



DATE: September 25, 2019

TO: Members of the Planning & Zoning Board

FROM: Andrew Meyer, Senior Community Planner

THRU: Mark Stivers, AICP, Deputy Director for Community Sustainability

SUBJECT: **PZB Project Number 19-01300001:** Consideration of a request for a **Rezoning** by John Rinaldi, Thomas Greene, and Robert Knight from Low Density Multi-Family Residential (MF-20) to a Downtown (DT) zoning designation for properties located at 109, 121, and 125 North Golfview Road, pursuant to Section 23.2-36 of the Land Development Regulations (LDRs). PCNs: 38-43-44-21-15-034-0140, 38-43-44-21-15-034-0110, and 38-43-44-21-15-034-0100. The PZB'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 this rezoning request.

PZB Meeting Date: October 2, 2019

SYNOPSIS:

Applicant	Mr. John Rinaldi, Mr. Thomas C. Greene, and Mr. Robert D Knight
General Location	North Golfview Road between Lucerne Avenue and 2 nd Avenue North
Existing PCN Numbers	38-43-44-21-15-034-0140, 38-43-44-21-15-034-0110, and 38-43-44-21-15-034-0100
Existing Land Use	Residential and Bed & Breakfast
Current Zoning	Multi-Family Residential (MF-20)
Future Land Use Designation	Downtown Mixed-Use (DMU)

HISTORY

Per the City's records and per Palm Beach Property Appraiser's records, the buildings among the three sites were originally constructed between the years 1925 and 1956.

Upon reviewing city records regarding the zoning history of the area of interest, the property was zoned Medium-Density Multifamily (MF-30) as early as September 20, 1990. Between this time and February 2, 2012, the city's zoning map was reworked, and as a result, the area of interest was rezoned from MF-30 to its current zoning designation of Low-Density Multi-Family Residential (MF-20).

As early as February 2005, the three parcels had a future land use designation of High-Density Residential. This remained until about September 2008, where the future land use for 109 North Golfview Road changed from High Density Residential to Downtown Mixed-Use, however the other two properties remained High-Density Residential. These designations

remained until August 7, 2012, where the two properties still with a future land use designation of High-Density Residential were changed to also have a future land use of Downtown Mixed-Use, matching the future land use of 109 North Golfview Road, and reflecting the current future land use designation of these three properties today.

BACKGROUND/ PROPOSAL:

Mr. John Rinaldi, Mr. Thomas C. Greene, and Mr. Robert D Knight (“Petitioners”) jointly propose to rezone the parcels addressed 109, 121, and 125 North Golfview Road from their current zoning district of MF-20 to DT zoning. The parcels located at 109 and 125 North Golfview Road are each 50’x135’, equaling +/-6,750 square feet each, and the parcel located at 121 North Golfview Road is 150’x135’, equaling +/-20,260 square feet.

The request to rezone the properties at 109, 121, and 125 North Golfview Road to the DT zoning designation, with no specific development being proposed at this time. The property located to the south of the three properties, addressed as 105 North Golfview Road, is currently zoned Downtown (DT).

ANALYSIS:

The City’s Comprehensive Plan is a document designed to guide the future actions of a community. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. The Land Development Regulations (LDRs) or Zoning Regulations, implement the comprehensive plan by regulating the types of uses allowed for individual properties. Zoning regulations typically specify the areas in which residential, industrial, recreational, office, retail or commercial activities may take place.

Downtown Mixed Use (DMU) Future Land Use, Downtown (DT) Zoning Designation & Low Density Multi-Family (MF20) Zoning Designation

Currently, the Comprehensive Plan Future Land Use Map designates the subject properties with a Downtown Mixed Use (DMU) future land use designation. The Downtown Mixed Use category is intended to provide for a mixture of residential, office, service, commercial, and retail uses within the specific areas east of I-95. The implementing zoning districts for the DMU future land use are Downtown (DT) (40 dwelling units per acre maximum density allowed), Mixed Use East (MU-E) (30 dwelling units per acre maximum density allowed), Low Density Multi-Family Residential (MF-20), and Medium Density Residential (MF-30). The DMU land use category includes those properties which are bounded on the west by “A” Street and on the east by Golfview Road and on the north by 2nd Avenue North and, on the south by 1st Avenue South. The properties located at 109, 121, and 125 North Golfview Road lie within the DMU land use category.

Below is a tabular description of the land use designation, zoning district and current use of properties surrounding the subject properties:

Direction	Future Land Use	Zoning District	Current Use
North	Downtown Mixed Use (DMU)	Low Density Multi-Family (MF-20)	Multi-Family
South	Downtown Mixed Use (DMU)	Downtown (DT)	Multi-Family
East	PROS (Public Recreation and Open Space)	PROS (Public Recreation and Open Space)	Golf Course
West	Downtown Mixed Use (DMU)	Downtown (DT) / Low Density Multi-Family (MF-20)	Multi-Family

According to the City’s LDRs, the "DT, downtown zoning district" is designed for the commercial core of the City of Lake Worth. The DT district is intended to provide for the establishment and expansion of a broad range of office, retail, service, commercial and high density residential uses. The establishment of certain uses is subject to a conditional use permit review to ensure they will not have a negative impact on nearby residential or commercial properties.

The site of the proposed rezoning (109, 121, and 125 North Golfview Road) is currently existing multifamily and bed and breakfast uses located just north of and contiguous to the existing DT zoning district, and within the Downtown Mixed Use (DMU) future land use.

Section 23.2-36: Rezoning of Land Amendments:

An amendment to the official zoning map processed without the FLUM amendment shall be reviewed based on the following factors:

1. 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 Response: The proposed Rezoning shall be consistent and compatible with the intent of the DMU land use designation in that the implementing zoning districts are the DT (maximum density of 40 dwelling units per acre), MU-E, MF-30 and MF-20 districts. The DT zoning district encourages a mixture of use such as commercial, residential, office, retail and service oriented activities. As stated in Section 23.3-14 of the LDRs, the DT district implements in part the downtown mixed use land use category of the City’s Comprehensive Plan.

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

Policy 1.1.2.9: Locational Criteria for the Downtown Mixed Use Designation - The Downtown Mixed Use land use designation is intended for mapping of areas considered to be the traditional downtown core. The area is primarily bounded on the north by 2nd Avenue North, the east by Golfview Road, the south by 1st Avenue South, and the west by H Street.

The subject sites located at 109, 121, and 125 North Golfview Road are within the Downtown Mixed Use designation.

FLUE Objective 1.2.1: To promote the location of high quality retail, office and mixed use projects in the Downtown Mixed Use (DMU) and Mixed Use East (MU-E) designations as the prime retail and commercial areas of the City.

The DT Zoning District can allow for a selection of different high-quality retail, office, and mixed-use projects to promote and expand the prime retail and commercial area of the city.

FLUE Objective 1.6.4: To support redevelopment plans which recognize and respect the historic urban character of Downtown Lake Worth Beach and other historic districts and structures in the City and the surrounding neighborhoods.

Approval of the proposed rezoning is consistent with objective 1.6.4 as the property is not located within a historic district area and the uses permitted within the DT Zoning district is compatible with adjacent uses of multifamily residential and matches the character of Downtown Lake Worth Beach. It is noted that any future proposed development will be subject to the applicable review process(es).

FLUE Objective 1.6.7: To encourage infill development, redevelopment and renewal of blighted areas and to promote the rehabilitation and restoration of older structures.

Approval of the proposed Rezoning is consistent with objective 1.6.7, as it will promote infill development by providing the potential for uses to be incorporated into the existing uses within the subject properties.

2. 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 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 tabular data table above. It is clear from the table that, the future land use, zoning and existing development on the surrounding properties and the overall development pattern in the immediate area, that the proposed Rezoning shall be compatible with the existing land use pattern and will not create an isolated zoning district or confer a special privilege to the Petitioners. This rezoning provides the petitioners flexibility to provide additional uses within Downtown Lake Worth Beach.

3. 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 Response: The proposed Rezoning supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives. In particular, approval of the rezoning application 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 commercial activity in the area. A mix of compatible land uses is a smart growth principle that is a “critical component to achieving better places to live” according to the Smart Growth Network. As described above, the uses immediately surrounding the Property are primarily multi-family residential. Approval of the proposed Rezoning will allow for land uses that are complementary to the existing residential uses immediately surrounding the Property.

4. 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 criteria is applicable to requests to rezone to a planned zoning district only. As this Rezoning Application seeks approval to rezone the Property to the conventional DT zoning district, this criteria does not apply. That being said, all future requests for development by the Petitioners will be reviewed to ensure the provision of adequate public services and infrastructure necessary to support the subject properties.

5. 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 Response: The proposed Rezoning shall be compatible with the current and future use of adjacent and nearby properties and will not negatively affect the property values of adjacent and nearby properties. If approved, the allowed permitted uses in the DT Zoning district are types of uses which have the potential to be complementary to the bed and breakfast and multi-family uses, and can have the potential of increasing property values. Any uses of greater intensity would need a subsequent staff or board approval before its establishment.

6. 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 Response: This petition does not involve rezoning to a planned zoning district. Thus, this criteria does not apply to this petition.

7. 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 Response: The proposed rezoning to the conventional DT zoning district will further the economic development potential of the city. Approval of the Rezoning will encourage potential renovations and reuse of the existing building located at 109, 121, and 125 North Golfview Road, thus maintaining and expanding the allowed intensity of development on the Property and the potential for a use with high probable economic development benefits.

8. 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: The rezoning request does not require review pursuant to the site development standards of Section 23.2-32 at this time, because the petitioner is only requesting a rezoning, and has not yet brought forward a development project. 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.

CONSEQUENT ACTION:

Recommend approval of the rezone application; recommend approval with conditions; continue the hearing to a date certain to request additional information; or recommend denial of the rezone application. 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 this rezoning request.

STAFF RECOMMENDATION:

Based on the analysis of the review criteria and the responses provided above, Staff has determined that the application is in compliance with review criteria for rezoning as outlined in LDR Section 23.2-36, and therefore recommends that the Planning and Zoning Board recommend approval to the City Commission for the Petitioner's request to rezone the property at 109, 121, and 125 North Golfview Road from Low Density Multi-Family Residential (MF-20) to a Downtown (DT) zoning district.

POTENTIAL MOTIONS:

I MOVE THAT THE BOARD FORWARD TO THE CITY COMMISSION A RECOMMENDATION TO **APPROVE** PZB Case No. 19-01300001: A request for a rezoning from a Low Density Multi-Family Residential (MF-20) Zoning Designation to a Downtown (DT) Zoning Designation for properties located at **109 North Golfview Road, 121 North Golfview Road, and 125 North Golfview Road**, based upon the competent substantial evidence that the application is in compliance with the City of Lake Worth Land Development Regulations Section 23.2-36 and the City's Comprehensive Plan.

I MOVE THAT THE BOARD FORWARD TO THE CITY COMMISSION A RECOMMENDATION TO **DENY** PZB Case No. 19-01300001: A request for a rezoning from a Low Density Multi-Family Residential (MF-20) Zoning Designation to a Downtown (DT) Zoning Designation for property located at **109 North Golfview Road, 121 North Golfview Road, and 125 North Golfview Road**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Land Development Regulations Section 23.2-36 and the City's Comprehensive Plan.

ATTACHMENTS:

- A. Location Map
- B. Zoning Map
- C. Ordinance 2019-XX
- D. Application Submittal