



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 01, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [February 1, 2023 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1914 North Dixie Highway](#)
[1718 South Douglas Street](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 23-00500001](#):** [A Conditional Use Permit \(CUP\) request for Scooter Ave at 1914 North Dixie Highway for the establishment of a scooter sales facility designated as a motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only equipment rental and leasing use \(Medium Intensity Vehicular Uses—Use area less than 7,500 sq. ft.\) by LDR Section 23.3-6. The subject site is zoned Mixed Use-Dixie Highway \(MU-DH\) and has a future land use designation of Mixed Use - East \(MU-E\).](#)
- B. [PZB/HRPB 23-00300001 & 23-01300001](#):** [City-initiated small-scale Future Land Use Map \(FLUM\) amendment \(Ordinance 2023-03\) and Zoning Map amendment \(Ordinance 2023-04\) on behalf of For The Children Inc \(Lessee\) requesting for the property located at 1718 South Douglas Street:](#)
[A corrective FLUM amendment from the Public Recreation and Open Space \(PROS\) FLU to the Public \(P\) FLU; and,](#)

[A corrective rezoning from the Public Recreation and Open Space \(PROS\) zoning district to the Public \(P\) zoning district.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, FEBRUARY 01, 2023 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Mark Humm; Edmond LeBlanc; Alexander Cull. Absent: Evelin Urcuyo; Daniel Walesky; Zade Shamsi-Basha. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: M. Humm moves to accept the agenda as presented; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. January 18, 2023 Planning & Zoning Board Meeting Minutes

Motion: M. Humm moves to accept the January 18, 2023 meeting minutes as presented; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administers oath to those wishing to give testimony.

PROOF OF PUBLICATION

1) Ordinance 2023-02

WITHDRAWALS / POSTPONEMENTS: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 22-01500008: Consideration of a variance by Yolanda Silva at 731 South M Street to allow the installation of a shed between the principal structure and the public street. The

subject site is zoned Single Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Item was continued from the January 18, 2023 meeting.

Staff: A. Fogel presents case findings and analysis. The parcel once had two residences and a garage that was later converted to a third dwelling unit. A fire in 1997 resulted in one residence being deemed unsafe and later demolished. As it is a corner lot and the remaining two non-conforming structures are set to the rear of the property, with the proposed placement of the shed in front of the principal structure. This is the cause of the variance application.

Applicant: Yolanda Silva- States the proposed shed would be to secure outdoor items such as yard equipment. In the past there has been theft of the equipment.

Board: Inquires of the applicant if the shed would be utilized as a rental. **Response:** No, the daughter lives in the second dwelling unit on the property. Inquires if there is intent to add plumbing and electricity? **Response:** No but would like to add a ceiling fan.

Motion: A. Cull moves to approve PZB 22-01500008 with staff recommended Conditions of Approval as it meets the variance criteria based on the data and analysis in the staff report; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

B. **Ordinance 2023-02:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-39 “Affordable/Workforce Housing Program” to provide clarification on the combination of incentives, qualifications for affordability, participation in other entity programs, and providing additional affordability buy downs provisions.

City Attorney reads the proposed Ordinance by Title.

Staff: At the direction of the City Commission, the recently approved Affordable/Workforce Housing Program, will include additional buy down options as well as provide additional clarity.

Motion: A. Cull moves to recommend, to the City Commission, adoption of proposed LDR text amendments within **Ordinance 2023-02**; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. Quarterly presentation by PZB member to City Commission on board activities - Discussion of content of 5 minute update to City Commission and selection of member to present update.

Board: A. Cull volunteers. The data to be provided will be from October through December of 2022

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT: 6:33 PM

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, March 1, 2023 at 6:00 pm or as soon thereafter to consider a request submitted by the City of Lake Worth Beach and the For The Children Inc for a **Future Land Use Map (FLUM) amendment (PZB 23-0030001) and a Zoning Map amendment (PZB 23-0130001)** for the properties located at 1718 South Douglas Street, which have Property Control Numbers (PCN) of 38-43-44-34-00-000-3020 and 38-43-44-34-03-000-0310. The request is to change the existing FLUM designation of Public Recreation and Open Space (PROS) to Public (P), and to rezone the subject properties from Public Recreation and Open Space (PROS) to Public (P). The City Commission meeting is tentatively scheduled for Tuesday, March 21, 2023 at 6:00 pm or soon thereafter at 7 North Dixie Lake Worth Beach.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>.

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing.** For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Legal Notice No. 41682

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, March 1, 2023 at 6:00 pm or as soon thereafter to consider the following application.

PZB Project Number 23-00500001: A Conditional Use Permit (CUP) request for Scooter Ave at 1914 North Dixie Highway for the establishment of a scooter sales facility designated as a motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only equipment rental and leasing use (Medium Intensity Vehicular Uses—Use area less than 7,500 sq. ft.) by LDR Section 23.3-6. The subject site is zoned Mixed Use-Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>.

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Publish: The Lake Worth Herald
February 16, 2023



Location Map

Publish: The Lake Worth Herald
February 16, 2023

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500001: A Conditional Use Permit (CUP) request for Scooter Ave at 1914 North Dixie Highway for the establishment of a scooter sales facility designated as a motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only (Medium Intensity Vehicular Uses—Use area less than 7,500 sq. ft.) by LDR Section 23.3-6. The subject site is zoned Mixed Use-Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

Meeting Date: March 1, 2023

Property Owner: MG RAMIREZ DYNASTY LLC

Applicant: Marcio Andreoli, Scooter Ave

Address: 1914 North Dixie Highway

PCNs: 38-43-44-15-07-000-8230

Size: .1136-acre lot /±2,700 square feet of existing structure

General Location: On the southeast corner of North Dixie Highway and Vanderbilt Drive

Existing Land Use: Store/Office/Residential

Current Future Land Use Designation:
Mixed Use - East (MU-E).

Zoning District: Mixed Use-Dixie Highway (MU-DH)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5 of this report.

PROJECT DESCRIPTION

The applicant, Marcio Andreoli with Scooter Ave is requesting a **Conditional Use Permit (CUP)** to establish a scooter sales use ($\pm 2,700$ square feet of use area) in the Mixed Use-Dixie Highway (MU-DH) zoning district located at 1914 North Dixie Highway. The subject site is located on the southeast corner of North Dixie Highway and Vanderbilt Drive. The building is currently configured as a retail space on the ground floor and an apartment on the second floor.

The applicant is proposing to utilize $\pm 2,700$ square feet of the existing structure for the purpose of opening a scooter sales facility. The use will support a showroom with 98% brand new scooters, parts, and accessories. All uses related to the business will take place indoors. The facility will operate Monday through Friday from 9:00 A.M. to 6 P.M. and Saturday from 10:00 A.M. to 4 P.M., with a maximum number of two (2) employees. The applicant has informed staff that deliveries of the product is generally once a week. A pickup truck delivers no more than three (3) scooters at a time.

A medium intensity motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only use is allowed in the MU-DH zoning district subject to a Conditional Use Permit approval.

COMMUNITY OUTREACH

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

BACKGROUND

Construction: According to the Palm Beach County Property Appraiser's Office, the $\pm 4,612$ square foot structure was built circa 1952.

Use: The zoning district allows mixed uses that may include retail, office, and residential. The property's existing use includes a residential business license only since 2018. Scooter Ave, will be operating a scooter sales use at the site and does not have an active business license.

Code Compliance: There are no open code violations on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the Mixed Use – East 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 are MU-DH, MU-FH, and MU-E. The proposed scooter sales use is allowed in the MU-DH zoning district as a Conditional Use. The proposal is associated with an existing $\pm 4,612$ square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-E FLU as it maintains a commercial space in a mixed-use building.

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 and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a scooter sales facility that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

The Mixed Use – Dixie Highway (MU-DH) zoning district *is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.*

Analysis: The proposed scooter sales use requested is consistent with the intent of the MU-DH zoning district as conditioned to ensure there is no negative impact on the nearby residential uses.

The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachment A.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, landscaping shall be provided" consistent with this section.*

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. The building is constructed without setbacks which prevents the installation of landscape strips as required by the current landscape regulations. The rear of the property accommodates a refuse area, mechanical equipment, and off-street parking which does not comply with screening requirements. Staff has added conditions of approval to create a screened refuse area and improve the existing screening of the mechanical equipment at the rear of the property. These improvements will bring the property closer to compliance, in so far as possible.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs [Section 23.2-29(i)], for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29(a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29(b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation of approval by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29(c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property was built around 1952. The building and site presently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Section 23.4-10.f)2.A., Exceptions (Off-Street Parking). *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The entire site area has a total of 2 off-street parking spaces. In addition, there are 2 on-street parking spaces along the Vanderbilt Drive frontage. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional spaces and meets the parking requirement.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met. A summary of the findings are provided below with a review of the individual finding in the tables in Attachment A:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. A scooter sales use is an anticipated use in the Mixed Use – Dixie Highway zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major thoroughfare. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject property.

CONCLUSION AND CONDITIONS

The Mixed Use – Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use (as conditioned) will be compatible with the neighboring uses. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

Planning, Zoning, and Landscape:

1. This approval only applies to $\pm 2,700$ square feet within the existing building at the subject property.
2. Within six (6) months of the issuance of the Development Order, the existing mechanical equipment screening shall be replenished or replaced with plant materials as approved by the City's Horticulturalist.
3. The existing black solid waste carts are required to be screened from public view on non-collection days. The carts shall be screened in a manner consistent with the previous site plan approval, or a minor site plan modification concurrent with a building permit shall be required for the revised refuse area screening. If applicable, the applicable permit and concurrent minor site plan modification applications shall be submitted prior to the issuance of a business license. The improvements shall be completed within six (6) months of the issuance of the Development Order.
4. To discourage the test driving of scooters, the curb cut on Vanderbilt drive shall be replaced with a new curb and the existing landscape strip shall be extended with appropriate plant materials as determined by the City's Horticulturalist. These improvements shall be reflected in a minor site plan modification and concurrent right-of-way permit prior to issuance of a certificate of occupancy. The right-of-way permit and concurrent minor site plan modification applications shall be submitted prior to the issuance of a business license. The improvements shall be completed within twelve (12) months of the issuance of the Development Order.
5. **The use shall be completely indoors. Outdoor parking, storage, charging, or maintenance of the scooters is prohibited. Test driving of the scooters is not permitted.**
6. All signage shall be submitted separately through a building permit subject to the City's Land Development Regulations.
7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
9. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

Public Works:

1. Within six (6) months of the issuance of the Development Order, the existing driveway apron located on the north side of the property within the City ROW shall be removed and replaced with new F curb and bahia sod in compliance with the Public Works Department's specifications.

I move to **approve** PZB Project Number 23-00500001 with staff recommended conditions for a Conditional Use Permit request to establish a scooter sales use in the Mixed Use – Dixie Highway zoning district located at 1914 North Dixie Highway based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 23-00500001 for a Conditional Use Permit request to establish a scooter sales use in the Mixed Use – Dixie Highway zoning district located at 1914 North Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (Project Narrative, Survey, Floor Plan and Supporting Documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	In compliance

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance

PLANNING AND ZONING BOARD REPORT

PZB 23-00300001 & 23-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment (Ordinance 2023-03) and Zoning Map amendment (Ordinance 2023-04) on behalf of For The Children Inc (Lessee) requesting for the property located at 1718 South Douglas Street:

- A corrective FLUM amendment from the Public Recreation and Open Space (PROS) FLU to the Public (P) FLU; and,
- A corrective rezoning from the Public Recreation and Open Space (PROS) zoning district to the Public (P) zoning district.

Transmittal Date: February 22, 2023

Meeting Date: March 1, 2023

Property Owner: City of Lake Worth Beach

Address: 1718 South Douglas Street

PCN: 38-43-44-34-00-000-3020 (4.62 acres) & 38-43-44-34-03-000-0310 (0.03 acres)

Size: 4.65 acres

General Location: East side of South Douglas Street, west of the FEC Railway, south of Latona Avenue, and north of Hillbrath Drive.

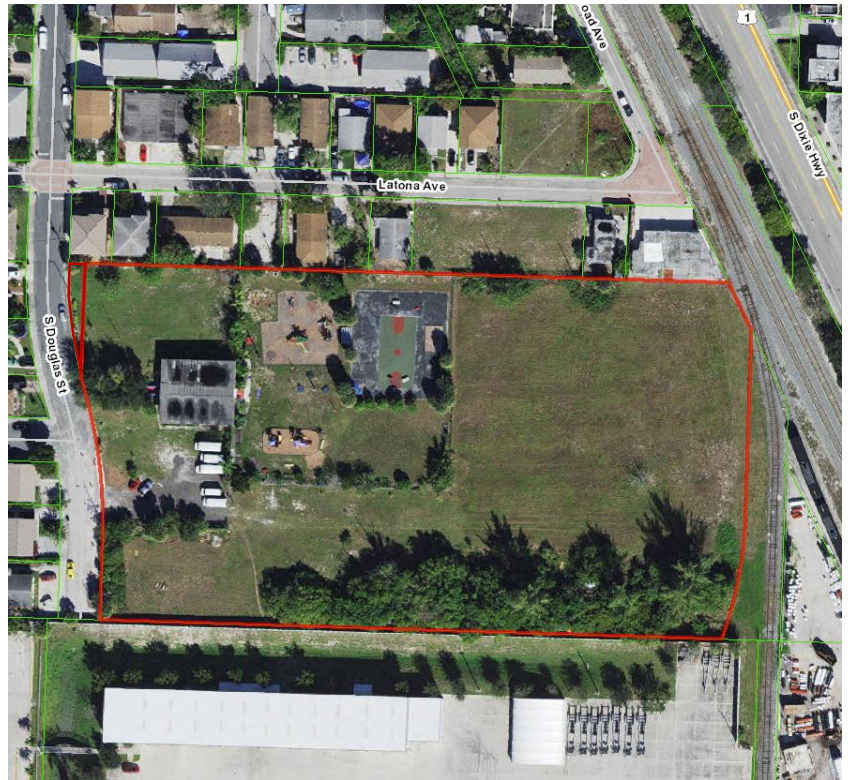
Existing Land Use: Charitable organization offering child care, educational support and community center uses (4.62 acres); and vacant (0.03 acres)

Current Future Land Use Designation: Public Recreation and Open Space (PROS)

Proposed Future Land Use Designation: Public (P)

Current Zoning District: Public Recreation and Open Space (PROS)

Proposed Zoning District: Public (P)



RECOMMENDATION

The data and analysis in support of the proposed FLUM amendment was prepared in accordance with F.S. 163.3177. The proposed FLUM amendment is consistent with the purpose, intent, and requirements of the Comprehensive Plan, including the level of service requirements and the Strategic Plan. Therefore, staff recommends that the Planning and Zoning Board recommend to the City Commission to adopt the proposed small scale FLUM amendment (**PZB/HRPB 23-00300001**).

The proposed rezoning 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 recommend to the City Commission to approve the proposed rezoning request (**PZB/HRPB 23-01300001**).

PROJECT DESCRIPTION

The proposed City-initiated FLUM amendment is a corrective amendment that would amend the FLU designation for approximately 4.65 acres (subject property) from the Public Recreation and Open Space (PROS) FLU to the Public (P) FLU. The proposed concurrent rezoning request would amend the zoning district on the subject property from the Public Recreation and Open Space (PROS) district to the Public (P) district. The proposed map amendments would recognize the historic use of the property as an educational institution and provide for greater flexibility for future expansions. The applicant has a received grant funding to expand its facilities, which includes a historic preservation component, to better serve local families. Furthermore, 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 for each request.

The data and analysis section of this staff report for the FLUM amendment was prepared in accordance with the requirements of F.S. 163.3177 and provides relevant and appropriate data based on the City’s community goals and vision and consistency with level of service requirements. The proposed FLUM amendment is eligible for processing as a small-scale future land use map amendment per F.S.163.3187. If adopted, the proposed amendment would be sent to the Florida Department of Economic Opportunity (DEO) upon adoption and become effective 31 days after adoption if not challenged within 30 days.

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(4): Review Criteria for the Rezoning of Land.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition for these applications.

BACKGROUND

The proposed FLUM and Zoning Map amendments include two parcels owned by the City of Lake Worth Beach with a total 4.65 acres. For The Children Inc is located on the larger parcel (4.62 acres) that contains The Osborne School. For The Children has a secured a grant to expand the facilities to provide additional services to children in the area and to rehabilitate the existing historic structure. In addition to the new facilities, the project will include an interactive educational component about The Osborne School, which is listed on the National Register of Historic Places for its role in the history of public

education in Lake Worth Beach. The Osborne School is the only public school to be built for African-American students in the City. The school served residents of the City's segregated African-American Osborne neighborhood between 1948 and 1971.

In 1917, a five-block, ten-acre neighborhood in Lake Worth Beach located west of the FEC railroad and Dixie Highway was reserved for Black laborers and their families. The original plat entered in the Palm Beach Land Records was labeled "Osborne Colored Addition to Lake Worth." The name Osborne was presumably derived from nearby Lake Osborne. Original residents of the Osborne neighborhood moved to this area from the Bahamas and South Georgia. Family surnames of these original settlers included Glinton, Gibson, Jackson, Knowles, and Grimes. After 1922, several residents moved to the Osborne neighborhood from Lantana, which had passed an ordinance prohibiting "members of the colored races and people of foreign birth" from owning property in the town.

Although the Osborne neighborhood was laid out in 1917, the Palm Beach County Board made no provision for the local education of the residents' school-age children. Until the early 1940s, most African-American students in Lake Worth were bused to segregated schools in Delray Beach, nearly 15 miles to the south. By the 1940s, population growth in Palm Beach County spurred the construction of several schools for African-American students. On August 13, 1945, the Palm Beach County Board of Public Instruction authorized the purchase of land in the Osborne section of Lake Worth scheduled for sale for tax delinquency. The Board declared that the land was to be used for a public elementary school.

On February 25, 1947, the Board of Public Instruction authorized drawing up plans for a new Osborne School. The Board instructed its architect, Edgar S. Wortman, to utilize surplus lumber from the newly decommissioned Camp Murphy. Wortman, who was the unofficial architect for the Palm Beach County School Board, was responsible for many other schools in the county (including Pahokee School, Riviera Beach Junior High School, and part of Palm Beach High School) during the 1930s and 1940s.

Lake Worth Beach was hit by a severe hurricane on September 16, 1947. At a special meeting of the Palm Beach County Board of Instruction, the Board noted that the Osborne School was one of several in the county badly damaged by the hurricane and needed to be replaced by a more permanent building. On October 17, 1947, Wortman submitted a new set of plans for the Osborne School, utilizing concrete block construction instead of wood frame.

The Osborne school quickly became a center of the African-American community's educational and social life and was a source of community pride. Many of its teachers were locally trained and educated. The school closed in 1971, but reopened as a Head Start and community education facility in 1980. In 1985, the property was purchased by the City of Lake Worth Beach, and then leased to local community groups, who operated the school as an after-school training and educational facility. For The Children Inc began operating an after school program in 2000.

Source: Osborne School – National Register of Historic Places Registration Form

FUTURE LAND USE MAP (FLUM) AMENDMENT ANALYSIS

The proposed Public (P) FLU for the subject properties is compatible with the High Density Residential and Artisanal Mixed Use FLU designations of surrounding properties. The following outlines the FLU designations for the adjacent areas:

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use	Existing Use(s)
Public Recreation and Open Space	North	High Density Residential	Single Family, Two-Family, Multi-Family, and Vacant
	South	Outside of City Limits	N/A
	East	Artisanal Mixed Use	Vacant and Utilities
	West	High Density Residential	Single Family, Two-Family, and Multi-Family

The Public (P) zoning district implements the Public (P) future land use category of the Lake Worth Beach Comprehensive Plan. The Public zoning district is specifically used for public school, institutional, community and public uses; and, provides land development regulations for publicly owned lands. As the district allows for a diversity of uses, the expansion of existing uses and the approval of new uses requires board approval at a public hearing to ensure community notice and comment on the use of public lands. The subject amendments to the FLUM and rezoning would allow for the site to be expanded as an after school educational facility and community center use with additional classrooms, assembly space, parking, and sports recreation for the students and staff. The current and historic use of the site is not permitted in the PROS zoning district. Expansion of these educational and community uses would help the City of Lake Worth Beach achieve educational, cultural, and historic preservation goals enumerated in its Strategic Plan and as consistent with the Comprehensive Plan.

Consistency with the Comprehensive Plan

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The proposed amendment is amending the subject site from one public land use category to another. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

Objective 1.1.2: Future Land Use Map and Criteria for Delineating Land Use Designation Boundaries
 The City of Lake Worth Future Land Use Element contains a system of land use designations. The Future Land Use Map allocates those land uses spatially to outline the desired future development pattern for the City of Lake Worth

Policy 1.1.2.13: Locational Criteria for the Public and Public Recreation and Open Designations
The Public and Public Recreation and Open Space land use designations are mapped on sites where such uses already exist. The mapping of these uses on these sites indicates that no alternative use of these sites should be established without a properly considered and enacted Future Land Use Map amendment. Public school sites have been delineated in areas proximate to residential land. Lands contiguous to school sites which are owned by the School Board, and proposed for school expansion are intended to be included in this category. The City retains the right to impose reasonable site planning standards when existing schools are proposed for expansion or new school sites are developed. Schools are allowed in all zoning districts except Industrial.

Goal 1.2: To strive to foster the City of Lake Worth as a livable community where live, work, play and learn become part of the daily life of residents and visitors.

GOAL 1.3: To preserve and enhance the City's character as a quality residential community and business center within Palm Beach County's urban area

GOAL 1.4: Encourage preservation and rehabilitation of natural, historic and archaeological resources and where appropriate restrict development that would damage or destroy these resources.

Objective 1.4.2: To provide for the protection, preservation or sensitive reuse of historic resources. Policy 1.4.2.1: The City shall refine and maintain regulations to provide for protection, preservation or sensitive reuse of designated historic neighborhoods and historic sites listed on the National Register, Local Designation and/or Florida Site File.

2. EDUCATION ELEMENT

Goal 10.1: Advocate for the educational needs of the citizens of Lake Worth by fostering and further developing relationships between the City, Non-Profit partners, Colleges and Universities, Government Entities and the School District of Palm Beach County (the District).

OBJECTIVE 10.1.4: The City shall work to promote an approach to education that is coordinated with ancillary facilities such as: parks, libraries, recreational facilities, and Non-profit agencies.

Policy 10.1.4.2: The City shall encourage the location and development of facilities such as university campuses, testing centers, private educational facilities, satellite educational programs, magnet facilities, teaching universities, and technical centers that will enhance the educational opportunities in Lake Worth for children and adults alike. These public and private facilities shall be located in areas that meet the location criteria and site development conditions adopted in the Land Development Regulations.

3. HOUSING AND NEIGHBORHOODS ELEMENT

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- 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.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.

4. ECONOMIC DEVELOPMENT ELEMENT

Policy 11.1.7.1: The City shall encourage education and training institutions to provide education and research programs that meet the needs of targeted cluster industries, and encourage supplemental education to support existing businesses and programs to stimulate new business development.

Consistency with the Strategic Plan

The proposed amendments further the City’s Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of positioning Lake Worth Beach to be a competitive viable location of choice, strengthening Lake Worth Beach as a “Community of Neighborhoods,” and navigating towards a sustainable community.

Specifically, the proposed amendments are consistent with the following Strategic Plan Pillars:

Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

Pillar II: Strengthening Lake Worth Beach as a ‘Community of Neighborhoods’

D: Preserve the character and protect historic resources.

F: Deliver sustainable indoor-outdoor leisure opportunities (Parks and Open Spaces).

Pillar IV: Navigating Towards a Sustainable Community

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long-range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional demands.

According to the City’s Comprehensive Plan, there is no change in the potential development. The existing Public Recreation and Open Space (PROS) FLU maximum development potential is 0 du/acre and the proposed Public FLU is also 0 du/acre. Public FLU generates the same demands as Public Recreation and Open Space FLU. Community facilities and services are available in the area to sustain the future demands and long-range Level of Service (LOS) can be met with current and planned system capacities. The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility:	Existing FLU Designations: (at 0 du/acre for Public Recreation and Open Space)	Proposed FLU Designations: (at 0 du/acre for Public)
Drainage	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements may be required to provide drainage collection and conveyance systems to positive outfall.

Potable Water	105 gpcpd (gallons per capita per day).	The City facilities have available capacity to accommodate both FLU designations.
Sanitary Sewer	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.	The City facilities have available capacity to accommodate both FLU designations.
Solid Waste	Collection and disposal of 6.5 pounds of solid waste per capita per day.	The Solid Waste Authority has available capacity to accommodate the demand of both FLU designations.
Parks	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons. Public Use No increase in demand.	Public Use No increase in demand / No density Expansion of the existing facilities are planned to be added in the future on this property, which would include some recreational facilities.
Schools	Public Use No Increase in School Capacity Required.	Public Use No Increase in School Capacity Required/ No density
Traffic	Site historically utilized as school, recreational, and community center uses.	This item is a corrective amendment. The expansion of the site’s facilities in the future would be subject to review by the City Engineer, and PBC County-wide concurrency to ensure any additional uses and structures will meet required levels of service by both the City and Palm Beach County.

ZONING MAP AMENDMENT ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject property currently has a Future Land Use (FLU) designation of Public Recreation and Open Space (PROS). Per **Comprehensive Plan Future Land Use Element Policy 1.1.1.11**, the PROS land use category “designates locations for parks and other outdoor open space areas intended for active use or passive use. Sites designated in the Public Recreation and Open Space category should not be used for other than public recreation purposes or essential services without careful consideration of the most appropriate use and a properly enacted amendment to the land use plan. The implementing zoning district is PROS.” The property’s historic use as an educational site is not consistent with the current PROS zoning district. While the site does offer some recreational opportunities, the primary use has been as school or as educational program for local children. The intention is to change the zoning district of the property from PROS to Public (P) with a concurrent FLUM change from the current PROS future land use to Public (P) future land use (FLU) to better reflect the existing use of the site, and allow for expansion of the use over time. Approval of the FLU map amendment and rezoning request would allow For The Children Inc to improve the site while being consistent with the intent of the requested zoning district and future land use designation.

Additionally, the proposed changes to the property's Zoning District and FLU Designation are consistent with **Future Land Use Element Policy 1.1.2.13 (Locational Criteria for the Public and Public Recreation and Open Designations)** as this site is adjacent to residential uses to the north and west. **Future Land Use Element Goal 1.2 states:** "To strive to foster the City of Lake Worth as a livable community where live, work, play and learn become part of the daily life of residents and visitors." Approval of the rezoning request would be consistent with the educational and community uses and would be in keeping with the intent of **Goal 1.2**.

Furthermore, the **Education Element Policy 10.1.4.2** provides for encouragement of the location and development of educational facilities that will enhance the educational opportunities in Lake Worth Beach.

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 F seeks to "Collaborate with schools to foster rich, diverse and culturally enriching educational opportunities for all". Approval of the rezoning will result in the continued educational use of the site as well as opportunities to expand in concert with the permitted uses under the Public Zoning District. These expansions will allow for more diverse programs that can be implemented on site and in keeping with the City's Strategic Plan. Additionally, the proposal, if approved, would be consistent with **Strategic Plan Pillar I. A and E** ensuring effective economic development and superior public amenities and services, and **Strategic Plan Pillar IV. D and E** influencing the supply and expansion of jobs, and ensuring facilities that anticipate and embrace the future.

Consistency with the City's Land Development Regulations

Rezoning of the subject site will reflect the current educational use of the property and allow for future educational development of the property. Schools are not permitted in the PROS zoning district which is inconsistent with the historic use of the property. The property is adjacent to residential uses on the north and west sides and would be subject to the development regulations for sites adjacent to residentially zoned lands (**Section 23.3-26.c.1-5**).

The LDRs also require all rezoning requests with a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(4). Staff's full analysis of the 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(4): 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 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.

The land development regulations require all rezoning requests with a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(4)**. 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: If the FLUM amendment and the rezoning are approved, the new P zoning district would be consistent with the existing uses on the property, and further the purpose and intent of the P FLU designation. Additionally, the existing educational, recreational and community uses on the site are consistent with both the P FLU designation and P zoning district. **Meets Criterion.**

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.

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 Public zoning district is consistent with the current and future use of the property. Both the current and proposed zoning districts are for publicly owned lands. 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
Public Recreation and Open Space	North	High Density Residential	Single-Family and Two-Family Residential	Single Family, Two-Family, Multi-Family, and Vacant
	South	Outside of City Limits	Outside of City Limits	N/A
	East	Artisanal Mixed Use	Artisanal Industrial	Vacant and Utilities
	West	High Density Residential	Single-Family and Two-Family Residential	Single Family, Two-Family, and Multi-Family

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. Approval of the rezoning request would reflect existing educational land use of the Osborne School. Further, the proposed rezoning would allow the City to benefit from increased efficiency and the proximity of educational services on already-developed land that compliments the existing educational, community and recreational uses and facilities. The uses immediately surrounding the properties are primarily single-family residential, and multi-family residential. The site’s existing uses are considered complementary uses in function and nature to residential uses. Approval of the rezoning will allow for continuation of these complementary uses. **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 the conventional Public 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 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.

Analysis: The proposed Public (P) FLU for the subject property is compatible with the residential and mixed-use FLU designations of surrounding properties and will not affect the property values of the neighborhoods. The existing zoning district of the subject site is not reflective of the current uses on the site. Rezoning of the subject site and the land use change to Public would be consistent with the current use of the site, allow for future modernization/expansion, and restoration of the historic structure. **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.

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 P zoning district will not result in a decrease in development intensity or of a public amenity for the neighborhood. The education use is consistent with the City's goal to encourage education and training institutions to provide education and research programs and support existing businesses and programs to stimulate new business development. **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.

Analysis: If approved, the proposed rezoning will not result in a reduction of land available for commercial and industrial development. Commercial (apart from recreational) and industrial uses are not permitted under the existing zoning. Therefore, the change from PROS to P zoning district would not reduce or change the commercial and industrial development potential of the subject properties. **Meets Criterion.**

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

Analysis: The purpose of the rezoning request is to reflect the long-standing existing uses on the subject properties as a Public use. As such the proposed P rezoning is appropriate for the subject properties. **Meets Criterion.**

j. A 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: The rezoning request does not require or include a concurrent site plan application as it is a corrective amendment. As such, this **criterion is 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 FLUM amendment request is consistent with the purpose, intent, and requirements of the Comprehensive Plan. The proposed rezoning is also 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 both the FLUM amendment and the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The amendments are consistent with the existing uses of the subject property, and would allow for future expansion of these uses, which would provide additional educational, recreational, and cultural resources and opportunities for the City's residents;
- 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;
- The FLUM amendment is supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based on the City's community goals and vision and consistency with level of service requirements; and
- The Zoning Map amendment is consistent with the proposed FLUM amendment.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00300001 & 23-01300001 of the proposed amendments to the Future Land Use Map and the Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

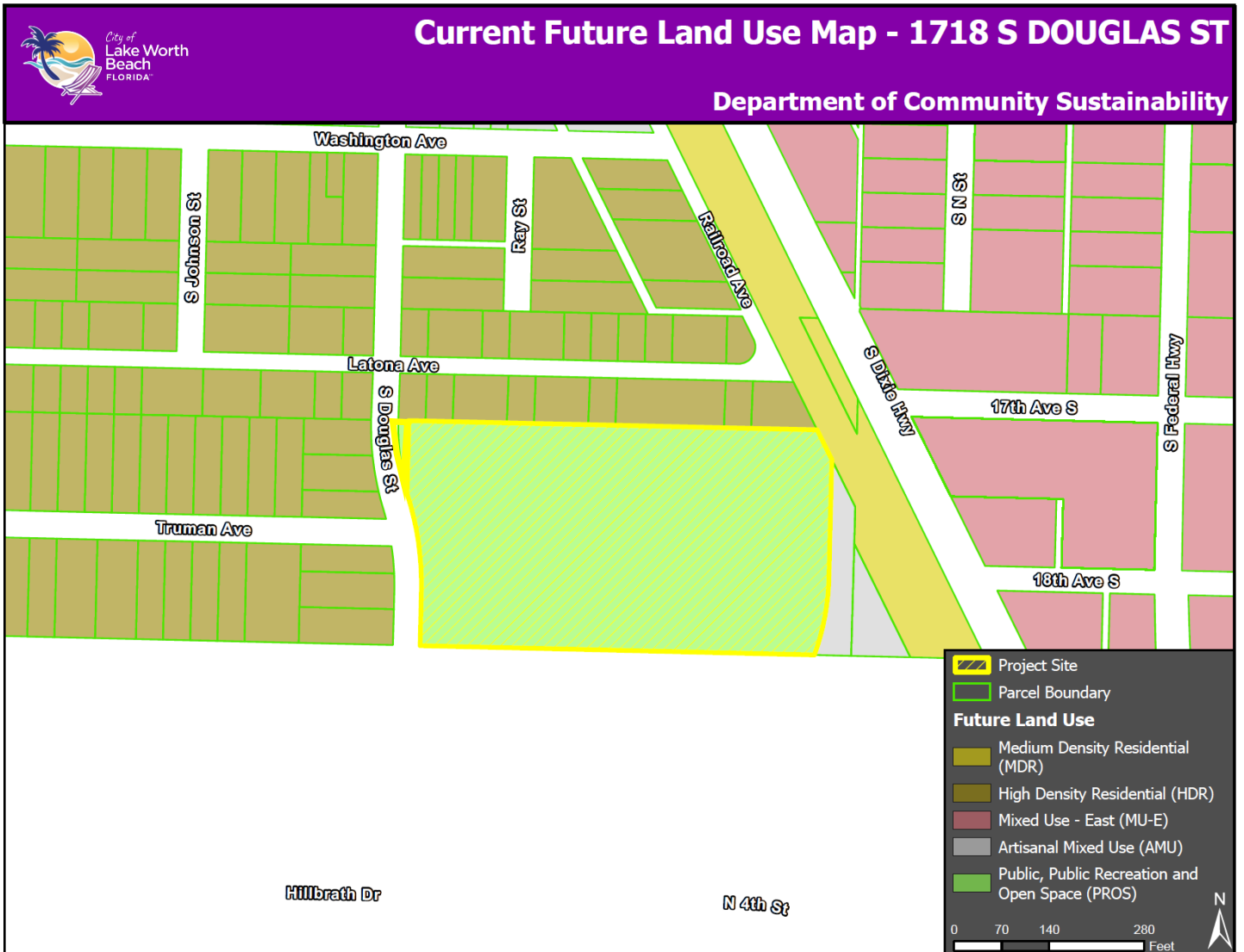
I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00300001 & 23-01300001 of the proposed amendments to the Future Land Use Map and Zoning Map as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

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

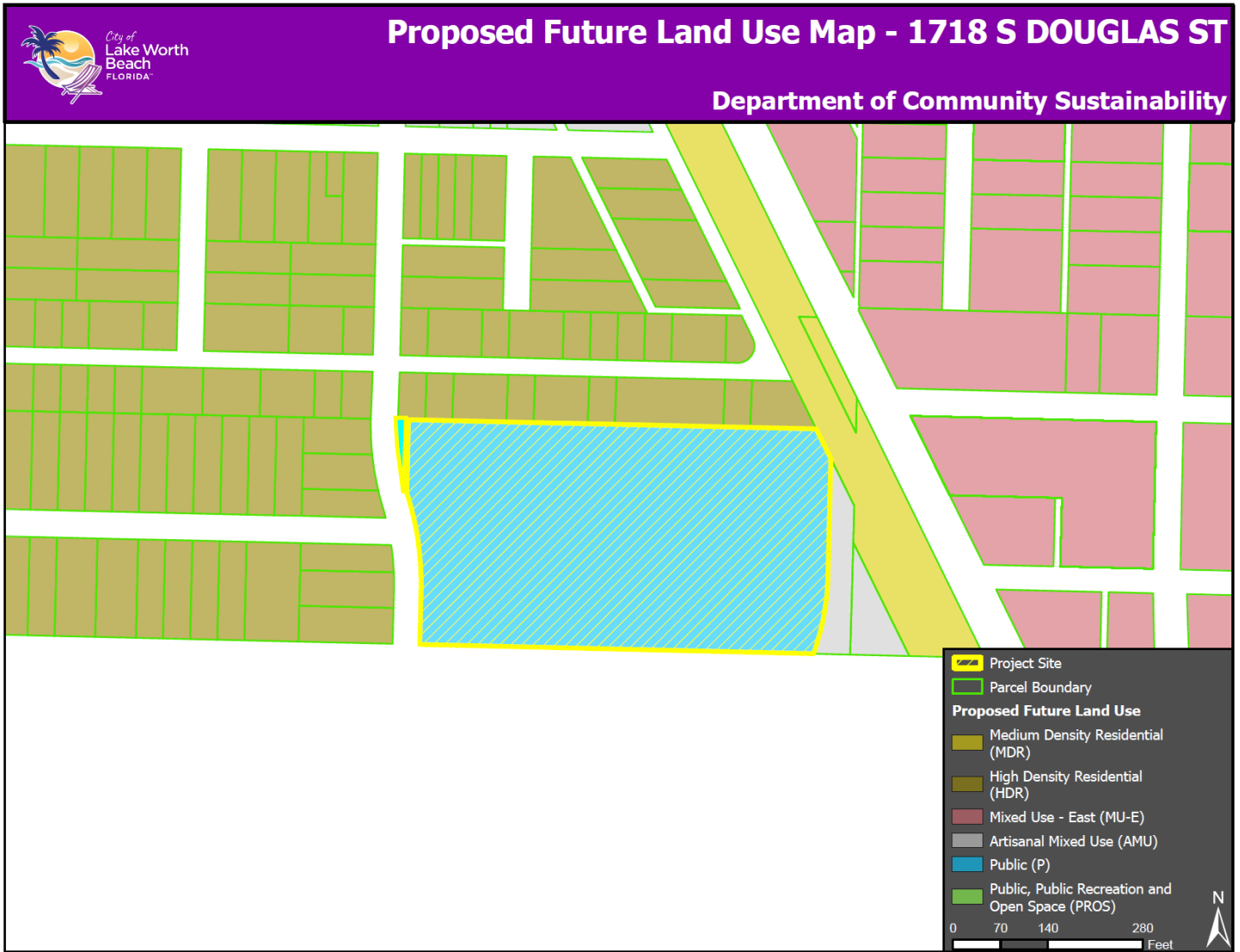
ATTACHMENTS

- A. Current FLU Map of property
- B. Proposed FLU Map of property
- C. Current Zoning Map of property
- D. Proposed Zoning Map of property
- E. DRAFT Ordinance 2023-03
- F. DRAFT Ordinance 2023-04

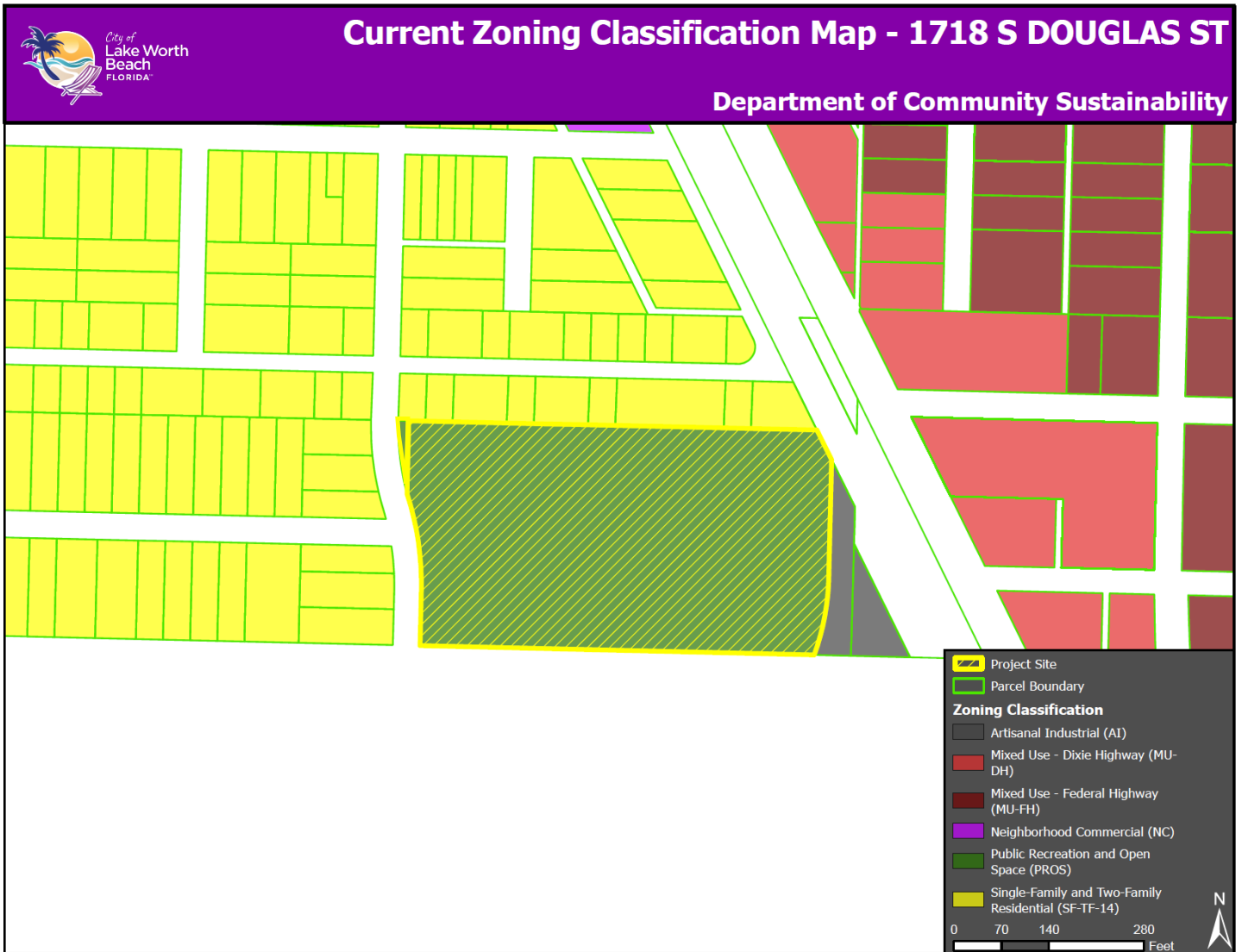
ATTACHMENT A
Current FLU Map of Subject Properties



ATTACHMENT B
Proposed FLU Map of Subject Properties



ATTACHMENT C
CURRENT ZONING MAP



ATTACHMENT D
PROPOSED ZONING MAP

