and 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.

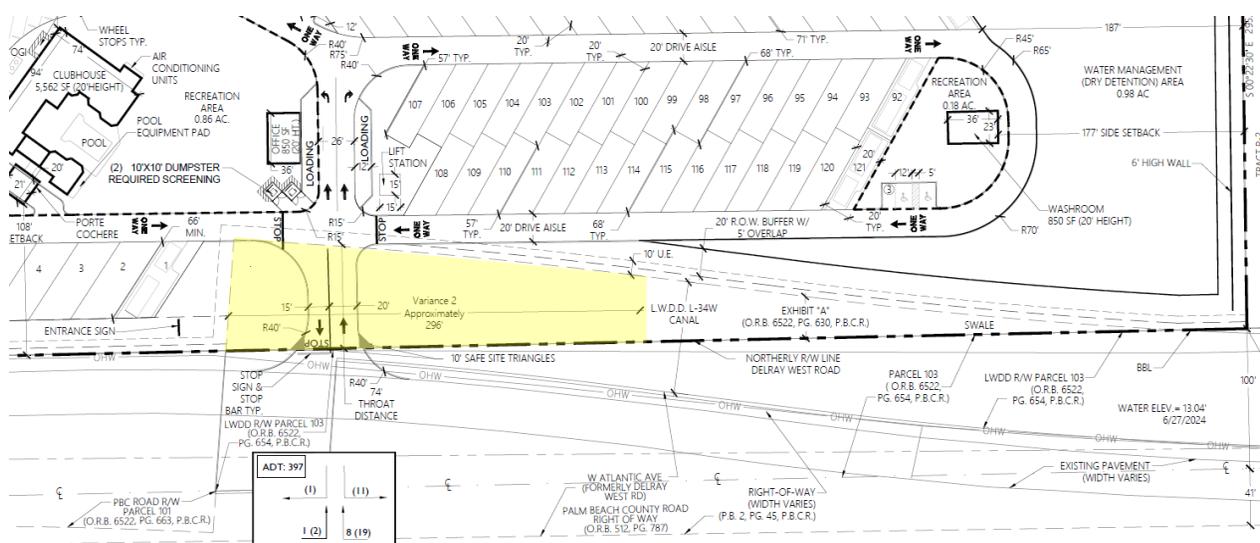
	ULDC Article	Required	Proposed	Variance
V1	Art. 7.C.2.A. Right of Way Buffer	20' Right of Way Buffer	0' Right of Way Buffer (~60 ft. on the west side of the entrance and ~200 ft. on the east side of the entrance from West Atlantic Avenue (260 ft.)) (11 trees, 9 palms/pines, 260 ft ground cover, 130 small shrubs, 65 medium shrubs and 65 large shrubs)	Reduction of 20 ft. Right of Way buffer for a portion of the south property line (0 ft) (approx. 260 ft.) With the required landscaping relocated (11 trees, 9 palms/pines, 260 ft ground cover, 130 small shrubs, 65 medium shrubs and 65 large shrubs)

- a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.**

Applicant's Response: Special conditions and circumstances exist for this Property resulting from the oddly configured LWDD easement traversing through the eastern portion of the Property. The impacts of the existing easement drastically impact the eastern portion of the Property. The Applicant met with LWDD in order to determine if the easement could be relocated or if other alternative options were available such as a Triple P agreement which would allow planting within the easement. Unfortunately, LWDD was not amenable to approval of such an agreement which would have allowed the right-of-way buffer to be located within the easement. The specific area where the LWDD impacts the Property the most (and the area subject to the variance) is highlighted in yellow below.

The Property's narrow configuration restricts where the RV lots are located in relation to the drive aisle. Design is a critical component to a functional RV campground. Patrons need to navigate their recreation vehicles around the Property as well as maneuver large vehicles in and out of campsites. If the required right-of-way buffer was provided for the +/-296 feet, the roadway would have to curve and RV campsite dimensions would need to be adjusted. Campsites with shallow depth located on a curve would be difficult to navigate by customers of the RV development.

Staff Analysis: YES. There are special conditions and circumstances that are peculiar to these parcels of land, building or structure, that are not applicable to other parcels of land, structures or building in the same zoning district. There is a LWDD easement traversing through the eastern portion of the Property (highlighted in yellow below) which impacts the design, configuration and functionality of the proposed use.



- b. **Special circumstances and conditions do not result from the actions of the Applicant.**

Applicant's Response: The variance is necessary as there are special circumstances and conditions that do not result from actions of the Applicant. The easement is required by LWDD to provide future drainage needs for the various properties along Atlantic Avenue west of State Road 7. The Applicant was not able to obtain approval to plant or pave within the easement (with the exception of the main entrance into the development).

Staff Analysis: YES – V 1-3. The special circumstances and conditions are not a result of the actions of the Applicant. The LWDD easement is existing and required to provide drainage for several parcels along Atlantic Avenue.

- c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district**

Applicant's Response: *The granting of this variance will not confer any special privilege to the Applicant. The Applicant is seeking the variance solely to accommodate the unique conditions of the LWDD easement area. This constraint is not commonly present across all properties within the RVPD district. By granting the variance, the Applicant is not requesting any special privilege, but rather seeking a reasonable adjustment based on the specific circumstances of this site that is consistent with the intent of the zoning regulations. The requested variance will not set a precedent that negatively impacts other properties in the RVPD district. Each parcel within the RVPD district is subject to its own unique set of conditions, and the easement in question has specific constraints that do not apply to other parcels in the same zoning district. As such, the variance would not confer any special privilege to the Applicant beyond what is reasonably needed for the site in question.*

Staff Analysis: YES. Granting of the Variances will not confer upon the Applicant any special privilege denied by the Comprehensive Plan and the Code to other parcels of land, buildings or structures in the same zoning district. The Applicant is requesting this variance due to the special conditions of this lot and its odd existing LWDD easement configuration traversing into the Applicant's property. Zoning Staff has proposed a condition that the required plant material be relocated on site. Prior to final DRO a detail shall be provided on the location of the relocated material.

- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.**

Applicant's Response: *The literal interpretation and enforcement of the right-of-way buffer requirement would significantly impact the design of the proposed RVPD. Navigation of the drive aisles is critical to the functionality of the use. If the variance is not granted, the Applicant would be unduly burdened by the strict application of the right-of-way landscape buffer requirement, which would negatively affect the feasibility and functionality of the development. In contrast, other properties in the RVPD district that do not face the same constraints as this site would not be similarly impacted by this requirement. Granting the variance ensures that the Applicant is treated equitably in comparison to other properties that may not have the same easement limitations.*

Staff Analysis: YES. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. If variance is not approved, Applicant would be required to reconfigure the proposed site design to comply with Code requirements which will negatively impact the functionality of the development.

- e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure.**

Applicant's Response: *This request for a variance to allow for the elimination of the right-of-way buffer where the existing LWDD easement shifts to the north (approximately 296 feet). The Applicant has located the access to Atlantic Avenue in this location in order to lessen the variance request. The Applicant's request to eliminate the right-of-way landscape buffer represents the minimum variance necessary to make the reasonable use of the property feasible. The LWDD easement occupies a portion of the property where the landscaping buffer is otherwise required, but LWDD does not allow landscape materials within their easement. Without this variance, the Applicant would be unable to efficiently utilize the land, as compliance with the buffer requirement in this area would obstruct necessary circulation around the RVPD and access to the RV campsites. By eliminating the buffer only in this constrained area, the variance allows the Applicant to proceed with the development while still maintaining the overall goals of landscaping, access, recreation area and dry detention in other areas of the Property.*

Staff Analysis: YES. The granting of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. Due to the parcel configuration being narrow and the existing LWDD, the approval of the variance result in the mechanism to efficiently design the development.

- f. **Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

Applicant's Response: *Granting the variance ensures that the development remains in line with the broader goals of the RVPD district's development regulations, including site circulation. The variance will not compromise the general landscape and buffer objectives; it simply removes the buffer requirement from an impractical location within the LWDD easement, allowing the Applicant to effectively use the Property for a Commercial Recreation use that compliments the adjacent County Park and nearby Loxahatchee Wildlife Refuge while still adhering to the intent of the Comprehensive Plan and ULDC.*

Staff Analysis: YES. The granting of the Variance is consistent with the purposes, goals and objectives of the Plan and the Code. The proposed variance is to eliminate a portion of the required Right of Way buffer, not in its entirety; it will be beneficial for site circulation and still be consistent with the RVPD district's regulations.

- g. **Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Applicant's Response: *The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The variance will not adversely impact the character of the area or the visual aesthetics of the development. The right-of-way landscape buffer is only being removed within a specific, constrained area that is not impactful to neighboring properties or the public. The rest of the site will maintain the landscaping requirements, ensuring that the overall visual and environmental character of the property remains consistent with the RVPD district's objectives*

Staff Analysis: YES. The granting or reconsideration of the Variance will not be injurious to the area or detrimental to the public welfare. The variance will not impact negatively the adjacent properties nor will affect the patterns of this area. The proposed reduction of the Right of Way Buffer is only on approximately 296 feet on the south property line.

Exhibit B - Standards Analysis & Findings

SUBDIVISION VARIANCE STANDARDS

Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance are indicated below with Applicant's Response from the Justification Statement and 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.

	ULDC SECTION	REQUIRED	PROVIDED	VARIANCE
V1	TABLE 11.E.2.A.2 Chart of Minor Streets	80 ft. wide right-of-way with 12 ft. lanes, 2 ft. paved shoulders, swale drainage and sidewalks on both sides.	56 ft. to greater than 80 ft. of right-of-way with 12 ft. lanes, 2 ft. paved shoulder, swale drainage and no sidewalks.	24 ft. of Right-of-way and no sidewalks.

Pursuant to Unified Land Development Code (ULDC) Article 11, Chapter E.2.A.2, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set for in Table 11.E.2.A-2, Chart of Minor Streets, and pursuant to Table 11.E.2.A-2, access to non-residential lots shall be by an 80-foot right of way. The proposed commercial use in this application is subject to this provision of the code. The project is located west of State Road 7 (US 441) on the north side of W. Atlantic Blvd. The existing right-of-way varies from 56 feet to greater than 80 feet and was improved with two 12 foot lanes, swale drainage and no sidewalks. The variance request is for 24 feet of right-of-way with no sidewalks.

Engineering Staff have no objection to the subdivision variance.

a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Applicant's Response: *The Atlantic Ave right-of-way varies through this section west of State Road 7. The roadway width decreases as it moves west. The conditions surrounding this property has been in effect since Lake Worth Drainage District (LWDD) established a canal with a parcel of land taken from the ROW in 1990 (shown as parcel 103 on the survey, ORB 6522 PG 654). The width decreases in this area because it dead ends to the immediate west of the Property and even with this application will not have a large number of traffic trips necessitating a larger roadway for access.*

Staff's Response: Yes. The W. Atlantic Avenue right-of-way is greater than 80-feet wide along half of the subject property's frontage, then transitions to less than 80-feet wide continuing along the frontage of the property owned by South Florida Water Management District (00-41-46-13-02-016-0020) and then transitions to a width greater than 80-feet wide to State Road 7 (US Hwy 441). In 1990 the County deeded land to Lake Worth Drainage District and when Palm Beach Downs Replat was recorded in 1999 additional right-of-way was not dedicated for W. Atlantic Avenue. These special circumstances exist are peculiar to this parcel of land. Improvements were made to the W. Atlantic Avenue right-of-way to provide for two 12 foot lanes and swale drainage to its terminus just west of Palm Beach Downs Blvd.

b. Special circumstances and conditions do not result from the actions of the Applicant.

Applicant's Response: *Palm Beach County deeded a portion of the Atlantic Ave. ROW to LWDD outside of the control of the Applicant. This variance request will be to properly access the remaining roadway that has been reduced to a size smaller than the County requires. The request stems from the desire to amend the property to a use other than residential and the West Delray Regional Park already accesses this smaller roadway section without issues.*

Staff's Response: Yes. In 1990 the County deeded land to Lake Worth Drainage District and when Palm Beach Downs Replat was recorded in 1999 additional right-of-way was not dedicated for W. Atlantic Avenue. This existing condition did not result from the actions of the Applicant.

c. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

Applicant's Response: *Most new development on this parcel, that is commercial in nature, would require the subdivision variance. This greatly limits the ability to develop the Property. There is no special privilege requested from the Applicant as the request is completely dependent on the location of the site that created a ROW size outside of the control of the Applicant.*

Staff's Response: Yes. Granting this variance will not confer any special privileges upon the Applicant. Development of this parcel to a non-residential use requires access to a non-plan collector road. W. Atlantic Avenue is built to non-plan collector road standards, except for the sidewalk on both sides.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship

Applicant's Response: *The literal interpretation of accessing an eighty-foot ROW is not possible because of the configuration of parcels. Other commercial developments and the park utilize this roadway for public access and were not required to get a subdivision variance to do so. Landscape services exist to the south and are considered agricultural. The Property also currently accesses Atlantic Ave. and the proposed development is utilizing the existing point of connection with some improvements.*

Staff's Response: Yes. To meet the requirements of the code, the Applicant would have to acquire additional R/W from the landowners to the south of Atlantic Ave. In order to comply with the roadway requirements, extensive realignment and reconstruction of Atlantic Avenue would be needed. Such requirement for Atlantic Avenue were not imposed on the Palm Beach Downs Replats 1 and 3.

e. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

Applicant's Response: The allows (sic) to access the Property from the existing ROW is the minimum variance to reasonably use the land. The section of ROW where the actual access point of the property is located is over 80 ft in width, so the request is only for a portion of frontage on the east side of the property where it narrows to a minimum of 56 feet.

Staff's Response: Yes. Granting this variance is the minimum variance that will make possible the reasonable use of the parcel of land. The existing road is constructed to non-plan collector standards, with two (2) 12-foot lanes, and swale drainage. The additional right-of-way width is not possible to acquire due the conservation easement over the SFWMD parcel and the LWDD right-of-way and easement for canal drainage purposes that is restricting the right-of-way along the north of W. Atlantic Ave.

f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

Applicant's Response: Proper access is required for all types of development, but the Property could be developed with a commercial type use utilizing the existing non-conforming driveway connection without having to get a variance for the access. Examples of uses include a packing plant, equestrian arena, or wholesale nursery given the current land use and zoning designations. As the width of Atlantic Ave. was not reduced by actions of the Applicant, this application is being filed to bring all possible site elements to code standards including driveway widths, throat distance, site drainage, and landscaping. Access to this reduced street width does not affect the maximum traffic volume for Atlantic Ave. as shown in the provided traffic study.

Staff's Response: Yes. Granting the variance is consistent with the purposes, goals, objectives and policies of this plan and code. The existing road is constructed to non-plan collector standards, with two (2) 12-foot lanes, and swale drainage, but without the 5 foot sidewalks on each side. The additional right-of-way width is not possible to acquire due the conservation easement over the SFWMD parcel and the LWDD right-of-way and easement for canal drainage purposes that is restricting the right-of-way along the north of W. Atlantic Ave.

g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: The request to access this site from a reduced ROW will not be injurious to the public welfare as there is only one parcel past this site until the road dead-ends. The use is complementary and compatible with the West Delray Regional Park, who's patrons are the only ones passing this site. No affect to current operations of the roadway are anticipated according to the traffic study submitted with this application. The proposed number of trips do not exceed thresholds requiring any additional updates to the roadway or traffic signals.

Staff's Response: Yes. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The daily traffic volumes will not exceed the capacity of the currently provided roadway, nor impact the usage to the regional park. The nature and volume of traffic will be compatible with the present usages of the area.

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment – Recreational Vehicle Planned Development on 10.11 acres

ALL PETITIONS

1. The approved Preliminary Master Plan and Site Plan is dated March 13, 2025. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)
2. On January 1st of each year, an Annual Time Limitations Report shall be submitted to Zoning Division, pursuant to Article 3.E.7.D Time limitations. (DATE: MONITORING – Zoning)

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. (BLDGPMT: MONITORING - Engineering)
2. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)
3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.
 - a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)
 - b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)
4. No Building Permits for the site may be issued after December 31, 2028. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

ENVIRONMENTAL

1. All trees and shrubs to be planted and maintained on the parcel shall be native to South Florida or as approved by ERM in writing. Native tree species such as Live Oak, Maple, Mahogany, Dahoon Holly, Red Bay, Cypress shall be included. Pines, Laurel Oaks, and Cabbage Palms are not to be planted as part of the onsite vegetation. Native shrubs such as Coco Plum, Wild Coffee, Fire Bush, Beauty Berry, White Stopper, Simpson Stopper, Spanish Stopper shall be included. (BLDGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
2. Prior to the final approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LIGHTING

1. The maximum height of the lighting and for the internal recreation areas shall be a maximum of 15 feet from finished grade to highest point. The maximum / minimum illumination at the recreational areas shall be 10:1. The maximum footcandles at the Parcel line for the recreation area 0.30. (BLDGPMT: ZONING – Zoning)
2. Other lighting allowed internal to the development shall be as follows:
 - a. Pathway type lighting shielded downward
 - b. Located next to the internal driveway.
 - c. Maximum height of three feet,.
 - d. This lighting is encouraged to be incorporated into any signage identifying the individual numbering of the lots. (BLDGPMT: ZONING – Zoning)
3. Maximum illumination at the property line of the RV development shall be 0.00 foot candles. (BLDGPMT: ZONING – Zoning)

PLANNING

1. Per LGA 2024-011, Condition 1: The site shall be limited to up to 121 recreational vehicle spaces and accessory uses as allowed within the ULDC. All other uses allowed within the CR FLU shall be prohibited. (ONGOING: PLANNING - Planning)

SIGNAGE

1. Digital Display type signs are prohibited. (ONGOING/BLDGPMPT: ZONING – Zoning)

SITE DESIGN

1. Prior to final approval by the DRO, the site plan shall be revised to meet the measurement of setbacks for campsites and for the RV Pads from the interior edge of the landscape buffers, should the Unified Land Development Code (ULDC) not be amended. (DRO: ZONING – Zoning)

2. Prior to final approval by the DRO, a five foot pedestrian cross access pathway shall be indicated on the site plan that provides connectivity for the patrons of the RVPD to the West Delray Regional Park. (DRO: ZONING – Zoning)

3. Prior to the issuance of a CO, the five foot pedestrian cross access pathway that provides connectivity for the patrons of the RVPD to the West Delray Regional Park shall be constructed. (CO: ZONING – Zoning)

4. Prior to final approval by the DRO, the site plan shall be revised to reduce the impervious area of the campsite lots to the following:

- a. The 25 ft. wide lots shall have a minimum of 10 feet of pervious grass area with a maximum width of the impervious area is 15 feet.
- b. The 20 ft. wide lots shall have a minimum of 5 feet of pervious grass area with a maximum width of the impervious area is 15 feet.

UTILITIES

1. Prior to Final Site Plan approval by the Development Review Officer, the Applicant must submit the Utility Concurrency Letter. (DRO: PBC WATER UTILITIES - Zoning)

2. Prior to the issuance of the first building permit, the site must be connected to water and sewer. Offsite utility improvements are required. (BLDGPMPT: PBC WATER UTILITIES - Zoning)

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.

Exhibit C-2 Conditions of Approval

Type 2 Variance - Concurrent

ALL PETITIONS

1. The Variance is approved based on the layout as shown on the Preliminary Master Plan and Site Plan dated March 13, 2025. Modifications to the Development Order for the Type 2 Variance which is inconsistent with the Conditions of Approval or further reductions in the right of way buffer, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for SV/ZV/PDD-2024-01422. (ONGOING: MONITORING - Zoning)

LANDSCAPING

1. At time of submittal for the final approval by the Development Review Officer, the Applicant shall submit an Alternative Landscape Plan. (DRO: ZONING – Zoning)

2. Prior to final approval by the Development Review, the Alternative Landscape Plan (ALP) shall indicate the required trees, palms/pines, shrubs and ground cover relocated within the proposed development, in addition to the other required plant material for Article 7. Installation of the plant material at time of building permit shall be consistent with the ALP. (DRO/BLDGPM: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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.

Exhibit C-3 Conditions of Approval

Subdivision Variance

ALL PETITIONS

1. The Variance is approved based on the layout as shown on the Preliminary Master Plan and Site Plan dated March 13, 2025. Modifications to the Development Order for the Subdivision Variance which is inconsistent with the Conditions of Approval must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT: BUILDING DIVISION - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for SV/ZV/PDD-2024-01422. (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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.

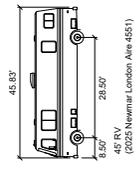
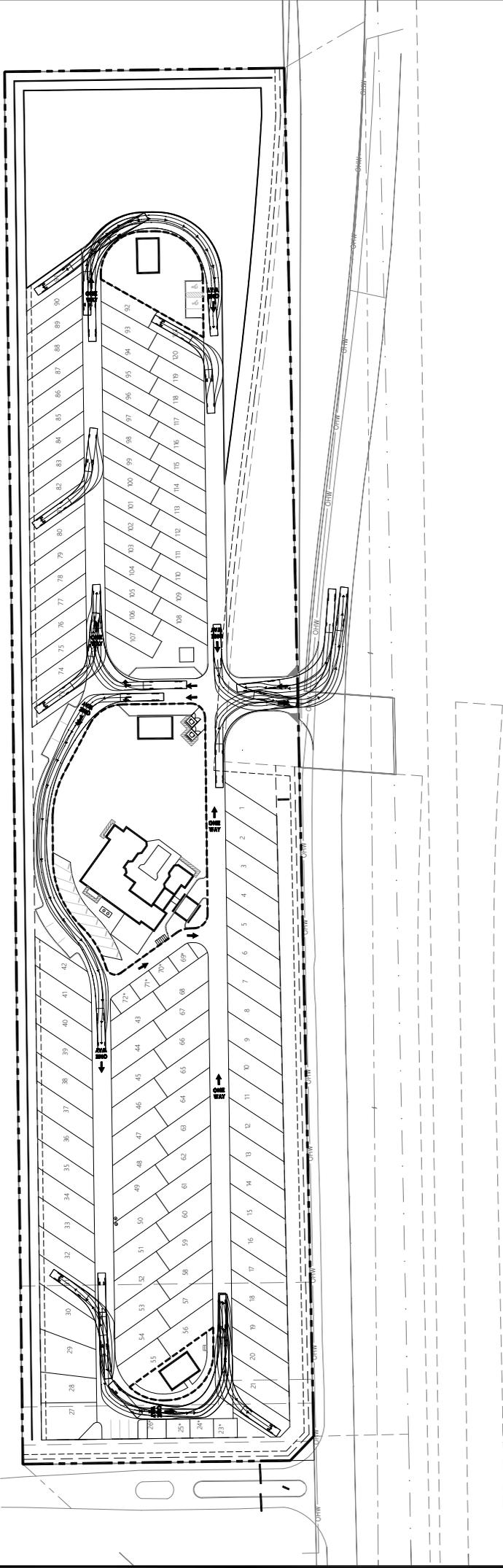
Exhibit D - Project History

The site is currently developed with a Single-Family residence and does not have any prior approvals by the Board of County Commissioners (BCC)

Exhibit E-1 - Preliminary Master Site Plan

Exhibit E-2 - Preliminary Site Plan

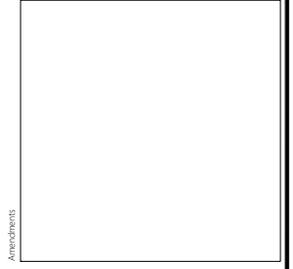
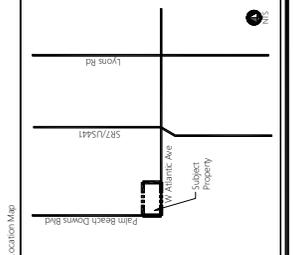
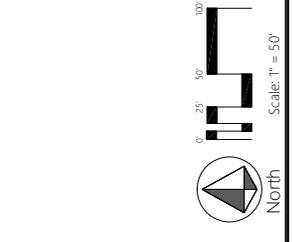
Exhibit E-3 - Preliminary Regulating Plan



Width : 8.00'
 Track : 8.00'
 Wheelbase : 28.50'
 Steering Angle : 33.8'

Site Data

Application Name: West Atlantic RV Resort
 Project No.: 2021-00027
 Application No.: SV/PPD-2024-0422
 List BCC Approval: N/A
 Existing Future Land Use: AGR
 Existing Zoning District: Commercial Recreation
 Proposed Future Land Use: AGR
 Proposed Zoning District: R07
 Property Control Number: 00414630000700
 Existing Use: Agricultural
 Proposed Use: Campground
 Total Site Area: 10.11 AC
 Traffic Analysis Zone (TAZ): 1031



Revisions	
1	03/02/24
2	03/02/24
3	03/02/24
4	03/02/24
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Date	2024-09-26
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Date	2024-09-26
File	TD-2301B

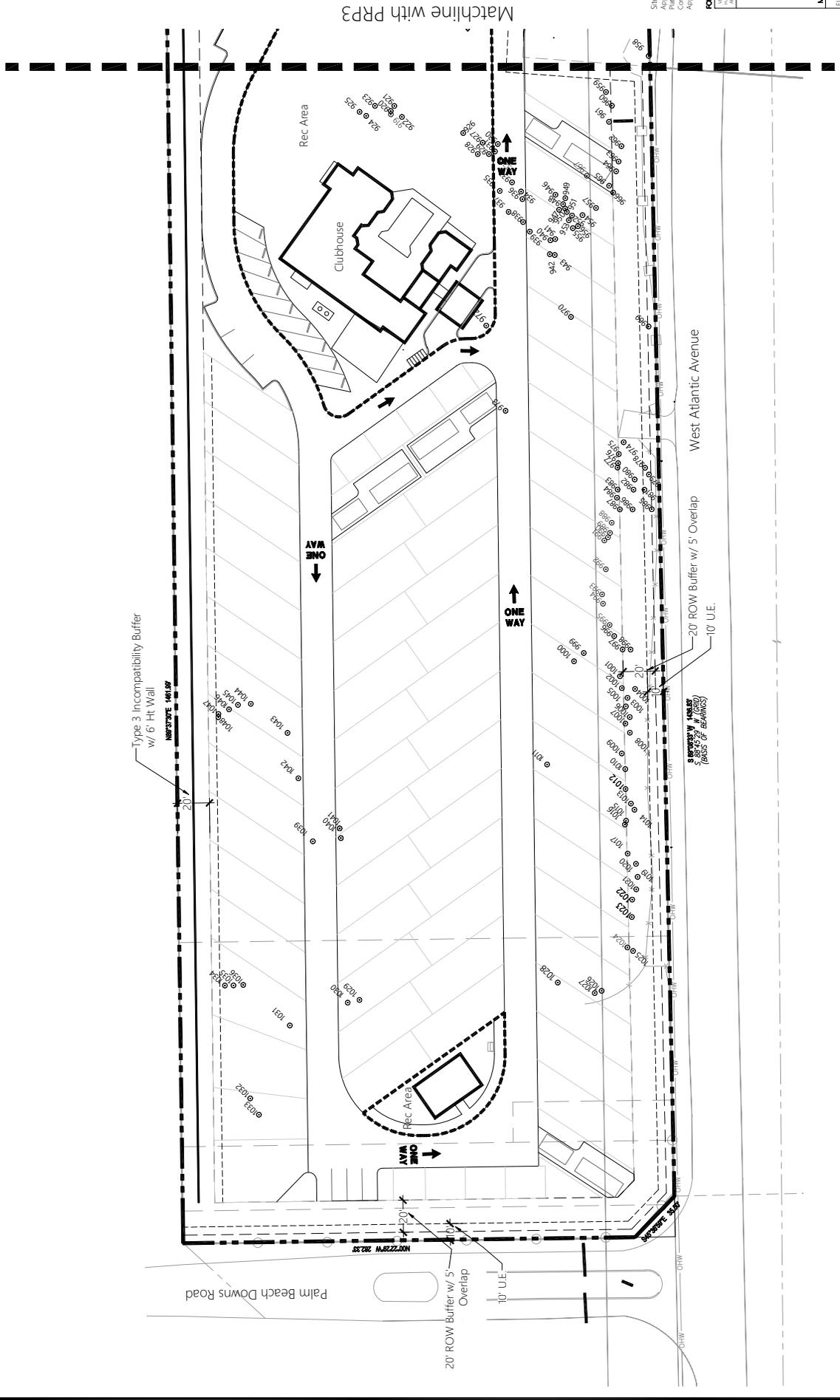


Exhibit E-4 - Disclosure

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 Karen Fina, 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: 10321 West Atlantic Avenue
Delray Beach, FL 33446

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.

Karen Fina
Karen Fina, 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 6th day of December, 2023 by Karen Fina (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).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN
Commission # HH 057806
Expires February 28, 2025
Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 13, RUN THENCE N89°08'33"E ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF 992.68 FEET; THENCE N00°51'27"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; RUN THENCE N45°36'59"W A DISTANCE OF 35.50 FEET; THENCE N00°22'29"W A DISTANCE OF 282.33 FEET; THENCE N89°37'30"E, A DISTANCE OF 1461.99 FEET; THENCE S00°22'30"E A DISTANCE OF 295.23 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY WEST ROAD S89°08'33"W A DISTANCE OF 1436.83 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 440,316.60 SQUARE FEET OR 10.108 ACRES, MORE OR LESS.

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 Roger Fina, 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: 10321 West Atlantic Avenue
Delray Beach, FL 33446

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]

Roger Fina, 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 6th day of December, 2023 by Roger Fina (name of person acknowledging). He is personally known to me or has produced _____ (type of identification) as identification and did did not take an oath (circle correct response).

Lauren McClellan

(Name - type, stamp or print clearly)

Lauren L. McClellan

(Signature)

My Commission Expires on: 7/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN
Commission # HH 057806
Expires February 28, 2025
Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 13, RUN THENCE N89°08'33"E ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF 992.68 FEET; THENCE N00°51'27"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; RUN THENCE N45°36'59"W A DISTANCE OF 35.50 FEET; THENCE N00°22'29"W A DISTANCE OF 282.33 FEET; THENCE N89°37'30"E, A DISTANCE OF 1461.99 FEET; THENCE S00°22'30"E A DISTANCE OF 295.23 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY WEST ROAD S89°08'33"W A DISTANCE OF 1436.83 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 440,316.60 SQUARE FEET OR 10.108 ACRES, MORE OR LESS.

Exhibit E-5 - Drainage Statement

September 17, 2024
Job No. 21-144B
Revised 11/22/2024

DRAINAGE STATEMENT

West Delray RV Resort
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the north side of West Atlantic Avenue, west of State Road 7 in unincorporated Palm Beach County, Florida and contains approximately 10.11 acres. The Property Control Number (PCN) for the subject parcel is 00-41-46-13-00-000-7010. The site is currently developed with a single-family residence. Proposed site modifications consist of the addition of 121 recreational vehicle parking spots and converting the existing residence to an ancillary clubhouse. The proposed project will have a project build-out of 2028. For additional information concerning site location and layout, please refer to the Site Plan prepared by J. Morton Planning and Landscape Architecture.

SITE DRAINAGE

The site is located within the boundaries of the South Florida Water Management District (SFWMD) and Lake Worth Drainage District C-15 Drainage Basin. It is proposed that runoff be directed to on-site water management areas or underground exfiltration trench by means of paved and grass swales and inlets and storm sewer. Legal positive outfall is available via discharge to the Lake Worth Drainage District L-34W Canal adjacent to the parcel's south property line. Based on current FEMA maps, this site is not located within a special flood hazard area.

Drainage design will address the following:

1. On-site retention of the runoff from the 3 year – 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year – 5 day rainfall event.

DRAINAGE STATEMENT

Job No. 21-144B

September 17, 2024 – Page 2

Revised 11/22/2024

SITE DRAINAGE (Continued)

3. Building floor elevations to be at or above the level produced by the greater of 100 year-3 day (zero discharge) rainfall event.
4. Allowable discharge to be in accordance with South Florida Water Management District and Lake Worth Drainage District Criteria.
5. Roads to be protected from flooding during the 3 year – 24 hour event.
6. Due consideration to water quality.

Required permits/approvals shall include the following:

1. Palm Beach County Building Department Onsite Drainage Review
2. Lake Worth Drainage District Drainage Permit
3. South Florida Water Management District Environmental Resource Permit
3. Florida Department of Transportation Drainage Connection Permit

Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006

This item has been digitally signed and sealed by Bryan G. Kelley, P.E., on 11/25/2024.

Printed Copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



Exhibit E-6 - Utility Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

May 10, 2024

Morton
3910 RCA Boulevard
Palm Beach Gardens, Fl. 33410

RE: Palm Beach Downs RV Resort
PCN 00-41-46-13-00-000-7010
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed Land Use Amendment from Agricultural Reserve (AGR) to Commercial Recreation (CR) for the proposed Recreational Vehicle Resort Development.

The nearest point of connection is a 12" potable water main located approximately 2300 feet east of the property south of Atlantic Ave and a 4" sanitary sewer forcemain located approximately 2100' east of the property within Atlantic Ave. Offsite easements may be required to connect to the water main.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

Jackie Michels, P.E.,
Project Manager

"An Equal Opportunity
Affirmative Action Employer"

Exhibit E-7 – Applicant’s Justification Statement

JUSTIFICATION STATEMENT

West Atlantic RV Resort (ZV/SV/PDD-2024-01422)
 Recreational Vehicle Planned Development (RVPD)
 Subdivision Variance

Initial Submittal: September 18, 2024

Resubmittal: December 23, 2024

Resubmittal: January 27, 2025

Resubmittal: February 13, 2025

Resubmittal: March 13, 2025

REQUEST

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following:

- Rezone from AGR to RVPD (with concurrent future land use amendment LGA 2024-011)
- Subdivision Variance for access to right-of-way less than 80 feet (Atlantic Ave.)
- Type 2 Variance for elimination of +/-296 feet of right-of-way buffer along south property line (Table 7.C.2.A)

SITE CHARACTERISTICS

This application is being filed for the West Atlantic RV Resort which is a 10.11 acre parcel located at 10321 Atlantic Ave (PCN 00-41-46-13-00-000-7010) herein referred to as the “Property”. It is generally located on the North side of Atlantic Ave., approximately 0.5 miles west of State Road 7 within the Agricultural Reserve Tier. The Property currently includes a single-family home with an Agricultural Reserve (AGR) future land use and zoning designations. This application requests to create a RV campground, so the future land use and zoning designations need to be modified. A concurrent application for a future land use amendment (FLUA) to Commercial Recreation (CR) has been filed with Palm Beach County Planning Division (LGA-2024-0011 in Round 25-A). This subject application is a request for a rezoning to Recreational Vehicle Planned Development (RVPD) and includes a subdivision variance for access on to a roadway less than 80 feet in width (Atlantic Ave.) as well as a variance from the right-of-way buffer requirement for +/-296 linear feet along the south property line where in conflict with the existing LWDD easement.

Surrounding Properties

The Property is surrounded by agricultural uses to the south, recreational uses to the west and north, and east is preserve with equestrian uses.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
East	Agricultural Reserve (AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD)	Equestrian facility	2004-00250
North	Agricultural Reserve (AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD)	West Delray Regional Park	2004-00250
South	Agricultural Reserve (AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD)/Agricultural Reserve (AGR)	Preserve/Bonafide agriculture	1997-104/ 2006-94

West	Agricultural Reserve (AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD)	West Delray Regional Park	2004-00250
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REZONING TO PDD STANDARDS

This application has been submitted to rezone the property from AGR to RVPD to allow the RV campground use, which is a permitted use in the district. Article 2.B.7.B.2. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

A. Consistency with the Plan

The Property is located within the Agricultural Reserve Tier, which has seen numerous recent changes and developments to provide a greater mixture of uses to the area. The proposed RVPD zoning designation is consistent with the concurrent request for Commercial Recreation (CR) future land use designation (LGA 2024-011) and is suitable for the Property. The Property's location adjacent to the West Delray Regional Park and proximity to the Loxahatchee Wildlife Refuge make the Property an ideal site for the proposed RV Campground use.

FLUE Objective 1.5: Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to primarily low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

Response: The proposed changes to the FLU category and RVPD rezoning will ensure that the agriculture, conservation and open space uses are enhanced. Allowing for an RV Campground Development will bring attention and patrons to the local agriculture economy, the West Delray Regional Park and the Loxahatchee Wildlife Refuge.

FLUE Policy 2.2-e: Intensity. The County shall establish and maintain maximum floor area ratios (FAR) specific to each future land use designation in order to establish the maximum non-residential intensity of development, as specified in Table 2.2-e.1. The allowable intensity on a specific parcel may be reduced through the development review process in order to account for the attributes of the subject site, the scale of adjoining properties, and the character of the area. The maximum FAR applies to non-residential uses within these designations; for underlying residential designations and density governed by density in Table 2.2.1-g.1, the maximum FAR does not apply.

Response: The maximum FAR for the Commercial Recreation future land use is .05. The proposed FAR for the RV campground is .02.

FLUE Policy 2.2-f: Table 2.2-f.1 establishes the consistent non-residential zoning and planned development districts for the Non-Residential Future Land Use Designations.

Response: The zoning districts consistent with the Commercial Recreation future land use include RVPD and CRE. The Applicant is proposing to rezone the RVPD.

FLUE Policy 2.2.3-a: The County shall apply the Commercial Recreation future land use designations at appropriate locations through the FLUA Amendment process.

Response: The RVPD rezoning follows the application for CR FLU and is in the appropriate location for such a development. The CR FLU has previously been permitted within the AGR Tier to allow for the development of golf courses. The RVPD zoning will allow for an additional use that would not only contribute to agritourism activities but also provide a place for RV owners to stay where they could be

within proximity of a County Regional Park as well as the Loxahatchee Wildlife Refuge.

ROSE Objective 1.6: The County shall improve its communication, coordination and cooperation with all providers of parks, recreational facilities, and open space, including federal, state, regional and local agencies, and where possible the private sector, to ensure that Countywide needs are adequately served.

Response: Per discussion with Parks and Recreation Staff, there is a need for additional RV sites within the County. The West Delray Regional Park hosts remote control vehicle (helicopter, drone, airplane, boat, and car) events. The proposed RVPD would serve as a complimentary use by providing temporary lodging facilities to those enthusiasts and others that want to be close to agritourism activities and a wildlife refuge.

The FLUA to CR also includes a text amendment to Policy 1.5-q of the Future Land Use Element. The proposed language and description of compliance with the requirements is specified below:

REVISED Policy 1.5-q: *Freestanding golf courses and recreational vehicle parks shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier, as further described below:*

....

2. Recreational Vehicle Park. Recreational Vehicle Parks are permitted with a Commercial Recreation (CR) future land use subject to the following criteria:

a. minimum of 5 acres;

Response: The site is 10.11 acres

b. located on the north side of Atlantic Avenue and adjacent to the entrance of the West Delray Regional Park (Palm Beach Downs Road); and

Response: The proposed development is adjacent to the entrance of West Delray Regional Park.

c. provide a preserve area consistent with AGR-MUPD as outlined in Policy 1.5.1-g.

Response: The preserve area for MUPD in the referenced policy is not required when the parcel is under sixteen (16) acres in size. The Property is ten (10) acres, so preserve area is not required.

B. Consistency with the Code

The proposed rezoning from AGR to RVPD is consistent with the stated purpose and intent of the County Unified Land Development Code. The property meets many of the requirements of the district except for the setbacks, which are being concurrently amended by Zoning staff through a code revision.

The rezoning to RVPD is compliant with the following sections of the ULDC:

3.E.6.B Thresholds

1. Acreage-The minimum gross land area required for an RVPD is ten contiguous acres.

Response: The Property is 10.11 acres.

3.E.6.C.1. Recreation-A minimum of ten percent of the land area in a Recreation Pod shall be devoted exclusively to recreation uses.

Response: The entire property is recreation, with none of the permitted commercial uses proposed.

3.E.6.F Landscape Buffer

Perimeter landscape areas shall comply with the following:

1. *R-O-W Buffer*

The R-O-W Buffer shall include a minimum six-foot-high opaque landscape barrier in the form of a berm, wall, fence, hedge, or combination.

2. *Perimeter Buffer*

A Type 3 Incompatibility Buffer shall be provided around the perimeter of an RVPD. This requirement may be modified by an ALP, pursuant to Art. 7.B.4, Type 1 Waiver for Landscaping.

Response: The ROW buffer along the southern property adjacent to Atlantic Ave is proposed to have a 6

ft high hedge and will be opaque. The property lines to the north is proposed with a type 3 incompatibility buffer including a wall. The property line to the west is adjacent to a ROW and that buffer is labeled on site plan as required.

G. Supplemental Standards

1. Permanent Structures or Additions

a. Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited except as provided for under Art. 3.E.6.G.1.b below. [Ord. 2014-001]

b. Detached accessory structures used for storage, utilities, or entertainment are permitted on individual RV sites subject to the following: [Ord. 2014-001]

1) Maximum of 200 square feet in size; [Ord. 2014-001]

2) Minimum ten-foot separation between buildings; [Ord. 2014-001]

3) Sleeping accommodations are prohibited; [Ord. 2014-001]

4) Full kitchens or cooking facilities shall be prohibited. Sinks, refrigerators, and cabinets/counters shall be allowed; and, [Ord. 2014-001]

5) HVAC and bathroom facilities may be permitted. [Ord. 2014-001]

6) Minimum RV site size shall be 3,000 square feet; [Ord. 2014-001]

7) Accessory structures shall be exempt from the requirements of Art. 5.C.1.H.1.g.4), Porches and Entryways; and, [Ord. 2014-001]

8) Accessory structures shall be exempt from the foundation planting requirements of Art. 7.C.3.B, Foundation Plantings, provided that a minimum of 40 percent of the perimeter façade shall have a foundation planting a minimum of two feet in width. [Ord. 2014-001]

Response: There are no structures or additions proposed for the individual RV sites. The central clubhouse and recreational courts are the only proposed permanent structures.

2. Parking

Parking or storage of vehicles in areas not designed or designated for parking or storage is prohibited.

Response: Parking will only be provided in designated spaces as well as within individual RV sites.

3. Temporary Structures

Temporary structures, such as construction trailers, RV site Real Estate Sales Office, and security quarters, may be allowed, subject to Art. 5.B.1.C, Temporary Structures. A Mobile Home may be used as a Caretaker Quarters, security quarters, Watchman Trailer, or temporary structure. [Ord. 2014-025] [Ord. 2019-005]

Response: There are no proposed temporary structures for these uses. The security, registration and caretakers quarters will be held in the permanent office and clubhouse buildings.

4. Storage

The Site Plan shall contain an area for outdoor storage of boats, trailers, RVs, etc. if required by the DRO.

Response: No storage area is currently proposed.

5. Real Estate RV Site Sales

A permanent Real Estate Sales Office for RV sites may be collocated with an accessory management office in a Recreation Pod. [Ord. 2014-025]

Response: No real estate sales office is proposed.

This site is proposed to become a campground use, specified in Table 4.B.3.A as permitted within the RVPD district. The campground will be for RV sites and campsites. The maximum number of campsites permitted by Table 4.B.3.C. is 12 sites per acre or 121 spaces.

4.B.3.C.2.e. Setback for RV or Camp Sites All sites shall be set back a minimum of 50 feet from any property

line.

Response: This requirement is being updated by PBC Zoning staff through a County initiated zoning text amendment. The distance has not yet been determined, but the Applicant will continue to work with staff to ensure the site plan is compliant with the new requirements.

f. Duration of Stay 1) Campsites and Camping Cabins A maximum of 30 consecutive days in a six-month period.

Response: This requirement will be followed for the 8 proposed campsites.

2) RV Sites a) No person shall reside or be permitted to reside in a RV site for more than 180 days per calendar year.

Response: This requirement will be followed.

b) Record Keeping

The Campground owner or operator shall keep the following records:

- (1) the make, model, and year of each RV;*
- (2) the lot on which each RV is/was located;*
- (3) the dates of occupancy for each RV owner; and,*
- (4) the name and permanent address of each RV owner.*

Response: These records will be kept in the campground office.

c) Mobility

The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida, or the State of residency of the RV owner. The license plate shall be visible at all times.

Response: This will be a requirement of the campground and will be checked by the RVPD management staff at time of check-in.

The proposed site plan includes 8 campsites in addition to the 113 RV sites. These spaces will provide a standalone parking space, meeting the minimum 9ft by 18 ft dimensions.

C. Compatibility with Surrounding Uses

The proposed RVPD zoning district is compatible with the surrounding park, equestrian and agricultural uses. At the end of Atlantic Ave. is the West Delray Regional Park which sees competitions and events for various RC car and plane racing, mountain biking, disc golf and shooting groups. The location of an RV campground adjacent to this facility is of great need to support the park's continued success. There are no residential uses adjacent that would be impacted, and recreational uses exist on 2 sides of the property.

D. Design Minimizes Adverse Impact

Inherently, the proposed RV resort is compatible with the adjacent recreation uses as both uses offer recreational spaces for wildlife and nature enthusiasts. The design will create a self-contained site with one entrance to Atlantic Ave. in an area that has very low volumes of traffic. The thick landscape buffers required by the district will ensure that the sites will be properly screened from the roadway. This landscape buffer will help to reduce the visual intrusion of RVs into the surrounding properties. Drainage will be provided on site and will be designed in accordance with County and LWDD requirements. Use of low-impact, directional lighting to reduce light pollution that will ensure that there would be no disruption or light trespass impacting the adjacent West Delray Regional Park or the Loxahatchee Wildlife Refuge. The proposed RV Resort is able to coexist with the adjacent park and wildlife refuge while enhancing the overall experience for both visitors and wildlife.

E. Design Minimizes Environmental Impact

The Applicant has met on site with the PBC ERM Department to discuss impact to the existing trees. A tree disposition plan has been created and trees will be preserved to the greatest extent possible. The LWDD

canal will be re-oriented to better drain the Property. Many sections of the Property adjacent to the pond areas of the park on the west and north sides include invasive exotic species that will be removed.

F. Development Patterns

This site has never been developed as commercial or agriculture. The current use is a single-family home. Over the years, more intensive agricultural and recreational uses have developed on the surrounding parcels including an equestrian center, regional park with events, chipping and mulching facility and a wholesale nursery with landscape services. The Property is no longer an appropriate location for residential as there are no other residential properties in this area. Being adjacent to the park and Palm Beach Downs, an RV campground creates a much more compatible development that supports the area. The RV campground use will also support increased visitation to the West Delray Regional Park and the Loxahatchee National Wildlife Refuge.

G. Adequate Public Facilities

The proposed rezoning to RVPD will not negatively impact public facilities. The Property’s location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property. The proposed rezoning will maximize the use of existing facilities. Adequate public facilities are in place in the area to accommodate the proposed rezoning which is consistent with the proposed CRE future land use designation. Water and sewer are not in place at the Property, but the Applicant intends to extend the sewer lines from the east to serve the use and utilize well for water service.

H. Changed Conditions or Circumstances

Because of the development of intensive agricultural uses, the regional park and Palm Beach Downs equestrian facility over the years, the Property is no longer a viable single family residential homesite. The RV campground use, within the proposed RVPD, will be a more appropriate use that will better serve the residents and visitors of the Agricultural Reserve. The RVPD is compatible and consistent with the changes to this area that works to support the nearby uses instead of fighting them. Additionally, there is a national trend of people purchasing or renting RV to travel. As tourism in Palm Beach County continues to grow, there are few campgrounds throughout the County that offer short-term spaces for RV travelers and no facilities in South County. Agritourism and Environmental tourism are also becoming popular as the State and County push to further develop the amenities of the region and this use will support the events at West Delray Regional Park and Loxahatchee National Wildlife Refuge.

Based on the above justification and attached information, the Applicant respectfully requests approval the rezoning to RVPD.

SUBDIVISION VARIANCE STANDARDS

The subject Property is located on a section of Atlantic Ave. which, according to Table 11.E.2.A.2, is required to be at least eighty (80) feet in width for access. A majority of the right-of-way (ROW) is over 80 feet, but the smallest width along the eastern edge of the property is fifty six (56) feet in width for an overall variance of 24 feet.

	ULDC SECTION	REQUIRED	PROVIDED	VARIANCE	APPROVAL DATE/RESOLUTION NO.
V1	TABLE 11.E.2.A.2 Chart of Minor Streets, including but not limited to, pavement width (to be confirmed) and 5 foot wide sidewalks on both sides of the street, swale drainage.	Access to an eighty (80) foot right-of-way	Access to a right of way less than 80 feet (min 56 feet)	Maximum Twenty four (24) feet	Pending

- A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**
The Atlantic Ave right-of-way varies through this section west of State Road 7. The roadway width decreases as it moves west. The conditions surrounding this property has been in effect since Lake Worth Drainage District (LWDD) established a canal with a parcel of land taken from the ROW in 1990 (shown as parcel 103 on the survey, ORB 6522 PG 654). The width decreases in this area because it dead ends to the immediate west of the Property and even with this application will not have a large number of traffic trips necessitating a larger roadway for access.
- B. Special circumstances and conditions do not result from the actions of the applicant.**
Palm Beach County deeded a portion of the Atlantic Ave. ROW to LWDD outside of the control of the Applicant. This variance request will be to properly access the remaining roadway that has been reduced to a size smaller than the County requires. The request stems from the desire to amend the property to a use other than residential and the West Delray Regional Park already accesses this smaller roadway section without issues.
- C. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**
Most new development on this parcel, that is commercial in nature, would require the subdivision variance. This greatly limits the ability to develop the Property. There is no special privilege requested from the applicant as the request is completely dependent on the location of the site that created a ROW size outside of the control of the applicant.
- D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship**
The literal interpretation of accessing an eighty-foot ROW is not possible because of the configuration of parcels. Other commercial developments and the park utilize this roadway for public access and were not required to get a subdivision variance to do so. Landscape services exist to the south and are considered agricultural. The Property also currently accesses Atlantic Ave. and the proposed development is utilizing the existing point of connection with some improvements.
- E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**
The allows to access the Property from the existing ROW is the minimum variance to reasonably use the land. The section of ROW where the actual access point of the property is located is over 80 ft in width, so the request is only for a portion of frontage on the east side of the property where it narrows to a minimum of 56 feet.
- F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**
Proper access is required for all types of development, but the Property could be developed with a commercial type use utilizing the existing non-conforming driveway connection without having to get a variance for the access. Examples of uses include a packing plant, equestrian arena, or wholesale nursery given the current land use and zoning designations. As the width of Atlantic Ave. was not reduced by actions of the Applicant, this application is being filed to bring all possible site elements to code standards including driveway widths, throat distance, site drainage, and landscaping. Access to this reduced street width does not affect the maximum traffic volume for Atlantic Ave. as shown in the provided traffic study.
- G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The request to access this site from a reduced ROW will not be injurious to the public welfare as there is only one parcel past this site until the road dead-ends. The use is complementary and compatible with the West Delray Regional Park, who's patrons are the only ones passing this site. No affect to current operations of the roadway are anticipated according to the traffic study submitted with this application. The proposed number of trips do not exceed thresholds requiring any additional updates to the roadway or traffic signals.

Based on the above justification and attached information, the Applicant respectfully requests approval the subdivision variance for access.

TYPE II VARIANCE STANDARDS

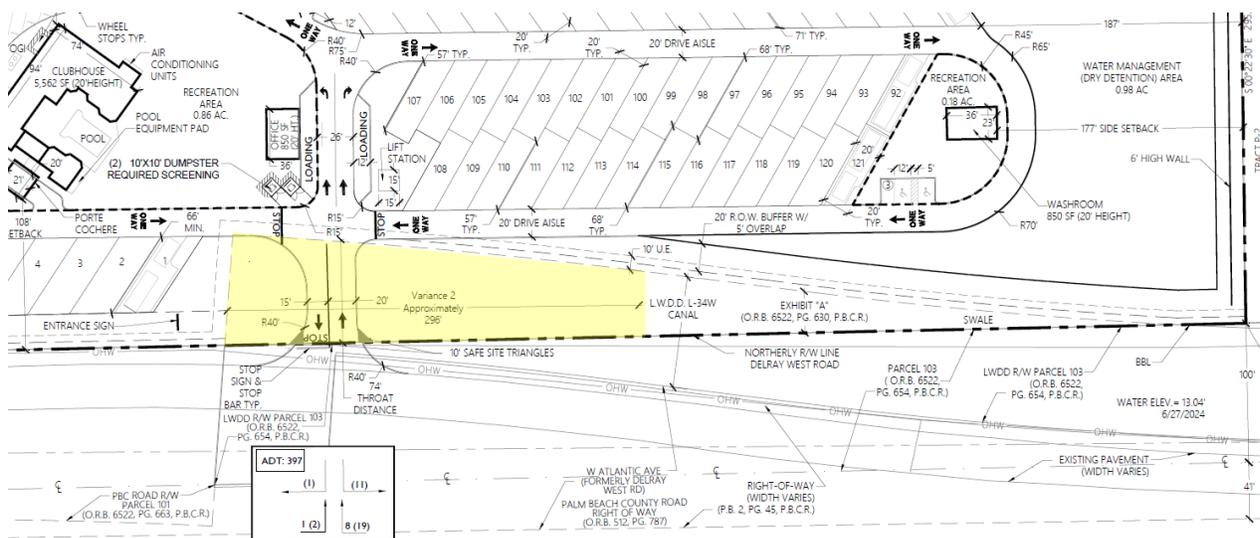
The applicant is requesting a Type II Variance from Article 7.C.2.A to eliminate the ROW buffer along +/-296 feet of the south property line, ROW buffer along the west property line.

	ULDC SECTION	REQUIRED	PROVIDED	VARIANCE	APPROVAL DATE/ RESOLUTION NO.
V2	Table 7.C.2.A Right of Way Buffer	20' Right of Way Buffer	0' Right of Way Buffer (for Approx. 296 Feet)	Reduction of 20'	TBD

Article 2.B.7.E.6 requires that seven (7) criteria related to variances are addressed prior to approval by the Zoning Commission. The Applicant complies with all seven (7) criteria standards, as provided below.

A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property resulting from the oddly configured LWDD easement traversing through the eastern portion of the Property. The impacts of the existing easement drastically impact the eastern portion of the Property. The Applicant met with LWDD in order to determine if the easement could be relocated or if other alternative options were available such as a Triple P agreement which would allow planting within the easement. Unfortunately, LWDD was not amenable to approval of such an agreement which would have allowed the right-of-way buffer to be located within the easement. The specific area where the LWDD impacts the Property the most (and the area subject to the variance) is highlighted in yellow below.



The Property's narrow configuration restricts where the RV lots are located in relation to the drive aisle. Design is a critical component to a functional RV campground. Patrons need to navigate their recreation

vehicles around the Property as well as maneuver large vehicles in and out of campsites. If the required right-of-way buffer was provided for the +/-296 feet, the roadway would have to curve and RV campsite dimensions would need to be adjusted. Campsites with shallow depth located on a curve would be difficult to navigate by customers of the RV development.

B. Special circumstances and conditions do not result from the actions of the applicant.

The variance is necessary as there are special circumstances and conditions that do not result from actions of the Applicant. The easement is required by LWDD to provide future drainage needs for the various properties along Atlantic Avenue west of State Road 7. The Applicant was not able to obtain approval to plant or pave within the easement (with the exception of the main entrance into the development).

C. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege to the Applicant. The Applicant is seeking the variance solely to accommodate the unique conditions of the LWDD easement area. This constraint is not commonly present across all properties within the RVPD district. By granting the variance, the Applicant is not requesting any special privilege, but rather seeking a reasonable adjustment based on the specific circumstances of this site that is consistent with the intent of the zoning regulations. The requested variance will not set a precedent that negatively impacts other properties in the RVPD district. Each parcel within the RVPD district is subject to its own unique set of conditions, and the easement in question has specific constraints that do not apply to other parcels in the same zoning district. As such, the variance would not confer any special privilege to the applicant beyond what is reasonably needed for the site in question.

D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship

The literal interpretation and enforcement of the right-of-way buffer requirement would significantly impact the design of the proposed RVPD. Navigation of the drive aisles is critical to the functionality of the use. If the variance is not granted, the Applicant would be unduly burdened by the strict application of the right-of-way landscape buffer requirement, which would negatively affect the feasibility and functionality of the development. In contrast, other properties in the RVPD district that do not face the same constraints as this site would not be similarly impacted by this requirement. Granting the variance ensures that the Applicant is treated equitably in comparison to other properties that may not have the same easement limitations.

E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for the elimination of the right-of-way buffer where the existing LWDD easement shifts to the north (approximately 296 feet). The Applicant has located the access to Atlantic Avenue in this location in order to lessen the variance request. The Applicant's request to eliminate the right-of-way landscape buffer represents the minimum variance necessary to make the reasonable use of the property feasible. The LWDD easement occupies a portion of the property where the landscaping buffer is otherwise required, but LWDD does not allow landscape materials within their easement. Without this variance, the applicant would be unable to efficiently utilize the land, as compliance with the buffer requirement in this area would obstruct necessary circulation around the RVPD and access to the RV campsites. By eliminating the buffer only in this constrained area, the variance allows the Applicant to proceed with the development while still maintaining the overall goals of landscaping, access, recreation area and dry detention in other areas of the Property.

F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

Granting the variance ensures that the development remains in line with the broader goals of the RVPD district's development regulations, including site circulation. The variance will not compromise the general

landscape and buffer objectives; it simply removes the buffer requirement from an impractical location within the LWDD easement, allowing the Applicant to effectively use the Property for a Commercial Recreation use that compliments the adjacent County Park and nearby Loxahatchee Wildlife Refuge while still adhering to the intent of the Comprehensive Plan and ULDC.

G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The variance will not adversely impact the character of the area or the visual aesthetics of the development. The right-of-way landscape buffer is only being removed within a specific, constrained area that is not impactful to neighboring properties or the public. The rest of the site will maintain the landscaping requirements, ensuring that the overall visual and environmental character of the property remains consistent with the RVPD district's objectives.

Based on the above justification and attached information, the Applicant respectfully requests approval the variance to eliminate a section of the right-of-way buffer where in conflict with the LWDD easement.

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