



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 02, 2024 -- 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 18, 2024 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1.PZB 24-00500009 - 1200 N. Dixie Hwy](#)
[2.PZB 24-01400017 -1719-1737 N. Federal Hwy](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [A replat for Madison Terrace at at 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street. The property is zoned Mixed Use – Dixie Highway \(MU-DH\) and has a future land use designation of Transit Oriented Development \(TOD\).](#)
- B. [PZB Project Number 24-01400017: A Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program request for the construction of eight-unit townhouses \(townhouse complex\) at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway \(MU-FH\) zoning district](#)
- C. [PZB Project Number 24-00500009: A conditional use permit request for a ±11,417 square foot design center designated as a Contractor – Showroom at 1200 North Dixie Highway. The subject property is located in the Mixed Use – Dixie Highway \(MU-DH\) zoning district and has a future land use designation 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 & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 18, 2024 -- 6:03PM**

ROLL CALL and RECORDING OF ABSENCES: Present were- Juan Contin, Chairperson; Daniel Walesky, Vice-Chair; Mark Humm, Zade Shamsi-Basha; Dave Mathews; Henry Pawski. Also present were- Karina Campos, Senior Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Annie Greening, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

- A. August 7, 2024 Meeting Minutes

Motion: M. Humm moves to approve August 2024 Regular Meeting minutes as presented; Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION None required, the two cases requiring advertising are continued from previous meetings.

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

- A. **PZB Project # 24-01500006:** 1724 North Lakeside Drive Additional information requested by the PZB at the August 7, 2024, meeting on a Variance to allow the placement of a standby generator between the principal structure and the right-of-way.

Staff: K. Campos – At the August 7, 2024 meeting, additional information was requested of staff. In particular, the code language for Mechanical Systems for existing residential structures. Fire and Building also re-reviewed the recommended location as it applies to NFPA 37 and elevation requirements. The Fire Dept deferred to the Building Division as the Florida Fire Prevention Code is not enforceable on single-family homes. The enforcement falls on the Building Official.

Staff contends the generator can be placed in the southeast corner of the property as previously presented and only one of the variance criteria has been met. LDR Section 23.4-17 does not allow for installation of a generator in the front setback or between the principal structure and the right-of-way. LDR Section 23.4-16- *Mechanical systems/equipment for existing structures* only allows for the installation in the front yard between the principal structure and the public right-of-way if there is insufficient room in either the rear or side setback. If the applicant installs the generator prior to December 2024, the current flood plain requirement would require a one-foot thick pad. The Building Division determined the generator were to be placed at the staff recommended position, the concrete pad would only need to be 8.5 inches to meet current flood plain requirements.

Since the Section for Mechanical Equipment indicates the front shall only be utilized if there is insufficient space in the side or rear; the Building Official confirmed the staff recommended side location will meet NFPA 37 requirements and it is a feasible space, the need for a variance is supported. Email correspondence from both PBC Fire Dept and COLWB Building Official support staff findings.

Wes Blackman CWB Associates: representing the property owners (Ken and Barbara Campbell) Appreciates the conclusion that the height of the generator can be at a substantially lower height than was previously mentioned. This will allow for easy screening. States the LDR Section 23.4-16 was amended as recently as May 2024 adding the line referencing not allowed in the front. Refers to letters of support from neighbors. The noise level will be negligible because when the generator is in operation, everyone's generator will be running. Contends the four variance criteria have been met. The depth of the lot with the location of the generator so far off street; reasonable use is a hard standard to meet; the requested spot is as close as they can get to the window; staff agrees with criteria #4 being met.

Board: J. Contin mentions PBC Fire does not decide how the LDR's work in the City. Correspondence from both PBC Fire and LWB Building Official indicate staff recommended location of side yard meets requirements. Is the aforementioned amended LDR now in effect ? **Response:** yes. **Board:** Within the City there are few, if any, generators in the front yard. Is the staff recommended location not feasible?

Barry Schultz COLWB Building Official: There is plenty of space on the southeast location. It is a non-issue and installation of the generator can work in either location including the back.

Board: PBC Fire staff are not planners; the locating of generators in the front yard is a planning issue. Variance approvals such as this can lead to setting precedence. Meeting only one of four criteria for a variance is not how the variance process works. Fire and Building can deal with it in the front or back. D. Walesky believes they meet criteria 1, that special circumstances exist as the structure is setback @ 70 feet. Code language pertaining to 23.4-16 and 23.4-17 should be combined/amended/cleaned up.

Board Attorney: The goal is to comply with local Code. The process exists for when applicant cannot meet Code. It entails meeting these four very stringent criteria. When you can meet Code, the variance process should not be utilized. Does it prohibit the applicant from reasonable use of the property as a Single-Family home? Can the Code be met in another way? Is a generator a reasonable use? In Florida a swimming pool can be characterized as a reasonable use, is a generator any different? Can they meet the Code in any way? Is the applicant denied the use of the property which is Single Family residential? Can they meet the strict application of the Variance criteria?

Z. Shamsi-Basha – Criteria #1 - It is set-back so far, it is a waterfront property which is not the majority in the City. Criteria #2 has not been met. The burden is on the applicant to meet the criteria.

M. Humm- The structure sits to the rear of the property, a great distance from the street.

D. Walesky – Criteria #1 is met. If you agree with Criteria #2 being met, it follows that Criteria #3 is also met. Variances are granted everywhere around the State that do not meet this standard.

J. Contin – Why does staff recommend against? The Building Official stated it could be either place. Do the LDR's prohibit the placement of the generator in the front yard? If so the Board would be going against the Code by approving it in the front yard. Other Board members believe there are special circumstances peculiar to the land. It is not peculiar to the land. The strict application would not deprive the applicant of the reasonable use as there is an alternate location and it's not peculiar.

Z. Shamsi-Basha- Applicant must win on all four criteria. Would a denial result in an unlawful taking in court? Condition #2 is not met at 100%. If the applicant wants to pursue the application, Board is allowed to grant the variance, has not heard any solid reason not to grant the variance, even though that is not the 100 % correct analysis under the Code.

D. Mathews- The generator would be easier to place in the front yard than the side of the house. Could agree with the front location due to the lot size.

H. Pawski – The applicant has another choice of where to place the generator.

Motion: D. Walesky moves to approve PZB 24-01500006, with the criteria reasoning as stated in the discussion, and with staff recommended Conditions of Approval; Z. Shamsi-Basha 2nd.

Vote: 4/2 motion passes; J. Contin and H. Pawski dissenting.

B. PZB Project Number 24-00500007: A Conditional Use permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. This item is a continuation from the July 17, 2024, PZB meeting.

Staff: K. Campos provides background information and analysis of the request by the applicant. The continuance from the previous meeting allowed for further discussion between the applicant and the affected party (Property Owners Association) as well as to provide the affected party with additional time to prepare a response. The proposal meets the LDR's and staff recommends approval with Conditions. A minor site plan will be required to repair site issues such as replacement of the drive aisle, landscape island and parking (which previously occurred without benefit of a permit)

Public Comment: None

Meghhaa Kumaarr of Alexis Gonzalez PA for the applicant- The Conditions of Approval are understood and agreeable to the applicant. Reserves opportunity for presentation after Affected Party presentation in the interest of saving time.

Affected Party Representation Josh Loren of Kean Law for GasLight Property Owners Association- The POA did not receive an application for approval of the use from the applicant prior to them applying to the City. The POA Board has since met and denied the request for minor vehicle repair services. If approved Conditions would be placed on the POA as a result of action by the applicant. There should be no negative impact on the POA; the POA will not accept or grant authority for shared expenses. According to the Declarations, there is no right to change the use without approval of the POA. The proposal goes against the Strategic Plan in that it does not generate additional tax base.

Meghhaa Kumaarr: While the presentation is compelling, it does not fully represent the intent of Romano Tires, which is to install tires with no intent to perform oil changes as contended by the POA.. Not only do they not intend to provide oil change services but are willing to specifically preclude that with added Conditions if necessary. The issues being raised are between Romano and the POA and should not be factored into the Board decision with regard to the Conditional Use Permit approval. Internal costs etc. are concerns between Romano and POA. All work will be performed indoors, no lifts will be installed. The parking spaces exist only re-stripe, the landscape buffer was removed without permits; all that is being asked is to restore the property to the originally approved requirements. Romano's request will not impose a greater burden on the POA as the Conditions relate to the POA as a whole. These are common elements of which Romano does have partial ownership. The process shouldn't be hindered today by POA issues with Romano.

Josh Loren: The minor vehicle repair request will create Conditions above and beyond what the site plan would require. The POA represents the other owners who will be greatly impacted. Believes the application would be for minor auto repair and there is nothing precluding them from operating as such.

Meghhaa Kumaarr: The opposing counsel contends per the letter provided the POA Board met and voted. Finds it not believable that three members represented the entirety of the POA. The Declarations do not indicate that the use is prohibited and counsel has not presented evidence otherwise.

Board Deliberation: Z. Shamsi-Basha- the Affected Party status is based on Condominium Declarations. There is a different forum for those issues. Has heard very little about objecting to the Conditional Use Permit process.

Josh Loren: The Board has an obligation to hear the other Condo owners as the result will adversely affect the other members.

Board: J. Contin - The matter seems to have more to do with condo law, a civil matter between the applicant and the POA. Understands the Board represents the owners but it may have helped if the other owner's were here.

H. Pawski-Understands common elements and the responsibility toward all condo owners. Not here to vote on your common elements. Will be voting on something not affecting Condo Law.

D. Walesky – The minor site plan applicant would need a letter of support from the POA to apply.

Motion: H. Pawski moves to approve PZB 24-00500007 with staff recommended Conditions of Approval; D. Mathews 2nd.

Vote: Ayes all, unanimous.

NEW BUSINESS:

- A. Ordinance 2024-15:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 7 “Floodplain Management” to adopt the new FEMA Floodplain maps and required language.

Board Attorney: Reads the Ordinance Title into the record.

Staff: Barry Schultz, Building Official – In addition to updating the FEMA maps, the Ordinance also corrects/amends affected language in the LDR's. The existing maps will be super-ceded on December 20, 2024. The extent of flood areas has been pushed to the west, many believe it is a straight line but it is not. A three foot increase in some areas.

Motion: D. Walesky moves to recommend approval of Ordinance 2024-15 Floodplain Management to the City Commission; H. Pawski 2nd.

Vote: Ayes all, unanimous.

- B. Ordinance 2024-13:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

Board Attorney reads Ordinance Title into the record.

Staff: A. Greening briefly reviews specific areas the amendment will affect. The reason much of Article 3 is included is those zoning districts are affected by the roof overhang encroachment.

Accessory Indoor Storage, Fences & Gates (residential electronic and manual setback to five feet)
Pools (new section which is user friendly).

Board: D. Walesky -Line #330 regarding semi-pervious stopping 18 inches from property line add “unless parking being accessed by alleyway.”

Lines 745-747 re: Single Family fences prohibited from having gate access to the golf course. Residents of the area put lawn chairs on the golf course while viewing fireworks, a gate out onto the golf course is a standard thing; a lost ball or frisbee may need to be retrieved.

Discussion of unimpeded access from private to public area. People should enter through the proper entrance. Perhaps there is a concern with Liability. Would like to strike these lines and take forward in a separate action if needed.

Line 816-817 – Handicap access aisle should be shared between 2 handicap spaces.

Motion: D. Walesky moves to recommend approval of Ordinance 2024-13 to the City Commission with the 3 requested modifications; H. Pawski 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Provided an update to the City Commission regarding the role of PZHP in the City.

S. Rodriguez announces the October meeting will be a busy meeting with potentially five items including a Ordinances, Plat, a Conditional Use and a Site Plan approval.

Staff is currently reviewing items to be considered for Spring 2025 LDR changes/modifications.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: A question arose about the CRA being able to join and vote remotely/virtually. Staff advised that for Board votes to be valid, the Board member must be present in chambers.

ADJOURNMENT: 7:55 PM

Public Notice

Legal Notice No. 49968

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, October 2, 2024, at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500009: A conditional use permit request for a ±11,417 square foot design center designated as a Contractor - Showroom at 1200 North Dixie Highway. The subject property is located in the Mixed Use - Dixie Highway (MU-DH) zoning district and has a future land use designation of Mixed Use - East (MU-E). PCN # 38-43-44-21-15-376-0010.

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

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in 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 Planning and Zoning Board (PZB) 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 19, 2024

Public Notice

Legal Notice No. 49967

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, October 2, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500010: A Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program request for the construction of eight townhouses (townhouse complex) at 1719-1737 North Federal Highway within the Mixed Use - Federal Highway (MU-FH) zoning district (PCN #s 38-43-44-15-39-001-0000, 38-43-44-15-39-000-0010, 38-43-44-15-39-000-0020, 38-43-44-15-39-000-0030, 38-43-44-15-39-000-0040, 38-43-44-15-39-000-0050, 38-43-44-15-39-000-0060, 38-43-44-15-39-000-0070 & 38-43-44-15-39-000-0080).

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

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Publish: The Lake Worth Herald
September 19, 2024

HISTORIC RESOURCES PRESERVATION BOARD REPORT

PZB Project Number 24-01100001: Consideration of a replat for Madison Terrace at 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Transit Oriented Development (TOD).

Meeting Date: October 2, 2024

Property Owner: Buyer’s Choice Auto Sales, LLC

Applicant: Madison Terrace, LLC

Address: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

Size: 1.8134 acres (1.6186 acres of private property and 0.1274 acres of abandoned right-of-way)

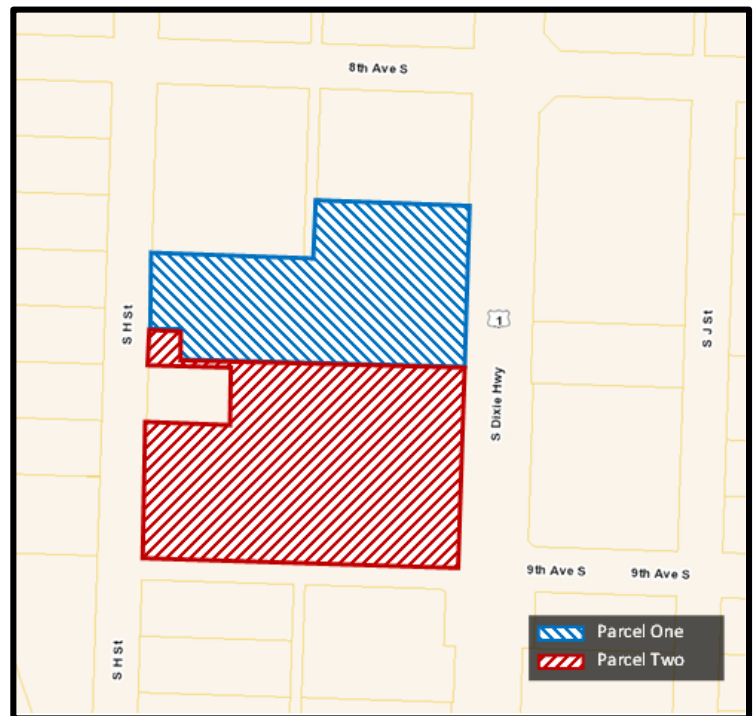
General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

Existing Land Use: Auto sales and single-family residential

Future Land Use Designation: Transit Oriented Development

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

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 Florida Statutes. Staff recommends that the Planning and Zoning Board (PZB) forward a recommendation of approval with conditions to the City Commission. The conditions are located on pages 2-3 of this report.

PROJECT DESCRIPTION

The applicant, Madison Terrace LLC, is requesting a recommendation to the City Commission for approval of a replat for the properties located at: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street.

The replat proposes to create two parcels and will have two (2) phases of construction. The phase lines will match the replat of the project site into two (2) parcels. The re-plat will contain utility easements for the abandoned rights-of-way and cross-access easements to ensure both phases have access to the project's parking, site features, and amenities.

PUBLIC COMMENT

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

PROJECT HISTORY

The subject properties received approval for the creation of a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Program Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights at the City Commission meeting on September 19, 2023 (Ordinance No. 2023-16). Replatting of the properties was required as a condition of approval for the Planned Development.

The Project is proposing a 176-unit multi-family development on a 1.8134-acre site with the purpose of providing affordable age-restricted apartments for senior-aged residents. The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings with vehicular ingress and egress from South H Street.

ANALYSIS

Consistency with the Land Development Regulations

Plats are subject to the regulations and criteria in LDR Section 23.5-2, *Subdivision Regulations*. The City's Site Plan Review Team (SPRT), City Attorney, Director of Community Sustainability, and consultant surveyor have reviewed the final replat for compliance with the City's LDRs and Florida Statutes. Their conditions of approval are included in the section below.

CONCLUSION AND CONDITIONS

The proposed replat, as conditioned, is consistent with the City's Land Development Regulations and Florida Statutes. Therefore, staff recommends that the PZB forward a recommendation of approval with conditions to the City Commission.

Planning and Zoning

1. A hard copy of the final replat will be required following City Commission approval. See [LDR Section 23.5-2\(h\)\(2\)](#) for hard copy specifications.
2. Prior to City Commission approval, all data/documentation required per LDR Section 23.5-2(h)(4) shall be provided.

3. Prior to City Commission approval, the proposed plat and the easement language shall be revised to address all comments issued by the City Attorney, consultant surveyor, and the Site Plan Review Team (SPRT) reviewers.
4. Prior to building permit issuance for work associated with or impacting utilities or rights-of-way, a letter of credit or cash bond shall be submitted to satisfy the requirements in [LDR Section 23.5-2\(h\)\(4\)\(A\)](#).

BOARD POTENTIAL MOTION:

I MOVE TO **RECOMMEND APPROVAL** of PZB Project Number 24-01100001 with staff-recommended conditions for a final replat for the Madison Terrace project. The proposal meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO **RECOMMEND DISAPPROVAL** of PZB Project Numbers 24-01100001 for a final replat for the Madison Terrace project. The proposal does not meet the applicable criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Planning and Zoning Board will forward a recommendation to the City Commission. Should the City Commission approve this plat, the Chair of the Planning and Zoning Board will be authorized to sign the replat.*

ATTACHMENTS

- A. Plat
- B. Survey

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-01400017: A Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program request for the construction of eight townhouses (townhouse complex) on platted lots of record at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.

Meeting Date: October 2, 2024

Property Owner: Michael Gizewski, MAMPG, LLC

Applicant: Contini Architecture and Design

Address: 1719-1737 North Federal Highway

PCNs:

38-43-44-15-39-001-0000 | 38-43-44-15-39-000-0010
 38-43-44-15-39-000-0020 | 38-43-44-15-39-000-0030
 38-43-44-15-39-000-0040 | 38-43-44-15-39-000-0050
 38-43-44-15-39-000-0060 | 38-43-44-15-39-000-0070
 38-43-44-15-39-000-0080

Size: 0.44 acre in total for the 8-townhouse platted lots of record and 1 platted lot of record for the common rear parking area.

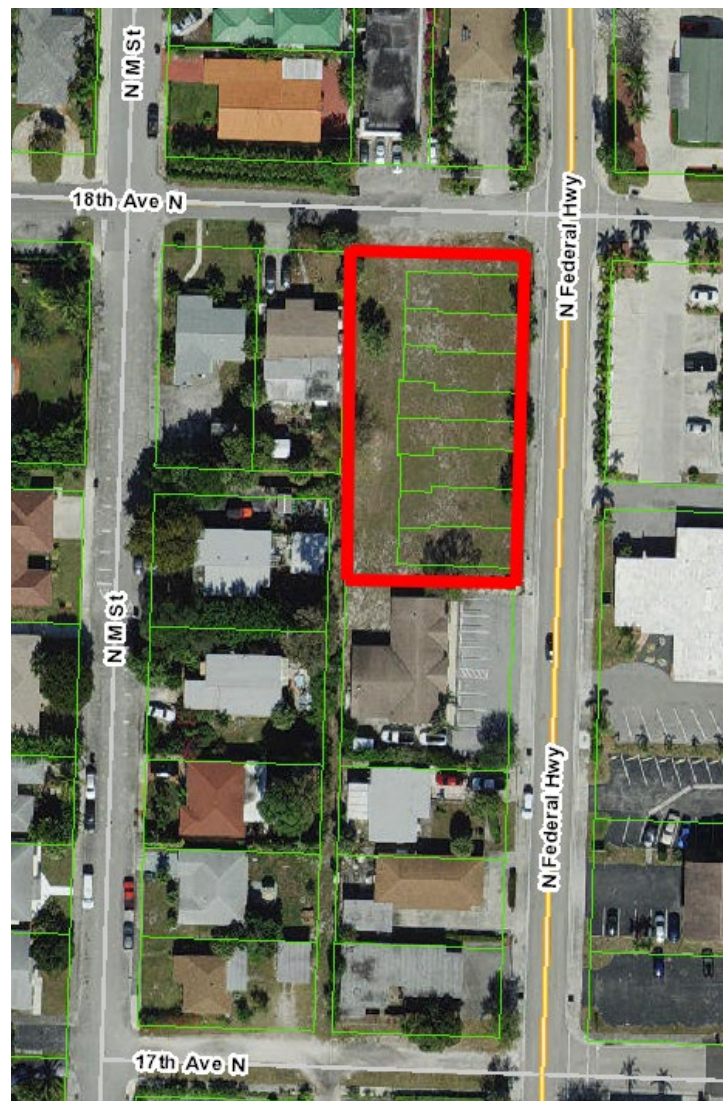
General Location: Northeast corner of 18th Avenue North and North Federal Highway

Existing Land Use: Vacant

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

Zoning District: Mixed Use – Federal Highway (MU-FH)

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, Conditional Use Permit, and SBIP requests are 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 located on pages 7-9 of this report.

PROJECT DESCRIPTION

The applicant, Contin Architecture and Design, seeks approval for the construction of an eight-unit townhouse complex including additional site improvements.

- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a townhouse complex greater than 7,500 square feet.
- **Sustainable Bonus Program Incentive Program** for additional intensity (FAR) and height.

The original townhouse project on this site was approved by the PZB in 2009 for eight (8) townhouse units, and was subsequently platted. Since that time, the development standards for townhouses have been amended and the previous development approval has expired. The project was reintroduced in 2021 (Solimar) as a Major Site Plan and Conditional Use Permit request, and was approved by the PZB to amend the 2009 townhouse project approval, while remaining consistent with the previously approved platted lots of record for eight (8) townhouses. The 2021 applications were approved at the June 15, 2022, Planning and Zoning meeting. The development order for the subject approval was issued on September 16, 2022. The property, under new ownership, requested and was granted an administrative time extension in 2023.

The current proposal is requesting a major site plan, conditional use, and sustainable bonus to allow the proposed project to be constructed. The proposed major site plan would amend the previously approved townhouse complex, while remaining consistent with the approved plat with each townhouse unit located on a platted lot of record. The site is platted into 8 townhouse lots of record with a rear common area lot of record. The project as proposed would not be consistent with the supplementary standards for townhouses under the current code as set forth in Article 4 Sec 23.3-13 Development Standards. However, as the project is modifying a previous approval where the existing townhouse lots were platted prior to the current requirements for townhouses, compliance with these supplementary standards is not required.

The proposed project is implementing the sustainable bonus incentive to allow for one (1) additional story of height to the building (3 stories total) and additional FAR. The additional story of height allows for the first floor of the building to serve as garages and living area, the 2nd story serves as bedrooms, and the third floor serves as amenity rooms that provide access to the front and back roof terraces.

COMMUNITY OUTREACH

Staff has not received any letters of opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

On February 12, 2024, the applicant held a virtual meeting to discuss the project. Notices were mailed to all property owners within 400 ft of the project on January 26, 2024, and signs were placed on the property on January 26, 2024. There were no attendees from the public at the meeting. The applicant created a project webpage: <https://www.nowbuilders.net/single-project>.

The applicant indicated that although no members of the public attended the virtual meeting, a response was provided through their website in support of the project.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: Palm Beach County Property Appraiser's records indicate that the subject site is vacant.

Use: The property's use is vacant.

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

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). 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 the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed project is seeking to develop an eight-unit townhouse complex.

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. Pillars II.A & II.D and Pillar IV.E of the Strategic Plan state that the City shall diversify housing options while preserving the character of existing neighborhoods and ensure that the development anticipates and embraces the future. The proposed townhouse complex and site improvements will add to the housing stock within the city, which will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar II.A & II.D and Pillar IV.E.

Based on the analysis above, the proposed Major Site Plan, Conditional Use, and Sustainable Bonus requests are 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 **Mixed Use-Federal Highway (MU-FH) zoning district** *is intended to provide for limited retail, office, hotel/motel and low-density multiple-family residential development. Provision is also made for the establishment of low-density multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "low-density multiple-family residential district, 20 du/net acre." The "mixed use - Federal Highway" district implements in part the "mixed use" land use category of the Lake Worth Comprehensive Plan.*

Analysis: Townhouses are permitted as conditional uses in the MU-FH district, subject to the regulations and standards as set forth in LDR Section 23.4-13.

The proposed townhouse complex is consistent with the intent of the MU-FH zoning district as conditioned. The analysis for both the major site plan and the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

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

Mixed Use – Federal Highway (MU-FH)/ West side of Federal Highway (LDR Section 23.3-16)			
Development Standard		Base Zoning District & Townhouses Standards (Sec. 23.4-13.(c)11.)	Proposed
Min. Lot Size in square feet (sf)		6,500	19,125 SF
Min. Lot Width		50'	185'
Setbacks	Front (East)	10 feet, with an open porch permitted in a minimum of 5 feet of setback	10'
	Rear (West)	20'	36' – 8"
	Street Side (North)	10'	10'
	Side (South)	10'	10'
Max. Impermeable Surface Coverage		55%	54.6%
Max. Structure Coverage		45%	44.9%
Parking Spaces		Single-family attached three (3) or more units - 1.25 spaces per unit x 8 units = 10 spaces	14 garage spaces
Max. Building Height		30'	*35'
Development Standard		Base Zoning District & Townhouses Standards (Sec. 23.4-13.(c)11.)	Proposed
Density		20 units per acre x 0.439 acres = 8 units	8 units
Floor Area Ratio (FAR) Limitations		0.6	*1.00

***Additional height and FAR per Sustainable Bonus Incentive Program**

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 location of the proposed dumpster and enclosure is within the side setback. Per LDR Section 12-7(d), *dumpsters and enclosures may be exempt from all setback requirements, provided they shall not be placed within the visibility triangle or in other locations that could interfere with on-site/off-site traffic circulation.* The proposed dumpster location was reviewed and approved by Public Works. The proposed dumpster complies with Code Section 12-7, *Dumpster requirements.*

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, including that light does not trespass upon neighboring residential properties in excess of 12.57 lumens. A

recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Sky lighting recommendations. 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.

Section 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: Per Sec. 23.4-10(f)(1)(A), Off-street parking, single-family attached residential uses with three or more units require 1.25 parking spaces per unit. Therefore, the required parking for the proposed eight townhouse units is 10 parking spaces. The proposed site plan depicts 14 total parking spaces being proposed, all of which are located within garages.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 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”.*

Analysis: The development proposes adequate perimeter landscaping on all sides. The proposed landscape plan provides acceptable screening from the adjacent residential zoning districts on the west and south sides of the subject site. The landscape plan will provide adequate screening on the north and east side adjacent to 18th Avenue North and North Federal Highway, respectively. Perimeter landscaping will include shade trees, palm trees, and hedges/shrubs. Interior landscaping and vegetation will also be provided. The proposed landscape plan is consistent with City landscape code requirements.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

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 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. Compliance determinations 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 and in the Major Thoroughfare Design Guidelines.**

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

The proposed project will develop the parking lot and vehicular use areas to the rear of the townhome units in a manner that will be adequately screened from the public view with buildings, shade trees and shrubs within the landscape areas. The proposed curb cut and parking lot layout does not create an unsafe situation and will provide and support internal vehicle circulation consistent with the LDRs. The proposed building architecture is in a contemporary style that is harmonious as a whole and will improve the aesthetics of the site. The building architecture, project siting, and parking are consistent with both the site design qualitative standards and the Major Thoroughfare Design Guidelines.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North (across 18 th Avenue North)	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)	Multi-family residential
South	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)	Commercial Office
East (across North Federal Highway)	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)	Multi-family residential & commercial
West	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)/Single Family Residential (SFR)	Single-family residential

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 residential and mixed-use area.

Community Appearance Criteria:

The proposed project is suitable and compatible with the surrounding zoning districts and land uses. The townhouse complex will contribute to the surrounding character of the area and is an anticipated form of development in the Federal Highway corridor. The current site is vacant. The proposed townhouses and concurrent site improvements will provide new construction in an architecturally appropriate style with landscape screening around the perimeter of the property, and ensuring that on-site and off-site site circulation is adequate. The proposed architecture of the building is appropriate and in harmony with the surrounding residential and mixed-use area.

Conditional Use Findings (Attachment B)

Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right and are generally compatible with the surrounding uses. The townhouse complex will be served by municipal services, including water, sewer, refuse, fire and police. The proposed concurrent site improvements would provide improved screening and site circulation over the site development. A traffic study was submitted. However, it should be noted that the proposed project is located on existing platted lots of records and residential development is exempt from PBC traffic concurrency.

Sec. 23.2-39.k). - Affordable/workforce housing program.

The City's Affordable/Workforce Housing Program is intended to implement Objective 3.1.2 of the city comprehensive plan future land use element and provisions therein regarding affordable and workforce housing. The affordable/workforce housing program provides for a density bonus and a reduction in overall housing unit areas for developments that incorporate residential units with restrictive covenants that meet the requirements of the program.

Per LDR Section 23.2-39, Tier Two of the Affordable/Workforce Housing Program applies to all projects utilizing other city incentives and/or bonus programs. As the proposed project is requesting to use a city incentive (Sustainable Bonus Incentive Program) to allow additional height and FAR, the Tier Two requirement applies. However, as the proposed project is proposing townhouses, of which none are deed restricted as affordable/workforce housing, the project must use the in-lieu fee (LDR Section 23.2-39.k). The in-lieu fee is based on fifteen (15%) percent of the gross area of the bonus requested for the project (15% of 7,579 square feet = 1,136.85 square feet) and shall incorporate a one-time payment of fifty dollars (\$50) or 0.0625% of the area median income (\$104,000), whichever is greater, per gross square foot (\$104,000 x 0.000625 = \$65). Therefore, the total required Affordable/Workforce Housing Program in lieu payment to the City is \$73,895.25 (\$65 x 1,136.85). Conditions of approval are proposed to address the in-lieu payment for the Affordable/Workforce Housing Program.

Sustainable Bonus Incentive Program

The City of Lake Worth Beach Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City's Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, "incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program." The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-FH zoning district.

The total square footage of the bonus area above the second floor is +/- 7,579 square feet. Therefore, the value of required improvements for the SBIP bonus areas is \$56,842.50 (7,579 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$28,421.25, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$28,421.25), the applicant may propose qualified on-site improvements or provide additional payment to the City.

The Applicant is proposing to provide qualified improvements per LDR Section 23.2-33. These improvements include on-site features and have prioritized Energy Efficiency and Conservation, Water Conservation, Community Health and Safety as well as Bicycle Mobility Systems. The features include water conservation through low flow water fixtures, shower heads, and high-performance toilets; increased energy efficiency through ENERGY STAR appliances; and community health and safety through antimicrobial door handles. The estimated value of these improvements is \$34,385.48.

CONCLUSION AND CONDITIONS

The Mixed Use-Federal Highway (MU-FH) zoning district is intended to provide for limited retail, office, hotel/motel, and low-density multiple-family residential development. Provision is also made for the establishment of low-density multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "low-density multiple-family residential district, 20 du/net acre." The "mixed use - Federal Highway" district implements in part the "mixed use" land use category of the Lake Worth Comprehensive Plan. Development in the mixed-use land use category should be guided to minimize negative impacts on nearby mixed-use areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed townhouse complex, site improvements, landscaping, and lighting will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning – Site

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to 50% of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. The applicant shall provide the in-lieu affordable/workforce housing fee within one year of approval, or prior to the issuance of the building permit, whichever comes first.
4. Prior to issuance of a building permit, provide a detailed proforma ensuring that the buildings will meet the required performance standards.

5. Prior to issuance of a building permit, the applicant shall submit a revised narrative removing references to proposed commercial and mixed uses of the proposed development.
6. A PBC Traffic Performance Standards (TPS) approval letter for the 8 townhouse units is required prior to the issuance of a building permit. The proposed development is east of I-95 and is located in a concurrency exception area for new residential projects.
7. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. If ground signage is desired at a later date, a minor site plan amendment shall be required to amend both the site plan and landscape plans.
8. All lighting fixtures shall be fully shielded, have a warm LED light tone of 3000K or less, and be Dark Sky compliant.
9. The applicant shall submit the final School District Availability Determination (SCAD) from the PBC School District at building permit and shall pay all applicable fees to the PBC School District prior to the issuance of a building permit.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Prior to issuance of a certificate of occupancy, reconstruct the roadway (or mill and overlay, overlay) along 18th Avenue North from North Federal Highway west to the end of the property line in compliance with the Public Works Department's specifications.
5. Prior to issuance of a Certificate of Occupancy, (should the construction of off-site improvements not be feasible due to timing, future City planning, etc.) make a contribution to the City's Construction Fund for the associated costs of those improvements to the associated right of way.
6. Prior to the issuance of a Certificate of Occupancy, the existing stormwater system that is being tied into is to be cleaned thoroughly the entire limit of the property.
7. Prior to the issuance of a certificate of occupancy, ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
8. Prior to the issuance of a building permit, submit an Erosion Control plan (SWPPP) and indicate the BMP's and NPDES compliance practices.
9. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
10. Prior to performing work in the City Right-of-Way (ROW), apply for and receive issuance of a "Right of Way/Utility Permit" application.

Utilities (Water, Sewer & Stormwater)

1. During the building permit application, show the conflict elevation of the proposed 1" water service line and existing 8" sewer main.
2. Show underground utility lines on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
3. Please provide manufacturer's data sheet on geotextile driveway.

4. Impermeable and permeable surface totals shown on site plan are different from areas used in stormwater calculations.
5. Detail for exfiltration trench depicts two catch basin structures while drainage plan only shows one. Detail should also include proposed elevations and dimensions to match stormwater calculations.
6. Stormwater calculations reference DERM criteria. The policy of the City is a property must retain the 3-year, 1-hour storm event on site based on the runoff of the entire site area. This is equivalent to 2.6 inches of precipitation.
7. Provide geotechnical information for the determination of the hydraulic conductivity of the soil and groundwater elevation.
8. Prior to building permit issuance, capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
3. Developer to show the location of the meter center on the site plan.
4. Developer will be responsible for installing their own lightning for the parking areas.
5. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
6. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.
7. The connection point must be at the primary pole located west of the development on the alley. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-foot clearance to the side and rear, including landscaping.
8. Electric Utility distribution system only has one (1) phase on this location. If the customer/developer needs three phase service to this location, all costs and labor associated to the changes to the distribution system will be the customer/developer financial responsibility.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-01400017 Conditional Use Permit, Major Site Plan, and Sustainable Bonus Incentive Program request 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 PZB Project Number 24-01400017 Conditional Use Permit, Major Site Plan, and Sustainable Bonus Incentive Program request. 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, Major Site Plan, and Sustainable Bonus Incentive Program request. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

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
<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

- 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 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.* **In compliance**
- 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><i>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.</i></p>	In compliance
<p><i>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.</i></p>	In compliance
<p><i>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.</i></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.* **In compliance**
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.* **In compliance**
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.* **Not applicable**
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

ATTACHMENT B - 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.	Analysis
1. <i>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.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>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.</i>	In compliance
4. <i>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.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>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.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance
6. <i>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</i>	In compliance

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

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.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Sec. 23.4-13.(c)11. - Administrative uses and conditional uses/Standards/Townhouses	Analysis
1. <i>Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback;</i>	In compliance
2. <i>Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet;</i>	Not applicable
3. <i>Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures;</i>	In compliance
4. <i>Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units;</i>	Not applicable platted lots of record
5. <i>The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four (4) units, unless a planned development district is approved; and.</i>	Not applicable platted lots of record
6. <i>No front door access from alleys when abutting single family residential use or district.</i>	In compliance
7. <i>For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.</i>	In compliance

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500009: A conditional use permit request for the establishment of an ±11,417 square-foot Design Center designated as a Contractor – Showroom at 1200 North Dixie Highway. The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

Meeting Date: October 2, 2024

Property Owner: Scott M. Diament – 1200 Dixie Investment LLC

Applicant: Benjamin Peterson – BuiltToSuit USA, LLC

Address: 1200 North Dixie Highway

PCN: 38-43-44-21-15-376-0010

Size: 1.0663 Acre Lot / ±11,417 square foot use area

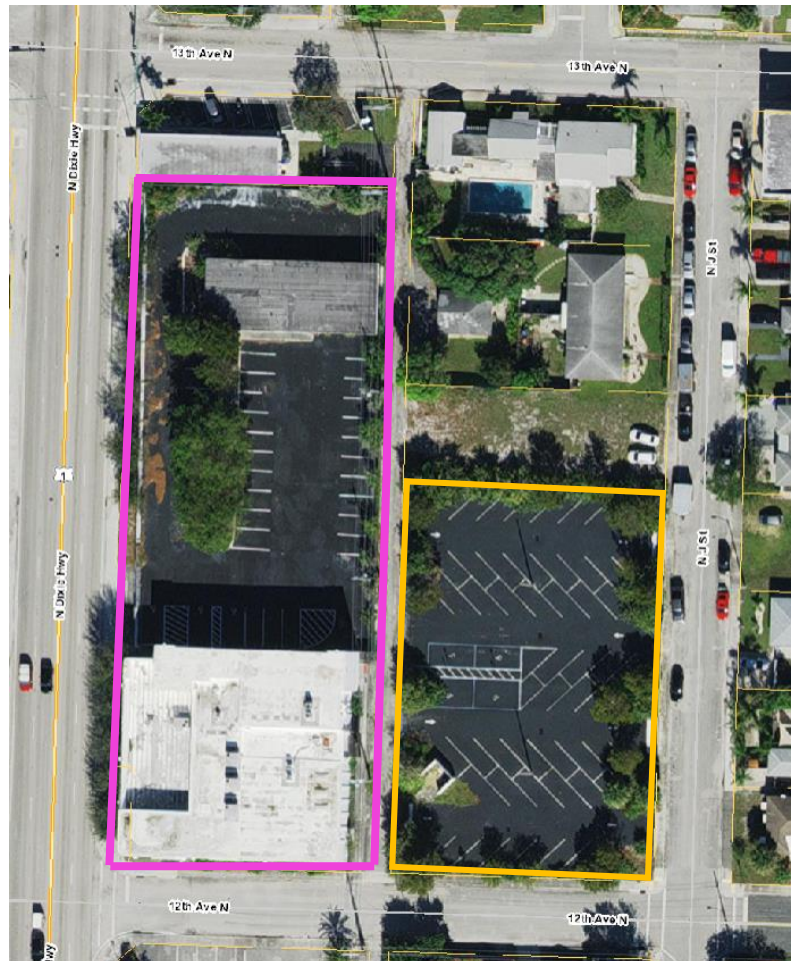
General Location: Northeast corner of North Dixie Highway & 12th Avenue North

Existing Land Use: Vacant

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

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

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 use 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 pages 5-6 of this report.

PROJECT DESCRIPTION

The applicant, Benjamin Peterson, is requesting a **Conditional Use Permit (CUP)** to establish a high-intensity (greater than 7,500 square feet of use area), ±11,417 square foot design center designated as a contractor showroom use in the Mixed-Use Dixie Highway (MU-DH) zoning district. According to the applicant's justification statement, the design center will focus on providing design services and materials to design professionals. The subject property is located on the northeast corner of North Dixie Highway & 12th Avenue North.

COMMUNITY OUTREACH

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

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: City records and Palm Beach County Property Appraiser's records indicate the subject address currently houses a two-story, 19,089 square foot building constructed in 1956. The site also includes a ±2,930 square foot storage and canopy structure that was constructed in 1971.

The site at 1200 North Dixie Highway is 1.0663 acres. This request also includes the adjacent parking lot located at 1213 North J Street which is 0.6195 acres. The approval will be conditioned to require a cross-access agreement to formalize the use of the existing parking lot located at 1213 North J Street.

Use: The site has a history of being used as a medical office and school. The site has not had an active business license since 2020.

Code Compliance: There are no active code cases associated with this 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). 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 the central commercial core and major thoroughfares of the City. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family); office, service, and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The existing structure is 19,089 square feet, the proposed request is seeking to allow a high-intensity contractor showroom within only the first floor (±11,417 square feet) of the commercial space at 1200 North Dixie Highway.

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 IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base and influence the supply and expansion of jobs. Because the proposed Conditional Use

permit will allow for the establishment of a high-intensity contractor showroom use that will contribute towards the City's tax base and sustain or increase jobs the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit, as conditioned, 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 **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. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for high-intensity (use area greater than 7,500 square feet) contractor showroom. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major collector roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a high-intensity contractor showroom use in the MU-DH zoning district requires a Conditional Use Permit. Based on staff analysis, the use is consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is also consistent with the review criteria located in Attachment A.

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 of approval by the development review official is provided on page 2 of this report.

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: A ±19,089 square-foot structure was constructed in 1956, and an accessory ±2,930 square foot storage and canopy structure was constructed in 1971. The existing site conditions do not conform to the current LDRs, and Major Thoroughfare Design Guidelines related to the building, impermeable surfaces, parking, and landscaping. The south side of the existing building does not meet the minimum side street setback requirements, and the west side of

the building does not meet fenestration glazing requirements. The site also exceeds the maximum impermeable surface coverage and does not meet minimum landscape requirements. The site is also deficient in required parking spaces. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address parking, landscaping and Major Thoroughfare Design Guidelines insofar as feasible. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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 parcels at 1200 North Dixie Highway (parcel 1) and 1213 North J Street (parcel 2) are both owned by the same entity. Parcel 2 contains a dumpster that is used by both parcels. The approval will be conditioned to require a cross-access agreement, which would formally allow the dumpster to serve the two (2) sites. The approval will also be conditioned that the applicant must meet with a Public Works Division representative to determine dumpster placement and screening.

Sections 23.4-10, Off-street Parking and 23.4-9, Off-street Loading Regulations: *Per LDR Section 23.4-10(f)(2)(A), 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 for new uses without increasing the existing building floor area; therefore, additional parking spaces are not required. Parcel 1 has 36 parking spaces and parcel 2 has 42 parking spaces. The two (2) parcels include an overall total of seventy-eight (78) parking spaces, of which six (6) spaces are designated ADA parking spaces.

Current parking regulations require one (1) space per 250 gross square feet of space for a contractor showroom. Therefore, a minimum of forty-six (46) parking spaces are required for the proposed contractor showroom which parcel 1 does not meet. Staff will add a condition to require a cross-access agreement to allow the proposed use to utilize parking at the adjacent site (1213 North J Street).

Further, per LDR Section 23.4-9, off-street loading regulations, commercial sites in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Staff has added a condition of approval that the applicant will create the required off-street loading spaces through a Minor Site Plan amendment application.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 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 nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. Staff is recommending bringing the two (2) sites (1200 North Dixie Highway and 1213 North J Street) into compliance with landscape regulations insofar as feasible as possible by adding and replacing shrubs along the perimeter, planting a native

shade tree at the southeast side of the dumpster enclosure, adding dumpster landscape screening, removing all invasive plant material from the perimeter shrubs, and adding mulch to the landscape beds. The site has also had a history of severe improper pruning of the existing mature Live Oak trees; staff has included a condition to hire an arborist to ensure proper maintenance of the trees.

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.

Staff Analysis: The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the MU-DH zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, fire and police. As indicated earlier in this report, refuse service will need to be determined with the Public Works Division and the applicant. No additional public expenditures are required to service the proposed use. The site is located on a major collector road, and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. A condition is being proposed to address the refuse collection.

Section 23.2-29.g) Additional requirements.

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

CONCLUSION AND CONDITIONS

The Mixed Use – Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Based on the data and analysis in this report and the supporting materials by the applicant, the requested contractor showroom use, as conditioned, is not anticipated to negatively impact adjacent properties. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscaping

1. This approval only applies to ±11,417 square feet of the address 1200 North Dixie Highway, any expansion of use area will require another use approval.
2. Prior to the issuance of a business license, a minor site plan amendment application must be submitted for the two (2) parcels (1200 North Dixie Highway and 1213 North J Street). Approval of the minor Site plan amendment and all improvements shall be permitted and completed within one (1) year of the issuance of this conditional use permit approval and shall address the following:
 - a. Add two (2) off-street loading spaces.
 - b. Replace missing and/or damaged shrubs south of the main entrance adjacent to North Dixie Highway.
 - c. Add native shrubs north of the main entrance adjacent to North Dixie Highway.

- d. Plant one native shade tree and perimeter hedging around the existing dumpster enclosure.
 - e. Removal of all invasive plant material from the perimeter shrubs.
 - f. Add wood mulch to all landscape beds.
 - g. Provide a landscape maintenance plan by a certified arborist to restore the existing Live Oak Trees.
3. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for 1200 North Dixie Highway.
 4. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for 1213 North J Street.
 5. Prior to the issuance of the business license, a cross-access agreement must be submitted to the Department of Community Sustainability for the use of the parking lot and dumpster located at 1213 North J Street.
 6. Prior to the issuance of a business license, the applicant shall provide a floor plan of the use area.
 7. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
 8. The applicant/property owner shall coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
 9. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
 10. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the requested use.
 11. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Barry Schultz (City of Lake Worth Beach - Building Official): Office Phone: 561-227-6976| Email: bschultz@lakeworthbeachfl.gov
 12. Signage shall be reviewed through the building permit process for consistency with the requirements in the Land Development Regulations.

Electric Utility

1. If any changes will be required to the electric service at this location:
 - a. The electric utility will require voltage and load calculations along with a riser diagram before or at the time of application for a building permit.
 - b. Any meter over 320 amps for single phase, or over 200 amps for 3-phase, a CT cabinet and CT meter will need to be installed. All meters and CT cabinets will require a minimum of 36-inch clearance in front for installation of meter.

Public Works

1. Show location of dumpsters and gated dumpster enclosure. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at solidwasteinfo@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500009 Conditional Use Permit for a Design Center designated as a Contractor – Showroom 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 PZB Project Number 24-00500009 Conditional Use Permit for a Design Center designated as a Contractor – Showroom. 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. Conditional Use Findings
- B. Application Package (survey, floor plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>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.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>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.</i>	In compliance
4. <i>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.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>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.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance
6. <i>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.</i>	In compliance