



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

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [October 4, 2023 Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A.** [PZB Project Number 23-00500018, 23-00600004, & 23-00600005](#): A conditional use permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6 and two (2) alcohol beverage distance waivers to allow package sales and on-site consumption for the property located at 500 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).
- B.** [PZB Project Numbers 23-00500017 & 23-01400019](#): A Major Site Plan Amendment and Conditional Use Permit request for two (2) accessory outdoor storage use areas totaling ±6,350 square feet. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.
- C.** [PZB Project Number 21-01100001](#): Consideration of a final plat map application for the Cloisters Phase IV project, located at 508, 510, and 530 South Federal Highway. The subject site is located within the Mixed Use – Federal Highway (MU-FH) zoning district and has a future land use designation of Mixed Use – East (MU-E).

**D. PZB Project Number 23-0000021:** Request by the City of Lake Worth Beach Leisure Services for the approval of a two (2) murals located on the south and east façades of the Palm Beach County Fire Rescue (PBCFR) Station 91 at 1020 Lucerne Avenue. The subject site is zoned Public (P) and has a future land use designation of Transit Oriented Development (TOD).

**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, OCTOBER 04, 2023 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Daniel Walesky, Vice-Chair; Mark Humm, Zade Shamsi-Basha; Evelyn Urcuyo; David Mathews; Henry Pawski. Absent: Juan Contin. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodrigues, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. September 6, 2023 minutes

**Motion:** M. Humm moves to approve the minutes as presented; H. Pawski 2<sup>nd</sup>.

**Vote:** 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) 1701 12th Avenue N - Fence Variance

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** M. Humm states he knows the applicant but knows nothing about this request before the Board. He is able to objectively evaluate the presentation.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Number 23-01500011:** Consideration of a variance to allow a 6-foot high fence in the required setback for the property located at 1701 12th Avenue North. The subject site is zoned Single Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

**Staff:** A. Fogel provides the Board with a brief history of the property leading to this request. The analysis indicates the request should not be granted as it does not meet the variance criteria. Alternatively, staff provided the applicant with an option to apply for an Administrative Adjustment. The adjustment request would allow the parcel be deemed dual frontage and in turn a four-foot fence on the side property line could be permitted. For added privacy, hedging could be installed in the side yard while respecting the existing tree locations. Staff recommends not approving the request as the variance criteria evidence does not indicate a hardship and the owner would not be deprived of the reasonable use of the land.

**Applicant:** Carolyn Deli- 126 North E Street – Is fond of the trees in the yard, does not want to remove them and cannot install privacy landscaping as the tree roots are in the way. States they previously replaced a panel at a time and cannot afford to do the entire fence at once. When Code Compliance cited the owner in December 2022 for a fence in disrepair, it was decided to replace the balance of the panels or approximately 2/3 of the fence or five (5) panels.

**Staff:** The City did not require the trees to be removed, only suggested that the fence could be installed behind the trees with the trees as part of continuous landscape hedging. This is a replacement fence not the original fence.

**Board:** As the fence was originally permitted in the 90's, was the property ever without a fence? Why was the code case closed?

**Staff:** The permit was in process when the case closed, as far as the procedure for closing a case, that would be a question for Code or perhaps the applicant who would be familiar with why the case was closed.

City Code contains a section regarding non-conformities, once 51% replacement occurs then it must meet new fence code. The reality is it's a new fence and as a new fence it must meet current code that has been in effect since 2013. There is a limit in the Building Code about how many panels can be replaced and how frequently they can be replaced until there is a new fence in place. This is replacement based on affordability with intent to obtain a new fence.

**Board:** Is there is a missing piece regarding what occurred with the code case? Does the owner recall being served with code papers?

**Applicant:** States that is when the family began to think about completing the fence.

**Board:** What percentage of the fence was replaced? **Applicant Response:** 100% Board member requests additional information on the Administrative Adjustment process. **Staff explains** it would involve having the parcel declared as a dual-frontage lot which would then allow the fence along that side to be installed on the property line. There are many ways to install the landscape behind the fence without tree removal or disturbing the root system. The process is typically for a very specific purpose and corner lots are common throughout the City. Occasionally the house on a corner lot may be not be parallel to the street but oriented differently i.e. NE or NW.

**Staff** suggests granting the variance at a reduced four (4) foot height; this would require the permit to be modified yet still applicable. Code is constructed to always bring a situation into conformance. The code is working because it tells you the fence is deteriorated and any vesting is gone; you replace it according to current fence code and now you meet the current requirement.

**Board:** Its easier to prevent a house from deteriorating than a fence. Will the code case re-open if the variance is denied? **Response:** yes, if there is no cure.

**Board Attorney:** The choices are to lower the fence height or re-locate the fence. The code case could be re-opened for work without permit. The Building permit is the cure.

A Board member believes the options offered by staff undermine the applicant's claim that it denies reasonable use of the land.

**Board Attorney:** The choice would be to approve the variance for a reduced height. It would be the same result as the administrative adjustment. Board could offer the approval of the variance reduced to four-foot and save the applicant the administrative adjustment fee of \$250.00 since she is on a budget.

**Board:** Non-conformities abound in Lake Worth Beach

**Staff:** If the repair involves complete destruction, then the non-conforming status is lost and something must be brought to code. Code only cares about unkempt property, Zoning and Building permits bring conformity. The remedy of granting a variance for a four (4) foot fence is equivalent to what would be obtained through the administrative adjustment process.

**Motion:** E. Urcuyo moves to approve PZB 23-01500011 with staff recommended Conditions for a variance to allow a four (4) foot high fence along North A Street as it meets the criteria in the following manner:

1. The lot is equivalent to a dual frontage lot and a relief is available through the administrative process. This could be considered a dual-frontage lot.
2. The administrative adjustment process allows this type of relief.
3. As a dual frontage lot the four-foot fence is typical with no landscape required. That would be the minimum variance which makes possible the reasonable use of the land.
4. The administrative adjustment is provided within code therefore not injurious or detrimental to public welfare.

The variance approval will expire within 1 year should the building permit not be approved for the four (4) foot fence; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** None

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** Madison Terrace was awarded the best lottery number in Palm Beach County.

**ADJOURNMENT:** 6:53 PM

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 23-00500018, 23-00600004, & 23-00600005:** A conditional use permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6 and two (2) alcohol beverage distance waivers to allow package sales and on-site consumption for the property located at 500 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:** December 6, 2023

**Property Owner:** Scott Diamante, PBC LAND DEVELOPMENT LLC

**Applicant:** Adam Volpe, BOTTLE HOLDINGS, LCC

**Address:** 500 North Dixie Highway

**PCN:** 38-43-44-21-15-150-0010

**Size:** 1.1928 Acre Lot/±23,707 square feet of existing building area/±6,300 square feet of proposed use area

**General Location:** Frontage on North Dixie Highway, 5<sup>th</sup> Avenue North, and 6<sup>th</sup> Avenue North

**Existing Land Use:** Antique Mall/Auctions

**Current 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.

- **Conditional Use Permit (CUP):** The proposed 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 pages 6 and 7 of this report.
- **Alcohol Distance Waiver for Package Sales:** Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided on pages 6 and 7 of this report.
- **Alcohol Distance Waiver for On-Site Consumption:** Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 6 and 7 of this report.

## PROJECT DESCRIPTION

The applicant, Adam Volpe on behalf of BOTTLE HOLDINGS, LLC, is requesting:

- A **Conditional Use Permit (CUP)** for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events.
- An **Alcohol Distance Waiver for Package Sales** to offer wine delivery services.
- An **Alcohol Distance Waiver for On-Site Consumption** to allow wine consumption at tastings and classes.

The proposed business (Bottle Holdings, LLC) is a wine concierge and cellar management company that will encompass ±6,300 square feet of the existing building. Services will include storage, organization, education, and transportation of the customer's wine collection. Hours of operation will be 10 AM to 6 PM, Monday through Friday. Although access to the specialty storage portion of the facility will be available to customers 6 AM to 10 PM, Monday through Sunday.

Deliveries will comprise a small fraction of the overall business. Bottle Holdings, LLC will own a small, temperature controlled, non-commercial size van (Mercedes-Benz Metris or similar) to offer delivery and pickup services for clients on an as needed basis. The applicant estimates five deliveries per week and there will be no secondary fulfillment by delivery services.

## COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

## BACKGROUND

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

**Construction:** The existing structure was constructed in 1956.

**Use:** Antique Mall/Auctions.

**Code Compliance:** The property has an active code compliance case (#23-1876). The violations are related to a damaged ceiling, expired fire extinguishers, and cardboard boxes and debris.

## 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 request is seeking to add a medium-intensity cellar management company designated as specialty storage and specialty retail uses in the existing building.

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, IV.D, and V.E 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 proposal will allow the establishment of a business that will contribute towards the City's tax base and sustain or increase jobs, it is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

Based on the analysis above, the proposed Conditional Use Permit and Alcohol Distance Waivers, as conditioned, are 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 mixed use – Dixie Highway district is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. 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 medium-intensity (use area less than 7,500 square feet) as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6. The proposed business (Bottle Holdings, LLC) is a wine concierge and cellar management company that will encompass ±6,300 square feet of the existing building. Services will include storage, organization, education, and transportation of the customer's wine collection. Hours of operation will be 10 AM to 6 PM, Monday through Friday. Although access to the specialty storage portion of the facility will be available to customers 6 AM to 10 PM, Monday through Sunday. The applicant estimates five deliveries per week.

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 will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major road (North Dixie Highway). Therefore, no additional public expenditures are required to service the proposed use.



The analysis for the conditional use permit is provided in the section below and is 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.*

**Analysis:** The structure on the property was constructed in 1956. 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 (Off-street Parking).** *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.*

**Analysis:** LDR Section 23.4-10 states that additional parking is not required for changes in use or occupancy or the remodeling of existing buildings which does not increase floor area or the number of existing dwelling units. Therefore, no additional parking is required. The existing site has ±23,707 square feet of existing building area. There are approximately 41 parking spaces on the surface parking lot.

**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:** It is staff's analysis that the site has missing trees and shrubs in the perimeter landscape and parking lot islands. In addition, there is unpermitted on the south side of the parking lot that must be replaced with shrubs and ground cover. Staff has added a condition of approval to submit a landscape plan to address these nonconformities.

#### **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:** 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. However, it was noted in the review that additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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

**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, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on a major road (North Dixie Highway), 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. Staff has proposed landscaping conditions of approval to ensure compliance with the LDRs.

#### ***Section 23.2-29.g) Additional requirements.***

**Staff Analysis:** The property has an active code compliance case (#23-1876). The violations are related to a damaged ceiling, expired fire extinguishers, and cardboard boxes and debris.

#### **Section 5.5(d) – Standards for Review/Decision**

A decision on a request for the waivers shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

**Analysis:** Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. A church located at 630 North H Street is within five hundred (500) of the subject parcel. Additionally, residential uses in the Mango Groves and Tropical Ridge neighborhoods are located five (500) feet from the parcel. There is also at least one restaurant within five hundred (500) feet of the proposed packaged alcoholic beverage sales and on-site consumption. Therefore, the alcohol distance waiver is required since the proposed business will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

**Analysis:** The proposed alcohol package sales and on-site consumption of wine will be accessory to a wine concierge and cellar management company. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

**Analysis:** The subject property is does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

**Analysis:** The waiver is necessary to allow the packaged sales and on-site consumption of wine at the subject property. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare and surrounding community.

## CONCLUSION AND CONDITIONS

**Conditional Use Permit:** The MU-DH zoning 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 uses are not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the North Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

1. Prior to the issuance of a business license, a minor site plan shall be approved to address the following:
  - a. All existing landscape on the site.
  - b. The addition of one (1) Black Olive tree adjacent to North Dixie Highway north of the driveway.
  - c. The addition of native shrubs along the west and north property lines to provide the required continuous landscape screen.
  - d. The addition of (2) medium maturing native shade trees to the existing parking lot island in between the existing ligustrum trees.
  - e. The removal of the existing unpermitted rock from the planter beds on the south side of the parking lot and add shrubs and groundcovers. A minimum of 75% of the new plants must be native to south Florida.
  - f. All trees and landscape beds must have a minimum of 3 inches of wood mulch.
  - g. Coordinate with the Public Work Department regarding a refuse location and enclosure (if applicable).
2. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
3. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
4. 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.
5. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
6. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.
7. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the on-site consumption and packaged alcohol sales as an accessory use to the existing business.

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8. All code compliance violations not related to the subject business, shall be resolved prior to the issuance of a business license for the subject business. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.

**Alcohol Distance Waiver for Packaged Sales:** The proposed accessory packaged alcoholic beverage sales through delivery services is not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Staff recommends that the Planning and Zoning Board reviews this information to determine whether to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided below:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the proposed business.
2. No person shall sell, deliver or permit the sale or delivery of alcoholic beverages for off-premises consumption except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages of more than one (1) percent of alcohol by weight shall be between the hours of 7:00 a.m. and 10:00 p.m., each day, unless otherwise permitted under Florida Statutes.

**Alcohol Distance Waiver for On-Site Consumption:** The proposed accessory on-site consumption related to accessory classes and tastings is not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Staff recommends that the Planning and Zoning Board reviews this information to determine whether to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the Planning and Zoning Board approved the request, conditions of approval have been provided below:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the proposed business.
2. No person shall sell, deliver, consume or permit the sale, delivery, service or consumption of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages of more than one (1) percent of alcohol by weight shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

#### BOARD POTENTIAL MOTION:

**Conditional Use Permit:**

I MOVE TO RECOMMEND APPROVAL WITH CONDITIONS OF PZB PROJECT NUMBER 23-00500018 for a Conditional Use Permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6 based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I MOVE TO RECOMMEND APPROVAL WITH CONDITIONS OF PZB PROJECT NUMBER 23-00500018 for a Conditional Use Permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6. 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.*

**Alcohol Distance Waiver for Packaged Sales:**

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I MOVE TO RECOMMEND APPROVAL WITH CONDITIONS OF PZB PROJECT NUMBER 23-00600004 for an alcohol distance waiver for the sale of packaged wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL WITH CONDITIONS OF PZB PROJECT NUMBER 23-00600004 for an alcohol distance waiver for the sale of packaged wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

**Consequent Action:** *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

**Alcohol Distance Waiver for On-Site Consumption:**

I MOVE TO APPROVE PZB PROJECT NUMBER 23-00600005 for an alcohol distance waiver for on-site consumption of wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO DISSAPROVE PZB PROJECT NUMBER 23-00600005 for an alcohol distance waiver for the sale of packaged wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

**Consequent Action:** *The Planning & Zoning Board's decision will be final decision for the alcohol distance waiver for on-site consumption of wine. The Applicant may appeal the Board's decision to the City Commission.*

## ATTACHMENTS

- A. Findings for Granting Conditional Uses
- B. Application Package

**ATTACHMENT A - Findings for Granting Conditional Uses**

<b>Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.</b>	<b>Analysis</b>
<i>1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	<b>In compliance</b>
<i>2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	<b>In compliance</b>
<i>3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	<b>In compliance</b>
<i>4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	<b>In compliance</b>

<b>Section 23.2-29(e) Specific findings for all conditional uses.</b>	<b>Analysis</b>
<i>1. The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	<b>In compliance</b>
<i>2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	<b>In compliance</b>
<i>3. The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	<b>In compliance</b>
<i>4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
<i>5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
<i>6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	<b>In compliance</b>

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**

## PLANNING AND ZONING BOARD REPORT

**PZB Project Numbers 23-00500017 & 23-01400019:** A Major Site Plan Amendment and Conditional Use Permit request for two (2) accessory outdoor storage use areas totaling ±6,350 square feet. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

**Meeting Date:** December 6, 2023

**Property Owner:** Thomas Morrison, 1105 BARNETT DRIVE LLC

**Applicant:** Pamela DePanicis, Sympatico Real Estate, Inc.

**Address:** 1105 Barnett Drive

**PCN:** 38-43-44-21-02-005-0020

**Size:** 2.1544 Acre Lot/± 16,941 square foot total building area/±6,350 square foot total of accessory outdoor storage use areas/± 2,080 square footage total of shipping containers

**General Location:** North of 10<sup>th</sup> Avenue North, between Barnett Drive and Detroit Street

**Existing Land Use:** Industrial

**Current Future Land Use Designation:** Industrial (I)

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

**Location Map:**





## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan Amendment and Conditional Use Permit (CUP) 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 applicant, Pamela DePanics on behalf of Sympatico Real Estate, Inc., is requesting approval of the following at 1105 Barnett Drive:

- A **Major Site Plan Amendment** to revise the approved site plan to include two (2) accessory outdoor storage use areas
- A **Conditional Use Permit (CUP)** to establish two (2) accessory outdoor storage use areas

The applicant is proposing two (2) accessory outdoor use areas totaling a  $\pm 6,350$  square feet for an existing business. According to the applicant's justification statement, numerous shipping containers were placed on the site several years ago. A tenant that has occupied the property for 25 years uses the containers to store leftover materials on site. This local manufacturing business (Palm Beach Trims) specializes in interior and exterior woodworking (doors, trim, cabinetry, and ornamental detail work).

## 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:

- The property was originally developed in 1967 as a milk distribution plant for Borden's Dairy.
- On January 11, 2022, a minor site plan (PZ #15-01400007) was administratively approved to allow a one-story building addition to the northwest building for vehicle repairs. On May 10, 2016, another minor site plan (PZ 16-01400004) was administratively approved to further enlarge the previously approved addition.
- The subject property has an active code case (22-1530). The violations are related to operating without a business license and maintaining outdoor storage. The subject Major Site Plan Amendment and Conditional Use Permit will aid in the resolution of these violations.

## 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 proposed request is seeking to add accessory outdoor storage uses area to existing site.

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, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base and influence the supply and expansion of jobs. The proposed requests will facilitate the continuation of an existing that will sustain or increase jobs; it is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

**Analysis:** The applicant is requesting a Major Site Plan Amendment and Conditional Use Permit request for two (2) accessory outdoor storage areas totaling a ±6,350 square feet:

- Area A: 2,400 square feet, containing four (4) shipping containers
- Area B: 3,950 square feet, containing seven (7) shipping containers

Per LDR Section 23.4-19(b): *Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in stormwater runoff.* The entire accessory outdoor use areas are being proposed on previously approved impervious areas. Existing fencing and hedging ensure these areas are not visible from the right-of-way.

The shipping containers were included in the maximum building structure regulations and shall be located outside of building setbacks. A reduction of seven (7) parking spaces is proposed to accommodate the proposed accessory outdoor storage use areas. As outlined in the analysis below, the parking reduction will not create a deficit in the required spaces. The analysis for both the Major Site Plan Amendment and Conditional Use Permit (CUP) is provided in the section below and is 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:

Industrial Park of Commerce (I-POC) (LDR Section 23.3-24)		
Development Standard	Base Zoning District	Proposed Major Site Plan Amendment
Min. Lot Size in square feet (sf)	13,000 sf.	93,863 sf.
Min. Lot Width	100 ft.	322 ft.
Max. Impermeable Surface Coverage	65%	64% (59,684 sf.)
Max. Structure Coverage	55%	20% (18,785 sf.)
Accessory Structure Limitation	1,000 sf	<b>2,080 sf*</b>
Parking Spaces	25 spaces	119 spaces
Floor Area Ratio (FAR) Limitations	1.1	0.20

**\* Staff has added a condition of approval to reduce the total number and square footage of the shipping containers to not exceed 1,000 sf.**

**Section 23.4-4. – Fence regulations:** Per LDR Section 23.4-4(g)(2): Any area in the industrial district used as open storage shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm. The above required fences or walls shall be at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. All

screening material is subject to approval by the development review official or designee and shall be installed in a professional manner.

**Analysis:** As proposed, all materials will be stored within the containers. Therefore, debris is not anticipated in the proposed accessory outdoor use areas. Staff has added a condition of approval that if the business seeks to store materials outside the containers (within the accessory outdoor storage use areas), a minor site plan shall be required to install an opaque fence or wall in accordance with LDR Section 23.4-4. The existing fencing and hedging screen the proposed accessory outdoor storage use areas. Staff has added a condition of approval to supplement the existing landscape to ensure any deficiencies in the landscaping are remedied.

**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 scope of work is limited to the delineation of accessory outdoor storage areas “A” and “B”.

The western portion of area “B” will eliminate seven (7) parking spaces. The accessory outdoor use area was designed to not interfere with site circulation.

- Area “A” abuts the south side “Building 1”, as labeled on the site plan, which does not accommodate parking or drive aisles. As a result, there are no changes to parking or circulation within this area.
- Area “B” abuts the west side of “Building 3”, as labeled on the site plan. Within this area, the shipping containers on the western side are arranged to occupy the end of a drive aisle and the abutting spaces of three (3) rows of parking. Staff has added a condition of approval to arrange the shipping containers to provide a backout area that facilitates vehicles making a turnout of the area. The eastern side of this accessory outdoor storage use area includes a refuse enclosure. Staff has added a condition of approval to coordinate with Public Works on whether relocation of the refuse enclosure will be required.

The proposed improvements to the site are supportive to the principal distribution use which was anticipated in the I-POC zoning district. 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)	Parking Lot/Warehouse
South	Industrial (I)	Industrial Park of Commerce (I-POC)	Parking Lot/Service Station (7-Eleven)
East (Across Barnett Dr)	Industrial (I)	Industrial Park of Commerce (I-POC)	Warehouse
West	Mixed Use – West (MU-W)	Mixed Use – West (MU-W)	Offices

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

**Community Appearance Criteria:**

The proposed site improvements represent are a minor change to the previously approved site plan. The proposed fencing is in harmony with the surrounding industrial and mixed-use area.

**Conditional Use Findings (Attachment B)**

Conditional uses are those uses that are 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 conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request for accessory outdoor use areas.

The conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the uses that have existed on the site for several years. The site is located on an industrial roadway. The scope of work is limited to the delineation of accessory outdoor storage areas "A" and "B" which will eliminate seven (7) parking spaces. Further, staff is proposing conditions of approval to supplement existing landscaping to mitigate any concerns related to the visibility of the accessory outdoor storage areas.

**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. 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, the Major Site Plan Amendment and Conditional Use Permit are not anticipated to negatively impact adjacent properties and are compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

**Planning, Zoning, and Landscape Services**

1. Prior to the issuance of a business license, a minor site plan shall be approved to address the following:
  - a. Remove existing unpermitted gravel and replace it with living groundcover.
  - b. Add medium maturing native shade trees in the landscape areas adjacent to Barnett Drive.
  - c. Add shrubs at the northeast corner of the property.
  - d. Fill in gaps in all existing hedges including the hedges at the south side of the property.
  - e. Revise the parking tabulation to indicate seven (7) parking spaces will be removed.
  - f. If deemed necessary, coordinate with Public Works on the relocation of the refuse area.

The improvements shall be completed and inspected within six (6) months of the issuance of the development order.

2. The site changes are limited to the delineation of accessory outdoor storage areas "A" and "B" which will eliminate seven (7) parking spaces.
3. The combined area of the accessory outdoor storage uses is  $\pm 6,350$  square feet. The total square footage of the shipping containers shall not exceed 1,000 square feet.
4. The placement of the containers within the accessory outdoor storage areas shall comply with accessory structure setbacks as listed in LDR Section 23.3-24. The shipping containers on the west side of accessory outdoor storage use area "B" shall be arranged to provide a backout area with a minimum depth of 5 feet.
5. All materials shall be stored within the containers. If storage is desired outside of the containers, the request shall be subject to additional review and approval by the City including the required opaque fencing or wall as specified in LDR Section 23.4-4.

6. 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).
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.
8. 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.
9. 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.
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.
11. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.

#### **Building Division**

1. Building permits are required with plans showing how the containers will be anchored.

#### **BOARD POTENTIAL MOTION:**

I move to **approve with conditions** of PZB Project Numbers 23-00500017 & 23-01400019 for a Major Site Plan Amendment and Conditional Use Permit request to establish two (2) accessory outdoor storage use areas totaling ±6,350 square feet 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 Numbers 23-00500017 & 23-01400019 for a Major Site Plan Amendment and Conditional Use Permit request for a Major Site Plan Amendment and Conditional Use Permit request to establish two (2) accessory outdoor storage use areas totaling ±6,350 square feet. The project does not meet the site plan and conditional use criteria for the following reasons [Board member please state reasons.].

**Consequent Action:** *The Planning & Zoning Board's decision will be final decision for the Major Site Plan Amendment and Conditional Use Permit. 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, & supporting documents)

**ATTACHMENT A – Qualitative Development Standards**

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p><b>1. Harmonious and efficient organization.</b> 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>	<p><b>In compliance</b></p>
<p><b>2. Preservation of natural conditions.</b> 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 use 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>	<p><b>Not Applicable</b></p>
<p><b>3. Screening and buffering.</b> 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>	<p><b>In compliance as conditioned</b></p>
<p><b>4. Enhancement of residential privacy.</b> 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>	<p><b>Not applicable</b></p>
<p><b>5. Emergency access.</b> 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>	<p><b>In compliance</b></p>
<p><b>6. Access to public ways.</b> 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>	<p><b>In compliance</b></p>
<p><b>7. Pedestrian circulation.</b> There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	<p><b>In compliance</b></p>
<p><b>8. Design of ingress and egress drives.</b> 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>	<p><b>In compliance</b></p>

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of 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 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 direct 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**

<b>Section 23.2-31(l) – Community Appearance Criteria</b>	<b>Analysis</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	<b>In compliance</b>

**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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>

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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance as conditioned</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>



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**

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 21-01100001:** Consideration of a final plat map application for the Cloisters Phase IV project, located at 508, 510, and 530 South Federal Highway. The subject site is located within the Mixed Use – Federal Highway (MU-FH) zoning district and has a future land use designation of Mixed Use – East (MU-E).

**Meeting Date:** December 6, 2023

**Property Owner:** CLOISTERS VENTURES LLC

**Applicant:** Daniel Ryan

**Addresses:** 508, 510, and 530 South Federal Highway

**PCNs:** 38-43-44-27-01-003-0080; 38-43-44-27-01-003-0070; 38-43-44-27-68-005-0000; 38-43-44-27-68-000-0400; 38-43-44-27-68-000-0390; 38-43-44-27-68 000-0380; 38-43-44-27-68-000-0370; 38-43-44-27-68 000-0410 and 38-43-44-27-68-000-0420

**Size:** +/- 0.7626 acres

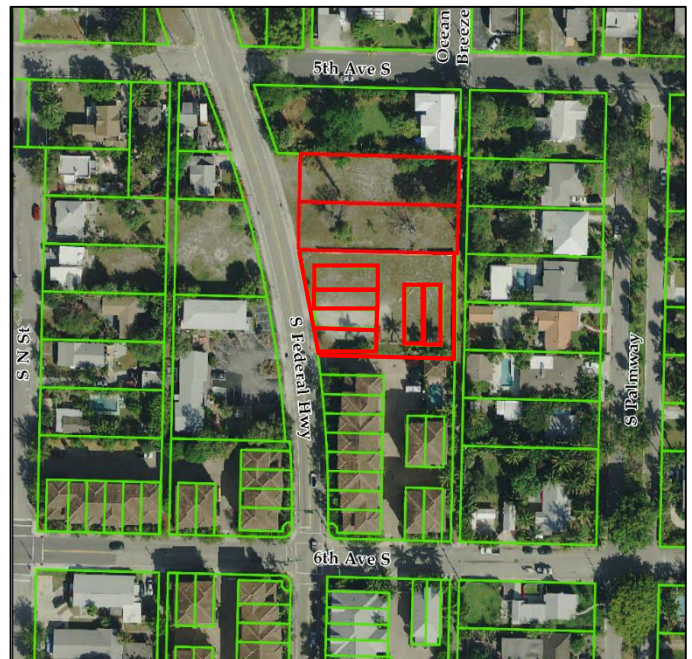
**General Location:** South of 5<sup>th</sup> Avenue South, between South Federal Highway and South Palmway

**Existing Land Use:** Vacant

**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 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 and 3 of this report.

## PROJECT DESCRIPTION AND HISTORY

The applicant, Daniel Ryan, is requesting a recommendation to the City Commission for approval of a final plat for the properties at 508, 510, and 530 South Federal Highway, commonly known as the Cloisters Phase IV project.

The subject project received Planning and Zoning Board (PZB) approval for a Major Site Plan Amendment and Sustainable Bonus Program Incentive Program to construct 15 townhome units as Phase IV of the Cloisters project (PZ #18-001400014) on July 17, 2019. Subsequently, time extensions have been issued that extend the approval to July 28, 2024.

The plat will accommodate the townhomes in 15 fee-simple lots. The plat also proposes a common area tract and establishes a limited access easement. Additional utility easements will be recorded separately and required prior to the issuance of building permits.

## PUBLIC COMMENT

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

## 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), Director of Community Sustainability, and consultant surveyor have reviewed the final plat 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 plat, 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. Prior to City Commission approval, all data/documentation required per LDR Section 23.5-2(h)(4) shall be provided.

### Utilities – Water & Sewer

1. Before the issuance of a Building permit, any required utility easements must be recorded.

### Utilities – Electric

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. The location of the pad-mount transformers for the buildings shall be indicated. The transformer locations must be accessible to our vehicles, and must have 10-ft minimum clearance in front of them and 4-ft clearance to the side or rear, including landscaping. They also must not be under or inside a structure.
2. Before the issuance of a Building permit, a 10-ft wide utility easement shall be required for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
3. Before the issuance of a Building permit, the utility easement must be recorded.

4. Before the issuance of a Building permit, any other services that will be needed for the project such as irrigation, lift station, lighting, gates, etc., shall be indicated and where these services will be. The primary power line is to the east of the property and the electric service will be provided from this side.
5. Developer to show the location of the meter center on the site plan.
6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

#### BOARD POTENTIAL MOTION:

I MOVE TO **RECOMMEND APPROVAL** of PZB Project Number 21-01100001 with staff-recommended conditions for a final plat for the Cloisters Phase IV 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 Number 21-01100001 for a final plat for the Cloisters Phase IV 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 plat.*

#### ATTACHMENTS

- A. Plat
- B. Survey
- C. Letter of Conformity

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 23-0000021:** Request by the City of Lake Worth Beach Leisure Services for the approval of a two (2) murals located on the south and east façades of the Palm Beach County Fire Rescue (PBCFR) Station 91 at 1020 Lucerne Avenue. The subject site is zoned Public (P) and has a future land use designation of Transit Oriented Development (TOD).

**Meeting Date:** December 6, 2023

**Property Owner:** City of Lake Worth Beach

**Applicant:** Rudolph R. Galindo, Assistant Director, City of Lake Worth Beach Leisure Services

**Address:** 1020 Lucerne Ave

**PCN:** 38-43-44-21-15-014-0010

**General Location:** Frontage on Lucerne Avenue, North G Street, and North H Street

**Existing Land Use:** Municipal

**Current Future Land Use Designation:** Transit Oriented Development (TOD)

**Zoning District:** Public (P)

**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. Staff recommends that the Planning and Zoning Board reviews this information to determine the appropriateness of the proposed murals. If the Planning and Zoning Board approves the request, conditions of approval have been provided on page 4 of this report.

A rendering of the murals is included as **Attachment A**. Additional information including the mural specifications and artist credentials are included as **Attachment B**.

## PROJECT DESCRIPTION

The City of Lake Worth Beach Leisure Services Department is requesting approval for two (2) new murals on the south and east façade of the PBCFR Station 91 at 1020 Lucerne Avenue. The south façade, fronting Lucerne Avenue, will contain a mural that will depict a scene with an American flag, a historic fire department, firefighters, and lettering that signifies the fire station. The east façade, fronting North H Street, will contain mural lettering that identifies the battalion and fire trucks. The subject property has frontage on Lucerne Avenue, North G Street, and North H Street.

According to the applicant, the mural on the south façade pays homage to the first Lake Worth Fire Department crew. It also shows the transition from the past to the present of the City's fire department.

## PUBLIC COMMENT

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

## BACKGROUND

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

**Construction:** The existing structure was constructed in 1972.

**Use:** Municipal.

**Code Compliance:** There are no active code cases associated with this property.

## ANALYSIS

### [Consistency with the Comprehensive Plan and Strategic Plan](#)

The City's Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City's Strategic Plan Pillar III.D is to "Inspire arts and culture through City through events and programs." Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

### [Consistency with the City's Land Development Regulations](#)

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

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

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

**Analysis:** The Planning and Zoning Board is tasked in LDR Section 23.5-1(e)(13) with determining the appropriateness of the mural. As proposed, one of the murals will be painted on the side façade of the building which fronts Lucerne Avenue. Staff recommends that the Planning and Zoning Board determine if this location is visually compatible. The applicant confirmed that the mural on the south façade will not cover existing windows. Furthermore, the fire station lettering is not deemed commercial messaging and is therefore considered to satisfy the requirements in LDR Section 23.5-1(e)(13). The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(l), which specifies community appearance review criteria. The criteria are listed below and include staff's analysis.

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

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

**Analysis:** The mural installations appears to be of good taste and good design. The mural on the south façade illustrates a scene with an American flag, a historic fire department, firefighters, and lettering. The mural on the east façade contains lettering that identifies the battalion and fire trucks. The murals are consistent with the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

**Analysis:** The proposed murals will be painted by graffiti artist Bulk Styles. The proposed murals appear to be of a high quality, and will not cause harm to the local environment.

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

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

4. The proposed structure or project complies with this section and 23.2-29, as applicable.

**Analysis:** The subject property, 1020 Lucerne Avenue, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

## CONCLUSION AND CONDITIONS

The proposed murals conform with good taste and design; and are in harmony with the area as required by and consistent with the City's Land Development Regulations. Staff recommends that the Planning and Zoning Board reviews

this information to determine the appropriateness of the proposed murals. If the Planning and Zoning Board approves the request, conditions of approval have been provided below:

#### **Planning and Zoning**

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of the murals.
2. This approval does not include any physical alterations to the building's exterior aside from mural installation. Windows shall not be painted.
3. Prior to the approval of the building permit, a mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County by the applicant.

#### **BOARD POTENTIAL MOTION:**

I MOVE TO APPROVE PZB PROJECT NUMBER 23-00000021 for two (2) **mural** installations for the structure located at **1020 Lucerne Avenue**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 23-00000021 for two (2) **mural** installations for the structure located at **1020 Lucerne Avenue**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.]

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

#### **ATTACHMENTS**

- A. Proposed Mural
- B. Additional Information