

**CITY OF WEST PALM BEACH  
PLANNING BOARD  
Meeting Date: June 18, 2019**

**Planning Board Case No. 1046D  
Northwest Center CPDD Rezoning**

**I. Request**

**PB Case No. 1046D:** A City-initiated request to rezone the undeveloped Northwest Center Commercial Planned Development from Commercial Planned Development (CPDD) to Northwest District-8 (NWD-8) and Northwest District-4 (NWD-4) as currently indicated in the Figure 3-Subdistric Boundaries of the Downtown Master Plan.

The approximately 4.4 acre Northwest Center CPDD is generally located north of 3rd Street and south of 6th Street, between Rosemary Avenue and West Railroad Avenue, along with the single parcel located at the SW corner of 5th Street and Rosemary Avenue, and the single parcel located at the SW corner of 4th Street and Rosemary Avenue, all currently within the Downtown Master Plan area, within Commission District No. 3 – Commissioner Richard Ryles.

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**II. Recommendation**

**PB Case No. 1046D: APPROVAL** based on Findings that the proposed rezoning complies with all of the amendment standards found in Section 94-32 of the Zoning and Land Development Regulations.

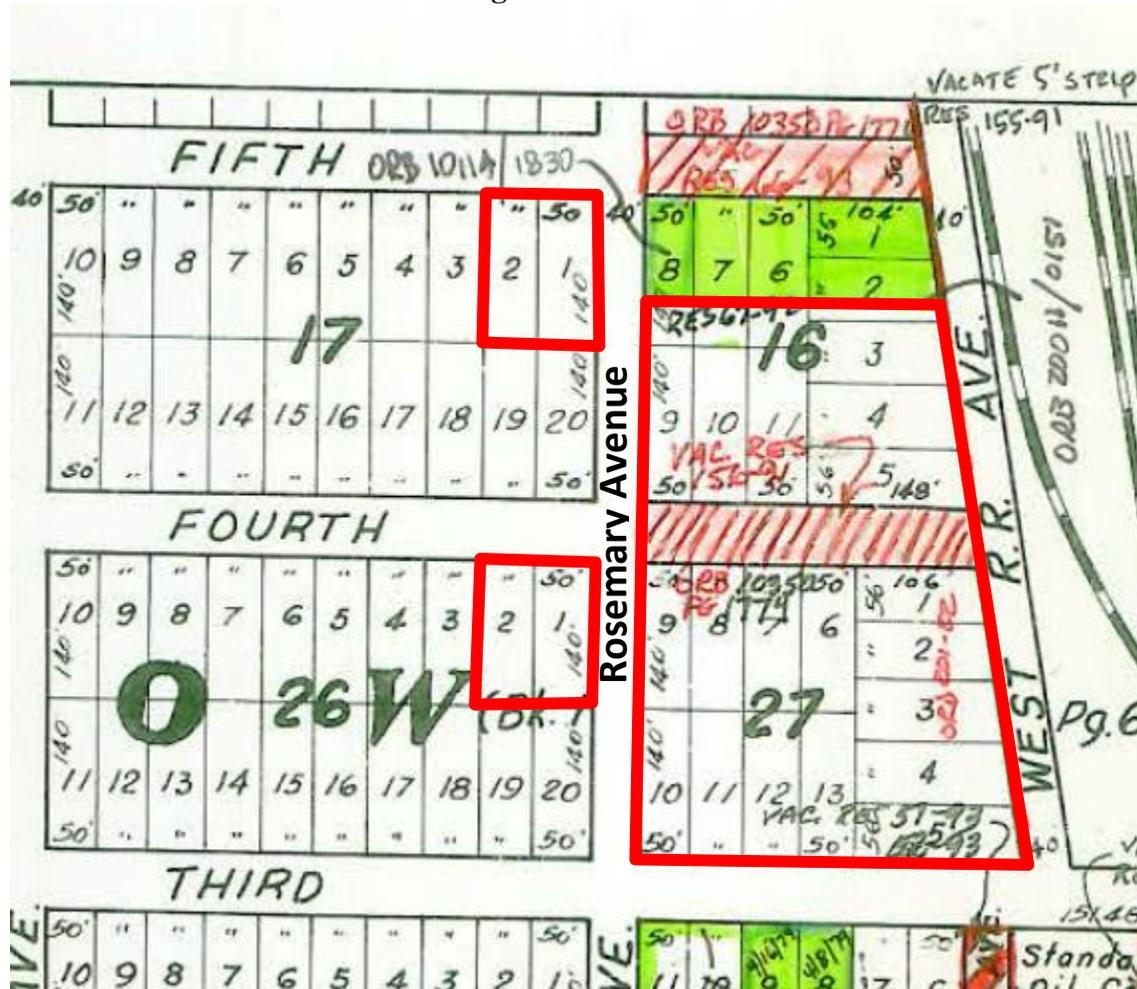
**III. Background**

Prior to 1994, properties within downtown West Palm Beach were not regulated under a Downtown Master Plan (DMP). The downtown area was generally grouped under the City Center districts, including CC-1 City Center (CBD) Core District, CC-1 Downtown Planned Development District, CC-2 Lakefront District, and CC-3 City Center General Commercial District, among others. Planned Developments were permitted in the Downtown area prior to 1994. Seventeen Planned Developments were approved within the boundaries of the current DMP area. Some of these include PBC Judicial Center DPD, Lourdes-Noreen DPD, and Phillips Points DPD. Fifteen of these PDs were built and exist today, but there were two within the DMP area that were never built and for which the corresponding site plans have since expired.

One of these PDs is the Norwest Center CPDD. On September 16, 1991, and later on August 25, 1992, the City Commission approved Ordinance Nos. 2474-91 and 2570-92, rezoning the

property located generally north of 3<sup>rd</sup> Street and south of 6<sup>th</sup> Street, east of Rosemary Avenue and west of West Railroad Avenue, and a single parcel located at the SW corner of 5<sup>th</sup> Street and Rosemary Avenue, and the single parcel located at the SW corner of 4<sup>th</sup> Street and Rosemary Avenue, from Neighborhood Commercial (NC) to Office Commercial (OC) and a further rezoning to Commercial Planned Development District (CPDD). **Figure I** illustrates the boundaries of the Northwest CPDD as described by the legal descriptions in Ordinance 2570-92.

**Figure I**  
**Original CPDD Boundaries**



The CPDD received site plan approval for approximately 287,000 square feet of office and commercial use with a four level parking structure, an approval which has since expired (See **Attachment I- Northwest CPDD Site Plan**).

On December 4, 1995, the City Commission approved Ordinance Nos. 2757-94, 2758-94, 2759-94, which replaced Chapter 33 Article IV “City Center Districts” with Article IV entitled “Downtown West Palm Beach” adopting new zoning designations, amending the Comprehensive Plan and updating the zoning map. The new regulation prohibited new PDs but recognized PDs that were approved prior to the date of these Ordinances and exempted the existing PDs from the new Downtown Regulations. The adopted Zoning map as approved by Ordinance 2759-94 did not display the specific boundaries of the existing PDs.

The site plan for the Northwest Center CPDD received a time extension on September 5, 1996 for the commencement of development, but the site plan expired on April 2, 1997. Although the site plan expired, the CPDD zoning remained, as Ordinance 2570-92 did not provide for any clause that the zoning changes would be repealed if the site plan expired.

On June 29, 2009, the City Commission approved Ordinance Nos. 4212-09 and 4213-09 adopting an update to the Downtown Master Plan Zoning Atlas and Downtown Master Plan Urban Regulations. With this update, the PDs in the DMP area were again not illustrated on the updated Zoning Atlas maps.

Recognizing that the Northwest CPDD site plan has expired, and as part of an effort to clean-up past records within the DMP area, staff is recommending the rezoning of the abandoned Northwest CPDD to Northwest District-4 and Northwest District-8, which are the zoning districts currently designated on these properties in Figure 3-Subdistrict Boundaries of the Downtown Master Plan.

**Attachment II** illustrates the boundaries of the subject parcels and the existing DMP zoning in Figure 3- Subdistrict Boundaries of the Downtown Master Plan.

#### **IV. Analysis**

Staff has recently been performing an analysis of Planned Developments in the DMP area. Through this analysis, it was discovered that there were two PDs within the current DMP boundaries that were never built. Although the site plans for both of these projects have since expired, the PD zoning designation still remains. According to Policy 3.1.4-D of the DMP Element of the City’s Comprehensive Plan, new PDs shall not be permitted and existing PDs shall not expand. The intent of this Policy is to ensure that development within the DMP area is consistent with the intent of the DMP zoning regulations. Policy 3.1.4-D specifically states that if a planned development is abandoned, the properties included with the planned development will be deemed to have the development capacity and zoning in for the district in which the properties are located. The proposed rezoning would meet the intent of this Policy.

Staff recognizes that the PD zoning should have been removed once the PDs were abandoned. In an effort to bring the Northwest Center CPDD properties into compliance with the City’s Comprehensive Plan and to accurately align with the DMP zoning regulations, staff is recommending the rezoning of the CPDD to the NWD-4 and NWD-8 zoning, as currently shown on Figure 3 of the Zoning Atlas.

Staff analysis of the amendment standards per Section 94-32 of the ZLDRs is outlined in Section V.

#### **V. Amendment Standards (Zoning Atlas)**

##### **1. Whether the proposed amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan;**

The rezoning of the properties from Commercial Planned Development District (CPDD) to Northwest District-4 and Northwest District-8 to reflect the existing DMP zoning regulations is an effort to clean up records and to bring the property zoning designation into compliance with the Comprehensive Plan.

According to the DMP Element of the Comprehensive Plan, new PDs shall not be permitted, thus the removal of the PD zoning from this site is consistent with the Plan. Policy 3.1.4 specifically states that:

*“New planned developments shall not be permitted and existing planned developments shall not expand...”*

In addition, this Policy also states that:

*“If a planned development expires or is abandoned, the properties included with the planned development will be deemed to have the FAR, building heights, and zoning for the district in which the properties are located...”*

The removal of the PD zoning aligns with the DMP Element’s goal of eliminating PDs within the DMP area and will align the properties with the zoning for the district in which properties are located. In this case, those districts are NWD-4 and NWD-8. See **Attachment II** which illustrates the existing zoning district on Atlas Figure 3 Subdistrict Boundaries.

The proposed amendment is consistent with all of the elements of the City of West Palm Beach Comprehensive Plan.

**COMPLIES**

##### **2. Whether there exists changed conditions which require an amendment;**

Staff was researching into existing Planned Developments in the DMP area and discovered two PDs that were never built and were not represented on the regulating Zoning Atlases. In an effort to clean up past records of DMP properties, the rezoning of the subject parcels of the Norwest Center CPDD from CPDD to the NWD-4 and NWD-8 districts as they are currently illustrated on Figure 3 of the DMP Zoning Atlas will accurately reflect the site

designation.

**COMPLIES**

**3. Whether the proposed amendment is in conformance with all applicable portions of the City Development Code;**

The proposed amendment is consistent with the City Code and will bring the properties into compliance with the DMP Zoning Atlas and regulations.

**COMPLIES**

**4. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;**

The approved site plan for the Northwest Center CPDD allowed office and commercial uses, which are permitted uses within both the NWD-4 and NWD-8 DMP zoning districts. This amendment will improve the consistency of land uses as it will remove the PD boundary and the zoning of the properties will be consistent with the existing zoning as illustrated on Figure 3- Subdistrict Boundaries.

**COMPLIES**

**5. Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;**

The proposed amendment will not exceed the capacity of public facilities as the properties have already been reviewed for capacity under the NWD zoning designations that the amendment will rezone them to.

**COMPLIES**

**6. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;**

The proposed amendment will not impact the natural environment.

**COMPLIES**

**7. Whether and the extent to which the proposed amendment would adversely affect property values in the area; and**

The proposed amendment will not adversely affect property values and will bring the properties into compliance with current DMP regulations and the zoning atlas.

**COMPLIES**

- 8. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any effects on such pattern.**

**COMPLIES**

The proposed amendment will not impact the development pattern that has been already reviewed for the properties, as they will be rezoned to the districts as currently illustrated on the DMP Zoning Atlas.

## **VI. ADDITIONAL REVIEW**

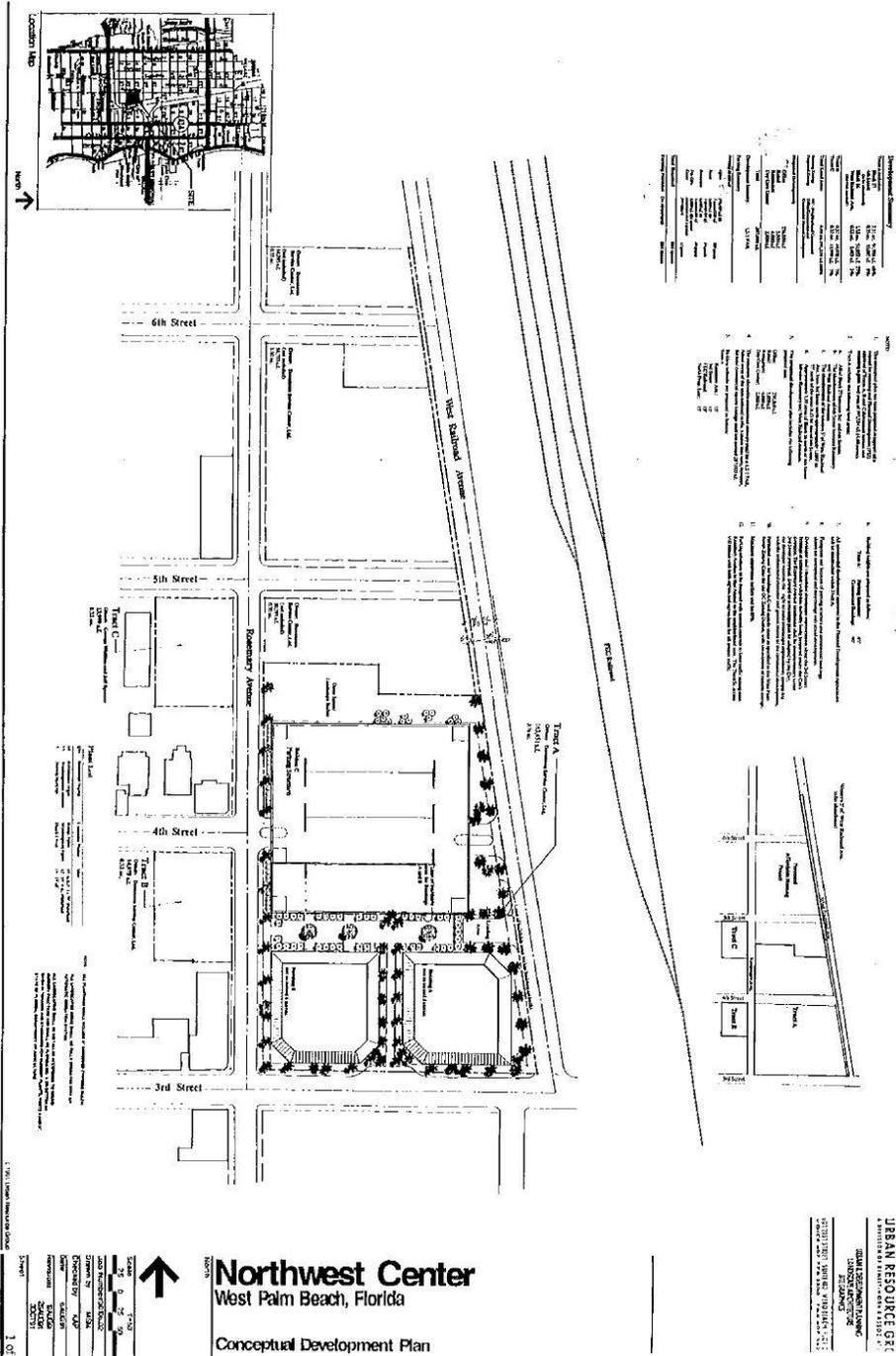
The **Downtown Action Committee** reviewed the proposed amendment at its April 10, 2019 meeting and recommended approval (7-0) as presented by staff for case number PB 1046D.

Prepared and Respectfully Submitted by:



Elizabeth Levesque  
Urban Design Planner

# Attachment I Northwest CPDD Site Plan



**Attachment II**  
Existing Zoning- Zoning Atlas Figure 3 Subdistrict Boundaries

