



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 03, 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. [October 6, 2021 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [First Fleet](#)
[Coin Laundry](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. A Request for Continuance to a date certain of December 1, 2021 for PZB # 21-00500007.
- B. [PZB Project Number 21-00000019: Consideration of a request for a Mural Installation for the Cottages of Lake Worth located at 604 Lucerne Avenue; PCN # 38-43-44-21-15-022-0220. The subject property is located in the Downtown \(DT\) zoning district.](#)
- C. [PZB Project Number 21-01400018: Consideration of a Major Site Plan amendment request for the addition of an 8,413-sf industrial canopy structure at 1933 8th Avenue North. The proposed canopy addition is to provided shelter and protection for equipment needed to for daily operations.](#)

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, OCTOBER 06, 2021 -- 6:07 PM**

ROLL CALL and RECORDING OF ABSENCES: **Present** were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm, Laura Starr, Edmond LeBlanc, Zade Shamsi-Basha; Juan Contin. 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

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

APPROVAL OF MINUTES:

A. September 1, 2021 Regular Meeting Minutes

Motion: M. Humm moves to approve the minutes as presented; J. Contin 2nd.

Vote: Ayes all with exception of Vice-Chair not voting.

CASES:

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

PROOF OF PUBLICATION

1) 706 & 710 South H Street; Appeals Ordinance; PB Modern Auction; S. F. Podiatry

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

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.

Staff: E. Sita presents case findings and analysis. Both parcels will transition to Public Zoning and Public Future Land Use designation. This is to facilitate a new substation on these properties.

Motion: A. Marotta moves to recommend approval of Ordinance 2021-18 (a future land use map amendment) to the City Commission based on the data and analysis in the staff report and testimony at the public hearing; L. Starr 2nd.

Vote: Ayes all, unanimous

Motion: A. Marotta moves to recommend approval of Ordinance 2021-19 (a zoning map amendment) to the City Commission based on the data and analysis in the staff report and testimony at the public hearing, to the City Commission; M. Humm 2nd.

Vote: Ayes all, unanimous.

B. 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).

Architect: James Paine **Applicants:** Rico Baca, Wade Terwilliger and Carrie Rose. Planning additional square footage to the existing building for the auction house. Intention is to remove pavement in the front and north and replacing with landscaping. Redo of the façade with a modern architectural style and increase the fenestration by more than 25%.

Staff: D. Slaski presents case findings and analysis. The allowance for an Auction House was approved through the Conditional Use process during the July Planning & Zoning meeting. The site will have 14 parking spaces and bike racks. The proposal is consistent with the Land Development Regulations, the Comprehensive and Strategic Plan. Existing non-conformities are being addressed to improve or maintain as is allowed by right.

Board: A. Marotta requests confirmation the maximum impermeable surface will be brought into compliance. **Response:** Yes, agree with the condition and will give up some paved area or provide a semi-impervious material. L. Starr questions the spacing of trees along the frontage and the color of the building. **Response:** There are a few curb cuts to work around, and the sight triangles as well but other areas will have trees spaced closer than the 25 feet. Discussion of preferred tree species versus the installation of seagrapes. The building will be white. J. Contin questions the 7% over the impermeable surface allowance. **Staff:** The condition will maintain at 70%. As it is a non-conforming site, the condition cannot be exacerbated. J. Contin states the semi-pervious does not maintain itself over time. **Staff:** Board may further condition, if they so choose, to not allow the use of semi-pervious material and remove paving to meet the standard for the district. E. LeBlanc inquires about the front and rear non-conforming setbacks as the plan was unclear. Staff explains the addition to the auction house will not have non-conforming setbacks.

Public Comment: None

Motion: J. Contin moves to approve PZB 21-0140022 based upon competent substantial evidence provided in the staff report and in the testimony provided at the public hearing with the

condition that eco-block or equal be used for any impervious area (5%) over 65% up to the non-conforming conditioned 70%. M. Humm 2nd.

Vote: Ayes all, unanimous.

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.

Staff: D. Slaski provides background of request.

Applicant: Not present.

Board: L. Starr asks why it is being requested. **Staff:** It is permitted, allowed on Art Deco and Art Moderne, there is an already permitted blue neon sign on the building. **Board:** Z. Shamsi-Basha asks whether the colors will change? **Staff:** Because it is requested as an accent color, green is the what is being approved. Board discussion regarding neon versus LED strip that changes color with the flip of a switch. Does the accent light count toward signage? **Staff:** No, as there is no commercial message it is accent light.

Public Comment: None

Motion: E. LeBlanc moves to approve PZB 21-02500001 for the installation of accent lighting on the west and south façade based upon competent substantial evidence in the staff report and testimony at the public hearing based upon only green neon lighting being approved. Should there be any change, a new color would require a new proposal come before the Board.

Vote: Motion carries 5/2 in favor; L. Starr and G. Rice dissenting.

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.

Staff: D. Slaski presents case findings and analysis for the request. In the past there was a dental office. Parking appears to be shared between this site and the site to the south. E. Sita states this request is for the bay only however if Board so chooses to allow the use at any of the bays at the address they could approve that.

The practice has been on South Federal Hwy for over 20 years. There are 20 spaces available for parking. Most recent uses: travel agency, T-Mobile store and interest from a dental group

Board: A. Marotta- anyone making a motion should/could include the request for a blanket conditional use. Written motion in the staff report contains a project # error.

Public Comment: None

Motion: E. LeBlanc moves to approve PZB 21-00500006 with staff recommended Conditions of Approval for a Blanket Conditional Use permit for the property at 220 S Dixie based upon the competent substantial evidence in the staff report and testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

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.

Staff: More efficient way for a project applicant and appellant to proceed directly to the Circuit Court. Administrative decisions will still be appealed to the Board. In cases where there is a quasi-judicial decision to be made, it is a quicker more efficient way. J. Contin- is in favor as the Circuit Court has no interest in any project as opposed to the City Commission. Z. Shamsi-Basha asks if it applies to all quasi-judicial proceedings. **Staff:** SP amendments and conditional uses, also applies to Historic Preservation as well.

Motion: M. Humm moves to recommend approval of Ordinance 2021-09 to the City Commission; E. LeBlanc 2nd.

Vote: Ayes all, unanimous

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).

Staff: The Site Plan was approved in 2015. The property is bisected in half by a Historic District hence the review and recommendation by both Boards to City Commission. The final portion is being built out now. The original approval had the condition to be re-platted. The Plat is reviewed by an Engineering firm and Survey consultant. This plat eliminates the townhome design and is now a multi-family.

Board: How does one deny a plat? **Staff:** Need to find the engineering or survey is wrong.

Public Comment: Fred Romaine - 308 North J. Street- will the replat have an effect on the site plan. Has concerns with the emergency access and Knox box.

Staff: They have not yet received the final Certificate of Occupancy; upon completion all Conditions would have to be met.

Motion: Z. Shamsi-Basha moves to recommend approval of PZHP 20-01100001 to the City Commission. The proposal meets the applicable criteria based on the data and analysis in the staff report; J. Contin 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Historic planners have left the employ of the City for new opportunities. Jordan Hodges in Palm Beach; Abraham Fogel accepted a position in North Miami Beach. Planning and Zoning has now added Debora Slaski as Principal Planner, Kizzi Alexandre Community Planner and Karina Campos as Planning Technician.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:38 PM

Legal Notice No. 39346

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with a limited in-person capacity per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **November 3, 2021 at 6:00 pm** or soon thereafter to consider PZB Project # 21-14000018.

PZB Project # 21-14000018: A request by Ahrens Companies on behalf of Andy J. Olivera of First Fleet Truck Sales for consideration of a Major Site Plan Amendment to allow for an equipment maintenance canopy at 1933 8th Avenue North within the Industrial Park of Commerce (I-POC) zoning district, PCN # 38-43-44-21-07-000-0270.

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.**

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with a limited in-person capacity per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **November 3, 2021 at 6:00 pm** or soon thereafter to consider PZB Project # 21-00500007.

PZB Project # 21-00500007 A request by Ran Dagan of Lavadora Coin Laundry LLC, for consideration of a Conditional Use Permit to allow a 3,200 square feet self-service laundromat at 810 South Dixie Highway within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-016-0050.

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 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
October 21, 2021



MEMORANDUM DATE: October 27, 2021

AGENDA DATE: November 3, 2021

TO: Chair and Members of the Planning and Zoning Board

RE: Cottages of Lake Worth, Inc. - Mural

FROM: Erin Sita, AICP, Assistant Director
Kizzi Alexandre, Community Planner
Department for Community Sustainability

TITLE: PZB Project Number 21-00000019: Consideration of a request for a Mural Installation for the Cottages of Lake Worth located at **604 Lucerne Avenue**; PCN # 38-43-44-21-15-022-0220. The subject property is located in the Downtown (DT) zoning district.

OWNERS: Debra Ayers and Christine Young
4840 Berkley Mews
West Palm Beach, FL 33415

PROJECT BACKGROUND:

The proposed mural will replace a mural installed as part of the 2017 CRA initiated Canvas Mural Project. The existing mural, which was approved by the Planning & Zoning Board, reads “Build a Bridge!” and is located along the east façade of the building facing a parking lot and North L Street.

PROJECT DESCRIPTION:

Wes Blackman, AICP, on behalf of property owners Debra Ayers and Christine Young, is requesting approval for a mural installation to replace the existing “Build a Bridge!” mural on the east façade of the building fronting North L Street with a Cottages of Lake Worth Beach themed mural. The proposed mural features several images of historic Lake Worth Beach cottage homes with the text “Lake Worth Beach Cottages.” The subject property is located in the Downtown (DT) zoning district and retains a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). The existing land uses of the subject commercial building include retail and professional services.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed mural installation based on the data and analysis in the staff report. Photos of the mural are included as **Attachment A**. Additional information including the artist credentials for Sami Makela and a justification statement are included as **Attachment B**.

Location Map



CONSISTENCY WITH THE STRATEGIC PLAN

The project is consistent with Pillar Three of the City's Strategic Plan, as a mural in the City's downtown encourages tourism and inspires the arts and culture.

ZONING ANALYSIS:

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning mural installation.

Per LDR Section 23.1-12, a mural is defined as, *"Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window."*

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*



- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Staff Analysis: The proposed mural is located on a side façade that fronts a parking lot and not along the City’s major thoroughfare of Lucerne Avenue as consistent with LDR Section 23.5-1(e)13. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(I), which specifies community appearance review criteria. The criteria are listed below, and include staff’s response to each criterion.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(I); Community Appearance criteria:

- 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.

Staff Analysis: The mural generally appears to be of good taste and good design. It illustrates several images of the Cottage of Lake Worth Beach, some flora, and a craftsman. The mural also meets the intent of the City’s Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

- 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.

Staff Analysis: The proposed mural will be painted by Sami Makela, an artist who also installed the Tuppen’s maritime mural on the corner of 10th Avenue North and North Dixie Highway. The proposed mural appears to be of a high quality, and will not cause harm to the local environment.

- 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.

Staff Analysis: The surrounding area of the subject property includes a mix of commercial and residential buildings, and generally appears to be in harmony with murals that exist elsewhere in the City.

- 4) The proposed structure or project is in compliance with this section and 23.2-29, as applicable.



Staff Analysis: The subject property, 604 Lucerne Ave, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable to this application.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has not received written public comment.

CONCLUSION:

The proposed mural is appropriately located on the side façade of a building fronting a parking lot and North L Street; is in conformity with good taste and design; and is in harmony with the Downtown core area as required by and consistent with the City’s Land Development Regulations. Therefore, staff recommends approval of the proposed mural installation request.

POTENTIAL MOTION:

I MOVE TO **APPROVE** PZB Project Number 21-00000019 Consideration of a request for mural installation for the structure located at **604 Lucerne Avenue**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** PZB Project Number 21-00000019 Consideration of a request for mural installation for the structure located at **604 Lucerne Avenue**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation.

ATTACHMENTS:

- A. Proposed Mural
- B. Additional Information

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-01400018: Consideration of a Major Site Plan amendment request for the addition of an 8,413-sf industrial canopy structure at 1933 8th Avenue North. The proposed canopy addition is to provide shelter and protection for equipment needed for daily operations.

Transmittal Date: October 27, 2021

Meeting Date: November 3, 2021

Property Owner: Andy J. Olivera – First Fleet Truck Sales, Inc.

Applicant: Ahrens Companies

Address: 1933 8th Avenue North

PCNs: 38-43-44-21-07-000-0270

Size: 1.268 ac Lot / 5,637 sf. Existing Structures

General Location: Southeast corner of 8th Avenue North and Detroit Street

Existing Land Use: Industrial

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)



Location Map

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 amendment is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 5 of this report.

PROJECT DESCRIPTION

The applicant, Richard C. Ahrens of Ahrens Companies on behalf of First Fleet Truck Sales, Inc., seeks approval for the addition of an 8,413-sf metal industrial canopy structure at 1933 8th Avenue North to store and protect equipment and provide a shaded canopy area for employees. The proposal also includes new landscaping screening along the perimeter fence of the property.

COMMUNITY OUTREACH

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

BACKGROUND

The subject site of 1.268 acres has a combined total of 5,637 sf in existing structures, including a 3,000-sf industrial building. Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The existing warehouse structure was constructed in 1965. Per the plans provided, the warehouse is 3,000 sf and includes an attached roof canopy to the east that is 2,517 sf. There is also a small storage building on the property that is 120 sf.

Use: The property's use is industrial manufacturing. The applicant, First Fleet Truck Sales, Inc., operates a truck and heavy equipment customization business at the site and has an active business license.

Code Compliance: There are no active code case on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial. Per Future Land Use Element Policy 1.1.1.10, *"the Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation."* The existing use of the property is industrial and the proposed structure would support the existing industrial use. Per the applicant's justification statement, the proposed canopy is needed to provide shelter and protection for equipment and shade for employees.

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 site improvements will support the existing industrial business and improve the over appearance of the property as consistent with these pillars.

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 Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.

Analysis: The proposed canopy structure will not impact adjacent residential areas. The canopy is proposed over an area of the property currently used for outdoor storage of heavy equipment and will provide some screening of the existing storage area. The proposed landscape improvements will also reduce the site’s non-conformities with the LDRs and provide new landscape screening of the existing outdoor storage use area.

The table below shows the proposed site features and its compliance with the LDRs, as applicable and including existing non-conforming site features:

Industrial Park of Commerce (I-POC)/ 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.	55,234 sf.
Min. Lot Width		100 ft.	110ft -134ft.
Setbacks	Front (West)	20 ft. min. - 32 ft. max.	20.3 ft (New Canopy)
	Rear (East)	20 ft min.	168.1 ft
	Street Side (North)	20 ft.	20.4 ft (New Canopy).
	Interior Sides (South)	0 ft.	20.5 ft (New Canopy)
Max. Impermeable Surface Coverage		65%	92.9% ¹
Max. Structure Coverage		55%	25.43%
Parking Spaces		14 spaces	17 spaces
Max. Building Height		30 ft.	30 ft (New Canopy)
Floor Area Ratio (FAR) Limitations		2.2	0.2543

¹Existing nonconformity – Impervious surface was reduced from 100%

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 existing dumpster location will remain behind the screened fence area except on trash collection day. The property owner is responsible for ensuring that the dumpster remains behind the fence area on all other days per condition of approval

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 provided depicting compliance with the exterior lighting requirements in Section 23.4-3. Additionally, a recommended condition of approval requiring the proposed lighting to comply with Dark Skies lighting recommendations has been provided. The proposed fixtures shall be required to have a warm tone setting of 3000 K or

less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Sec. 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards “*apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.*”

Analysis: No change in the general configuration of the parking is proposed. A new landscape area is proposed between the existing parking and the perimeter fence. There are three (3) existing structures on the property that have a combined area of 5,637 sf. The proposed canopy structure is 8,413 sf. Industrial uses have a parking requirement of 1 space per 1,000 sf. Therefore, the required parking is 14 spaces (14,050 sf/1,000 = 14 spaces). There are 17 spaces provided.

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 canopy is over an existing outdoor storage area. The site circulation of the proposed site will not be altered. Further, the proposed landscape improvements will not impede the movements or visibility of vehicles accessing the adjacent rights-of-way.

Signage: No signage is proposed.

Sec. 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.*

Analysis: The existing site has no pervious or landscaped surfaces. The development proposal reduces these existing non-conformities by providing a landscape area two (2) feet in depth around the exterior of the perimeter fence. Several trees in the landscape screen area and portions of the parking spaces will be located in the City’s right-of-way. The City’s Public Works Department has reviewed and recommended conditions of approval for the proposed site plan. A right-of-way permit will be required concurrently with a building permit for the subject improvements that are located in the right-of-way.

Section 23.2-31 – Site Design Qualitative Standards

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. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design, Building & Vehicular Use Area Qualitative Design Standard Analysis:

The proposed changes to the vehicular use areas and landscaping will reduce the existing non-conformities of the site. The new landscape screening will provide visual screening of the industrial use area from the public rights-of-way and the mobile home park. The curb cuts and parking layout are existing. There is no change proposed for site circulation, or vehicle and pedestrian access. The proposed canopy structure is a simple metal industrial structure

that is harmonious in style with the industrial character of the area. The proposed site improvements will improve the aesthetics of the site by providing screening of the existing use.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North (across 8 th Ave)	Industrial (I)	Industrial Park of Commerce (I-POC)	Light Manufacturing/ Office
South (adjacent)	Industrial (I)	Industrial Park of Commerce (I-POC)	Warehouse/ Office/ Manufacturing
East (adjacent)	Industrial (I)	Industrial Park of Commerce (I-POC)	Warehouse
West (across Detroit St)	Industrial (I)	Industrial Park of Commerce (I-POC)	Mobile Home Park

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing industrial area.

Community Appearance Criteria:

The existing development is 100% impervious and has no landscaping. The proposed industrial canopy and concurrent site improvements represent a substantial improvement in the general appearance of the property by providing new landscape screening around the perimeter of the property. The proposed architecture of the canopy structure is appropriate and in harmony with the surrounding industrial area. Overall, the proposed site plan amendment represents a reduction in non-conformities and an improvement in the visual appearance of the property.

CONCLUSION AND CONDITIONS

The I-POC zoning district is intended “to provide for the establishment and enlargement of office, manufacturing and light industrial uses.” The proposed site improvements, including upgrades, new landscaping, new canopy structure and lighting will improve the adjacent streetscapes and provide an improved condition over the existing site conditions. The proposed improvements will provide new landscape screening of the use, visually buffering the site from the mobile home park residential area across the Detroit Street. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

1. A right-of-way permit shall be submitted concurrently with the building permit the required exterior landscaping and parking improvements. Public Works staff at permit will review the proposed improvements to determine if a maintenance agreement will be required. Any damage to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
2. The property owner is responsible for ensuring that the dumpster remains behind the fence area on all other days except for trash collection days.
3. The proposed lighting fixtures may be substituted with similar style fully shielded fixtures at building permit to achieve a warm LED light tone of 3000K or less. Modifications to the photometric plan that comply with the LDR Section 23.4-3, Exterior Lighting and meet Dark Skies lighting recommendations can be approved at building permit.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for a Major Site Plan amendment to allow the addition of an 8.413 sf canopy structure at 1933 8th Avenue North 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** the request for a Major Site Plan amendment to allow the addition of an 8.413 sf canopy structure at 1933 8th Avenue North. 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 & supporting documents)

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>	Not Applicable
<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>	Not applicable
<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
<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
<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

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.

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. **Not applicable**

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. **In compliance**

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. **In compliance**

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. **In compliance**

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. **In compliance**

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. **In compliance**

Section 23.2-31(d) – Qualitative Buildings, generally	Analysis
<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>	Not Applicable
<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>	In compliance
<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>	In compliance

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, 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.* **Not applicable**
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.* **Not Applicable**
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.* **In compliance**
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.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
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.* **Not Applicable**
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.* **In compliance**
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.* **In compliance**
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.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance

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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance