



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, SEPTEMBER 07, 2022 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. [August 3, 2022 Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [1749 3rd Ave S- Public Works Facility](#)
- 2) HYPERLINK "appISd713cec99e744cb2908305f828a12886" [PZB 22-01500003 - Blockson Variance](#)  
[PZB 22-00500009 - CA Precision](#)  
[PZB 22-00500010 - Peter's Appliances](#)  
[PZB 22-01400020 - Self Storage](#)
- 3) HYPERLINK "appIS94dad79d3a154f58943b8fb38bae9d44" [1800 4th Ave North- Crypto](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

A. Election of the PZB Chair and Vice Chair

**NEW BUSINESS:**

A. **PZB 22-1400020:** A major site plan, conditional use permit and sustainable bonus requests 2202 Lake Worth Rd to construct a 4 story, 99,800 sf self-storage facility. The sustainable bonus request is for an additional 2- stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

[This item is continued to the next PZB meeting on October 19, 2022.](#)

- B.** [HYPERLINK "appIS7d6752034f8d4a9eba5b281f176b9fba" PZB 22-01400010: Consideration of a request for a Major Site Plan and Conditional Use Permit to construct a new +/-16,803 square foot Public Works fleet maintenance facility, offices and emergency operations center \(EOC\) to replace the existing fleet maintenance facility at 1749 3rd Ave S. The subject site is zoned Public \(P\) and has a future land use designation of Public \(P\).](#)
- C.** [PZB 22-01500003 - Consideration of a Variance to the maximum required fence height for a perimeter concrete wall at 1802 Pierce Dr. The subject site is zoned Single Family Residential \(SFR\) and has a future land use designation of Single Family Residential \(SFR\).](#)
- D.** [PZB 22-00500010: A Conditional Use Permit \(CUP\) Peter's Appliances & More at 1321 North Dixie Highway for the establishment of an ±7,000 square foot appliance retail facility designated as Single Destination Commercial use by LDR Section 23.3-6 \(Medium Intensity Commercial Uses—Use area less than 7,500 square feet and/or medium intensity impact uses\). The subject site is zoned Mixed Use-Dixie Highway \(MU-DH\) and has a future land use designation of Mixed Use-East \(MU-E\).](#)
- E.** [PZB 22-00500011- A Conditional Use Permit \(CUP\) request by Hodl Associates LLC at 1800 4th Avenue North Unit C for the establishment of a ±9,600 square foot, High Intensity Industrial Use, Factory or Manufacturing facility. The subject site is zoned Industrial Park of Commerce \(I-POC\) and has a future land use designation of Industrial \(I\).](#)
- F.** [PZB 22-00500009 - A Conditional Use Permit \(CUP\) request by CA Precision at 1106 5th Avenue South for the establishment of a manufacturing facility for prototypes designated as Fabrication Services/Manufacturing/Processing/Assembly excluding retail display and sales use. The subject site is zoned Artisanal Industrial \(AI\) and has a future land use designation of Artisanal Mixed Use \(AMU\).](#)

**PLANNING ISSUES:**

**PUBLIC COMMENTS** (3 minute limit)

**DEPARTMENT REPORTS:**

- A. The October PZB meeting has been rescheduled to October 19, 2022 due to the Yom Kippur holiday.

**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 REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, AUGUST 03, 2022 -- 6:15 PM**

Board Secretary administered oath of Planning & Zoning Board to the following new members:

Alexander Cull, Evelin Urcuyo and Daniel Walesky.

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Mark Humm, Edmond LeBlanc (Chair Pro-Tem), Zade Shamsi-Basha, Alexander Cull, Daniel Walesky, Evelin Urcuyo. Absent: Juan Contin. Also present were: 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**

The City Public Works Facility site plan will be heard at the September meeting. Item to be continued until that time.

**Motion:** Z. Shamsi-Basha moves to continue the item to the September 2022 Planning & Zoning Board meeting; E. Urcuyo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**APPROVAL OF MINUTES:**

A. April 20, 2022 Regular Meeting Minutes

**Motion:** M. Humm moves to accept the April 20, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

June 1, 2022 Regular Meeting Minutes

**Motion:** M. Humm moves to accept the June 1, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

June 15, 2022 Regular Meeting Minutes

**Motion:** M. Humm moves to accept the June 15, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 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 within the meeting packet.

- 1) Gifted Kids Therapy & Demand Distribution
- 2) 930 North G Street-Lake Worth Station & Fleet Maintenance (Public Works Facility)

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

## **PUBLIC HEARINGS:**

*Board Attorney discusses the impartiality required to make decisions as a member of a quasi-judicial Board. Disclosures are characterized as demonstrated prejudice/bias for or against a party, direct/indirect monetary gain, prejudgment of the issues prior to hearing the facts on record and ex-parte communications or personal investigations.*

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS:**

- A. PZB 22-00500007:** A Blanket Conditional Use requesting approval of several medium and low intensity conditional uses as provided for in LDR Section 23.3-6 located at 409 South Dixie Highway. Gifted Kids Therapy is requesting consideration of the establishment of an applied behavior analysis center designated as an outpatient clinic/medical office use by LDR Section 23.3-6. 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. The request is for a blanket conditional use, to include several types of businesses as proposed by the property owner. By applying for the blanket conditional use for the site, future tenants of certain business types, would not be required to come before the Board for conditional use approval. The applicant is Gifted Kids Therapy applying for an Outpatient Clinic/Medical Use occurring within the 5,420 square foot structure. Ten other types of businesses are included. The uses will run with the land, there are 6 units.

**Applicant:** Yigsy Lemos for Gifted Kids Therapy.

**Property owner:** Mr. Zabir Esmail - current tenants include an insurance agency, nutrition center and pet crematory.

## **Board:**

1. Where will refuse pickup be located on property? Is the applicant in agreement with losing two parking spaces to an enclosure? **Response:** The amount of generated refuse is low and will only require individual containers as opposed to the locating of a dumpster. Public services will make the determination if an enclosure would be feasible.
2. Per condition #2a, the operation is restricted to weekdays, should be allowed weekends without coming back before the Board. **Response:** Staff states that as a Medical Office

type business, the supplementary regulations, by code, govern the hours and days of operation. The applicant could apply for a waiver if needed. Applicant states later hours and weekends are not needed.

**Motion:** Z. Shamsi-Basha moves to approve PZB 22-00500007 with staff recommended Conditions of Approval based upon competent, substantial evidence provided in the staff report and in the testimony at the public hearing; A. Cull 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. PZB Project Number 22-00500006:** Consideration of a Conditional Use Permit request to establish wholesale/distribution facility use in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North. The request is to establish the proposed use ( $\pm 8,000$  square feet) within the current  $\pm 34,657$  square foot industrial building.

**Staff:** S. Rodriguez presents case findings and analysis. Previous site development conditions from 1993 required the drainage/landscape retention area on the NW corner of the property be improved within the year. This did not occur and remains unimproved. The property owner has agreed to provide these improvements at this time. The request before the Board is for a wholesale distribution service. The business supplies convenience stores and gas stations with products and is does not offer any retail services.

**Applicant:** Chris Curtis, Rezaul Khan- Repacking and supplying their own convenience stores (@100) and gas stations. Normally supplies are loaded onto pickup trucks for delivery between West Palm Beach south through Miami; North to Jacksonville via UPS.

**Board:** What is the time frame for the site improvement? Does staff have the ability to extend the time frame for the site improvement? **Response:** The owner would receive the enforcement notice, if not completed within the timeframe. A staggered approval could be a solution. The condition could be modified. Board members would like to amend Condition 1. Utilities Water, Sewer, & Stormwater to 6 months to submit a plan for permit with a total of 18 months to completion. **Board:** Are the tenants already conducting business from this location? **Response:** No.

**Motion:** D. Walesky moves to approve PZB 22-00500006 with staff recommended Conditions of Approval including an amendment allowing for 6 months to apply for a permit and a total of 18 months to complete improvements; this based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing; 2<sup>nd</sup> E. Urcuyo.

**Vote:** Ayes all, unanimous.

**C. PZB Project Number 22-00900002 (Ordinance 2022-15):** Consideration of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "Lake Worth Station" located at 930 N G Street to construct a 5-story, 81 dwelling unit mixed use development with 39 multi-family units proposed to qualify as workforce housing and office space. The sustainable bonus request is for additional density and height. The property is zoned Transit Oriented Development – East (TOD-E).

**Staff:** E. Sita presents case findings and analysis. Explains reasons for the many application types. The color palette has been updated since the one provided within the meeting packet to a lighter toned palette. A Planned Development application allows innovative development techniques on the part of the developer through incentives. This can be in the form of a relaxed or waived code requirements i.e. reduction of side setback which will allow for a more substantial landscape buffer. The second request is the reduction in square footage for a one-bedroom unit

from 600 square feet to 584 square feet. Higher density is also achieved by providing 39 units of Workforce housing. A table within the staff report shows the base zoning district requirements; what the Planned Development with Sustainable Bonus allows and what is being provided by the applicant. Proposed on-street parking will total 12 spaces. Other off-site improvements are the alley improvement (re-milling and paving) to the east; a sidewalk along the west side of North G Street. Staff explains how the Sustainable Bonus program works with an application for a Planned Development and how the monetary contribution to the trust account with the City performs. The current total incentive value is \$391,350.00. Half of that amount (equating to \$195,675.00) shall be deposited into the fund, the other half is in qualifying improvements.

On-site improvements: Green Building Certification-93K; sidewalk improvement on the west side of North G Street-30K; Installation of a plaza-30K; a public art sculpture-50k; and deed restricted housing units. The combination will exceed the other half of the Incentive Bonus monies. In the event the developer does not provide those public amenities, that amount would also be placed in the fund.

**Agents for the owner/applicant: Anna Bella Garcia, Architect; Patricia Ramundo, Engineer**

The structure will have available, as part of the mixed-use component, four (4) co-work spaces and meeting space for rent. The 5<sup>th</sup> floor will feature a BBQ area and recreation space for residents. Floors 2-4 feature identical floor plans with one-bedrooms nearest to the center and larger units on either end. Parapets will be of sufficient height to screen the rooftop mechanical equipment.

**Agent for the owner:** The architect has intended to respect the owner wishes with regard to the color palette and changes to the original renderings.

**Board:** Questions and concerns about the turning motions from the project onto 10<sup>th</sup> Ave N.

**Response:** The opening allows for right in right out only. There is no alleyway access from the project thus prohibiting drivers from the project utilizing the alley to proceed west on 10<sup>th</sup> Ave N. Staff explains the traffic motions are examined by city engineer. **Agent:** There is a channelized island in 10<sup>th</sup> Ave N preventing a left motion into the project.

**Staff:** Workforce housing is a PBC program. Units are deed restricted until the City program is adopted in the near future. Workforce Housing is defined 80-140% of county median income @ 70K for a household of four. The Mid is not deed restricted, most affordable nice unit. Low range rent (1 bedroom) is approximately \$1,035-1380; moderate \$1380-\$1725.

**Owner:** The potential tenants will be compared to the County table for income categories to see how they meet the qualifying parameters for any unit. They will present tax returns, payroll statements, if a couple it is a combined calculation. **Board:** Is it by lottery? **Response:** No, first come first serve. **Board:** Has a mural been considered? **Agent for the owner:** It is difficult considering the orientation of the building to the road frontage, the long side is not as visible and would be very up-close. **Board:** Is it required since LULA is approving the sculpture, must they choose from a local artist? **Staff:** Staff and Board do not dictate who the artist should be, a recommendation may be made however there may not be a local sculpture who creates commercial grade outdoor sculptures. **Board:** Inquiries regarding landscaping. **Agent for the owner Andres Montero, Landscape Architect:** The landscape requirements have been met and exceeded. All trees are native and only a few palms are non-native. There is an existing Live Oak on site that will be retained. The majority groundcover will be native grasses. **Board:** Are the parking spaces assigned? No, of the 98 spaces the tandem spaces will be assigned to the 2-bedroom units; the EV spaces will be assigned. **Board:** Why was the unit size diminished? **Response:** Due to unit configuration, the amount was less than 3%. **Board:** Concerns with

project being 5-story as opposed to what's allowed by right. **Response:** The Planned Development (PD) in functioning as a zoning district, provides for the height to go to 68.75 feet but the proposal is for 54 feet 10 inches.

**Public Comment:** Katherine Cleary, 1017 North H St has concerns with the lack of parking, traffic congestion and accidents in the area. States parking is crazy due to businesses that do not have enough parking for their businesses.

Steve Sprague, Tuppens Marine-1032 N G St has concerns about the parking and how can the parking for so many units can be accommodated without harming local business in the area. Believes its not a safe place for families near the railroad and the 5-story height will be an eyesore.

**Board:** Query as to whether the category mix can be changed. The County requires 25% of the workforce units be available in each category. Developer has restricted themselves to the 3 lowest categories. Recommendation the re-arrangement for the low category have 10 units available rather than 9.

**Owner:** The table is instituted by Palm Beach County. If people do not apply for the lower category, the developer is obligated to offer or fill the lower categories, rent down rather than up. The developer will not leave a unit vacant for a period of time. The cost of rent will increase over time. There is a deed restriction in effect already for thirty years. It took six months to proceed through the PB County workforce housing process. A five (5) story building was designed that included workforce housing. The developer believed a seven (7) story structure would be too intense for the site, as a result a five (5) story structure was designed. Should the developer elect to withdrawal this proposal, the parcel can support, by right, a three (3) story structure with 65 market rate units and 102 parking spaces.

**Motion:** A. Cull moves to recommend approval of PZB 22-00900002 (Ordinance 2022-15) to the City Commission with the amendment to Exhibit B decreasing the mid-range workforce housing units available from 10 to 9 and increasing the low range category inventory from 9 to 10. E. Urcuyo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** The annual organizational meeting will be held next month electing the Board Chairman and Vice-Chair.

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

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** Board members welcome the newly appointed Board members. Questions about when the Comprehensive Plan will be updated. Erin defines the role of the Board. As a designated Local Planning Agency, they will provide a recommendation to the City Commission. Staff usually does a LDR "clean-up". If the Board would like a LDR or policy change that would be brought to the attention of the City Commission. The City Commission decides if that is a change they would be willing to review. RE: Residential Parking only possible? Existing non-conformities are allowed to remain until some action triggers a change, it is vested. The Florida Building code is different from the LDR's. A residential parking permit process may be on the City Commission radar.

**ADJOURNMENT:** 8:33 PM



## Legal Notice 40647

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 3, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 22-01400010:** Consideration of a Major Site Plan and Conditional Use Permit request to construction of a new 16,803 square foot fleet maintenance, public works offices and emergency operations center (EOC) to replace the existing fleet maintenance facility at 1749 3rd Ave S. The subject site is zoned Public (P) and has a future land use designation of Public (P).

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

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

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

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Publish: The Lake Worth Herald  
July 21, 2022

Legal Notice No. 40844

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, **September 7, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 22-00500010:** Consideration of a Conditional Use Permit (CUP) Peter's Appliances & More at 1321 North Dixie Highway for the establishment of an ± 7,000 square foot appliance retail facility designated as Single Destination Commercial use by LDR Section 23.3-6 (Medium Intensity Commercial Uses—Use area less than 7,500 sq. ft. and/or medium intensity impact uses). The subject site is zoned Mixed Use-Dixie Highway (MU-DH) and has a future land use designation of Mixed Use-East (MU-E).

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

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Publish: The Lake Worth Herald  
August 25, 2022

Legal Notice No. 40843

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, **September 7, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 22-00500009:** Consideration of a Conditional Use Permit (CUP) request by CA Precision at 1106 5th Ave S for the establishment of a manufacturing facility for prototypes designated as Fabrication Services/ Manufacturing/ Processing/ Assembly excluding retail display and sales use (less than 7,500 square feet) by LDR Section 23.3-6. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed Use (AMU).

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Publish: The Lake Worth Herald  
August 25, 2022

Legal Notice No. 40845

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, September 7, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 22-01400020:** Consideration of a major site plan, conditional use permit and sustainable bonus requests 2202 Lake Worth Rd to construct a 4 story, 99,800 sf self-storage facility. The sustainable bonus request is for an additional 2- stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

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

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

Publish: The Lake Worth Herald  
August 25, 2022

Legal Notice No. 40841

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, September 7, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 22-01500003:** Consideration of a variance to the maximum required fence/wall height for a perimeter concrete wall at 1802 Pierce Dr. The subject site is zoned Single-Family Residential (SFR) and has a future land use designation of Single-Family Residential (SFR).

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

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

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Publish: The Lake Worth Herald  
August 25, 2022

## Public Notice



Published in South Florida Sun-Sentinel, Ft. Lauderdale on August 28, 2022

### Location

Broward County,

### Notice Text

public notice PLEASE TAKE NOTICE that the City of Lake Worth Beach s Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on Wednesday, September 7, 2022 at 6:00 pm or as soon thereafter to consider the following application. PZB Project Number 22-00500011: Consideration of a Conditional Use Permit (CUP) request by Hodl Associates LLC at 1800 4th Avenue North Unit C for the establishment of an 9,600 square foot facility designated as Factory or Manufacturing use by LDR Section 23.3-6 (High Intensity Industrial Uses Use area more than 7,500 sq. ft. and/or high intensity impact uses). The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>. Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required. 8/28/2022 7279065

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-01400010:** Consideration of a request for a **Major Site Plan and Conditional Use Permit** to construct a new +/-16,803 square foot fleet maintenance, offices and emergency operations center (EOC) to replace the existing fleet maintenance facility at 1749 3rd Ave S. The subject site is zoned Public (P) and has a future land use designation of Public (P).

### Location Map:



**Meeting Date:** September 7, 2022

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

**Applicant:** Donald Wilkins of ACAI Associates on behalf of the City of Lake Worth Beach Public Works Department

**Address:** 1749 3<sup>rd</sup> Ave South

**PCNs:** 38-43-44-28-28-009-0010

**Size:** +/- 4.6271 ac Lot / 15,369 sf Existing Structures

**General Location:** West of South A Street and generally to the northeast of the intersection of I-95 and 6<sup>th</sup> Avenue South.

**Existing Land Use:** Government/Utility

**Current Future Land Use Designation:** Public (P)

**Zoning District:** Public (P)

## 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 and Conditional Use Permit (CUP)** are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 5 of this report.

## PROJECT DESCRIPTION

The applicant, Donald Wilkins of ACAI Associates on behalf of the City of Lake Worth Beach Public Works Department, seeks approval for the construction of a new 16,803 square foot fleet maintenance (vehicle repair), public works offices and emergency operations center (EOC) to replace the existing fleet maintenance facility. This subject application is the first phase of a two-phase project to redevelop the subject property. Phase 2 will require a subsequent approval and future funding, and will include the demolition of the existing fleet warehouse and the removal of impermeable surfaces as conditioned.

## 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 warehouse and office buildings were originally constructed in 1963.

**Use:** The subject site is 4.6271-acre parcel, which is part of the approximately 17.72-acre City property utilized for both Public Works and City Utility uses. The existing uses on the property will remain and be expanded with the construction of the new building.

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

## ANALYSIS

### *Consistency with the Comprehensive Plan and Strategic Plan*

Per Section 23.3-26 of the Land Development Regulations, "...the Public district designates locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility facilities. Because of the diverse variety of uses permitted in the Public district and the mapping of the district throughout the city, all uses are permitted as conditional uses. The P public district implements the P public land use category of the Lake Worth Comprehensive Plan."

Per Policy 1.1.2.13: *Locational Criteria for the Public and Public Recreation and Open Designations*: "The Public ... land use designations are mapped on sites where such uses already exist. The mapping of these uses on these sites indicates that no alternative use of these sites should be established without a properly considered and enacted Future Land Use Map amendment." The proposal is consistent with the location criteria policy for the siting of city facilities. The proposal will be developed at the same location as the existing fleet maintenance facility.

The City's Strategic Plan sets goals and ideals for the City's future vision and lays out methods to achieve them. The proposal, if approved, would be consistent with Strategic Plan Pillar I.E: Provide superior public amenities and services to retain existing and entice new residences and businesses and Pillar II.C: Sustain infrastructure investments. The proposed structure will allow for new Emergency Operations Center (EOC) facilities, new office space and new facility repair facilities.

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

#### Consistency with the Land Development Regulations

**The Public District** designates locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility facilities. Because of the diverse variety of uses permitted in the "public district" and the mapping of the district throughout the city, all uses are permitted as conditional uses. The P public district implements the P public land use category of the Lake Worth Comprehensive Plan.

**Analysis:** The proposed development of the replacement fleet maintenance facility with associated site improvements is consistent with the intent of the Public zoning district as conditioned. The analysis for the Major Site Plan and CUP is provided in this section below. The Major Site Plan and CUP are consistent as conditioned 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:

Development Standard		Base Zoning District Public (P)	Provided
Lot Size (min) In square feet (sf)		6,500 sf.	202,154.71 +/-4.641 acres
Lot Width (min)		50 ft.	
Setbacks	Front (min)	20'	92' 11"
	Rear (min)	10'	20'
	Side (min)	20'	<b>94' 10" South</b> <b>474' North</b>
Impermeable Surface Coverage (maximum)		65%	70%* (Condition of Approval to reduce to 65% in Phase II)
Building Height (max)		65' with additional setbacks for buildings taller than 35'	28' to Top of Parapet
Maximum Wall Height at Side Setback		N/A	N/A
Floor Area Ratio (FAR) (max)		2.0	0.18
Parking		60	60

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

**Analysis:** The proposed dumpster location in the SW corner of the project area was reviewed by Public Works and Planning & Zoning staff for consistency with the City's size and screening requirements. The proposed dumpster was determined to be appropriately located and screened from the adjacent residential use and public rights-of-way.

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

**Analysis:** A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3. 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 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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

**Analysis:** The new building would require approximately 41 parking spaces with the combined mix of office and vehicle repair uses. The existing fleet facilities warehouse building will be utilized as a mix of warehouse uses with a required parking of approximately 18 spaces. The total combined parking for the parcel is 60 spaces, and 60 spaces are provided.

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

**Analysis:** There two areas that are intended to use for loading. The first in the adjacent to the double doors on the north side of the building to be parts into the parts’ storage area. The second loading area is in the rear (south) of the building adjacent to the tire storage area. Staff has proposed a condition of approval that these areas will be striped as designated loading zone areas at building permit.

**Signage:** Signage is required to comply with the size and design requirements in the Land Development Regulations. Use related signage has not been proposed as part of this proposal. If signage if proposed in the future, it will be reviewed at building permit for consistency with these requirements.

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

**Analysis:** The existing development area located on the northern half of the property has impermeable area of approximately 77%. The proposed development is located on the southern half of the property, which is currently mostly vacant except for a large paved area. The proposed impermeable surface area of the proposed development is 61%, which is 4% less the maximum permitted in the Public zoning district (65%). Staff has proposed a condition of approval that entire parcel shall comply with the maximum of 65% by requiring the property owner to remove impermeable surface from the northern half of the parcel in Phase 2 of the applicant’s redevelopment of the parcel. In Phase 2, Public Works staff has stated that the City will demolish the existing warehouse building and redevelop the northern half of the parcel at a later date.

#### **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 (including vehicular use areas):**

The proposed improvements to the site circulations, landscaping and architecture are consistent with the site design qualitative standards. The site is an existing non-conforming site that does not utilize the maximum development potential. Further, reconfiguration of the driveway entrance to Montrose Street will provide a safer and more attractive site circulation. The parking, loading areas, and building will be appropriately screened from the adjacent residential home to the south, Sunrise Court, and Montrose Street. A new dumpster enclosure is proposed on the rear of the new building; this improvement is properly screened as required, and location is deemed appropriate for pick-up services by Pubic Works. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site and the existing conditions.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Public (P)	Public (P)	Public Works / Utility Uses
South	Public (P) / Artisanal Mixed Use (AMU)	MF-20 / Public Recreation & Open Space	Multi-family Residential / Sports Field & Recreation Pavilion
East	Public (P)	Public (P)	Recreation / Sports Fields
West	Public (P)	Public (P)	Utility Uses

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

**Community Appearance Criteria:**

The existing northern half of the development is 77% impervious with limited landscaping areas along Montrose Street. The proposed new building and concurrent site improvements represent a substantial improvement in the general appearance of the property by providing new landscape screening around the perimeter of the property and improving site circulation. The proposed architecture of the building is appropriate and in harmony with the surrounding public and residential uses. Overall, the proposed site plan amendment represents a substantial improvement in the visual appearance of the property.

**Conditional Use Findings (Attachment B)**

The proposed conditional uses (vehicle repair major & minor/office) are existing uses on the property and are proposed to be relocated / expanded to the new building. These uses are not anticipated to impact the surrounding area greater than uses permitted by right or greater than the same uses on the property, which currently existing on the property and are permitted by right. As the number of employees are not anticipated to increase, no additional trips are associated with the proposed relocation/expansion of the vehicle repair and office uses. There are no anticipated impacts to public services, including police, fire, water and sewer. The proposal also provides enhanced external screening around the eastern and southern perimeter of the property. Therefore, the proposed use and concurrent site improvements adequately screen the facility, including the dumpster and parking areas.

**CONCLUSION AND CONDITIONS**

The Public district is intended “to designate the location of publicly owned facilities” and to provide development regulations that are appropriate for this diverse district that encompasses both utility, industrial, educational, and office uses. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in

this report and the supporting materials by the applicant, the proposed site improvements, including the construction of a new building, landscaping, lighting and site improvements will enhance the adjacent streetscape and provide an improved condition over the existing site conditions. Further, the proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site and streetscape. Therefore, a recommendation of **approval with conditions** is provided to the PZB with the following conditions:

#### **Planning & Zoning**

1. Redevelopment of the northern portion of the parcel (Phase 2), shall reduce the overall impermeable surface of the entire parcel to a maximum of 65%
2. If signage is proposed at a later date, signage shall be reviewed at building permit for consistency with the requirements Land Development Regulations. Signage shall be installed in the general area depicted in the architectural renderings and elevations.
3. Prior to the issuance of a building permit, the landscape plans shall be updated to comply with the 75% native requirement for shrub areas and groundcovers.
4. Prior to the issuance of a building permit, the landscape plans shall be updated to reflect the substitution of some of the proposed tree species along the south and east property lines to avoid conflicts with utility lines and easements. Staff recommends that small maturing tree such as Silver Buttonwood or medium maturing trees such as Pigeon Plum, Dahoon Holly or Pitch Apple trees be planted in these locations.
5. If a Traffic Performance Standards letter is required by PBC, the applicant shall provide the TPS letter prior to the issuance of building permit.
6. Prior to the issuance of a building permit, the proposed lighting fixtures shall be reviewed for consistency with the Dark Sky guideline and shall have warm tone of 3000 K or less.

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

I move to **approve with conditions** PZB 22-01400010, a request for a Major Site Plan and 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** PZB 22-01400010, a request for a Major Site Plan and Conditional Use Permit. The project does not meet the review 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 and Major Site Plan. The Applicant may appeal the Board's decision to the City Commission.*

#### **ATTACHMENTS**

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

## ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p><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>	In Compliance
<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. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	Not Applicable
<p><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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance
<p><b>9. Coordination of on-site circulation with off-site circulation.</b> The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	In compliance

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

**10. Design of on-site public right-of-way (ROW).** On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**

**11. Off-street parking, loading and vehicular circulation areas.** Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

**12. Refuse and service areas.** Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

**13. Protection of property values.** The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

**14. Transitional development.** Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**

**15. Consideration of future development.** In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

<b>Section 23.2-31(d) - Qualitative Buildings, generally</b>	<b>Analysis</b>
<p><b>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</b></p>	<b>In compliance</b>
<p><b>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</b></p>	<b>In compliance</b>
<p><b>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.</b></p>	<b>In compliance</b>

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **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.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not Applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

<b>Section 23.2-31(h) – Criteria for parking lots and vehicular use areas</b>	<b>Analysis</b>
<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>	<b>In compliance</b>
<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>	<b>In compliance</b>
<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>	<b>In compliance</b>
<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>	<b>In compliance</b>

<b>Section 23.2-31(l) – Community Appearance Criteria</b>	<b>Analysis</b>
<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>	<b>In compliance</b>
<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>	<b>In compliance</b>
<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>	<b>In compliance</b>
<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>	<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</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</i>	<b>In compliance</b>

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

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
  
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**



## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-01500003:** Request by Paul and Carla Blockson for consideration of a Variance to the maximum required fence height for a perimeter concrete wall at 1802 Pierce Dr. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Meeting Date:** September 7, 2022

**Property Owner:** Paul B. Blockson & Carla Blockson

**Applicant:** Paul B. Blockson

**Address:** 1802 Pierce Dr

**PCNs:** 38-43-44-16-10-000-1000

**Size:** 0.34-acre lot / ±4,150 square feet of existing structure including two sheds in the rear

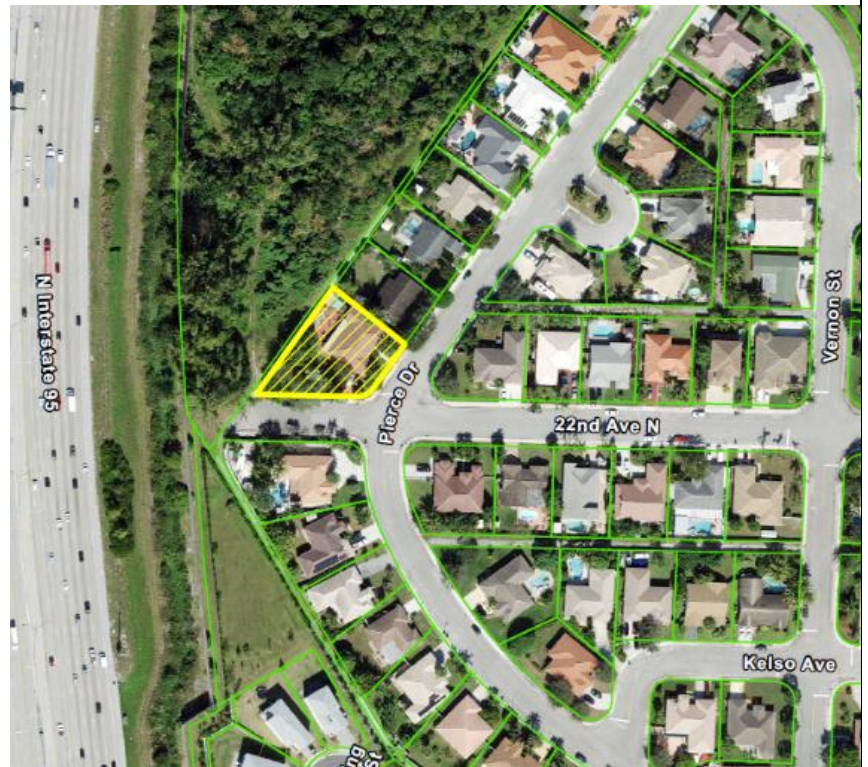
**General Location:** South 1800 block of Pierce Drive

**Existing Land Use:** Single-family Residential

**Current Future Land Use Designation:** Single Family Residential (SFR)

**Zoning District:** Single Family Residential (SFR)

**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 variance request is consistent with the variance criteria in the LDRs. Therefore, staff is recommending approval of the subject variance application.

## PROJECT DESCRIPTION

The applicant, Paul B. Blockson, is requesting a 2-foot **variance** to the maximum allowed fence height to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm (total 8 feet) at 1802 Pierce Dr. The site, 1802 Pierce Dr, is a single-family zoned property located in the south 1800 block of Pierce Dr. The lot currently houses a 2,970 square foot residence with two sheds and a covered patio to the rear of the residence. The subject site is surrounded by single-family zoned properties to the east and south and an open space public park to the north and south.

## COMMUNITY OUTREACH

Staff has received nine letters of support from adjacent and nearby neighbors of 1802 Pierce Drive. The letters of support are located in Attachment B.

## BACKGROUND

The subject site is a 14,840 square foot residential lot. The property is located at 1802 Pierce Dr which is within the south 1800 block of Pierce Dr. Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

- 1988 – the 2,720 square foot single family residence was constructed.
- April 19, 1989 – a 6 feet wood fence permit was approved.
- July 27, 1993 – the property received a building permit to install a 6' high wood shadowbox fence.
- May 5, 2022 - the property owner applied for a concrete wall fence (permit 22-1962) for perimeter security along the south and south east side of the property.
- June 6, 2022 – the fence permit was disapproved by zoning due to the fact that proposed wall exceeded maximum height allowed.
- July 8, 2022 - a variance application was submitted to the Department of Community Sustainability requesting a variance to the maximum required fence height for a perimeter concrete wall to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm.
- August 10, 2022 – a search of the City's database shows that there are no active code cases linked to this property.
- There are two sheds located on the property in the rear setback, which are located  $\pm 1.50$  feet from the west side property line.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units. There is currently one single family residence on the subject property. The variance being sought does not change the use of the property which will remain single family. Therefore, the proposal is generally consistent with Policy 1.1.1.2 of the Comprehensive Plan. The subject variance is associated with the placement of the 6-foot wall supported by a 2-foot earthen berm which is a minor change to the property overall. As such, review of the strategic plan is not applicable to an improvement of this scale.

Based on the analysis above, the proposed variance is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and the Strategic Plan should the PZB approve the subject variance request.

### Consistency with the City's Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City's LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Staff Analysis:** The proposed fence is generally consistent with the LDR requirements for fencing with the exception of the total height of the fence, which includes the proposed two-foot berm. The property across the street and located at 1799 Pierce Dr received a similar variance in 2008, for a six-foot pre-cast wall. There is an existing shed located in the southwest corner of the property within the required setback encroaching into the proposed wall. Staff is recommending a condition of approval to demolish or relocate the shed inside the proposed wall and consistent with the setback requirements of 5 feet on the west property line and 7.02 feet on the south property line.

The data and analysis below review the application against the regular findings for approval for all variance requests:

### **Section 23.2-26(b) Regular findings of approval**

The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the application against this section which the analysis outlined as follows:

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant.

**Staff Analysis:** A wall/fence height variance was previously granted to the property located at 1799 Pierce Drive, which is across the street (22<sup>nd</sup> Ave North) from the subject site, to allow a wooden fence to be replaced with a six-foot pre-cast wall (PZB 08-01500003) on top of a 2-foot berm. The property located at 1799 Pierce Drive has similar land conditions that do not apply to general surrounding neighborhood, including an elevation change along 22<sup>nd</sup> Ave North street. Further, the applicant has discussed several special circumstances for PZB consideration in their justification statement. The applicant states that the subject property adjoins the city's property and constantly contacts the police because of disturbances made by dirt bikes and other larger vehicles, which use the public land as a private race track. Applicant also states there have been multiple break-ins in the past and the proposed wall will eliminate that. The applicant states that adjoining city land may be developed into single family homes in the future hence having a side wall similar to their neighbors is a special circumstance. **Meets Criterion.**

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.

**Staff Analysis:** The application states that the strict application of the LDRs deprives the property owner of 1802 Pierce Dr reasonable use of the land as it relates to privacy and security. The property across the street (1799 Pierce Dr) was previously granted a variance to allow for an earthen berm, altering the height limitation on fences as compared to their neighbors. Height is measured from the natural grade of the lot. Per the City's land development regulations (LDRs) Section 23.1-12, the grade of lot is the average elevation taken immediately adjacent to the lot line on both sides of the lot line. The applicant states that the granting of the variance will be in the spirit and purpose of use and allows for a reasonable expectation of privacy and security due to the location of the property and the street grade change. The proposed wall would not be injurious to adjacent properties and would allow for reasonable expectation of privacy and security along 22<sup>nd</sup> Ave North. **Meets Criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building

**Staff Analysis:** The applicant states the proposed wall is the minimum variance which makes for reasonable use of land. The property resides on a dead-end street that abuts interstate 95. The proposed wall will be setback 5 feet from south property line. The proposed wall is consistent with the side setbacks as stated on LDR section 23.4-4 *Walls along side and rear property lines adjacent to roadways (except alleys) shall have a maximum height of six (6) feet and must be set back a minimum of five (5) feet from the property line providing a landscape screen.* Staff finds that the proposed variance is reasonable and is consistent with a variance previously granted to 1799 Pierce Drive, which has similar circumstances to the subject property. **Meets Criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

**Staff Analysis:** The application states that the proposed variance to the required 6-foot height limitation will not be injurious to surrounding properties nor will it be detrimental to the public welfare. The applicant states that the purpose of the proposed height is to protect the property from further break ins and destruction due to hurricanes. There is a property directly to the south (1799 Pierce Drive) that acquired a variance to allow the existing wooden fence to be replaced with a six-foot pre-cast wall (PZB 08-01500003). The applicant also mentions that the property adjoins city owned property, which allows use as a place of refuge and home for people. The proposed wall has a height of 6 feet on a 2-foot earthen berm for a total of 8 feet in height from the total grade. Therefore, it is more intense than what the code allows, but the proposed variance would not be unduly injurious to contiguous property and the surrounding neighborhood. **Meets Criterion.**

## CONCLUSION AND CONDITIONS

Based on staff's analysis, the required findings can be made with respect to the variance request complies with all the variance criteria outlined above. Staff is recommending conditions of approval that clearly identify the location of the berm as consistent with the criteria that the minimum variance is granted needed to allow for reasonable use of the land as it relates to the variance. Further, staff is recommending that the PZB discuss the applicant's request for the location of the berm and staff's conditions of approval to determine if the request is consistent with that criteria. Therefore, staff is recommending approval of this application with conditions:

1. The shed located in the SW corner of the property shall be demolished or relocated to a location consistent with the required setbacks of the zoning district. A building permit shall be required to demolish or relocate the shed.
2. The earthen berm shall be located along the southern and western property lines. The berm shall be reduced along the western property line to the existing grade to a point perpendicular to the southern wall of the house.

3. The earthen berm shall be reduced to grade on the front of the parcel, so that it is even with the existing grade at the proposed aluminum gate to the south of the house.

#### BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 21-01500003 with staff recommended conditions for a **variance** to the maximum allowed wall/fence height to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 21-01500003 for a **variance** to the maximum allowed wall/fence height. The project does not meet the variance 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. Zoning Map
- B. Letters of Support
- C. Application Package (survey, site plan, landscape plan & supporting documents)

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-00500010:** A Conditional Use Permit (CUP) Peter’s Appliances & More at 1321 North Dixie Highway for the establishment of an ±7,000 square foot appliance retail facility designated as Single Destination Commercial use by LDR Section 23.3-6 (Medium Intensity Commercial Uses—Use area less than 7,500 square feet and/or medium intensity impact uses). 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:** September 7, 2022

**Property Owner:** Loretta Lutfy – LMW Realty Corporation

**Applicant:** Plinio Ventura – Peter’s Appliances

**Bay Address:** 1321 North Dixie Highway

**Parcel Address:** 1337 North Dixie Highway

**PCNs:** 38-43-44-16-07-000-0050

**Size:** 2.43-acre lot / ±26,400 square feet existing structures (±7,000 square feet use area)

**General Location:** East of North Dixie Highway between 14<sup>th</sup> Avenue North and Crestwood Boulevard

**Existing Land Use:** Commercial

**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. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 6-7 of this report.

## PROJECT DESCRIPTION

The applicant, Plinio Ventura of Peter's appliances & More LLC., is requesting a **Conditional Use Permit (CUP)** to establish a single destination commercial use ( $\pm 7,000$  square feet of use area) in the Mixed Use-Dixie Highway (MU-DH) zoning district located at 1321 North Dixie Highway. According to the property appraiser, the subject area is included in an existing  $\pm 26,400$  square foot commercial building. The building is currently configured as commercial space. No additional site improvements are being proposed with this application.

According to the applicant, Peter's appliances & More is a family owned retail store that sells affordable new open or closed box appliances. The entire use area will be utilized as retail appliance showroom for retail with the potential for future accessory supporting uses (e.g. office and installation coordination). No repair services or the storage of appliances are proposed at the subject site as part of this request. Peter's Appliances & More leases a warehouse located at Lauderdale Lakes, Florida that will receive and distribute appliances, therefore no delivery of merchandise is expected at 1321 North Dixie Highway. The company owns two vehicles that will be used for deliveries and will be stored/ parked at the warehouse location. The hours of operation are Monday through Saturday 9:30 a.m.-7:00 p.m. and Sunday from 10:00 a.m.-6:00 p.m., with a maximum number of two (2) employees. The applicant is requesting a single destination commercial use to be located within the building which will require a conditional use permit.

The single-destination commercial use designation would allow the business to provide a wide array of commercial activity and services open to the general public that typically also contains a combination of uses, including but not limited to retail, service, or business office.

A *single destination commercial* use is allowed in the MU-DH zoning district subject to a Conditional Use Permit approval.

## COMMUNITY OUTREACH

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

## BACKGROUND

**Construction:** The existing commercial structure was constructed in 1968. Per the original plans, the  $\pm 15,400$  structure (supermarket) was approved in 1962. An addition of  $\pm 10,867$  square feet was approved in 1967.

**Use:** The property's use is commercial. The previous use within this suite was a Family Dollar whose business license expired in 2018. In addition to the current use request, there are two active business licenses on premises in the other commercial bays: Bravo Supermarket since 2015 and Brother's Washing Laundromat since 2011. There does appear to be another suite located in the structure but does not have an active business license.

**Landscaping:** The existing development, constructed in the 1960's prior to the current landscape code, provides perimeter landscaping adjacent to the building and parking area. The original landscape plan was proposed and submitted in 1986. The entire perimeter landscaping is within the ROW and not within the property boundaries. Per a

1986 developer's agreement with the City of Lake Worth, the developer agreed to maintain the perimeter landscaping. In 2001 and 2010, landscape plans were submitted to the city to address landscape deficiencies at the subject site and had proposed to keep the existing Queen Palm Trees and add Ficus Hedge around the perimeter of the site. The existing perimeter landscaping is not in compliance with today's land development regulations. The site also fronts on Dixie Highway. Dixie Highway is a designated ROW and subject to the Major Thoroughfare Design Guidelines. Staff is proposing conditions of approval requiring the landscaping to be enhanced and brought up to code to the furthest extent possible as consistent with the landscape code and Major Thoroughfare Design Guidelines requirements.

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

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the Mixed-Use East land use category 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. 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.

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 for the establishment of a medium intensity commercial use (single destination commercial) that will contribute towards the City's tax base and sustain or increase jobs in a currently vacant commercial bay, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit 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 City's Land Development Regulations

**The Mixed-Use Dixie Highway (MH-DH) zoning district** *is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. 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 proposed single destination commercial use requested is consistent with the intent of the MH-DH zoning district as conditioned. The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

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



**Analysis:** The existing perimeter and interior landscaping do not meet current LDRs. Staff has provided landscape conditions requiring that invasive shrubs to be removed and replaced with native shrubs, and the replacement of any dead or missing shrubs along the perimeter of the parking lot. Staff has also proposed a condition to require that shade trees are planted along the perimeter per the landscape regulations and coordinate with the public works department to screen the refuse area. The increased vegetation along the east property line will bring the landscaping further into compliance with the Major Thoroughfare Design Guideline. Landscape conditions will be applied at time of landscape permit application related to perimeter, ROW, and refuse area landscaping. Traditionally, staff has proposed landscape conditions to comply prior to business license issuance. However, balancing the current supply chain issues with the need of the applicant to open in a timely manner, staff has recommended a timing condition related to the installation of the landscaping. Should the improvements related to the perimeter landscaping, refuse area, and compliance with the Major Thoroughfare Design Guidelines not be completed within the nine (9) month timeframe of the development order, the property will be issued a code violation for non-compliance with the development order.

The site currently does not have interior landscaping for parking and vehicular use areas per LDR Section 23.6-19(c)(3), *Interior landscape requirements for parking and other vehicular use areas*. Staff is proposing conditions for the improvements to the parking and vehicular use area. The improvements will require a minor site plan amendment and required when the subject site improves the parking area.

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.*

**Analysis:** The summary analysis for consistency with the findings for conditional uses for the proposed CUP is located on page 5 of this report.

**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.*

**Analysis:** The structure on the property completed construction in 1960's. The building and site currently 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. However, staff has identified concerns with the current landscaping. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

#### **Off-Street Parking**

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

**Analysis:** The entire site area has a total of 400 parking spaces with two (2) parking spaces designated as handicap space. The subject area will utilize the existing parking spaces located at the east side of the site with access to 14<sup>th</sup> Avenue North and Crestwood Boulevard. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is a commercial use. The required parking for the subject site complies with LDRs.

#### **Major Thoroughfare Design Guidelines**

No modifications to the building or site are proposed as part of this conditional use. However, Page 24 of the Major Thoroughfare Design Guidelines recommends *the pedestrian environment and scale shall be protected and enhanced, and compatibility between adjacent uses, especially residential.* Although the requested use is in the rear of the site (the west side), conditions of approval are being proposed to enhance the north, east, and west perimeter landscaping with required shade trees and native hedges. Landscape conditions will be applied at time of landscape permit application related to perimeter, ROW, and refuse area landscaping. The conditions will enhance the pedestrian environment along the major thoroughfare and promote compatibility of the entire site.

#### **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 is in harmony with the surrounding area. A single destination commercial use is an anticipated use in the Mixed-Use Dixie Highway (MU-DH) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan. The proposed use is replacing a Family Dollar, which is also a retail use.

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

**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. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

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

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

## **CONCLUSION AND CONDITIONS**

The Mixed-Use Dixie Highway (MU-DH) zoning district is 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.

The proposed *single destination commercial* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

**Planning and Zoning:**

1. No parking of delivery vehicles overnight.
2. No outdoor storage.
3. Coordinate with Public Works on the dumpster requirements per LDR Section 12-7, *Dumpster requirements*.
4. 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.
5. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1321 North Dixie Highway, and will not constitute approval for any new location or unit.
6. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business.

**Landscaping:**

1. Prior to the issuance of a business license, a landscape permit application shall be submitted and approved to address the following within six (6) months with installation in nine (9) months:
  - a. A landscape plan shall be submitted. A landscape plan will be required to show all proposed perimeter and interior landscaping.
  - b. Medium, mature, native shade trees will be required along the north, west, and south perimeter.
  - c. Remove the existing low-quality White Fly infested Ficus hedge and invasive Queen Palms from the planting strip that is adjacent to Crestwood Boulevard and replace with cocoplum shrubs.
  - d. Remove the existing low-quality White Fly infested Ficus hedge and invasive Queen Palms from the planting strip that is adjacent to 14th Ave North and replace with cocoplum shrubs.
  - e. Remove and replace dead cocoplum shrubs in the entire landscape buffer around the parking lot.
  - f. Remove all invasive Queen Palms from the entire site.
  - g. Install mulch in all landscape beds.
  - h. Provide screening for the dumpster enclosure.
2. Landscaping shall provide in accordance with the location and planting material requirements in the Major Thoroughfare Design Guidelines.
3. A ROW permit will be required for the improvements to the perimeter landscaping.
4. Perimeter and refuse area landscaping shall be installed and inspected within nine (9) of issuance of the CUP development order.
5. At the time of any proposed parking lot improvements, a minor site plan will be required. The minor site plan will also require interior landscaping improvements per the submitted and approved landscape plan.

**Public Works:**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a building permit, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility, construction, and demand on property conforms to all design specifications and requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.

#### BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 22-00500009 with staff recommended conditions for a **Conditional Use Permit** request to establish a ±7,000 square foot appliance retail facility designated as Single Destination Commercial use in the Mixed-Use Dixie Highway (MU-DH) zoning district located at 1321 North Dixie Highway based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500009 for a **Conditional Use Permit** request to establish a ±7,000 square foot appliance retail facility designated as Single Destination Commercial use in the Mixed-Use Dixie Highway (MU-DH) zoning district located at 1321 North Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

#### ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, site plan, landscape plans, & supporting documentation)

### ATTACHMENT A - 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</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**

Section 23.2-29.g) Additional requirements.	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>

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-00500011**: A Conditional Use Permit (CUP) request by Hodl Associates LLC at 1800 4<sup>th</sup> Avenue North Unit C for the establishment of a ±9,600 square foot Factory or Manufacturing per LDR Section 23.3-6 (High Intensity Industrial Uses—Use area more than 7,500 sq. ft. and/or high intensity impact uses). The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

**Meeting Date:** September 7, 2022

**Property Owner:** Maria Romanelli - Romanelli Trust

**Applicant:** Kasim Shaukat- Hodl Associates

**Address:** 1800 4<sup>th</sup> Ave N Unit C

**PCNs:** 38-43-44-21-02-023-0010

**Size:** 4.1233 ac Lot / 34,018 square feet of existing structure (±9,600 square feet use area)

**General Location:** West of Industrial Street and south of 4<sup>th</sup> Avenue North

**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 Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5-6 of this report.

## PROJECT DESCRIPTION

The applicant, Kasim Shaukat with Hodl Associates, LLC., is requesting a **Conditional Use Permit (CUP)** to establish a factory or manufacturing use (±9,600 square feet of use area) in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4<sup>th</sup> Avenue North, Unit C. The subject site is located West of Industrial Street and south of 4<sup>th</sup> Avenue North. According to the property appraiser, the subject area includes an existing ± 34,018 square foot warehouse building. The building is currently configured as warehouse space. No additional site improvements are being proposed with this application.

According to the applicant, Hodl Associates, LLC., is a crypto solutions company located in South Florida. The company specializes in providing online mining accessories, power supply, repairs, and hosting and mining services. According to Hodl Associates, the company repairs and runs Application Specific Integrated Circuit (ASIC) computers. Application Specific Integrated Circuit computers are used only in the crypto AKA (Digital Asset Industry). The computers are used nationwide and break down regularly and are always in need of repair. The company specifically works on these computers in house and have built a niche in repairs for these types of computers. Mining, in the crypto industry, means to verify transactions on the blockchain using ASIC computers. The use is entirely enclosed and not open to the public. Hodl Associates does not sell any product to the public. The use is not a retail-based business or operation and is not approved for the sale of the any product. The facility will operate Monday through Friday from 9:00 A.M. to 5 P.M., with a maximum number of three (3) to four (4) employees. The applicant is requesting a factory or manufacturing use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries of product is generally two (2) times per month.

*A Factory or Manufacturing use is allowed in the I-POC zoning district subject to a Conditional Use Permit approval.*

## COMMUNITY OUTREACH

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

## BACKGROUND

**Construction:** 1800 4th Avenue North, Unit C is within an existing building located within the Industrial – Park of Commerce (I-POC) zoning district. According to the Palm Beach County Property Appraiser’s Office, the structure was built around 1986. There are three other structures on the subject site, one was built in 1965, another was built in 2000 and the last structure built in 2005.

**Use:** The property’s use is Warehouse. Kasim Shaukat representing Hodl Associates, LLC will be operating a factory or manufacturing use at the site and does not have an active business license. In addition to the current use request, there are two active business licenses on premises: ARC Stone Trading, LLC since 2015 and DS Powder Coating, Inc since 2016. There does appear to be another suite located in the structure but does not have an active business license.

**Code Compliance:** There are no open code violations on the subject site.



## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). 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 use of Factory or Manufacturing use is allowed in the I-POC zoning district as a Conditional Use. The proposal is associated with an existing ±34,018 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a heavy intensity industrial use (Factory or Manufacturing) that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit 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 City's Land Development Regulations

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

**Analysis:** The proposed Factory or Manufacturing use requested is consistent with the intent of the I-POC zoning district as conditioned.

The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

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

**Analysis:** The applicant provided a landscape plan that was approved for the construction of the most recent structure in 2005. The 2005 structure is ±9,900 square feet and located at the most southern portion of the total site. It appears that the 2003 landscape plan that was submitted for approval did address additional landscaping maintenance of the remaining structures and overall site. The overall site and existing structures generally meet the city's landscape code. However, staff has provided landscape comments and conditions to remove invasive plant material, add shrubs to screen existing mechanical equipment, and add additional shrubs in front of units B and C. The landscape conditions will be applied at time of landscape permit application. Traditionally, staff has proposed landscape conditions to comply prior to business license issuance. However, staff understands the importance of opening in a timely manner and is coordinating with the applicant on complying with the landscape conditions. Should the improvements not be completed

within the one (1) month timeframe of the development order, the property will be issued a code violation for non-compliance with the development order.

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

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

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

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

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

**Staff Analysis:** The structures on the property were built between 1965 and 2005. The buildings and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

#### **Off-Street Parking**

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

**Staff Analysis:** The entire site area has a total of 33 parking spaces with eight (8) parking spaces designated for the proposed use. Parking is located at the north (four spaces) and south ends (four spaces) of the building where the use will be located with access to 4<sup>th</sup> Avenue North. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs.

#### **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 harmony with the surrounding area. A factory or manufacturing use is an anticipated use 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 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. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

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

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

## CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses. 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.

The proposed *factory or manufacturing* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use has additional state licensing requirements and security measures in place to mitigate any potential adverse impacts. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

### Planning and Zoning:

1. Retail sales is prohibited.
2. Outdoor storage is prohibited.
3. All business activity shall be conducted within the enclosed structure/bay.
4. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
5. 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).
6. 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.
7. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business

license. This approval letter only applies to this address, 1800 4<sup>th</sup> Avenue North Unit C, and will not constitute approval for any new location or unit.

8. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

**Landscaping:**

1. Prior to the issuance of a business license, a landscape permit application shall be submitted and approved to address the following:
  - a. Remove all invasive plants from both of the landscape beds in front of units B and C.
  - b. Install additional shrubs in the landscape beds in front of units B and C.
  - c. Screen all ground level mechanical with native shrubs.
  - d. Install mulch in all landscape beds.
2. Landscaping shall be installed and inspected within two months after the issuance of the development order.

**BOARD POTENTIAL MOTION:**

I move to **approve** PZB Project Number 22-00500011 with staff recommended conditions for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4<sup>th</sup> Avenue North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500011 for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4<sup>th</sup> Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

**ATTACHMENTS**

- A. Findings for Conditional Uses
- B. Application Package (survey, site plan, landscape plan & supporting documents)

### ATTACHMENT A - 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</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**

<b>Section 23.2-29.g) Additional requirements.</b>	<b>Analysis</b>
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>

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-00500009:** A Conditional Use Permit (CUP) request by CA Precision at 1106 5<sup>th</sup> Avenue South for the establishment of a manufacturing facility for prototypes designated as Fabrication Services/Manufacturing/Processing/Assembly excluding retail display and sales use (less than 7,500 square feet) by LDR Section 23.3-6. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed Use (AMU).

**Meeting Date:** September 7, 2022

**Property Owner:** Last Mile Marwoth BH, LLC

**Applicant:** Ricardo Castro – CA Precision

**Address:** 1106 5<sup>th</sup> Avenue South

**PCNs:** 38-43-44-21-15-145-0172

**Size:** 0.37-acre lot / 6,600 square feet of existing structure (±750 square feet use area)

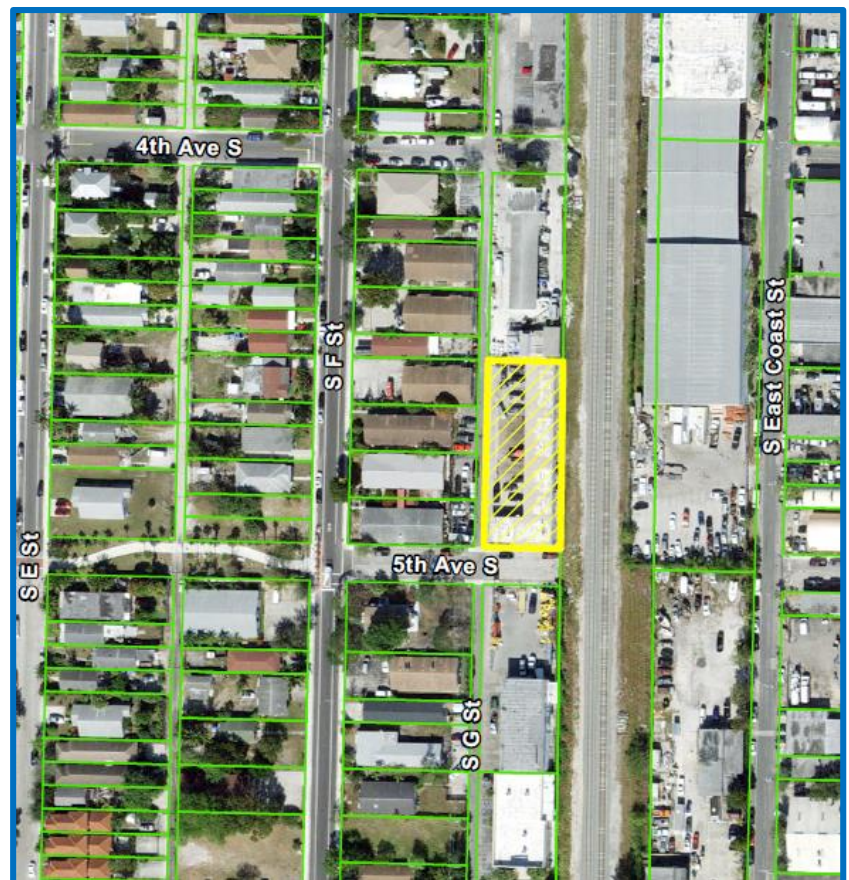
**General Location:** North of 5<sup>th</sup> Avenue South

**Existing Land Use:** Warehouse/Office

**Current Future Land Use Designation:**  
Artisanal Mixed Use (AMU)

**Zoning District:** Artisanal Industrial (AI)

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 Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5-6 of this report.

## PROJECT DESCRIPTION

The applicant, Ricardo Castro of CA Precision, is requesting a **Conditional Use Permit (CUP)** to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use ( $\pm 750$  square feet of use area) in the Artisanal Industrial (AI) zoning district located at 1106 5th Avenue South. The subject site is located North of 5<sup>th</sup> Avenue South. According to the property appraiser, the subject area is included in an existing  $\pm 6,600$  square foot warehouse building. The building is currently configured as warehouse/office space. No additional site improvements are being proposed with this application.

According to the applicant, CA Precision is a small-scale manufacturing company that will be manufacturing and processing prototype parts using computer numerical control equipment for one single client. The client, Republic Spine of Boca Raton, is a local medical equipment manufacturer. The parts that are developed will help the client with designing better parts for the medical devices industry. The use is not a retail-based business or operation and is not approved for the sale of the any product. The use will not be open to the public. The facility will operate Monday through Friday from 8:00 A.M. to 5 P.M., with a maximum number of two (2) employees. The applicant is requesting a factory or manufacturing use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries will be made by the owner to the client personally. No delivery vehicles will be utilized to and from the facility

*A fabrication services/manufacturing/processing/assembly excluding retail display and sales use is allowed in the AI zoning district subject to a Conditional Use Permit approval.*

## COMMUNITY OUTREACH

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

## BACKGROUND

**Construction:** 1106 5<sup>th</sup> Avenue North is within an existing building located within the Artisanal Industrial (AI) zoning district. According to the Palm Beach County Property Appraiser's Office, the structure was built around 1978.

**Use:** The property's use is warehouse/office. There appear to be several occupied bays not including the request by CA Precision. Ricardo Castro of CA Precision will be operating a fabrication services/manufacturing/processing/assembly excluding retail display and sales use at the site and does not have an active business license. The site does have an active landlord business license however, staff records indicate that the remaining occupied bays do not have active business licenses.

**Code Compliance:** There are no open code violations on the subject site. Staff has referred to the Code Compliance that there are bays occupied with no business license.



## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Artisanal Mixed Use (AMU). Per Policy 1.1.1.9, the Artisanal Mixed-Use land use category is intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The implementing zoning district is AI. The proposed use of fabrication services/manufacturing/processing/assembly excluding retail display and sales use is allowed in the AI zoning district as a Conditional Use. The proposal is associated with an existing ±6,600 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Artisanal Mixed-Use FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.B and IV.D of the Strategic Plan state that the City shall support sustainable development and attract new investment and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a medium to low intensity industrial use (fabrication services/manufacturing/processing/assembly excluding retail display and sales) that will contribute towards the City's support of new investment and contribution to the supply of jobs, the proposal is consistent with Pillar IV.B and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit 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 City's Land Development Regulations

**The Artisanal Industrial (AI) zoning district** *is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial district implements the industrial land use category of the Lake Worth Comprehensive Plan.*

**Analysis:** The proposed fabrication services/manufacturing/processing/assembly excluding retail display and sales use requested is consistent with the intent of the AI zoning district as conditioned. However, during the conditional use review, staff analyzed the approved landscape/irrigation plan from 2000. The proposed plan identified at 5-foot-wide drainage area with turf block located at the west side of the site. The drainage area, at the time, was proposed to seep or percolate the ponding water through the compacted rock which was cut into the concrete section to minimize the ponding. The parking area is currently having drainage and stormwater ponding issues. Therefore, a condition of approval has been added to require the updated on-site stormwater improvements within one (1) year, or alternate improvements that meet current stormwater requirements as approved by the City Engineer. Should the improvements not be completed within the one (1) year timeframe, the property will be issued a code violation for non-compliance with the development order.

The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

**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:** This existing development which was constructed in 1978 did not provide a landscape plan. However, in 2000, a landscape plan was submitted and reviewed by city staff. Although the 2000 landscape plan may have complied with the landscape code that was in place at the time, the current landscape has numerous deficiencies. Staff has provided landscape comments and conditions to remove invasive plants and plant native shrubs at the south end of the site that will bring the landscape closer to compliance with the landscape code. The landscape conditions will be applied at time of landscape permit application. Traditionally, staff has proposed landscape conditions to comply prior to business license issuance. However, staff understands the importance of opening in a timely manner and is coordinating with the applicant on complying with the landscape conditions. Should the improvements not be completed within the one (1) month timeframe of the development order, the property will be issued a code violation for non-compliance with the development order.

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

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

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

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

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

**Staff Analysis:** The structure on the property completed construction in 1978. The building and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

#### **Off-Street Parking**

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

**Staff Analysis:** The entire site area has a total of 17 parking spaces with one parking space designated as handicap space. The subject area will utilize the existing parking spaces at the south end of the site with access from the alleyway on the west side and to 5<sup>th</sup> Avenue North. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied. Therefore, the proposal does not

require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs.

### 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 harmony with the surrounding area. A fabrication services/manufacturing/processing/assembly excluding retail display and sales use is an anticipated use in the Artisanal Industrial (AI) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated 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. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

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

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

## **CONCLUSION AND CONDITIONS**

The Artisanal Industrial (AI) zoning district is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal 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.

The proposed *fabrication services/manufacturing/processing/assembly excluding retail display and sales* use is appropriate for this zoning district. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

### **Planning and Zoning:**

1. Retail sales is prohibited.
2. Outdoor storage is prohibited.
3. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.

4. 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).
5. 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.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1106 5<sup>th</sup> Avenue South, and will not constitute approval for any new location or unit.
7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.
8. The applicant and property owner shall coordinate with Public Works on the location of the refuse area.

#### **Landscaping:**

2. Prior to business license issuance, a landscape permit application shall be submitted and approved to address the following:
  1. Remove invasive tree from the landscape bed between units 2 and 3.
  2. Remove all trash, debris, and grill from the landscape bed adjacent to unit 4.
  3. Add two (2) cocoplum shrubs to the bed west of the door for unit 4 under the mail box.
  4. Add cocoplum shrubs to the bed west of the door to unit 1.
  5. Add cocoplum on the west side of unit 1 up to the electric service.
  6. Mulch all landscape beds.
3. Landscaping shall be installed and inspected within one month of the issuance of the development order.

#### **Utilities Water, Sewer & Stormwater:**

4. The previously approved stormwater management area shall be improved to reduce / minimize the ponding within twelve (12) months with application for these improvements to be submitted to the City within six (6) months. The drainage improvement should include an exfiltration trench with perforated pipe and drainage collection structures, or alternate improvement that meets current stormwater requirements in so far as feasible and as approved by the City Engineer.

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

I move to **approve** PZB Project Number 22-00500009 with staff recommended conditions for a **Conditional Use Permit** request to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use in the Artisanal Industrial (AI) zoning district located at 1106 5<sup>th</sup> Avenue South based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500009 for a **Conditional Use Permit** request to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use in the Artisanal Industrial (AI) zoning district located at 1106 5<sup>th</sup> Avenue South. 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. Findings for Conditional Uses
- B. Application Package (survey, site plan, landscape plan & supporting documents)

### ATTACHMENT A - 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</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**

Section 23.2-29.g) Additional requirements.	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>