



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

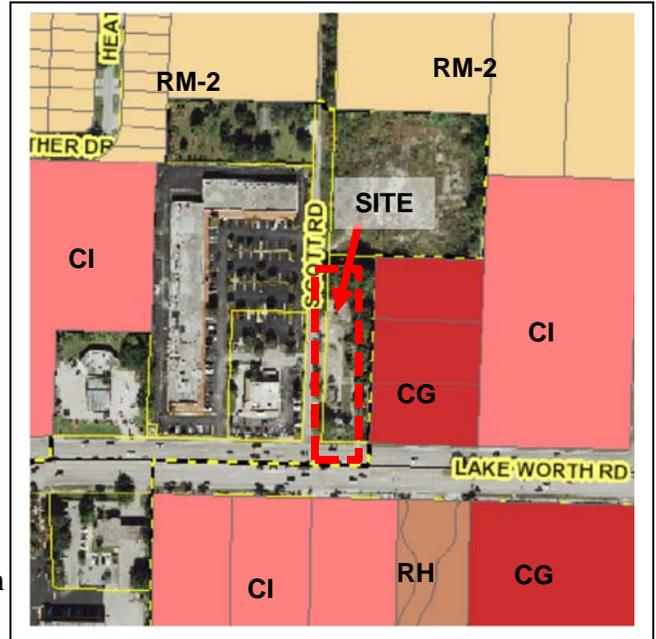
I. Project Description:

Project: Soma Medical Center

Petitioner: Fernando Prieto, AIA
Team Architecture
1217 South Flagler Drive, Ste 300
West Palm Beach, FL 33401
Agent for the owner:
Soma Lake Worth Investor, LLC

Request: Zoning Change from Palm Beach
County General Commercial (CG)
to City Commercial General (CG)

Location: North side of Lake Worth Road
approximately 1,400 feet east of South
Jog Road at 6239 Lake Worth Road



II. Site Data:

Existing Use:	Vacant
Proposed Use:	Medical Office
Parcel Control Number:	00-42-44-22-00-000-5080
Parcel Size:	0.895 acres (39,000 square feet)
Existing Future Land Use Designation:	PBC Commercial High with an underlying 5 units per acre (PBC CH/5)
Proposed Future Land Use Designation:	City Commercial (CM)
Existing Zoning District:	PBC Commercial General (PBC CG)
Proposed Zoning District:	City Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
North	Vacant	Palm Beach County Medium Residential (MR-5)	PBC Agricultural Residential (AR)
South	Steak N Shake	City Commercial (CM)	City Commercial Intensive (CI)
East	Jog Lake Plaza	City Commercial (CM)	City Commercial General (CG)
West	Pine Brook Square PCD Taco Bell Fast Food Restaurant	Palm Beach County Commercial High/5 (CH/5)	PBC Commercial General (CG)

III. Annexation/Zoning History:

The approximately 0.89-acre site is located in an unincorporated Palm Beach County pocket within the identified Future Annexation Area of the City. The site contains one parcel having a Palm Beach County future land use designation of Commercial High with an underlying 5 units per acre (PBC CH/5) and a Palm Beach County zoning designation of Commercial General (PBC CG).

The site was previously approved by the Palm Beach County Board of County Commissioners as a conditional use for a Checkers drive-in restaurant on February 25, 1993 and received site plan approval for a 785 square foot building. In September 2008, the building was removed from the site, but the existing infrastructure remained, including drainage, paving, curbing, landscaping, and a six (6) foot high perimeter wall on the north and east sides of the property. The applicant is proposing to redevelop the site with a 5,438 square foot medical building. Concurrent petitions for an annexation (ANX-16-01), a comprehensive plan amendment (CPA-16-02), and site plan approval (SP-16-01) are being processed for the site.

IV. Applicable Comprehensive Plan Provisions:

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning change request:

1. Future Land Use Element

Objective 8, Policy c)

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

**** (1 through 9 and 11 through 16 omitted for brevity) ****

10) Commercial General - 30% lot coverage, 0.35 FAR

Objective 11, Policies a, b, & c)

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future

land use densities based upon levels of services and the availability of services and facilities.

Policy a)

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. "Consistent and compatible with the established land use pattern" shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels

V. Applicable City Code Provisions:

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

Division 10. Commercial General (*Section 16-471 through 16-481*)

The commercial general (CG) district is intended for general commercial activity. Permitted uses and special exceptions within this designation require land areas and location convenient to automotive traffic. This district will serve a group of neighborhoods and provide goods and services for a consumer market within a three-mile radius. This district will be found primarily along thoroughfares designated as a regional collector or minor arterials in the Comprehensive Plan. In some instances, this district may also be found along major arterials. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VI. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on June 9 and June 16, 2016, and recommended for approval.

Planning and Engineering Dept.:	Incorporated into the staff report
Building Department:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District 16:	No objections

Zoning Change Criteria and Findings of Fact:

Section 16-153. Planning Commission Report: The Planning Commission shall submit a report to the City Council which shows that the Commission has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

Specific Criteria Findings:

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

Finding: The proposed Commercial General (CG) zoning will be consistent with the property's proposed Commercial future land use designation. The CG district is intended for general commercial activity; permitted uses and special exceptions within this designation require land areas and locations convenient to automotive traffic. The zoning designation allows for a large range of commercial uses in support of the Goals, Objectives, and Policies of the Comprehensive Plan directing commercial activity to infill locations along the Lake Worth Road Corridor.

- (2) The existing land use pattern.**

Finding: The proposed Commercial General (CG) zoning designation is consistent with the existing land use pattern in the area. The Commercial designations and uses which surround the site to the east, west, and south are within a commercial service corridor that functions on both a local and a regional level. The proposed zoning designation is consistent with the adjacent property located within the City of Greenacres to the east and compatible with the character of the parcel to the west with a Palm Beach County Commercial General (CG) zoning designation and the parcels to the south with City Commercial Intensive (CI) zoning.

- (3) The possible creation of an isolated district unrelated to adjacent and nearby districts.**

Finding: This proposed zoning change will not create an isolated zoning district. The site is located along the Lake Worth Road commercialized corridor with existing commercial uses and designations on three sides, including an identical designation to the east.

- (4) The population density pattern and possible increase or overtaking of the land on public facilities such as schools, utilities, etc.**

Finding: This previously developed site (currently vacant) is surrounded on three sides by developed commercial land uses. Concurrency has been satisfied for all applicable agencies for the 5,438 square foot building proposed for the site based on the concurrent petition for site and development plan approval.

- (5) **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Finding: The property is being annexed into the City and therefore requires an appropriate City zoning designation.

- (6) **Whether changed or changing conditions make the passage of the proposed amendment necessary.**

Finding: The property is being annexed into the City and therefore requires an appropriate City zoning designation.

- (7) **Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

Finding: The proposed change will replace the existing County commercial-type zoning designation with a City commercial zoning designation which allows similar uses and similar intensity of development. Thus traffic and public safety will not be negatively impacted. Furthermore, any redevelopment must satisfy Traffic Performance Standards as part of the site plan approval process.

- (8) **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Finding: The proposed zoning change will not adversely affect living conditions in the area. The site was previously developed with an intense commercial use; any future redevelopment (such as the concurrent petition for a site and development plan approval) will be required to include adequate landscaping, setbacks, and buffering in accordance with the City Zoning Code. The area is also an established commercial corridor.

- (9) **Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

Finding: The property is being annexed into the City and therefore requires an appropriate City zoning designation.

- (10) **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

Finding: As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owner because the change is consistent with existing land use patterns, the property's proposed future land use, the surrounding future land use and zoning designations, and the existing County zoning designation.

VII. Staff Recommendation:

Approval of ZC-16-01 through the adoption of Ordinance 2016-20.

PLANNING COMMISSION RECOMMENDATION – July 20, 2016

The Planning Commission on a motion made by Commissioner Tronco and seconded by Commissioner Chambers, by a vote of five (5) to zero (0), *recommended approval* of Zoning Change **ZC-16-01** (*Soma Medical Center*), as presented by staff.

CITY COUNCIL ACTION First Reading – August 1, 2016

CITY COUNCIL ACTION Adoption Hearing – August 15, 2016

Samuel J. Ferreri, Mayor

Attest:

Denise McGrew, City Clerk

Attachments:

1. Aerial Photograph
2. Zoning Map
3. Ordinance 2016-20