

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 17-015
STAFF REPORT**

TO: Chair and Members
Planning and Development Board

THRU: Michael Rumpf
Planning and Zoning Director

FROM: Hanna Matras, Senior Planner

DATE: February 2, 2017

PROJECT: Nurse 1
LUAR 17-001

REQUEST: Approve Nurse 1 Future Land Use Map amendment from High Density Residential (HDR) to Local Retail Commercial (LRC).

PROJECT DESCRIPTION

Property Owner/Applicant: CM&J Boynton Properties, LLC

Agent: Bradley D. Miller/ Miller Land Planning, Inc.

Location: East side of SE 3rd Street, approximately 85 feet north from the intersection of SE 3rd Street and SE 23rd Avenue (Exhibit "A")

Existing Land Use/Zoning: High Density Residential (HDR) / C-2 Neighborhood Commercial District

Proposed Land Use/Zoning: Local Retail Commercial (LRC) / C-2 (no change in zoning)

Proposed Use: 2,338 square foot professional office building

Acreage: +/- 0.3 acres

Adjacent Uses:

North:	Duplex, classified High Density Residential (HDR) and zoned R-3, Multifamily.
South:	Multifamily rental property, classified Local Retail Commercial (LRC) and zoned C-2, Neighborhood Commercial.
East:	Multifamily rental property, classified Local Retail Commercial (LRC) and zoned C-2, Neighborhood Commercial.
West:	The right of way of SE 3 rd Street; further west multifamily rental property classified High Density Residential and zoned R-3, Multifamily.

BACKGROUND

The subject parcel is currently vacant. In order to proceed with the development of a professional office, the applicant is requesting a future land use (FLU) amendment which would allow a commercial use on the property. At the same time, the amendment would eliminate the existing discrepancy between the property's residential future land use classification and its commercial zoning of C-2 Neighborhood Commercial. Pursuant to the Land Development Regulations, the C-2 district is one of the three commercial districts under the Local Retail Commercial (LRC) future land use classification; it cannot be used in conjunction with any other FLU category.

This issue is a legacy of the past. In 1979, Boynton Beach adopted and started implementation of its first Comprehensive Plan. In the subsequent years, the City proceeded with a slow reconciliation of the zoning structure used prior to 1979—already reflected in the land use patterns “on the ground”—with the newly minted Plan's land use categories and other policies. On some already developed properties the discrepancies were never completely resolved.

The site plan application is being processed concurrently with the subject request.

REVIEW BASED ON CRITERIA

The criteria used to review Comprehensive Plan amendments and rezonings are listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B and Section 2.D.3. These criteria are required to be part of a staff analysis when the proposed change includes an amendment to the Comprehensive Plan Future Land Use Map (FLUM) or a rezoning.

- a. Demonstration of Need.** *A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

The property is not developable with the existing discrepancy between its future land use classification and zoning: it must undergo either FLU amendment—as requested—or, alternatively, rezoning. The proposed amendment would match the FLU classification of lands extending east of the subject parcel to Federal Highway. Moreover, the proposed use, planned as a medical office, is about one half mile from Bethesda Hospital. More medical uses in proximity to the hospital would support a potential “medical campus” if such an overlay zoning concept is considered in the future. Note that the property on the northwest corner of SE 3rd St. and SE 23rd Ave. is already developed with a medical office (this property, although zoned commercial, also carries a high density residential FLU classification), and so is a close-by property on the south side of the SE 23rd St., east of the Kensington Place residential development.

- b. Consistency.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

As explained above in response to criterion “a,” the amendment would eliminate the discrepancy between the property’s FLU classification and its zoning designation, with the proposed future land use of Local Retail Commercial assigned by the LDR regulations as an underlying FLU classification for C-2 zoning.

Commercial development of the subject property dovetails with the intent of the economic development policies of the Land Use Element of the Comprehensive Plan under Objective 1.17, which states that “**The City shall pursue economic development opportunities to support a competitive and diversified economy, and a good quality of life for residents**”. Generally, these policies encourage preservation/ expansion of commercial land for job-generating uses. (See also response to criterion “h.”)

As shown in Exhibit “B”, the requested FLU classification for the subject property does not agree with the classification of High Density Residential (HDR) future land use (with a new, higher maximum density of 15 du/acre) proposed by the 2016 CRA Community Redevelopment Plan. The CRA Plan recommends Mixed Use Low, a new FLU category with a maximum density of 20 du/acre, for properties fronting SE 23rd Ave. and currently classified LRC—with the exception of the property south of the subject site, on the corner of SE 3rd St. and SE 23rd Ave.: both properties are proposed to be classified HDR.

The Plan envisages extensive FLU classification changes to the CRA area. As development and redevelopment proceeds, it is predictable that minor adjustments to the recommended FLU boundaries will be made. For the request in question, staff does support such an adjustment, allowing commercial development on the site as well as (in the future) on the properties on the northeast and northwest corners of SE 3rd St. and SE 23rd Ave.—particularly since the later is already developed with a medical office, a desirable use in the proximity of the hospital.

c. Land Use Pattern. *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or 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 reclassifications and rezonings that would result in more desirable and sustainable growth for the community.*

Since parcels both to the south and to the east of the subject site carry the same classification of LRC as requested by the applicant, the proposed FLU amendment will not create an isolated FLU classification. The zoning designation, to remain unchanged, is also consistent with zoning of the above mentioned properties.

As discussed in comments to criterion “a,” there are two other medical offices in the adjacent area. The majority of other uses are residential—mostly 2-to-8 unit rental properties built in the 1970s on the north side of SE 23rd Ave. and along SE 3rd St. The only relatively new developments are two fee simple townhome communities on the south side of SE 23rd Ave. Note that residential uses on parcels with C-2 zoning along the north side of the avenue are nonconforming in this zoning district.

The Mixed Use Low FLU classification recommended for the parcels fronting the avenue’s north side should encourage land assembly and spur redevelopment that this area needs. Note that a larger, 1.3 acre property on the corner of SE 23rd Ave. and the Federal Highway was approved for a medical office in 2010, and failed to develop as yet another casualty of the “Great Recession.”

d. Sustainability. *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the 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.*

This is a small, single use infill development in this older neighborhood with no obvious “sustainable” attributes. However (1) one may argue that medical clinics, providing the healthcare to local residents, by definition support sustainability; (2) the office’s location makes it easily accesible to residents in the adjacent neighborhoods and its proximity to Bethesda Hospital qualifies the use as “complementary”; and (3) there is access to public transportation

(bus) on both Federal Highway and Seacrest Blvd. within a short walking distance.

- e. Availability of Public Services / Infrastructure.** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

This amendment would have a negligible impact on the capacity of public services/infrastructure. It has been confirmed that all required services are available. Also, the Palm Beach County Traffic Division indicated that the project complies with the Traffic Performance Standards Ordinance.

Drainage will be reviewed in detail as part of the site plan, land development, and building permit review processes.

- f. Compatibility.** *The application shall consider the following factors to determine compatibility:*

(1) Whether the proposed Future Land Use Map amendment (FLUM) and 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; and

(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale which is reasonably related to the needs of the neighborhood and the City as a whole.

- (1) The request is for future land use amendment only. As described in response to criteria “a” and “c,” adjacent uses are predominantly residential, with two other medical offices nearby. Most of the structures are over 40 years old; moreover, residential uses on parcels with C-2 zoning along the north side of the avenue are nonconforming in this zoning district. The implementation of the CRA Plan’s recommendations would encourage redevelopment in this area, bringing changes to the current land use pattern.

The proposed amendment would not negatively affect the property values in the surrounding area.

- (2) The subject property would generate a few jobs and provide healthcare services; both likely relevant to the needs of the neighborhood. Given its small size, any such impacts would be negligible in the city-wide context.

- g. Direct Economic Development Benefits.** *For rezoning/FLUM amendments involving rezoning to a planned zoning district.*

N/A

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

The proposed amendment (1) does not represent a decrease in the intensity of development and (2) enables a job-generating commercial use, contributing to economic development.

i. Commercial and Industrial Land Supply. *The review shall consider whether the proposed rezoning/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 rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph "g" above; and

(3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.

The proposed FLU amendment would make the subject parcel available for commercial development by eliminating the existing discrepancy between its future land use classification and zoning designation.

j. Alternative Sites. *Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.*

See response to criterion "i" above. The proposed amendment would eliminate the existing discrepancy between the property's future land use classification and zoning designation, making it available for development.

k. 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 Chapter 3, Article III and the site development standards of Chapter 4.

The concurrent site plan shall comply with said requirements.

RECOMMENDATION

The review of the proposed amendment indicates that it eliminates the existing discrepancy between the property's future land use classification and zoning designation, making it available for job-generating commercial development providing valuable healthcare services. Therefore, staff recommends approval of the subject request.