

## JUSTIFICATION STATEMENT

### ULDC Privately Initiated Amendment (PIA) Submittal Date: February 8, 2017



#### Request

Urban Planning and Design  
Landscape Architecture  
Communication Graphics

This Privately Initiated Amendment (PIA) is to request to amend the Palm Beach County (PBC) Unified Land Development Code (ULDC), as currently being proposed to be adopted by the PBC Board of County Commissioners (BCC) on February 23, 2017. The proposed changes are being requested in order to permit the use of Entertainment, Outdoor within a Planned Industrial Park Development (PIPD) district in the unincorporated County. Currently this use is a permitted use within a Commercial Use Zone of a PIPD.

While a PIA amendment applies County-wide and is not project specific, there is a user wishing to locate within a PIPD in the County with an Entertainment, Outdoor Use which requires a considerable amount of land area. Current conceptual designs reflect that the proposed use will occupy between 47 – 51 acres. The proposed use will consist of a concrete man-made lake approximately 13 acres in size and is proposed to be 2,000 feet in length with the majority of the lake being approximately 185 feet in width. The project, named Surf Ranch Florida, will be proposing to construct a world-class, man-made surfing lake which will provide consistent waves and a safe environment for public recreational and competition purposes.

The applicant is proposing two different paths for the staff to consider as they present the request to the Land Use Regulation Advisory Board (LDRAB) and the Palm Beach County Board of County Commission (BCC) for the initial initiation consideration. These two options are as follows.

#### Option 1 (Preferred)- IG – General Industrial Use Zone Option

Proposal is to allow the Entertainment, Outdoor Use within an IG Use Pod in a PIPD, as a Conditional Use Class A approval.

#### ***Per today's current ULDC -Amend 4.B.1.A.46.):***

The approval process and regulations associated with the Entertainment, Outdoor use within a PIPD is currently determined by Table 3.E.1.B. PDD Recreational Use Matrix and further regulated by the supplemental regulations under 4.4.B.1.A.46. It is currently a Permitted Use within a Commercial Use Zone of a PIPD.

#### ***Per proposed Use Regulation Project Revisions- Amend 4.B.3.C.4):***

The proposed use matrix changes proposed to be adopted February 23, 2017 and the use will be contained within Table 4.B.3.A. – Recreation Use Matrix. The matrix still depicts the use as Permitted within a Commercial Use Zone of a PIPD. The existing and proposed changes do not currently allow the use in an IG Use Zone within a PIPD. It is being proposed that the use be permitted via a Class A Conditional Use approval in an IG Use Zone. No changes to the proposed supplemental regulations for the use itself have been requested as part of this PIA.

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610 Clematis Street  
Suite CU-02  
West Palm Beach, FL 33401  
561.366.1100 561.366.1111 fax  
www.UDKstudios.com  
LCC35

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The justification for the allowance of this use in an IG use zone of a PIPD is two-fold. It allows for the special circumstances that may be unique to only certain properties to be considered by the Board of County Commissioners in regard to the permissibility of the use. These could include site constraints applicable only to certain parcels. Second, while allowing the use to be considered, it also allows for the potential for other industrial uses, which could be related to the Entertainment Use, to still be proposed on the IG parcel. These uses (warehousing/manufacturing) can allow flex space in this Use Zone to facilitate the smaller users anticipated. Additionally, the other PIPD located in Palm Beach County, Vista Center, does not have any IG Use Zones that could utilize this process to allow the use, and

**Option 2 – Amend Table 3.E.5.D. – PIPD Land Use Mix**

The section options being requested to be considered is to continue as the Code allows today and as to be amended for the use to be Permitted in a Commercial Use Zone of a PIPD. However, the request would be to allow for the maximum acreage size of a Commercial Use Zone to exceed the 15 acres currently allowed in the ULDC. This table contained in Article 3 was not revised in the proposed changes being adopted February 23, 2017 and currently reads as follows:

Table 3.E.5.D - PIPD Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light General (1)	20%	100% 50%
Commercial	-	20% (max. 15 ac) (2)
Residential	-	20%
Recreation	.006 acre (3)	20%
<b>[Ord. 2014-025]</b>		
<b>Notes:</b>		
1.	A General Industrial Pod shall only be permitted with an IND FLU designation. General Industrial Pods shall be prohibited with an EDC FLU designation. <b>[Ord. 2014-025]</b>	
2.	The maximum commercial acreage shall not apply to an Economic Development Center (EDC).	
3.	Minimum Recreation Pod requirement only applies to Residential Pods. Other residential uses such as Live/Work located in other than a Residential Pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. <b>[Ord. 2014-025]</b>	

The proposed code revision would allow the following amendment to the existing Note 2 of the chart.

**Notes:**

2. The maximum commercial acreage shall not apply to an Economic Development Center (EDC) or a PIPD in the BRPO Overlay.

The applicant acknowledges the fact that this request is a policy decision and that consideration may be given to increase the level of review for the approval process for this use within a Commercial Use Zone of a PIPD. However, in regard to the specifics associated with the location of the proposed use, a Development Order Amendment (DOA) would be required to change the

Use Zone designation from IG to CG, thereby assuring that the public can participate in the approval process. The justification for this amendment again is two-fold. First, there needs to be some acknowledgement that certain Entertainment, Outdoor uses require a considerable amount of land area. Amending this note would allow uses, which due to the physical requirements of the use, can locate within a Use Zone where it is actually permitted today in a PIPD. Second, by providing the limitation that the use is only allowed in the Bioscience Research Protection Overlay, it limits the existing PIPD's that would qualify to only the Palm Beach Park of Commerce. While the requested code revision would apply County-wide, the overlay limitation would confine the use to this development. There are no other existing PIPD's within the overlay and the land area available is constrained and it is unlikely that the minimum 40 acres required for a PIPD could be assembled within other areas of the overlay. While this overlay was applied to the one PIPD in 2006, it appears the remoteness of the PIPD has hindered any location of the desired bioscience industries within the park. However, as the Commercial Use Zone in PIPD's does not allow for warehouse/manufacturing, there is some negative impact to the ability to allow the flex warehouse/manufacturing potential spin off uses under this approval option.

### **Consistency with the Plan**

Based upon input from the Palm Beach County Planning Division, the allowance for the use in the BRPO is not inconsistent with the goals and objectives of the overlay. Additionally, please see the following analysis of other plan objectives.

**Objectives 1.5 Recreational & Cultural Opportunities, & 1.6 Intergovernmental Coordination.** These objectives provide guidelines for those desirable programs that increase recreational and cultural opportunities, and help establish mutually beneficial partnerships with other public or private agencies involved in the delivery of similar recreational and open space services. In most cases there are no direct annual funding commitments made by the Board for these programs.

*Response: The proposed amendments support Objective 1.5 in that this code revision will allow for additional recreational opportunities for not only the workforce of the PIPD, but County residential in general. This specific user is proposing a privately funded project with no funding commitments requested of the County, thereby proposing a recreational opportunity with no impact to the County budget or tax payers.*

**Policy 4.4.7-a:** A Planned Industrial Park Development District (PIPD) is an economic activity center allowed in the Industrial and Economic Development Center future land use designations. The PIPD is intended for large Employment Centers primarily designed to accommodate and promote manufacturing, research, development, other value-added activities and support uses. Therefore, non-industrial uses such as residential, retail, office, and hotels, are expected to occur to support its major function as an Employment Center and to implement effective mobility strategies.

*Response: The proposed code changes are not inconsistent with the policy to primarily design to accommodate and promote industrial uses and other value-added activities. The recreation use of Entertainment, Outdoor use is already permitted within a PIPD in the code.*

### **Conclusion**

While this is not a site-specific amendment, it may be beneficial to note that the land area currently under consideration has been available for over 10 years for development since brought into the PIPD. The narrow configuration of the parcel has inhibited the marketing of the property for larger warehouse or manufacturing/processing uses desired for the existing IG Use Zone designation on the 80+ acre parcel. Code amendments to allow for the use to be considered by the BCC will allow for a tax generating facility to be constructed on site that will focus world-wide surfing sport attention on Palm Beach County, supplementing the unique attributes of the area. The potential, with the use permitted in the IG Use Zone, still existing for spin off smaller scale industrial flex space development to occur on the parcel as well.

Urban Design Kilday Studios requests favorable review and approval of this request to amend the text of the ULDC as contained herein. The Project Managers at Urban Design Kilday Studios are Ken Tums and Joni Brinkman and can be reached at 561-366-1100. Please feel free to contact either of these project representatives with any questions or for additional information in support of this application.