



DATE: October 1, 2020

TO: Members of the Planning & Zoning

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

MEETING: October 7, 2020

SUBJECT: **PZB Project Number 20-01300002**: Request for a City initiated rezoning to rezone 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street from either Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20) to Mixed Use – East (MU-E) pursuant to Section 23.2-36 of the Land Development Regulations (LDRs). PCN#s 38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021.

BACKGROUND/ PROPOSAL:

The proposed City initiated rezoning would rezone the following properties from Single-family and two-family residential (SF-TF-14) or Multi-family residential (MF-20) to the Mixed Use – East (MU-E) zoning district: 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street. The existing uses on the eight (8) subject properties are currently a mixture of single-family residences, multi-family residences, and places of worship. The properties are generally located in an area bounded by North A Street to the west, North D Street to the east, Lucerne Avenue to the south, and 2nd Avenue North to the north. The Planning and Zoning Board’s decision will be in the form of a recommendation to the Lake Worth Beach City Commission, who will then make the final decision regarding the rezoning request.

ANALYSIS:

Based on the analysis below, the proposed rezoning is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

Consistency with the Comprehensive Plan and Strategic Plan

The subject properties currently have a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E land use category is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The implementing zoning districts of the MU-E FLU are Mixed Use – Dixie Highway (MU-DH), Mixed Use Federal Highway (MU-FH), and MU-E. The properties’ current zoning district of MF-20 and SF-TF-14 are not designated implementing zoning districts of the MU-E FLU in the City’s Comprehensive Plan and Land Development Regulations (LDRs). Approval of the rezoning request would bring the properties’ zoning into compliance with the MU-E FLU and provide additional opportunities for future redevelopment if desired by the property owners.

Additionally, Objective 1.2.1 states that the City shall promote the location of high-quality retail, office and mixed-use projects in the Downtown Mixed Use (DMU) and MU-E designations as the prime retail and commercial areas of the City. The current properties' zoning districts have a primary permissible use of residential, but also allow for a very limited number of commercial, office, and personal service uses. Approval of the rezoning request would allow for a more substantial variety of commercial, office, and service uses, as outlined in the City's Use Table (LDR Section 23.3-6). Therefore, if successfully rezoned to MU-E, the properties will have the potential to establish uses that are consistent with the Comprehensive Plan's vision for the MU-E FLU area.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, Pillar IV.B, Pillar IV.C, Pillar IV.D, and Pillar IV.E encourages the City to achieve economic sustainability, attract investment, influence the supply and expansion of jobs, and ensure facility placement that embraces the future. Approval of the rezoning will result in more diverse development opportunities and create more jobs by allowing a wide range of commercial, office, and service uses that activate the downtown corridor. Therefore, the rezoning is consistent with Pillar IV.A, Pillar IV.B, Pillar IV.C, Pillar IV.D, and Pillar IV.E.

Consistency with the City's Land Development Regulations

Rezoning of the subject sites will allow for higher development potential of these properties. The table below outlines the development standards of the existing SF-TF-14 and MF-20 zoning districts, and the development standards of the proposed MU-E zoning district:

Development Standard		Existing Zoning: SF-TF-14 Development Standards	Existing Zoning: MF-20 Development Standards	Proposed Zoning: MU-E Development Standards
Lot Size (min) In square feet (sf)		5,000 sf	5,000 sf	6,500 sf
Lot Width (min)		50'	50'	Lake and Lucerne: 25' 1st Ave South and 2 nd Ave N: 50'
Density (max)			20 du/acre	30 du/acre
Height (min)		30'	30' (plus 5' with SBIP)	30' (plus 5' with SBIP)
Setbacks	Front (min)	20'	20'	Lake and Lucerne: 10' 1st Ave South and 2 nd Ave N: 10' to 22'
	Rear (min)	Lesser of 15' or 10% of lot depth	Lesser of 15' or 10% of lot depth	Lesser of 15' or 10% of lot depth when next to a residential zoning district; 10' in general
	Street Side (min)	10% of lot width	10% of lot width	10'
	Interior Side (min)	10% of lot width	10% of lot width	0'
Living Area (min)		800 sf	800 sf for SFR; 400 for efficiency; 600 sf for one-bed, 750 sf for two-bed, 900 sf for three-bed, 1,350 sf for four-bed	800 sf for SFR; 400 for efficiency; 600 sf for one-bed, 750 sf for two-bed, 900 sf for three-bed, 1,350 sf for four-bed

Development Standard		Existing Zoning: SF-TF-14 Development Standards	Existing Zoning: MF-20 Development Standards	Proposed Zoning: MU-E Development Standards
Impermeable Surface Total (max)	Large Lot	50%	55%	65%
	Med Lot	55%	60%	70%
	Small Lot	60%	65%	75%
Structure Coverage (max)	Large Lot	30%	35%	45%
	Med Lot	35%	40%	50%
	Small Lot	40%	45%	55%
FAR (max)	Large Lot	0.45	0.5 (plus 0.5 with SBIP)	0.9 (plus 0.5 with SBIP)
	Med Lot	0.5	0.55 (plus 0.5 with SBIP)	0.95 (plus 0.5 with SBIP)
	Small Lot	0.55	0.6 (plus 0.5 with SBIP)	1.0 (plus 0.5 with SBIP)

Should a non-conformity in use or structure be created as a result of the rezoning, the City’s nonconformities code shall apply (LDR Section 23.5-3). The intent of Section 23.5-3 is to permit the continuation of buildings and structures, lots of record, uses of buildings and structures, and uses of land that were lawfully permitted when established or commenced, but which do not conform in whole or in part to the current LDRs. Limitations in this section include the provision that should a building be allowed to deteriorate or be destroyed beyond 50% of the assessed value, the structure must be brought into conformity with the current LDRs. However, an exemption to the conformity requirement is provided for structures destroyed by a tropical cyclone or other natural disaster, which could be reconstructed in conformance with the provisions of this section.

The LDRs also require all rezoning requests without a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(3). Staff’s full analysis of the review criteria is located in Attachment C. 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.

STAFF RECOMMENDATION:

Staff has determined that the proposed rezoning meets the criteria of the Comprehensive Plan, LDRs, and the review criteria for rezoning as outlined in LDR Section 23.2-36. Therefore, staff is recommending approval to the City Commission to rezone the property at 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street to MU-E.

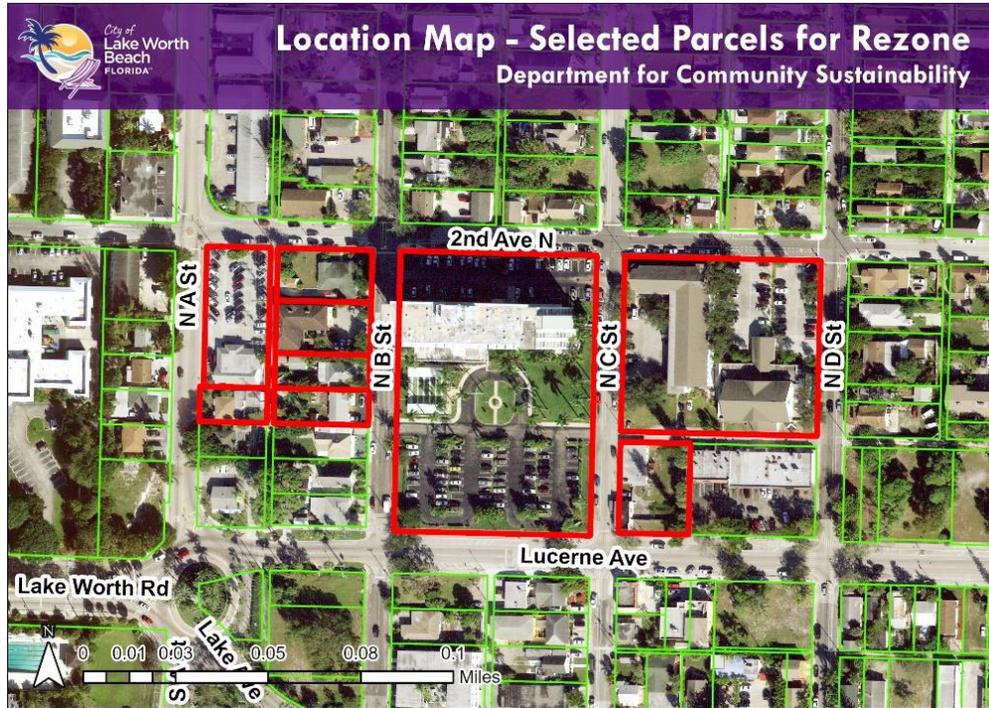
POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION TO ADOPT** the proposed City initiated rezoning in PZB / HRPB Project Number PZB Project Number 20-01300002.

Attachments

- A. Map & Site Description
- B. Site History
- C. Section 23.2-36(3) Rezoning Review Criteria

ATTACHMENT A: MAP & PROPERTY DESCRIPTION



General Location	Bounded by North A Street to the west, North D Street to the East, Lucerne Avenue to the south, and 2 nd Avenue North to the north
Properties	<ul style="list-style-type: none"> • 118 North A Street – Bryant Park Congregation of Jehovah’s Witnesses Inc. • 116 North A Street – Glenn R Yerger • 127 North B Street – Michael Harrylal and Maria Thirbenny • 121 North B Street – Fraeye Investments LLC. • 119 North B Street – Erik Helsher • 113 North B Street – Milton Jackson • 1500 Lucerne Avenue – Lake Worth Towers Inc. • 128 North C Street – Lake Worth First Church of Nazarene Inc.
Existing PCN Numbers	38434421150060010, 38434421150040010, 38434421150020090, 38434421150020080, 38434421150020062, 38434421150020050, 38434421150020030, and 38434421150020021
Existing Land Use	A mixture of single-family residences, multi-family residences, and places of worship
Zoning	Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20)
Future Land Use Designation	Mixed Use – East (MU-E)

ATTACHMENT B: SITE HISTORY

The subject sites are comprised of a mixture of single-family residences, multi-family residences, and places of worship. Below is a summarized history of each property based on Palm Beach Property Appraiser's records and City records:

- 118 North A Street
 - 1950 – The +/- 2,920 square foot place of worship was constructed at 118 North A Street.
 - September 28, 2020 – There are no active business licenses at this site.
 - September 28, 2020 – There are no active code cases at this site.
- 116 North A Street
 - 1949 – The +/- 1,251 single-family residence was constructed at 116 North A Street.
 - September 28, 2020 – There are no active business licenses at this site.
 - September 28, 2020 – There are no active code cases at this site.
- 127 North B Street
 - 1955 – The +/- 2,042 square foot multi-family residence was constructed at 127 North B Street.
 - September 28, 2020 – Michael Harrylal has an active business license for the rental of a single-family.
 - September 28, 2020 – Code Compliance records show that this property is due for a Use and Occupancy Inspection.
- 121 North B Street
 - 1979 – The +/- 6,936 square foot multi-family residence was constructed at 121 North B Street.
 - January 15, 2009 – September 20, 2012 – Benjamin Francois held a business license at 121 North B Street for the rental of six units.
 - April 17, 2014 – September 30, 2021 – Fraeye Investments LLC holds an active business license at 121 North B Street for the rental of six units.
 - September 28, 2020 – Code Compliance records show that this property is due for a Use and Occupancy Inspection.
- 119 North B Street
 - 1928 – The +/- 1,360 square foot single-family residence was constructed at 119 North B Street.
 - June 12, 2012 – September 30, 2012 – Erik Helsher, Inc. held a business license at 119 North B Street for a home occupation.
 - September 28, 2020 – There are no active business licenses at this site.
 - September 28, 2020 – There are no active code cases at this site.
- 113 North B Street
 - 1952 – The +/- 1,085 square foot single-family residence was constructed at 113 North B Street.
 - September 28, 2020 – There are no active business licenses at this site.
 - September 28, 2020 – There are no active code cases at this site.
- 1500 Lucerne Avenue
 - 1967 – The +/- 153,106 square foot multi-family tower was constructed at 1500 Lucerne Avenue, known as the Lake Worth Towers.
 - December 9, 1999 – September 30, 2021 – Towers Hari Design holds an active business license at 1500 Lucerne Avenue for a hair salon.
 - July 2, 2012 – September 30, 2020 – Clary's Corner Café held a business license at 1500 Lucerne Avenue for a 49-seat restaurant.
 - July 17, 2014 – September 30, 2021 – Lake Worth Towers, Inc. holds an active business license at 1500 Lucerne Avenue for a commercial rental and for a Group Home Type III.
 - September, 8, 2020 – September 30, 2021 – GTP Structures II, LLC holds an active business license at 1500 Lucerne Avenue for a telecommunication operator.
 - September 28, 2020 – Code Compliance records show that this property is due for Use and Occupancy Inspections.

- 128 North C Street
 - 1949 – The +/- 4,918 square foot place of worship was constructed at 128 North C Street.
 - 1950 – A +/- 1,708 square foot residence was constructed in connection with the existing place of worship.
 - 1962 – A +/- 9,750 square foot building was constructed in connection with the existing place of worship.
 - 1955 – An +/- 800 square foot office building was constructed in connection with the existing place of worship.
 - June 27, 2014 – September 30, 2021 – Lake Worth First Church of the Nazarene holds an active business license at 128 North C Street for a religious organization.
 - September 2, 2020 – A zoning letter was issued allowing 128 North C Street to be split into two separate parcels.
 - September 28, 2020 – Code Compliance records show that this property is due for Use and Occupancy Inspections.

ATTACHMENT C: CONSISTENCY WITH SECTION 23.2-36(3)

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

The land development regulations require all rezoning requests without a concurrent Future Land Use Map (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

Staff Analysis: The rezoning request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Mixed Use – East future land use (FLU) designation on the subject sites. The current zoning districts are not implementing zoning districts of the Mixed Use – East FLU. **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.

Staff Analysis: The rezoning request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The proposed zoning of MU-E allows for a wide array of commercial, office, and service uses that are consistent with the City's vision for the MU-E FLU area. Further, the rezoning offers the current property owners with more flexibility for redevelopment and higher market potential. **Meets Criterion.**

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.

Staff Analysis: The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives. In particular, approval of the rezoning request could lead to compatible land uses that could strengthen and direct development to the existing area. This is a smart growth principle that will allow the City to benefit from a stronger tax base, will increase efficiency of already-developed land, and will add to the redevelopment potential in the area. The uses immediately surrounding the properties are primarily single-family residential, multi-family residential, and commercial. Approval of the rezoning will allow for land uses that are complementary to the commercial core area as well as the existing residential uses surrounding the properties. **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](#).

Staff 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 the conventional MU-E zoning district, this criterion

does not apply. That being said, all future requests for development will be reviewed to ensure the provision of adequate public services and infrastructure necessary to support the subject properties. Further, the availability of public services and infrastructure for the adopted future land use map was reviewed previously with the adoption of the Comprehensive Plan 2016 EAR based amendments and the subsequent 2018 amendments. **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.

Staff Analysis: The existing zoning districts of the subject properties are not consistent with the adopted future land use. Rezoning of the subject sites will increase compatibility with the adoption of a zoning district that is intended to implement the vision of the Mixed Use – East FLU designation. **Meets Criterion.**

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.

Staff Analysis: The rezoning request does not have a concurrent site plan application in review at this time. As such, this criterion is not applicable. Any future requests for development on this property will be processed and subject to review in accordance with the applicable Land Development Regulations. **Criterion not applicable.**

g. *Economic development impact determination for conventional zoning districts*: For rezoning involving 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/or zoning district; and
2. Represent a potential decrease in the number of uses with high probable economic development benefits.

Staff Analysis: The proposed application would increase the development potential of the subject sites in density, intensity and number of uses. **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](#).

Staff Analysis: The rezoning request does not have a concurrent site plan application in review at this time. As such, this criterion is not applicable. Any future requests for development on this property will be processed and subject to review in accordance with the applicable Land Development Regulations. **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.