

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

**Application No.:** Z-2022-01017  
**Application Name:** North Bates Subdivision  
**Control No./Name:** 2017-00178 (Hughes Property)  
**Applicant:** Lin Zheng  
**Owners:** Lin Zheng  
**Agent:** WGI, Inc. – Lilyann Linehan  
WGI, Inc. – Matthew Barnes  
**Telephone No.:** (561) 687-2220, (561) 687-2022  
**Project Manager:** Alexander Biray, Site Planner II

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a Rezoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District on 4.77 acres

**APPLICATION SUMMARY:** The proposed request is an Official Zoning Map Amendment for the 4.77-acre Hughes Property. The site is currently developed with a Single Family home.

The request will modify the zoning from the Residential Estate (RE) Zoning District to the Residential Transitional (RT) Zoning District in order to subdivide the lot and facilitate the construction of four Single Family homes on the newly created lots. Access and frontage to the new lots will be from North Bates Road and North Virginia Avenue.

**SITE DATA:**

Location:	Approximately 258 feet south of the Northlake Boulevard and North Bates Road intersection
Property Control Number(s):	00-42-42-24-01-000-0490
Existing Future Land Use Designation:	Low Residential, 1 unit per acre (LR-1)
Existing Zoning District:	Residential Estate (RE)
Proposed Zoning District:	Residential Transitional (RT)
Total Acreage:	4.77 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	Palm Beach Gardens, Riviera Beach
Future Annexation Area:	Palm Beach Gardens
Commission District:	District 1, Commissioner Maria G. Marino

**STAFF RECOMMENDATION:** Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received four contacts from the public regarding this application.

**PROJECT HISTORY:** The site is currently developed with a Single Family home built in 1964, and under Control No. 1973-00079, was approved for a Rezoning from the Single Family Residential (RS) Zoning District to the Residential Estate (RE) Zoning District by Zoning Resolution No. 73-386 on July 17, 1973.

**FINDINGS:**

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

When considering a Development Order application for a Rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article (Art.) 2.B.7.A.2, Standards of the “Palm Beach County Unified Land Development Code” (ULDC or “the Code”). The Standards and Staff analyses are indicated below. An amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. Consistency with the Plan –** *The proposed amendment is consistent with the Plan.*
- *Consistency with the Comprehensive Plan:* The proposed amendment is consistent with the Goals,

Objectives, and Policies of the Palm Beach County Comprehensive Plan, including previous land use amendments, densities, and intensities of use.

- *Relevant Comprehensive Plan Policy:* Future Land Use Element Policy 2.2.1-j establishes consistent residential zoning districts with their corresponding future land use (FLU) designation in Table 2.2.1-j.1, Residential Future Land Use – Zoning Consistency. Both the Residential Estate (RE) and Residential Transitional (RT) Zoning Districts are consistent with the Low Residential, 1 unit per acre (LR-1) FLU designation.

- *Density:* The request does not include a Site Plan; however, the Justification Statement indicates an intent to subdivide the 4.77-acre parcel into four equal lots of approximately 1.19 acres each. The subject 4.77-acre parcel, with an LR-1 FLU designation would be permitted a maximum of four units (one dwelling unit per acre x 4.77 acres = 4.77 dwelling units or four dwelling units rounded down). The Applicant indicates plans to create four lots, which is within the maximum density permitted by the FLU designation.

- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays, or study areas as identified in the Plan.

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

Pursuant to ULDC Table 3.D.1.A, Property Development Regulations, the RE Zoning District requires that a lot be a minimum of two and one-half acres, and the RT Zoning District requires that a lot be a minimum of 20,000 square feet. The subject property is currently developed with a Single Family (SF) home, and under separate applications, it is the Applicant's intent to demolish it and subdivide the lot to allow for the construction of four new SF homes. Any subdivision of the 4.77-acre lot under the existing RE Zoning District would not be permitted as the proposed lots would not meet all minimum property development regulations (PDRs), particularly the aforementioned minimum size. The proposed rezoning to the RT Zoning District may allow for the lot to be subdivided, provided all new lots meet the minimum PDRs for the zoning district and density for the FLU designation. If the Applicant chooses not to subdivide, the existing home would comply with the less restrictive PDRs for the RT Zoning District.

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

The proposed Rezoning to the RT Zoning District will continue to allow SF residential, with the possibility to subdivide the lot into four parcels administratively. The uses allowed in the RT versus RE Zoning District are generally consistent, with RT being more restrictive. The proposed zoning district is compatible with the surrounding properties to the north, south, and west. The modification to the zoning does not change impacts of non-residential uses to the north and east.

The adjacent properties to the south and west are all SF residential uses. The adjacent properties the north are operating or approved institutional uses. To the east, across North Virginia Avenue, is a Planned Office Business Park Development, with approved commercial uses. The purpose and intent of the RT Zoning District is to “provide a transition between a suburban Single Family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.” Rezoning the subject property to the RT Zoning District will establish a “transition” from conventional suburban development, to the estate character internal to the Square Lake subdivision.

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

- Vegetation Protection: The property is an existing Single Family residence.

- Wellfield Protection Zone: The property is located within a Wellfield Protection Zone #4.

- 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” (Ordinance No. 93-15).

- Environmental Impacts: There are no significant environmental issues associated with this application beyond compliance with ULDC requirements.
- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

All Rezoning and/or subdivision approvals not fronting Northlake Boulevard or Military Trail have been for the construction of SF homes or accessory structures to existing homes. Development of SF homes within this area is a consistent development pattern with surrounding lots. Thus, the request will result in a logical, orderly, and timely development pattern, as the Official Zoning Map Amendment would provide a zoning district consistent with adjacent properties.

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

ENGINEERING COMMENTS:

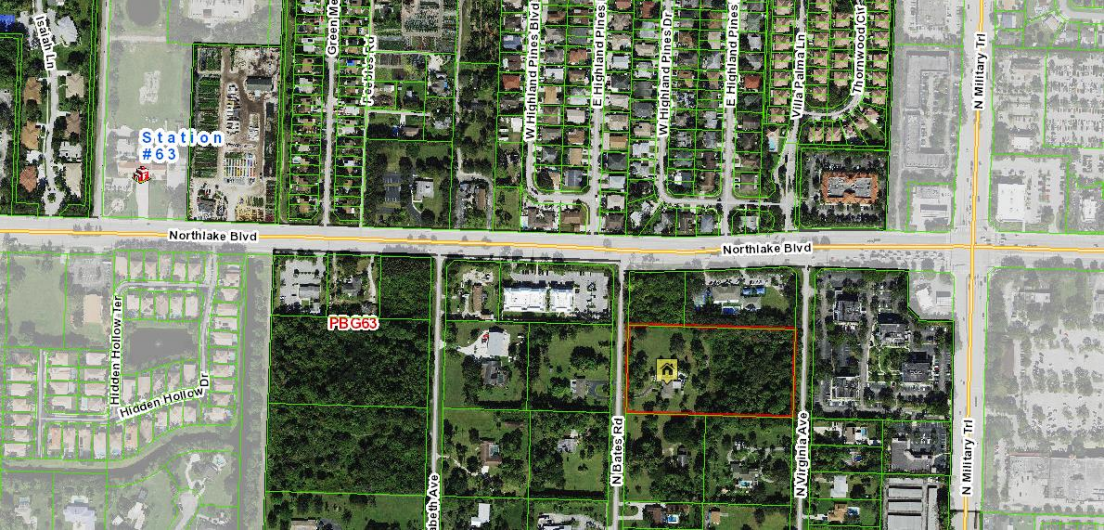
There are no proposed Engineering conditions at this time.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is within the service boundaries of Palm Beach Gardens Fire Station #63.



SCHOOL IMPACTS:

The School District has no issue with the proposed Rezoning request.

PARKS AND RECREATION:

The Parks and Recreation Department has no comment on this application.

- g. **Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

Pursuant to ULDC Table 4.B.1.A, Residential Use Matrix, an SF home is Permitted by Right in both the RE and the RT Zoning Districts. The Applicant desires to subdivide the existing lot into four lots and build four SF homes accordingly, provided they comply with PDRs for all lots. If the lot remains as a single lot, the Property Owner will continue to be able to utilize the lot with a single dwelling unit and utilize lesser setbacks consistent with other properties in the area and RT Zoning District.

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

CONDITIONS OF APPROVAL

**EXHIBIT C – Official Zoning Map Amendment**

**DISCLOSURE**

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



### Figure 1 – Land Use Map





Figure 2 – Zoning Map

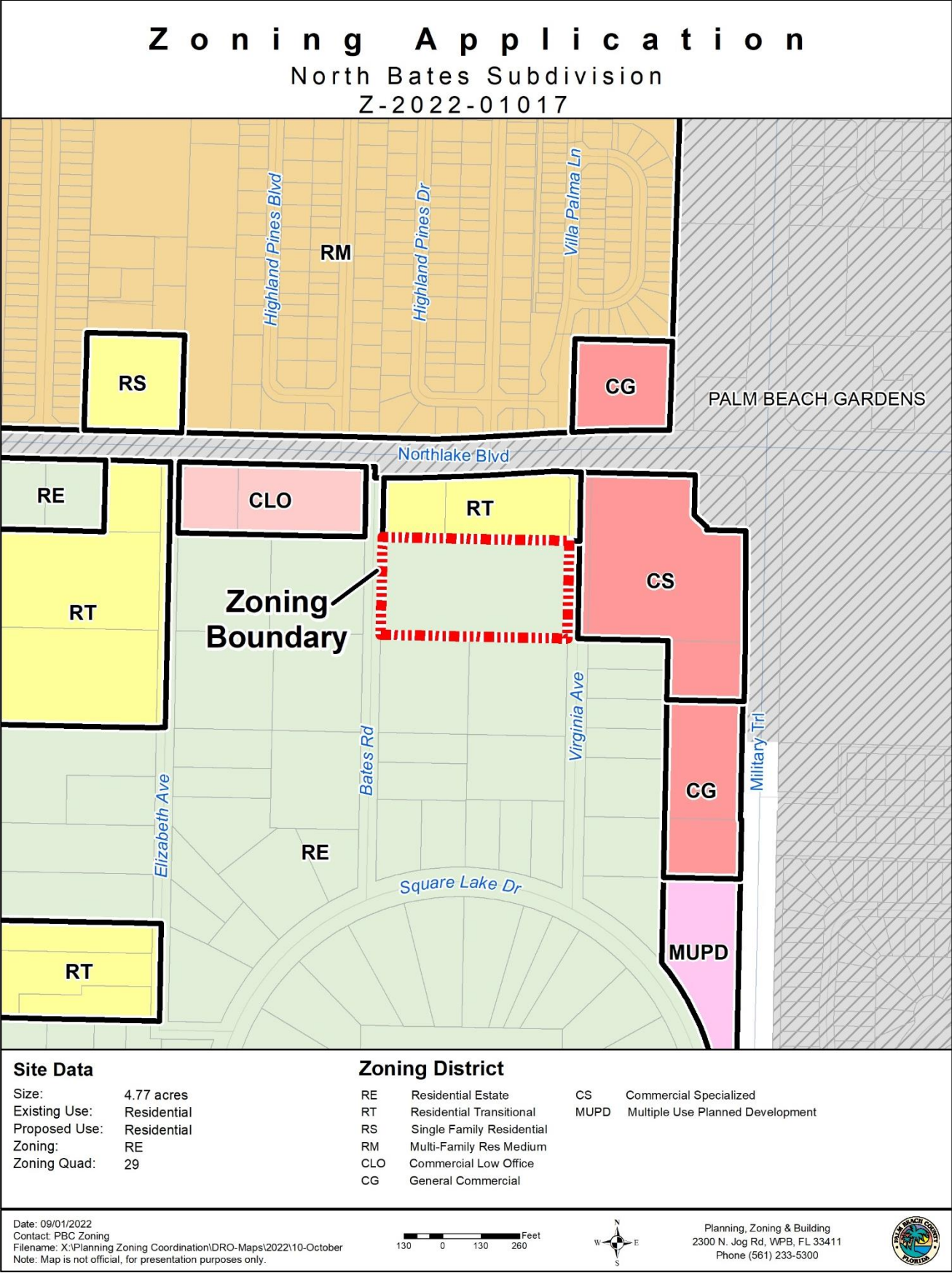


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Zheng Lin, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [x] individual or [ ] [position - e.g., president, partner, trustee] of [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 8895 N. Bates Road  
Palm Beach Gardens, FL 33418
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 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.

  
 Zheng Lin, Affiant  
 (Print Affiant Name)

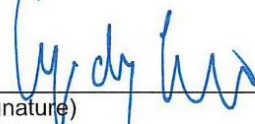
**NOTARY PUBLIC INFORMATION:**

**STATE OF FLORIDA  
 COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7<sup>th</sup> day of JUN, 2022 by Zheng Lin (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).

  
 (Name - type, stamp or print clearly)

My Commission Expires on: 3-31-26

  
 (Signature)



**CYNDY LITTLE**  
 Notary Public  
 State of Florida  
 Comm# HH224313  
 Expires 3/31/2026



**EXHIBIT “A”**

**PROPERTY**

LOT 49, SQUARE LAKE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 23, PAGE 141, TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON.  
LESS AND EXCEPT THE WESTERLY 30 FEET THEREOF FOR ROAD RIGHT OF WAY.  
SECTION 24, TOWNSHIP 42 SOUTH, RANGE 42 EAST  
20,7781.2 SF 4.77 ACRES

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Zheng Lin	8895 N. Bates Road, Palm Beach Gardens, FL 33418