



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

DATE: May 26, 2021

TO: Members of the Planning & Zoning Board

FROM: Alexis Rosenberg, Senior Community Planner

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

MEETING: June 2, 2021

SUBJECT: **PZB Project Number 20-01300001**: A City initiated rezoning of the property located at 32 South B Street from Single Family Residential (SFR) to Public Recreation and Open Space (PROS). PCN # 38-43-44-21-15-003-0010.

PROJECT DESCRIPTION:

The proposed City initiated rezoning would rezone the subject site, 32 South B Street, from Single Family Residential (SFR) to Public Recreation and Open Space (PROS). The rezoning is being reviewed concurrently with a Future Land Use Map (FLUM) amendment to change the future land use designation of 32 South B Street from Mixed Use – East (MU-E) to Public Recreation and Open Space (PROS). The site is currently being utilized as a neighborhood playground which is a permitted use in the PROS zoning district. The approval of the proposed rezoning reflects the existing use of a neighborhood playground and picnic facility as permitted in the PROS zoning district. The subject site is surrounded by a mixture of single-family residences, multi-family residences, and a place of worship. The Royal Poinciana Neighborhood Association had previously expressed the need for the playground facilities in the area and worked with the City to establish the playground.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Beach zoning code. The proposed rezoning meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval of the Rezone request with conditions of approval to the City Commission.

PROPERTY DESCRIPTION:

Applicant	City of Lake Worth Beach Public Works Department
Owner	City of Lake Worth Beach
General Location	Northeast corner of 1 st Avenue South and South B Street
Existing PCN Numbers	38-43-44-21-15-003-0010
Existing Land Use	Neighborhood playground
Existing Zoning	Single Family Residential (SFR)
Existing Future Land Use Designation	Mixed Use – East (MU-E)

LOCATION MAP:

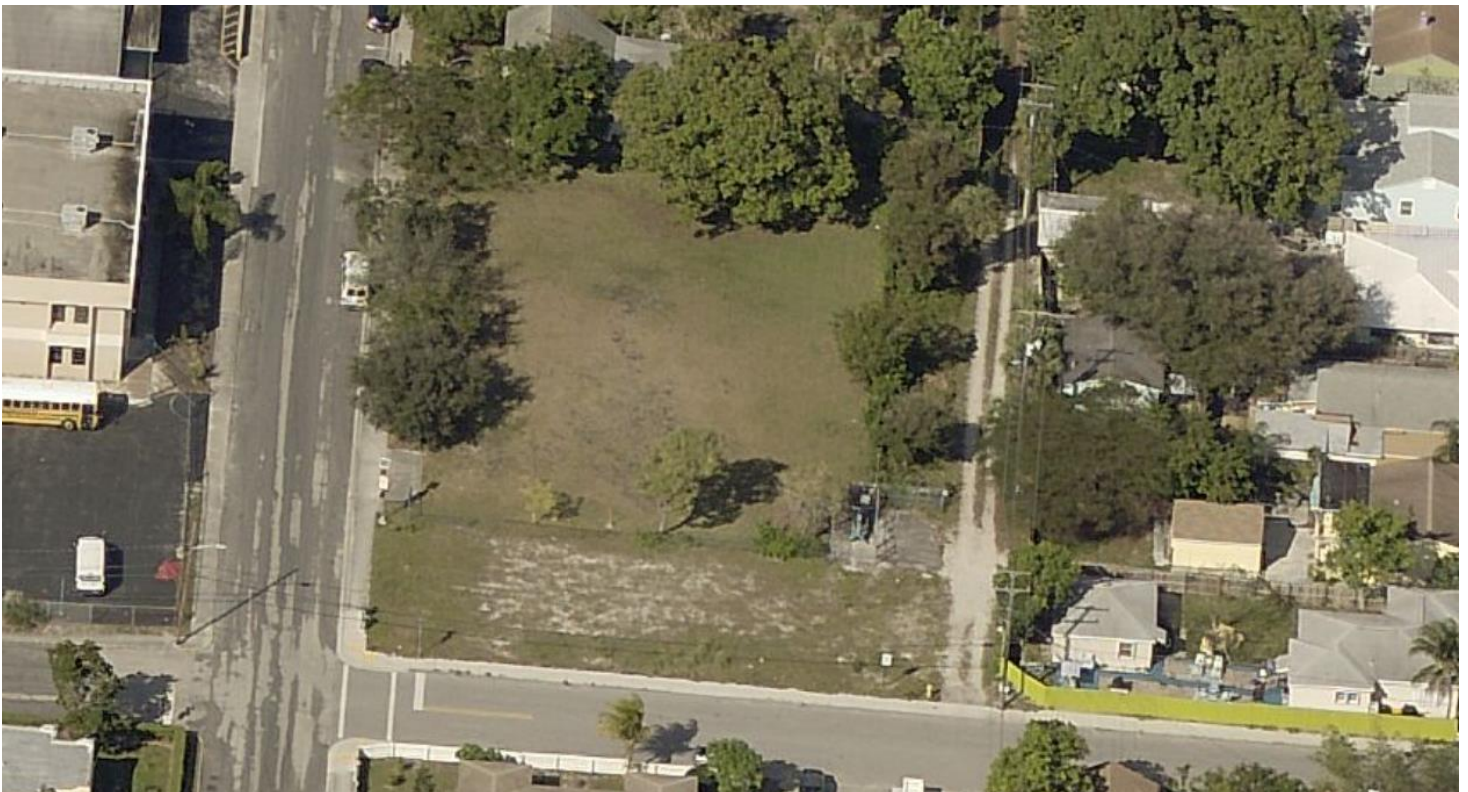


BACKGROUND:

The subject site is a 27,000 (200' x 135') square foot lot that is made up of four 50-foot wide platted lots. The property is located at 32 South B Street which is located in the northeast corner of 1st Avenue South and South B Street. Based on City records, it appears that at one time, all four lots had their own parcel numbers and separate addresses. Below is a timeline summary of the property, categorized by lot, based on Palm Beach Property Appraiser's records and City records:

- Lot 1, Block 3
 - Used to be referred to as 32 South B Street.
 - 1950 – a 1,825 square foot duplex and 946 square foot detached garage was constructed on the site.
 - 2001 – the 946 square foot detached garage was demolished.
 - September 2, 2014 – the 1,825 square foot duplex was demolished.
 - May 10, 2021 – a search of the City's database shows that there are no active business licenses linked to this property
 - May 10, 2021 – a search of the City's database shows that there are no active code cases linked to this property
- Lot 2, Block 3
 - Used to be referred to as 26 South B Street and 28 South B Street.
 - 1954 – a 1,055 square foot duplex was constructed on the site.
 - January 14, 1992 – the 1,055 square foot duplex was demolished.
 - May 10, 2021 – a search of the City's database shows that there are no active business licenses linked to this property
 - May 10, 2021 – a search of the City's database shows that there are no active code cases linked to this property
- Lot 3, Block 3
 - Used to be referred to as 22 South B Street.
 - 1929 – a 1,443 square foot cottage and 202 square foot detached garage was constructed on the property.
 - 1949 – a 600 square foot dwelling was constructed on the property.
 - January 14, 1992 – the 1,443 square foot cottage was demolished. It is unclear as to whether the detached garage was demolished at this time too.
 - June 17, 1998 – a letter from the City was issued to the property owner ordering the demolition of the remaining residence due to numerous building code violations that deemed the building unsafe.
 - August 1998 – The subject structure, which was the only remaining structure on the lot, was demolished.
 - May 10, 2021 – a search of the City's database shows that there are no active business licenses linked to this property
 - May 10, 2021 – a search of the City's database shows that there are no active code cases linked to this property
- Lot 4, Block 3
 - Used to be referred to as 18 South B Street.
 - 1920 – a 1,004 square foot residence and 602 square foot garage apartment was constructed on the property.
 - June 17, 1998 – a letter from the City was issued to the property owner ordering the demolition of the remaining residence due to numerous building code violations that deemed the building unsafe.
 - September 6, 1988 – the two-story garage apartment was demolished. The 1,004 square foot residence remained on the property.
 - 1988 – 2021 – the 1,004 square foot residence was demolished.
 - May 10, 2021 – a search of the City's database shows that there are no active business licenses linked to this property

- May 10, 2021 – a search of the City’s database shows that there are no active code cases linked to this property
- All Lots (Lots 1-4, Block 3)
 - September 18, 2020 – a building permit (permit # 20-2712) was issued for a green vinyl coated chain-link fence around the perimeter of the site for the playground. Staff approved the permit with the condition that within six months of the permit approval, a rezoning application shall be made to the City to rezone the property from SFR to PROS.
 - March 30, 2021 – a building permit (permit 21-624) was issued for a 12’ x 12’ shade structure to go over a picnic/seating area at the site. Staff approved the permit with the condition that a rezoning and FLUM amendment, and Minor Site Plan continue to be pursued by the Public Works Department. A unity of title was required prior to processing these requests.
 - December 15, 2020 – A Unity of Title was recorded combining Lots 1 thru 4, Block 3.
 - April 8, 2021 – the City obtained an updated property survey reflecting the Unity of Title.



ANALYSIS:**Public Support/Opposition**

Staff not received letters of support or opposition for this application.

Consistency with the Comprehensive Plan and Strategic Plan

The subject site currently has a Future Land Use (FLU) designation of MU-E. Per Policy 1.1.1.5, the MU-E future land use area is intended to provide 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 subject proposal is to rezone 32 South B Street to PROS. As the PROS zoning district is not an implementing zoning district of the MU-E future land use designation, this application is being reviewed concurrently with a future land use map amendment requesting to change the future land use of 32 South B Street from MU-E to PROS. Per Policy 1.1.1.11, the PROS future land use area designates locations for parks and other outdoor open space areas intended for active or passive use. The implementing zoning district of the PROS land use designation is PROS. The propose concurrent amendments to the FLUM and the Zoning are required for consistency with the Comprehensive Plan with the existing use of a neighborhood.

The proposal, if approved, would be consistent with Pillar I.E and Pillar II.E of the Strategic Plan which states that the City shall provide superior public amenities and services to retain existing and entice new residences and businesses and deliver sustainable indoor-outdoor leisure opportunities (parks and open space). The Royal Poinciana Neighborhood Association expressed the need for the playground and has been working with the City to establish the existing playground.

Based on the analysis above, the proposed rezone is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and the Strategic Plan.

Consistency with the City's Land Development Regulations

The Department of Community Sustainability is tasked in the Code to review rezone applications for consistency with the findings for granting rezone applications in LDR Section 23.2-26 (analyzed in the next section) 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 or Historic Resources Preservation Board shall consider the rezoning/FLUM amendment application and 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/FLUM amendment request to the City Commission.

Staff Analysis: Playgrounds are not permitted in the SFR zoning district. If successfully rezoned to PROS, 32 South B Street will be consistent the City's LDRs and Comprehensive Plan.

The data and analysis below review the application against the regular findings for approval for all rezone requests:

Section 23.2-36(4), Rezoning of Land Amendments

An amendment to the official zoning map processed with the FLUM amendment shall be reviewed based on the following factors:

a. Consistency. Whether the proposed FLUM 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 Response: If the rezoning and FLUM amendment are approved, the new PROS zoning district would be consistent with the purpose and intent of the PROS future land use designation. Additionally, the existing use of a playground would be consistent with the PROS zoning district and the PROS future land use designation.

The proposed Rezone is consistent with the following Policy and Objectives in the Comprehensive Plan:

Policy 1.1.2.13: Locational Criteria for the Public Recreation and Open Space Designations – the PROS land use designations are intended for sites where such uses already exist.

The subject site, 32 South B Street, has an existing playground on the property that was approved with the condition that an application be submitted to the City to rezone the property to PROS within 6 months of the permit approval date.

Policy 3.3.1.7: Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.

The proposed Rezone to PROS reflects the existing public playground, which increased opportunities for play in the Royal Poinciana Neighborhood.

Goal 7.1: The City of Lake Worth Beach’s open space and recreation system shall provide sustainable indoor-outdoor leisure opportunities, to meet the physical, social, recreational and cultural needs of current and future demands of all population segments with access to a variety of passive and active recreation programs through the use of both public and private resources.

Prior to the construction of the existing playground at 32 South B Street, the Royal Poinciana Neighborhood did not have a public playground in the immediate area. There are properties zoned PROS that operate as sport fields on the corner of 1st Avenue South and South B Street. The addition of a playground to the neighborhood adds more variety to the outdoor recreation options in the area and for the City at large.

b. Land Use Pattern. Whether the proposed FLUM amendment would be contrary to the established land use pattern, or would create an isolated land use classification 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 FLUM amendments that would result in more desirable and sustainable growth for the community.

Staff Response: The proposed rezoning 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. Please refer to the table below outlining the existing zoning and future land use designations of adjacent properties.

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -E	SFR	Vacant
South (across from 1 st Ave S)	SFR	SFR	Multi-family Residences
East (across alleyway)	MU -E	SFR	Multi-family Residences Single-family Residences
West (across	MU -E	SFR	Place of Worship

South B St)			
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While the subject site does not abut PROS zoned property, the surrounding uses are compatible in nature with uses allowed in the PROS zoning district. The PROS district depicts the location of publicly owned recreational and open space amenities within the City. The nearby properties consist of single-family and multi-family residences and a place of worship which are compatible with a neighborhood playground. **Meets Criterion.**

c. Sustainability. Whether the proposed FLUM amendment 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 Response: The proposed rezoning to PROS promotes neighborhood sustainability and is consistent with the City's goal to provide sustainable outdoor leisure opportunities such as parks and open space. A neighborhood playground has recently been constructed on the subject site, which is compatible with the surrounding residential properties and place of worship. **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 Response: This criterion is applicable to requests to rezone to a planned zoning district only; therefore, this criterion does not apply. **Criterion not applicable.**

e. Compatibility. The application shall consider the following compatibility factors:

1) Whether the proposed FLUM amendment 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.

Staff Response: The proposed rezoning is compatible with the existing and future land uses of adjacent and nearby properties and will not negatively affect the property values of the neighborhood. If approved, the existing use of a playground, which has been a long-time request of the Royal Poinciana Neighborhood Association, would be depicted on the City's zoning map as a public recreation facility. The playground currently has security fencing around the perimeter of the property and is not anticipated to cause negative affects on the nearby properties. If at any time the playground is replaced with another use, said use would need to go through staff and/or Board review. Uses allowed in the PROS zoning district are typically associated with indoor or outdoor recreation and open space. **Meets Criterion.**

f. Direct Community Sustainability and Economic Development Benefits. For FLUM amendments 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 Response: This petition does not involve rezoning to a planned zoning district. Thus, this criterion does not apply to this petition. **Criterion not applicable.**

g. Economic Development Impact Determination for Conventional Zoning Districts. For FLUM amendments involving rezoning to a conventional zoning district, the review shall consider whether the proposal would further the City's 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.

Staff Response: The proposed rezoning to the PROS zoning district will result in the addition of a public amenity for the neighborhood. While the PROS zoning district does not offer an increase in density from the SFR zoning district, the playground use is consistent with the City's goal to provide sustainable outdoor leisure opportunities such as parks and open space which benefit quality life within the City. **Meets Criterion.**

h. Commercial and industrial land supply. The review shall consider whether the proposed FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:

- 1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or
- 2) The proposed FLUM amendment provides substantiated evidence of satisfying at least four (4) of the direct economic development benefits listed in subparagraph "f" above; and
- 3) The proposed FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation.

Staff Response: If approved, the proposed rezoning will not result in a reduction of land available for commercial and industrial development. Commercial and industrial uses are not permitted under the existing zoning. Therefore, the change from SFR to PROS zoning would not reduce or change the commercial and industrial development potential at the subject site. **Meets Criterion.**

i. Alternative sites. Whether there are sites available elsewhere in the City in zoning districts which already allow the desired use.

Staff Response: The purpose of the rezoning application is to reflect the existing use on the subject site, a neighborhood playground. As stated, the playground has been a long-time request of the Royal Poinciana Neighborhood Association. The only other PROS zoned property in Royal Poinciana is located on the northwest corner of 6th Avenue South and South A Street. The properties are currently used as recreational fields for baseball, soccer, etc. As the existing PROS zoned properties in the area are fully utilized, there are no available pieces of land in the immediate area that could house the desired use of a playground.

j. 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 Response: Staff has conditioned the Rezone application so that if approved, a Minor Site Plan shall be applied for to review the site conditions in conformance with the LDRs. **Meets Criterion as Conditioned.**

CONCLUSION:

The proposed rezoning is consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of rezoning to the City Commission with the conditions below:

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-01300001 with staff recommended conditions to rezone the property at 32 South B Street from Single Family Residential (SFR) to Public Recreation and Open Space (PROS). The application meets the rezone criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DISAPPROVAL OF PZB PROJECT NUMBER 20-01300001 to rezone the property at 32 South B Street from Single Family Residential (SFR) to Public Recreation and Open Space (PROS). The proposal does not meet the rezone criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board will be making a recommendation to the City Commission on the Rezone request.

ATTACHMENTS:

- A. Location Map
- B. Zoning Map
- C. Application Package