

TOWN OF PALM BEACH

Information for the Town Council Meeting on: November 14, 2018

To: Mayor and Town Council

From: Josh Martin, Planning, Zoning & Building Director

Re: Proposed Future Land Use Map Amendment Changing Private Property Commonly Known as Kaplan Park From Recreation to Multi-Family Moderate Density (Maximum 6 Dwelling Unit/Palm Beach Acre), 456 South Ocean Boulevard

Date: November 1, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council approve and adopt Ordinance No. 15-2018 at second reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its July 17, 2018 meeting, considered and unanimously recommended approval of proposed Comprehensive Plan amendment as outlined herein.

BACKGROUND

The Town's Comprehensive Plan Future Land Use Map designates Kaplan Park as "Recreation," and has so since the Town's original Comprehensive Plan was adopted in 1989. The Comprehensive Plan states that the "Recreation" future land use designation "is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. *Only public facilities owned, operated franchised or supervised by a public governmental entity, are given this designation* [emphasis added]." Attached is correspondence, minutes, plans and a survey of the property to provide important background information. Staff believes that Kaplan Park should have never been designated on the Future Land Use Map as "Recreation," because the park never met the definition of "Recreation" as defined in the Comprehensive Plan. The Town did not build the park, and staff has not been able to find any evidence that this area was ever conveyed to the Town or deeded as a park or recreation area to be maintained as such in perpetuity. Furthermore, the Town has never maintained, operated or supervised Kaplan Park. In 1985 Mr. Kaplan offered to build the park for public use, but keep it private and on the tax rolls. He built the park on his property with the Town's permission, and his successor or assigns have maintained that park since its construction.

The new owner of the entire 456 South Ocean Boulevard site, which includes the old Charlie's Crab restaurant, has filed a zoning application to develop his property with four townhouses and related amenities. The issue is that the current future land use designation for the 456 South Ocean Boulevard site is split and will not allow the entire development of the property as a multi-family project. The majority of the site (Charlie's Crab) has a future land use designation of "Multi-family Moderate Density" (up to 6 du/gross Palm Beach acre), and the approximately 0.3-acre area of Kaplan Park has a future land use designation of "Recreation." A secondary issue is that the zoning for the entire site is "R-C, Medium Density Residential," which is consistent with the future land use designation for the majority of the site, but not the small portion that makes up Kaplan Park. This situation was created many years ago by staff incorrectly placing a "Recreation" future land use designation to a portion the site. To rectify the error, staff proposes to change the future land use designation for the Kaplan Park portion so that the entire site has a future land use designation of "Multi-family Moderate Density." By making this proposed change, the future land use designation will be the same for the entire site, the zoning will be consistent with the future land use designation, and the property owner will be allowed to develop the entire site as a multi-family project (pending ARCOM and Town Council approvals).

Town Council approved Ordinance No. 15-2018 on first reading on August 15, 2018, and the ordinance was transmitted to the Florida Department of Economic Opportunity (FDEO). No comments were received from FDEO.

CONSISTENCY WITH TOWN COMPREHENSIVE PLAN

It is important to note that State Statutes allow small-scale comprehensive plan amendments such as these, as long as the change maintains internal consistency between elements of the Comprehensive Plan. The Town's level-of-service established for recreation and open space is to have at least 6 acres of such space per 1,000 population (Policy 3.1 in the Recreation/Open Space Element). Given a 2010 U. S. Census population for the Town of 8,161, the Town is required to have at least 48.97 acres of recreation and open space. With the removal of Kaplan Park as a recreation/open space area, the Town will have 110.10 acres of recreation and open space, which far exceeds the required level of service; therefore, the proposed land use change does not create an issue of noncompliance with the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Ordinance No. 15-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Kathleen Dominguez, Town Clerk
John Lindgren, AICP, Planning Administrator
Maura Ziska, Attorney