

PLANNING AND ZONING BOARD REPORT

Ordinance 2023-11 (PZB 23-02900001): City-initiated Zoning Map amendment requesting a corrective rezoning to Transit Oriented Development TOD-E for consistency with the City’s Future Land Use Map for the parcels located east of I-95, south of 2nd Avenue North, west of North A Street, and north of Lake Worth Road.

Transmittal Date: May 18, 2023

Meeting Date: May 24, 2023

Size: +/- 8.96 acres

General Location: South of 2nd Avenue North, east of I-95, north of Lake Worth Road and west of North A Street

Existing Land Use: Office (1.1 acres); Multi-family residential (6.45 acres); single-family (0.5 acres) and vacant/parking lot (0.91 acres)

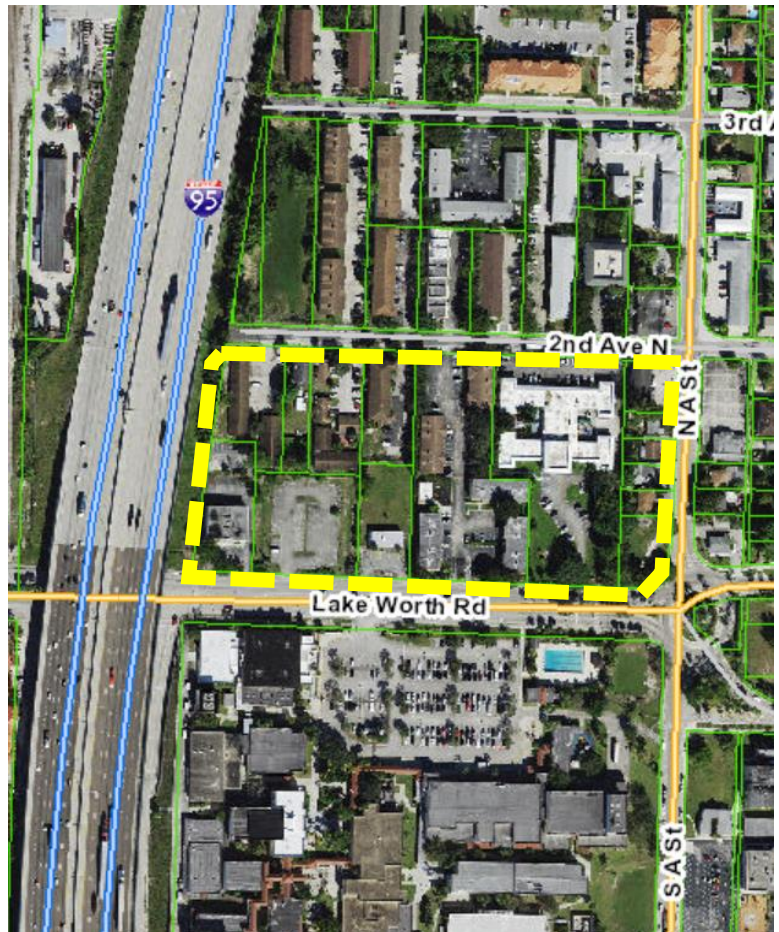
Future Land Use Designation: Transit Oriented Development (TOD)

Current Zoning District: Multi-family Residential 20 (MF-20)

Proposed Zoning District: Transit Oriented Development (TOD-E)

Addresses: 1776 Lake Worth Rd, 1760 Lake Worth Rd, 1744 Lake Worth Rd, 1736 Lake Worth Rd, 1710 Lake Worth Rd, 1702 Lake Worth Rd, 115 N A St, 119 N A St, 125 N A St, 127 N A St, 129 N A St, 1743 2nd Ave N, 1753 2nd Ave N, 1757 2nd Ave N, & 1761 2nd Ave N 1

Location Map



RECOMMENDATION

The proposed rezoning (Ordinance 2023-11) is consistent with the Comprehensive Plan, Strategic Plan, and the guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). Therefore, staff recommends that the Planning and Zoning Board recommends approval to the City Commission for the proposed rezoning request.

PROJECT DESCRIPTION

The proposed City-initiated rezoning request would amend the zoning district on the subject properties from Multi-Family Residential (MF-20) to Transit Oriented Development (TOD-E). The proposed map amendments would be consistent with the current Future Land Use designation of Transit Oriented Development (TOD), and better reflect the historic mix of uses of the properties in this area. The rezoning is supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report.

The data and analysis section of this staff report for the concurrent Zoning Map amendment analyzes the proposed request for consistency with the City's Comprehensive Plan, Strategic Plan, and LDR Section 23.2-36(3) - Review Criteria for the rezoning of land.

COMMUNITY OUTREACH

Notification letters were sent out to the property owners of the properties included in the proposed rezoning on May 5, 2023. In addition, letters were sent out to all property owners within 400ft of the subject rezoning on May 10, 2023, and signs were posted along the perimeter of the rezoning area. Staff has not received letters of support or opposition for these applications from the subject property owners or the public.

BACKGROUND

The proposed Zoning Map amendment includes 15 parcels with a total acreage of approximately 8.96 acres. Multiple properties in the subject area are currently non-conforming with regard to use and density. For example, office uses are not permitted in the MF-20- zoning district, and there are two existing non-conforming office building in this area. These office buildings would no longer be non-conforming if this rezoning was adopted. Further, approximately 4.63-acres of the 8.936-acre amendment area have existing multi-family residential development that exceeds the maximum density under the MF-20 zoning district. This amendment would correct these non-conformities.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject property currently has a Future Land Use (FLU) designation of Multi-family Residential 20 (MF-20). Per **Comprehensive Plan Future Land Use Element Policy 1.1.1.8**, the Transit Oriented Development designation is established "to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 60 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts." While the TOD designation has a broad range of implementing zoning districts, the historic uses in the amendment are non-conforming with the existing MF-20 residential zoning district. The intention is to change the zoning district of the properties from MF-20 to TOD-E to better reflect the existing use of the properties, and would increase the infill potential of the area with workforce housing.

Additionally, the proposed changes to the properties' zoning district are consistent with **Future Land Use Element Policy 1.1.2.10 (Locational Criteria for the Transit Oriented Development Designation)** as these properties are specifically identified in the policy as the intended location for the TOD-E district. **Future Land Use Element Goal 1.2 & Objective 1.2.2, which states:** "The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit-oriented development (TOD) areas." Approval of the rezoning request would allow for additional housing units to be constructed within walking distance of a bus stop (Route 61) and the Lake Worth Road Tri-Rail station. The subject area is also across the street from Lake Worth High School and could be a potential location for the future development of housing options for teachers.

The City's Strategic Plan sets goals and ideals for the City's future vision and lays out methods to achieve them. Pillar Two, Section B seeks to "Diversify housing options". Approval of the rezoning will allow infill with greater density, including the possibility of workforce housing. Pillar Four, Section D aims to "Influence the supply and expansion of jobs". The current zoning (MF-20) has limited opportunity for commercial uses. The rezoning to TOD-E will allow a greater mix of uses with the possibility of job creation, which is consistent with Pillar 4, Section A "Achieve economic and financial sustainability through a versatile and stable tax base. Therefore, it is staff's analysis that the proposed rezoning is consistent with the City's Strategic Plan.

Consistency with the City's Land Development Regulations

Rezoning of the subject sites would better reflect the current mix of uses in the amendment area and would also likely create new infill opportunities for housing and non-residential uses. Staff's full analysis of the rezoning review criteria is provided below. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

Section 23.2-36(3): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board shall consider the rezoning request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the rezoning request to the City Commission.

The land development regulations require all rezoning requests without a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(3)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

a. Consistency. Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency.

Analysis: As analyzed in the sections above addressing consistency with the City's Comprehensive Plan and Strategic Plan, and the analysis in this section, the proposed rezoning is consistent with the comprehensive plan and land development regulations. **Meets Criterion.**

b. Land use pattern. Whether the proposed rezoning amendment would be contrary to the established land use pattern, or would create an isolated zoning district unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude rezoning that would result in more desirable and sustainable growth for the community.

Analysis: The rezoning request will not be contrary or incompatible with the established land pattern as the TOD-E district reflects existing uses. The rezoning will not create an isolated zoning district unrelated to the adjacent and nearby classifications as reflected in the adjacent use analysis table below, and does not constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The rezoning is proposed to match the existing area of the TOD on the City’s Future Land Use Map, and is consistent with the location policy in the comprehensive plan for the TOD-E zoning district (Future Land Use Element Policy 1.1.2.10). Below is a table outlining the existing zoning and future land use designations of adjacent properties. **Meets Criterion.**

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use Designations	Adjacent Zoning Districts	Existing Use
TOD	North	Medium Density Residential	Multi-Family Residential (MF-20)	Multi-Family, Vacant, and Commercial
	South	Public	Public (P)	Lake Worth High School
	East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Across North A Street: Commercial, House of Worship, Single-family, and Multi-family
	West	N/A	N/A	I-95 ROW

c. Sustainability: Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives with an emphasis on complementary land uses and access to alternate modes of transportation. Approval of the rezoning request would reflect the existing mix of uses in the area. Further, the proposed rezoning would allow for a more efficient use of land as non-residential uses would be permitted to expand and residential density proximate to public transportation would increase allowing for greater infill housing opportunities with access to alternative modes of transportation. **Meets Criterion.**

d. Availability of public services/infrastructure: Requests for rezoning to planned zoning districts shall be subject to review pursuant to section 23.5-2.

Analysis: This criterion is only applicable to requests to rezone land to a planned zoning district. As this request seeks approval to rezone the subject properties to a conventional zoning district and not a planned development district, this criterion does not apply. **Criterion not applicable.**

e. Compatibility: The application shall consider the following compatibility factors: 1. Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties. 2. Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

Analysis: The proposed rezoning would better reflect existing uses and would increase residential density in the area. As such, the rezoning is compatible with the current uses and is not anticipated to negatively affect property values.

Criterion not applicable.

f. Direct community sustainability and economic development benefits: For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and 8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The rezoning request does not include rezoning to a planned zoning district nor does it have a concurrent site plan application in review at this time. As such, this criterion is not applicable. **Criterion not applicable.**

g. Economic development impact determination for conventional zoning districts. For rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

1. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category; and
2. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed rezoning to the TOD-E zoning district will not result in a decrease in development intensity or density for the neighborhood. Further, the TOD-E would allow for new investment in existing non-residential uses, such as office, which are not permitted in the MF-20 zoning district. Therefore, the amendment would not decrease the number of uses with high probable economic development benefits. **Meets Criterion.**

h. Master plan and site plan compliance with land development regulations. When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of section 23.2-32.

Analysis: A master plan and site plan are not part of this request. **Criterion not applicable.**

The analysis has shown that the required findings can be made in support of the rezoning. Therefore, the proposed rezoning is consistent with the review criteria for rezoning as outlined in LDR Section 23.2-36.

CONCLUSION

The proposed rezoning is consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The Zoning Map amendment is consistent with the proposed FLUM amendment;
- The amendment would reduce the non-conformities of use in the subject area; and
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF Ordinance 2023-11 of the proposed amendment to the Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

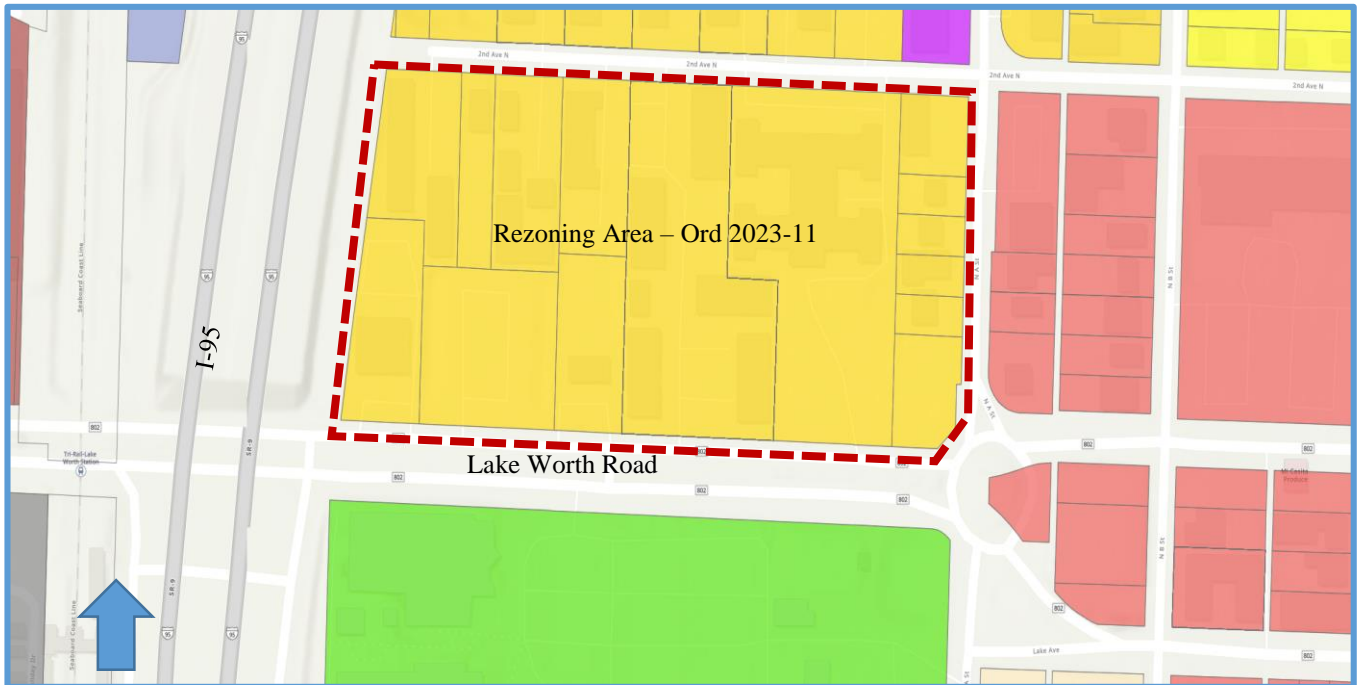
I MOVE TO NOT RECOMMEND APPROVAL OF Ordinance 2023-11 of the proposed amendment to the Zoning Map as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

Consequent Action: The Planning and Zoning Board will be making a recommendation to the City Commission on the Zoning Map amendment request.

ATTACHMENTS

- A. Location Map & Property List
- B. DRAFT Ordinance 2023-11

ATTACHMENT A
LOCATION MAP & PROPERTY LIST



LIST OF PROPERTIES INCLUDED IN ORDINANCE 2023-11

- 38434421020350091 - 1776 Lake Worth Rd
- 38434421020350072 - 1760 Lake Worth Rd
- 38434421020350062 - 1744 Lake Worth Rd
- 3843442135 - 1736 Lake Worth Rd
- 38434421020350020 - 1710 Lake Worth Rd
- 38434421020350011 - 1702 Lake Worth Rd
- 38434421020350017 - 115 N A St
- 38434421020350016 - 119 N A St
- 38434421020350010 - 125 N A St
- 38434421020350013 - 127 N A St
- 38434421020350014 - 129 N A St
- 38434421020350061 - 1743 2nd Ave N
- 38434421020350071 - 1753 2nd Ave N
- 38434421020350081 - 1757 2nd Ave N
- 38434421020350082 - 1761 2nd Ave N 1