



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 06, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [September 1, 2021 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [706 & 710 South H Street](#)
[Appeals Ordinance](#)
[PB Modern Auction](#)
[S. F. Podiatry](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB 21-01300002: City-initiated small-scale Future Land Use Map \(FLUM\) amendment \(Ordinance 2021-18\) and Zoning Map amendment \(Ordinance 2021-19\) on behalf of Dixie Capital Partners LLC in coordination with the City of Lake Worth Beach's Electric Utility requesting a FLUM amendment from the Mixed Use - East \(MU-E\) FLU to the Public \(P\) FLU, and a rezoning from the Mixed Use – Dixie Highway \(MU-Dixie\) zoning district to the Public \(P\) zoning district on properties located at 706 South H Street and 710 South H Street.](#)
- B. [PZB Project Number 21-1400022: Consideration of a Major Site Plan request for the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The proposed](#)

building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot- building addition).

- C. PZB Project Number 21-02500001:** Consideration of the installation of exterior accent lighting on the west and south façade of the building located at 620 South Dixie Highway in the Mixed-Use Dixie Highway (MU-Dixie) District. The requested accent lighting is in the form of a single green neon tube attached by tube supports to the building immediately below the cornice/roofline.
- D. PZB Project Number 21-00500006:** Consideration of a Conditional Use Permit request to allow a 1,040 square feet Medical Office at the property located at 220 South Dixie Highway, Unit 4.
- E. PZB/HRPB 21-00400001 (Ordinance 2021-09):** Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to the development appeal process.
- F. PZB/HRPB Project Number 20-01100001:** A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of ‘Hammon Park’ to the development known as ‘Aviara on the Ave’, which is the subject property. The property is located within the Northeast Lucerne Local Historic District and is located within the Mixed Use - Dixie Highway (MU-DIXIE) zoning district with a Future Land Use of Mixed Use East (MU-E).

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 AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 01, 2021 -- 6:18 PM

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman (virtual); Mark Humm; Juan Contin; Laura Starr; Edmond LeBlanc; Zade Shamsi-Basha (virtual). Absent: Anthony Marotta, Vice-Chair. Also present were: Debora Slaski, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by Zade Shamsi-Basha.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. August 4, 2021 Regular Meeting Minutes

Motion: M. Humm motioned to approve the August 4, 2021 Regular meeting minutes as presented; J. Contin 2nd.

Vote: Ayes all, unanimous.

CASES:

PROOF OF PUBLICATION

1) PZB 21-00500005 - 701 N Dixie Hwy - Ragtops

PZB 21-00300001 & 21-01300001 - Land Use Map and Zoning Map Amendment - Barton Rd

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

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: L. Starr-no disclosures to be made; E. LeBlanc and Zade Shamsi-Basha-have no disclosures to be made; G. Rice spoke with Bernard Guthrie regarding Burckle Place and it will not affect his decision. M. Humm spoke over the phone with Bernard Guthrie regarding Burckle Place and it will not influence his decision. J. Contin lives across the street from proposed Burckle Place.

Board Attorney explains disclosures as it relates to the quasi-judicial process. As a Board member is coming to the meeting with some knowledge Board members should provide the name who the conversation was with whether an expert, applicant or person with an opinion on the project and nature of the conversation.

UNFINISHED BUSINESS:

- A. PZB Project Number 20-01400036:** A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a seven-unit, multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district commonly known as "Burckle Place III."

Staff: E. Sita provides a brief re-cap of the project as presented to the Board earlier this year and explains and shows depictions of changes to the projects. This proposal includes a request for a Residential Urban Planned Development for a seven (7) unit multifamily development; A Major Site Plan and Conditional Use permit. The Right of Way Abandonment request will be presented to the City Commission for consideration and decision. Changes in this revision include: Elevation changes and the re-location of the parking to the north of the site to better realign with the Major Thoroughfare design guidelines; a decrease in number of units, of note a Planned Development allows for certain codes to be relaxed, in particular the minimum living area. Code requires 900 sq. feet and the proposed is 636 sq. feet. Total combined living area will have 941 square feet. This allows the project to meet the parking requirement. The landscape proposal now includes a predominately native ratio of trees, shrubs and groundcover to address concerns of the Board and residents. Public outreach to the Pineapple Beach and South Palm Park Neighborhood Associations by the applicant occurred from 2020 through February of 2021. The project has been found to be consistent with the City Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, LDR's if approved as a Planned Development, Residential Urban Planned Development Criteria, Community Appearance Criteria, Conditional Use criteria and in general findings as to harmony with the LDR's and protection of public interest.

Agent for the Applicant: David Milledge of Cotleur & Hearing, Senior Project Manager
Applicant: Kerry Dias- COO of the Lord's Place on behalf of Diane Stanley. Introduces Scott Witzel- Facilities Director, John Glidden and Randy Hansen, Architects. Explains this is about transforming lives, not just providing housing. This would include 21 beds (with over half for women over 50). The combination of the older women with younger provides intergenerational support while job training, placement, tutoring and residing in the program for approximately 24 months resulting in a 96% success rate of being re-integrated into society on their own upon completion.

Mr. Milledge: The site is compliant with parking code with seven (7) dwelling units each at 636 square feet. The re-designed site provides greater engagement with Federal Highway with the side load parking, the landscape is overly abundant. Coastal modern style architecture. The floor plan depicts the living area of each unit. The living area of each unit in combination with the combined living area results in a total of 941.4 square feet per unit. This includes common dining, living and kitchen areas. This is the only waiver being sought.

Affected Party Portia Culley: Presentation was helpful and is difficult to go against what they are doing, helping older women who need help. Doesn't believe this is a case of NIMBY, as the town seems to be more liberal, but believes it should be subject to the same development standards as other developments in the area. Believes the major issues with the previous plan was the parking and the Right-of-Way abandonment. Residents have been parking in the R-O-W for 15 years. Now the R-O-W is not up for consideration. Months ago, was shown a rendering depicting paved parking on the R-O-W for the public, was told by Kerry Dias, the R-O-W was a no-go by the City. Is 'giving away' the R-O-W a foregone conclusion? She does not want to be the one fighting the Lord's Place. Restore parking to those who were using it prior to the City installation of the no parking signs.

Agent for the applicant has no questions of the Affected Party or staff but available for rebuttal. Portia Culley has no questions of staff or agent for the applicant.

Public Comment: Board Secretary states the Board has received a copy of the comments from the August 4 meeting in addition to those received since as well as those received during this meeting. Those comments received since the meeting began are read into the record. All comments will be part of the minutes regardless of multiple comment submittals, those comments to be read or spoken will be limited to 3 minutes.

Board: J. Contin- As an architect who has come before the Boards on multiple occasions has been subject to constraints of City code. Important is the two-story requirement; despite the no parking signs, no vehicles have been towed and people continue to park there indicating a need for parking. Should Sun-Gate redevelop this could happen again as there won't be access unless through the side. Garbage pick-up is noisy as it is adjacent to the apartment complex on the northside and odiferous. The elevation renderings do not fully depict the entire site, excluded is the parking area. Does it meet all major thoroughfare guidelines? **Staff response:** Yes, the parking is side loaded, rear loaded is encouraged. J. Contin suggests the paving of 9th Avenue, would provide some public parking and redesign to place the dumpster in the area. The paving of the Right-of-Way was done across the street. **Staff response:** The R-O-W is the purview of the Public Works Dept.. The square footage of the unit may not allow the application to meet ADA requirements. Z. Shamsi-Basha would like more detail on the communal spaces. Kerry states the concept is to share the communal space, where the therapy occurs, this is where all the programming occurs. Is it truly communal, a shared living room? Not a clubhouse that closes at 10 pm... E. LeBlanc has a question about Condition #7 (the total east elevation). **Staff Response:** That Condition should be stricken, it was met with this re-submittal. E. LeBlanc asks for clarification on the dumpster enclosure, landscape plan and what is the setback from the north property line for the enclosure? **David Milledge:** Concrete block with metal louvered doors. Location, size and materials were approved by Public Works. It appears to be a ten (10) foot setback to the north and five (5) foot from the west. J. Contin questions if it was known there was a 2-story building to the north with people sitting on their terrace? David Milledge notes there is a 2-story building with an open walkway to the north. Approval was received by the professional staff of Public Works for the location, materials and access. Have satisfied the Code requirements for those items. E. LeBlanc questions how the R-O-W functions. Staff clarifies- this segment of the 9th Ave S was never utilized as a road nor does the City intend to pave it and use it as such. It is unimproved and has historically been used for overflow parking, although never intended for the purpose. J. Contin asks if the site would qualify as a Planned Development without the extra square footage to make it over .5 acres? M. Humm- parking is needed everywhere and the City is just giving it away. L. Starr asks where the population will come from? Kerry states the referrals come in many ways, screened to make sure they are appropriate for

this program. L. Starr- prison, rehabs? Kerry – neighbors, self-referrals, the county homeless clearing center. Do they have vehicles, are they permitted to have vehicles? Response: Yes, they do. Potentially there could be 21 cars plus staff, and they are allowed visitors. Not everyone has a vehicle and public transportation is the majority mode. Are there curfews? **Response:** Yes, on-site by a certain time, not in the room. It's supportive housing that the residents agree to. L. Starr is there a reason the larger unit size cannot be met? There would be no reason to prevent another development from asking for the same concession as they would have a clubhouse, kitchen and other common areas. John Glidden: All the residents would be in their room if the spaces was larger. The waiver is needed to accommodate the program that can house the residents hoping to become independent citizens of the community. J. Contin asks about the ADA building codes, fire codes and narrow hallways. John Glidden states the exiting requirements and life safety codes are met. This is not a traditional apartment situation, it is part of the communal process. David Milledge- the parking code has been met and it should not be the burden of the Lord's Place to account for parking deficiencies by other developers or the City as a whole. J. Contin- if the R-O-W was not obtained, would it qualify as a Planned Development? No, the unit size waiver would not be available, waivers and variances are different.

Public Comment: B. Guthrie-827 S. Palmway- If it were approved as a Planned Development, it meets code. The project was re-drawn after the March meeting. It was out of context for the neighborhood. Asks for the new drawings to be submitted for the record as well as a drawing of the R-O-W to the Pineapple Grove area. The 9th Ave abandonment will take away precious parking. The eastern portion of the roadway was paved and marked for parking. The building will be there for decades and resembles prison cells with a congregate area. It could turn into a low-income housing structure.

J. Contin welcomes a better plan that changes the dumpster location, resolves the R-O-W abandonment and parking issue. It's the execution of the plan, not the premise of the Lord's Place. At the last Board meeting they were asked to bring a more amenable plan.

Motion: J. Contin moves to recommend denial of PZB 20-01400036 to the City Commission as the project does not meet the applicable criteria for the following reasons: Parking; Substandard apartment size; not meeting the Major Thoroughfare Design Guidelines with respect to the two-story structure; Motion is amended to include that the dumpster be relocated as much as possible away from the current location; 2nd to the amendment L. Starr.

J. Contin- relocate the dumpster enclosure to the south west side of the site.

M. Humm – against giving away the Right-of-Way.

Z. Shamsi-Basha – the only issue is if the waiver should be granted, the program explains the reason for the size reduction.

E. LeBlanc-Unit size no issue as the program is different, that is what they do. Agrees the dumpster location is at issue.

L. Starr – disagree with the opinions that the unit size is the only issue, it is setting a bad precedent.

Vote: L. Starr Yea; J. Contin Yea; M. Humm Yea; Z. Shamsi-Basha Nay; E. LeBlanc Nay; G. Rice Yea. Motion carries 4/2 to recommend denial to City Commission.

NEW BUSINESS:

A. PZB Project Number 20-00500005: Consideration of a Conditional Use Permit request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway (MU-Dixie) at **701 North Dixie Highway**. The request is to establish the proposed use within the current 8,425 square feet commercial building.

Additional Board Disclosures: G. Rice knows the owner of the parcel, Shanon Materio, but it will not influence his decision. M. Humm is a neighbor to the subject parcel.

Staff: D. Slaski presents case findings and analysis. The Special Interest Dealership will house an accessory museum and gallery use for private events or for anyone to visit the establishment during normal business hours. There are 18 parking spaces. Conditions of Approval would limit the private events to 2 per month and no more than 24 per year. No outdoor storage or servicing of vehicles is proposed or allowed. A minor site plan approval is required to improve site appearance to the furthest extent possible.

Applicant: Ty Houck- Has been in the business for 41 years, most recently in the West Palm Beach area; the current property owner has been at this location for 29 years. The memorabilia for purchase will be "things that people don't need". The antique and special interest car collection will also be for sale. Explains the logic behind how many events could be held, how some of the events may be more seasonable. Has utilized a valet service in the past to park the events.

Board: Concerns about limiting the events to 2 per month. E. LeBlanc questions the nearby TOD zoning? It was identified as a potential area for the Coastal link. Board member who has attended an event states it was phenomenal. All agree it could be a nice addition to the area.

Public Comment: None

Motion: L. Starr moves to approve PZB 21-00500005 with staff recommended Conditions of Approval, excluding the limitation on number of events, based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

B. PZB/HRPB 21-00300001 & 21-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) on behalf of the PBC School District requesting: (1) a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU, and (2) a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

Staff: E. Sita provided a brief history of the use of the property. This is a corrective action bringing the parcels in to closer alignment with the Land Use.

Applicant: Michael Owens, Senior Planner for PBC School District and James Gavrilos, Administrator of Red Apple Supplies explains the program. It is the signature program. Every teacher may shop at this location twice yearly for supplies without dipping into their own pocket. There is a staff of seven. It is a facility to house supplies. The intent is to eventually serve all 179 schools. This year 63 Title One schools are being served. \$1,100,000 of school supplies were disbursed last year.

Public Comment: Erika Kotala Bell of 1406 Tropical Drive has concerns regarding the use of the alley behind the site and a plan to offset the loss of natural habitat on the property.

Board: L. Starr asks why the alley is needed.

Staff: This is for the Rezoning and Future Land Use Map Amendment only, not a site plan. Palm Beach County School Board Planning Staff can reach out to the neighborhood when a site plan amendment is brought forward. Currently there are portables on one of the parcels and none of the single-family homes have been demolished. With regard to the northern parcel, a tree disposition plan would accompany any site plan modification.

Motion: M. Humm moves to recommend approval of **PZB 21-00300001 & 21-01300001** for the proposed amendments to the Future Land Use Map and Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

Vote: Ayes all, 6/0 unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3-minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS:

ADJOURNMENT: 8:55 PM

Attachment: Public Comment **UNFINISHED BUSINESS: A.** PZB Project Number 20-01400036

**PUBLIC COMMENT
CARD - ADVISORY
BOARD - {AGENDA
SECTION:10} - JAMES
- KUKLA**



{Topic of Agenda Item on
which you want to
speak:12}

**WHICH BOARD MEETING IS THIS
COMMENT FOR?**

Planning and Zoning Board

MEETING DATE

09/01/2021

COMMENT TOPIC

Supporter of Burckle Place III

NAME

James Kukla

EMAIL

Jkukla@kuklapartners.com

ADDRESS

701 Warren Drive
Jupiter, FL 33458
United States

TESTIMONY CONSENT

I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

**HOW WOULD YOU LIKE TO
PARTICIPATE?**

I would like the city to read my comments below

COMMENTS TO BE READ INTO RECORD

This project is important and meets the requirements of the Planning and Zoning codes. Notwithstanding those that wish to invite higher density and more disruptive developments in the neighborhood I stand in support of the project

**PUBLIC COMMENT
CARD - ADVISORY
BOARD - {AGENDA
SECTION:10} -
PANAGIOTI -
TSOLKAS**



{Topic of Agenda Item on
which you want to
speak:12}

WHICH BOARD MEETING IS THIS COMMENT FOR?	Planning and Zoning Board
MEETING DATE	09/01/2021
COMMENT TOPIC	Burckle Place
NAME	Panagioti Tsolkas
EMAIL	panagioti.e.tsolkas@gmail.com
ADDRESS	822 N C St Lake Worth, FL 33460 United States
TESTIMONY CONSENT	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
HOW WOULD YOU LIKE TO PARTICIPATE?	I would like the city to read my comments below
COMMENTS TO BE READ INTO RECORD	Please support Burckle Place. This is a way to show support for everyone in our community.

PUBLIC COMMENT CARD - ADVISORY BOARD - {AGENDA SECTION:10} - SUE - WELCH



{Topic of Agenda Item on
which you want to
speak:12}

WHICH BOARD MEETING IS THIS COMMENT FOR?	Planning and Zoning Board
MEETING DATE	09/01/2021
COMMENT TOPIC	Burckle Place
NAME	Sue Welch
EMAIL	suestevensart@gmail.com
ADDRESS	1331 N Palmway Lake Worth Beach, FL 33460 United States
TESTIMONY CONSENT	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
HOW WOULD YOU LIKE TO PARTICIPATE?	I would like the city to read my comments below
COMMENTS TO BE READ INTO RECORD	I encourage the board to support this project. The Lord's Place is a cornerstone in our county for providing support to people with a comprehensive understanding of the nuances of our region. This project aesthetically fits with what exists in adjacent properties and makes sense for our community. I would welcome a similar project in my back yard as the Lord's Place has proven time and again that they are good for the community and good neighbors.

**PUBLIC COMMENT
CARD - ADVISORY
BOARD - {AGENDA
SECTION:10} -
DANNA - TORRES**

{Topic of Agenda Item on
which you want to
speak:12}



WHICH BOARD MEETING IS THIS COMMENT FOR?	Planning and Zoning Board
MEETING DATE	09/01/2021
COMMENT TOPIC	PZB Project Number 20-01400036
NAME	Danna Torres
EMAIL	dannactorres@gmail.com
ADDRESS	631 N J St Lake Worth Beach, FL 33460 United States
TESTIMONY CONSENT	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
HOW WOULD YOU LIKE TO PARTICIPATE?	I would like the city to read my comments below
COMMENTS TO BE READ INTO RECORD	Good evening, my name is Danna. I fully support this project and hope it is processed as expeditiously as the Deco Green project because poor people deserve dignified housing too.

**PUBLIC COMMENT
CARD - ADVISORY
BOARD - {AGENDA
SECTION:10} -
JACQUELINE -
MARKIS**



{Topic of Agenda Item on
which you want to
speak:12}

WHICH BOARD MEETING IS THIS COMMENT FOR?	Planning and Zoning Board
MEETING DATE	09/01/2021
COMMENT TOPIC	Burckle Place II
NAME	Jacqueline Markis
EMAIL	jamarkis@gmail.com
ADDRESS	1224 16th Avenue N Lake Worth Beach, FL 33460 United States
TESTIMONY CONSENT	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
HOW WOULD YOU LIKE TO PARTICIPATE?	I would like the city to read my comments below
COMMENTS TO BE READ INTO RECORD	I am an outreach worker that serves the homeless community and would like to say that I support the city voting yes for the Burckle Place project. We need more affordable housing, and more options for our homeless neighbors transitioning back into a normal routine.

817 South Federal Highway
Lake Worth Fl 33460

31 Aug, 2021

Department for Community Sustainability
1900 2nd Ave North
Lake Worth Beach, FL 33461
561-586-1687
RE: Project Name: Burkle Place 3 PZB Project Number 20-01400036

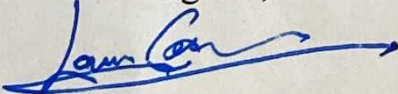
Dear Sirs:

I have an apartment at 817 South federal Highway and have been informed of the development happening at 825-827 South Federal Highway known as Burkle Place 3, by the Lord's Place. The way the current project is presented is a badly planned with a garbage dumpster directly next to our buildings fence. To make it worst the garbage truck will come starting 6:00am twice per week with additional smells, rats and other pests.

This is the worst planning that I have ever seen especially when there is a right of way with a street that can be developed for utilities and parking. The Lords place is thinking of themselves by using the existing parking apron and not wanting to pay to make a proper sidewalk and garbage collection area where they should be off of a public right of way and away from the neighbors.

This project cannot possibly go forward like this as it will set Lake Worth back many years. I urge the planning Board to reject this proposal for a better though out project that thinks of the neighbors and the future of Lake Worth.

Best Regards,



Lauren Castilla



SAY NO! TO THE GARBAGE TRUCK!

WE LIVE HERE! PLEASE RESPECT

NAME _____

ADDRESS 417 S. Freeman

From: [Bill Robeson](#)
To: [Planning and Zoning](#)
Cc: [Herman Robinson](#)
Subject: Lord's Place agenda item
Date: Tuesday, August 31, 2021 1:32:48 PM

Caution: *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

In general terms I am opposed to ANY project that gives away city property to ANY developer - for profit or not for profit. In this case it appears that the developer must have the gift of property to make the project meet zoning requirements. As tightly as the city enforces zoning rules for those of us who are property owners it appears there is a desire to force this project into a space that is too small for its current design.

William & Bonnie Robeson
822 S Palmway
Lake Worth Beach

[Sent from the all new AOL app for iOS](#)

From: [Jonas King-Holzager](#)
To: [Sherie Coale](#); [Planning and Zoning](#)
Subject: Lord's Place Hearing 09/01/21
Date: Tuesday, August 31, 2021 9:53:31 AM

Caution: *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

Sherie,

My wife and I live at 814 S Federal Hwy, and I would like to protest the following issues with the Lord's Place land development:

1. The Lord's Place is not making any concessions for the loss of parking on 9th Ave S. Their proposal requests an easement of the street which will remove valuable parking spaces in an already limited area.
2. The facade of the proposed building does not meet the height requirements other developers were required to meet.
3. The living conditions for the women that will be housed in the proposed building are smaller than normally allowed, which will lead to cramped conditions for women in need. Adding possible mental health stress to an already stressful situation seems irresponsible, especially in the manner it was granted.

Please add my opposition to the meeting at 09/01/21. I will also be attending the meeting, and am happy to speak to the council in detail about my concerns via zoom if you are able to provide a link to the meeting.

Thank you,

--

Jonas King-Holzager
SharePoint Administrator/Developer
Phone: 757-880-3362
Email: jkholsa@gmail.com

Project Name: Burckle Place 3

PZB Project Number 20-01400036

30 Aug, 2021

Sherie C Coale
Executive Secretary
Department for Community Sustainability
1900 2nd Ave North
Lake Worth Beach, FL 33461
561-586-1687
561-586-1633

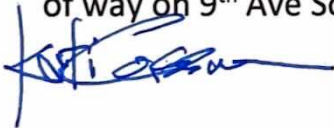
Planning and Zoning MEETING ON 1st of SEPT

Dear Sirs:

I am writing with concerns about the new development going before you as Burckle Place 3 (PZB Project Number 20-01400036). The current form of the project does not take into account the parking that has been historically used by the residents on and around Federal Highway and 9th Ave South, Lake Worth. For this project and the City planners to allow the developer to take this parcel of land would be devastating to our community as we have no place to park.

Other developers have been obligated to work with the community to provide items like parking and sidewalks and there should not be an exception for the Lords Place.

Please look for a way for this development to save the parking in the right of way on 9th Ave South and federal highway.



Best Regards,

Kati Cassiani

Pineapple Village (902 South Federal Highway, Lake Worth)

From: [Robert Collins](#)
To: [Planning and Zoning](#); [Sherie Coale](#)
Subject: The Lord's Place
Date: Tuesday, August 31, 2021 6:03:38 PM

Caution: *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

Parkings, seems to be one of my greatest concerns. I live at 802 South Federal Highway. On any given night, I witness different vehicles parking on 8th Ave South. These different vehicles park on both sides (north and south) on 8th Ave South, East side of Federal Highway. Along with both ends of my address, from the alley to South Federal Highway. They are not the same vehicles. Sometimes they are parked there, in the same location for up to a week at a time. At times, I have witnessed these people exiting their vehicle going in different directions as not know which place they are living, or going to. Another problem is the backing out onto South Federal Highway. This is hazardous, as may vehicles speed up and down South Federal Highway Especially on the weekends. On another issue, it seems by their name, this is a ministry for the hurting. "IF" this is true, they are setting a very poor example for what a ministry is all about, which includes honesty, integrity, and loyalty to God's word as it States in the 13 Chapter of Romans. This is setting a very poor example for the people which profess to be helping, along with the citizens of Lake Worth Beach. They need to go back to the drawing board, and set the example, and not be the example. Thanks for your time, Robert Collins.

817 South Federal Hgy. Lake Worth

8/31/21

**City of Lake Worth
Planning and Zoning
1900 2nd Ave North
Lake Worth , FL 33461**

P&Z MEETING ON 1st of SEPT .

RE: PZB Project Number 20-01400036

Dear Board:

I have been living here in Lake Worth for 12 years. I know that there are a lot of new projects happening but I have not seen one project that puts a garbage dumpster directly next to a neighbor. The garbage truck will also come and make noise and smell. This is not right.

I am considering moving if this project happens. It goes to show that no one at the City level is looking out for the people that live in Lake Worth. This project is horrible.

Thanks,


Rodolfo Ledem

**PUBLIC COMMENT
CARD - ADVISORY
BOARD - {AGENDA
SECTION:10} -
BERNARD - BUSH**



{Topic of Agenda Item on
which you want to
speak:12}

**WHICH BOARD MEETING IS THIS
COMMENT FOR?**

Planning and Zoning Board

MEETING DATE

08/04/2021

COMMENT TOPIC

Burkle Place / The Lords Place

NAME

BERNARD BUSH

EMAIL

benard.bush3@gmail.com

ADDRESS

4528 S HAVERHILL ROAD APT 202
LAKE WORTH, FL 33463
United States

TESTIMONY CONSENT

I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

**HOW WOULD YOU LIKE TO
PARTICIPATE?**

I would like the city to read my comments below

COMMENTS TO BE READ INTO RECORD

I have been a employee of the Lords Place for over 10 years and over that time i have seen this agency help the less fortunate. This is a big need in this community and every community in palm beach county. This Board needs to show what The Lords Place shows everyday for the less fortunate that is COMPASSION!!!! and allow the construction of this building

July 30, 2021

Planning & Zoning Board
1900 2nd Avenue North
Lake Worth Beach, FL 33460

Dear Members of the Planning and Zoning Board,

I'm writing in support of The Lord's Place Burckle Place 3 project, which will provide a beautiful addition to our community and a needed place for women to call home. This multi-family home will house 21 women working toward their independence and who have already successfully graduated from The Lord's Place other programs. The building provides a safe, supportive place to call home and provides a family-like central "living room" that allows the program's intergenerational nature to operate. Half of the women will be 50 and over, and the other half will be between 18 and 30 years old.

There has been opposition to the project for a few reasons, which The Lord's Place has successfully addressed, including what the building will look like from Federal Highway, the size of the units, where the parking is located, and the number of parking spots. As a resident of Lake Worth Beach, this is all I could ask of a good neighbor.

The women who live at the other Burckle Place homes in our city are contributing members of our community. The buildings are beautifully maintained and a credit to Lake Worth Beach. The new Burckle Place 3 will also be a positive addition to our City, and I encourage you to support this project's approval.

Sincerely,

A handwritten signature in cursive script that reads "Penny Darling".

Penny Darling
1701 North D St
Lake Worth Beach, FL 33460

7/30/21

Planning & Zoning Board
1900 2nd Avenue North
Lake Worth Beach, FL 33460

Dear Members of the Planning and Zoning Board,

As a 19 year resident of Lake Worth Beach and someone who has volunteered at Burckle Place over the years I would like to express my fervent support for The Lord's Place Burckle Place 3 project. Not only does The Lord's Place have a reputation in our county for being a leader in the efforts to address the needs of unhoused members of our community, but they also provide stellar services and are a benefit to the community as a whole. The Burckle Place project specifically has not only helped many women transition from extreme housing crisis to housing stability, but has also been a wonderful neighbor where the other programs are located.

I understand there is opposition to this project from those who have expressed concern that this project, which serves community members in need, perhaps couched in a concern around parking or some other reason, should not be permitted to proceed. The Lord's Place as a responsive and responsible neighbor and organization in our county has adequately addressed the concerns that were raised. My understanding is that they have made clear what it would look like from Federal Highway, the dimensions of the units, and the location and the number of the parking spots.

As a city we are responsible to look out for all members of our community. It is clear that Lake Worth Beach has a growing number of folks who are experiencing houselessness, and while this is not unique to Lake Worth Beach we are in the unique position to be part of the solution rather than simply acknowledging we have rising numbers but then saying "Not in my backyard" when presented with an opportunity to address the problem. I want to emphasize the fact that the existing Burckle Place programs are beautifully maintained homes with women who are a great benefit to their community. We not only owe it to those who will be participating in the Burckle Place 3 program in the future, but also to our city to demonstrate that we are a city that embraces equity and inclusion and doesn't participate in housing discrimination. The new Burckle Place 3 will be a positive addition to our city, and I encourage you to support this project's approval.

Sincerely,

Noam Brown
1701 N D St.
Lake Worth Beach

August 2, 2021

Planning & Zoning Board
1900 2nd Avenue North
Lake Worth Beach, FL 33460

Dear Members of the Planning and Zoning Board,

I'm writing in support of The Lord's Place Burckle Place 3 project, which will provide a beautiful addition to our community and a needed place for women to call home. This multi-family home will house 21 women working toward their independence and who have already successfully graduated from The Lord's Place other programs. The building provides a safe, supportive place to call home and provides a family-like central "living room" that allows the program's intergenerational nature to operate. Half of the women will be 50 and over, and the other half will be between 18 and 30 years old.

There has been opposition to the project for a few reasons, which The Lord's Place has successfully addressed, including what the building will look like from Federal Highway, the size of the units, where the parking is located, and the number of parking spots. As a resident of Lake Worth Beach, this is all I could ask of a good neighbor.

The women who live at the other Burckle Place homes in our city are contributing members of our community. The buildings are beautifully maintained and a credit to Lake Worth Beach. The new Burckle Place 3 will also be a positive addition to our City, and I encourage you to support this project's approval.

Sincerely,

Jill Lavetsky
520 North D Street
Lake Worth Beach, FL 33460

From: [christa hauss](#)
To: [Planning and Zoning](#)
Subject: Burckle Place III
Date: Friday, July 30, 2021 2:18:02 PM

Caution: *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

July 30, 2021

To the Planning and Zoning Board,

I urge the Board to deny the variance the Burckle Place III project is seeking to reduce the per unit Living Area.

The Regulations included in the Zoning Designation of MU-FH intend for "low density multi-family uses". The applicant has reduced the per unit living area by approximately 30% and thus can no longer claim a "low density" use. Instead they now have less than 600 sf. for three bedrooms. Justification for the large reduction of living area per unit is the claim that "the facility anticipates residents to spend the majority of their time outside of their units". The applicant offers no explanation of the crowded consequences which will occur should the occupants stay within their units. The availability of "common areas" does not compel their use nor offer any relief from the overcrowded personal living areas.

Should the Board accept the reasoning that per unit minimum living area can be waived because the developer believes that the units will be unoccupied "the majority" of the time, then the entire Zoning Regulation addressing minimum living area is without validity. Ultimately the applicant shows no vehicle for enforcing its claim that the "residents spend the majority of their time outside their units". Should this claim impress the Board, I believe that any future applicant could challenge any square foot requirement just by asserting that the occupants are working away from home during the day, or will probably be at the pool or gym. Common space is no substitute for private living area.

Thank you,

John Wright
112 S. J St.
Lake Worth, FL 33460
812hauss@gmail.com
443-480-1102

Shauna Coolican
1629 S Lakeside Drive
Lake Worth Beach FL 33460

2 June 2021

Herman Robinson, District 4
7 North Dixie Highway
Lake Worth beach FL 33460

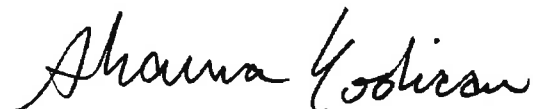
Dear Herman

I recently became aware of the proposed Burckle Place 3 project to be built by The Lord's Place, just north of the New Sun Gate "Motel of the Stars" on Federal Highway. I was pleased to hear that this will not be an emergency shelter, but supervised, phased, housing for women transitioning back to independent living.

I live in South Palm Park, near the proposed project, so I contacted The Lord's Place to find out more about it. I was glad to hear that residents will be women only, no children, and that half will be over 55 years-old, which will enhance stability. Those of us living south of 6th Avenue South are familiar with the domestic dramas that often play-out in the parking lots of the budget motels along Federal.

I understand that The Lord's Place will also be paying much needed property taxes to the City of Lake Worth Beach. The property will be fenced and landscaped to maintain a low profile. This project is preferable to maintaining another vacant lot along Federal Highway. I support the Burckle Place 3 project.

Amiably,



Shauna Coolican

CC: Planning & Zoning

July 31, 2021

Planning & Zoning Board

1900 2nd Avenue North
Lake Worth Beach, FL 33460

Dear Members of the Planning and Zoning Board,

As a former volunteer at Burckle Place I'm writing in support of The Lord's Place Burckle Place 3 project, which will provide a beautiful addition to our community and a needed place for women to call home.

During the many months that I volunteered as a Massage Therapist at Burckle Place, I experienced firsthand how Burckle Place helped many women to turn their lives around and to have another chance for a productive life with dignity and quality. I realized that many of these brave ladies were people like any of us, but through life circumstances - often health related - they had not only lost their income but also their home and their place in society. I strongly believe that a Project like Burckle Place 3 deserves the support of our community.

Burckle Place 3 will be a multi-family home and will house 21 women working toward their independence and who have already successfully graduated from The Lord's Place other programs. The building provides a safe, supportive place to call home and provides a family-like central "living room" that allows the program's intergenerational nature to operate. Half of the women will be 50 and over, and the other half will be between 18 and 30 years old.

There has been opposition to the project for a few reasons, which The Lord's Place has successfully addressed, including what the building will look like from Federal Highway, the size of the units, where the parking is located, and the number of parking spots. As a resident of Lake Worth Beach, this is all I could ask of a good neighbor.

The women who live at the other Burckle Place homes in our city are contributing members of our community. The buildings are beautifully maintained and a credit to Lake Worth Beach. The new Burckle Place 3 will also be a positive addition to our city, and I encourage you to support this project's approval.

Sincerely,

Sibyll Hoch

Dear P&Z Board, Madam Mayor, Commissioners and staff:

As a long time resident of South Palm Park neighborhood, I would like to go on record as supporting the proposed new Burckle Place proposal for Federal Hwy. From conversations with neighbors, it appears that concerns about this project arise mainly due to blending the negative impact of some of the less well managed "sober homes" on Federal with the The Lord's Place, operators of two Burckle facilities in our City. TLP is a long time good neighbor and can be counted on to properly vet their residents (who will be women), and run a quality operation that will have a positive impact on the redevelopment of Federal Hwy, SPPNA and our City as a whole. See below for further details.

Thanks for your consideration of this worthy project,
Ted Brownstein
1016 S Lakeside Drive

For your consideration.....

August 4, 2021

To: Planning and Zoning board

RE: Burkel house application

Dear Board,

Let me begin by thanking each and every one of you for your service to the city. It is time consuming and often thankless. But so important.

I am not able to join you tonight, but wanted to give you my input on this project. (I will try to listen via zoom tonight.)

Please support and approve this project. I have visited the original Burkle place on South J Street, which has been in existence for quite some time. I met and spoke with the residents; their commitment to the program was impressive and heartwarming.

In that instance they took a derelict building which had been a problem in my neighborhood for many years, improved it and have maintained it immaculately for years.

I am also very impressed by the fact that the Lord's Place holds the philosophy of paying their way in our city; they could avoid the ad valorem taxes, and yet they choose to pay them.

They have responded to your comments regarding parking in front, for example. As to your suggestion that they go to two floors, as a senior citizen with multiple joint replacements and orthopedic issues, I understand how just even one flight of stairs can be formidable.

Please consider approving this most valuable project.

Thank you,

Very truly yours,

Betty Resch



PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm**, or soon thereafter, to consider a request submitted by the City of Lake Worth Beach (PZB 21-030002) for a **Future Land Use Map (FLUM) amendment** and a **Zoning Map amendment** for the properties located at 706 South H Street and 710 South H Street with Property Control Numbers (PCN) of 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060. The request is to change the existing FLUM designation from the Mixed Use - East (MU-E) FLU to the Public (P) FLU and to rezone from the Mixed Use - Dixie Highway (MU-Dixie) zoning district to the Public (P) zoning district.

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

Public comment will be accommodated through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

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

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



Publish: The Lake Worth Herald
September 23, 2021

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) and Planning and Zoning Board (PZB) will conduct virtual meetings with in-person quorums per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm** or soon thereafter for the PZB to consider the following ordinance and on **October 13, 2021 at 6:00 pm** or soon thereafter for the HRPB to consider the following ordinance:

- **PZHP 21-00400001 (Ordinance 2021-09)** Consideration of an ordinance addressing modifications to the appeals process of land development applications as follows: AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REMOVING THE CITY COMMISSION AS THE ADMINISTRATIVE APPELLATE AUTHORITY FOR LAND DEVELOPMENT REGULATION DECISIONS MADE BY THE HISTORIC RESOURCES PRESERVATION BOARD AND PLANNING AND ZONING BOARD BY AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 2, "ADMINISTRATION," DIVISION 1, "SUPPLEMENTAL REGULATIONS," DIVISION 1, "DECISIONMAKERS," SECTIONS 23.2-1, 23.2-7, 23.2-8, AND 23.2-9; DIVISION 2, "PROCEDURES," SECTIONS 23.2-15, 23.2-16, AND 23.2-17; DIVISION 3, "PERMITS," SECTIONS 23.2-27, 23.2-29, 23.2-30; ARTICLE 5, "SUPPLEMENTAL REGULATIONS," SECTION 23.5-1 AND 23.5-4; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

The **agenda and back-up materials** are available: <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>

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Publish: The Lake Worth Herald
September 23, 2021

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm** or soon thereafter to consider a **Major Site Plan request (PZB Project # 21-1400022)**, submitted by Rico Baca of 5908 Georgia, LLC on behalf of TMN Investment Holdings, LLC, for the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The proposed building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot building addition).

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

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

Publish: The Lake Worth Herald
September 23, 2021

Legal Notice No: 39228

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **October 6, 2021 at 6:00 pm** or soon thereafter to consider a **Conditional Use Permit** request (**PZB Project # 21-00500006**), submitted by Jay Siedel DPM PA Inc, to establish a Medical Office use for DBA South Florida Podiatry at 220 South Dixie Highway. No site or building improvements are proposed as part of the request.

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

Public comment will be accommodated through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

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Publish: The Lake Worth Herald
September 23, 2021

PLANNING AND ZONING BOARD REPORT

PZB 21-01300002: City-initiated small-scale **Future Land Use Map (FLUM) amendment** (Ordinance 2021-18) and **Zoning Map amendment** (Ordinance 2021-19) on behalf of Dixie Capital Partners LLC in coordination with the City of Lake Worth Beach’s Electric Utility requesting:

- a FLUM amendment from the Mixed Use - East (MU-E) FLU to the Public (P) FLU, and
- a rezoning from the Mixed Use – Dixie Highway (MU-Dixie) zoning district to the Public (P) zoning district on properties located at 706 South H Street and 710 South H Street.

Transmittal Date: August 25, 2021

Meeting Date: September 1, 2021

Property Owner: Dixie Capital Partners LLC

Address: 706 South H Street and 710 South H Street

PCN: 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060

Size: 13,488 square feet (0.31 acres)

General Location: Southeast corner of the 7th Avenue South and South H Street intersection

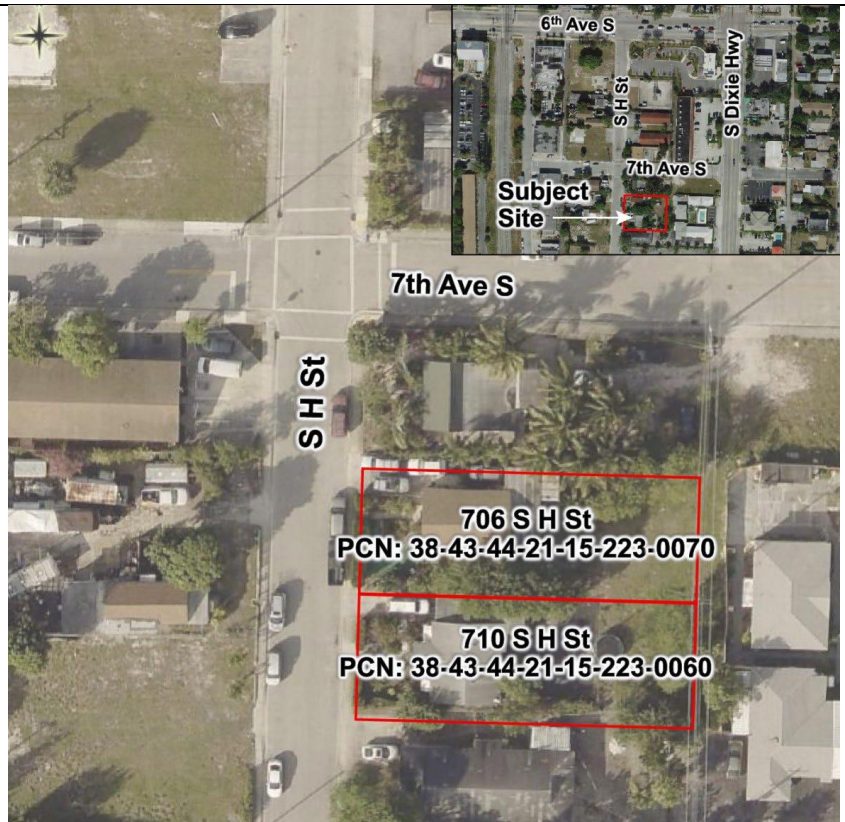
Existing Land Use: Two single-family residential homes

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

Proposed Future Land Use Designation: Public (P)

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

Proposed Concurrent Zoning District: Public (P)



RECOMMENDATION

The data and analysis in support of the proposed FLUM amendment was prepared in accordance with F.S. 163.3177. The proposed FLUM amendment is consistent with the purpose, intent, and requirements of the Comprehensive Plan, including the level of service requirements and the Strategic Plan. **Therefore, a recommendation is provided to Planning & Zoning Board to recommend that the City Commission adopt the proposed small scale FLUM amendment.**

The proposed rezoning is consistent with the Comprehensive Plan, Strategic Plan, and the guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). **Therefore, a recommendation is provided to the Planning and Zoning Board to recommend that the City Commission adopt the proposed Zoning map amendment.**

PROJECT DESCRIPTION

The proposed City-initiated FLUM amendment would amend the FLU designation for approximately .31 acres (2 subject properties) from the Mixed Use - East (MU-E) FLU to the Public (P) FLU. The proposed concurrent rezoning request would amend the zoning district on the subject properties from the Mixed Use – Dixie Highway (MU-DH) district to the Public (P) district. The proposed map amendments would allow the development of a new Electrical Substation on the subject site which will serve and be owned by the City of Lake Worth Beach. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report for each request.

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

The data and analysis section of this staff report for the concurrent Zoning Map amendment analyzes the proposed request for consistency with the City's Comprehensive Plan, Strategic Plan, and LDR Section 23.2-36(4): Review Criteria for the Rezoning of Land.

COMMUNITY OUTREACH

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

BACKGROUND

The proposed FLUM and Zoning Map amendments include two (2) parcels currently owned by Dixie Capital Partners LLC. The proposed relocation of the substation would allow for the eventual redevelopment of the existing substation site by Dixie Capital Partners LLC, which is located at 610 S H Street near the intersection of S H Street and the major thoroughfare of 6th Ave South. The sale of the subject property to the City of Lake Worth Beach is anticipated to occur sometime in 2022. The service capacity of the existing substation at 610 S H Street will be transferred to the new upgraded facility upon the completion of its construction. The subject site is located within the CRA boundaries.

FUTURE LAND USE MAP (FLUM) AMENDMENT ANALYSIS

The proposed Public (P) FLU for the subject properties is compatible with the Mixed Use- East (MU-E) FLU designations of surrounding properties. The following outlines the FLU designations for the adjacent areas:

- Future Land Use Map amendment for approximately .31 acres (2 properties) from Mixed Use – East (MU- E) to Public (P)

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use	Existing Use
Mixed Use – East (MU- E)	North	Mixed Use – East (MU- E)	Single Family
Mixed Use – East (MU- E)	South	Mixed Use – East (MU- E)	Multifamily Apartments
Mixed Use – East (MU- E)	East	Mixed Use – East (MU- E)	Motel
Mixed Use – East (MU- E)	West	Mixed Use – East (MU- E)	Single Family Vacant Residential

The Public FLU designation allows for areas specifically used for public purposes and, in conjunction with the implementing Public zoning district, provides for various related uses including office and institutional uses. Use of this site as described will help the City of Lake Worth Beach provide necessary utility facilities to support the surrounding areas and future development enumerated in its Strategic Plan and is consistent with the Comprehensive Plan.

The proposed FLUM amendment is consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The underlined text below emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments. However, it should be noted that per F.S. 163.3208, substations are permitted in all land use categories by the Florida Statutes. As the local electric utility is owned by the City, the local preference is for all City facilities to be located within a public future land use designation and zoning district. Substations are permitted in the Public (P) zoning district, which is the implementing zoning district for the Public (P) future land use designation. Therefore, while the proposed FLUM amendment is not required under Florida Statute, the local preference is for the City’s FLUM and Zoning Map to reflect the location of this type publicly owned facility.

1. FUTURE LAND USE ELEMENT

Objective 1.3.4: To coordinate future land uses with availability of facilities and services.

Objective 1.3.5: To encourage the availability of suitable land for utility facilities necessary to support proposed development.

Policy 1.3.5.1: Suitable land shall be dedicated or reserved by the developers or reserved by the City for utility facilities necessary to support proposed development.

Policy 1.3.5.3: Electric substations and Utility uses shall be allowed in all future land use categories except in Conservation areas or areas designated as Historic Districts, provided the uses are consistent with the provisions of the Comprehensive Plan and the Land Development

Regulations. Electric facilities shall comply with the provisions of F.S. 163.3208., which establishes compatibility standards, procedures for the review of applications for location of a new substation.

2. INFRASTRUCTURE ELEMENT

Objective 4.1.21: To plan for and assure an adequate electric service to meet the needs of all residents and non-residential establishments within the City of Lake Worth and within the City's service area during planning horizon.

Policy 4.1.21.2: Based upon the overall level of service data and analysis in the City's Electric Utility Plan, the City will review future demands to verify that any need for future expansion of Electric facilities is accounted for.

Objective 4.1.25: To encourage the availability of suitable land for utility facilities necessary to support proposed development.

Policy 4.1.25.1: Electric substations and Utility uses shall be allowed in all future land use categories except in Conservation areas or areas designated as Historic Districts, provided the uses are consistent with the provisions of the Comprehensive Plan and the Land Development Regulations. Electric facilities shall comply with the provisions of F.S. 163.3208., which establishes compatibility standards, procedures for the review of applications for location of a new substation.

Consistency with the Strategic Plan

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and supporting the Strategic Pillars of Positioning Lake Worth Beach to be a Competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments , if approved, would be consistent with Strategic Plan Pillar I.E: Provide superior public amenities and services to retain existing and entice new residences and businesses and Pillar II.C: Sustain infrastructure investments. The proposal is necessary as the existing substation 610 is proposed to be relocated to the subject site.

Level of Service Analysis

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

According to the City's Comprehensive Plan, the maximum development potential change is for the existing Mixed Use – East FLU at 30 du/acre to the proposed Public FLU at 0 du/acre resulting in a decrease of 30 du/acre. Public FLU generates less service demands than the Mixed Use – East FLU. Analysis of the decreased density (30 du/acre to 0 du/acre= 0 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future demands and long range LOS can be met with current and planned system capacities. The decrease from 30 du/acre to 0 du/ac results in a decrease of facilities and services needed (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). Public FLU generates less service demands than the Mixed Use- East FLU. The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility:	Existing FLU Designations: (at 30 du/acre for Mixed Use – East (MU- E))	Proposed FLU Designations: (at 0 du/acre for Public)
Drainage	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements may be required to provide drainage collection and conveyance systems to positive outfall.
Potable Water	105 GPCD (gallons per capita per day) 105 gpcd x 30 du/acre x 2.53 pph =7,970	105 gpcd x 0 du/acre x 2.53 pph = 0 Decrease of 7,970 gpcpd Public use generates less demand than single family residential development The City facilities have available capacity to accommodate the decreased demand.
Sanitary Sewer	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day. 100 gpcd x 30 du/acre x 2.53 pph =7,590	100 gpcd x 0 du/acre x 2.53 pph = 0 Decrease of 7,590 gpcpd Public use generates less demand than single family residential development The City facilities have available capacity to accommodate the decreased demand.
Solid Waste	Collection and disposal of 6.5 pounds of solid waste per capita per day. 6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year	Solid waste pickup will be located on the property and is substantially less than the potential impacts of residential development. The Solid Waste Authority has available capacity to accommodate the demand of the proposed facility.
Parks	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons. .31 acre x 30 du/acre = 9 du x 2.53 pph/du= 23 persons	.31 acres x 0 du/ac = 0 du/ac x 2.53 pph/du = 0 persons Decrease of 9 du = decrease of 23 persons
Schools	9 du	0 du/acre x 3.71 ac= 0 du Decrease of 9 du School District to determine impact of decreased units; School Capacity Availability Determination

<p>Traffic</p>	<p>.31 acre x 30 du/acre = 9 du 9 du x 5.44 daily trips* = 49 Daily Trips</p> <p>* ITE 10th Edition Trip Generation Rates</p>	<p>Public use generates less daily trips than single family residential development LOS D Decrease of daily trips Capacity is available to accommodate the decreased demand.</p>
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ZONING MAP AMENDMENT ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site currently has a Future Land Use designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E future land use is intended to provide 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 subject proposal for an electric substation includes the rezoning being reviewed concurrently with a FLU Map Amendment (FLUM) requesting to change the FLU of 706 and 710 S H Street from MU-E to Public to accommodate appropriate public uses that serve the surrounding areas. The Public zoning district is not an implementing zoning district of the MU-E FLU designation. Per Policy 1.1.1.15, the Public FLU is designated to have a corresponding zoning district of Public. Per Section 23.3-26 of the Land Development Regulations, "...the Public district designates locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility facilities. Because of the diverse variety of uses permitted in the Public district and the mapping of the district throughout the city, all uses are permitted as conditional uses. The P public district implements the P public land use category of the Lake Worth Comprehensive Plan."

The City’s Strategic Plan sets goals and ideals for the City’s future vision and lays out methods to achieve them. The proposed concurrent amendments to the FLUM and the Zoning are required for consistency with the Comprehensive Plan. The proposal, if approved, would be consistent with Strategic Plan Pillar I.E: Provide superior public amenities and services to retain existing and entice new residences and businesses and Pillar II.C: Sustain infrastructure investments. The proposal is necessary as the existing substation 610 is proposed to be relocated to the subject site.

Based on the analysis above, the proposed rezoning and FLUM amendment are consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and the Strategic Plan.

Consistency with the City’s Land Development Regulations

If the rezoning and FLUM amendment are approved, the new Public zoning district would be consistent with the purpose and intent of the Public FLU designation. Additionally, the proposed use of a substation would be consistent with the Public zoning district.

The LDRs also require all rezoning requests with a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(4). Staff’s full analysis of the review criteria is provided below. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

Section 23.2-36(4): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the rezoning/FLUM amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the rezoning/FLUM amendment request to the City Commission.

The land development regulations require all rezoning requests with a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(4)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

a. Consistency: Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency.

Analysis: If the FLUM amendment and the rezoning are approved, the new P zoning district would be consistent with the purpose and intent of the P FLU designation. The rezoning request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district for the proposed use of a substation that is consistent with the P FLU designation on the subject sites. **Meets Criterion.**

b. Land use pattern. Whether the proposed FLUM amendment would be contrary to the established land use pattern, or would create an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM amendments that would result in more desirable and sustainable growth for the community.

Analysis: The rezoning request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. As evidenced in Future Land Use Element Policy 1.3.5.3 and Infrastructure Policy 4.1.25.1, an electrical substation is an essential use and shall be allowed in all future land use categories, except Conservation areas or Historic Districts. Below is a table outlining the existing zoning and future land use designations of adjacent properties. **Meets Criterion.**

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use Designations	Adjacent Zoning Districts	Existing Use
Mixed Use – East (MU- E)	North	Mixed Use – East (MU- E)	Mixed Use – Dixie Highway (MU-DH)	Single Family
Mixed Use – East (MU- E)	South	Mixed Use – East (MU- E)	Mixed Use – Dixie Highway (MU-DH)	Multifamily Apartments
Mixed Use – East (MU- E)	East	Mixed Use – East (MU- E)	Mixed Use – Dixie Highway (MU-DH)	Motel
Mixed Use – East (MU- E)	West	Mixed Use – East (MU- E)	Mixed Use – Dixie Highway (MU-DH)	Single Family Vacant Residential

c. Sustainability: Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The proposed rezoning to Public will allow for the development of an electrical substation. This use is essential to the City and is consistent with the Sustainability initiative of the City of Lake Worth Beach. Public uses such as substations are considered supportive uses in function and nature to residential uses. Approval of the rezoning will allow for continuation of public uses that are complementary to and serve the properties' existing surrounding residential and hotel uses as well as any future uses allowed in the surrounding Mixed Use – East zoning district. **Meets Criterion.**

d. Availability of public services/infrastructure: Requests for rezoning to planned zoning districts shall be subject to review pursuant to section 23.5-2.

Analysis: This criterion is only applicable to requests to rezone land to a planned zoning district. As this request seeks approval to rezone the subject properties to the conventional Public zoning district and not a planned development district, this criterion does not apply. **Criterion not applicable.**

e. Compatibility: The application shall consider the following compatibility factors:

1. Whether the proposed FLUM amendment would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.

Analysis: The proposed Public (P) FLU for the subject properties is compatible with the existing and future land uses of adjacent and nearby properties, and will not negatively affect the property values of the neighborhood. The existing zoning district of the subject site is not reflective of the current residential use of the site. Rezoning of the subject site and the land use change to Public will be consistent with the electrical substation, allow for future service expansion, and would not negatively affect the property values of properties. **Meets Criterion.**

f. Direct community sustainability and economic development benefits: For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and
8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The rezoning request does not include rezoning to a planned zoning district. As such, this criterion is not applicable. **Criterion not applicable.**

g. Economic development impact determination for conventional zoning districts: For rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

- A. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category; and

- B. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: While the P zoning district does not offer an increase in density from the Mixed Use – Dixie Highway zoning district, the proposed rezoning to the P zoning district will result in the addition of an electrical substation for the City. The substation use is consistent with the City’s goal to provide necessary utility services to the residents of Lake Worth Beach. **Meets Criterion.**

h. Commercial and industrial land supply. The review shall consider whether the proposed FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:

1. The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or
2. The proposed FLUM amendment provides substantiated evidence of satisfying at least four (4) of the direct economic development benefits listed in subparagraph "f" above; and
3. The proposed FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation.

Analysis: The proposed rezoning would result in a reduction of the amount of land available for commercial development under the current Mixed Use Zoning, however it will accommodate a necessary use to serve the residents and nonresidential uses of the City. **Meets Criterion.**

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

Analysis: The necessary electrical substation use is best suited at the subject site. There is an existing substation at 610 S H Street that will be relocated to the subject site. The subject site is the closest in proximity to the existing substation, thus having less of an impact on the City’s services. **Meets Criterion.**

j. A Master plan and site plan compliance with land development regulations. When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of section 23.2-32.

Analysis: The proposed electrical substation is subject to Site Plan review and will comply with Section 23.2-32 of the City’s Code. **Meets Criterion.**

The analysis has shown that the required findings can be made in support of the rezoning. Therefore, the proposed rezoning is consistent with the review criteria for rezoning as outlined in LDR Section 23.2-36.

CONCLUSION

The proposed FLUM amendment request is consistent with the purpose, intent, and requirements of the Comprehensive Plan. The proposed rezoning is also consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of both the FLUM amendment and the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The amendments are consistent with the City’s goals to encourage the availability of suitable land for utility facilities necessary to support proposed development and to allow Electric substations and Utility uses in all future land use categories.
- The amendments are consistent with the Strategic Plan’s goals of providing superior amenities and services to retain existing and entice new residents and businesses, and sustain infrastructure investments.

- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report; and
- The FLUM amendment is supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.
- The Zoning Map amendment is consistent with the proposed FLUM amendment.

BOARD POTENTIAL MOTION:

One vote per ordinance is required:

I MOVE TO RECOMMEND APPROVAL OF the proposed amendment to the **Future Land Use Map (Ordinance 2021-18)** based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF the proposed amendment to the **Future Land Use Map (Ordinance 2021-18)** as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

AND

I MOVE TO RECOMMEND APPROVAL OF the proposed amendment to the **Zoning Map (Ordinance 2021-19)** based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF the proposed amendment to the **Zoning Map (Ordinance 2021-19)** as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

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

ATTACHMENTS

- A. Current FLU Map of property located at 706 South H Street and 710 South H Street (PCN #s 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060)
- B. Proposed FLU Map of property located at 706 South H Street and 710 South H Street (PCN #s 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060)
- C. Current Zoning Map of property located at 706 South H Street and 710 South H Street (PCN #s 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060)
- D. Proposed Zoning Map of property located at 706 South H Street and 710 South H Street (PCN #s 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060)

ATTACHMENT A
Current FLU Map of Subject Properties



ATTACHMENT B
Proposed FLU Map of Subject Properties



ATTACHMENT C
CURRENT ZONING MAP



ATTACHMENT D
PROPOSED ZONING MAP



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ORDINANCE NO. 2021-18 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A SMALL SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATION OF MIXED USE – EAST (MU-E) TO THE PUBLIC (P) FLU DESIGNATION ON PROPERTIES LOCATED AT 706 SOUTH H STREET AND 710 SOUTH H STREET MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan, including a future land use map and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, this is a City-initiated request for the two (2) properties described in Exhibit A (the “Property”) attached hereto and incorporated herein, for a small scale map amendment to change the future land use designation of the property; and

WHEREAS, City staff has prepared and reviewed an amendment to the Future Land Use Map of the City’s Comprehensive Plan to change the land use designations of the property described below from a City of Lake Worth Beach future land use designation of Mixed Use – East (MU-E) to a City future land use designation of Public (P); and

WHEREAS, on _____, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the Future Land Use Map Amendment to the Comprehensive Plan of the City; and

WHEREAS, the amendment qualifies and meets the criteria to be reviewed and approved as a small scale map amendment in accordance with section 163.3187, Florida Statutes; and

WHEREAS, the City Commission acknowledges that this Future Land Use Map Amendment is subject to the provisions of Section 163.3187, and 163.3189, Florida Statutes, and that the City shall maintain compliance with all provisions thereof; and

WHEREAS, the City has received public input and participation through hearings before the Local Planning Agency and the City Commission in accordance with Section 163.3181, Florida Statutes; and

WHEREAS, the City Commission has determined that the adoption of this Ordinance is in the best interest of the citizens and residents of the City of Lake Worth Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

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Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The property of land more particularly described in **Exhibit A** is hereby designated Public (P) on the City’s Future Land Use Map in **Exhibit B**.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable,

Section 5. The effective date of this small scale map amendment shall be thirty-one (31) days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. If timely challenged, this amendment does not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance..

The passage of this ordinance on first reading was moved by _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	AYE
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ of September, 2021.

The passage of this ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, as amended and upon being put to a vote, the vote was as follows:

88 Mayor Betty Resch AYE
89 Vice Mayor Herman Robinson AYE
90 Commissioner Sarah Malega AYE
91 Commissioner Christopher McVoy AYE
92 Commissioner Kimberly Stokes AYE

93

94 The Mayor thereupon declared this ordinance duly passed on the ___ day of
95 _____, 2021.

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LAKE WORTH BEACH CITY COMMISSION

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By: _____

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Betty Resch, Mayor

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ATTEST:

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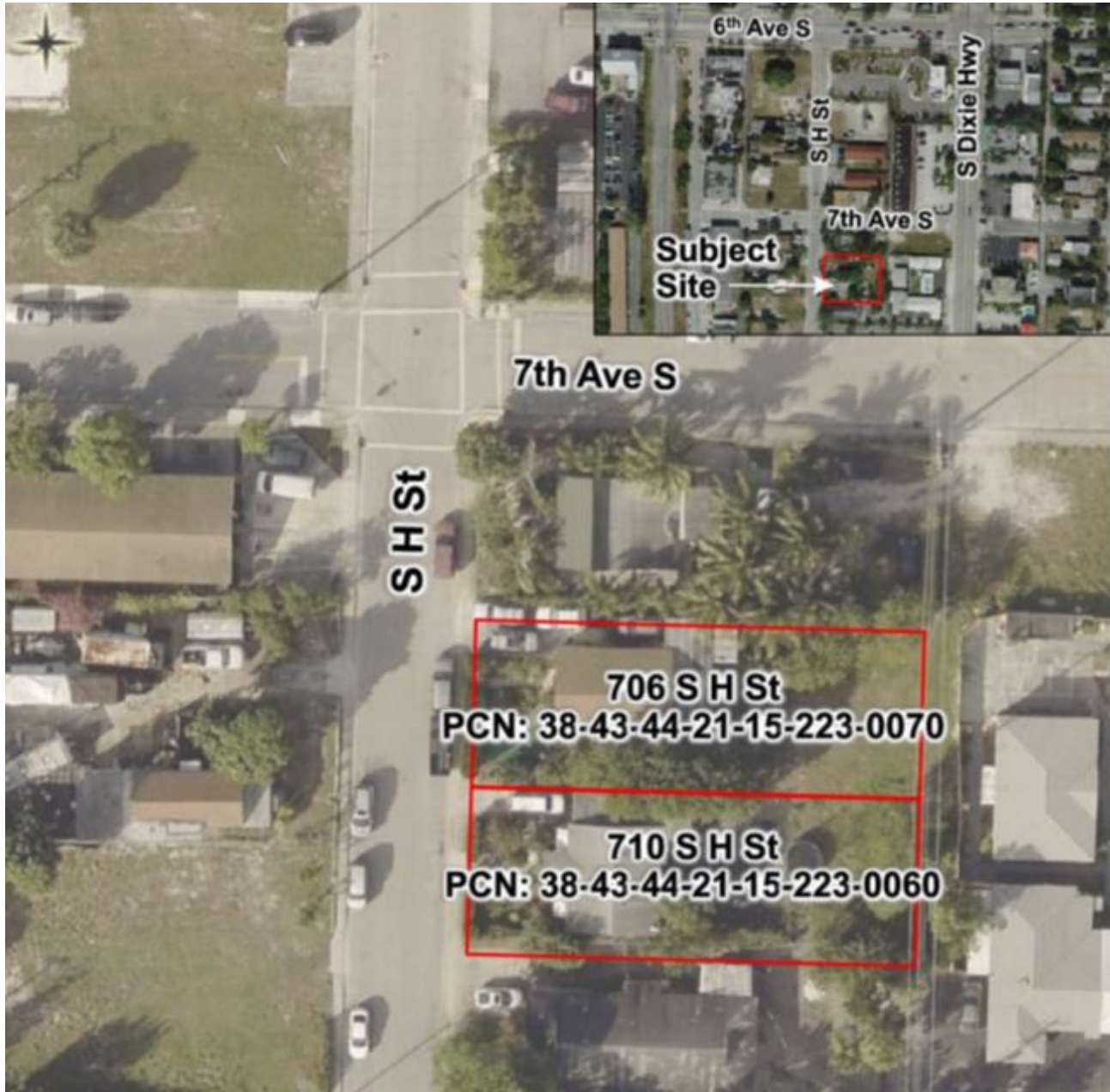
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Melissa Ann Coyne, City Clerk

Exhibit A Property Location

The subject two (2) parcels are generally located at the southeast corner of 7th Avenue and South H Street at 706 South H Street and 710 South H Street as depicted in the map below and include the following property control numbers: 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060.





Proposed Zoning - FLU Amendment

City of Lake Worth Beach, FL



Map Legend

 Project Area

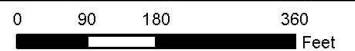


Exhibit B
Amended FLUM
Mixed Use – East (MU-E) to Public (P) Future Land Use Designation



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3 **ORDINANCE NO. 2021-19 OF THE CITY OF LAKE WORTH**
4 **BEACH, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING**
5 **MAP FROM THE ZONING DISTRICT OF MIXED USE – DIXIE**
6 **HIGHWAY (MU- DH) TO PUBLIC (P) ON PROPERTIES**
7 **LOCATED AT 706 SOUTH H STREET AND 710 SOUTH H**
8 **STREET, AND AS MORE PARTICULARLY DESCRIBED IN**
9 **EXHIBIT A; AND PROVIDED FOR SEVERABILITY,**
10 **CONFLICTS AND AN EFFECTIVE DATE.**
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12 WHEREAS, the City Commission of the City of Lake Worth Beach, Florida,
13 pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the
14 Land Development Regulations, as adopted by the City of Lake Worth Beach, is
15 authorized and empowered to consider amending the City's Official Zoning Map; and
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17 WHEREAS, this is a City-initiated request for a zoning map amendment to
18 change the zoning district of the properties as more particularly described in Exhibit A
19 attached hereto and incorporated herein by reference (the "Property"); and
20

21 WHEREAS, City staff has prepared and reviewed an amendment to the City's
22 Official Zoning Map to change the zoning district of the properties described below from
23 Mixed Use – Dixie Highway (MU-DH) to Public (P), pursuant to the City of Lake Worth
24 Beach Land Development Regulations and Comprehensive Plan; and
25

26 WHEREAS, on _____, the City Planning and Zoning Board, sitting as the
27 duly constituted Local Planning Agency for the City, considered a concurrent future land
28 use map (FLUM) amendment to the P future land use;
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30 WHEREAS, on _____, the City Planning and Zoning Board, sitting as the
31 duly constituted Local Planning Agency for the City, recommended approval of the
32 subject zoning map amendment to the City's Official Zoning Map; and
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34 WHEREAS, the City has received public input and participation through hearings
35 before the Local Planning Agency and the City Commission in accordance with Section
36 163.3181, Florida Statutes; and
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38 WHEREAS, the City Commission has considered all of the testimony and
39 evidence and has determined that rezoning meets the rezoning review criteria of the
40 Land Development Regulations, Section 23.2-36 and is consistent with the City's
41 Comprehensive Plan and Strategic Plan.
42

43 WHEREAS, the City Commission has considered all of the testimony and
44 evidence and has determined that the adoption of this Ordinance is in the best interest
45 of the citizens and residents of the City of Lake Worth Beach.
46

47 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
48 CITY OF LAKE WORTH BEACH, FLORIDA, that:
49

50 Section 1. The foregoing recitals are hereby affirmed and ratified.

51
52 Section 2. The parcel of land more particularly described in **Exhibit A** is hereby
53 designated Public (P) on the City’s Official Zoning Map.

54
55 Section 3. The City’s zoning maps shall be updated to reflect the changes to
56 the property described in **Exhibit B**.

57
58 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances
59 in conflict herewith are hereby repealed to the extent of such conflict.

60
61 Section 5. Severability. If any provision of this ordinance or the application thereof is
62 held invalid by a court of competent jurisdiction, the invalidity shall not affect other
63 provisions of the ordinance which can be given effect without the invalid provision or
64 application, and to this end the provisions of this ordinance are declared severable.

65
66 Section 6. Effective Date. This ordinance shall become effective upon the same day
67 as the concurrent Future Land Use Map amendment (Ordinance 2021-18). Per Florida
68 Statute 163.3187. The Future Land Use Map amendment (Ordinance 2021-18) shall be
69 effective 31 days after adoption provided there is no challenge.

70
71 The passage of this ordinance on first reading was moved by _____,
72 seconded by _____ and upon being put to a vote, the vote was as follows:

73		
74	Mayor Betty Resch	AYE
75	Vice Mayor Herman Robinson	AYE
76	Commissioner Sarah Malega	AYE
77	Commissioner Christopher McVoy	AYE
78	Commissioner Kimberly Stokes	AYE

79
80 The Mayor thereupon declared this ordinance duly passed on first reading on the
81 1st day of September, 2021.

82
83 The passage of this ordinance on second reading was moved by
84 _____, seconded by _____, and upon being put to a vote,
85 the vote was as follows:

86		
87	Mayor Betty Resch	
88	Vice Mayor Herman Robinson	
89	Commissioner Sarah Malega	
90	Commissioner Christopher McVoy	
91	Commissioner Kimberly Stokes	

92
93 The Mayor thereupon declared this ordinance duly passed on the _____ day
94 of _____, 2021.

97
98
99
100
101

ATTEST:

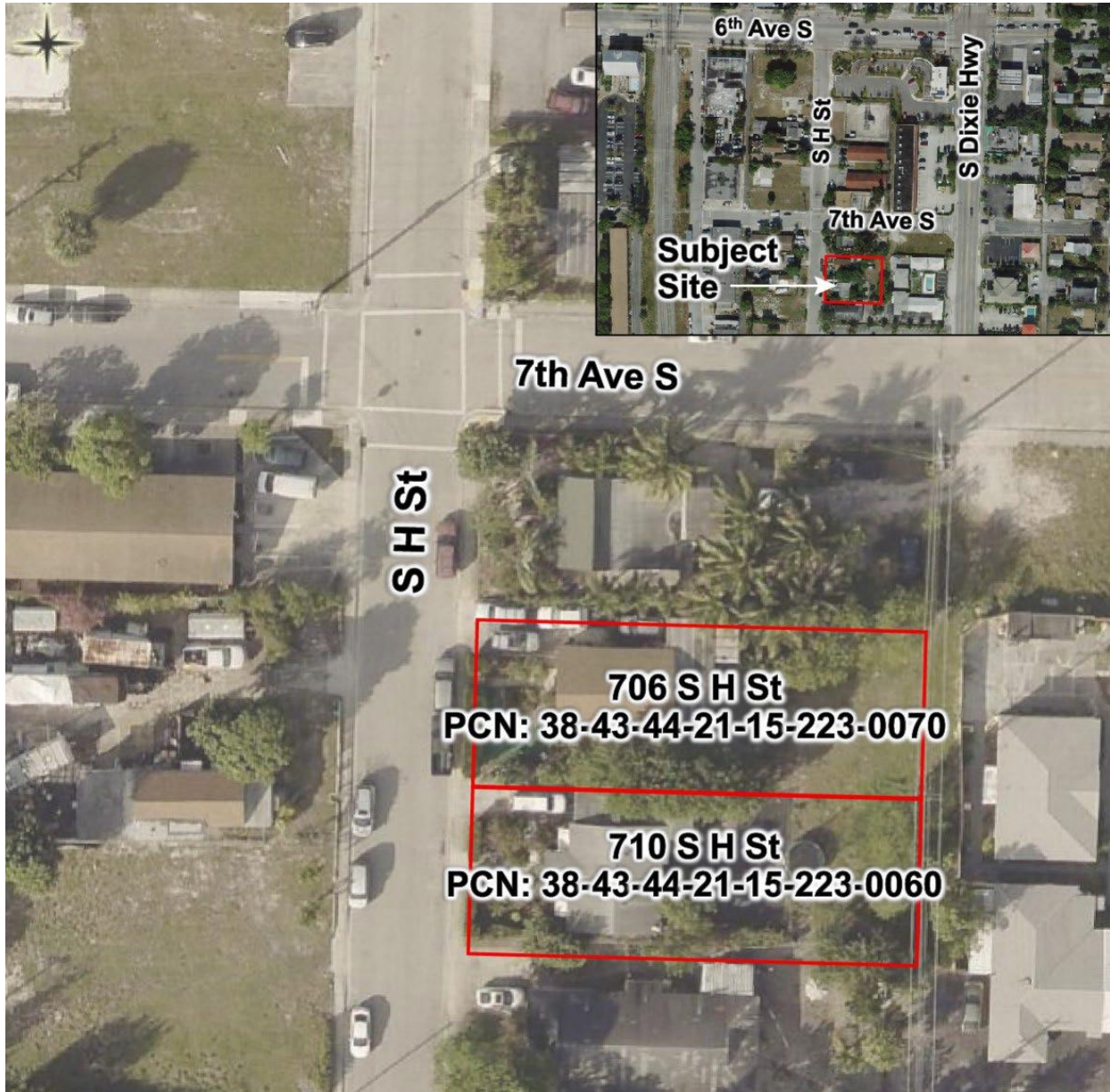
Melissa Ann Coyne, City Clerk

By: _____
Betty Resch, Mayor

**Exhibit A
Property Location**

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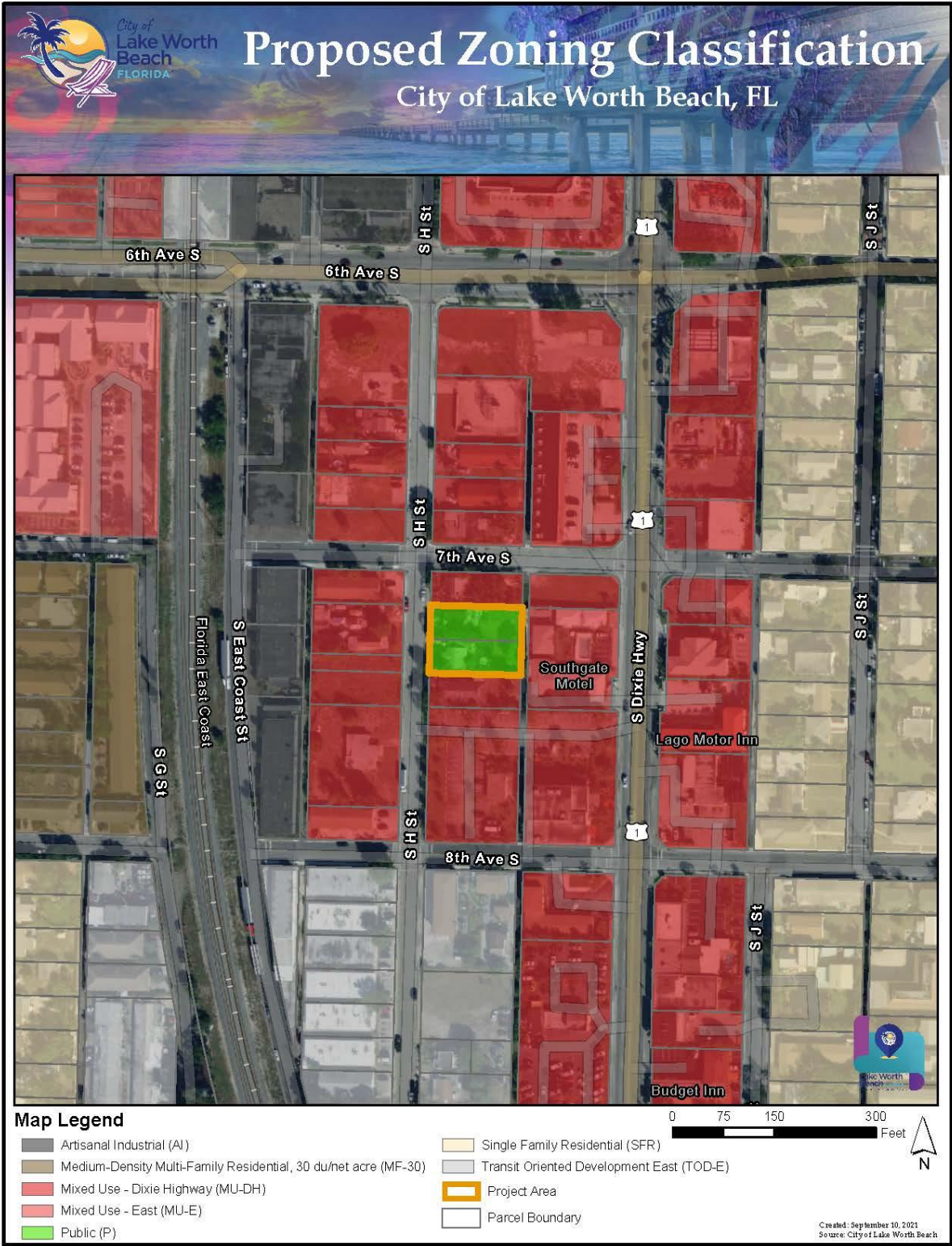
The subject two (2) parcels are generally located at the southeast corner of 7th Avenue and South H Street at 706 South H Street and 710 South H Street as depicted in the map below and include the following property control numbers: 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060.



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Exhibit B
Amended Zoning District
Mixed Use – Dixie Highway (MU-DH) to Public (P) Zoning District



117

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-140022: Consideration of a Major Site Plan request for the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The proposed building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot- building addition).

Transmittal Date: September 30, 2021

Meeting Date: October 6, 2021

Property Owner: TMIN Investment Holdings LLC

Applicant: Palm Beach Modern Auction

Address: 1209, 1215, and 1217 North Dixie Hwy

PCNs: 38-43-44-21-15-378-0110, 38-43-44-21-15-378-0130 & 38-43-44-21-15-378-0140

Size: 0.37-acre site / 8,425 sf. building

General Location: West side of 1200 Block on N. Dixie Highway

Existing Land Use: Retail/Office/Residential

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

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



Loc

RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are outlined on page 6 of this report.

PROJECT DESCRIPTION

The applicant, Rico Baca of 5908 Georgia, LLC, was granted a Conditional Use Permit approval on July 7, 2021 to allow an auction house less than 7,500 sf at 1209, 1215, and 1217 North Dixie Highway within the Mixed Use – Dixie Highway (MU-DH) zoning district. The existing properties contain a single-family home, a commercial building (formerly Abrams Flooring) and a parking lot. This Major Site Plan request is for the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The proposed building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot- building addition).

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is comprised of three parcels with a total combined area of 0.63 acres in the west 1200 block of North Dixie Highway. Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The existing commercial structure and the single-family home, which are located on the three subject parcels, were constructed between 1950 and 1956. Per the plans provided, the commercial building is 5,341 sf and the single-family structure is 2,645 sf for a total of 7,986 sf.

Recent Approvals: On July 28, 2021, the Planning and Zoning Board approved a Conditional Use Permit (20-00500004) to allow an auction house less than 7,500 sf at 1209, 1215, and 1217 North Dixie Highway. The subject application proposes to address conditions of approval associated with the approved Conditional Use Permit.

Use: The properties are currently vacant. The last business license for the single-family structure was a residential rental in 2019. The commercial structure was previously home to the Abrams Flooring Company, which maintained an active business license until 2011. Since 2011, the property has been predominantly vacant.

Code Compliance: There are no open code compliance cases on the property. However, the property has had at least one code case per year for graffiti, paint and general maintenance items like weeds and garbage since 2015.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU 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 central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide are 75% residential and 25% non-residential. The proposed development is would allow the redevelopment of the property as a commercial retail use (auction house and retail space) along one of the City's Major Thoroughfares, North Dixie Highway as consistent with the intent of the MU-E FLU.

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. The proposed building and site improvements and expansion will allow for the establishment of an approved auction house business and retail space, which will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Major Site Plan request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

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

Analysis: The proposed uses of an auction house and retail space, which have been previously approved or are permitted by right on the subject property, have been determined to be harmonious with other uses in the district. The proposed expansion and renovation of existing properties is intended to accommodate these commercial uses.

The table below shows the proposed site features and its compliance with the LDRs, as applicable:

Mixed Use – Dixie Highway (MU-DH)/ West side of Dixie Highway (LDR Section 23.3-17)			
Development Standard		Base Zoning District ¹	Proposed
Min. Lot Size in square feet (sf) / West Side		13,000 sf.	26,990 sf.
Min. Lot Width		100 ft.	200 ft.
Setbacks	Front (East)	10 ft. min. - 22 ft. max.	7 ft. 8 in. ²
	Rear (West)	10 ft min.	4 ft. 9 in. ²
	Street Side	10 ft.	N/A
	Interior Sides (South and North)	0 ft.	6ft. 3 in (north side) 68 ft. 7 in (south side)
Max. Impermeable Surface Coverage		65%	72% ³
Max. Structure Coverage		45%	37%
Parking Spaces		14 spaces for the proposed uses	15 spaces (14 spaces + 4 bike rack spaces [1 space])
Max. Building Height		30 ft. and 2 stories	20 ft.
Floor Area Ratio (FAR) Limitations		0.9	0.37

¹Sustainable Bonus Incentive Program available in this zoning district but not requested as part of this proposal

²Existing nonconformity

³Condition of approval proposed that maximum impervious shall be less than or equal to the existing impervious surface area of 70%.

Article 4, Development Standards

LDR Section 23.4-10, Off-Street Parking Regulations:

i) Change of use or occupancy.

1. *If a portion or all of a structure or property is changed in use which requires a greater number of off-street parking spaces, then additional parking shall be documented for the new use in accordance with section 23.4-10 and any parking non-conformity recorded.*
2. *Any expansion, alteration, or improvement which increases the gross square footage or area of an existing structure by more than 25% percent shall be accompanied by any corresponding increase in the number of parking or loading spaces necessary for the expansion to conform to the requirements of section 23.4-10.*

Analysis: The existing 2,645 square feet single family dwelling unit will be converted to a retail space excluding the 538 sf covered concrete area. The proposed expansion is a total of 24.9% (1,996 square feet) increase in square footage of the total existing gross square footage of the existing structures (7,986 square feet); therefore, additional parking is not required. Although the proposal does not require additional parking than what is existing on the property, the following table identifies compliance with the minimum off-street loading requirements for the subject proposal, and therefore, nonconformities are not created:

<i>Use Category</i>	<i>Requirement</i>	<i>Proposed Area and Required Parking</i>
Industrial (Auction House building area dedicated for auction house activities/storage/display) ¹	1 space x 1,000 sf.	4,880 sf x 1 = 5 spaces (4.8 rounded up to 5)
Office (Auction House area dedicated for daily office activities)	1 space x 400 sf.	2,457 sf / 400 = 6 spaces (6.14 spaces rounded down to 6)
Retail (Specialty Retail – display and sale of merchandise)	1 space x 500 sf.	2,107 sf / 500 = 4 spaces (4.21 rounded down to 4)
		Sub Total = 15 spaces
		Total Required²= 12 spaces
		Total Provided³ = 15 spaces
(14 off-street spaces and 1 parking alternate for a four-bicycle rack space)		
¹ The Conditional Use Permit approval included the following condition: A parking plan shall be submitted with the Site Plan and shall include a shared parking agreement. The document was submitted and it shall be approved by the Development Review Official prior to issuance of a building permit. ² 25 % reduction in calculated required parking for sites with more than two uses in a mixed-use zoning district per Section 23.4-10(h). ³ A minimum of 14 parking spaces shall be provided per the previously approved Conditional Use Permit.		

Code of Ordinances Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location has been reviewed by the public services department and its location was determined to comply. In addition, the proposed screening and landscaping of the enclosure complies with code requirements.

LDR Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was not provided depicting compliance with this requirement; therefore, it is listed as a condition of approval that a photometric plan that depicts compliance with LDR Section 23-.4-3 shall be provided. If LED lighting is utilized, such fixtures shall have warm tone of 2700 K or less. All lighting fixture shall be shielded in compliance Dark Skies guidelines.

LDR Section 23.4-9, Off-Street Loading Regulations: *Retail operations, wholesale operations and industrial operations, with gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space (not necessarily a full berth) so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley. Where site conditions allow, loading areas shall be screened and buffered from public view.*

Analysis: The proposed auction house has a gross floor area of 7,337 square feet, and therefore, a space designated for receipt and distribution of materials by vehicle is not required; however, given the nature of the use, the proposal provides an area designated as a “Loading Zone” on the rear of the property adjacent to the auction house building. The proposed location is screened on the north side by the existing building, and on the south side by the refuse disposal area. It is listed as a condition of approval that additional landscaping shall be introduced south of the subject loading zone within the garden area to provide additional screening.

Signage: Wall signs are proposed for each building in locations visible from Dixie Highway. It is listed as a condition of approval that a building permit shall be submitted for the proposed signs in accordance with, LDR Section 23.5-1, and signage for both buildings shall express a unified sign design.

Landscaping and LDR Section 23.3-17, Street Trees: *Street trees shall be installed at a minimum of every twenty-five (25) feet of frontage. Approved native species shall be used.*

Analysis: The development proposal complies with the City’s landscape regulations as conditioned. The landscape proposal includes a mixture of Crape Myrtles and Seagrapes along the Dixie Highway streetscape. It is listed as a condition of approval that the landscape plan be revised to depict the distance between each tree to ensure compliance with requirements. Further, the Major Thoroughfare Design Guidelines has a recommended tree palette of preferred tree species. A condition of approval has been added to require that the Seagrapes be substituted with one of the preferred shade tree species from the guidelines. Ground shrubs are proposed to be installed around the building as foundation plating and around the dumpster enclosure. The installation of landscape screening around the ground level mechanic equipment as required in LDR Section 23.6-1(c)(3)(h) is also listed as a condition of approval. A landscape permit and site plan modification application to reflect these landscaping conditions of approval shall be required prior to the issuance of a permit for the addition. Landscape buffers between abutting properties is also proposed. It is listed as a condition of approval that the number of native plants be increased to meet the minimum requirement of 75%, and the height for all proposed trees (shade and palm trees) need to be increased to a minimum of 10 feet high.

Section 23.2-31 – Site Design Qualitative Standards & Major Thoroughfare Design Guidelines

Site Design Qualitative Standards are intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards. These qualitative standards are applicable to site plan applications as well as all conditional uses. The applicable Site Design Qualitative Standards for this proposal are provided as an attachment. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. **The following summary analysis identifies how the proposal meets the site design qualitative standards including the Major Throughcare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) & and Major Thoroughfare Design Guidelines:

To accomplish the proposed combination of three existing individual parcels into one unified development, certain architectural and site improvements are required, which includes considerations from the Major Thoroughfare Design Guidelines. The parking lot on the south side of the property adjacent to the proposed 7,337 square foot auction house will be improved to provide a total of 12 90-degree parking spaces and landscape isles. The parking lot on the north side will continue to have two (2) 90-degree parking spaces; additional landscaping will be introduced in this area. To improve pedestrian access to the site, walkways between the existing Dixie Highway sidewalk and the building entrances, as feasible, are required and listed as a condition of approval. A central location for refuse disposal is proposed on the rear; this improvement is properly screened as required, and location is deemed appropriate for pick-up services. Improvements to the existing landscaping are also proposed and discussed in the landscape section of this report.

The proposed changes to the parking lot and vehicular use areas are property placed, considering their existing configuration, and are effectively screened from the public view with shade trees, palm trees and shrubs within the landscape areas. An area labeled “garden” is existing and is proposed to be improved with a robust number of landscaping material that will help reduce the monotony of an expanse of paving and will create a refuge and an interesting outdoor area. The existing curb cuts and parking lots layout do not create an unsafe situation and will further comply with zoning regulations upon completion of the proposed upgrades. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North (adjacent)	Mixed Use - East (MU-E)	MU-DH	Retail & Auto Repair
South (adjacent)	Mixed Use - East (MU-E)	MU-DH	Office
East (across Dixie Hwy)	Mixed Use - East (MU-E)	MU-DH	Vacant Building (Previously Private School)
West (across alley)	Mixed Use - East (MU-E)	MU-DH	Single family residences and a parking lot

The proposed uses and site improvements will not negatively affect the existing properties and uses. The proposed changes are harmonious and compatible with the existing neighborhood fabric.

Qualitative Buildings Standards and Major Thoroughfare Design Guidelines:

The proposed building addition does not front Dixie Highway; however, significant architectural changes to the two existing buildings are proposed to accommodate the building addition and to unify the existing buildings with a harmonious design composition that will provide a continuous architecture style for the site as a whole. The existing buildings are not the same in scale; but with the proposed architectural changes, both existing buildings will have similar architectural decorative elements, fenestrations and proportions that are complementary to a masonry modern architectural style. The selected masonry modern style is an appropriate style for the neighborhood, more specifically for this commercial area on Dixie Highway. The architectural elevations include flat roofs, horizontal forms, vertical openings, white stucco finish. The proposed façade details emphasize the solidity of the building massing, which is a distinctive design of modern architecture.

With regards to the storefront composition and access, which includes considerations from the Major Thoroughfare Design Guidelines, each building has a well distinguished entrance that faces Dixie Highway. As noted before, pedestrian access to the public street is listed as a condition of approval. The auction house features two entrances; one through the south side that faces the garden area, and one along the front of the building. Both entrances are protected from

the weather by an ornamented covered area along the south façade and a cantilevered canopy on the east side facing Dixie Highway. Each front building elevation successfully incorporates a base, middle and top, which strengthen the design integrity of the modern style. The base consists of a visible solid horizontal wall below the openings; the middle portion is emphasized with vertical glazing that as a whole, creates a horizontal storefront design, and the top is the parapet. Variations in the elevation massing are proposed to create focal points and proportionally increase the building scale; wall signs are intended to be placed onto these higher walls, which is appropriate for the building style and scale. It is listed as a condition of approval that all rooftop mechanic equipment shall be property screened. The proposed windows are required to be transparent to allow light onto the sidewalk. A minimum glazed fenestration of 25% is required; the proposal has been conditioned to provide the proposed glazed fenestration on the architectural plans at building permit; although the proposed percentage was not provided, it appears that the proposal exceeds the minimum required of 25%.

Community Appearance Criteria:

The proposed site improvements, including upgrades to the existing parking lots, new landscaping and lighting will improve the Dixie Highway streetscape and provide a safer, spacious, and more welcoming condition than the existing site conditions. The proposed architecture upgrades propose a modern architecture style for both existing buildings, including the proposed addition. The architectural upgrades conform with the Major Thoroughfare Design Guidelines as conditioned, can be deemed in conformity with good design and taste for the City and subject neighborhood. Overall, the proposed unified multi-building complex will achieve a more appealing visual appearance for the site, improve safety and access, and will complement the existing uses as much as possible given its current configuration.

CONCLUSION AND CONDITIONS

Per LDR Section 23.3-17, the MU-DH district was designed for Dixie Highway, Lake Worth Beach's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses. The previously approved auction house use and retail space were determined to be a compatible use for the neighborhood. The proposed building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot- building addition) to accommodate the auction house use. The proposed site improvements, including upgrades to the existing parking lots, new landscaping and lighting will improve the Dixie Highway streetscape and provide a safer and more welcoming condition than the existing site conditions. Also, the proposed architecture upgrades propose a modern architecture style for both existing buildings, including the proposed addition. The architectural upgrades conform with the Major Thoroughfare Design Guidelines as conditioned. Overall, the proposed unified multi-building complex will achieve a more appealing visual appearance for the site, improve safety and access, and will complement the existing uses as much as possible given its current configuration.

The following conditions are recommended:

1. All Conditions listed in the approved Conditional Use Permit (PZB Project Number 20-00500004) shall be addressed as required.
2. A photometric plan that depicts compliance with LDR Section 23-.4-3 shall be provided prior to issuance of a building permit. If LED lighting is utilized, such fixtures shall have warm tone of 2700 K or less. All lighting fixture shall be shielded in compliance Dark Skies guidelines
3. The submitted parking plan (as required per the Conditional Use approval) shall be approved by the Development Review Official prior to issuance of a building permit.
4. The proposed bike rack shall be relocated to a location near the parking areas and entrances of buildings, as required in the Major Throughcare Design Guidelines. This condition shall be addressed prior to issuance of the building permit for the construction of addition.
5. A building permit shall be submitted for the proposed signs in accordance with, LDR Section 23.5-1, and signage for both buildings shall express a unified sign design.

6. A landscape permit and site plan modification application shall be submitted prior to the issuance of a building permit for the auction house addition for the following modifications: a) The landscape plan shall be revised to depict the distance between each tree to ensure compliance with requirements and additional trees shall be added if required; b) The number of native plants shall be increased on the landscape plans to meet the minimum requirement of 75%, and the height for all proposed trees (shade and palm trees) need to be increased to a minimum of 10 feet high; and, c) The Seagrapes located along Dixie Highway shall be substituted for a preferred shade tree species from the Major Thoroughfare Design Guidelines. All plant material shall be installed prior to the issuance of the certificate of completion for the project; d) Additional landscaping shall be added the south of the loading zone within the garden area to provide additional screening of the loading area where feasible.
7. A landscape permit shall be required for modifications to the garden area identified on the landscape plan.
8. Walkways between the existing Dixie Highway sidewalk and the building entrances, as feasible, are required to be added to the proposed site plan prior to issuance of the building permit for the construction of the addition. A revised site plan depicting these walkways shall be reviewed through the site plan modification application process.
9. The proposed architectural plans shall be revised to provide the proposed glazed fenestration prior to building permit; if the minimum requirement of 25% is not met, adjustments shall be made to comply with this requirement without negatively impacting the proposed design through the minor site plan amendment process.
10. Architectural elevations for all sides of the retail building shall be provided and be consistent with the proposed changes to the front façade prior to the issuance of the building permit for the addition.
11. The maximum impervious shall be less than or equal to the existing impervious surface area of 70%.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 21-1400022 with staff recommended conditions for a Major Site Plan request associated with the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 21-1400022 for a Major Site Plan request associated with the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Appendix A - Qualitative Development Standards
- B. Application Package (survey, site plan, architectural plans request letter)

ATTACHMENT A

Section 23.2-31(c) –Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	In compliance
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance as conditioned
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance as conditioned
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance
<p>9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	In compliance as conditioned

existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

<p>10. Design of on-site public right-of-way(ROW). On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels.</p>	<p>N/A ROW on site not proposed</p>
<p>11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.</p>	<p>In compliance</p>
<p>12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.</p>	<p>In compliance</p>
<p>13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.</p>	<p>In compliance as conditioned</p>
<p>14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.</p>	<p>In compliance</p>
<p>15. Consideration of future development. In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.</p>	<p>In compliance as conditioned</p>

<p>Section 23.2-31(d) – Qualitative Buildings, generally</p>	<p>Analysis</p>
<p>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</p>	<p>In compliance as conditioned</p>
<p>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</p>	<p>In compliance as conditioned</p>
<p>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</p>	<p>In compliance as conditioned</p>
<p>4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height,</p>	<p>In compliance</p>

<i>orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.</i>	
<i>5. Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.</i>	In compliance
<i>6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.</i>	In compliance
<i>7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.</i>	In compliance as conditioned
<i>8. Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.</i>	In compliance
<i>9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.</i>	N/A - Take-out windows not proposed
<i>10. All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.</i>	In compliance as conditioned
<i>11. All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.</i>	In compliance
<i>12. Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.</i>	In compliance
<i>13. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.</i>	In compliance
<i>14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.</i>	In compliance as conditioned

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	<p>In compliance</p>
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	<p>In compliance as conditioned</p>
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	<p>In compliance as conditioned</p>
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	<p>In compliance as conditioned</p>

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	<p>In compliance</p>
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	<p>In compliance as conditioned</p>
<p>3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i></p>	<p>In compliance</p>
<p>4. <i>The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	<p>In compliance</p>



PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-02500001: Consideration of the installation of exterior accent lighting on the west and south façade of the building located at 620 South Dixie Highway in the Mixed-Use Dixie Highway (MU-Dixie) District. The requested accent lighting is in the form of a single green neon tube attached by tube supports to the building immediately below the cornice/roofline.

Transmittal Date: September 30, 2021

Meeting Date: October 6, 2021

Property Owner: La Cantina Restaurant LLC.

Applicant: Ferrin Signs

Address: 620 S Dixie Highway

PCN: 38-43-44-21-15-207-0021

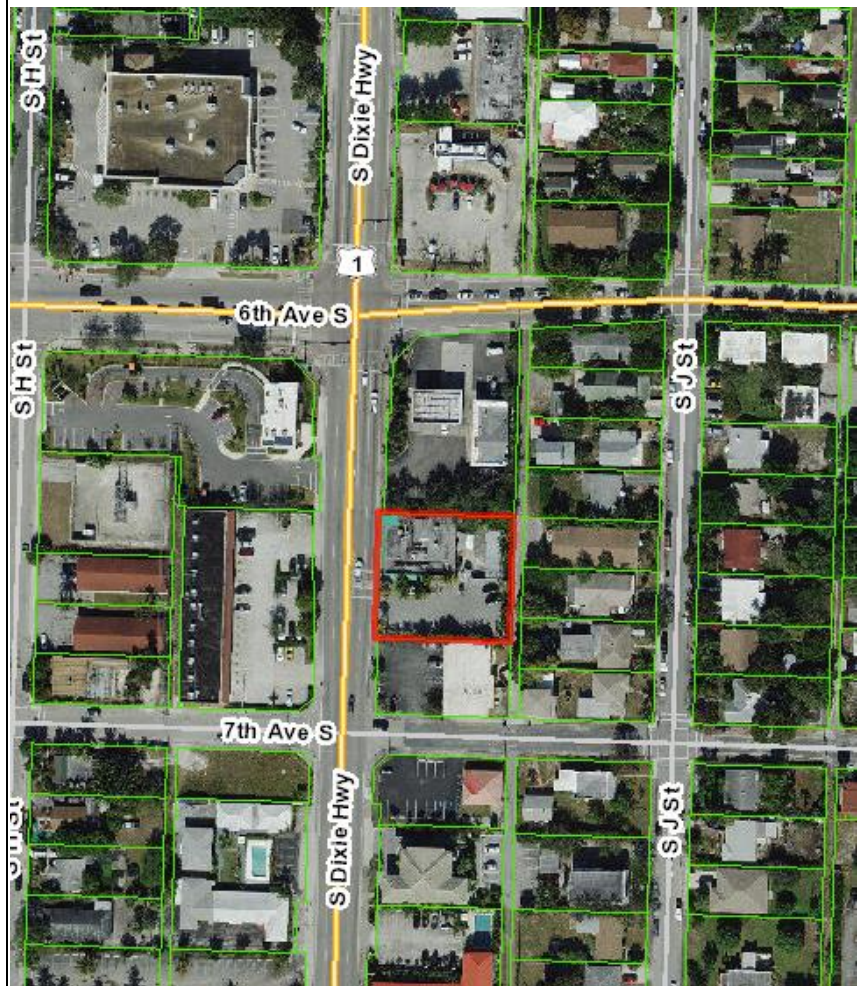
Size: 0.38-acre site / 5,404 sf. building

General Location: East side of 600 Block on S. Dixie Highway

Existing Land Use: Restaurant and Night Club (La Cantina)

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

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



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). The proposed exterior building aesthetic modification is generally consistent with the LDRs, as conditioned. However, the architectural style of the building is not an Art Deco or Moderne architectural style. Therefore, a recommendation **to discuss the appropriateness** of the proposed neon accent lighting is provided to the Planning and Zoning Board as guided by Section 23-5-1, Signs.

PROJECT DESCRIPTION

The applicant, Ferrin Signs, is requesting an exterior building aesthetic modification for the installation of a single green neon tube accent lighting in the Mixed-Use Dixie Highway (MU-DIXIE) District at 620 Dixie Highway. The site is located between 9th and 7th Avenue South on the East side of Federal Highway. According to LDRs Section 23.1-12. Definitions, Accent Lighting is an arrangement of incandescent lamps or electric discharge lighting to outline or call attention to certain features such as the shape of a building or the decoration of a window (also referred to as neon border tubing or outline lighting).

The request is for green neon tubing to be located just under the building's roofline/cornice. On the west façade, 49 linear feet of green neon tube with tube supports will be mounted along the west façade beginning where the flat roof commences at the north end of the building and concluding at the south end. On the South façade, 74 linear feet of green neon tube with tube supports will be mounted along the entirety of the south façade of the building.

BACKGROUND

Existing Development: The existing 5,404 sf. commercial building was built in 1959. The property includes a parking lot with 17 parking spaces located on the south side of the property with access from South Dixie Highway.

Land Use: The building has an active business license for a night club since 2001. For zoning purposes, the existing single-destination retail use is allowed as a Conditional Use in the Mixed-Use Dixie Highway (MU-Dixie). There is no record of a conditional use granted for the subject site. The existing use is allowed to continue as is as long as it remains lawful and complies with the regulations in LDRs Section 23.5-3.e) Nonconformities, or if a conditional use permit is submitted and approved for modifications or expansions of the existing use.

Code Compliance - There are no open code compliance cases on the property.

ANALYSIS

Consistency with the City's Land Development Regulations

Section 23-5-1, Signs

Accent or outline lighting, which includes neon signs per the definition section, shall be subject to approval by the Planning and Zoning Board or Historic Resources Preservation Board, as applicable.

*Neon signs shall be allowed in all nonresidential zones. Neon shall not be placed within twenty-five (25) feet of, or face, a residentially zoned district and **shall be guided by** the following regulations:*

- A. *Neon copy shall contain no more than three (3) colors.*

Analysis: On August 18th, 2021 Building Permit 21-2512 approved a wall sign that incorporates blue neon tubing within aluminum letter returns mounted below the roofline in the NW corner of the western façade. The addition of a single green neon tube per this request will result in total of two neon colors featured on the building.

B. *Where neon copy is applied, the sign area shall be calculated in accordance with the regulations by type of sign as provided in this subsection.*

Analysis: The neon sign was been approved; this standard does not apply to accent lighting.

C. *Accent or outline lighting of windows, doors or buildings shall only be allowed on Art deco and Moderne architecturally designed buildings:*

Analysis: The existing one and one-half story building was constructed in 1959 and consists of stucco walls, flat roofed areas with a pitched roof projection at its NW corner and window articulation through the use of shingled awnings over each window as well as a door on the west facade. The building’s architectural style is not an Art Deco or Moderne style, but is generally consistent with a late mid-century masonry minimal style. The proposed placement of the neon accent lighting is appropriately located for this type of structure.

Section 23.2-31 – Site Design Qualitative Standards & Major Thoroughfare Design Guidelines

Site Design Qualitative Standards are intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.

The applicable Site Design Qualitative Standards for this proposal are provided as an attachment. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. The following summary analysis identifies how the proposal meets the site design qualitative standards including the Major Thoroughfare Design Guidelines.

Analysis: The proposed single green neon tube accent lighting does not impact the quality of the building and local environment. Although the existing building style is not considered an Art deco and Moderne architecture style, the placement of neon lighting between the middle and top section of the building is considered appropriate and compliments the existing building architecture and is consistent with the Major Thoroughfare Design Guidelines. The overall effect of the building colors, when considering the building, signage, and accent lighting colors, is harmonious and does not appear to be garish; however, to continue to ensure a harmonious color scheme, **it is listed as a condition of approval that if the green building accent color changes, the neon accent light shall be removed and a new proposal shall be considered by the board.**

BOARD POTENTIAL MOTION

I move to **approve** PZB Project Number 21-02500001 for an exterior building aesthetic modification request for the installation of accent lighting on the west and the south façade of the building located at 620 South Dixie Highway, based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing, with the condition that **if the green building accent color changes, the neon accent light shall be removed and a new proposal shall be considered by the board.**

I move to **disapprove** PZB Project Number 21-02500001 for an exterior building aesthetic modification request for the installation of accent lighting on the west and the south façade of the building located at 620 South Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.]

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

ATTACHMENTS

- A. Site Design Qualitative Standards
- B. Application Package (survey, request letter)

ATTACHMENT A - SITE DESIGN QUALITATIVE STANDARDS

<u>Section 23.2-31(l) – Community Appearance Criteria</u>	Analysis
<i>1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i>	In compliance as conditioned
<i>2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i>	In compliance
<i>3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i>	In compliance
<i>4. The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits, as applicable.</i>	In compliance



PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-00500006: Consideration of a Conditional Use Permit request to allow a 1,040 square feet Medical Office at the property located at 220 South Dixie Highway in Unit 4.

Transmittal Date: September 30, 2021

Meeting Date: October 6, 2021

Property Owner: Osborners Inc.

Applicant: John Gruber, Osborne's C. Inc.

Address: 220 South Dixie Highway

PCN: 38-43-44-21-15-085-0060

Size: 0.37-acre site / 5,732 sf. building

General Location: East side of 300 Block on South Dixie Highway

Existing Land Use: Commercial Office/Retail Spaces`

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

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



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are outlined on page 8 of this report.

A recommendation is also made that the Board discuss the appropriateness of granting a Blanket Conditional Use Permit to allow medical offices in any tenant space within the existing 5,732 square feet building.

PROJECT DESCRIPTION

The applicant and property owner, Osborner's Inc., is requesting a **Conditional Use Permit** to allow a 1,040 square feet Medical Office at the property located at 220 South Dixie Highway, Unit 4. The property is zoned Mixed-Use Dixie Highway (MU-DH) and has a Future Land Use Map (FLUM) designation of Mixed-Use East (MU-E) Future Land Use Designation. The proposed uses are comprised of commercial, retail, office, and services type uses that are all anticipated uses in the MU-DH zoning district. No modifications to the structure or parking are proposed as part of the subject request.

According to the project narrative provided as part of the request, the proposed podiatry medical office is to be occupied by DBA South Florida Podiatry. The subject location is desired as the current office, at 31 South Federal Highway in Lake Worth Beach, is located less than a mile away from the proposed location. DBA South Florida Podiatry has been established in Lake Worth Beach for over 25 years providing medical podiatry services for the local community. The practice at its proposed location is expected to serve an average of 10 patients daily. Services offered include comprehensive medical care for the lower extremity, and surgical care in collaboration with hospital operating rooms and surgery centers. The proposed hours of operation are from 9am to 4pm during weekdays.

LDRs Section 23-1-12, Definitions, Medical Office: *A facility operated by one or more licensed practitioners that provides a single category of services including but not limited to general and specialty medical care, dental care, chiropractic care, vision care, psychotherapy or related care, and medical care related to the treatment of disabilities under the Americans with Disabilities Act (ADA), and shall not include bed patient care or overnight accommodations.*

A medical office is listed as a Conditional Use as the use can be a high-intensity use. High-intensity commercial office uses typically generate high volumes of customer traffic than an office that does not serve the public. The establishment of certain uses in the MU-DH zoning district, including Medical Offices, requires special considerations, via a Conditional Use Permit, to allow for the review and mitigation of potential negative impacts.

COMMUNITY OUTREACH

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

BACKGROUND

Existing Development: The commercial plaza currently has a total of four leasable commercial spaces, totaling 5,732 square feet and has 20 parking spaces on site and an additional 10 spaces between the subject property and the property to the east. The existing building was constructed in 1962.

Land Use: The building has an active business license for a retail use in one of the tenant spaces; the remaining three spaces do not have active business licenses. The site has a history of being occupied by different commercial, retail,

office, and services type uses, including other medical offices. Unit 4 previously had a business license for a medical office in 2014, but has had business licenses for office use since that time.

Landscaping: The site is mainly paved for vehicular use areas. A landscape island with a shade tree is located between a parking bay and the right of way. It is listed as a condition of approval that the landscaping, where possible, shall be enhanced with shrubs and potted plants.

Code Compliance - There are no open code compliance cases on the property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU 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 central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide are 75% residential and 25% non-residential. The proposal would allow for the establishment of an office within a commercial building along one of the City's Major Thoroughfares, South Dixie Highway. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-E FLU.

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. The proposed medical office is a needed service and use for the community; the proposed use will activate a tenant space which is currently vacant, and therefore it will help stimulate the economy without negatively impacting the community and will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D. Similar uses are not located within the subject site; however, given the size of the building (5,732 sf.) it would be appropriate to have different medical office establishments within the same building.

Based on the analysis above, the proposed Conditional Use Permit to establish a medical office at the subject location is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

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

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

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

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

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

Staff Analysis: The structure on the property was constructed in the 1960's. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

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

Staff Analysis: The request is a change in occupancy without increasing the existing building floor area; therefore, additional parking spaces are not required. The existing site has a 5,732 square feet commercial building, with four different tenant spaces. A total of 20 parking spaces are located on site and an additional 10 spaces are located between the subject property and the property to the east. The site has approximately 191 square feet of use area per parking space, which exceeds the minimum parking requirement of 1 space per 250 square feet of use area for personal services/medical related office. The existing conditions are appropriate to accommodate the parking demand of a small-scale commercial building, including medical office uses.

Major Thoroughfare Design Guidelines

No modifications to the building or site are proposed as part of this conditional use. However, Page 24 of the Major Thoroughfare Design Guidelines states *that commercial/retail spaces on the lower floor shall be appropriately designed to promote uses that serve the community living in a mixed-use development. Protect the pedestrian and enhance the pedestrian environment and scale.* Therefore, a condition of approval that landscaping in commercial grade planter boxes along the blank walls adjacent to Dixie Highway shall be provided to enhance the pedestrian environment along the major thoroughfare.

Findings for Granting Conditional Uses

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

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

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 principal uses allowed in the MU-DH zoning district include residential and commercial uses, such as multiple-family, restaurants, retail, and offices, including medical offices. The daily activity of the proposed medical office is similar to other commercial and office establishments. Services offered include comprehensive medical care for the lower extremity, and surgical care in collaboration with hospital operating rooms and surgery centers. The proposed hours of operation are from 9am to 4pm during weekday; these operations are similar and in harmony with other uses allowed in the district; in addition, similar medical offices have been established in the plaza. **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: Per LDR Section 23.3-17, the MU-DH district was designed for Dixie Highway, Lake Worth Beach's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain uses are not permitted by right in this district as some activities may be detrimental to the shopping, office, or residential functions of the area. The subject property is surrounded by commercial uses on three sides, which include commercial retail establishments to north and west, a psychology medical office to the south the north approved in 2011, and a mix of single family and multi-family on the east side along the rear side of the property. The use is in harmony with the commercial establishments surrounding it and is complementary to other uses allowed in the zoning district; the proposed activities are not intended to be more intense than other commercial uses allowed by right. **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 site for some use permitted by right or some other conditional use permitted on the site.*

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 requested uses are similar in nature and function to permitted uses allowed by right.

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 will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan, when its approval is subject to the conditions listed. The Dixie Highway corridor currently functions as major commercial corridor within the City. Further, the proposed use allows for the adaptive reuse of an existing structure built in the 1960's. **Meets Criterion.**

Section 23.2-29.e) Specific findings 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: Historically, the subject building has been occupied by different commercial retail, and office establishments, including other medical practices. The size of the tenant space limits the number of patients that can be seen daily. According to the narrative provided, an average of 10 patients are anticipated to be seen daily. The anticipated traffic volume generated by the proposed business should not be higher than other commercial retail establishments that provide services to the community. Moreover, the anticipated traffic generation would be through Dixie Highway, which is a high-volume highway, with direct access to several commercial establishments. Therefore, the level of service provided on the adjacent streets should not be any more adverse than the existing use or other uses allowed by right. Further, the subject plaza is not proposed to be expanded as part of this request. **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: The subject location cannot be accessed from a local road. The property can only be accessed from Dixie Highway, which is an arterial road that provides direct access to many commercial properties within the City and County. **Meets Criterion.**

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

Staff Analysis: The air pollution emissions anticipated to be produced by the proposed use are compatible with the emissions produced by commercial uses allowed 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: The anticipated traffic volume generated by the proposed business should not be higher than other commercial retail establishments that provide services to the community. The subject 1,040 square feet medical practice will not require the extension nor enlargement nor any other alteration of that system. The subject use has similar impacts to the thoroughfare system as any other use allowed 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: All the business on site will be utilizing the existing infrastructure at the subject site. 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, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.*

Staff Analysis: The proposed Conditional Use, and its operational activities is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. **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 intended hours of operations are from 9am to 4pm. The applicant was made aware of the noise limitation requirements. Given the intended operations and business hours, the proposed conditional use is not anticipated to generate more noise than a use permitted by right. **Meets Criterion.**

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

Staff Analysis: No change in lighting has been proposed nor is required based on the proposed request. Existing conditions are not being affected by the establishment of a medical office; however, the Board may request upgrades or confirmation that the lighting is in conformance for the rear area (east side) of the property that abuts residential. **Meets Criterion.**

Section 23.2-29.g) Additional requirements.

1. *Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.*

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

2. *Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless request for amendment of conditions is part of the current conditional use permit application.*

Staff Analysis: This criterion is not applicable as there is no record of an approved site plan for the site.

CONCLUSION AND CONDITIONS

Per LDR Section 23.3-17, the MU-DH district was designed for Dixie Highway, Lake Worth Beach's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses.

The proposed podiatry medical office is to be occupied by DBA South Florida Podiatry. The subject location is desired as the current office, at 31 South Federal Highway in Lake Worth Beach, is located less than a mile away from the proposed location. DBA South Florida Podiatry has been established in Lake Worth Beach for over 25 years providing medical podiatry services for the local community. The practice at its proposed location is expected to serve an average of 10 patients daily. Services offered include comprehensive medical care for the lower extremity, and surgical care in collaboration with hospital operating rooms and surgery centers. The proposed hours of operation are from 9 am to 4pm during weekdays.

A medical office is listed as a Conditional Use as the use can be a high-intensity use. High-intensity commercial office uses typically generate high volumes of customer traffic than an office that does not serve the public. The establishment of certain uses in the MU-DH zoning district, including Medical Offices, requires special considerations, via a Conditional Use Permit, to allow for the review and mitigation of potential negative impacts.

Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. Besides the recommended conditions of approval listed below, the Board may consider and discuss the appropriateness of granting a Blank Conditional Use Permit to allow medical offices in any tenant space within the existing 5,732 square feet building. The impacts of allowing a medical office anywhere within the existing, 4 tenant spaces, 5,732 square feet building would not be more impactful than allowing a 1,040 square feet medical office as requested.

Section 23.2-29.h) Conditions.

The decision-making authority may impose such conditions in a development order for a conditional use that are necessary to accomplish the purposes of the comprehensive plan and these LDRs to prevent or minimize adverse impacts upon the public, the environment and neighborhoods, and to ensure compatibility, including but not limited to function, size, bulk and location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, site circulation, and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest, surrounding land uses or if additional improvements are needed to facilitate a more thoughtful transition between different uses. The placement of conditions on the approval of a development order shall be the minimum conditions necessary in order for the proposed use to meet all necessary findings, as set forth in this section.

The following condition is recommended to improve the development streetscape appearance:

1. Landscaping, where possible, shall be planted throughout the site, including shrubs within the existing landscape islands in the parking lot area. Also, planters shall be placed where large expanses of blank walls exist along the front façade facing Dixie Highway and below the clerestory windows (windows above eye level) that face the parking lot, as feasible. The property owner shall work with staff to determine the most appropriate location and plating material based on the requirements in the Major Thoroughfare Design Guidelines. A permit to install landscaping shall be submitted and issued within 6 months of this approval date.
 - a. Such planters shall be maintained in good condition. If replacement is needed, the new planters and landscaping shall comply with the City's approved planters and landscaping guide.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 21-005000056 with staff recommended conditions for a **Conditional Use Permit** request to establish a medical office in the Mixed-Use Dixie Highway (MU-DH) at 220 South Dixie Highway based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 21-005000006 for a **Conditional Use Permit** request to establish Medical Office use in the Mixed-Use Dixie Highway (MU-DH) at 220 South Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Application Package (survey, request letter)



DATE: September 30, 2021

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: October 5, 2021 & October 13, 2021

SUBJECT: **PZB/HRPB 21-00400001 (Ordinance 2021-09)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to the development appeal process.

BACKGROUND/ PROPOSAL:

The proposed amendments would modify the appeal process by providing for the appeal of Planning & Zoning Board (PZB) and Historic Resources Preservation Board (HRPB) decisions to the circuit court. Appeals have required legal review standards and process. As such, local governments have been moving towards development appeals being heard by circuit court, as provided by Florida Statutes. The proposed ordinance would modify the development approval appeal process, but would retain the local appeal authority relating to appeals of administrative decisions of the development review official (DRO).

The proposed amendments would modify the following sections of the LDRs in Chapter 23 of the City’s Code of Ordinances:

- Article 2, Section 23.2-1 - City Commission
- Article 2, Section 23.2-7 - Historic Resources Preservation Board
- Article 2, Section 23.2-8 – Planning and Zoning Board
- Article 2, Section 23.2-9 – Summary illustration of authority
- Article 2, Section 23.2-15 – Notice Requirements for Public Hearings
- Article 2, Section 23.2-16 - Quasi-judicial Procedures
- Article 2, Section 23.2-17 – Appeals
- Article 2, Section 23.2-27 - Waiver
- Article 2, Section 23.2-29 - Condition Use Permits
- Article 2, Section 23.2-30 -Site Plan Review
- Article 5, Section 23.5-1 - Signs
- Article 5, Section 23.5-4 - Historic Preservation

ANALYSIS:

The proposed amendments will remove the requirement for affected parties and applicants to first appeal to the City Commission prior to circuit court. Circuit courts are the final appellant authority in land development decisions in Florida as provided by Florida Statute. Removal of the requirement to first appeal to the City Commission would allow for applicants and affected parties to go directly to the final appellant authority. Appeals also have specific required legal review standards and procedures, including due process considerations. Florida’s circuit courts are

specifically tasked in the Florida Statutes with this type of review. However, the proposed ordinance retains local appeal authority by the appropriate review board for appeals of the decision of the DRO, including appeals of the DRO's interpretation of the land development regulations.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB 21-00400001 (Ordinance 2021-09).

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendments included in 21-00400001 (Ordinance 2021-09).

Attachments

- A. Draft Ordinance 2021-09

1
2
3 **ORDINANCE 2021-09 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
4 **BEACH, FLORIDA, REMOVING THE CITY COMMISSION AS THE**
5 **ADMINISTRATIVE APPELLATE AUTHORITY FOR LAND DEVELOPMENT**
6 **REGULATION DECISIONS MADE BY THE HISTORIC RESOURCES**
7 **PRESERVATION BOARD AND PLANNING AND ZONING BOARD BY**
8 **AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE**
9 **2, “ADMINISTRATION,” DIVISION 1, “SUPPLEMENTAL REGULATIONS,”**
10 **DIVISION 1, “DECISIONMAKERS,” SECTIONS 23.2-1, 23.2-7, 23.2-8, AND**
11 **23.2-9; DIVISION 2, “PROCEDURES,” SECTIONS 23.2-15, 23.2-16, AND 23.2-**
12 **17; DIVISION 3, “PERMITS,” SECTIONS 23.2-27, 23.2-29, 23.2-30; ARTICLE 5,**
13 **“SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 AND 23.5-4;**
14 **PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT,**
15 **CODIFICATION, AND AN EFFECTIVE DATE.**
16

17 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”) is a duly constituted
18 municipality having such power and authority conferred upon it by the Florida Constitution and
19 Chapter 166, Florida Statutes; and
20

21 **WHEREAS**, pursuant to the power and authority conferred by Chapter 163, Florida
22 Statutes, the City has enacted Land Development Regulations (“LDRs”) to promote the public
23 health, safety and welfare through reasonable regulation of land development activity; and
24

25 **WHEREAS**, in section 23.2-7 of the LDRs, the City has established the City of Lake Worth
26 Beach Historic Resources Preservation Board (“HRPB”), and has conferred upon the HRPB both
27 advisory duties and final decision-making authority with respect to historic designations,
28 certificates of appropriateness, and other permit applications under the LDRs within the City’s
29 historic districts; and
30

31 **WHEREAS**, in section 23.2-8 of the LDRs, the City has established the City of Lake Worth
32 Beach Planning and Zoning Board (“PZB”) as the local planning agency, and has conferred upon
33 the PZB both advisory duties and final decision-making authority with respect to permit
34 applications under the LDRs; and
35

36 **WHEREAS**, the availability of an appeal from an adverse decision serves to protect the
37 due process rights of applicants and affected parties; and
38

39 **WHEREAS**, the LDRs currently provide that certain decisions of the PZB and HRPB may
40 be administratively appealed to the City Commission as provided in section 23.2-17; and
41

42 **WHEREAS**, the City Commission has determined that the interests of due process would
43 best be served by providing for the appeal of HRPB and PZB decisions to circuit court; and
44

45 **WHEREAS**, on October 6, 2021 these amendments were reviewed by the City of Lake
46 Worth Beach Planning and Zoning Board, which made a recommendation to the City Commission
47 to _____ the amendments; and
48

49 **WHEREAS**, on October 13, 2021 these amendments were reviewed by the City of Lake
50 Worth Beach Historic Resources Preservation Board, which made a recommendation to the City
51 Commission to _____ the amendments; and
52

53 **WHEREAS**, the City Commission has reviewed the recommended amendments and has
54 determined that it is in the best interest of the public health, safety and general welfare of the City,
55 its residents and visitors to adopt these amendments.

56
57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
58 **LAKE WORTH BEACH, FLORIDA, that:**

59
60 **Section 1:** That the foregoing "WHEREAS" clauses are ratified and confirmed as
61 being true and correct and are made a specific part of this Ordinance as if set forth herein.

62
63 **Section 2:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
64 Division 1 "Decisionmakers," Section 23.2-1 "City Commission," is hereby amended as follows
65 (words stricken are deletions; words underlined are additions):

66
67 The city is governed by a city commission consisting of five (5) elected members,
68 including a mayor as more particularly set forth in the City Charter. In addition to any
69 authority granted the city commission by state law, City Charter or other regulations of
70 the city, the city commission shall have the power and duty to act as the final
71 decisionmaker with respect to certain types of applications ~~and appeals. A table~~
72 ~~illustrating city commission authority is contained at section 23.2-9.~~

73
74 **Section 3:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
75 Division 1 "Decisionmakers," Section 23.2-7 "Historic Resources Preservation Board,"
76 Subsection (f) "Decisions and appeals," is hereby amended as follows (words stricken are
77 deletions; words underlined are additions):

- 78
79 f) *Decisions and appeals.* On rezoning, comprehensive plan and future land use
80 map advisory matters, the HRPB shall submit its recommendation in a written
81 report to the city commission, with a copy to the applicant and preservation
82 planner, documenting each consideration substantiating the board's
83 recommendation. On conditional uses, major site plans, variances and other
84 matters for which the HRPB renders a decision, such decision shall be in the
85 form of a written order, giving reasons therefor and including findings of fact.
86 Denials shall include a citation to the applicable legal authority forming the basis
87 for the denial. Should the applicant or an affected party decide to appeal the
88 decision of the HRPB, such appeal shall be to circuit court as provided in to the
89 ~~city commission, the applicant or affected party shall provide a notice of appeal~~
90 ~~to the development review official within fourteen (14) days of the issuance of~~
91 ~~the written decision. A formal written appeal shall thereafter be submitted to the~~
92 ~~development review official outlining the basis for the appeal within thirty (30)~~
93 ~~days of the HRPB's written decision. See also section 23.2-17 of this article.~~

94
95 **Section 4:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
96 Division 1 "Decisionmakers," Section 23.2-8 "Planning and Zoning Board," Subsection (e)
97 "Decisions and Appeals," is hereby amended as follows (words stricken are deletions; words
98 underlined are additions):

- 99
100 e) *Decisions and appeals.* On advisory matters, the board shall submit its
101 recommendation in a written report to the city commission, with a copy to the
102 applicant and development review official, documenting each consideration
103 substantiating the board's recommendation. On matters that the board renders
104 a decision, such decision shall be in the form of a written order, giving reasons
105 therefor and including findings of fact. Denials shall include a citation to the
106 applicable legal authority forming the basis for the denial. Should the applicant
107 or affected party decide to appeal the final decision of the planning and zoning

board, ~~such appeal to the city commission, the applicant or affected party shall provide a notice of appeal to the development review official within fourteen (14) days of the issuance of the written decision. A formal written appeal shall thereafter be submitted to the development review official outlining the basis for the appeal within thirty (30) days of the planning and zoning board's written decision. See also shall be to circuit court as provided in section 23.2-17 of this article.~~

Section 5: Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 1 "Decisionmakers," Section 23.2-9 "Summary illustration of authority," including Table 2-1, is hereby deleted in its entirety.

Section 6: Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-15 "Notice Requirements for Public Hearings," Table 2-2 "Notice Requirements," is hereby amended at the last entry in the table as follows (words stricken are deletions; words underlined are additions):

Appeals to city commission of PZB or HRPB		<u>10 days</u> <u>400' R</u>	
--	--	---------------------------------	--

Section 7: Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-16 "Quasi-judicial Procedures," Subsection g) "Continuance," is hereby amended as follows (words stricken are deletions; words underlined are additions):

g) *Continuance.* The decision-making body may, on its own motion continue the hearing to a fixed date, time and place. The applicant shall also have the right to one (1) continuance. Affected parties, whether individually or collectively, shall also have the right to one (1) continuance and irrespective of the number of affected parties, only one (1) continuance may be granted. The continuance can be for no longer than thirty-one (31) days, provided the request is to address neighborhood concerns or new evidence, to hire legal counsel or a professional services consultant, or the affected party is unable to be represented at the hearing. No more than one (1) continuance may be granted for all affected parties. The decision-making body will continue the hearing to a fixed date, time and place if applicable. However, all subsequent continuances shall be granted at the sole discretion of the decision-making body. ~~Notwithstanding the foregoing, a continuance shall not be granted if to do so would delay a decision on an appeal from the HRPB regarding a certificate of appropriateness beyond the ninety-day requirement specified in section 23.2-17.~~

Section 8: Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 2 "Procedures," Section 23.2-17 "Appeals," is hereby amended as follows (words stricken are deletions; words underlined are additions):

b) ~~To city commission.~~ Should an applicant for development approval or an affected party with demonstrated standing decide to appeal a decision of the planning and zoning board or the historic resources preservation board the procedures set forth below and in subsection d) shall be followed.

1. ~~The applicant or affected party shall submit to the development review official a notice of appeal within fourteen (14) days of the board's written decision.~~

- 157 ~~2. Thereafter, the applicant or affected party shall submit to the development~~
158 ~~review official in writing the basis for the appeal within thirty (30) days of~~
159 ~~the board's written decision; except appeals from decisions pertaining to~~
160 ~~variances shall be appealed directly to circuit court as described in~~
161 ~~subsection c). The basis of appeal must relate to the evidence and~~
162 ~~testimony presented to the planning and zoning board or the HRPB. The~~
163 ~~basis of appeal should include all evidence the appealing party would like~~
164 ~~to have the city commission review. New evidence is not allowed and shall~~
165 ~~not be considered.~~
- 166 ~~3. The appeal shall be submitted with a city application and the applicable~~
167 ~~fee and filed with the development review official. An affected party must~~
168 ~~have participated in the hearing before the planning and zoning board or~~
169 ~~HRPB to participate in an appeal before the city commission.~~
- 170 ~~4. The development review official shall forward the appeal, the staff report~~
171 ~~and other relevant documents reviewed at the planning and zoning board~~
172 ~~or HRPB meeting, and the board's decision to the city commission for~~
173 ~~review.~~
- 174 ~~5. The development review official may also have the right to appeal a~~
175 ~~decision of the planning and zoning board or the HRPB.~~
- 176 ~~6. After courtesy notice as provided in this article, the city commission shall~~
177 ~~conduct a hearing, and shall consider those applications on appeal from~~
178 ~~the planning and zoning board or the HRPB based on the record created~~
179 ~~at the planning and zoning board or the HRPB meeting. The~~
180 ~~considerations substantiating the decision of the city commission shall be~~
181 ~~discussed. The city commission shall convey its decision in writing to the~~
182 ~~applicant, affected parties, if applicable, and to the development review~~
183 ~~official.~~
- 184 ~~7. For appeals from the decisions of the HRPB regarding certificates of~~
185 ~~appropriateness, the city commission shall consider the appeal within~~
186 ~~ninety (90) days after the filing of the appeal. The city commission may~~
187 ~~uphold or reverse the HRPB's decision in whole or in part or remand with~~
188 ~~instructions for further consideration. A reversal of an HRPB decision,~~
189 ~~whether in whole or in part, shall require no less than four (4) votes of the~~
190 ~~full city commission or by no less than three (3) votes of those in~~
191 ~~attendance, and in accordance with section 23.5-4(n)(2), a reversal shall~~
192 ~~be rendered only if the city commission determines that the HRPB decision~~
193 ~~was contrary to law or arbitrary and capricious.~~

195 ~~eb) *To circuit court.* Any person or persons, jointly or severally, or entity, aggrieved~~
196 ~~by the decision of the HRPB, planning and zoning board or city commission,~~
197 ~~after first exhausting all administrative remedies, shall present to a circuit court~~
198 ~~a petition for issuance of a writ of certiorari pursuant to the Florida law. If a~~
199 ~~planning and zoning board or HRPB variance determination is~~
200 ~~being appealed and is a part of an overall order being appealed for certificates~~
201 ~~of appropriateness, site plans, etc., then the entire order shall be appealed to~~
202 ~~the circuit court and it is not necessary to exhaust administrative remedies~~
203 ~~by appealing any portion of the order to the city commission.~~

205 **Section 9:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
206 Division 3 "Permits," Section 23.2-27 "Waiver," Subsection a) "Community Residence,"
207 is hereby amended as follows (words stricken are deletions; words underlined are
208 additions):

209
210 3. The applicant and any affected party may appeal the decision of the board
211 to circuit court~~the city commission~~ pursuant to section 23.2-17. A waiver
212 becomes null and void and of no effect twelve (12) months from and after
213 the date of its final approval.

214
215 **Section 10:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
216 Division 3 "Permits," Section 23.2-29 "Conditional Use Permits," Subsection b)
217 "Approval Authority," is hereby amended as follows (words stricken are deletions; words
218 underlined are additions):

219
220 b) *Approval authority.* The planning and zoning board or historic resources
221 preservation board, as applicable, in accordance with the procedures, standards and
222 limitations of this section, shall approve, approve with conditions, or deny an application
223 for a development permit for a conditional use permit after review and recommendation
224 by the development review official. The board's decision on a conditional use permit
225 may be appealed to circuit court~~the city commission~~ by the applicant or affected party,
226 pursuant to section 23.2-17.

227
228 **Section 11:** Chapter 23 "Land Development Regulations," Article 2 "Administration,"
229 Division 3 "Permits," Section 23.2-30 "Site Plan Review," Subsection e) "Site Plan
230 Review Procedures for Major Developments," is hereby amended as follows (words
231 stricken are deletions; words underlined are additions):

232
233 e) *Site plan review procedures for major developments.* If the development review
234 official determines that the application requires a major review, the application
235 shall be forwarded to the site plan review team for review and, determination
236 as to whether the application complies with applicable regulations. Once the
237 development review officer has made a determination of compliance, the
238 application will be scheduled for action by the planning and zoning board or the
239 historic resources preservation board, as applicable. The board shall consider
240 and act on site plan review applications for major developments. For all
241 applications, the board may:

- 242 1. Approve the application as submitted;
- 243 2. Approve the application with any reasonable conditions, limitations, or
244 requirements;
- 245 3. Deny the application for specific reason(s); or
- 246 4. Postpone consideration of any application pending submittal of
247 additional information which may be required to make a determination.

248 The board shall issue a written decision which shall be attached to the
249 application for site plan approval. Each consideration substantiating the action
250 of the development review official shall be included in the decision. The decision
251 shall also include a citation to the legal authority on which a denial is based.
252 The decision of the board shall be final but may be unless~~appealed to circuit~~
253 court~~the city commission~~, as provided in section 23.2-17.

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Section 12: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-1 “Signs,” Subsection j) “Variances and Appeals,” Subsection 2 “Appeals,” Subsection D “Jurisdiction”, is hereby amended as follows (words stricken are deletions; words underlined are additions):

(v) Appeals from board. Any adversely affected person or persons aggrieved by any decision of the board may appeal such decision to circuit court~~the city commission~~.

Section 13: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 8 “HRPB Recommendation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

~~B. If the HRPB recommends denial of designation, such action shall be final unless an affected party (in the case of an individual landmark) or not less than two-thirds (2/3) of the affected eligible property owners (in the case of a historic district) appeal to the city commission in the manner provided in subsection n), below, of this section.~~

B. The division shall promptly notify the applicant and the property owner(s) of the HRPB's recommendation.

Section 14: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 9 “City Commission Review and Designation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

A. The city commission shall by ordinance approve, modify or deny the proposed designation within sixty (60) days of receipt of the HRPB's recommendation. A decision to reverse an HRPB recommendation ~~of approval~~ shall be by no less than four (4) votes of the full city commission or by no less than three (3) votes if the full city commission is not in attendance.

Section 15: Chapter 23 “Land Development Regulations,” Article 5 “Supplemental Regulations,” Section 23.5-4 “Historic Preservation,” Subsection (e) “Designation of Landmarks and Historic Districts,” Subsection 14 “Potential Landmark Designation,” is hereby amended as follows (words stricken are deletions; words underlined are additions):

B. *Effect of pending applications for designation.* When an application for designation is made and notice is mailed to affected parties, no action with respect to the exterior appearance of such site or district shall commence unless approved in accordance with the procedures provided in subsection e). In order to protect the city's general welfare, avoid an irreparable loss and prevent circumvention of the protections of this article, such requirement shall remain in effect until final disposition of the recommended action. The applicant may apply to the HRPB for review of a proposed action prior to final action by the city commission. The HRPB shall review the application using the criteria established herein, including unreasonable

304 economic hardship. Permits may be issued upon HRPB approval of
305 designation. ~~Should the HRPB deny the applicant's request, the applicant~~
306 ~~may appeal to the city commission as provided in subsection e) below.~~ If the
307 city commission declines to designate the landmark or historic district, all
308 permitting requirements set forth herein shall no longer apply to any
309 proposed action.

310
311 **Section 16:** Chapter 23 "Land Development Regulations," Article 5 "Supplemental
312 Regulations," Section 23.5-4 "Historic Preservation," Subsection (f) "Certificates of
313 Appropriateness, in General," is hereby amended as follows (words stricken are deletions;
314 words underlined are additions):

- 315
316 2. *Effective date of certificate stayed pending appeal.* A certificate of
317 appropriateness shall be effective immediately after the written rendition of
318 the decision, notwithstanding the permit approval from the building division.
319 If an appeal is made to the HRPB ~~or city commission~~, all work permitted by
320 the certificate of appropriateness shall automatically be stayed pending
321 the appeal.

322
323 **Section 17:** Chapter 23 "Land Development Regulations," Article 5 "Supplemental
324 Regulations," Section 23.5-4 "Historic Preservation," Subsection (n) "Appeal of Decisions
325 Regarding Certificates of Appropriateness," is hereby amended as follows (words stricken are
326 deletions; words underlined are additions):

- 327
328 1. *Appeal of administrative decisions.* Any administrative decision may be appealed
329 to the HRPB within fourteen (14) calendar days of its rendering. The HRPB shall
330 consider the record made in the administrative proceedings and shall not take
331 new testimony, and shall within sixty (60) days after the filing of the appeal reverse
332 the administrative decision only if it was contrary to law or arbitrary and capricious.
333
334 2. *Appeal of HRPB decisions.* Within thirty (30) days after the date of written
335 confirmation of a HRPB decision, the applicant or any affected party may appeal
336 to circuit court ~~the city commission~~ any decision of the HRPB regarding an
337 application for a certificate of appropriateness ~~pursuant to Sec. 23.2-17(e) of~~
338 ~~these LDRs. The city commission shall consider the record made before the~~
339 ~~HRPB in reaching its decision and shall not take new testimony. The city~~
340 ~~commission shall reverse the HRPB decision only if it was contrary to law or~~
341 ~~arbitrary and capricious.~~

342
343 **Section 18:** Severability. If any section, subsection, sentence, clause, phrase or portion
344 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
345 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
346 such holding shall not affect the validity of the remaining portions thereof.

347
348 **Section 19:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
349 herewith are hereby repealed to the extent of such conflict.

350
351 **Section 20:** Codification. The sections of the ordinance may be made a part of the City
352 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
353 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

354

355 **Section 21:** Effective Date. This ordinance shall become effective 10 days after
356 passage.

357
358 The passage of this ordinance on first reading was moved by _____, seconded by
359 _____ and upon being put to a vote, the vote was as follows:

- 360
361 Mayor Betty Resch
362 Vice Mayor Herman Robinson
363 Commissioner Sarah Malega
364 Commissioner Christopher McVoy
365 Commissioner Kimberly Stokes
366

367 The Mayor thereupon declared this ordinance duly passed on first reading on the
368 _____ day of _____, 2021.

369
370 The passage of this ordinance on second reading was moved by _____,
371 seconded by _____, and upon being put to a vote, the vote was as follows:

- 372
373 Mayor Betty Resch
374 Vice Mayor Herman Robinson
375 Commissioner Sarah Malega
376 Commissioner Christopher McVoy
377 Commissioner Kimberly Stokes
378

379
380 The Mayor thereupon declared this ordinance duly passed on the _____ day of
381 _____, 2021.

382
383

384 LAKE WORTH BEACH CITY COMMISSION

385
386
387 By: _____
388 Betty Resch, Mayor
389

390 ATTEST:
391
392
393 _____
394 Melissa Ann Coyne, City Clerk



MEMORANDUM DATE: September 30, 2021 PZB | October 6, 2021 HRPB

AGENDA DATE: October 6, 2021 PZB | October 12, 2021 HRPB

TO: Planning and Zoning Board
Historic Resources Preservation Board

RE: **307 North J Street – Aviara on the Ave**

FROM: Erin F. Sita, AICP, Assistant Director
Debora Slaski, Principal Planner
Abraham Fogel, Preservation Planner
Department for Community Sustainability

PZB/HRPB Project Number 20-01100001: A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of ‘Hammon Park’ to the development known as ‘Aviara on the Ave’, which is the subject property. The property is located within the Northeast Lucerne Local Historic District and is located within the Mixed Use - Dixie Highway (MU-DIXIE) zoning district with a Future Land Use of Mixed Use East (MU-E).

Owner: Hammon Park on the Ave, LLC
933 South Congress Avenue
Delray Beach, FL 33445

Applicant: MAG Real Estate & Development, Inc.
933 South Congress Avenue
Delray Beach, FL 33445

PCNs: 38434422410000790; 38434422410000800; 38434422410000810; 38434422410000820;
38434422410000830; 38434422410000840; 38434422410000850; 38434422410000860;
38434422410000870; 38434422410000880; 38434422410000890; 38434422410000900;
38434422410000910; 38434422410000920; 38434422410000930; 38434422410000940;
38434422410000950; 38434422410000960; 38434422410000970; 38434422410000980;
38434422410000990; 38434422410001000; 38434422410001010; 38434422410001020;
38434422410001030; and 38434422410020000.

PROJECT HISTORY:

- The subject property received the original approval for the project known as Hammon Park in 2004 via Ordinance No. 2004-50, which amended the Future Land Use designation of the property from General Commercial to High Density Residential. A concurrent rezoning petition was approved by Ordinance No 2004-51 that rezoned the property from High Intensity Commercial to Medium Density Multiple Family Residential, 30 units to the acre. Subsequently, infrastructure was added to the site, construction commenced on the northern parcel, and two (2) residential buildings were completed.

- In 2008, the City Commission adopted Ordinance No. 2008-01 approving the rezoning of the parcel to a Residential Planned Development (RPD) District. The RPD included a mixed-use development, allowing both residential and commercial uses. The RPD contained a total of 130 residential units and 4,544 square feet of commercial space.
- In 2009, Ordinance 2009-28 was approved to allow a major amendment to the Hammon Park RPD, facilitating the development of Publix Supermarket on the southern parcel.
- In 2010, modifications were made to the Master Development Plan, which included the elimination of the external catwalks and a provision for enclosed garages. The modifications were approved by the City Commission via Ordinance No. 2010-18.
- In 2015, the applicant received approval for a Major RPD Amendment and to rename the project from Hammon Park to Bella Terra via Ordinance 2015-05. The modifications affected the northern portion of the RPD. The applicant proposed to replace the approved building floor plans and upgrade the building architecture. The revised floor plans retained the previously approved building footprint. Overall, the proposed changes were minor in nature and preserved the intent of the previously approved site plan.
 - In Ordinance 2015-05, Condition of Approval #3 indicates “Prior to the issuance of a Certificate of Occupancy, the property shall be replatted to reflect the conversion from townhouse to multi-family condominium structures.”
- In 2019, buildings permits were submitted to construct four, three-story buildings with nine units in accordance with the Major RPD Amendment.

Current Request

- In 2020, the applicant submitted a replat request to satisfy Condition of Approval #3 in Ordinance 2015-05.
 - The application was determined insufficient on August 6, 2020.
 - On December 8, 2020, additional documentation was provided and review of the request initiated.
 - After several rounds of review by the City’s Site Plan Review Team (SPRT), City Attorney, and Mock Roos & Associates, Inc., engineering consultant, the final plat was submitted on August 13, 2021.
 - On August 24, 2021, Mock Roos & Associates, Inc. issued a Letter of Conformity indicating the plat had addressed all review comments and was in compliance with Florida Statute 177.81.
 - Subsequently, the replatting request was scheduled for the next available advisory board City Commission meetings.
- In 2021, construction of the four buildings was completed and a temporary Certificate of Occupancy was granted by the City. The Certificate of Occupancy will only be granted once the replatting of the subject property is completed.

The files associated with the project history are included as **Attachment A**.

PROJECT DESCRIPTION:

The applicant, MAG Real Estate & Development, Inc., is requesting approval of the following:

1. Approval of a Final Replat;
2. Authorization for the Planning and Zoning Board and Historic Resources Preservation Board Chairman to execute the Replat; and
3. A recommendation to the City Commission to approve the Final Replat.

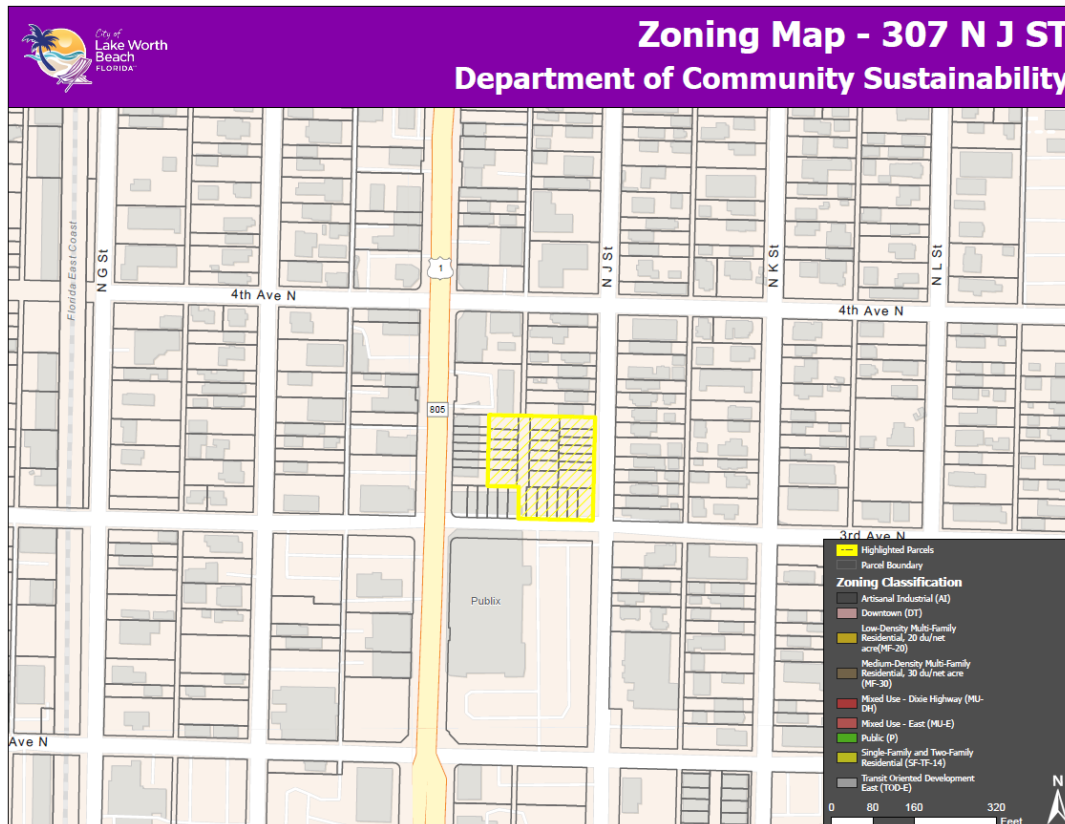
The subject site is located north of 3rd Avenue North abutting Dixie on the West and North J Street on the East. The current subdivision name is “Hammon Park”, but the proposed replat impacts Lots 79 through 103 and Tract B, proposing the new name “Aviara on the Ave”.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) forward a recommendation of approval to the City Commission concerning for the proposed Replat.

PROPERTY DESCRIPTION:

Owner	Hammon Park on the Ave, LLC
Applicant	MAG Real Estate & Development, Inc.
General Location	North of 3 rd Avenue North abutting Dixie on the West and North J Street on the East
Zoning	Mixed Use - Dixie Highway (MU-DIXIE)
Existing Land Use	Multi-Family Residential
Future Land Use Designation	Mixed Use East (MU-E)



ZONING ANALYSIS:

As outlined in the project history, in 2015, the property received approval for a Major RPD Amendment via Ordinance 2015-05. The modifications affected the northern portion of the RPD, where the building floor plans were modified and the building architecture was upgraded. In Ordinance 2015-05, Condition of Approval #3 indicates “Prior to the issuance of a Certificate of Occupancy, the property shall be replatted to reflect the conversion from townhouse to multi-family condominium structures.” The subject replatting request will satisfy Condition of Approval #3 once it is approved by the City Commission. The final plat is included as **Attachment B**.

The comprehensive site plan review that addressed subdivision provisions related to drainage, water, sewage, design standards, easements, and required improvements took place in the approval of Ordinance 2015-05. Therefore, the existing configuration of the site is vested and the subject replatting application is required due to the change from townhouse to multi-family condominium or apartment structures and to satisfy to condition of approval listed in the ordinance.

ADVISORY BOARD AUTHORITY:

Pursuant to LDR Section 23.5-2(g)(6):

Review board recommendation. The review board shall determine whether a tentative plat is in conformity with the provisions and requirements of these regulations and other applicable requirements of the ordinances of the city. It shall make such investigations and recommendations as may be deemed necessary to insure such conformity and to cause the tentative plat to be consistent with the city's comprehensive plan. The board shall recommend approval, approval with conditions, or disapproval of the tentative plat. The board's recommendation shall be forwarded to the city commission, signed by the chairman of the board, and filed with the city clerk. Upon recommending approval, approval with conditions, or disapproval, such action shall be endorsed on the face of each copy of the tentative plat by the secretary of the board. The city commission shall either approve, approve with modifications or conditions, or disapprove the tentative subdivision plat, or may refer the plat to any board or officer of the city for further consideration, after considering the recommendation of review board and all aspects of the plat necessary to meet the intent and requirements of this section and the comprehensive plan.

Staff Analysis: The eastern portion of the site falls within the Northeast Lucerne Local Historic District. Therefore, review by both the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) is required.

The procedures for platting are outlined in Land Development Regulation Section 23.5-2. The City's Site Plan Review Team (SPRT), City Attorney, and Mock Roos & Associates, Inc., engineering consultant, have reviewed the final plat for compliance with the City's LDRs and Florida Statutes.

The Letter of Conformity by Mock Roos & Associates, Inc., is included as **Attachment C**.

In addition, the de-annexation agreement with the townhomes and easement agreement are included as **Attachment D**.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has received no public comment.

CONCLUSION:

The proposed plat will satisfy Condition of Approval #3 in Ordinance 2015-05. Furthermore, the plat complies with the City's Land Development Regulations and Florida Statutes. Staff recommends that the Planning and Zoning Board (PZB) and the Historic Resources Preservation Board (HRPB) forward a recommendation of approval to the City Commission for the proposal.

POTENTIAL MOTION:

I MOVE TO **RECOMMEND APPROVAL** OF PZB/HRPB PROJECT NUMBER 20-01100001 for a replat of a portion of Hammon Park to Aviara on the Ave. The proposal meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO **RECOMMEND DENIAL** OF PZB/HRPB PROJECT NUMBER 20-01100001 for a replat of a portion of Hammon Park to Aviara on the Ave. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

ATTACHMENTS

- A. Project History Documentation
- B. Plat
- C. Letter of Conformity
- D. Homeowner's Association Documentation