



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
VIRTUAL MEETING
WEDNESDAY, JUNE 17, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [Minutes from May 20, 2020 & Minutes 27, 2020](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [PB Post - Proof](#)
[LWH- Proof](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [A request by Bryan Sherman, Sloan Consulting Inc on behalf of Arbor Square Realty Co., LLC for a Conditional Use Permit to allow a single destination retail use at 2507 North Dixie Highway, within the Mixed Use – Dixie Highway \(MU-DH\) zoning district.](#)
- B. [PZB/HRPB Project Number 20-00400002: Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.](#)

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 MEETING
VIRTUAL MEETING
WEDNESDAY, MAY 20, 2020 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm; Laura Starr; Michael Glaser; Daniel Tanner; Brock Grill.

Also present: Alexis Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: To resume in the future with a live quorum.

ADDITIONS / DELETIONS / RECORDING AND APPROVAL OF THE AGENDA: None

APPROVAL OF MINUTES:

A. March 4, 2020 Regular Meeting Minutes

Motion: M. Humm moved approval of the March 4 meeting minutes as presented. A. Marotta 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS

Board Secretary administered oath to those wishing to give testimony and identified through live video.

PROOF OF PUBLICATION

1) Proof of Publication- Included in meeting packet

WITHDRAWALS / POSTPONEMENTS : None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: A. Marotta; M. Glaser- no disclosures. B. Grill received an email but nothing was discussed; D. Tanner received an email from the representatives of the vet clinic; L. Starr also received two emails and did not respond; M. Humm received emails from the applicant for the vet clinic and phone calls regarding the Comp Plan; G. Rice received an email regarding the vet clinic, his dog is a patient of the practice, he also received calls/emails regarding the Comp Plan.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 20-00500004: Request by Juanique Chadinha Branca of Gentle Pet Crossing, LLC, for consideration of a Conditional Use Permit for a 1,800 square-foot low-intensity funeral home/crematory use at 409 South Dixie Highway, Bays 1 & 2. The project is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property's PCN is 38-43-44-21-15-149-0210.

Staff: A. Meyer provided case analysis, findings and reviewed proposed Conditions of Approval for Board consideration. Any expansion to the proposed use would be required to come before the Board as a Conditional Use. Concerns are regarding chemical storage and impact to the city sewer system. Parking meets and exceeds code with 15 total spaces required and 18 provided. Existing landscaping would need to be addressed and brought closer to conformance with the Major Thoroughfare Design Guidelines.

Applicant: Selected Lake Worth Beach since there are currently no existing pet afterlife care funeral homes in Palm Beach. Process is referred to as aquamation and requires 1/10th of energy required for a flame cremation process. The alkaline hydrolysis (95% water 5% alkali) process takes about 20 hours. The remaining parts are bones, microchips and other implants. This process is utilized by medical schools and nearly 2,000 vets. The build out and opening costs are approximately \$230,000.00

Board: L. Starr- Inquires who is performing euthanasia and if it is performed on the premises.

Applicant Response: The intent is to contract with local mobile veterinarians. It is something that can be done in the home. The applicants state there would be at most two (2) vets that would be utilized.

Staff: A vet would need to apply for a business license if operating from the same location. If advertising for euthanasia, Board review would be required.

Questions from Board members about state regulations to which staff replies only regulations found pertain to human remains. Applicant confirms there are no licensure requirements.

Board: B. Grill asks for clarification that there is no intent to convert to fire cremation. Believes the chemicals in use are dangerous and inquires as to how they will be handled/stored. **Applicant response:** One cycle requires 40 lbs., only 1 or 2 cycles would occur for the first few months. The process is the solution (salt) is added to the machine and then water added. Mask and goggles are utilized, there is an eyewash station and a fume hood.

Staff: The building code has a limit on quantity of stored materials and there would be a need to apply for a hazardous material permit. The use & occupancy inspection occurs every three years. The City follows State Regulations.

Staff: Brian Shields-Director of Water Utilities Department- there are concerns with the high reactivity of the PH. An Industrial Pretreatment Permit (IPP) is required from West Palm Beach, also an Interceptor box for checks performed by West Palm Beach.

Board: G. Rice states that once ordered, the chemicals can arrive very quickly to the site. Home Depot has more readily available chemicals than a pest control firm has in its storage room. B. Grill asks if there are ventilation system improvements planned, G. Rice also has concerns regarding ventilation. L. Starr asks how long the process takes, who is processing, and if insurance is required for this type of business, can number of employees be limited in the area of the processing? **Applicant response:** The process takes about 18-20 hours and remains are

returned 2-3 days after that. There is a firewall floor to ceiling at the processing location. The machine was invented by a woman chemist, there are currently 7-10 machines operating in Florida.

Board: M. Glaser asks about the pulverizer and if there is a limit on pet size. **Applicant response:** The pulverizer turns bones to ash; one cycle can process approximately 400 pounds, any combination of small, medium or large.

Staff: Suggestion of a continuance if additional information is requested regarding noise from pulverizer to fully vet the conditional use criteria. Board may also add conditions over and above code requirements for building ventilation and storage. Board members consider the possibility of an independent engineer to evaluate the systems with the cost to be borne by the applicant. As no plans have been submitted to the Building division, Palm Beach County Fire Dept. does not yet have anything to evaluate.

Board: L. Starr asks about the storage capacity for deceased animals. **Applicant response:** a regular sized chest freezer as typically they are already frozen upon delivery and refrigerator.

Motion: D. Tanner moves to approve PZB 20-00500004 with staff recommended Conditions of Approval and based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations, and adding a condition requiring any additional costs for HVAC engineering specialties to be borne by the applicant; A. Marotta 2nd.

Board: M. Glaser reads condition #1 from Utilities, Water & Sewer and would like the condition to read "shall receive, not shall apply".

Brian Shields: Clarifies if the amounts are determined to be miniscule the permit would not be required.

Public Comment: None

Vote: 4/3 motion passes; L. Starr, M. Glaser and B. Grill dissenting.

B. A request by Scheron Bryant and Myrda Bryant of Lake Osborne Funeral Home Services, LLC, for consideration of a Conditional Use Permit for a medium-intensity funeral home use at 1612 South Dixie Highway and 1604 South Dixie Highway.

Staff: A. Rosenberg presents case findings and analysis. Currently plans include chapel, offices and welcome foyer with embalming to occur in the future. At this time the embalming will occur off-site. The human remains will be transported from this site to the embalming facility or crematory as needed. Services will primarily occur between 6:00 and 8:00 pm.. The structure is not in compliance with the Major Thoroughfare Design Guidelines. At some point there was additional glazing on the building.

Applicant: Scheron Bryant has no additional comments to add to the presentation.

Public Comment: Staff received a letter from the owner of 1621 S. Federal Hwy, Wilma Gancarz, who is against approving a funeral home so close to her property as it will damage any future resale value.

Board: B. Grill asks if there will be embalming and chemicals used and appropriate venting.

Staff: Similar to last item with Utility water/sewer review requirements. The applicant would apply for an IPP prior to building permit review.

Applicant response: Formaldehyde is utilized to preserve the tissue. The State of Florida regulates the funeral industry and professionals. The applicant currently works in facility in Pompano Beach and has for 3.5 years and is venturing out with his own business. Interned for

one year and the balance of the time as licensed funeral embalmer and director for 2.5 years. Mr. Scheron Bryant is the licensee, his partner Myrda Bryant is a city resident. G. Rice states parking is also an issue. **Applicant response:** The neighboring business closes at 5 p.m. and Mr. Bryant would seek a cross-access agreement. **Board:** A. Marotta would like assurances of a cross-access agreement. D. Tanner wants to know how can compliance with improved appearance could be guaranteed. **Staff:** E. Sita states some previous unpermitted changes to the structure can be undone. The original building had as much as 75-80 % glazing of which a great percent could be restored, possibly up to 30 %. D. Tanner asks applicant if he is aware of the cost of bringing the structure up to code. G. Rice asks if crematory is planned. **Applicant response:** no crematory.

Motion: A. Marotta moves to approve PZB 20-00500001 with staff recommended Conditions of Approval based upon data analysis in staff report including addition of condition of requiring an executed parking agreement prior to issuance of an occupancy permit; M. Glaser 2nd.

Vote: Ayes all, unanimous.

C. A request by John Banting of PBB Construction, LLC on behalf of Daniel Aquino and Angel Arroyo of AM Lucerne Holdings, LLC for consideration of a zoning use interpretation as to whether a veterinary clinic is permitted in the Downtown (DT) zoning district.

Staff: E. Sita presents the case findings and analysis. The question before the Board is to interpret if the use is allowed in the district. Explains inclusionary uses, and the use table regarding principal, accessory or conditional use. If it doesn't say you can do it, then you can't do it. The Use table is further divided into High Intensity, Medium Intensity and Low Intensity. A broad use, such as Single Destination Commercial. Within the Downtown district, the intent is to provide for the expansion of office and commercial uses including higher density residential and pedestrian area. Additionally the Rules of Construction (governing process) Sec. 23.1-8 states regarding any conflict in limitations, restrictions or standards the more restrictive provisions shall apply.

Board: L. Starr asks why a vet practice was not envisioned in the DT district. **Staff response:** Vet clinic is more of an auto-centric use rather than a pedestrian use.

Applicant: Ele Zachariades of Dunay Miskel Backman. The previous pharmacy included a drive-through with automotive use. The intent is to enclose the drive through while staying below 2,500 square feet. There will be no pet boarding, only related to medical necessity. The Single Destination Commercial is within the low intensity use. The use table is silent in the low intensity use for a veterinarian clinic but does include the single destination commercial uses. The definition for single destination commercial uses includes the terminology 'substantially similar or related.' A vet establishment is specifically listed in Single Destination Commercial use. States although the inclusionary code means if it is not listed you can't do it, this specifically states through the definition Single Destination Commercial low intensity it can be done.

Board: A. Marotta asks why the plain language does not apply.

Staff: W. Waters re-iterates that all uses of the same type do not have the same intensity. Approximately 3 years ago a use table change was made to allow medical offices in the downtown zoning (DT) district west of Dixie Highway. Medical offices were equated to vet clinics due to being of similar nature (with no regard to the different type of clientele) and never intended to be included in Single Destination Commercial. If they were intended to be included in Single Destination Commercial, why are they called out separately in the use table? The vet clinic would fall off the use table if it were intended to be included within the Single Destination Commercial. Additionally the medium intensity use category of 7,500 sq. ft. or less, includes uses 2,500 square

feet or less. The fact that it is not mentioned in low intensity indicates it is of medium intensity and requires a conditional use review however it is not allowed in Downtown (DT) as the permitted use table provides.

Board: B. Grill applauds staff for bringing this to Board. Staff and Board have repeatedly talked about improving code. How did the developer get this far along in the process without knowing this before, due diligence? There are many properties in the City that would have been better suited. **Applicant response:** E. Zachariades defers to the property owner. Low intensity is meant to encapsulate anything under 2,500 square feet. **Applicant:** Has a business to the west of City hall, he spoke with M. Stivers and received positive feedback. Is heavily involved in real estate, and owns several parcels in City and elsewhere. He liked the site, and were at building permit issuance. Goal is to improve the City. Has owned the existing business for 16 years. Clients who are residents and walk or ride bicycles to the business. To improve walkability, many types of businesses are a required.

Board: B. Grill finds it odd after being in the City for 30 years that he is not aware of the process. He seems to be “wed” to the clinic and site despite so many other sites available throughout the City. D. Tanner asks if he has supporting documentation indicating he approached Planning & Zoning. **Applicant response:** Mr. Arroyo mentions the Building permits were ready to be released and were a result the “greenlight” or understanding to engage architects from M. Stivers.

Applicant Contractor: John Banting states he met with Mark Stivers, the Development Director and A. Rosenberg and was directed to submit a staff level approval and was subsequently determined should undergo additional review. They submitted for building permits, plans were submitted to the Building Division, building comments have been addressed. Claims M. Stivers indicated it would be a Single Destination Commercial use.

Board: D. Tanner asks whether there is a business license for the clinic. L. Starr what was the first date you were advised you could not do this and how many total meetings were held? **Applicant response:** He was advised in February or March and collectively approximately eight meetings.

Staff: William Waters: In meetings with Mr. Arroyo, prior to the purchase of the property, was advised the use was not allowed. Mr. Stivers was present, did not agree and advised he would work with Mr. Arroyo on his own.

Board Attorney: Cautionary advice to the Board with the two trains of thought. Attorney’s opinion that code allows it, staffs opinion is code does not allow it. The other being that M. Stivers told us to do it; there are no emails or zoning verification letters, do not follow this track. A zoning verification is still an opinion. Focus on the issue of whether code allows this. **Board:** L. Starr asks who is to be relied upon if you cannot rely upon the word of a development official? **Board attorney** states it is not relevant, rely on the Code, staff does not believe M. Stivers had the final word. One should rely on written documentation and even a letter is not a guarantee. **Board:** A. Marotta will this be setting a precedent? **W. Waters:** based upon tonight’s decision, a change may need to be made to code in the event of staff changes. D. Tanner questions whether it could be a conditional use. **Board Attorney:** If Board determines it is a permitted use under 2,500 square feet, there is nothing to stop another entity from coming in the following day for the same use.

Applicant Attorney: Believes perhaps a mistake was made with the use table, but the Single Destination Commercial use includes a vet clinic and the Single Destination Commercial at low intensity is permitted. Questions what uses were anticipated. Perhaps a text amendment is appropriate in the future.

Board: B. Grill-Regardless of whether M. Stivers made a mistake or not, the spirit of the code is in the table which omits the veterinarian use. Feels for the applicant but not entirely. L. Starr asks how much money has been invested? Applicant response: Between 800K and 850K with an additional amount totaling up to \$1.5. **Board Attorney:** asks how that amount was spent before receiving the permits. **Applicant response:** 750K for the building and the balance on plans.

Motion: M. Glaser moves to approve PZB 20-02100002, the interpretation of the code allowing a veterinary clinic to operate as permitted by right within the downtown (DT) zoning district with the project remanded to staff to include relevant conditions; D. Tanner 2nd.

Vote: 6/1 B. Grill dissenting. The plans are supported by data and analysis

- D. City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance.

Staff: E. Sita explains the location of the projected changes. This is a recommendation to the City Commission. The subject sites are located around the I-95 corridor. The proposed amendments are consistent with and supported by the Comprehensive Plan, City Strategic Plan and data and analysis. The analysis would reveal existing infrastructure will support the requested map changes. This is a result of market conditions for economic development of the area.

Board: G. Rice asks about the map amendment. **Staff:** Mixed use east and Mixed use west to Transit Oriented Development. B. Grill asks if there is an expansion planned for the train station, more bus stops? E. Sita clarifies that T-O-D has a higher density and that type of development is appropriate for the area, near to the train station. W. Waters mentions the Envision brochure showing how TOD development can occur in the area; clarifies there is interest in redevelopment in the area and it makes sense to do it on the north side of Lake Worth Rd not just the south side. B. Grill believes it to be a good idea as Florida in general is lacking in density.

Public Comment: None.

Motion: B. Grill moves to recommend approval to the City Commission for the Proposed amendments to the Future Land Use Map ; M. Glaser 2nd.

Vote: Ayes all, unanimous.

- E. City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.

Staff: E. Sita-This text amendment has 5 components.

Item #1- Policy 1.1.1.1 - The most controversial, is the allowable density in a zoning district. Staff is proposing to change the Mixed Use Federal Highway zoning district density from 20-30 dwelling units per acre. The change would be consistent with the base density of the Future Land Use designation. Further examination of the existing development shows it to not currently meeting code, densities range from 22-53 units per acre. Motels, most likely constructed under a commercial zoning, functioning as permanent living units. They do not comply with landscaping, parking, trash and are non-conforming and can never be brought to conformity in the current configuration.

Types of developments, already constructed, with increased density are The Mid and The One. A slide with superimposed condo units and existing townhouses reflecting that the larger existing townhomes on South Federal are comparable in scale and mass with a higher density development. Condos and townhomes are currently permitted in the district, the height will not be increased and can be up to four (4) stories.

Item #2 & #3 - Policy 1.1.1.8- Transit Oriented Development (TOD) increasing from 50-60 units per acre; and Policy 1.1.1.1- TOD East and TOD W zoning districts.

Item #4- Policy 1.1.2.10- Future Land Use designation locations-Location criteria for the previous amendment adding the description to the plan.

Item #5- Policy 1.1.1.7 - Remove redundant language.

Public Comment: Board Secretary read into the record the identical comment received from residents of which were numerous (@ 30). Following were individual comments regarding concerns with proposed density changes along South Federal Highway (@ 10). All comments with the exception of one were against the proposed changes to the density in South Federal Hwy..

Staff shares that the corridor for Mixed-Use East goes north to approximately College Park and south from 3rd Ave S to the southern municipal limit and one lot deep.

Question about how Historic Resources Preservation Board separated the items for voting.

Motion: B. Grill moves to recommend approval of the proposed Comprehensive Plan Amendments, excluding item one Policy 1.1.1.1 (Table 1) for further discussion; A. Marotta 2nd.

Vote: Ayes all, unanimous.

Board: A. Marotta poses a question as to whether there are any entities expressing interest in the South Federal area, including any tax exempt organization applications. **Staff:** E. Sita states even though there is no application from the Lord's Place, they would not be affected by the change. W. Waters mentions an application is expected for a nine (9) unit apartment place.

Board: L. Starr asks about what the height restriction would be. **Staff response:** 3 stories and 35 feet; it can go to 4 stories and 45 feet in a Planned Development. L. Starr asks about a property in the vicinity of 18th Ave N.. It was originally planned for 47 feet or four (4) floors. B. Grill expresses confidence in the fact that the density issue was brought forward to the Board in an effort to improve the city corridor. L. Starr agrees in the vote of confidence but the increase in density will not matter if Code Compliance doesn't make their best effort. **Staff response:** W. Waters states in a concerted effort with City attorney they have sought every tool possible to remedy the situation. Also bringing non-conforming properties to greater conformance an aligning as closely as possible with the Major Thoroughfare Design Guidelines. L. Starr suggests a paint code for commercial properties. G. Rice is not sure that will work given property rights, the Board already sits in approval/disapproval of murals and few if any have any training in art.

Motion: A. Marotta moves to not recommend approval (recommend denial of) approval of Policy 1.1.1.1; M. Humm 2nd.

Vote: 4/3 motion carries to not recommend approval of Policy 1.1.1.1.

- F. Consideration of an ordinance to amend Chapter 23 "Land Development Regulations" that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

Staff: W. Waters reviews the changes to the Land Development Regulations as directed by City Commission during a March 5, 2020 workshop. Included are:

- Parking changes-to simplify review of requirements, allow for additional flexibility in requirements, and ease of conveying requirements to applicants; the payment in lieu fee is also increased, and
- Electric vehicle charging stations-increasing availability and establishing standards and requirements for new developments, and
- General housekeeping items updating internal references from “zoning administrator” to “development review official-DRO”, definitions clarified, redundant and conflicting provisions deleted including out-of-date definitions, and
- Modification to development standards for Administrative Uses (AUP) and Conditional Uses (CUP) and providing for a higher level of performance standards for both types of review, and
- Updated requirements for single-destination retail development review standards including consolidating Convenience Store into that use, adding performance and development standards to address curb appeal and nuisance issues, and
- Changes to the location description of districts for clarity and consistency with the City Comprehensive and Strategic Plan.

Public Comment: None

Motion: M. Humm moves to recommend approval of changes to Chapter 23, LDR’S, to City Commission; A. Marotta 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 10:45 PM



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
VIRTUAL MEETING
WEDNESDAY, MAY 27, 2020 6:34 PM**

ROLL CALL and RECORDING OF ABSENCES:

Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm, Michael Glaser, Daniel Tanner, Brock Grill and Laura Starr.

Also present: Alexis Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Erin Sita, Asst. Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney and Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

Due to virtual meeting, this requirement is

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: None

APPROVAL OF MINUTES None

CASES:

SWEARING IN OF STAFF AND APPLICANTS: The Board Secretary administered oath to those wishing to give testimony who were visually identified.

PROOF OF PUBLICATION

Provided in the meeting packet.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE : M. Glaser spoke with the Traffic Engineer for the project.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. The Bohemian 20-00900001-A request by Jeffrey Burns of Affiliated Development on behalf of 1017 Lake Ave, LLC for consideration of a Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Program Incentive and a Transfer of Development Right Incentive to construct a transit-oriented, mixed-use, multifamily development within the Transit

Oriented Development-East (TOD-E) and Artisanal Industrial (AI) zoning district. The subject properties PCN's are 38-43-44-21-15-500-0030; 38-43-44-21-15-500-0010 and 38-43-44-28-44-001-0000.

Staff: A. Rosenberg presented the case findings and analysis as found in the staff report and attachments. Consisting of three (3) main buildings- commercial, residential and parking garage, the commercial building will occupy the northwest corner of the lot fronting on Lake Avenue with a covered pedestrian plaza to the east of the plaza. The seven story residential building will house 200 units further south is the parking garage with 367 total spaces. Additional features include a fitness center, dog park, resort-style pool, a rooftop observation deck, three electric vehicle charging stations, bike rentals and ride sharing drop off area to promote alternative modes of transportation.

Applicant: Jeffrey Burns gave a brief overview of the project, and is excited, after the construction of the Mid, to present something a bit different. A place for young, urban professionals in a convenient urban environment. The site was discovered while riding Brightline and believes it to be a "keyhole" to the City of Lake Worth Beach. The complex will have 200 units, a combination of 1 and 2 bedroom units with luxury finishes, a recreational area and pool for tenants. The project also features a five (5) story parking garage. The lease agreement with the city is being finalized. It is an important element for downtown businesses. The repurposing of some of the buildings in a somewhat Industrial area of the city is a challenge as the buildings did not come with sufficient parking. Believes it to be the first urban infill project in the City. The parcel fronting on Lake Avenue will be a commercial use, ideally a restaurant or café. It is a stand alone building and will be easier to sell to any potential buyer should the opportunity arise. On the residential building there is a rooftop observation deck for residents, The mural on the west façade is the name of the building in a vertical orientation. The sidewalks on the east façade, along East Coast Street will encourage walkability. The project will provide housing opportunities, be good for the downtown parking, and have an economic impact as studies have shown renters spend more of their disposable income than owners. It is hoped it will act as a catalyst for further downtown re-development. Lastly, it is believed the name Bohemian is a very fitting name for a place in Lake Worth Beach.

Board: **L. Starr** asks how the parking spaces will be reserved for the public? Typically people have 2 cars and how will the parking be enforced? **Applicant response:** 120 parking spaces on two floors to be utilized for public parking. The remaining floors, accessed by gate with key fob or sticker will be for tenants. The parking calculation is based upon 151 one bedroom units and 49 2 bedroom units. The result being more singles in a walkable urban environment. Comparably the Mid, with more 2 bedroom units, has more parking. The City will collect revenue and enforce the parking. **W. Waters** states it will be similar to beach parking, most likely with a kiosk to pay for the space and enforced by the City Parking Enforcement. **B. Grill** appreciates the project in general but would like to see an improvement in the landscaping in particular the lack of canopy trees. Would like to see a hedge on the western façade near to the railroad track. **Applicant response:** It was a challenge to design on such a narrow lot. The west facing units overlooking the railway did not have an appealing view so the taller palms were utilized to obstruct the view. On the east facing façade the curb bump-outs feature canopy trees such as oaks and gumbo limbos. The goal was to provide as much natural light as possible. **Landscape Architect: Alan Mills** states the code was met. There are palms of staggered heights and the gumbo limbos naturally defoliate during the year, which allows for more natural light and a native look and feel. The landscape plans are on multiple pages. Lastly B. Grill asks about the on-street parking, staff responds there are 12 adjacent spots. B. Grill believes the applicant has provided ample parking and isn't responsible for making up a deficit for the city with their project. **Applicant response:**

The 12 on street parking spots are not allocated for the residents or included in the parking count but are part of the right-of-way improvements along East Coast Street. **A. Marotta** likes the design and landscape. Asks the applicant where the sustainable bonus items are within the project and questions staff regarding the specifics of the parking lease agreement terms and lastly if it is known where the Transferred Development Rights came from. **Applicant response:** The sustainable bonus is expressed in the Public Art (to be determined), pedestrian plaza fronting on Lake and wrapping the corner at S. East Coast Street and the lettered mural on the residential building. **W. Waters:** The lease will be up to 30 years with \$72,000 due years 1-8 increasing to \$140,000.00 years 9-30. The first payment due upon Temporary Certificate of Occupancy will be \$2 million. The Transferred Development Rights came from a pool of rights from City Property recalling a previous Board action recommending the program which currently pertains only to City Property. **M. Glaser** asks about number of handicap spaces on each parking level. **Architect response:** 2-4 on each floor. **M. Humm** questions the projected date for start of construction, approximate rental rates and type of construction. Likes the look of the proposal and say the applicant has done a nice job with the Mid. **Applicant response:** Intent is before the end of the year but realistically it will be the 1st quarter of next year. The projected rental rate for a two (2) bedroom unit could be \$1,400.00 to \$1,500.00. The construction method will be different from the Mid, the parking garage will be pre-cast. **G. Rice** questions if there are elevators and if it is possible to pay for extra parking spaces. Are there any plans for a future Brightline stop? **Applicant response:** Yes, elevators are planned. Brightline is aware of the new project, the incentive will exist with the public portion of the parking garage. They may be focusing more in the direction of a commuter service rather than express between West Palm Beach and Miami. **D. Tanner** states many of his questions were answered regarding parking, landscape design, and layout. Appreciates the applicant has listened and been responsive to the direction in which the City is headed.

Additional questions from Board members:

B. Grill asks if the residential units will be rentals or condos; Is baffled by the choice of the City for the project; asks how the rentals will be handled. **Applicant response:** Only the commercial space will be for sale if there is interest. **G. Rice** states that at @3,500 square feet it could house 2 commercial tenants. **Applicant** concurs mentioning due to high ceilings a mezzanine could be possible within the space. Leasing will be through a 3rd party management company, Castle Residential. The company focuses on underserved areas, few companies are willing to take a risk and he spends time in the greater Palm Beach area. **L. Starr** asks how many projects the applicant has completed, for clarification on the “pool court”, define difference between natural and mechanical surveillance and lastly how long the company has been in business. **Applicant response** is 5 projects, several in the Midwest, Miami, one soon to be complete in Ft. Lauderdale (613) and the Mid. They are owned through partnerships with each having its own LLC. Burns and Co. originated in the Midwest circa 1982 and changed to Affiliated approximately five (5) years ago. Staff and applicant advise that a plan page is mislabeled and will be corrected to read “open lawn” as the pool does have a deck surround also labeled “pool court”. The surveillance method is mechanical meaning CCTV at key locations meaning entryways, elevators, lobbies and garage with recording kept by either the City or applicant. The natural surveillance is “eyes on the street” with maximum glazing.

Public Comment: Lynda O'Connor-Owner of CVS 101 N. Dixie Hwy. supports the project and offers 3 suggestions for improvement of the project. Replace the eight (8) foot wall with mural with wire fence hidden with greenery and shrubs, a six foot mosaic wall would be nicer looking than an eight (8) foot wall. Forgo the mural as it cheapens the project, makes it look like an urban area and will scare away tenants.

Motion: A. Marotta moves to recommend approval of PZB 20-00900001 with staff recommended conditions of approval for a Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Program Incentive to construct a transit-oriented, mixed-use, multifamily development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report; M. Humm 2nd.

Vote: Roll call vote- Ayes all, unanimous.

PLANNING ISSUES: W. Waters apprises the Board of the fact they will be busy in the upcoming months with 6-7 additional projects. It is also anticipated the Planning & Zoning Board will be “semi-live” in July as the live quorum of Board members will be required.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:02 PM

Legal Notice No. 36846

PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Planning and Zoning Board (PZB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, June 17, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the hearing and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

PZB Project # 20-00500009: Consideration of a request for a conditional use permit to allow for a single destination retail use at 2507 North Dixie Highway, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.2-29, Conditional use permits. The subject property is located in the Mixed Use - Dixie Highway (MU-DH) zoning district. PCN # 38-43-44-16-25-001-0000.

Public comment will be accommodated prior to and during the meeting through the web portal. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Mailed written responses can be sent to the Lake Worth Beach Planning and Zoning Board at 1900 2nd Avenue N, 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 virtual participation, must notify the City of their status and submit evidence they wish the PZB to consider, five (5) days prior to the meeting for technical accommodation. For additional information, please contact City Staff at 561-586-1687.

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 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
June 4, 2020

Legal Notice

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth beach will conduct the June 2020 Planning & Zoning Board and Historic Resources Preservation Board meetings via Communication Media technology ("CMT").

PLEASE TAKE NOTICE that the City of Lake Worth Beach Historic Resources Preservation Board ("HRPB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, June 10, 2020** at 6pm or soon thereafter to consider the recommendation to the City Commission of an ordinance to the City's Comprehensive Plan to incorporate the current water supply plan as required by the Florida Statutes.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Planning & Zoning Board ("PZB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, June 17, 2020** at 6pm or soon thereafter to consider the recommendation to the City Commission of an ordinance to the City's Comprehensive Plan to incorporate the current water supply plan as required by the Florida Statutes.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> on June 10 & June 17, 2020 to consider the following items:

- **PZB/HRB 20-00000012** Consideration of an ordinance (Ord 20-009) AMENDING POLICIES IN THE INFRASTRUCTURE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AND ADOPTING THE 2020 WATER SUPPLY PLAN BY REFERENCE, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Public comment will be accommodated prior to and during the meetings through the virtual meeting web portal: If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Planning, Zoning, Historic Preservation Division 1900 2nd Avenue North, Lake Worth Beach, FL33461 and must arrive before the hearing date to be included in the formal record.

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 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 no later than five (5) days before the hearing if assistance is required.

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PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

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DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

DATE: June 10, 2020

TO: Members of the Planning and Zoning Board

FROM: Alexis Rosenberg, Senior Community Planner

THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

MEETING: June 17, 2020

SUBJECT: **PZB Project Number 20-00500008**: Request by Bryan Sherman, Sloan Consulting Inc on behalf of Arbor Square Realty Co., LLC for a Conditional Use Permit to allow a single destination retail use at 2507 North Dixie Highway, within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property PCN is 38-43-44-16-25-001-0000.

PROJECT DESCRIPTION:

The Applicant, Bryan Sherman of Sloan Consulting Inc on behalf of Arbor Square Realty Co., LLC is requesting approval of a Conditional Use Permit for a single destination retail use, more specifically, a Family Dollar. The site, 2507 North Dixie Highway, is located within an existing retail plaza, 2505 North Dixie Highway, at the southwest corner of North Dixie Highway and the West Palm Beach Canal, also known the C-51 Canal. The retail plaza currently has 20 leasable retail spaces, totaling 67,450 square feet and has 353 parking spaces. Per LDR Section 23.1-12, the definition of a single-destination retail use is “a retail establishment providing a wide array of retail items that are complimentary and similar in nature that are offered in a singular location.” The proposed business, Family Dollar, is a retail establishment that offers a wide assortment of items, including but not limited to cleaning supplies, kitchen essentials, discount groceries, seasonal items, and toys. Per the Applicant’s floorplan, Family Dollar is intending to utilize the entire retail space within 2507 North Dixie Highway, which is 10,450 square feet. The business is proposed to be open seven days a week from 8 am to 8 pm. The Applicant states the business is proposing the outdoor storage of merchandise for propane and ice sales, and is also intending to include alcohol and tobacco sales as part of the business scope.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the Conclusion.

PROPERTY DESCRIPTION:

Applicant	Bryan Sherman, Sloan Consulting Inc
Owner	Arbor Square Realty Co., LLC
General Location	2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal
Existing PCN Numbers	38-43-44-16-25-001-0000
Existing Land Use	Vacant (previously retail)
Zoning	Mixed Use – Dixie Highway
Future Land Use Designation	MU-E

LOCATION MAP:



BACKGROUND:

The space where Family Dollar is seeking to operate is located within a 6.6-acre plaza known as Arbor Square. Below is a timeline summary of the retail space, 2507 North Dixie Highway, based on Palm Beach Property Appraiser's records and City records:

- 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
- 1980 – the retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- March 4, 1980 – a Certificate of Final Completion and Occupancy was issued to the building at 2507 North Dixie Highway. The retail space was originally constructed as an 8,450 square foot Shoppers Drug store.
- August 27, 1985 - January 15, 2009 to September 30, 2009 – Sav Mart Inc (retail) held an active business license at 2507 North Dixie Highway.
- March 20, 2009 – A building permit was issued to revise the parking lot striping plan, which includes 372 parking spaces on Tract A, 11 spaces being ADA spaces.
- December 9, 2010 – A building permit was issued to for the interior build-out of a 10,450 square foot Dollar General store. The space appears to expand into the entire 2,000 square foot unit to the north, 2509 North Dixie Highway.
- February 25, 2011 to September 30, 2016 – Dollar General (retail) held an active business licenses at 2507 North Dixie Highway.
- May 28, 2020 - there are no active business licenses associated with 2507 North Dixie Highway.
- May 28, 2020 – there is one active code case and one open lien in relation to the entire plaza, 2505 North Dixie Highway. The details of these cases are described within Staff's analysis of the project's consistency with the City's LDRs.

ANALYSIS:**Public Support/Opposition**

Staff has not received any letters of support or opposition.

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 MU-E FLU provides 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 proposed single destination retail use is a commercial use proposed to be located within a shopping plaza that fronts North Dixie Highway, and therefore is consistent with the intent of the MU-E FLU. Furthermore, Goal 1.3 aims to preserve and enhance the City's character as a quality residential community and business center within Palm Beach County's urban area. The proposed business is activating a currently vacant retail space which has remained vacant for the past four years. Because the establishment of the single destination retail use will result in preserving the character of the retail plaza, the proposal is consistent with Goal 1.3. Additionally, the Applicant has submitted a separate application to improve the façade of the entire Arbor Square shopping plaza. Staff will be working with the Applicant on the proposed renovations in attempt to bring the property up to compliance as much as feasible possible.

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 single destination retail use will contribute towards the City's tax base and sustain or increase job supply, as it is taking the place of a vacant retail space, the use is consistent with Pillar IV.A and Pillar IV.D. Pillar IV.B, Pillar IV.C, Pillar IV.E, and Pillar IV.F are not applicable to this application.

Based on the analysis above, the proposed single destination retail use is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the Code to review conditional use applications for consistency with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The 20-retail space shopping plaza at 2505 North Dixie Highway was constructed in 1980. The subject retail space, 2507 North Dixie Highway, is located in the northwest corner of the plaza and was originally built as an 8,450 square foot Shopper's Drug store. On December 9, 2010, a building permit was issued for the interior build-out of 10,450 square foot Dollar General store, which expanded into the entire 2,000 square foot unit to the north, 2509 North Dixie Highway. There is no active business license for this use. The building currently does not conform to the current land development regulations, which subjects the site to the nonconformities section of the land development regulations.

A search performed on May 28, 2020 indicated that there are no active code cases at the subject retail space, 2507 North Dixie Highway; however, there is one active code case and one open lien in relation to the entire plaza, 2505 North Dixie Highway. The open code case, case #20-00000471, has two components:

- Apply for and obtain City of Lake Worth Beach business licenses for all tenants
- Apply for and obtain a Use and Occupancy Certificate for all buildings

The open lien, case #20-00002265, has multiple components related to property neglect including:

- Damaged steel post
- Uneven/broken asphalt and dislodged concrete curbing
- Worn-off seal coating on asphalt
- Faded parking striping
- Exposed bare electrical wiring and receptacles
- Discolored/faded/mismatched paint on exterior walls

This application has been conditioned that if approved, all liens and code case violations shall be remedied prior to Family Dollar receiving a City business license. In addition to the existing open cases, the site is not consistent with the City's LDRs in the following areas:

- Landscaping

- Maximum front setback
- Maximum impermeable surface coverage
- Major Thoroughfare Design Guidelines

These items are detailed in the paragraphs below. Staff has prepared conditions of approval requiring the site to be brought into compliance with the City's Code in so far as feasible prior to the issuance of a business license for the use. The proposed use would not expand any existing non-conformities. Further, the site would be required to reduce non-conformities with the land development regulations and remedy code compliance issues per the staff recommended conditions of approval. In the recommended conditions, code consistency and compliance issues are required to be addressed prior to the issuance of the business license. The proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

Mixed Use – Dixie Highway: Per LDR Section 23.3-17(a), the MU-DH zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses. The establishment of certain uses is subject to conditional use review to ensure the use will not have a negative impact on nearby residential uses or on the commercial viability of the neighbors. The proposed single destination retail use is a commercial use that is anticipated in the MU-DH zoning district. Based on the information provided by the Applicant, staff believes that the proposal seeks to minimize negative impacts on surrounding properties and complies with the conditional use criteria outlined in LDR Section 23.2.29.

Setbacks: The placement of the existing building exceeds the maximum allowed front setback of 22 feet. Based on the survey provided, the principal building is about 155 feet from the front property line. As noted, the shopping center was constructed in 1980 prior to the current setback requirements and the building's setback non-conformity is not easily remedied. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the building be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

Impermeable Surface Coverage: The site currently conforms to the maximum allowed structure coverage, but does not conform to the maximum allowable impermeable surface coverage. Based on the survey and site plan provided, the lot appears to have a total impermeable surface coverage of 90%, which is 25% over the maximum coverage allowance. Based on surveys obtained from the City's property file, it appears that the existing impermeable lot coverage matches the original approved site plan. If approved, the project is conditioned to reduce the impermeable surface coverage as much as feasibly possible during the minor site plan process.

Parking: As mentioned, on March 20, 2009, a City building permit was issued to revise the parking lot striping plan, which included 372 parking spaces on Tract A, 11 spaces being ADA spaces. In speaking with the Applicant, the site currently has a total of 353 parking spaces. Therefore, it appears that the site has reduced its parking by 19 spaces since 2009.

Per LDR Section 23.4-10(f), a shopping center shall provide a minimum of one space per 250 square feet of gross leasable area. The site has 67,450 square feet of leasable retail space, which equates to a minimum requirement of 270 off-street parking spaces. Therefore, while the site has gone through a reduction of parking over the years, the shopping center currently exceeds its parking requirement by 83 spaces.

Landscaping: The shopping plaza's existing landscape does not comply with the City's Landscape Code requirements. To minimize the property's landscape nonconformities, Staff has included a recommended condition of approval that the property owner bring the landscaping up to conformance as much as feasibly possible prior to the issuance of a business license. The landscape improvements can be proposed with the Minor Site Plan

Amendment application. It is recommended that the property owner meet with the City Horticulturist prior to making the landscape improvements in order to make sure that all of the landscape requirements are met.

Required improvements include but are not limited to:

- Remove damaged concrete curbing adjacent to the existing trees taking care not to damage the existing root systems.
- Plant native shade trees in the parking lot islands matching the spacing pattern of the existing trees.
- Plant a small maturing native shade tree in the each of 2 smaller islands on the north side of the property and plant 1 medium native shade tree in the larger island adjacent to the handicap parking spots on the north side of the property.
- Remove existing shrubs along the arcade and replace them native shrubs and add native shrubs to areas that currently do not have shrubs.
- Mulch all trees and landscape beds.

Signage: The subject retail space does not appear to have any signage at this time. No signage plan was required for concurrent review with the conditional use request. However, the Applicant provided draft sign area and placement as part of the application package. The draft sign proposal illustrates a 82.75 square foot wall sign placed on the east facade of the retail space. Per LDR Section 23.5-1(f)(6), shopping centers are exempt from the total sign area requirements. Additionally, the maximum allowable sign area for wall signs within a shopping center shall be one square foot per each linear foot of business frontage. The subject space, 2507 North Dixie Highway has 85 feet of linear business frontage, and therefore, the proposal is compliant with the Code's allowable sign area. Staff will further analyze the proposed signage for the entire shopping center during the minor site plan review process. The Applicant will be required to permit all new signage in accordance with the regulations outlined in LDR Section 23.5-1, Signs.

Outdoor Storage: As noted, the business is proposing the outdoor storage of merchandise for propane and ice sales. Per LDR Section 23.4-19(c)(1), outdoor storage of merchandise for sale within the establishment located on the site shall be limited to the area located between the front façade and the public right-of-way and shall only be outside of the building during hours of operation. **Further, outdoor storage is subject to ADA compliance and cannot obstruct walkways.** Therefore, the propane and ice shall either be kept inside the building during non-operating hours, or be kept inside the building permanently. The Applicant shall note that State and City permits are required for the indoor storage of a propane tank.

Sales of Alcohol and Tobacco: The business wishes to include the sales of alcohol and tobacco as part of their business scope. Per Sec. 5-5 of the Code, no alcoholic beverage shall be sold at a location that is within 500 feet of a church, public or private school, park, library (protected land use) or other place of business of a person holding a beverage license. Based on the City's Alcohol and Tobacco Location Map, there are two businesses holding a beverage license that are within 500 feet of 2507 North Dixie Highway:

- Ken Rose Catering Inc – the business is located at 2513 North Dixie Highway and holds a 13CT Alcohol and Tobacco license. A 13CT license permits any caterer licensed by Hotels and Restaurants which derives at least 51% of its gross revenue from the service of food and non-alcoholic beverages to sell or serve alcoholic beverages for consumption on the premises of any catered event at which the licensee is also providing prepared food. Based on City records, Ken Rose Catering Inc has been licensed at this location since 2016.

- Almeyda Restaurant – the business is located at 2543 N Dixie Highway and holds a 1COP Alcohol and Tobacco license. The 1COP license permits establishments to sell beer for consumption on premises by the drink or in sealed containers for packaged sales. Based on City records, it appears that Don Juan Pizzeria has been licensed at this location from as early as 2006.

Therefore, this application has been conditioned so that if approved, prior to the on-site retail sales of alcohol for off-premises consumption, the business shall obtain a Proximity Waiver for packaged sales of alcohol.

Major Thoroughfare Design Guidelines: The site is not compliant with the following sections of the City’s Major Thoroughfare Design Guidelines. Therefore, staff has proposed a condition of approval that the applicant shall work with staff through the City’s administrative site plan review process to reduce non-conformities with the following requirements:

- Page 27 – parking lots are to be effectively screened from the public view and from adjacent properties in a manner that is attractive and compatible with safety, the neighborhood, and the facility served.
- Page 30 - create pathways and wayfinding signage to improve safety through accessibility, connectivity of spaces and functions, and orientation
- Page 31 – no more than 25% of the area between the building and a street or 50% of the remaining area shall be constructed with stone, concrete, asphalt, or mulch except necessary walks and vehicular use area.
- Page 36 – maximum pervious surface area.
- Page 36 – Building surfaces, walls, and roofs shall be compatible and in harmony with the neighborhood. Materials shall express their function clearly and not appear foreign to the rest of the building
- Page 40 – a hierarchy shall be applied to distinguish primary entrances from secondary entrances. Entrances shall be well defined and emphasized.
- Page 44 – buildings shall use a combination of materials; a primary material to envelope most of the building’s exterior walls and an accent material to provide contrast and a break from the primary material.
- Page 50 – plazas and multi-tenant properties shall establish a master sign plan that standardizes the size, color, material and placement of signage to ensure a unified aesthetic.
 - Letter-type signs with individual letters that are affixed to the building exterior are encouraged over “boxy” signs.

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

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and was found to generally be in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

Staff Analysis: The site contains a zoning designation of MU-DH. The applicant states that the proposed single destination retail use is a substantially similar use to the business that previously operated at this location. This use appears to be consistent with the types of commercial uses anticipated to occur within the MU-DH district. Therefore, the proposed single destination retail use is found to be compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

Staff Analysis: The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	N/A	N/A	West Palm Beach Canal/ C-51 Canal
South (adjacent)	Mixed Use - East	Mixed Use – Dixie Highway	Retail (Word Thrift)
East (across N Dixie Hwy)	High Density Residential	Medium Intensity Residential	Townhomes (Courtyards of Lake Worth at College Park)
West (adjacent)	N/A	N/A	Florida East Coast (FEC) Railway

To the north of the subject site is the West Palm Beach Canal/C-51 Canal. The Canal serves as the northern boundary between Lake Worth Beach and West Palm Beach. To the west of the site is the Florida East Coast (FEC) Railway. The Railway separates the lot from the Artisanal Industrial zoning district to the west, which currently houses a variety of light to medium industrial uses. Adjacent to the south of the subject site is a retail plaza, and to the east of the site, across from North Dixie Highway, is a townhome community known as Courtyards of Lake Worth at College Park. Staff finds that the retail use of a Family Dollar within an existing retail plaza is in harmony with the existing uses in the immediate area. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

Staff Analysis: The Conditional Use request will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the MU-DH zoning district. The use is similar in nature and function to permitted uses as conditioned. Per the City's property file, the retail space was constructed as a Shoppers Drug store, selling similar products as the proposed Family Dollar. Overall, while the property is not conforming to the current Code, if approved, improvements will be made during the site plan amendment process to decrease the nonconformities. **Meets Criterion.**

4. 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.

Staff Analysis: The Conditional Use request to allow a single destination retail use in the subject space will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan. As mentioned, the MU-E land use designation 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 proposed Family Dollar is a single destination retail use, and per the City's Use Table in LDR Section 23.3-6, it is an anticipated use in the MU-DH zoning district. **Meets Criterion.**

Section 23.2-29(e): Specific standards for all conditional uses

1. 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.

Staff Analysis: The previous use at this location was a Dollar General, which conducted retail sales. Based on the Florida Department of Transportation's (FDOT) 8th Edition of the Trip Generation Table, a 10,450 square foot free-standing discount store would generate 598 daily trips. The proposed use of a single destination retail establishment, Family Dollar, is not specifically identified in the traffic table. A free-standing discount store is the most similar use referenced in the Table. Therefore, the proposed use is not anticipated to generate higher traffic volumes than the prior use due to both uses being classified as the same use in the Table. Additionally, based on the like-for-like use of the subject space, a Traffic Letter from Palm Beach County Traffic Division is not required with this application. **Meets Criterion.**

2. 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.

Staff Analysis: This use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The Dixie Highway corridor is intended for the establishment of office, commercial, and high-density residential uses. The square footage of leasable retail space within the shopping plaza has not expanded from its original approved area, 67,450 square feet. Therefore, the traffic generated from the proposed business is consistent with adjacent commercial uses as well as the anticipated uses in this area. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

Staff Analysis: The Applicant states that the Family Dollar is not projected to produce significant levels of air pollution emissions. Because the nature of the business does not involve hazardous chemicals and based on the similarity of use to retail establishments that have previously operated at this location, the proposed use is not anticipated to produce air pollution emissions greater than that of a use permitted by right. **Meets Criterion.**

4. 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.

Staff Analysis: Being an anticipated use in the MU-DH zoning district, the proposed single destination retail use at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. 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.

Staff Analysis: The Applicant is utilizing the existing infrastructure. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: Being an anticipated use in the MU-DH zoning district, this use should not place a demand on municipal police or fire protection services beyond capacity. **Meets Criterion.**

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.

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The Applicant states that the Family Dollar will meet all noise requirements. Based on the nature of the use, the Family Dollar is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The Applicant has not proposed additional lighting on the site as part of this application and states that the Conditional Use will not generate light or glare onto any residential properties. There is existing lighting within the shopping plaza. Compliance with the City's exterior lighting regulations will be further reviewed during the site plan amendment process. **Meets Criterion.**

CONCLUSION:

The analysis has shown that the required findings can be made with respect to the Conditional Use Permit request. The use as proposed is in harmony with the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff is recommending approval of the conditional use permit with conditions below:

Community Services Landscaping:

1. Prior to the issuance of a business license, the landscaping shall conform in so much as feasible with current code requirements. The landscape improvements shall be submitted with the anticipated Minor Site Plan Amendment application. Improvements include but are not limited to:
 - a. Remove damaged concrete curbing adjacent to the existing trees taking care not to damage the existing root systems.
 - b. Plant native shade trees in the parking lot islands matching the spacing pattern of the existing trees.
 - c. Plant a small maturing native shade tree in the each of 2 smaller islands on the north side of the property and plant 1 medium native shade tree in the larger island adjacent to the handicap parking spots on the north side of the property.
 - d. Remove existing shrubs along the arcade and replace them native shrubs and add native shrubs to areas that currently do not have shrubs.
 - e. Mulch all trees and landscape beds.

- f. It is recommended that the property owner meet with the City Horticulturist prior to making the landscape improvements in order to make sure that all of the landscape requirements are met.

Planning/Urban Design:

1. Prior to the approval of a Lake Worth Beach business license for the proposed Family Dollar, an application for an administrative Site Plan Review shall be filed and approved, and shall address the following:
 - a. All liens and code case violations shall be remedied.
 - b. Remove paved and impervious surface as much as feasible to maximize compliance with the requirement that a maximum of 65% of the lot may be covered by impermeable material.
 - c. Work with staff to maximize compliance with the design requirements of the Major Thoroughfare Design Guidelines as much as feasible, specifically screening all parking areas, providing wayfinding signage on the property, maximizing pervious surfaces, enhance building materials, and enhance signage so that it is uniform in appearance. Staff will work with the applicant to maximize compliance with design requirements.
2. If the proposed Family Dollar chooses to sell packaged alcoholic beverages, the business shall obtain a Proximity Waiver for packaged sales of alcohol prior to the on-site retail sale of alcohol for off-premise consumption.
3. Per LDR Section 23.4-19(c)(1), outdoor storage of merchandise for sale within the establishment located on the site shall be limited to the area located between the front façade and the public right-of-way and shall only be outside of the building during hours of operation. Therefore, the propane and ice for sale shall either be kept inside the building during non-operating hours, or be kept inside the building permanently. State and City permits are required for the indoor storage of a propane tank.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 20-00500008 with staff recommended conditions for a **Conditional Use Permit** to allow a single destination retail use at 2507 North Dixie Highway. The project meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 20-00500008 for a **Conditional Use Permit** to allow a single destination retail use at 2507 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 for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.

ATTACHMENTS:

- A. Zoning Map
- B. Application Package
- C. Site Photos



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020 and June 17, 2020

TO: Chair and Members of the Historic Resources Preservation Board and Planning and Zoning Board

RE: **10-Year Water Supply Facilities Work Plan**

FROM: Brian Shields, Water Utilities Director
Julie Parham, Assistant Water Utilities Director

TITLE: **PZB/HRPB 20-00400002:** Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.

BACKGROUND:

The City of Lake Worth Beach's Comprehensive Plan was last adopted October 20, 2009, with an amendment approved October 19, 2017. At that time, a 10-Year Water Supply Facilities Work Plan ("Water Supply Plan") was adopted to coordinate with South Florida Water Management District's (SFWMD) Lower East Coast (LEC) Water Supply Plan. The City's Water Supply Plan is required to be updated every five (5) years to coordinate with 5-year updates to the LEC.

Section 373.709, Florida Statutes, Section 163.3177(6)(c)3, Florida Statutes, further requires that the Water Supply Plan be updated within 18 months after a water management district's governing board approves an updated regional water supply plan to reflect applicable changes.

The SFWMD governing board adopted updates to the LEC Water Supply Plan in November 2018. Pursuant to the aforementioned statute, the City has to revise the overall planning strategies and projection data of its Comprehensive Plan by May 2020.

The attached 2020 10-Year Water Supply Facilities Work Plan is presented at this time in order meet this requirement. The amendments associated with the Goals, Objectives and Policies recommended for adoption in the City's Comprehensive Plan are provided in attachment B of this report.

The decision of the Boards will be a recommendation to the City Commission, which will subsequently make the final decision to transmit the 2020 10-Year Water Supply Facilities Work Plan to the State of Florida for review including the adoption of related amendments to the Comprehensive Plan.

POTENTIAL MOTION:

I MOVE TO **RECOMMEND/NOT RECOMMEND** PZB/HRPB PR No. **20-00400002** to the City Commission to transmit to the State of the Florida the 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan..

ATTACHMENTS:

- A. 2020 10-Year Water Supply Facilities Work Plan
- B. Comprehensive Plan Amendment – Goals, Objectives and Policies
- C. Ordinance 2020-09