



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 06, 2023 -- 6:00 PM

SWEARING IN OF NEW MEMBERS

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [July 19, 2023 Regular Meeting Minutes](#)
[August 2, 2023 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) 1806 Madrid Ave
1778 7th Ave N

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

PZB TRAINING

- A.** [PZB Project Numbers 23-01400025](#): A Major Site Plan Amendment for the installation of ±34,454 square feet of canopies (+38,020 total square feet including existing structures) for previously approved recreational vehicle (RV) and boat storage spaces at 1778 7th Avenue North. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).
- B.** [PZB Project Numbers 23-00500013](#): A conditional use permit request for a ±6,800 square foot Contractor Showroom at 1806 Madrid Avenue. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JULY 19, 2023 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were – Juan Contin, Chair; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Daniel Walesky. Absent: Evelin Urcuyo; Alexander Cull. Also present were – Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney (virtual); Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. June 7, 2023 Regular Meeting Minutes

Motion and Vote to accept the June 7, 2023 minutes as presented; Ayes all, unanimous

CASES:

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

PROOF OF PUBLICATION – Provided in the meeting packet

- 1) PZB 23-00500010 - 1622 North Federal Hwy
- PZB 23-00500006 - 326 South H Street
- PZB 23-01500007 - 212 16th Ave North
- PZB 23-01500003 - 1901 12th Ave South
- PZB 22-01400019 - 1432 North Dixie Hwy
- PZB 23-00600003 - 2505 North Dixie Hwy

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE – J. Contin discloses he is the architect of record for New Business PZB 23-01400019 and will recuse himself.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 23-0000009: Request by Robert Cartagine for the approval of a mural located on the south façade of the building at 920 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).

Staff: A. Fogel – This mural will be installed with printable vinyl adhesive with UV protection rather than painted. The mural meets the Strategic Plan; Comprehensive Plan and Land Development Regulations. Conditions include removal of the QR code to ensure there will be no commercial message contained on the mural. The mural removal agreement is always required.

Applicant: Signage will be a separate permit.

Board: Is there a warranty on the material?

Applicant: It is a 3-M product with a seven-year (7) lifespan, Envision Print Film; non-PVC film; Green Guard Gold certified; LEED-4 credits.

Motion: Z. Shamsi-Basha moves to approve PZB 23-0000009 with staff recommended Conditions based upon data and analysis in the staff report and E. Leblanc 2nd

Vote: Four Ayes, 1 Nay; M. Humm dissenting. Motion carries.

B. PZB Project Number 23-00500010: A conditional use permit request for a ±3,404 square foot Medical Office (outpatient clinic/medical office use) located at 1622 North Federal Highway. The subject property is zoned Mixed Use – Federal Highway and has a Mixed Use – East (MU-E) future land use designation.

Staff: S. Rodriguez presents case findings and analysis. Group counseling and therapy will be offered at the location. The use meets the Comprehensive Plan, Strategic Plan and LDR's.

Applicant: Fernando Capetillo-would like to apply for the business license as soon as possible. Would like to proceed with the license prior to the completion of a minor site plan and building permit. Would like the timing to be more lenient.

Staff: The reason is in the past applicants have filed for a business license without completing or complying with the other conditions such as a building permit after which they ended up before the magistrate with a code violation.

Board: Is there other work to the structure involved? **Response:** No just painting. Since there appears to be a bit of landscape work it may involve a landscape architect.

Staff: They could come in for a landscape permit by itself. The minor site plan should be in progress

Motion: E. Leblanc moves to approve PZB 23-00500010 with conditions based upon competent substantial evidence in the staff report and in the testimony at the public hearing except a minor site plan application shall be required prior to the issuance of a business license to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code; D. Walesky 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 23-00500006: A conditional use permit request for a ±2,622 square foot Minor Vehicular Service and Repair use located at 326 South H Street. The subject property is zoned Artisanal Industrial (AI) and has an Artisanal Mixed Use (AMU) future land use designation.

Staff: S. Rodriguez presents case findings and analysis. Staff explains that minor auto repair is for service only requiring a day or less, such as oil change, tire rotate etc.; drop in the morning, pick up in the evening with no body work, transmission or engine changeout.

Applicant: Sergio Molina- there won't be any major repairs occurring at this site. Understands the concerns with parking in the streets and overnight parking.

Board: Some Board members appreciate the site has sufficient off-street parking and yet no vehicles can remain overnight in the parking lot.

Public Comment: Elbert Ramirez – against the approval as the use in a Mixed-Use zoning district could potentially impact those properties wanting to improve their properties to residential or mixed uses. There are also safety concerns created by vehicles parked in the street; disputes the claim this will be minor auto repair.

Motion: D. Walesky moves to approve PZB 23-00500006 with staff recommended Conditions based upon competent substantial evidence in the staff report and testimony provided at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

D. PZB Project Number 23-01500003: Consideration of a waiver to allow a new ground changeable copy sign for an institutional use at 1901 12th Avenue South. The property is zoned Single-Family Residential (SF-R) and has a Single-Family Residential (SF-R) future land use designation.

Staff: A. Fogel presents case findings and analysis. The size of the sign is not changing, it is vested. The waiver process is required as the site is not on a major thoroughfare. A recent Ordinance change allows for the waiver process outside major thoroughfares.

Art Sign Company: The proposal is for LED changeable message on the two-sided sign. The digital messages are more modern in style. The current sign is illuminated on both sides. Faces the lake and not toward any homes; based upon Kelvins, and can be adjusted from dusk to dawn as well as recognizing daylight savings time changes. The neighborhood is accustomed to the lit sign already. The technology sends error messages to the proprietary company who in return advises the sign company the modules are in need of changing. The initial installation comes with 4 extra modules. There is a seven year warranty.

Board: Is the proposed sign to be two-sided? Are the signs facing any homes or only the lake? Discussion regarding dwell time for messages; how bright the messages are; how are the messages currently changed? 12th Avenue is different from Lake Osborne Rd. which is a “collector road”.

Staff: Modernization is inevitable as the technology on other existing changeable signs is obsolete. The size of the changeable copy can be lessened as well as the brightness.

Public Comment: Matthew Portilla – 1301 Cochran Drive- Against the approval as he lives next door and estimates the sign has never provided any valuable information.

Ramsay Stevens – 618 South K Street- Against the approval of an electric sign in a residential neighborhood as the decision will eventually come to impact other neighborhoods.

City Attorney: Although the public comment may be considered, the message/content on the sign cannot be regulated.

Motion: D. Walesky moves to approve PZB 23-01500003 with staff recommended Conditions of Approval including the following amendments/additions: 1. The changeable copy sign only be installed on the face fronting Lake Osborne Drive; 2. The changeable copy sign be turned off two (2) hours after sunset and be turned on one (1) hour prior to sunrise; 3. The minimum dwell time be increased to 10 minutes; as it meets the waiver criteria based on the data and analysis in the staff report; Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

E. PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 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).

Staff: A. Fogel presents case findings and analysis. Includes package beer and wine which is typical of grocery stores. The use requires a 500-foot minimum distance from protected uses such as churches, schools, parks and libraries as well as other establishments vending alcoholic beverages. Within this same plaza, Family Dollar recently received the same approval. An existing pizzeria at this location is also licensed for on-site consumption of beer.

Agent for the Applicant-Catherine Valdes- Presidente operates 40 stores from Homestead to Orlando; In addition to maintaining the state guidelines for cashiering of alcohol purchases, the store requires Driver License information entry into the store computer files /register. Within the stores a typical area would be the 16x20 foot coolers with some pallets. The total represents approximately 5% of gross floor area.

Board: Would like confirmation there would be no hard liquor sales. Staff states it is a 2Aps license which does not permit that type of sale. What relevance is it that the restaurant serves beer when there are multiple restaurants side by side selling beer and wine? Staff: Restaurants with 50%+ sale of food are not considered bars. Wanted to show other sites within the plaza selling alcohol.

Considering that grocery stores have evolved, shall staff continue to ask for waivers for grocery stores vending package alcohol? or is it agreed that, and provided that, it is an accessory use within a grocery store, the waiver request would no longer be needed? Lastly, what percentage of total floor use would be acceptable?

Motion: Z. Shamsi-Basha moves to recommend approval of PZB 23-00600003 to the City Commission based upon the data and analysis in the staff report and the testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous

Considering that grocery stores have evolved, shall staff continue to ask for waivers for grocery stores vending package alcohol? or is it agreed that, and provided that, it is an accessory use within a grocery store, the waiver request would no longer be needed? Lastly, what percentage of total floor use would be acceptable?

Staff: Several full package stores in close proximity can create external situations.

Reorder the agenda to maintain quorum for the last item, the Chair is recusing himself from Item G.

G. PZB Project Number 22-01400019: A major site plan and sustainable bonus incentive program request to construct a mixed-use building containing commercial space and 4 residential units. The sustainable bonus incentive program request is for an additional story (3 stories total). The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and analysis.

Agents for the Applicant: Faten Almosawi and Kevin Fernandez of Contin Architecture - The property was vacant. Worked with staff on parking and refuse and landscape buffer.

Staff: It is a challenging site as it is not a big site. Ultimately no variances were required.

Board: Explain the refuse area. The area is enclosed by a wall (rollouts will be used) and precluding any restaurant on site.

Motion: M. Humm moves to approve PZB 22-01400019 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous. Chair Juan Contin abstained from the vote and was not present in the chambers for the presentation or vote. Staff reiterates that he has not spoken to staff or represented any portion of the project to staff. Contin professional staff/associates brought forth the project and represented the project through the course of review and vote.

Z.Shamsi-Basha departs dais at 7:54 PM

F. PZB Project Number 23-01500007: A request by Peter Heidmann for consideration of a variance to allow a pool (accessory structure) within the front yard at 212 16th Avenue North. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: A. Fogel provides case analysis and reviews variance criteria. Code does not allow the siting of an accessory structure between the primary structure and the street. Considering the 20-foot front setback and a rear setback of less than three (3) feet, this lot would meet the criteria 1 and 3. Criteria #2 is met in that it is a reasonable expectation to have a pool at a single-family home in South Florida. Criteria #4 is met as it is not injurious to the public welfare.

Board: Fence is not shown on the plan and what is the required height. **Staff:** Four feet in front can go to the property line and the height is correct for the safety.

Applicant: Prefers the vegetation within boundaries the front yard for privacy and will most likely add additional on the south side; also considering a masonry wall on west side of driveway

Public Comment: None

Motion: E. Leblanc moves to approve PZB 23-01500007 with staff recommended Conditions as it meets the variance criteria based on the data and analysis in the staff report. M. Humm 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: Comprehensive Plan Property Rights Element is being transmitted to the DEO State of Florida. City Commission. LDR's are scheduled to have a second reading by City Commission on August 15.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:07 PM



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 02, 2023 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Edmond Leblanc; Daniel Walesky; Zade Shamsi-Basha; Evelin Urcuyo. Absent: Mark Humm. Also present: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: D. Walesky; 2nd by E. Urcuyo to accept the agenda as presented. Vote: Ayes all, unanimous.

APPROVAL OF MINUTES: None

CASES:

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

PROOF OF PUBLICATION Provided in the meeting packet.

- 1) 701 Boutwell Rd - Gateway Classic Cars
1939 7th Avenue North
821 S Dixie Highway - Madison Terrace

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE: D. Walesky states that he will recuse himself from Item C as in the course of his business he will be entering a bid for financing that is in direct competition with the applicant of that project also entering a competitive bid. Believes it to be a conflict.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Numbers 23-00500011 & 23-01400016:** A Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

Staff: S. Rodriguez provides an overview of the previously approved project as well as this amendment to allow outdoor storage of building materials and a distribution center greater than 50,000 square feet in size. Knox box entry for emergency vehicles as the opaque fence will close at night.

Agent for the Applicant: Bradley Miller- The site is under construction with paint on the structure today. Foundation Building Materials is the first tenant, relocating from Boynton Beach. One of the components is a 33,100 square foot outdoor storage area. Materials are stored on racks attached to the wall. They prefer to keep as much inside but not always possible. An eight (8) foot high opaque fence will obscure the view of the outdoor storage. Staff had concerns with total circulation on the site, however that was resolved with the gate being open during regular hours.

Staff: The dumpster should be moved forward of the outdoor storage area as Public Works may pick-up during off-hours from tenant operation. It is the only dumpster for the property. It is concurrent with the permit.

Board: Is there a change to the permeable area? Is it retail? No, wholesale operation.

Public Comment: None

Motion: D. Walesky moves to approve PZB 23-00500011 & 23-01400016 with staff recommended conditions based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 23-00500012: A conditional use permit request for a ±31,500 square foot facility containing Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Staff: S. Rodriguez- Open to the public to view the cars. Condition of approval #2 has been modified to read “ Should the volume of in-person sales be greater than five (5)% to total sales volume, a new Conditional Use shall be required to review the use as vehicle sales”.

Agent for applicant: John Cohen-Showroom Manager – Classic cars on consignment, there are no repairs or vehicles operated indoors.

Board: Will there be more of the facility utilized in the future? **Response:** Possibly, if a large shipment were to arrive. There is a line of demarcation showing the amount of contracted space. It will be closed off. There isn't a tenant separation within the building.

Staff: If the tenant had applied for the balance of the space, or more of the space than 31, 500 square feet, they would not have to return for another Condition Use in the future.

Motion: E. Leblanc moves to approve PZB 23-00500012 with staff recommended Conditions based upon competent substantial evidence in the staff report and in the testimony at the public hearing Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

C. PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18): Privately-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the project known as “Madison Terrace” located at 821 South Dixie Highway requesting: a FLUM amendment from the Mixed Use – East (MU-E) future land use to Transit Oriented Development (TOD) future land use; and a Rezoning from the Mixed Use – Dixie Highway (MU-DH) zoning district to the Transit Oriented Development – East (TOD-E) zoning district.

D. PZB Project Number 23-01000001 (Ordinance 2023-16): A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing

Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace,” to construct two (2) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units.

Staff: A. Fogel -This two-part presentation includes both the Land Use and Zoning District change in addition to the Planned Development.

The Future Land Use would go from Mixed-Use East (MU-East) to Transit Oriented Development. The Zoning District would change from Mixed-Use Dixie Highway (MU-DH) to Transit Oriented Development East (TOD-E) This would continue the zoning district in the area. This is a corrective action to bring one parcel into alignment with the other parcels as well as allowing the owners to seek specific financing options. Overall there are 5 parcels under one ownership including one with a current auto sales use.

The Mixed-Use Urban Planned Development (residential only) is a Development of Significant Impact as the request is for 176 age restricted units in two (2) six-story buildings. Also requested are approvals of a Major Site Plan, Conditional Use Permit, Right of Way Abandonment and participation in the Sustainable Bonus Incentive Program, Affordable Workforce Housing Program and Transfer of Development Rights. Through the Federal government low income tax credit program, the property will remain as affordable housing for fifty (50) years with a restrictive covenant.

Ground floor parking is proposed as well as surface parking. Of the 262 required spaces, 123 are provided. The Affordable Housing provision would allow the count to be reduced to 197 and the applicant is requesting a waiver of the balance available through the Residential Planned Development process. Proposed alternate spaces would increase the number of spaces however it would continue to be below the required amount. The City Commission may provide direction should the required number of spaces be waived per the applicant request.

Contemporary and Art Deco elements can be found in the architecture; staff has suggested murals on the blank facades which would require Board approval in the future. The project is to be phased with the landscaping along H Street be included in Phase I.

The applicant is also requesting three landscape waivers. 1. Reduction in width of the buffer north of 822 South H Street 2. Elimination of some landscape strips within the surface parking 3. Reduction in size of terminal landscape islands.

Affordable Housing – the one-bedroom units are proposed to be reduced by 4% in size to 576 square feet.

The Sustainable Bonus – The total value of sustainable bonus improvements equal \$921,455.14 of which the applicant is requesting the City to waive the half to be paid to the City. Features include public open space, Florida Green Building Certification and Affordable Housing.

The Transfer of Development Rights – The total value is \$151,947.90 and the applicant is requesting the City waive the fee. An additional story is being requested with a total height of 66.5 feet.

The advertisement for the Right of Way Abandonment will be considered at the first reading of the Planned Development with potential 1st and 2nd readings at a later date.

Board Attorney: E. Lenihan reads the Ordinances by title; Ordinance 2023-18 for a FLUM Amendment and 2023-17 Rezoning. Ordinance 2023-16 for the Mixed-Use Urban Planned Development (Residential).

Applicant: Mike Oliver of New South Residential -Thanks staff and the CRA for their assistance. He and his partners are currently constructing their 9th community in St. Cloud. In November 2022 the CRA approved a 640K forgivable loan for the project. It is not a market rate development, there is a competitive allocation process. They are hoping to win an allocation in the first year but these entitlements need to first be secured. September 12, 2023 the finance application is due. They have a three (3) year hold on the property with the property owner. A required demographic must be chosen, they are pursuing age-restricted to 55+ years of age rather than a family demographic; the housing must remain as affordable

for 50 years and occupancy is by tiered income levels. Consideration was given to proximity to needed services including grocery, bus stops, pharmacy, and doctor offices. Financed through low income housing tax credits. Through Florida Housing Finance Corporation. Palm Beach County gets one allocation per year, and extremely competitive.

Egress and ingress will be from South H Street; an open-public space will be fronting on Dixie Hwy. Power will go underground. Phase I will contain 91 units; Phase II 85 units; the developer will pay water and sewer services. Other amenities include washer and dryer in each unit; cameras and key card access enhance security for residents.

Public Comment: None

The neighborhood outreach meeting resulted in some suggestions but was not met with any objection. The house remaining in the middle of the parking along South H Street would have received all the required mailed notices. Additional notices will be sent prior to the City Commission readings. Would still like to acquire the property.

Board Member Daniel Walesky recuses himself from the Board discussion and vote.

Board: A question about the allocation. **Response:** If received it will be 100%. Palm Beach County could have between 1-4 applications so odds are 25% of obtaining the financing should there be four applications. If not acquired this year, they may re-apply next year. Several elements are favorable for the allocation including the walkability, amenities such as the game room and activity room. Phase I will have 95 dwelling units, they do not want to leverage too high as that could result in no allocation.

A question about the fee waiver requests. **Response:** This would be at the discretion of the City Commission. Prior to the City Commission change enacted several years ago requiring one half of the fee due be paid into a City fund, projects only provided on-site improvements that qualified them for the Sustainable Bonus Program, there was no requirement to pay the fee.

In Phase I there will be enough room for an activity room and game room. Phase II will allow more indoor amenities such as a billiards room, fitness room, game room, activity room, arts and crafts.

A question regarding the rezoning **Response:** Portions of the property are already TOD-East, this will bring the remaining parcel into the same zoning district which is necessary for the Residential Planned Development and financing.

What happens if Phase II never happens? **Response:** The Conditions of Approval provide for that scenario and the Site Plan would still function.

Will pets be allowed? Yes, up to 20 pounds.

Motion: E. Urcuyo moves to recommend approval of PZB 23-0100001 (Ordinance 2023-17) rezoning, to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

Motion: Z. Shamsi-Basha moves to recommend approval of PZB 23-0100001 (Ordinance 2023-18) Future Land Use, to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous.

Motion: E. Leblanc moves to recommend approval of PZB 23-0100001 (Ordinance 2023-16) Planned Development, with staff recommended Conditions of Approval based upon the competent substantial evidence provided in the staff report and testimony at the public hearing; Z. Shamsi-Basha 2nd.

Motion amended, prior to vote, to include "The applicant shall maintain Phase II greenspace provided Phase II has not commenced construction after Certificate of Occupancy is issued for Phase I." Second by original seconder.

Vote: Ayes all, unanimous

Daniel Walesky abstained from voting for three items.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: Thank you to Edmond Leblanc for his service on the Planning & Zoning Board; re-appointment to the Historic Resources Preservation Board.

BOARD MEMBER COMMENTS: Question regarding the City Commission Quarterly update. Staff mentions the format has changed, no presentations by a Board members, staff will provide a summary of number of applications and types of applications. The next report is due in October. Question regarding the status of the L&M project. Staff states until there is a submittal, it is not in our process. When submitted, it will be heard through the Historic Resource Preservation Board.

ADJOURNMENT: 7:54 pm

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-01400025: A Major Site Plan Amendment for the installation of ±34,454 square feet of canopies (+38,020 total square feet including existing structures) for previously approved recreational vehicle (RV) and boat storage spaces at 1778 7th Avenue North. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Meeting Date: September 6, 2023

Property Owner: GREAT STONE INDUSTRIAL PROP LLC

Applicants: Shayne Broadnix/Bradley Miller – Urban Design Studio

Address: 1778 7th Avenue North

PCN: 38-43-44-21-02-015-0010

Size: 2.7092 Acre Lot

General Location: North of 7th Avenue North, west of I-95 and south of 10th Avenue North

Existing Land Use: Industrial/Outdoor Storage

Current Future Land Use Designation: Industrial (I)

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

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan Amendment is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5 and 6 of this report.

PROJECT DESCRIPTION

The applicants, Shayne Broadnix and Bradley Miller on behalf of Urban Design Studio, are requesting approval of the following at 1778 7th Avenue North:

- A **Major Site Plan Amendment** to revise the approved site plan to include the installation of ±34,454 square feet of canopies for previously approved recreational vehicle (RV) and boat storage spaces.

The subject application proposes canopy structures to be constructed over the parking areas for the RV's and boats. The canopy structures are metal poles and a roof that cover the approved parking areas and provide protection for the RV's and boats from the sun and elements. The site plan also implements a condition of approval from the City Engineer from the previously approved Major Site Plan Amendment to provide a queue distance to the front driveway access gate that is as long as this sites longest parking space. This will eliminate blocking traffic on 7th 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 City records:

- At the April 6, 2022, Planning and Zoning Board (PZB) meeting, a Major Site Plan Amendment (PZB 21-01400033) was approved to provide additional paving, landscaping and drainage to support a boat and recreational vehicle storage facility at the subject property.
- On April 6, 2023, the applicants applied for an administrative time extension since building permits had not yet been submitted to construct the approved site improvements. On June 9, 2023, staff issued the time extension (PZ 23-12600001) which extended the project's expiration date to April 22, 2024.
- On June 21, 2023, a building permit (BP #23-2109) was submitted for the site improvements.
- There are no active code cases for the subject property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial. Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposal will continue to maintain the accessory office and warehouse use on site while installing canopies over the previously approved the outdoor storage use area for RVs and boats.

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.E of the Strategic Plan states that the City shall ensure facility placement, construction and development that anticipates and embraces the future. The proposed RV Storage facility and site improvements will allow for local secure and covered RV and boat storage for residents, especially benefitting property owners with constrained lots that do not allow for screened storage of RVs as consistent with the City's Land Development Regulations.

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

Consistency with the Land Development Regulations

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

Analysis: As the property was previously approved for outdoor storage, the proposed RV outdoor storage facility use is a legal non-conforming principal use. The I-POC zoning district currently allows for outdoor storage as an accessory use only. The subject application proposes canopy structures to be constructed over the parking areas for the RV’s and boats. The analysis is provided in this section below and as consistent with the review criteria located in Attachment A.

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

Industrial Park of Commerce (I-POC) (LDR Section 23.3-24)				
Development Standard		Base Zoning District	Previously Approved Site Plan Amendment	Proposed Site Plan Amendment
Min. Lot Size in square feet (sf)		13,000 sf.	110,046 sf.	110,046 sf
Min. Lot Width		100 ft.	151.69 ft.	151.69 ft.
Setbacks	Front (South)	20 ft. min. - 32 ft. max.	209.9 ft.	Exist. Office: 209.9 ft. Canopy: 98 ft.
	Rear (North)	20 ft min.	20.6 ft.	Exist. Shed: 20.6 ft. Canopy: 71.0 ft.
	Interior Side (West)	20 ft.	47.4 ft.	Canopy: 10.7 ft.
	Interior Side (East)	0 ft.	10.6 ft.	Canopy: 5 ft.
Max. Impermeable Surface Coverage		65%	62.8% (69,080.05 sf.)	59.8% (65,777.16 sf.)
Max. Structure Coverage		55%	4% (3,569.72 sf.)	33% (38,020 sf.)
Parking Spaces LDR Section 23.4-10		(Accessory Office – 1 space/400 sf) (Quonset Hut – 1 space/1,000 sf) Required: 5 spaces	3 spaces*	3 spaces
Outdoor Storage Spaces		NA	93 storage spaces	93 storage spaces
Max. Building Height		30 ft.	Office: 9’-9” Quonset Hut: 17’-5”	Office: 9’-9” Quonset Hut: 17’-5” Canopies: 14’-0”
Floor Area Ratio (FAR) Limitations		2.2	0.4	0.4
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No		Wellfield Protection Zone 4		

* Bolded text reflects change from previously approved site plan

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: No changes are proposed to the approved refuse location. It was previously reviewed by Public Works, who determined that the dumpster was consistent with the size and screening 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: At permitting, the photometric plan shall be updated to reflect the new canopy structures. The photometric plan shall comply with the exterior lighting requirements in Section 23.4-3. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000K 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: No changes are proposed to the approved parking. The previously approved Major Site Plan Amendment included 93 spaces for RV and boat storage, while maintaining the 410 square foot office building and 3,156 square foot Quonset hut. The site plan depicted two standard parking spaces and one handicap space to support the office use, which would reduce the overall parking non-conformity from 5 spaces to 2 spaces since the property previously did not have any designated parking.

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: No changes are proposed to the approved landscaping. The applicant provided an updated plan to show that the new canopy structures will not conflict with plant materials. The previously approved Major Site Plan Amendment provided adequate perimeter landscaping, including a landscape strip ten (10) feet in depth, and additional vegetation to screen the adjacent properties on the north, east, and south side of the subject site. Additionally, the landscaping adequately screened the site from the right-of-way.

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

Site Design Qualitative Standards Analysis: The only change to the previously approved site plan is the installation of canopies structures for the RV and boat storage spaces. In addition, the gate was adjusted to allow adequate queuing distance from the right-of-way. This was a condition of approval from the City Engineer for the previously approved Major Site Plan Amendment.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Industrial (I)	Industrial Park of Commerce (I-POC)	Vacant
South	Industrial (I)	Industrial Park of Commerce (I-POC)	Office and warehouse
East	N/A	N/A	I-95
West	Industrial (I)	Industrial Park of Commerce (I-POC)	FDOT

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

Community Appearance Criteria:

The proposed site improvements include the installation of canopies for the RV and Boat storage. The previously approved site plan provides adequate screening from the right-of-way and these structures will be setback approximately 98 feet from the right-of-way which limits their visibility.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Based on the data and analysis in this report, the site plan amendment to install canopies on the site of the previously approved RV/Boat outdoor storage use is not anticipated to negatively impact adjacent properties. Further, the proposed Major Site Plan Amendment will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. All of the conditions of approval from PZB #21-01400033 still apply.
2. The site changes are limited to the installation of the new canopy structures as depicted on the site plan.
3. At permitting, all plans shall be updated to include the new canopy structures including the photometric plan.
4. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
5. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.
6. Outdoor lighting shall comply with City requirements and Dark Sky recommendation, including fully shielded light fixtures with a warm light temperature of 3000 K or less for LED lighting.

Landscape Services

1. Required landscaping as depicted on the previously approved landscape plan must be installed and inspected prior to the issuance of the certificate of completion of the building permit for canopies.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project Number 23-01400025 for a Major Site Plan Amendment for the installation of ±34,454 square feet of canopies for previously approved recreational vehicle (RV) and boat storage spaces at 1778 7th Avenue North based upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 23-01400025 for a Major Site Plan Amendment for the installation of ±34,454 square feet of canopies for previously approved recreational vehicle (RV) and boat storage spaces at 1778 7th Avenue North. The project does not meet the applicable criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

- A. Qualitative Development Standards
- B. Application Package (survey, site plan, & supporting documents)

ATTACHMENT A

Section 23.2-31(c) –Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Chapter 12, Health and Sanitation, Article V, Fertilizer Friendly Regulations. 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 (4) feet or more.</p>	Not applicable
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	Not applicable
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance

- 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 and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special 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
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- 1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) 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, height, setback, massing and location on 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. **Not applicable**
- 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 and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation **Not applicable**

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- of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.
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. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally. **Not applicable**
 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 setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. **Not applicable**
 5. Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, 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 reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other. **Not applicable**
 6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. 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. **Not applicable**
 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. **Not applicable**
 8. Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.
 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**
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. **Not applicable**
 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. **Not applicable**
 13. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.
 14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized. **Not applicable**
Not applicable
 15. All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components: **Not applicable**

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- a. Clearly articulated entrances,
 - b. Expanses of fenestration at the ground level,
 - c. Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),
 - d. Integrated signage,
 - e. Pedestrian scaled lighting,
 - f. Buildings that define at least fifty (50) percent of the street frontage, and
 - g. Openings that approximate a golden ratio of 1.618.
16. All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party: **Not applicable**
- a. Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,
 - b. Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,
 - c. Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,
 - d. Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,
 - e. Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,
 - f. Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,
 - g. Incorporation of design features and uses that support multi-modal transportation options,
 - h. Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,
 - i. Incorporation of amenities that are conducive to enhancing community pride and social interaction, and
17. In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles: **Not applicable**
- a. Cultural resources,
 - b. Historical resources,
 - c. Ecological/natural resources,
 - d. Diversity and inclusion,
 - e. Social justice,
 - f. Economic investment,
 - g. Neighborhood vitality,
 - h. Sense of place,
 - i. Education, and
 - j. Recreation.

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>	Not applicable

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500013: A conditional use permit request for a ±6,800 square foot Contractor Showroom at 1806 Madrid Avenue. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Meeting Date: September 6, 2023

Property Owners: 1800 MADRID LLC

Project Manager: Mauricio Valle

Address: 1800 Madrid Avenue

PCN: 38-43-44-21-04-002-0011

Size: 1.9666-acre lot/36,516 sf. Existing Structure

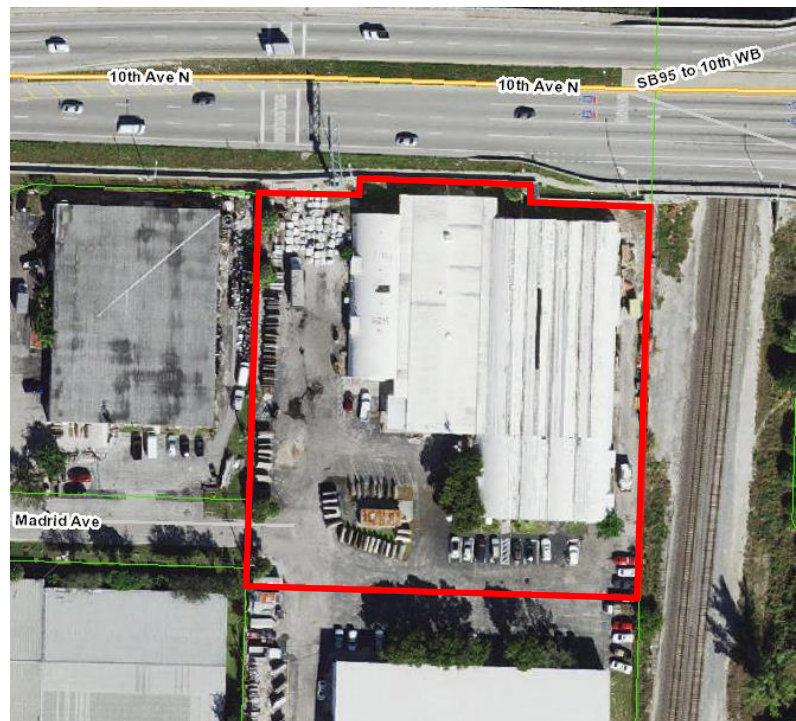
General Location: East of Madrid Avenue, west of the FEC railway, and south of 10th Avenue North

Existing Land Use: Light Manufacturing

Current Future Land Use Designation: Industrial (I)

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

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 5 of this report.

PROJECT DESCRIPTION

The project manager, Mauricio Valle on behalf of 1800 MADRID LLC, is requesting a Conditional Use Permit (CUP) to establish a ±6,800 square feet Contractor Showroom classified as a medium-intensity use (less than 7,500 square feet). The business, King of Kitchen and Granite, has an existing warehouse within the same building and is seeking to expand with a contractor showroom for cabinets and countertops. A total of three (3) employees are anticipated. The hours of operation between 9AM and 5 PM during weekdays, and 9AM to 2 PM on Saturdays. The property is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). If approved, the Conditional Use Permit (CUP) will allow a contractor showroom within the existing building which will be open for wholesale use and industry professionals.

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: The property at 1803 Madrid Avenue was developed in 1954. The property contains one (1) building with ±36,516 square feet.

Use: The property's use is light manufacturing.

Code Compliance: There is an open lien (21-2492) for the subject property. The outstanding violations are related to fire safety issues that include corrections for electrical, fire extinguishers, fire sprinkler system, unpermitted work, damage to exterior walls, and installation of industrial equipment.

Staff has added conditions of approval to the subject Conditional Use Permit to ensure the open lien is resolved and any fines are paid prior to the licensing/renewal of the new business.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject sites have a Future Land Use (FLU) designation of Industrial (I). The I FLU is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to open a contractor showroom in the existing building with a use area of ±6,800 square feet.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow the establishment of a new contractor showroom 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 request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

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

Analysis: The applicant is requesting a Conditional Use Permit to establish a new contractor showroom. The business, King of Kitchen and Granite, has an existing warehouse within the same building and is seeking to expand with a contractor showroom for cabinets and countertops. A total of three (3) employees are anticipated. The hours of operation between 9AM and 5 PM during weekdays, and 9AM to 2 PM on Saturdays. Outdoor storage is not permitted and shall be removed, as conditioned. The proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The property has right-of-way access from Madrid Avenue which is a local road that only serves four (4) industrial properties. Therefore, no additional public expenditures are required to service the proposed use.

The analysis for the CUP is provided in the section below and is consistent with the review criteria located in Attachment A. The Department of Community Sustainability is also tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

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

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

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

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

Staff Analysis: The building on the property was constructed in the 1950s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for a conditional use without increasing the existing building floor area; therefore, additional parking spaces are not required. Based on the plans in the City's property file, it is difficult to determine the number of existing designated parking spaces. There appears to be 12 to 17 spaces on the property. In addition, the site should accommodate off-street loading spaces per LDR Section 23.4-9. Since there appears to be enough space on site for additional parking spaces and off-loading spaces, staff has included conditions of approval to require a minor site plan to further review their location and installation.

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. The site contains an abandoned pole sign which is prohibited by LDR Section 23.5-1(g). Therefore, staff has included a condition of approval to remove the pole sign.

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: In 2021, a landscape plan was approved through building permit #21-4613. The approved improvements enhanced the landscaping to bring into compliance insofar as possible. Staff has added conditions of approval to require an on-site inspection to verify if the approved landscaping has been maintained. If any deficiencies are identified they shall be remedied with a landscape permit.

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 is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is anticipated in the Industrial – Park of Commerce (I-POC) 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 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, refuse, fire and police. There is direct right-of-way access from the property to Madrid Avenue. The proposed use will not change/impact traffic circulation on the site.

Section 23.2-29.g) Additional requirements.

Staff Analysis: There is an open lien (21-2492) for the subject property. Staff has added conditions of approval to the subject Conditional Use Permit to ensure the open lien is resolved and any fines are paid prior to the licensing/renewal of the new business.

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Staff Analysis: A contractor showroom use is are not subject to the additional standards in Section 23.4-13.

CONCLUSION AND CONDITIONS

The Industrial – Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Retail sales to the general public are not permitted. The contractor showroom is for wholesales and industry professionals only.
2. The Conditional Use Permit (CUP) is for ±6,800 square feet of the existing building at 1806 Madrid Avenue.
3. No outdoor storage or outdoor use is permitted as part of this approval. Any existing outdoor storage shall be removed.
4. An on-site visit shall be required to assess the condition of the landscape and the parking lot. If improvements are necessary, the required applications shall be submitted and deemed complete prior to the issuance of new City of Lake Worth Beach Business License.
5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, the open lien shall be resolved and any fines shall be paid.
6. Prior to the issuance of new City of Lake Worth Beach Business License, a minor site plan shall be submitted and deemed complete to address the following:
 - a. Install and document the location of parking and off-loading spaces.
 - b. Remove the pole sign, or incorporate the signage into the architecture of the building.
 Within one (1) year of the issuance of the development order, the improvements shall be permitted and all work completed by the applicant.
7. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
8. 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.
9. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.

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 either the requested uses.
11. All uses shall comply with the use occupancy requirements as required by the Florida Building Code.
12. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500013 for a Conditional Use Permit 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 23-00500013 for a Conditional Use Permit. 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

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

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, as conditioned**
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.* **Not applicable, new exterior lighting is not proposed**