



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 07, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [May 24, 2023 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1803 Madrid Avenue](#)
[1821 and 1841 7th Ave N](#)
[1776 Lake Worth Rd](#)
[1007 13th Ave N](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. PZB Project Number 23-00500007:** A conditional use permit request for The Guatemalan-Maya Center for a ±9,952 square foot Social Service Center with accessory Medical Office (outpatient clinic/medical office use) located at 1776 Lake Worth Road.
- B. PZB Project Numbers 23-00500005:** A Conditional Use request for the business "Interior Exterior Building Supply" at 1803 Madrid Ave for the establishment of a ±38,000 square feet distribution facility designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

- C. PZB Project Numbers 23-00500008 & 23-00500009:** A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for an existing industrial development at 1821 and 1841 7th Avenue North. The properties are zoned Industrial - Park of Commerce (I-POC) and have an Industrial (I) Future Land Use (FLU) designation.
- D. PZB Project Number 23-01500002:** Consideration of a variance by Gualberto and Silvia Gonzalez to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 24, 2023 -- 6:00 PM**

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

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA The applicant for Unfinished Business PZB 23-00600002 is not yet present.

Board moves and unanimously approves that Item A, PZB 23-00600002, be heard after New Business to give time for applicant arrival

APPROVAL OF MINUTES:

- A. May 3, 2023 Regular Meeting Minutes

Board moves and unanimously approves the May 3, 2023 minutes as presented.

CASES:

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

PROOF OF PUBLICATION

- 1) Ordinance 2023-11- Rezone to TOD-East
- 2) Ordinance 2023-10 - Property Rights Element -Comp Plan

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

- A. PZB Project Number 23-00600002:** Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer

residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Staff: S. Rodriguez presents case findings and analysis. The purpose of the waiver is the proposed use is within 1,000 feet of another similar residence. Florida Statute provides for Community Residences Type 1 within residential districts in addition to a distance requirement. Subject parcel is +/- 930 linear feet from an existing Type 1 Community Residence. This Residential use is limited to 6 or fewer residents.

Public Comment:

Patricia Pineda- 1722 12th Ave N: Is not in favor of the waiver being granted as it is not right for the neighborhood.

Robert Thompson 1721 12th Ave N: As no one can say for certain what type of resident will be there, it is better that the 1,000 feet distance requirement be enforced and no waiver granted.

Tenant of 1702 12th Ave N: It is a quiet neighborhood, has a special needs child; not in favor of granting.

Applicant: Iliodette Mezius of YLO – This is home care older people 55+ residents; will not be a sober home; has two daughters, 18 and 15 years old and will not endanger their lives by doing something wrong. Only recognizes one neighbor in the audience.

Board: What are the hours of operation? Reports of speeding in the neighborhood by vehicles from the lot. Who is living there now?

Applicant: Only her children and herself, she drives them or it may be Uber drivers.

Kathryn Oyer- 1716 12th Ave N: Children are there by themselves, their pets and children are out in the neighborhood; cars coming through night and day. The other residents have children and pets. If residents are there alone, who is taking care of them.

Board: Asks if there are issues with police or other people coming to the house. Applicant states persons coming to the house looking for prior property owner. Her children are old enough to stay by themselves and has cameras to see the goings on at the property.

Staff: As the applicant has now stated there are 3 family members the resident count would be reduced to 3.

Board: Burden on the applicant to demonstrate why she meets the waiver requirement and she has not done so. Her attempt was pre-empted by another residence receiving approval and being in place prior to her initiating the process with the City. She failed to establish the use in 2017.

Motion: Z. Shamsi-Basha moves to not recommend approval of PZB 23-00600002 as the applicant has failed to demonstrate sufficient evidence to support the waiver request.

Vote: Ayes all, unanimous. Request denied.

NEW BUSINESS:

- A. Ordinance 2023-11 (PZB 23-02900001):** City-initiated Zoning Map amendment requesting a corrective rezoning to Transit Oriented Development TOD-E for consistency with the City's Future Land Use Map for the parcels located east of I-95, south of 2nd Avenue North, west of North A Street, and north of Lake Worth Road.

Staff: E. Sita reads the Ordinance Title and provides staff analysis and reasoning for the City initiated rezoning. The 2013 Zoning map was not in alignment with the Future Land Use Map. The City does not generally rezone unless an opportunity presents itself or issues arise. Of the fifteen (15) parcels only two (2) will remain non-conforming once rezoned. Accordingly those properties will not be permitted to increase any non-conformity but can remain. The balance of the structures are also over density for what the current MF-20 zoning allows. This corrective action, rezoning to TOD-East, will resolve that issue. With the TOD-East rezoning comes additional benefits for the property owners including the potential to increase their density and height according to the zoning district should they wish to re-develop. Some

infill opportunities exist. Staff reaches out to the neighbors in advance by mailing notices to property owners within the affected area allowing them an opportunity to “opt-out”. In this case none were received. Staff also mailed notices to all property owners within 400 feet from the parcels boundaries. Signs are also visibly posted on parcel boundaries. No comments have been received.

Board Comments: Questions about why not a change to MF-20, how was TOD-E selected? **Response:** It is in agreement with the Future Land Use Map and the parcels are located near to the train station, near to bus stops, near the high school, in addition to providing additional benefits to the property owner. There are two other zoning districts that are ok but not as perfect as TOD-E. Questions about the single family dwellings in the subject area. **Response:** Although they would not be able to expand, they could maintain and repair the structures. Question about why the subject area for rezoning was not expanded to include other blocks. **Response:** Spot zoning is not a City practice. Staff looks to see where there are opportunities to upzone but also considers whether the population is open to the possibility.

Public Comment: Mariano Blanco- GuatemalanMaya Center expressed approval of the proposed rezoning.

Motion: E. LeBlanc moves to recommend of Ordinance 2023-11 of the proposed amendment to the Zoning Map based upon the data and analysis in the staff report and the testimony at the public hearing.

Vote: Ayes all, unanimous.

B. Ordinance 2023-10: Consideration of an ordinance amending the City’s Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177(6)(i).

Board Attorney reads Ordinance Title 2023-10, an amendment to the City Comprehensive Plan to adopt a Property Rights Element per Florida Statute.

Staff: E. Sita advises the Board the State of Florida (DEO) is requiring the adoption of this element. Adoption of any other amendments to the City’s Comprehensive Plan, including the Future Land Use Map, will not occur until this Element is adopted and added to our Comprehensive Plan.

Board: There are some places in the State that may not observe any private property rights. **Response:** Those are the areas that have not amended their Comprehensive Plan or filed an EAR since 1998 unlike the City of Lake Worth Beach.

Motion: D. Walesky moves to recommend adoption of Ordinance 2023-10 to the City Commission. **Vote:** Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS: D. Walesky would like Board to discuss/bring forward the topic of ambiguous language in Code. Geographical areas in zoning districts that grant different heights and densities. Staff disagrees with the interpretation. Bring up topic and see if there is a consensus among Board members to direct staff to bring back more information for consideration.

ADJOURNMENT: 7:11 PM

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, June 7, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 23-00500005: A Conditional Use request for the business "Interior Exterior Building Supply" at 1803 Madrid Ave for the establishment of a ±38,000 square feet distribution facility designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). PCN # 38-43-44-21-04-001-0010.

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

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

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PZB 23-00500007: Conditional Use Permit for the establishment of a ±9,952 square foot social service center with accessory medical office located at 1776 Lake Worth Road. PCN #38-43-44-21-02-035-0091.

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

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Legal Notice No. 42140

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**PZB Project Number 23-01500002: Consideration of a variance by Gualberto and Silvia Gonzalez to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. The property is zoned Mixed Use - Dixie Highway (MU-DH) and has a Mixed Use - East (MU-E) future land use designation.
PCN # 38-43-44-21-15-380-0090.**

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Publish: The Lake Worth Herald
May 25, 2023

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, June 7, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Numbers 23-00500008 & 23-0050009: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for an existing industrial development at 1821 and 1841 7th Avenue North. The properties are zoned Industrial - Park of Commerce (I-POC) and have an Industrial (I) Future Land Use (FLU) designation. PCNs # 38-43-44-21-02-019-0020 and 38-43-44-21-02-019-0030.

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PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500007: A conditional use permit request for The Guatemalan-Maya Center for a Social Service Center with accessory Medical Office (outpatient clinic/medical office use) up to ±9,952 square foot located at 1776 Lake Worth Road.

Meeting Date: June 7, 2023

Property Owner: 1776 Liberty House, LLC.

Applicant: Mariana Blanco – The Guatemalan-Maya Center, Inc. (tenant)

Address: 1776 Lake Worth Road

PCNs: 38-43-44-21-02-035-0091

Size: 0.5579 – acre Lot / ±9,952 square feet of an existing structure (current leasing area 6,291 sf)

General Location: East of Interstate-95, north side of Lake Worth Road

Existing Land Use: Vacant Office Building

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

Current Zoning District: Multi-Family Residential (MF-20)

Proposed Zoning District: Transit Oriented Development – East (TOD-E) per City-initiated Ord. 2023-11

Location Map:



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Mariana Blanco on behalf of The Guatemalan-Maya Center (TGMC), is requesting a **Conditional Use Permit (CUP)** to establish a medium to high-intensity social service center with accessory medical office (outpatient clinic/medical office) in the Transit Oriented Development – East (TOD-E) zoning district. The subject site is located east of Interstate-95, north side of Lake Worth Road. According to the property appraiser, the subject site has an existing $\pm 9,952$ square foot vacant office building. The TGMC is leasing a 6,291 sf of the building. If approved, the subject CUP would allow for a use area up to 7,500 sf, as well as expansion at a later date to a use area of up to $\pm 9,952$ square foot without a subsequent CUP application.

The Guatemalan-Maya Center is a tax-exempt 501 (c)3 non-profit agency in Palm Beach County, Florida. The applicant is proposing to utilize the building to provide services with translation in multiple languages in the community and operate as case managers connecting them to resources. Per the applicant, the majority of the services are provided through four (4) major programs: Outreach & Family, ParentChild+, Food Distribution, and Pop-up Medical Clinic.

- Outreach & Family – Case management that includes referring families to legal services for wage theft, domestic violence, housing, immigration, etc.
- ParentChild+ - Assist families navigate literacy and fill out applications and serve as a bridge with city, state, or federal programs they are unable to resolve on their own.
- Food Distribution – Assist in targeting the food insecurity within the community. Most of the food is distributed through community leaders who assist the center in caring for our community members who are unable to come due to lack of transportation or hours of operation. Volunteers prepare boxes of food to be distributed. No pickups or food pantry-style delivery will be at the site.
- Pop-up Medical Clinic – The center is also a hub for health partners to offer services to the Lake Worth Beach community. While TGMC is not its own clinic, other clinic partners bring their physicians and tools in order to provide medical access to the community.

The proposed social service center with accessory medical office will allow the center to operate these programs. Generally, hours of operation will be from 8am-5pm with accessory medical office services provided monthly through 8pm on certain days. The center will be open Monday through Friday only. No additional outdoor site improvements are being proposed with this application. However, staff has proposed conditions of approval requiring landscaping improvements and a dumpster enclosure to be completed within one year of the approval.

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 existing structure was constructed in 1973. Per the survey provided, the existing building is $\pm 9,952$ square feet.

Use: The property's use is vacant office building.

Code Compliance: The property located at 1776 Lake Worth Road has an open lien through the City's code enforcement department originating from Palm Beach County Fire Department (Case #21-574). The property owner is actively working with code enforcement to resolve the case. The applicant, who is the tenant, has agreed to the conditions of approval to improve the property. The conditions approval will address the violations indicated above. Staff has also proposed a condition that all code violations are closed prior to the issuance of a business license.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). The TOD FLU is intended to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The proposed request is seeking to add a medium intensity social service use with accessory medical office to be allowed in the existing ±9,952 square foot vacant office building.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.F and V.E of the Strategic Plan state that the City shall support and improve emergency preparedness to build resiliency and ensure recovery from natural and manmade disasters, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a proposed use that will provide support services to vulnerable resident, and foster inclusion the proposal is consistent with Pillar IV.F and Pillar V.E.

Based on the analysis above, the proposed Conditional Use requests, as conditioned, are consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Transit-Oriented Development – East (TOD-E)** zoning district *is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.*

Analysis: A City-initiated rezoning to Transit Oriented Development – East (TOD-E) through Ordinance 2023-11 is being concurrently processed. Therefore, the zoning analysis will be based upon the proposed zoning district. Staff has included a condition of approval that indicates the subject Conditional Use Permit is only valid if the rezoning is adopted. The applicant is requesting a Conditional Use Permit for a use area up to ±9,952 for the proposed social service center with accessory medical office use. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, Use Tables, a social service center is allowed as a medium-intensity use in the TOD-E zoning district subject to an Administrative Use Permit (AUP) approval. The use area for the social service center would be capped up to 7,500 square feet and would not be allowed to expand. However, staff is in the process of preparing a second round of Land Development Regulations (LDR) text amendments, which would include a modification to the Use Table (Section 23.3-6) to allow a high intensity (greater than 7,500 sf) social service center in limited zoning districts as a conditional use with PZB or HRPB approval. A condition of approval has been added to limit the social service center use area to 7,500 square feet unless a text change is adopted in the future to allow for the expansion of the social center use up to ±9,952 square feet.

The accessory medical office is subject to supplemental regulations in LDR Section 23.3-6. A medical office use requires a conditional use permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)15, *Medical related uses*. The use is consistent with the intent of the TOD-E zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A. The proposed accessory outpatient clinic/medical office use is also consistent with the additional supplemental regulations located in Attachment A.

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

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

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

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

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

Staff Analysis: The structure on the property was constructed in 1973. The existing site conditions do not conform to the current LDRs. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Further, staff has proposed landscape conditions of approval that will reduce the nonconformities with the City's landscape code. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for conditional uses without increasing the existing building floor area, and as such additional parking is not required. The site currently has 38 total parking spaces including one (1) handicap space. Staffing levels will be up to 25 persons on site at various times between 8am-5pm. There appears to be adequate parking for staff and the public utilizing programs within the building.

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

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

an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: A landscape plan was found in the City’s property records. The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with both the LDRs and Major Thoroughfare Design Guidelines. This will include landscaping along Lake Worth Road, screening for the refuse area, and additional screening of the vehicular use areas.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the TOD-E zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan. However, it was noted in the review that there is no existing screened refuse area on the property and additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on an arterial roadway, and as such traffic flow and movements related to the proposed uses are not anticipated to negatively impact the street greater than a use permitted by right. The proposed uses will not change the existing on-site traffic circulation. Staff has proposed landscaping conditions of approval to ensure adequate screening is provided of the vehicular use area and compliance with the LDRs and Major Thoroughfare Design Guidelines.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is an active code compliance case for the subject property. The applicant will address the code compliance subject prior to the issuance of a business license.

CONCLUSION AND CONDITIONS

The Transit-Oriented Development (TOD-E) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. 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. Based on the data and analysis in this report and the supporting materials by the applicant, the requested uses are not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Lake Worth Road corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning, and Landscaping

1. This Conditional Use Permit shall be null and void if Ordinance 2023-11, which is proposed to rezone the property to TOD-E, is not adopted.
2. The social service center square footage shall not exceed a use area of up to 7,500 sf. Expansion of the use area beyond 7,500 sf is prohibited unless the Section 23.3-6 is amended to allow for a social service center greater than 7,500 sf in the TOD-E zoning district.
3. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board.
 - b. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
4. Prior to the issuance of new City of Lake Worth Beach Business Licenses, any code violations shall be resolved and applicable fees and fines shall be paid.
5. A building permit and concurrent site plan modification are required to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code in so far as feasible per LDR Section 23.6-1(c)(2) as follows:
 - a. Remove all of the unpermitted rock from the entire site and replace with applicable ground cover.
 - b. Remove the existing whitefly infested Ficus hedge adjacent to Lake Worth Rd and replace with native shrubs and groundcover.
 - c. Add native shrubs adjacent to the existing fence along the north and west property lines.
 - d. A minimum of 75% of the new plant material must be native to South Florida.
 - e. Add native trees and shrubs along the eastern property line.
 - f. Provide landscape screening around the new refuse enclosure.
 - g. These applications shall be issued and the work shall be completed within one (1) year of the subject CUP's approval.
6. Coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
7. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the accessory medical office.
9. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
10. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Electric Utility

1. If any electric work is performed and changes are requested to the electric services, please provide the following:
 - a. Before or at the time of application for a Building Permit, Developer must provide the Load Calculation, Voltage requirements, Riser diagram, and the locations of the riser and service meters.
 - b. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
 - c. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

Community Redevelopment Agency (CRA)

1. Any exterior improvements, alterations, new landscaping or signage must adhere to the Lake Worth Beach Major Thoroughfare Guidelines.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500007 Conditional Use Permit for a social service center with accessory medical office based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500007 Conditional Use Permit for social service center with accessory medical office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package (survey/site plan, floor plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance

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

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	Not applicable
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500005: A Conditional Use request for the business “Interior Exterior Building Supply” at 1803 Madrid Ave for the establishment of a ±38,000 square foot distribution facility designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

Meeting Date: June 7, 2023

Property Owners: LAKE WORTH MADRID LLC

Project Manager: Pete Medina, Interior Exterior Building Supply (tenant)

Address: 1803 Madrid Avenue

PCN: 38-43-44-21-04-001-0010

Size: 2.0387-acre lot/38,000 sf. Existing Structure

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

Existing Land Use: Light Manufacturing

Current Future Land Use Designation: Industrial (I)

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

Location Map



RECOMMENDATION

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

PROJECT DESCRIPTION

The project manager, Pete Medina on behalf of Interior Exterior Building Supply, is requesting a Conditional Use Permit (CUP) to establish a ±38,000 square feet distribution facility classified as a high-intensity Wholesale and Distribution Facilities use. The business, Interior Exterior Building Supply, is a wholesale distributor of building supply products (e.g. drywall, plaster, metal framing, fasteners and tools, insulation, and roofing). A total of sixteen (16) employees are anticipated, with hours of operation between 6AM and 5 PM. The business also has operations in Alabama, Louisiana, Mississippi, and Texas. The property is located east of Madrid Avenue, west of the FEC railway, and south of 10th Avenue North. The property is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). If approved, the Conditional Use Permit (CUP) will allow Interior Exterior Building Supply to operate as a distribution facility.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The property at 1803 Madrid Avenue was developed in 1974 for Patten Company, a manufacturer of military life boats. Business License records show the Patten Company operations remained active until this year. The property contains one (1) building with ±38,000 square feet.

Use: The property's use is light manufacturing.

Code Compliance: There is an active code case (21-2069) for the property located at 1803 Madrid Avenue. Five separate violations were cited as summarized below:

- Sec. 12-18 Responsibility for keeping areas free of garbage, trash, etc. Remove all garbage, trash, and debris from entire property. (Active)
- Sec. 12-7 Dumpster requirements. Ensuring property owner complies with dumpster requirements. (Violation resolved).
- Sec. 14-32 Business License. Application for and obtain a City of Lake Worth Beach business license. (Active)
- Sec. 14-35 Use & Occupancy Certification. Lake Worth Madrid, LLC to address specified violations to obtain Use & Occupancy certification. (Active)
- Sec. 15-39 Abandoned Property. Storage of inoperable or unlicensed vehicles on the property is prohibited. (Active)

Staff has added conditions of approval to the subject Conditional Use Permit to ensure the code case is resolved prior to the licensing of the new business since it will help address the violations with subsequent improvements to the property (as conditioned), business licensing, and use and occupancy inspection.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject sites have a Future Land Use (FLU) designation of Industrial (I). The I FLU is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to open a new distribution facility in the existing building with a square footage of ±38,000.

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

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

Consistency with the Land Development Regulations

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

Analysis: The applicant is requesting a Conditional Use Permit to establish a new distribution facility. The business, Interior Exterior Building Supply, is a wholesale distributor of building supply products (e. g. drywall, plaster, metal framing, fasteners and tools, insulation, roofing, etc.) A total of sixteen (16) employees are anticipated, with hours of operation between 6AM and 5 PM. The proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. There is no direct right-of-way access from the property, however, a permanent access easement from 2014, gives the property ingress and egress from the property to the north to access Madrid Avenue. The right-of-way, Madrid Avenue, is a local road that only serves four (4) industrial properties. Therefore, no additional public expenditures are required to service the proposed use.

The CUP request will not capture regional distribution, since a traffic study would need to be completed to assess the impact of the use. In addition, outdoor storage is not being requested. If desired in the future, it will be subject to additional review and approval to function as an accessory use to Interior Exterior Building Supply. Also, outdoor storage associated with other properties or businesses is not permitted and shall be removed.

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

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

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

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

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

Staff Analysis: The building on the property was constructed in the 1970s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for a conditional use without increasing the existing building floor area; therefore, additional parking spaces are not required. The property survey submitted by the applicant, shows there are approximately thirty-four (34) striped off-street parking spaces. Per LDR Section 23.4-9, the site should accommodate a minimum of three (3) off-street loading spaces. Since there appears to be enough space on site and off-loading spaces are needed to support the use, staff has included conditions of approval to require a minor site plan to further review their location and installation.

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

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 condition of the landscaping does not comply with Section 23.6-1. Staff has included conditions of approval that require enhanced landscaping along the east, west, and south property lines, existing landscape islands, and open spaces in accordance with the current landscape regulations. In addition, the creation of a screened refuse area will be required. Staff has added conditions of approval to create an opaque screened refuse area. It appears the parking areas have surface deterioration that needs to be addressed. Staff has included conditions of approval to ensure the parking areas are improved. Overall, these improvements will bring the property closer to compliance, in so far as possible.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional use is in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Industrial – Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. There is no direct right-of-way access from the property, however, a permanent access easement from 2014, gives the property ingress and egress from the property to the north to access Madrid Avenue. The tenant anticipates ten (10) daily trips with box trucks and semi-trucks. Deliveries will be jobsites across Palm Beach County. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not change/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: There is an active code case (21-2069) for the property located at 1803 Madrid Avenue. Staff has added conditions of approval to the subject Conditional Use Permit to ensure the code case is resolved prior to the licensing of the new business.

Section 23.4-13 Administrative Uses and Conditional Uses

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

Staff Analysis: Wholesale and Distribution uses are not subject to the additional standards in Section 23.4-13.

CONCLUSION AND CONDITIONS

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

Planning & Zoning

1. The Conditional Use Permit (CUP) is for approximately 38,000 sf of the existing building at 1803 Madrid Avenue.

2. The business shall not operate as a regional wholesale distribution facility. This type of facility requires a traffic study to document the impact on the roadway system and additional review and approval.
3. No outdoor storage or outdoor use is permitted as part of this approval. Any existing outdoor storage and unpermitted accessory structures shall be removed.
4. Prior to the issuance of new City of Lake Worth Beach Business Licenses, any code violations shall be resolved and applicable fees and fines shall be paid.
5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, a minor site plan application shall be required to address the following:
 - a. Install a minimum of three (3) off-street loading spaces in accordance with LDR Section 23.4-9.
 - b. Enhanced landscaping shall be installed along the east, west, and south property lines, existing landscape islands, and open spaces in accordance with LDR Section 23.6-1.
 - c. Install a new screened refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
 - d. Resurface, replace, and/or repair the parking areas based on staff's assessment from a site visit. Within one (1) year of the issuance of the development order, the improvements shall be permitted and all work completed by the applicant.
6. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
9. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
10. All uses shall comply with the use occupancy requirements as required by the Florida Building Code.
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Public Works

1. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. The selected refuse location shall be depicted on the minor site plan and concurrent building permit. Solid Waste and Recycling Division contact number is 561-533-7344.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500005 for a Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500005 for a Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500008 & 23-0050009: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for an existing industrial development at 1821 and 1841 7th Avenue North. The properties are zoned Industrial - Park of Commerce (I-POC) and have an Industrial (I) Future Land Use (FLU) designation.

Meeting Date: June 7, 2023

Property Owners: LAST MILE LWCC BH LLC & PEQ LWCC TM LLC

Project Manager: Shai Moschowits, Last Mile LWCC BH LLC

Address: 1821 and 1841 7th Avenue North

PCNs: 38-43-44-21-02-019-0020 and 38-43-44-21-02-019-0030

Size: 1821 7th Ave North (0.6887-acre lot/12,990 sf. Existing Structures)

1841 7th Ave North (0.5153-acre lot/8,045 sf. Existing Structures)

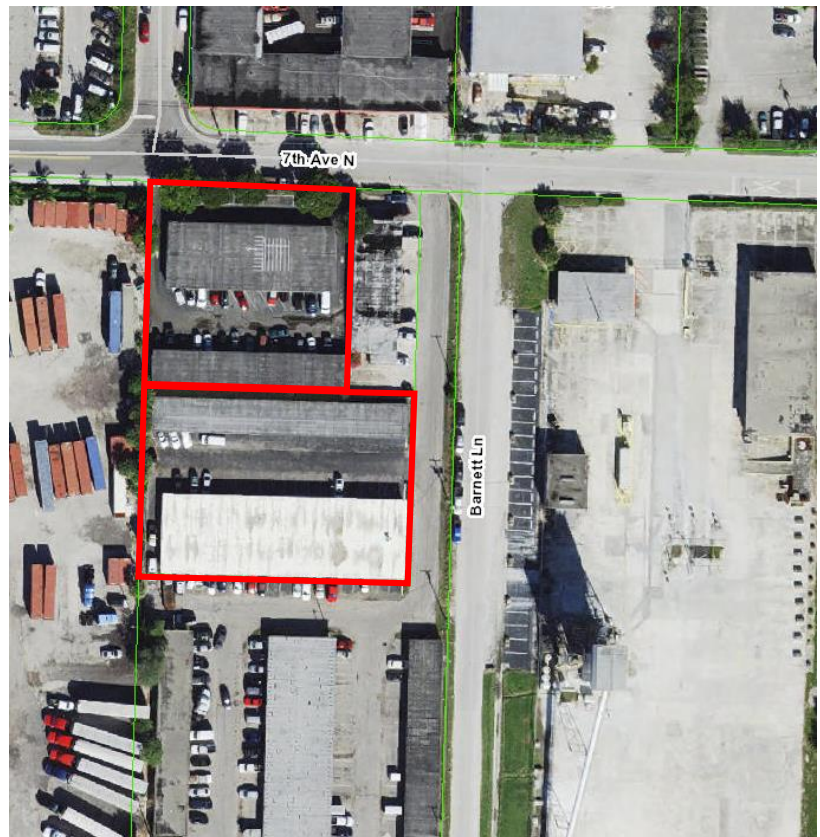
General Location: On the south side of 7th Avenue North, west of Barnett Lane

Existing Land Use: Warehouse/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 Blanket Conditional Use request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5, 6, and 7 of this report.

PROJECT DESCRIPTION

The project manager, Shai Moschowits on behalf of Last Mile LWCC BH LLC, is requesting a Blanket Conditional Use Permit (CUP) to allow for several uses less than 7,500 square feet that could occur within the approximately 21,035-sf of warehouse/industrial buildings with no outdoor use areas or storage, as follows:

- Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
- Manufacturing/processing/fabrication facilities (excludes recycling center)
- Printing Services
- Welding Repair Services
- Artisanal Manufacturing
- Wholesale and Distribution (excludes regional facilities)
- Contractor – Showroom
- Warehouse Facilities (excluding mini-warehouses)
- Kitchen/Millwork Design Studio
- Building and Construction Trades/Contractors manufacturing
- Contractors without outdoor storage
- Welding Contractors
- Storage—Indoor
- Research and Development, Scientific/Technological
- Artisanal Foods
- Artisan or Art Studio
- Arts and Crafts Studio

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The property at 1821 7th Avenue North was developed in 1977, it contains two (2) buildings with a combined square footage of 12,990 square feet. The property at 1841 7th Avenue North was developed in 1975, it contains two (2) buildings with a combined square footage of 8,045 square feet.

Use: The property's use is warehouse/industrial.

Code Compliance: There are no active code cases associated with the properties at 1821 and 1841 7th Avenue North.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject sites have a Future Land Use (FLU) designation of Industrial (I). The I FLU is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to add multiple conditional uses to be allowed in the existing warehouse/industrial buildings with a combined square footage of 21,035.

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 Blanket Conditional Use will allow for the establishment of several low to medium-intensity uses 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 Blanket Conditional Use request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

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

Analysis: The applicant is requesting a Blanket Conditional Use Permit to allow several low (use area less than 2,500 square feet and low intensity impact uses) to medium-intensity (use area less than 7,500 square feet and/or medium intensity impact uses) uses. A majority of the uses requested will have low impacts to the adjacent properties. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The buildings will be served by municipal services, including water, sewer, refuse, fire and police. The sites are located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use.

The property owner indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Staff recommended a Blanket CUP to minimize continued challenges with tenant occupancy. In addition, staff has conditioned the Blanket CUP to address non-conformities at the property through a minor site plan.

The Blanket CUP request will not capture vehicular uses and all of the industrial use classifications that may have adverse impacts or are generally not compatible in small-scale buildings and will require a separate review by the Planning and Zoning Board (PZB).

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

Section 23.2-29.a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and*

intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.

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

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

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

Staff Analysis: The buildings on the properties were constructed in the 1970s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for the conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. Staff has included conditions of approval that limit the use areas to 7,500 square feet. Uses with a greater area are required to apply for a separate Conditional Use Permit (CUP), reviewed by the Planning and Zoning Board.

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

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

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. Based on the landscape plans in City's property file, the existing landscape areas were originally approved with shrubs and trees that have been removed overtime. Staff has included conditions of approval that require replacement of plant materials through a landscape permit. In addition, it appears both properties do not have a screened refuse area. Staff has added conditions of approval to create an opaque screened refuse area in each property. In addition, chain-link fencing cannot be visible from the right-of-way. Staff has included conditions of approval to ensure the fencing is replaced in accordance with the LDR Section 23.4-4. These improvements will bring the property closer to compliance, in so far as possible.

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 uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Industrial – Park of Commerce (I-POC) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

Staff Analysis: The proposed conditional uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The buildings are already served by municipal services, including water, sewer, refuse, fire and police. The sites are located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the sites and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: There are no active code cases associated with the properties at 1821 and 1841 7th Avenue North.

Section 23.4-13 Administrative Uses and Conditional Uses

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

Staff Analysis: Per LDR Section 23.4-13, manufacturing/processing/fabrication facilities are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval to ensure the uses are conducted indoors only, noise levels remain within the allowable threshold, and minimum use areas are satisfied.

CONCLUSION AND CONDITIONS

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

Planning & Zoning

1. The Blanket Conditional Use Permit (CUP) includes the following uses within the approximately 21,035 sf warehouse/industrial buildings subject to all applicable conditions of approval and business license approval, with each business not to exceed 7,500 sf in use area and no outdoor use areas or storage:
 - a. Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
 - b. Manufacturing/processing/fabrication facilities (excludes recycling center)

- c. Printing Services
 - d. Welding Repair Services
 - e. Storage Indoor
 - f. Artisanal Manufacturing
 - g. Wholesale and Distribution (excludes regional facilities)
 - h. Contractor – Showroom
 - i. Warehouse Facilities (excluding mini-warehouses)
 - j. Kitchen/Millwork Design Studio
 - k. Building and Construction Trades/Contractors manufacturing
 - l. Contractors without outdoor storage
 - m. Welding Contractors
 - n. Research and Development, Scientific/Technological
 - o. Artisanal Foods
 - p. Artisan or Art Studio
 - q. Arts and Crafts Studio
2. Businesses with a use area greater than 7,500 sf shall be subject to a separated Conditional Use Permit (CUP) review process.
 3. Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.
 4. No outdoor storage or outdoor use is permitted as part of this approval.
 5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, a minor site plan application with subsequent or concurrent building and landscape permits shall be required to address: the removal and/or replacement of the existing chain link fencing visible from the rights-of-way; the installation of an opaque refuse enclosure in each property; and, the addition of landscaping to match the landscape plans on file. Plant substitutions with Florida native plant materials shall be reviewed by the City's Horticulturalist. Required clearances from electric panels and meters shall be accounted. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
Within one (1) year of the issuance of the development order, the listed improvements shall be permitted and completed.
 6. Documentation that PBC Wellfield Permit affidavit of notification is required to be submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
 7. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
 8. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
 9. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
 10. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
 11. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
 12. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Utilities Water, Sewer, & Storm

1. Prior to the issuance of a business license, each business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.

Public Works

1. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. The selected refuse location shall be depicted in the minor site plan and concurrent building permit. Solid Waste and Recycling Division contact number is 561-533-7344.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Numbers 23-00500008 and 23-00500009 for a Blanket Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Numbers 23-00500008 and 23-00500009 for a Blanket Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Conditional Use Standards
- C. Application Package
- D. Property File Documentation

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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

ATTACHMENT B – Conditional Use Standards

Section 23.4-13(c)(7)(B) Manufacturing/Processing/Fabrication Facilities – Design and Performance Standards	Analysis
1. <i>Height: Maximum height of any industrial/manufacturing structure excluding office not to exceed thirty-five (35) feet including silos or building façades.</i>	In compliance
2. <i>Silos: The number of silos shall not exceed four (4) within the site area and shall be effectively screened.</i>	In compliance
3. <i>Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.</i>	Not applicable, outdoor storage and vehicle sales are not proposed
4. <i>All production and processing shall be restricted to an enclosed building.</i>	In compliance
5. <i>Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.</i>	In compliance
6. <i>Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.</i>	Not applicable
7. <i>Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.</i>	In compliance, as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01500002: Consideration of a variance by Gualberto and Silvia Gonzalez to allow a lot width of 46.61', where a minimum lot width of 50' is required at 1007 13th Avenue North. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Meeting Date: June 7, 2023

Property Owners: Gualberto and Silvia Gonzalez

Address: 1007 13th Avenue North

PCNs: 38-43-44-21-15-380-0090

Size: 0.1550-acre lot / ±993 square feet of existing structure

General Location: Southwest corner of 13th Avenue North and North H Street

Existing Land Use: Single-Family Residential

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

PROJECT DESCRIPTION

The property owners, Gualberto and Silvia Gonzalez, are requesting a variance to allow a lot width of 46.61', whereas, a minimum lot width of 50' at 1007 13th Avenue North. The property is located on the southwest corner of 13th Avenue North and North H Street. The property is zoned Mixed Use - Dixie Highway (MU-DH) which allows 30 dwelling units per acre for properties on the west side of Dixie Highway. If the variance is approved, it would allow redevelopment of the property as multi-family. The subject site is surrounded by other properties to the north, south, east, and west that are also zoned Mixed Use – Dixie Highway (MU-DH).

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a 6,750 square foot residential lot. Below is a timeline summary of the residential property based on the City records:

- 1948 – Permit #368 was issued for the construction of a single-family residence.
- 1948 – Permit #438 was issued for the construction of an addition.
- December 14, 2022 – A Minor Site Plan Amendment application to construct a ±2,300 square foot three-unit multi-family development is submitted.
- February 13, 2023 – Staff determines that the Minor Site Plan Amendment application is complete and will be routed for review after additional documentation was submitted on February 9, 2023.
- March 14, 2023 – Site Plan Review Team (SPRT) comments are issued. The planning and zoning review comments identify that the lot does not meet minimum width requirements and that a variance will be required.
- April 26, 2023 – A variance request is submitted for lot width.
- May 8, 2023 – Staff determines that the variance application is complete and will be routed for review after additional documentation was submitted on May 8, 2023.
- June 1, 2023 – A search of the City's database shows that there is no active code case associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E future land use area *is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporates multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All*

buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The variance being sought would facilitate re-development of the property as multi-family. Therefore, the proposal is generally consistent with Policy 1.1.1.5 of the Comprehensive Plan since it will expand the residential use of the property. The property’s re-development as multi-family is also consistent with Pillar Two of the Strategic Plan which seeks to diversify housing options in the City.

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: Per LDR Section 23.3-17(b), *Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-11 for uses on the west side of Dixie Highway.* The subject property is located on the west side of Dixie Highway. Therefore, the property is subject to the provisions of LDR Section 23.3-11. As indicated in LDR Section 23.3-11(c), the minimum required lot width is 50 feet. The subject property has a lot width of 46.61’ along the North H Street frontage that does not meet the lot width requirement. Therefore, a variance reviewed by the Planning and Zoning Board is required to allow re-development of the property as multi-family.

Zoning Analysis		
Development Standard	Medium Density Multi-Family Residential (LDR Section 23.3-11)	Provided
Lot Size (min)	5,000 sf	6,750 sf
Lot Width (min)	50’	Platted 47.61’/ Actual 46.61’*

Variance Request		
LDR Citation	Required	Proposed
Lot Width (Section 23.3-11(c)(1)(A))	Maximum density for multiple-family structures on lots which have at least five thousand (5,000) square feet of area and fifty (50) feet of width : One (1) dwelling unit per each one thousand four hundred fifty (1,450) square feet of gross lot area.	Platted Lot of Record width of 47.61’ Actual width of 46.61’ on North H Street frontage*

* Minor discrepancies in platted vs. actual dimensions are common

The data and analysis below review the application against the regular findings for approval of 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 and the analysis is 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 is not the result of action of the applicant.

Staff Analysis: The prevailing platted lot configuration in Lake Worth Beach is 50’x135’. Certain areas in the City, generally bounded by C Street to the east, M Street to the west, 7th Avenue North and 6th Avenue South, contain 25’x135’ platted

lots of record. The subject property was unusually platted with a width of 47.61' (actual 46.61'). This pattern is repeated on the majority of the northernmost lots of Blocks 362, 364, 366, 368, 370, 372, 374, 376, 382, 384, 386, 388, and 390 along the south side of 13th Avenue North. Therefore, it is staff's analysis that special conditions exist on the subject lot which does not generally apply conform to the typical configuration of the City's platted lots of record. **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 subject property has accommodated a single-family use for several decades. LDR Section 23.5-3(c) indicates that *a nonconforming lot of record is a platted lot which by width, depth, area, dimension or location does not meet current standards set forth in these LDRs. In any zoning district in which single-family dwelling units are permitted, notwithstanding limitations imposed by other provisions of these LDRs, a single-family dwelling unit and customary accessory buildings may be erected on any single nonconforming lot of record so platted on or before January 5, 1976.* Therefore, development of this lot would be limited to single-family residences and customary accessory structures.

Strict application of the LDRs would not deprive the applicant's continued use of the residence. However, it would prevent re-development of the property as multi-family which is consistent with the future land use, zoning, and strategic plan which seek to add additional housing in the City. Further, the width of the parcel is minimally smaller than the required minimum lot size, and the meets the minimum lot size requirement for residential only development. **Meets Criterion.**

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

Staff Analysis: The request is based on the platted width of property, it does not seek to alter the property's original configuration. Therefore, staff finds that the proposed variance is the minimum necessary to allow re-development of the property as a multi-family. **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: As mentioned in criterion #1, the reduced lot width is characteristic of several northernmost lots of the south side of 13th Avenue North. The proposed variance will allow re-development of the property while maintaining the original platted configuration. Therefore, staff finds that the variance will not be negatively impact the surrounding neighborhood as it maintains a lot configuration that is decades old. **Meets Criterion.**

CONCLUSION AND CONDITIONS

Based on staff's analysis, the variance request complies with all the variance criteria outlined above. Therefore, staff is recommending approval of this application.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-01500002 with staff recommended conditions for a **variance** to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 23-01500002 for a **variance** to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. 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 the final decision for the Variance. The Applicant may appeal the Board's decision directly to circuit court.*

ATTACHMENTS

- A. Application Package (survey & supporting documents)
- B. City of Lake Worth Beach Plat Sheets