

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

Application No.: Z-2022-00948
Application Name: LTG Sports Turf
Control No./Name: 2010-00028 (Dyer Boulevard Park)
Applicant: LTG Boynton Beach LLC
Owners: LTG Boynton Beach LLC
Agent: Urban Design Studio - Bradley Miller and Alish Villalobos
Urban Design Studio - Ailish Villalobos
Telephone No.: (561) 366-1100
Project Manager: Cody Sisk, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District on 5.01 acres

APPLICATION SUMMARY: The proposed request is for the 5.01-acre LTG Sports Turf development. The site has no prior Board of County Commission (BCC) approvals but there is an Industrial Use currently operating on site.

The request would allow a rezoning to the Light Industrial (IL) Zoning District however, this request is contingent upon a concurrent Large Scale Future Land Use (FLU) Amendment, Planning Application LGA-2023-00007, to amend the Future Land Use from Agricultural Reserve (AGR) to Industrial (IND) with an underlying Agricultural Reserve (AGR). The proposed rezoning, if approved, will allow the LTG Sports Turf to further obtain the required approval for their Industrial use. The Applicant has provided a Conceptual Site Plan indicating a Warehouse Use.

SITE DATA:

Location:	North side of 100th Street S (aka Boynton Beach Boulevard), approx. 0.13 miles west of 441 (SR-7)
Property Control Number(s)	00-42-43-27-05-052-0472
Existing Future Land Use Designation:	Agricultural Reserve (AGR)
Proposed Future Land Use Designation:	Commerce with underlying AGR (CMR/AGR)
Existing Zoning District:	Agricultural Reserve District (AGR)
Proposed Zoning District:	Light Industrial (IL)
Total Acreage:	5.01 acres
Tier:	Agricultural Reserve
Overlay District:	N/A
Neighborhood Plan:	West Boynton Community Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Vice Mayor Maria Sachs

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

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

PROJECT HISTORY: There have been no prior approvals by the Board of County Commissioners (BCC) for the site. The site has two open Code Enforcement cases: C-2020-09170083 created on September 22, 2020 cited the property for a structure without permits, and C-2021-12210002 created on December 22, 2021 cited the property for construction work without permits (fuel tanks and fencing) and use violations (contractor storage yard).

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 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An

amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

- o *Consistency with the Comprehensive Plan:* Should the BCC approve the Future Land Use Amendment request to Commerce (CMR), then the proposed amendment is 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 Amendment known as LTG Sports Turf (LGA 2022-007). The request seeks to amend the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). The Planning Commission heard the item on October 14, 2022, and the BCC transmitted the item subject to staff's recommendation on November 28, 2022 by a vote of 7-0.

The Applicant is requesting the CMR FLU designation in order to allow for future light industrial uses on the site, specifically a Contractor Storage Yard and Self-Service Storage. The newly established CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses that demonstrate light industrial characteristics as defined by FLUE Policy 2.2.4-d of the Comprehensive Plan. The proposed rezoning to the Light Industrial (IL) Zoning District is consistent with the Comprehensive Plan, provided the requested CMR FLU designation is adopted by the Board.

- o *Intensity:* The request for a rezoning from AGR to IL does not include a site plan. Contingent upon the adoption of the concurrent future land use amendment, the maximum Floor Area Ratio (FAR) for nonresidential projects with a CMR land use designation in the Agricultural Reserve Tier is .45 (218,401 surveyed sq. ft. or 5.01 acres x .45 maximum FAR = 98,280 sq. ft. maximum).
- o *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is within the boundaries of the West Boynton Area Community Plan (WBACP), which is administered by the Coalition of Boynton West Residential Associations (COBWRA). The Applicant has been advised to contact the community group. No correspondence from COBWRA has been received by Planning staff to date.

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.*

This request is contingent upon modifications to the Unified Land Development Code (ULDC). The subject site is zoned Agricultural Reserve (AGR) which is inconsistent with the proposed Future Land Use (FLU) designation of Commerce (CMR). The rezoning to Light Industrial (IL) will be consistent with the CMR FLU pursuant to Table 2.2-f.1, Non-Residential Future Land Use – Zoning Consistency, within the Plan, as modified by ORD 2022-024 (Commerce Future Land Use).

- o *Property Development Regulations:* The subject property meets the requirements as indicated under Table 3.D.1.A Property Development Regulations for minimum lot dimensions of for an IL zoned property. The property development regulations require a minimum of 1 acre, 100 feet (ft.). of width and frontage, and 200 ft. of depth, as the site is a 5.01 acre lot, has 420.10 ft. of width and frontage, and is 519.92 ft. in depth.
- o *Conditional Overlay Zone (COZ):* Article 3.B.3 indicates that the purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. As required under Article 3.B.3.C the BCC shall find one or more of the following reasons for the COZ district:
 1. Potential impact to surrounding land uses requires mitigation;
 2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified; and/or
 3. Intensity limits reflect available capacity of public facilities

The Applicant is not proposing any uses at this time. Zoning Staff is recommending a COZ, as part of the rezoning request, to ensure that compatibilities will be furthered between the proposed IL Zoning District and the adjacent properties with Agricultural Zoning Districts or AGR-PUD Preserves are buffered for the proposed future development. This corresponds to Reason 2 under Article 3.B.3.C and listed above for a COZ , Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified. Zoning Staff deemed it necessary to require conditions for increased buffering, as

described below under Compatibility with Surrounding uses. The Applicant is in agreement and voluntary agrees with the recommended Site Design Conditions of Approval and the COZ with this rezoning.

- 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 amendment to the zoning is compatible, and generally consistent with existing uses and surrounding zoning districts. The surrounding zoning districts are Light Industrial to the north and east. The west adjacent property is AGR-PUD and to the south, it has a zoning district of Agricultural Reserve.

The site is subject to a 15 foot Type 2 Incompatibility buffer along the north and the west property lines. A condition is being added to reference the ability of the site to utilize an 8 foot compatibility buffer should the adjacent AGR property change to a non-residential future land use designation such as Commerce FLU.

- 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: This application request does not affect native vegetation.

Wellfield Protection Zone: This 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 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.

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

According to the Staff Report for the FLU change to CMR, Planning Staff analyzed the development pattern of the area, with many heavy agricultural uses and agri-business facilities along the entire stretch of western side of State Road 7 through the Agricultural Reserve in making their recommendation of approval of the FLU amendment to CMR. Contingent upon the modification to the FLU, the rezoning to IL is logical, orderly, and timely development pattern with the adjacent properties, and will allow the zoning to be consistent with the proposed land use for the property.

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

ENGINEERING COMMENTS:

There are no Engineering conditions of approval associated with this application.

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 boundaries of PBC Fire Station #47.



SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

Non-residential project therefore, Park and Recreation ULDC requirements do not apply.

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

With the modifications to the Comprehensive Plan to create a new Commerce FLU, that will allow for light industrial uses, along with a few other specific uses identified in the Plan, the Planning Division found that the amendment to the Commerce FLU was appropriate on the subject site. Contingent upon a modification to the FLU, this Zoning District. The proposed Zoning Amendment to IL Zoning is consistent with the proposed CMR FLU. The changed circumstance is the adoption of the CMR FLU.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.B.2 and determined that there is a balance between the need for change and the potential impacts generated by the Official Zoning Map Amendment. Therefore, Staff is recommending approval subject to a Conditional Overlay Zone to Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C - Official Zoning Map Amendment- Conditional Overlay Zone

LANDSCAPE - GENERAL-NORTH AND WEST PROPERTY LINES

1. Prior to Building Permit, the property owner shall indicate a 15 foot incompatibility buffer along the North and West Property lines. This 15 foot incompatibility buffer can be reduced to a 8 foot compatibility buffer in the event that the adjacent North and West properties have a Future Land Use (FLU) change to a non-residential FLU. (BLDGPMT/ONGOING: ZONING - 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.

Figure 1 - Land Use Map

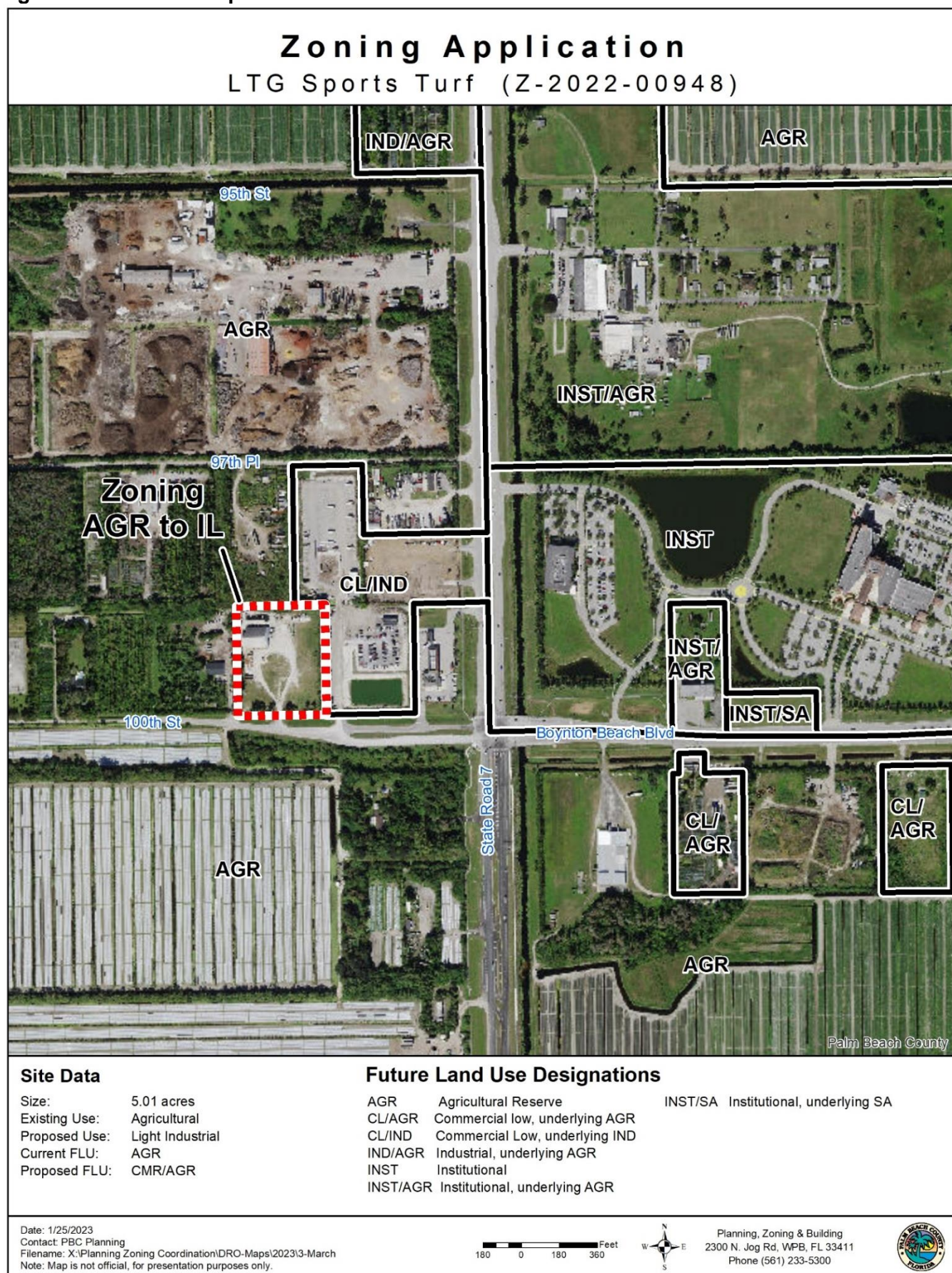


Figure 2 - Zoning Map

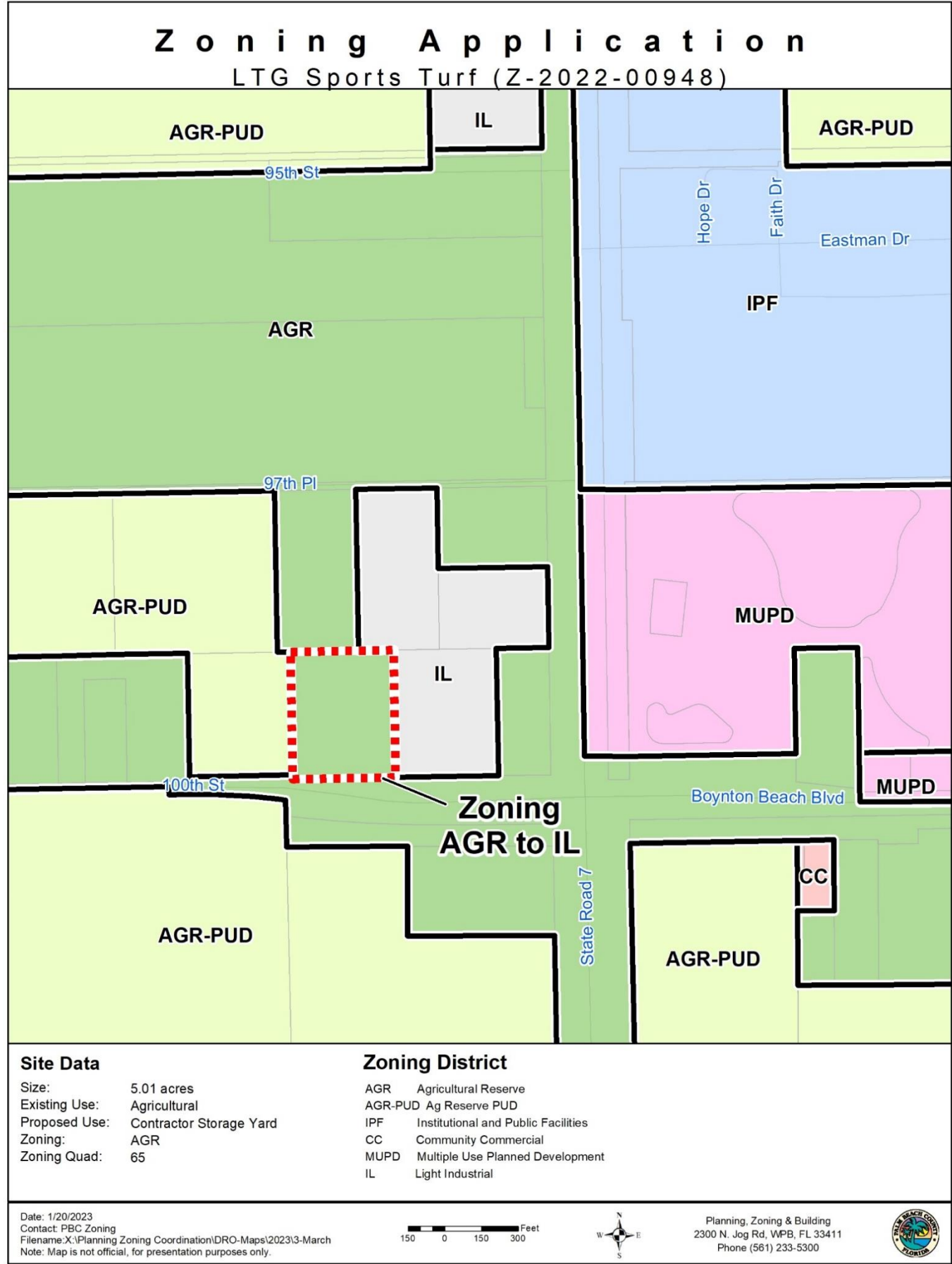


Figure 3 – Conceptual Site Plan dated (December 28, 2022)

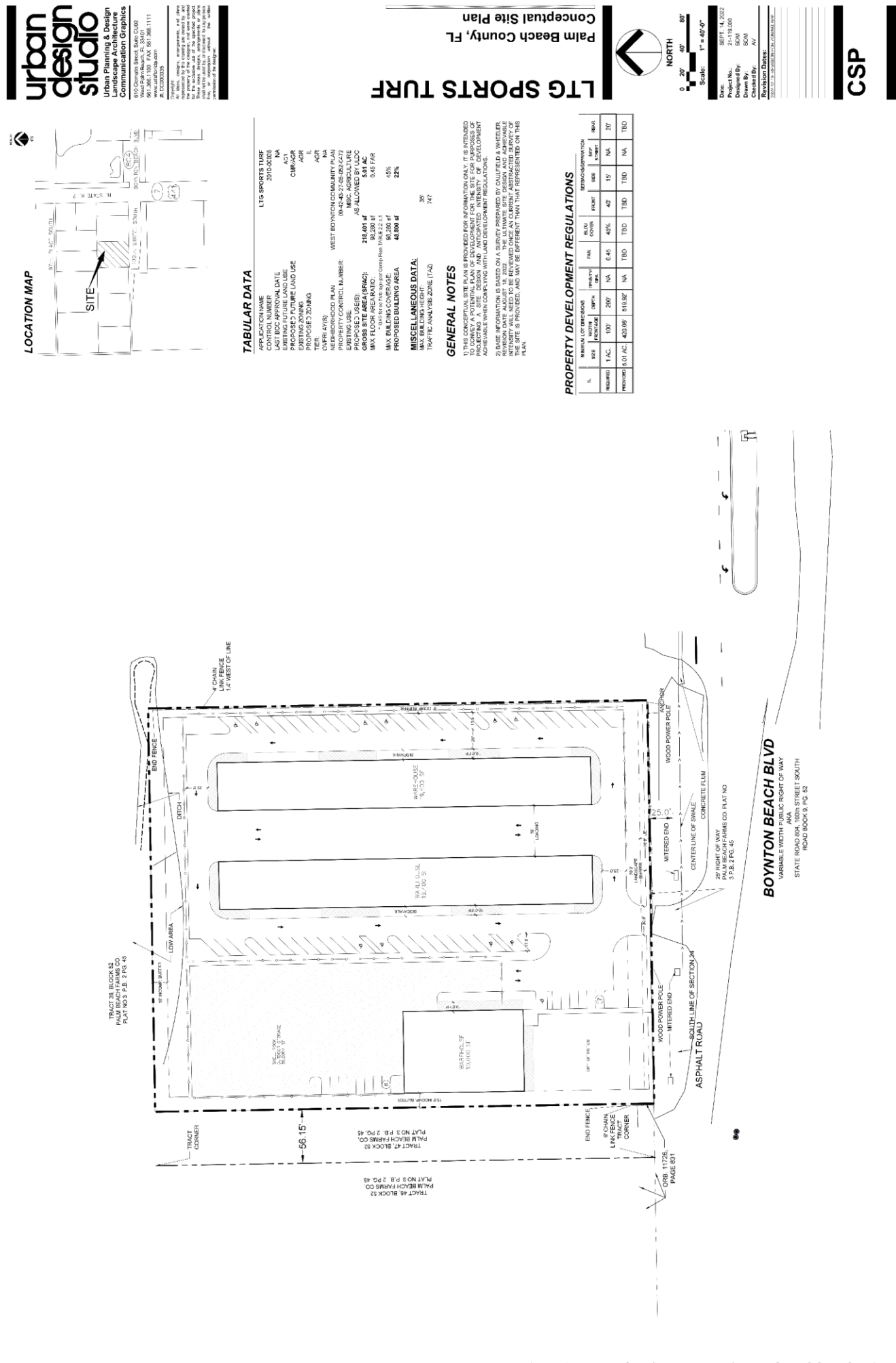


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- Affiant is the [] individual or [x] MGR [position - e.g., president, partner, trustee] of LTG Boynton Beach, LLC [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: 6111 Broken Sound Parkway, NW #350
Boca Raton, FL 33287
- 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.
- Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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.



 Michael Ryan, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ New York
 COUNTY OF ~~PALM BEACH~~ Suffolk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of June, 2022 by Michael Ryan (name of person acknowledging). He/she is personally known to me or has produced Drivers License (type of identification) as identification and ☒ did not take an oath (circle correct response).

DOREEN PALMA
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01PA5069036
 Qualified In Suffolk County
 (Name, Type, and Expiration Date) My Commission Expires November 12, 2022



 (Signature)

My Commission Expires on: Nov 12 '2022

NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

TRACT 47, LESS THE WEST 56.15 FEET AND LESS THE EAST 183.86 FEET THEREOF, BLOCK 52, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 218,401 SQUARE FEET / 5.0138 ACRES, MORE OR LESS

SAID LANDS SITUATE IN LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

THIS PAGE LEFT BLANK INTENTIONALLY