PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT ZONING DIVISION



Application No.:Z-2011-01191Control No.:1994-00094Applicant:Heber DocampoOwners:Heber DocampoAgent:Jim Spagnoli - Jim SpagnoliTelephone No.:Douglas Robinson, Site Planner I

Location: Approximately 300 feet east of Indian Road. (Do Campo)

TITLE: an Official Zoning Map Amendment REQUEST: to allow a rezoning from the Commercial Neighborhood (CN) Zoning District to General Commercial (CG) Zoning District

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment to allow a Rezoning from the Neighborhood Commercial (CN) Zoning District to the General Commercial (CG) Zoning District. Through a subsequent Development Review Officer (DRO) application review and approval, the applicant is proposing a commercial parking lot. One access point is proposed to the site from Westgate Avenue.

ISSUES SUMMARY:

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and has found the request to be consistent with the site's Commercial High (CH/8) Future Land Use (FLU) designation. See Planning comments for more information.

o Compatibility with Surrounding Land Uses

NORTH: FLU Designation: Commercial High (CH/8) Zoning District: General Commercial District (CG) Supporting: Warehouse (Control No. 1982-137)

SOUTH: FLU Designation: Commercial High (CH/8) Zoning District: General Commercial District (CG) Supporting: Vacant (Control No. 1988-134)

EAST: FLU Designation: Commercial High (CH/8) Zoning District: General Commercial District (CG) Supporting: Residential (Control No. 1994-094)

WEST: FLU Designation: Commercial High (CH/8) Zoning District: Neighborhood Commercial District (CN) Supporting: Vacant (Control No. N/A)

The subject property is located in an area characterized as a mix of commercial and residential uses. The proposed rezoning is deemed compatible with existing and approved uses along the Westgate Corridor.

o Westgate Community Redevelopment Area Overlay (WCRAO)

The subject site is located within the Neighborhood Commercial (NC) sub-area of the WCRAO. The WCRAO was created to remove blighted conditions, enhance the County's tax base, improve living conditions, and reserve areas of low and moderate cost housing in the WCRAO area. The WCRAO was established with the purpose and intent of encouraging development and redevelopment of the area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; providing for mixed use development; and providing for increased residential densities and commercial intensities. Sub-areas of the WCRAO were established to identify additional use regulations, property development regulations, and supplemental standards that may differentiate from related requirements of the ULDC and allow for special protective measures, additional design standards, and redevelopment incentives. The NC sub-area was created to encourage mixed use development with more intense commercial uses. The Westgate/Belvedere Home Community Redevelopment Agency has reviewed the rezoning request and has determined that it is consistent with the WCRAO Plan (Exhibit E).

o Traffic

See Staff Review and Analysis for additional information from the Traffic Division.

o Landscape/Buffering/Signage

No site plan was submitted with this rezoning application. Landscape/buffering and signage will be subject to ULDC requirements and will be reviewed through a subsequent application.

o Conditional Overlay Zone (COZ)

The Engineering Department is recommending that the rezoning request be accompanied by conditions of approval pertaining to combine the property in accordance with provisions of Article 11 of the Unified Land Development Code. To ensure adherence to the recommended conditions of approval contained with Exhibit C, staff is recommending that the rezoning request be subject to a COZ.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-43-43-30-03-025-0330	Same
Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)	Same
Zoning District:	Neighborhood Commercial District (CN)	General Commercial (CG)
Tier:	Urban/Suburban	Same
Westgate Community Redevelopment Agency Overlay	Neighborhood Commercial (NC)	Same
Use:	Vacant	Parking Lot, Commercial (subsequent application)
Acreage:	0.28 acres	Same
Access:	Westgate Avenue (1)	Same

RECOMMENDATION: Staff recommends approval of the request with a Conditonal Overlay Zone subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of a rezoning from the Commercial Neighborhood (CN) Zoning District to General Commercial (CG) Zoning District with a Conditional Overlay Zone subject to Conditions of Approval as indicated in Exhibit C.

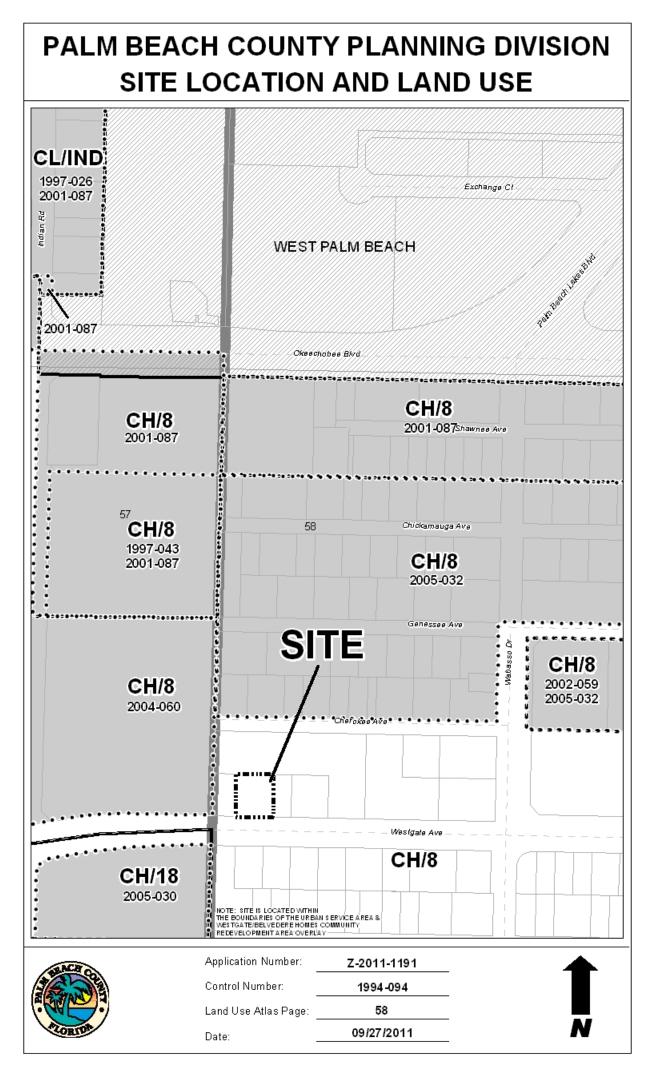


Figure 1 Land Use Atlas Map

ZC Application No. Z-2011-01191 Control No. 1994-00094 Project No. -

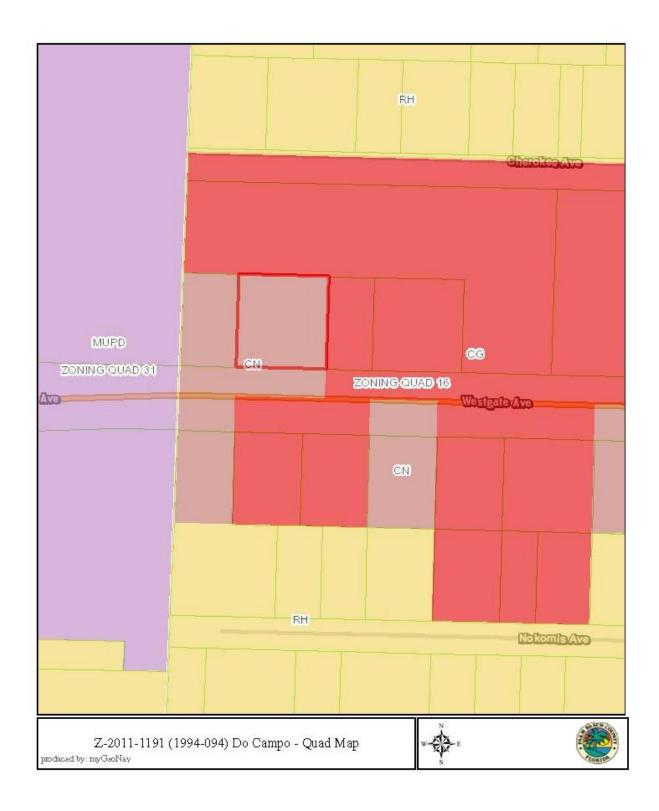


Figure 2 Zoning Quad Map



Figure 3 Aerial

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Figure 4 Approved Survey page 1 dated 8/29/2011

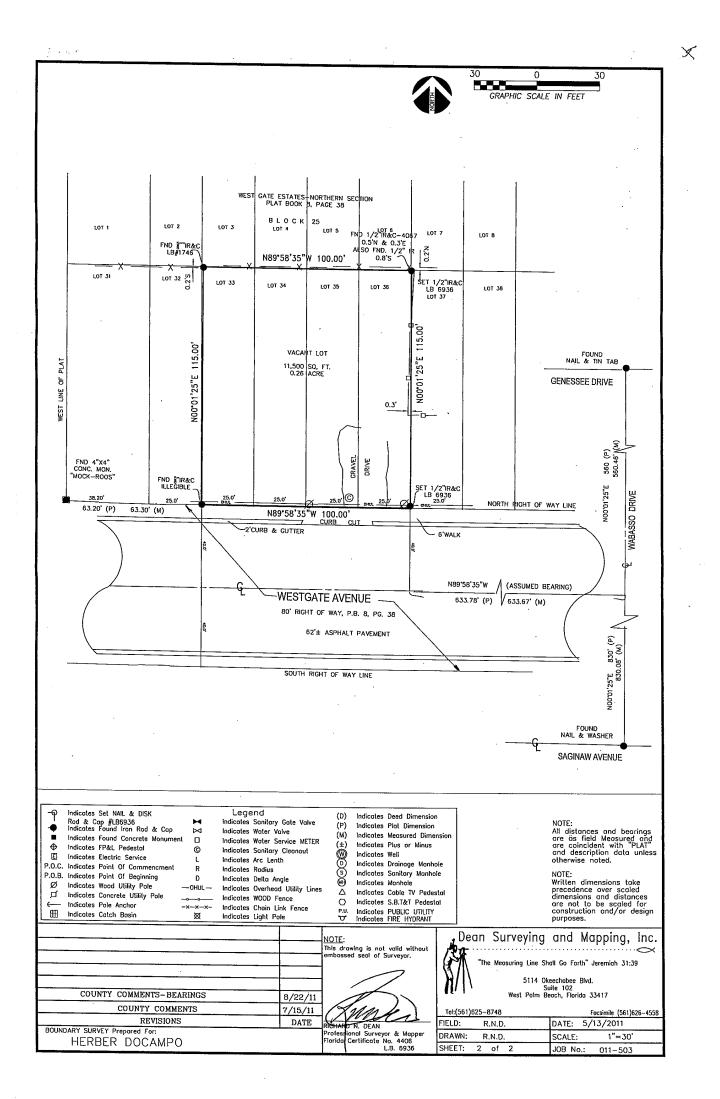


Figure 4 Approved Survey page 2 dated 8/29/2011

ZC Application No. Z-2011-01191 Control No. 1994-00094 Project No. -

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Commercial High, with an underlying density of 8 units per acre (CH/8.)

TIER: The subject site is in the Urban-Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is within the future annexation area of the City of West Palm Beach.

INTERGOVERNMENTAL COORDINATION: The subject site is within 1 mile of the City of West Palm Beach.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to rezone a 0.28 acre lot of record, from Neighborhood Commercial (NC) to General Commercial (GC). Staff has found the request to be consistent with the CH/8 Future Land Use classification of the site.

According to the justification statement, the applicant owns adjacent property (a total of 0.41 acres inclusive of the site) and intends to establish a commercial parking lot on the parcel. The application does not contain any proposed square footage or a site plan. With the 0.35 FAR permitted in this Future Land Use classification, the 0.28 acre site could accommodate a total of 4,269 Square Feet (0.28 Acre x 43,560SF/Acre x 0.35= 4,269SF;) combined as part of a larger site, the 0.41 acre parcel could feature 6,250 Square Feet (0.41 Acre x 43,560SF/Acre x 0.35= 6,250SF.)

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The site is within the Westgate Community Redevelopment Area Overlay (WCRAO.) The application contains an approval letter from the WCRAO Board, dated June 14, 2011, pending approval of the final site plan and any needed variances. Additionally, Sub-Objective 1.2.3 applies to the site as it proceeds through Site Plan Approval.

The property is located within the Urban Redevelopment Area (URA.) Subsequent to this rezoning, any site-specific approvals will be subject to Policy 1.2.2-h of the Future Land Use Element. Specifically, this policy will require vehicular and pedestrian interconnectivity with complementary neighboring uses to the north, east, and west of the subject site.

FINDINGS: The request is consistent with the CH/8 Future Land Use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Westgate Avenue.

TRAFFIC IMPACTS

There is no new traffic expected from this project because they are not seeking concurrency for any buildings on the site. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has landscape palm trees.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis.

PARKS AND RECREATION: No Staff Review Analysis.

CONCURRENCY: Concurrency has been approved for the proposed rezoning.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD)

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Rezoning Standards:

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1-8 indicated below. In addition the standards indicated in section 2.B shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

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

The Planning Division has reviewed the request to rezone a 0.28 acre lot of record, from Neighborhood Commercial (NC) to General Commercial (GC). The proposed rezoning is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use. The proposed CG zoning of the property is consistent with the CH/8 FLU designation for this property.

2. Consistency with the Code - The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

The rezoning is not in conflict with the ULDC and is consistent with the stated purpose and intent of the Code. The applicant's intent is to combine this parcel with the adjacent parcel to the east to create one lot, which would meet the minimum acreage requirement for the Commercial Neighborhood Zoning district.

3. Compatibility with Surrounding Uses - The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.

The subject property is located in an area characterized as a mix of commercial and residential uses. The proposed use is deemed compatible with existing and approved uses along the Westgate Corridor. The proposed rezoning request will have little to no adverse impacts on adjacent parcels or uses. The area is apart of a redevelopment plan for Westgate and is undergoing many changes.

Additional site design or landscape buffering may be required pending approval site plan for the intended commercial parking lot use, which is pending the results of this rezoning request. While there are no adverse impacts anticipated on other adjacent sites since this must comply with PBC Comprehensive Plan and related ULDC provisions regulating development in the urban/suburban tier and the WCRAO, as such, a final determination of compatibility is pending approval of the site plan.

4. Effect on Natural Environment – The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The subject site is vacant and the rezoning will not result in any adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, and the natural functioning of the environment.

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

The subject site is consistent with the development pattern that exists surrounding the site. The rezoning will not change established development patterns or adversely affect a logical, orderly and timely development pattern.

6. **Consistency with Neighborhood Plan** – The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.

This standard is not applicable since the existing property is not subject to any neighborhood plan.

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

Concurrency has been approved for the proposed rezoning.

Changed Conditions or Circumstances - There are demonstrated changed conditions or 8. circumstances that necessitate the amendment.

The applicant states that the creation of the Westgate Community Redevelopment Agency Overlay (WCRAO) is the major changed circumstance. The applicant also states that the revised CRA plan calls for an urban form of development with emphasis on the pedestrian scale and environment and is now set to implement vertical and economic development. According to the applicant the current site has been vacant for over 90 years and this rezoning will help enable the WCRAO/CRA to begin to implement its redevelopment plan.

Staff has evaluated the applicant's justification and responses for Standards 1-8 of Article 2.B.1.B, and has determined that the need of the requested change balanced the potential impacts generated by the request. ZC

CONDITIONS OF APPROVAL

EXHIBIT C Official Zoning Map Amendment

ENGINEERING

1. Prior to issuance of the first building permit, the property owner shall combine the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

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 (CO); 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; 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 (ULDC) 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; 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)

Print Form

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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 <u>Heber Do Campo</u>, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Xindividual 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.

Affiant's address is: M32 Fair Green Rel.)est Palm Beach RI

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.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007 Updated 01/31/2007

FORM # 09

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.

(Print Affiant Name)

The foregoing instrument was acknowled 20 (l , by H - $D_{CA} \sim Q$	ged before me this day of,
known to me or [] who has produced	FC DC
as identification and who did take an oath	
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Disclosure of Beneficial Interest Ownership form

Created 01/22/2007 Updated 01/31/2007 PALM BEACH COUNTY - ZONING DIVISION

FORM # <u>09</u>

EXHIBIT "A" PROPERTY

P.C.N. 00-43-43-30-03-025-0330

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007 Updated 01/31/2007

FORM # _09_

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

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Disclosure of Beneficial Interest Ownership form

Created 01/22/2007 Updated 01/31/2007

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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 Heber Do Compto, 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 [] <u>Dwner</u> [position—e.g., president, partner, trustee] of ______ [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

Affiant's address is: 1432 tairaren Ro 2. Yelm Beach 3BHI

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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

Disclosure of Beneficial Interest –Applicant form Page 1 of 4

Created 01/30/2007 Web Format 2008

FORM # 08

6. Affrant further states that Affrant s 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 AFMANT SAYETH NAUGHT

=.* Heber Do Campo Altiant

(Print Affiant Name)

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known to me or () who has produced $-++$	-, pc
as idenlification and who did take an oath.	1



Notary Public

(Print Notary Name)

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NOTARY PUBLIC State of Florida at Large My Commission Expires: (11 - 1) + (1)

Disclosure of Beneficial Interest -Applicant form Page 2 of 4 Created 01/30/2007 Web Format 2008

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

EXHIBIT "A" PROPERTY

P.C.N. 0043.43.30.03.025.0030

Disclosure of Beneficial Interest –Applicant form Page 3 of 4

Created 01/30/2007 Web Format 2008

ZC Application No. Z-2011-01191 Control No. 1994-00094 Project No. -

PALM BEACH COUNTY - ZONING DIVISION

Name

FORM # 08

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Address

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Disclosure of Beneficial Interest –Applicant form Page 4 of 4

Created 01/30/2007 Web Format 2008 Exhibit E: WCRAO Approval Letter



June 14, 2011

Mr. James Spagnoli, J.D. 2945 Westgate Avenue West Palm Beach, FL 33409

RE: DoCampo Rezoning PCN 00-43-43-30-03-025-0330

Dear Mr. Spagnoli:

Please be advised that this letter is prepared to address the requirement of Article 3.14.D.1of the Unified Land Development Code, as amended.

The CRA has reviewed the supportive documents along with the survey by Dean Surveying and Mapping, Inc., dated May 13, 2011 and found that the proposed rezoning request at the above referenced property are consistent with the WCRA redevelopment plan approved by the Board of County Commissioners and the CRA's zoning overlay.

At its June 13, 2011 meeting, the CRA Board recommended approval of the rezoning request. Please note that recommendation on the proposed uses for the property will be subject to the WCRA's review of the final DRO site plan and/or variance applications, if variances are required.

We appreciate the interest you have in developing in our area. If you need additional assistance, feel free to contact me at (561) 640-8181.

Sincerely,

Thuy Shutt, AIA Assistant Director

CC:

CRA Board of Commissioners Elizee Michel, WCRA Executive Director (via email) Wendy Hernandez, Zoning Manager (via email) file

G:\Westgate CRA\Consistency with CRA Plan\DoCampo Rezoning.doc 1280 N. Congress Avenue, Suite 215 • West Palm Beach, Florida 33409 • 561.640.8181 • Fax 561.640.8180