



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
VIRTUAL MEETING  
WEDNESDAY, MAY 20, 2020 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

[A.](#) March 4, 2020 Regular Meeting Minutes

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

[1\)](#) Proof of Publication

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- [A.](#) PZB Project Number 20-00500004: Request by Juanique Chadinha Branca of Gentle Pet Crossing, LLC, for consideration of a Conditional Use Permit for a 1,800 square-foot low-intensity funeral home/crematory use at 409 South Dixie Highway, Bays 1 & 2. The project is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property's PCN is 38-43-44-21-15-149-0210.
- [B.](#) A request by Scheron Bryant and Myrda Bryant of Lake Osborne Funeral Home Services, LLC, for consideration of a Conditional Use Permit for a medium-intensity funeral home use at 1612 South Dixie Highway and 1604 South Dixie Highway.
- [C.](#) A request by John Banting of PBB Construction, LLC on behalf of Daniel Aquino and Angel Arroyo of AM Lucerne Holdings, LLC for consideration of a zoning use interpretation as to whether a veterinary clinic is permitted in the Downtown (DT) zoning district

- D. City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance.
- E. City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.
- F. Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

**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  
WEDNESDAY, MARCH 04, 2020 - 6:10 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

Present: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm; Michael Glaser; Daniel Tanner; Brock Grill; Laura Starr.

Also present: Alexis Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. February 5, 2020 Planning & Zoning Board Regular Meeting Minutes

**Motion:** A. Marotta moved to approve the agenda as presented; M. Glaser 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

Board Secretary administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION**

1) Proof of Publication

Provided in the meeting packet.

**WITHDRAWALS / POSTPONEMENTS**

1) Postponement of PZB 20-00500001, a conditional use permit request for a funeral home use at 1612 South Dixie Highway, at the request of staff until a date certain. The item has been advertised.

**Motion:** M. Humm moves to postpone PZB 20-00500001 to a date certain of April 1, 2020; M. Glaser 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:**

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Number 20-00500002:** Request by Christopher Fleming of Strategic Realty Services, LLC on behalf of Dr. Andrew Cooper of Cooper RE, LLC for consideration of a Conditional Use Permit for a medium-intensity medical office use at 1718 North Federal Highway. The project is located within the Mixed Use – Federal Highway (MU-FH) zoning district. The subject property's PCN is 38-43-44-15-16-008-0031.

**Staff:** A. Rosenberg provides case findings and analysis. The property has operated primarily as a professional office since its inception, most recently as a law firm. In 2001 a cross-access parking agreement with 1708 N. Federal Hwy was created allowing pedestrian rights-of-way, vehicular ingress and egress, parking, the installation, operation and maintenance of sprinkler systems over the subject property to serve 1708 N Federal Hwy along with ingress and egress to the refuse containers currently in the alley. The subject office currently occupies the second floor of 1708 N Federal Hwy and, if granted this request, will relocate in its entirety to 1718 N Federal Hwy.. The site is currently non-conforming and deficient in meeting impervious requirements and rear setbacks. The applicant has agreed to work with staff to rectify the impervious deficiency through landscaping. The proposed office will require 9 of the 21 parking spaces on-site. The cross-access agreement would allow an additional 7 spaces to be occupied by the clients of 1708 N. Federal Hwy leaving an excess for 1718 N. Federal to occupy.

**Board:** L. Starr had questions about the number of vehicles currently seen on the site and who is utilizing the parking spaces. Drives past the site several times per day, cars are backed up onto Federal Hwy and circling the block.

**Agent for the Applicant:** Chris Fleming states perhaps it is the doctor office next door. Parking capacity will increase at that location with the re-location of Cooper Orthodontics to this site. Suggests the flow of traffic may be the issue.

L. Starr has a question regarding enhancing the landscape. Staff responds additional landscaping will be installed along the west frontage.

D. Tanner and M. Humm have questions regarding "in" "out" signs. Agent states those are by property owner.

B. Grill asks if there are plans to modify the exterior? Agent responds no only interior renovations.

Staff states in keeping with the Major Thoroughfare Design Guidelines there is insufficient glazing on the building and so is included as a condition.

**Public Comment:** None

D. Tanner states the Major Thoroughfare Design Guidelines does not give specific direction as to how many windows should be added. A. Rosenberg states the intent is for the applicant to work with staff.

The applicant will be not be moving in immediately, interior drawings will be finalized after closing on the property, the site is not currently configured to be a dentist office.

M. Humm asks if "in" "out" signs can be made a condition, perhaps trees would be better for visibility rather than shrubs.

Staff strives to bring buildings into compliance with the Major Thoroughfare Design Guidelines when applicants come to staff with changes to the building or site.

D. Tanner says it is just a suggestion to work with staff, there are no teeth.

Board Attorney suggests as a condition 'if the parties fail to reach an agreement, they shall return to Board for resolution.'

**Motion:** A. Marotta moves to approve PZB 20-00500002 with staff recommended Conditions of Approval and additional conditions #8 under Planning heading 'if the parties fail to reach an agreement on the windows as per the Major Thoroughfare Design Guidelines, they shall return to Board for resolution'; #9 The parking entrance and exit (directional signs) shall be installed prior to Certificate of Occupancy; D. Tanner 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:**

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

**DEPARTMENT REPORTS:** Mark Stivers will be leaving the City as he has accepted a job in Pennsylvania.

**BOARD MEMBER COMMENTS:**

Board Chairman: The turnout for the Gulfstream was excellent. A husband and wife team is proposing to renovate, add square footage and franchise with the Marriott, Autograph Collection. This is the reason for the Lake Worth ballot item regarding height. It is good to see the crane working at the site of the Mid on Dixie Hwy..

B. Grill: Hopes that when property owners propose renovations, they would repaint and make improvements but does not want to tell someone what to do with their property, it is difficult to do without seeing drawings/plans.

D. Tanner: Believes owners can reject the suggestions made with regard to the Design Guidelines, if they choose. B. Grill views the previous project as a positive improvement since Federal Highway is mixed and small improvements add up.

**Board Attorney:** Although we can't require a paint color, it can certainly be said or suggested. Applicants can take it or leave the suggestion but it has been said.

Board members ask when the Gulfstream project will come before the Board. Planning and Zoning Board will not review the Gulfstream but the Historic Resource Preservation Board will hear the project.

D. Tanner: Expressed concerns about so many vacant buildings and how to deter property owners from allowing their properties to remain vacant. A discussion followed with about what will happen after this crisis. D. Tanner suggests imposing a "luxury" type tax for not filling a space. It is a supply and demand situation. If the intent is pure they will eventually rent. If there is a business in the building, then it isn't vacant. Property owners should be the ones who respond. A. Marotta suggested bringing recommendations/solutions/examples of how to remedy, to the next Board meeting for discussion which could then be forwarded to the City Commission. Believes the Board can compel the Commission to discuss.

**Board Attorney:** we have a vacant registry. Board members think the registry is not strong enough.

M. Glaser departs at 7:09pm

**ADJOURNMENT:** 7:27 PM

**Legal Notice No 36738**

PLEASE TAKE NOTICE that due to the pending Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct a Planning and Zoning Board (PZB) meeting via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, May 20, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the meeting can be accessed at <https://lakeworthbeachfl.gov/virtual-hrpb-meeting/> to consider the following:

**PZB Project #20-00500004:** Consideration of a conditional use permit to allow for a pet cremation and funeral service use at 409 South Dixie Highway, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.2-29, Conditional use permits. The subject property is located in the Mixed Use - Dixie Highway (MU-DH) zoning district. PCN # 38-43-44-21-15-149-0210.

Written responses can be sent to the PZB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the meeting date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participating in the meeting, must notify the City of their status and submit evidence they wish the PZB to consider, five (5) days prior to the meeting for technical accommodation. Prior attendance notification does NOT apply to members of the public. For additional information on the above issues, please contact City Staff at 561-586-1687.

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

Publish: The Lake Worth Herald  
May 7, 2020

**Legal Notice No. 36737**

PLEASE TAKE NOTICE that due to the pending Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Planning and Zoning Board (PZB) meeting via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, May 20, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the meeting can be accessed at <https://lakeworthbeachfl.gov/virtual-hrpb-meeting/> to consider the following:

**PZB Project #20-00500001:** Consideration of a request for a conditional use permit to allow for a funeral home use at 1612 South Dixie Highway, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.2-29, Conditional use permits. The subject property is located in the Mixed Use - Dixie Highway (MU-DH) zoning district. PCN # 38-43-44-34-01-000-0070.

Written responses can be sent to the PZB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the meeting date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participating in the meeting, must notify the City of their status and submit evidence they wish the PZB to consider, five (5) days prior to the meeting for technical accommodation. Prior attendance notification does NOT apply to members of the public. For additional information on the above issues, please contact City Staff at 561-586-1687.

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Publish: The Lake Worth Herald  
May 7, 2020

**Legal Notice No. 36736**

PLEASE TAKE NOTICE that due to the pending Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Planning and Zoning Board (PZB) meeting via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, May 20, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the meeting can be accessed at <https://lakeworthbeachfl.gov/virtual-hrpb-meeting/> to consider the following:

**PZB Project #20-02100002:** Consideration of a zoning interpretation as to whether a veterinary clinic is permitted in the Downtown (DT) zoning district, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.1-12, Definitions, Section 23.3-4, Inclusionary as to Permitted Use, and Section 23.3-6, Use Tables. The subject property is located in the DT zoning district. PCN # 38-43-44-21-15-026-0150.

Written responses can be sent to the PZB at 1900 2nd Avenue North Lake Worth Beach, FL 33461 and must arrive before the meeting date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participating in the meeting, must notify the City of their status and submit evidence they wish the PZB to consider, five (5) days prior to the meeting for technical accommodation. Prior attendance notification does NOT apply to members of the public. For additional information on the above issues, please contact City Staff at 561-586-1687.

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Publish: The Lake Worth Herald  
May 7, 2020



DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
Planning Zoning Historic Preservation Division  
1900 2<sup>ND</sup> Avenue North  
Lake Worth Beach, FL 33461  
561-586-1687

DATE: May 13, 2020  
TO: Members of the Planning and Zoning Board  
FROM: Andrew Meyer, Senior Community Planner  
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability  
MEETING: May 20, 2020

SUBJECT: **PZB Project Number 20-00500004**: Request by Juanique Chadinha Branca of Gentle Pet Crossing, LLC, for consideration of a Conditional Use Permit for a 1,800 square-foot low-intensity funeral home/crematory use at 409 South Dixie Highway, Bays 1 & 2. The project is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property's PCN is 38-43-44-21-15-149-0210.

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**PROJECT DESCRIPTION:**

The Applicant, Juanique Chadinha Branca of Gentle Pet Crossing, LLC is requesting approval of a Conditional Use Permit for a low intensity funeral home use. The subject property is a large size lot (12,830 square feet), located in the 400 block of South Dixie Highway. The site includes one building of approximately 5,400 square feet, and consists of 6 individual leasable bays and 18 parking spaces. The proposed use, Gentle Pet Crossing, LLC, is a pet animal funeral and cremation business that is proposing to move into bays 1 and 2 of the existing building. According to the Applicant, Gentle Pet Crossing, LLC provides the following services:

- Euthanize pets at the end-of-life
- Dissolve pet animal remains through an alkaline hydrolysis process
- Sell urns and pendants to contain dissolved pet animal remains
- Coordinate and host pet funeral services on site
- Meet and coordinate with families to make pet funeral arrangements
- Arrange the shipment of remains

Per the application submitted by the Applicant, the facility will occupy a total of 1,800 square feet, currently configured as office space. Currently, the space is configured as 4 offices with two restrooms and a kitchenette/break room. The Applicant states that the existing offices will be reconfigured into reception, a business office, a sanctuary for funerals, a private room to allow customers to spend final moments with a pet, and a water-based/zero-flame cremation center for animal remains. The applicant states that two employees will be working at the site, and that the facility will be open to the public for consultation and services between 9:00 A.M and 4:30 P.M. throughout the week, however employees may continue to work at the site after hours.

Staff analyzed the submitted application and had concerns regarding chemical storage and sewer impact. The building code has restrictions on the quantity of chemicals being used in the process, however the applicant has demonstrated that the amount being stored at 409 South Dixie Highway will be well below these levels. In addition, there were concerns about whether the chemicals being discharged into the sewer system would cause damage. As such, the application has been conditioned so that the applicant must apply for the West Palm Beach IPP program before being issued a business license.

**Staff Recommendation:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use generally meets the criteria of the Comprehensive Plan and LDRs. Staff recommends that the Board review the application and the Code criteria outlined below in order to determine if the request is in compliance. Final approval shall be at the discretion of the Board.

**PROPERTY DESCRIPTION:**

|                                    |  |
|------------------------------------|--|
| <b>Applicant</b>                   | Juanique Chadinha Branca of Gentle Pet Crossing, LLC                                       |
| <b>Owner</b>                       | Zabir Esmail   |
| <b>General Location</b>            | West side of South Dixie Highway between 4 <sup>th</sup> and 5 <sup>th</sup> Avenues South |
| <b>Existing PCN Numbers</b>        | 38-43-44-21-15-149-0210  |
| <b>Existing Land Use</b>           | Chiropractic Office, Insurance Agency, Vacant Commercial/Office                            |
| <b>Zoning</b>                      | Mixed Use – Dixie Highway  |
| <b>Future Land Use Designation</b> | MU-E   |



**LOCATION MAP****BACKGROUND/PROPOSAL:**

The subject property's main address is 409 South Dixie Highway, and is comprised of six separate leasable bays. Below is a timeline summary of the property's history based on a combination of Palm Beach Property Appraiser's records and City records:

- 1977 – The building was constructed as a +/-5,420 square foot structure.
- November 16, 1999 to September 30, 2018 – Nathanson Chiropractic (Chiropractic Office) held active business licenses at 409 South Dixie Highway.
- November 20, 2019 – The property was sold by Nathanson LLC to Tropical Point Plaza, Incorporated.
- March 17, 2020 – Metro Insurance Services Corporation (insurance office) was issued a business license to operate out of Bay 3
- As of April 30, 2020, no prior Planning & Zoning approvals have been enacted for this site

**ANALYSIS:****Consistency with the Comprehensive Plan and Strategic Plan**

The subject application is located within the Mixed-Use East (MU-E) future land use designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses east of I-95 along major thoroughfares. The proposed use is located east of I-95 and is along the Dixie Highway thoroughfare, and would provide pet funeral and cremation services for the local area. In addition, as this is a new business and will create at least 2 jobs with the potential for more, the proposed application furthers the objectives of Pillars IV.A & D, which are to achieve economic stability through a stable tax base, and influence the supply of jobs. Therefore, the proposed pet funeral home is consistent with the following portions of the City of Lake Worth's Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City's Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Policy 1.1.2.1 of the City's Comprehensive Plan, Future Land Use Element:** High quality retail and office uses located within the Dixie Highway corridor.
- **Objective 1.6.1 of the City's Comprehensive Plan, Future Land Use Element:** To support the redevelopment of older urban area.
- **Pillar IV.A of the City's Strategic Plan:** Achieve economic and financial sustainability through a versatile and stable tax base.
- **Pillar IV.D of the City's Strategic Plan:** Influence the supply and expansion of jobs.

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

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the code to review condition applications in accordance with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Staff Analysis:** The subject building was constructed in 1977 as a 5,420 square foot office and retail structure, and today exists as it did when originally built with no additions or expansion. The building currently does not appear to conform to the current land development regulations, which subjects the site to the nonconformities section of the land development regulations. A search performed on May 11, 2020 indicated that there are no active code cases on the property. The proposed use would not expand any existing non-conformities and as conditioned would reduce non-conformities with the land development regulations. The proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

**Parking:** Code of Ordinances Section 23.4-10 provides an equation of 1 parking space per 50 square foot of area used for services. This section also provides a 25% reduction in required parking for mixed-use developments. There is approximately 500 square feet of funeral services area proposed as part of the business, and the business will be part as a mixed-use facility, so as a result, this use would use approximately 7.5 parking spaces. In addition, the remainder of the mixed-use facility is configured as office, and based upon parking calculations found within Section 23.4-10, would only require 6.75 parking space. Both the funeral home and adjacent office uses combined at the facility at 409 South Dixie Highway would require a total of approximately 15 parking spaces, and currently there are 18 parking spaces available on the site, including one ADA handicap space.

**Landscaping:** The site currently contains four trees amongst shrubbery, all of which is located around the parking lot in front of the building. The application and site were reviewed by city staff for current compliance with the landscape code. Upon visiting the site, staff observed some shrubbery which was dying or dead, and found the site to be out of conformance with the Major Thoroughfare Design Guidelines. As such, staff has provided conditions of approval which would require the replacement of dying or dead shrubs as well as the planting of two trees that will place the property into further conformance with the Major Thoroughfare Design Guidelines as well as Section 23.6-1.

**Building/Pervious Surface:** The building was constructed in 1977 prior to the current setback and pervious surface requirements. The 12,830 square foot lot consists of a 5,400 square foot building, and a parking lot with 18 spaces, that cover nearly the remainder of the lot. The building does not meet current setback regulations and the lot exceeds total impermeable lot coverage maximums (65% max lot coverage). The applicant is not proposing any alterations to the structure and the building appears to be in generally good condition. While no expansion or improvement of the structure is proposed at this time, any new expansion or improvements will be required to not increase or to decrease the site's nonconformities per the City's LDRs, including the Major Thoroughfare Design Guidelines.

**Signage:** Currently, one permanent sign exists on the property which reads 'Chiro Med Rehab" and was for the medical office use which previously operated at the site. This permanent sign will be removed as the business is no longer active at the site. There is also one temporary sign which is placed in the window and reads "Coming Soon: Insurance", presumably for Metro Insurance Services Corporation. There is no permit on file for the temporary sign and it appears to exceed the window signage maximum of 25%. In addition, two murals currently exist on the property; one at each end on the inside of terminating walls. Review of historical imagery shows that these murals existed prior to 2007, and a review of city records found no approval on file for the murals. As such, conditions were added which will require the property to remove or obtain a permit for the signs and murals which currently do not have a permit. The applicant will be required to permit all new signage in accordance with the regulations outlined in LDR Section 23.5-1, Signs.

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

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and was found to generally be in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

**1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.**

**Staff Analysis:** The site contains a zoning designation of MU-DH. The applicant states that human-based crematories have existed in the area in the past, and the applicant believes they do not see a reason why they would not be able to have a pet crematory within the general vicinity. While the historical existence of crematories is not a justification that a use should continue in the vicinity, this crematory and funeral home use appears to be low-impact and does not involve human remains. Further, this use appears to be consistent with the types of personal service uses anticipated to occur within the MU-DH district. To ensure the proposed use remains in harmony the purpose of the FLU and zoning district, a condition was drafted to require that if the scope or scale of the business change, a new conditional use would be required. As such, the proposed funeral home is a use that appears to be compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

**2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.**

**Staff Analysis:** The existing uses in the surrounding area are as follows:

| Direction                 | Future Land Use           | Zoning District           | Current Use  |
|---------------------------|---------------------------|---------------------------|--|
| North (adjacent)          | MU-E                      | MU-DH                     | Professional Office  |
| South (adjacent)          | MU-E                      | MU-DH                     | Medical Office   |
| East (across S Dixie Hwy) | MU-E                      | MU-DH                     | Shopping Plaza (Stores, Restaurants, Offices, Salon, Pharmacy) |
| West (across the alley)   | Artisanal Mixed Use (AMU) | Artisanal Industrial (AI) | Auto Repair  |

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial, office, and residential uses. The properties to the north, south, and east across South Dixie Highway have a future land use designation of MU-E and a zoning designation of MU-DH. To the west of the site, across the alley, are vehicle repair uses. The lots have a future land use designating of AMU and a zoning designation of AI. The personal service use of a funeral home is generally in harmony with the existing mixture of commercial and residential uses in the immediate area. **Meets Criterion.**

**3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.**

**Staff Analysis:** The Applicant states that the Conditional Use request at 409 South Dixie Highway will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the MU-DH zoning district. The applicant states that the animal remains cremation processes used at the proposed business emits no air pollutants nor does it generate noise in excess of that of a household vacuum cleaner. **Meets Criterion.**

**4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.**

**Staff Analysis:** The Conditional Use request to allow a funeral home on this site will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan. As mentioned, the MU-E land use designation 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 proposed use is a personal service use, and per the City's Use Table in LDR Section 23.3-6, it is an anticipated use in the MU-DH zoning district. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

**1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.**

**Staff Analysis:** The proposed 1,800 square foot space was previously used as part of a medical office use, which at 1,800 square feet, generated an estimated 57 trips per day. A funeral home will most likely generate similar traffic rates to a place of worship (e.g. a Synagogue), or an office, which is estimated to generate approximately an average of 19 trips per day. Other permitted uses permitted by right, such as an automobile parts retail store, generate 143 trips per day for a space of the same size. Overall based on the Trip Generation Table, both a place of worship and an office are likely to have less daily trips than other uses allowed in the MU-DH zoning district and will likely have less than the previous medical office use. **Meets Criterion.**

**2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.**

**Staff Analysis:** This use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The Dixie Highway corridor is intended for the establishment of office, commercial, and high-density residential uses. Therefore, the traffic generated from the proposed business will be generally consistent with adjacent commercial uses as well as the anticipated uses in this area. **Meets Criterion.**

**3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.**

**Staff Response:**

The applicant has stated that the method of cremation employed on-site uses no flames and generates no greenhouse gas emissions, and has 1/10<sup>th</sup> the carbon footprint of that of traditional flame-based cremation methods. As such, the proposed conditional use is not anticipated to produce significant air pollution emissions.

**Meets Criterion.**

**4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.**

**Staff Analysis:** Being an anticipated use in the MU-DH zoning district, the proposed funeral home at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

**5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.**

**Staff Analysis:** The applicant has stated that the cremation of animal remains will take place on the site though a hydrolysis process. The applicant states that the hydrolysis process will use 95% water and 5% of an alkali composed of sodium hydroxide and potassium hydroxide, and will be conducted inside of a "PET400" machine. The cremated remains are separated from the water/alkali mixture and the mixture is deposited into the sewer system. The applicant states that this process generates no greenhouse gas emissions, is cleaner than and has 1/10<sup>th</sup> the carbon footprint of that of traditional flame-based cremation methods, destroys euthanasia chemicals, and sterilizes all pathogens.

The City's Water Utilities staff reviewed the proposed application and provided the following comment: In order to mitigate any impacts the waste being discharged into the sewer system may cause, the applicant shall, in addition to providing other site-specific upgrades, discharge the waste into a separate drain with a grease interceptor before being discharged into the general sewer system. In addition, the applicant shall apply for an industrial pretreatment permit from the IPP program with West Palm Beach utilities. West Palm Beach utilities will make the determination whether an industrial pretreatment permit is warranted for the business. These requirements and others relating to the treatment and maintenance of discharge have been incorporated into the proposed Conditions of Approval.

Overall, with the conditions outlined in the Conditions of Approval, this use is not anticipated to require either extension nor enlargement or 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. **Meets Criterion.**

**6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.**

**Staff Analysis:** The storage of both sodium hydroxide and potassium hydroxide are restricted without specialized containment. The maximum allowed storage of sodium hydroxide is 5,000 pounds, and the maximum allowed storage of potassium hydroxide is 500 pounds. The applicant states that they anticipate using 40 pounds of chemicals per week, and will have approximately three to four weeks of chemicals stored at any given time at the facility, which comes out to approximately 120 to 160 pounds, well under the combined threshold of 5,500 pounds. The applicant has also stated that, operating under full capacity in the future, they envision keeping on-hand 300 to 500 pounds of chemicals, still well under the combined threshold of 5,500 pounds. A staff condition addressing maximum storage thresholds has been added to the Conditions of Approval should the business need to store more than the threshold allowed without specialized containment. As conditioned, this use should not place a demand on municipal police or fire protection services beyond service capacity. **Meets Criterion.**

**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.**

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The Applicant states that the pet funeral home will not cause noise in excess of what is permitted by Code, stating that the only machines that create noise do so at a level similar to that of a household vacuum cleaner. Pet funeral services will be conducted indoors and there will be no parties, loud music or other activities to cause unreasonable noise. **Meets Criterion.**

**8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.**

**Staff Analysis:** The Applicant has not proposed additional lighting on the site, and states that the proposed use of a funeral home will not generate light or glare that would negatively impact the surrounding properties. The Applicant also states that the business will remain in compliance with LDR Section 23.4-3 in regards to exterior lighting. **Meets Criterion.**

**Public Support/Opposition**

Staff has not received any letters of support or opposition.

**CONCLUSION:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use generally meets the criteria of the Comprehensive Plan and LDRs. The analysis has shown that the required findings can be made with respect to the Conditional Use Permit request. The use as proposed is in harmony with the underlying zoning district and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff **recommends approval with the conditions listed below:**

**Building:**

1. The quantity of sodium hydroxide on the site at any given time may not exceed 5000lbs.
2. The quantity of potassium hydroxide on the site at any given time may not exceed 500lbs.

**Planning:**

1. Prior to the issuance of a business license for the funeral home use, the property owner shall obtain a City of Lake Worth Beach commercial rental license.
2. Prior to the issuance of a business license, two existing murals on the north and south ends of the building must either receive Planning & Zoning Board approval and obtain a City of Lake Worth Beach building permit or be removed.
3. Prior to the issuance of a business license, any unpermitted temporary signs must either obtain a City of Lake Worth Beach building permit or be removed.
4. Prior to the approval of a Lake Worth Beach business license, the building shall receive an approved use and occupancy inspection which shall comply with all standards for a formal change of use and occupancy.
5. Shall any expansions of use be proposed, including but not limited to human cremation, expansion of occupied square footage, and/or an addition, change, and/or increase of chemicals, the use shall go through a new Conditional Use review.
6. Per LDR Section 23.2-21, work, such as fences/walls, shall be applied for on a building permit and are subject to the regulations set forth in LDR Section 23.4-4.
7. Per LDR Section 23.5-1(b), all signage shall be applied for on a building permit and are subject to the regulations set forth in LDR Section 23.5-1.
8. Per Section 15-24.2, no person shall make, continue or cause to be made any unreasonable noise or disturbing noise (defined in Section 15-24.2).

**Landscaping:**

1. Prior to the issuance of a business license, all dead and/or dying shrubs around parking area shall be replaced as per Code Section 23.6-1 (d)(1)(c).

2. Prior to the issuance of a business license, plant 2 Green Buttonwood trees adjacent to Dixie Hwy per the Tree Palette listed on page 88 of the Major Thoroughfare Design Guidelines and Code section 23.6-1(d)(1)(c).

**Utilities, Water and Sewer:**

1. Prior to the issuance of a business license, the applicant shall apply for an industrial pretreatment Permit from the IPP program with West Palm Beach utilities. <https://wpb.org/utilities/ipp-industrial-pretreatment/>
2. Prior to the issuance of a business license, the waste “white” water drained from the alkaline hydrolysis process shall discharge to a separate drain lateral that will require a grease inceptor. This line must be independent from sink and toilet drains before its discharged through the grease inceptor, after the inceptor it can tie back into a sanitary lateral.
3. Prior to the issuance of a business license, the water service line must have an reduced pressure zone (RPZ) backflow preventer following the meter.
4. Prior to the issuance of a business license, a cleanout for access to clear blockages must be present on the sewer lateral at the property line.

**POTENTIAL MOTION:**

I MOVE TO APPROVE/DISAPPROVE PZB PROJECT NUMBER 20-00500004: Request for a **Conditional Use Permit** to allow for a low-intensity funeral home use at 409 South Dixie Highway, with the conditions recommended by staff included in Attachment C.

**Attachments:**

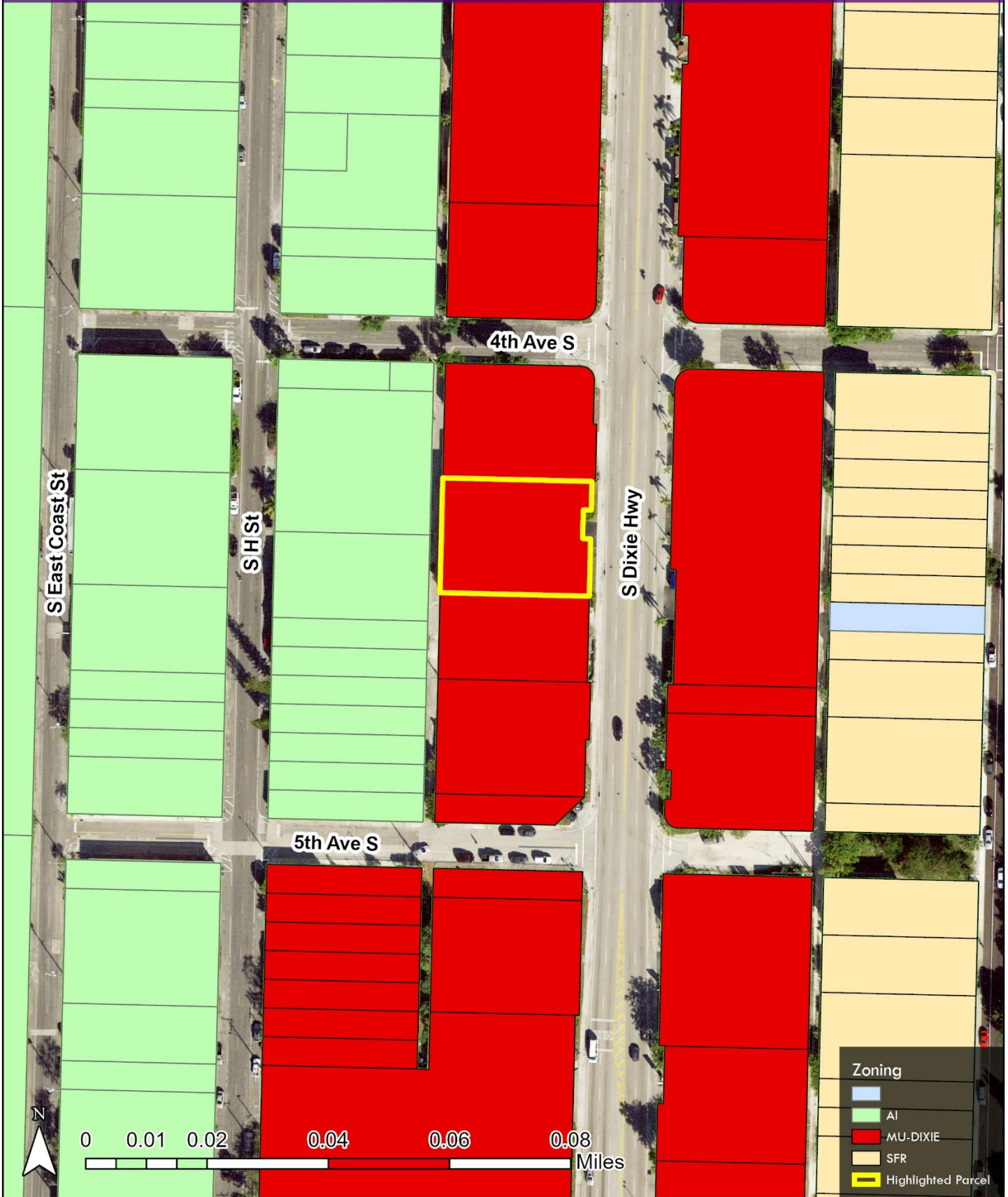
- A. Zoning Map
- B. Application Package
- C. Site Photos





# Zoning Map - 409 S Dixie Hwy

Department for Community Sustainability



| Zoning |                    |
|--------|--------------------|
|        | AI                 |
|        | MU-DIXIE           |
|        | SFR                |
|        | Highlighted Parcel |



DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
Planning Zoning Historic Preservation Division  
1900 2<sup>ND</sup> Avenue North  
Lake Worth Beach, FL 33461  
561-586-1687

DATE: May 13, 2020

TO: Members of the Planning and Zoning Board

FROM: Alexis Rosenberg, Senior Community Planner

THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

MEETING: May 20, 2020

SUBJECT: **PZB Project Number 20-00500001**: Request by Scheron Bryant and Myrda Bryant of Lake Osborne Funeral Services, LLC, for consideration of a Conditional Use Permit for a medium-intensity funeral home use at 1612 South Dixie Highway and 1604 South Dixie Highway. The project is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject properties PCNs are 38-43-44-34-01-000-0070 and 38-43-44-34-01-000-0060.

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**PROJECT DESCRIPTION:**

The Applicant, Scheron Bryant and Myrda Bryant of Lake Osborne Funeral Services, LLC is requesting approval of a Conditional Use Permit for a funeral home. The subject property consists of 1612 South Dixie Highway and 1604 South Dixie Highway. If tied together by a Unity of Title, this lot is considered a large lot (16,683 square feet). It is located in the 1600 block of South Dixie Highway, in the northeast corner of South Dixie Highway and 17<sup>th</sup> Avenue South. The site includes one building, approximately 4,049 square feet, and 21 parking spaces. The building and nine parking spaces are located on 1612 South Dixie Highway, and the remaining 12 parking spaces are located on 1604 South Dixie Highway. The proposed business, Lake Osborne Funeral Services, LLC, is a funeral business that is seeking to move into the existing building. According to the Applicant, Lake Osborne Funeral Services, LLC provides the following services:

- Coordinates and hosts funeral services on site
- Meets and coordinates with families to make funeral arrangements
- Arranges the shipment of remains
- Sells caskets through third-party catalogs and online companies
- Embalming (at a future date)

Per the Applicant's floorplan, Lake Osborne Funeral Services, LLC is intending to utilize the entire 4,049 square foot building. The floor plan shows that 2,714.5 square feet will be used as a foyer, chapel, and office. The remaining 1,334.5 square feet will remain vacant until the business chooses to expand into the space, which will be designated as office area and an embalming facility. Prior to this expansion, all embalming will be conducted at an off-site location (Premier Funeral Services and Cremations, Inc., 730 North Dixie Highway). Lake Osborne Funeral Services, LLC will be responsible for transporting human remains between the subject site and the off-site embalming facility and a cemetery or crematory as needed for each funeral service. A licensed funeral director of Lake Osborne

Funeral Services, LLC, will be responsible for the human remains while on premises. The Applicant states that a majority of the funeral services will take place between 6pm and 8pm throughout the week, and also states that there will be no cremation on the site.

**Staff Recommendation:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions (Attachment C).

**PROPERTY DESCRIPTION:**

|                                    |  |
|------------------------------------|--|
| <b>Applicant</b>                   | Scheron Bryant and Myrda Bryant of Lake Osborne Funeral Services, LLC  |
| <b>Owner</b>                       | Jacqueline Walsh and Robert Walsh  |
| <b>General Location</b>            | 1600 block of South Dixie Highway in the northeast corner of South Dixie Highway and 17 <sup>th</sup> Avenue South |
| <b>Existing PCN Numbers</b>        | 38-43-44-34-01-000-0070; 38-43-44-34-01-000-0060   |
| <b>Existing Land Use</b>           | Commercial (Florist)   |
| <b>Zoning</b>                      | Mixed Use – Dixie Highway  |
| <b>Future Land Use Designation</b> | MU-E   |

**LOCATION MAP:**



**BACKGROUND:**

The subject property's main address is 1612 South Dixie Highway and 1604 South Dixie Highway. Per City records, 1612 South Dixie Highway appears to have three sub-addresses – 1614, 1616, and 1618 South Dixie Highway. Below is a timeline summary of the property's history based on Palm Beach Property Appraiser's records and City records:

- 1960 – the building was constructed as a +/-4,049 square foot structure. A majority of the front west façade was covered by plated glass windows and had flush wood doors, which is typical of the mid-century modern architecture. Narrow strips of landscape were located to the west of the building. The City's property file does not show evidence of a permit to change the façade to its current state nor is there record of increasing the lot coverage to the west of the building.
- February 2, 1987 – the City Commission granted a variance to the sign code to allow for a painted wall sign on the south façade of the building that read "Mr. Appliance." A site visit on January 17, 2020 confirmed that the painted sign for "Mr. Appliance" is no longer on the south wall.
- November 5, 1997 – the Planning and Zoning Board approved a mural on south wall depicting palm trees and a sea chest. A site visit on January 17, 2020 confirmed that the mural is no longer on the south wall.
- December 5, 2006 to September 30, 2019 – Lake Worth Villager Florist (retail florist shop) held an active business license at 1612 South Dixie Highway.
- May 23, 2008 to September 30, 2019 – Palm Beach Wholesale Produce E&F (wholesale for fresh cute flowers) held active business licenses at 1612 South Dixie Highway.
- April 27, 2020 - there are no active business licenses associated with the property.

**ANALYSIS:****Public Support/Opposition**

Staff has not received any letters of support or opposition.

**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 FLU provides 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 proposed funeral home is a commercial/service use that will have frontage along South Dixie Highway, and therefore is consistent with the intent of the MU-E FLU. Furthermore, Goal 1.3 aims to preserve and enhance the City's character as a quality residential community and business center within Palm Beach County's urban area. The Applicant plans to renovate the interior building and make improvements to the landscape, thus reducing some of the existing nonconformities. Because the establishment of the funeral home will result in property enhancements, this proposal is consistent with Goal 1.3.

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 funeral home will contribute towards the City's tax base and sustain or increase job supply, as it is taking the place of a previously existing floral shop, the use is consistent with Pillar IV.A and Pillar IV.D. Pillar IV.B, Pillar IV.C, Pillar IV.E, and Pillar IV.F are not applicable to this application.

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

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

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the Code to review conditional use applications in accordance with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Staff Analysis:** The subject building was constructed in 1960 as a 4,049 square foot commercial structure, and today exists as it did when originally built with no additions or expansion. The building currently does not conform to the current land development regulations, which subjects the site to the nonconformities section of the land development regulations. A search performed on May 11, 2020 indicated that there is one active code case on the property. The open code case, case #20-00001168, has four components:

- Apply for, obtain, finalize and closer permits for a dumpster enclosure
- Apply for and obtain City of Lake Worth Beach business license
- Apply for and obtain a Use and Occupancy Certificate
- Mow, edge and weed lawn

The proposed use would not expand any existing non-conformities, and as conditioned, would reduce non-conformities with the land development regulations and remedy the code case if approved with staff recommended conditions. In the staff conditions, the applicant is required to close out the code compliance issues prior to the issuance of the business license. The proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

**Mixed Use – Dixie Highway:** Per LDR Section 23.3-17(a), the MU-DH zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses. The establishment of certain uses is subject to conditional use review to ensure the use will not have a negative impact on nearby residential uses or on the commercial viability of the neighbors. The proposed funeral home is a commercial/service use that is anticipated in the MU-DH zoning district. Based on the information provided by the Applicant, staff believes that the proposal seeks to minimize negative impacts on surrounding properties and complies with the conditional use criteria outlined in LDR Section 23.2.29.

**Setbacks:** The placement of the existing building does not meet the current minimum required front setback of ten feet. Based on the survey provided, the narrowest point from the front property line to the building is approximately five feet. The current front setback requirement is 10 feet minimum. The proposed structure was constructed in 1960 prior to the current setback requirements and the building's setback non-conformity is not easily remedied. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the building be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

**Parking:** While the site's existing parking meets the minimum parking requirements in the City's LDRs., staff has concerns of high parking demands during funeral service hours. Currently there are 21 parking spaces on the site, including one ADA handicap space. The Applicant states Lake Osborne Funeral Services, LLC has agreed to try to establish a parking agreement with neighboring properties.

**Landscaping:** The site does not comply with landscape screening requirements nor does it comply with the required open space requirement between the street and the building. To minimize these nonconformities, the Applicant has agreed to replace all concrete pavement to the west of the building with landscape, except for walkways connecting the entrance of the building to the parking lot. The Applicant also said that they will seek to further beautify the property by adding shrubs and natural ground cover where possible. Staff has included a recommended condition of approval to require the replacement of concrete with landscaping as described above. Staff would administratively review the change through the City's minor site plan review process. Conditions of approval are listed in Attachment C.

**Impermeable Surface Coverage:** The site currently conforms to the maximum allowed structure coverage, but does not conform to the maximum allowable impermeable surface coverage. Based on the survey provided, the lot appears to have a total impermeable surface coverage of 90%, which is 25% over the maximum coverage allowance. If approved, the Applicant agreed to replace all concrete pavement to the west of the building with landscape, except for walkways connecting the entrance of the building to the parking lot. The reduction of impermeable surface coverage would be in the minor site plan process.

**Signage:** The site appears to have three signs on the property:

- Two wall signs on the west façade, both pertaining to the previous licensed business
- One window sign on the west façade pertaining to the previous licensed business

No signage plan was required for concurrent review with the conditional use request. However, it appears current signage does not exceed the overall maximum of 150 square feet per LDR Section 2.5-1(d)(6). However, the existing wall signage may exceed the maximum allowed wall sign area per LDR Section 23.5-1(e)(1)(F). Staff will analyze the existing signage further during the minor site plan review process. The applicant will be required to permit all new signage in accordance with the regulations outlined in LDR Section 23.5-1, Signs. Therefore, non-conformities with the City's sign requirements will be eliminated.

**Major Thoroughfare Design Guidelines:** The site is not compliant with the following sections of the City's Major Thoroughfare Design Guidelines and there have been modifications over time to reduce the fenestration of the structure and to increase paved surfaces. The City's property file does not show evidence of a permit for these modifications. Therefore, staff has proposed a condition of approval that the applicant shall work with staff through the City's administrative site plan review process to reduce non-conformities with the following requirements:

- Page 27 – parking lots are to be effectively screened from the public view and from adjacent properties in a manner that is attractive and compatible with safety, the neighborhood, and the facility served.
- Page 31 – no more than 25% of the area between the building and a street or 50% of the remaining area shall be constructed with stone, concrete, asphalt, or mulch except necessary walks and vehicular use area.
- Page 40 – a hierarchy shall be applied to distinguish primary entrances from secondary entrances. Entrances shall be well defined and emphasized.
- Page 44 – buildings shall use a combination of materials; a primary material to envelope most of the building's exterior walls and an accent material to provide contrast and a break from the primary material.
- Page 56 – windows shall be transparent to allow light to spill from the interior onto the sidewalk. Therefore, at a minimum, 25% of the facade fronting the right-of-way shall include glazed fenestrations

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

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and was found to generally be in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

**Staff Analysis:** The site contains a zoning designation of MU-DH. The applicant states that the proposed funeral home will provide a needed service to the community while attempting to minimize impact on neighboring properties. This use appears to be consistent with the types of personal service uses anticipated to occur within the MU-DH district. Therefore, the proposed funeral home is generally compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

| Direction                            | Future Land Use   | Zoning District  | Current Use                                 |
|--------------------------------------|---|--|---|
| North<br>(adjacent)                  | MU-E  | MU-DH  | Commercial/Retail (Stores)                  |
| South<br>(adjacent)                  | MU-E  | MU-DH  | Office (Chiropractic Office)                |
| East (across<br>the alley)           | MU-E  | MU-Federal Highway (MU-FH)<br>and MU-DH  | Single Family Residences                    |
| West<br>(across from<br>S Dixie Hwy) | Artisanal Mixed<br>Use (AMU) and<br>High Density<br>Residential (HDR) | Neighborhood Commercial (NC)<br>and Single Family – Two Family<br>Residential (SF-TF-14) | Vacant Lots and Single Family<br>Residences |

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial, office, and residential uses. The properties to the north, south, and east have a future land use designation of MU-E and a zoning designation of MU-DH and MU-FH. To the west of the site, across from South Dixie Highway, are a mixture of vacant lots and single-family residences. The lots have a future land use designating of AMU and HDR and a zoning designation of NC and SF-TF-14. The personal service use of a funeral home is generally in harmony with the existing mixture of commercial and residential uses in the immediate area. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The Conditional Use request will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the MU-DH zoning district. The use is similar in nature and function to permitted uses as conditioned. Additionally, the applicant said that they will seek to further beautify the property by removing paved surfaces and adding shrubs and natural ground cover where possible.

Overall, while the property is not conforming to the current Code, if approved, improvements will be made to decrease the nonconformities. **Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

**Staff Analysis:** The Conditional Use request to allow a funeral home on this site will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan. As mentioned, the MU-E land use designation 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 proposed use is a personal service use, and per the City's Use Table in LDR Section 23.3-6, it is an anticipated use in the MU-DH zoning district. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

**Staff Analysis:** The previous use was a florist that conducted wholesale and retail sales. Based on the Florida Department of Transportation's (FDOT) 8<sup>th</sup> Edition of the Trip Generation Table, a 4,049 square foot garden center use would generate 144 daily trips. The proposed use is not identified in the traffic table. Similar uses are synagogue and office. These uses generate less trips than that of the previous use. Uses permitted by right in this district range from a 2,500 square foot, single-destination retail store with 13 trips per day to a 2,500 square foot restaurant with 225 trips per day. Therefore, the proposed use generates less traffic than a development permitted by right and less than the previous use.

The Applicant states that most of the funeral services will be conducted during the evening hours between 6pm and 8pm. During funeral services, the business is expecting to have up to 50 people or 15 vehicles. To facilitate traffic flow, the business is willing to hire two police officers when needed to assist with directing traffic.

While the site's existing parking meets the minimum parking requirements in the City's LDRs., staff has concerns of high parking demands during funeral service hours. Currently there are 21 parking spaces on the site, including one ADA handicap space. The Applicant states Lake Osborne Funeral Services, LLC will attempt to establish a parking agreement with neighboring properties. **Meets Criterion.**



2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

**Staff Analysis:** This use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The Dixie Highway corridor is intended for the establishment of office, commercial, and high-density residential uses. Therefore, the traffic generated from the proposed business will be generally consistent with adjacent commercial uses as well as the anticipated uses in this area. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** All embalming and cremations will be conducted at an off-site location, Premier Funeral Services and Cremations, Inc. at 730 North Dixie Highway. Although embalming will not be performed on site immediately, the Applicant states that the business eventually plans to expand into the 1,334.5 of remaining space of the building and renovate the vacant space into an office and embalming facility. Due to the future use of embalming fluid, the applicant shall either apply for an industrial pretreatment permit from the IPP program with West Palm Beach utilities, or create and sign a notarized and recorded agreement that states the business will obtain an IPP prior to performing any embalming activities on the site. Additionally, prior to conducting any embalming services on the site, the business shall revise its City business license to include embalming as part of its scope of work. Overall, this use is not anticipated to produce significant air pollution emissions. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Analysis:** Being an anticipated use in the MU-DH zoning district, the proposed funeral home at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Analysis:** As no major alterations are proposed to the property, the Applicant is utilizing the existing infrastructure. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** Being an anticipated use in the MU-DH zoning district, this use should not place a demand on municipal police or fire protection services beyond capacity. **Meets Criterion.**

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.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The Applicant states that the funeral home will not cause noise in excess of what is permitted by Code. Funeral services will be conducted indoors and there will be no parties, loud music or other activities to cause unreasonable noise. Based on the services being provided on the site, the use of a funeral home is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The Applicant has not proposed additional lighting on the site, and states that the proposed use of a funeral home will not generate light or glare that would negatively impact the surrounding properties. The Applicant also states that the business will remain in compliant with LDR Section 23.4-3 in regards to exterior lighting. **Meets Criterion.**

### **CONCLUSION:**

The analysis has shown that the required findings can be made with respect to the Conditional Use Permit request. The use as proposed is in harmony with the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff is recommending approval of the conditional use permit with conditions below:

### **Planning:**

1. Prior to the approval of a Lake Worth Beach business license, an application for an administrative Site Plan Review shall be filed and approved , and shall address the following:
  - a. Remedy the code violation in regards to the dumpster enclosure.
  - b. Provide additional landscape material for screening along the east property line adjacent to single-family residential, provide additional landscaping material along the north property line and as much as feasible add landscaping to the front of the building along S. Dixie Highway. , .
  - c. Remove paved and impervious surface as much as feasible to maximize compliance with the requirement that less than 25% of the area between the building and a street or 50% of the remaining area shall be constructed with stone, concrete, asphalt, or mulch except necessary walks and vehicular use area.
  - d. Work with staff to maximize compliance with the design requirements of the Major Thoroughfare Design Guidelines as much as feasible, specifically identifying improvements to enhance the front entrance, remove inappropriate façade materials (chain link fence in front window) and to restore architecturally appropriate fenestration. Staff will work with the applicant to maximize compliance with design requirements.

2. At the time of building permit submittal for the embalming facility improvements, the applicant shall provide a list of chemicals that will be stored on the site if applicable.
3. Prior to the business conducting any embalming services, the business shall amend their business license with the City to include all necessary paperwork relating to embalming services.
4. For large funeral services (greater than 40 attendees), the business shall hire two police officers prior to, during, and after funeral services to assist with directing traffic.
5. Prior to the approval of a Lake Worth Beach business license, all code violations shall be resolved and closed out.
6. Prior to the approval of a Lake Worth Beach business license, the building shall receive an approved use and occupancy inspection which shall comply with all standards for a formal change of use and occupancy.
7. Prior to the approval of a Lake Worth Beach business license, 1612 South Dixie Highway and 1604 South Dixie Highway shall be united under a Unity of Title and recorded at the Clerk of the Court. Non-conforming signage shall be removed.
8. A new conditional use permit review will be required should any expansions of use be proposed, including but not limited to human cremation, expansion of occupied square footage, and/or an addition, change, and/or increase of chemicals

**Electric:**

1. Prior to the issuance of a building permit, provide the three-phase load calculations with the permit application.

**Landscaping:**

1. Prior to the approval of a City business license, an application for a Site Plan Review shall be filed with Planning and Zoning and address the following:
  - a. Per LDR Section 23.6-1, add screening (native shrubs) on the east side of property adjacent to the alley.
  - b. Per LDR Section 23.6-1, add native shrubs adjacent to south side of building.
  - c. Per Code Section 2-75.9(a), remove all concrete except for what is necessary for ADA walkways from the west side of property in order to establish landscape beds. Amend the existing soil and plant newly established landscape beds with medium maturing shade trees and other native plants.

**Public Works:**

1. A dumpster and dumpster enclosure shall be established on the site for commercial waste collection. Please note that all dumpster enclosures require a building permit and are subject to [Code Section 12-7](#).

**Utilities, Water and Sewer:**

1. Prior to the issuance of a building permit or City business license, the applicant shall comply with the following:
  - a. [If applicable, capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.](#)
  - b. Prior to the application of building permit for the embalming facility and because of the use of embalming fluid, the applicant shall either apply for an industrial pretreatment permit from the IPP program with West Palm Beach utilities, or create and sign a notarized and recorded agreement that states the business will obtain an IPP prior to performing any embalming activities on the site. For more information, visit: <https://wpb.org/utilities/ipp-industrial-pretreatment/>

**Board Actions:**

I MOVE TO APPROVE PZB PROJECT NUMBER 20-00500001 with staff recommended conditions for a **Conditional Use Permit** to allow a medium-intensity funeral home use at 1612 South Dixie Highway and 1604 South Dixie Highway. The project meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 20-00500001 for a **Conditional Use Permit** to allow a medium-intensity funeral home use at 1612 South Dixie Highway and 1604 South Dixie Highway. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

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

**ATTACHMENTS:**

- A. Zoning Map
- B. Application Package
- C. Site Photos



City of  
Lake Worth  
Beach  
FLORIDA

# Zoning Map - 1612 S Dixie Hwy

Department for Community Sustainability



0 0.01 0.01 0.03 0.04 0.05 Miles



DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
Planning Zoning Historic Preservation Division  
1900 2<sup>ND</sup> Avenue North  
Lake Worth Beach, FL 33461  
561-586-1687

DATE: May 13, 2020

TO: Members of the Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

MEETING: May 20 , 2020

SUBJECT: **PZB Project Number 20-02100002:** Request by John Banting of PBB Construction, LLC on behalf of Daniel Aquino and Angel Arroyo of AM Lucerne Holdings, LLC for consideration of a zoning use interpretation as to whether a veterinary clinic is permitted in the Downtown (DT) zoning district. The subject property is located at 406 Lucerne Avenue, with a PCN of 38-43-44-21-15-026-0150.

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**ISSUE:**

This is a request for a zoning use interpretation by the planning and zoning board as to whether veterinary clinic less than 2,500 sf is permitted in the DT zoning district. The applicant, John Banting of PBB Construction, LLC on behalf of Daniel Aquino and Angel Arroyo of AM Lucerne Holdings, LLC, applied for a minor site plan amendment in February 2020 that included site improvements related to a proposed veterinary clinic at the subject site. In the minor site plan application, the proposed use was identified by the applicant as a low intensity (less than 2,500 sf) Single Destination Commercial use. The City's Development Review Officer (DRO) determined that the proposed use at 406 Lucerne Avenue is a veterinary clinic w/o boarding. Veterinary clinic uses are not permitted in the City's Downtown (DT) zoning district according to Section 23.3.-6 Use Tables, while low intensity single destination commercial uses are permitted by right. Per Sec. 23.3-4 (Inclusionary as to permitted use) "questions of whether a use is of a type listed shall be interpreted by either the planning and zoning board or the historic resources preservation board, but no use variance shall be approved."

The subject property is a large lot (13,068 square feet), located in the northwest corner of Lucerne Avenue and North Federal Highway. The Applicant intends to operate a veterinary clinic w/o kennel at the site in the existing 2,499 sf building.

**Staff Recommendation:**

Staff, through its DRO, denied the request for a veterinary clinic at this location because it does not qualify as a low intensity Single Destination Commercial use and recommends that the board interpret the permitted use table of the LDRs in manner consistent with the DRO's decision based on the analysis in the following section.

**STAFF'S INTERPRETATION ANALYSIS:**

Per section 23.3-4, entitled "Inclusionary as to permitted use", principal, accessory and conditional uses "specifically stated for each zoning district shall be the only uses permitted. Any use proposed within any given zoning district which is not a stated use or use type within said district is expressly prohibited." This means that unless a use is specifically stated as appropriate for a district in the use table, then it is not permitted. Further, the use table is constructed such that if a use is specifically listed under the medium or high intensity use category and not under the low intensity use category, it is an intentional omission that identifies that use as higher intensity use type.

In the LDRs, there are several general uses designed to catch a broad spectrum of typical uses that may occur. This includes the City's single-destination commercial use definition. These broader use types may include uses that then may be further defined, regulated and limited by review permit type and additional supplemental requirements. The intent of these broader uses is to allow for flexibility in the permitting of unanticipated uses that are of similar nature. The single-destination commercial use is an example of one of the City's broad use categories. While veterinary clinic is one of the uses included in the single-destination use definition, it is a use that has been further defined and regulated as well as specifically listed in the permitted use table. The veterinary clinic is considered a more vehicle and parking intensive use and was specifically omitted from the low intensity use category for commercial.

Finally, the DT district is designed for the historic commercial core of Lake Worth Beach. The district's purpose is to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the retail, dining, entertainment and/or office functions of the area.

As the veterinary clinic use is specifically defined and regulated as medium and high intensity use in the permitted use table, and generally is not consistent with the principally pedestrian oriented shopping district, the City's DRO has determined that the use is not permitted in the DT district. Further, as the proposed "veterinary clinic" business will be a veterinary clinic w/o boarding, it would not be permitted in the district and the subject location.

**APPLICANT'S INTERPRETATION ANALYSIS:** Please see attached Zoning Interpretation Request in Attachment A

**BOARD'S AUTHORITY:**

Sec. 23.3-4 of the code provides that the board has the authority to interpret "questions of where a use type is listed:"

The intent of this chapter is that it be "inclusionary." That is, principal uses, accessory uses, and conditional uses specifically stated for each zoning district shall be the only uses permitted. Any use proposed within any given zoning district which is not a stated use or use type within said district is expressly prohibited. **Questions of whether a use is of a type listed shall be interpreted by either the planning and zoning board or the historic resources preservation board, but no use variance shall be approved.**

**POTENTIAL MOTION:**

I MOVE TO APPROVE PZB PROJECT NUMBER 20-02100002: Request for a **Zoning Interpretation**, interpreting the code to allow a veterinary clinic to operate as permitted by right in the DT zoning district. The project will be remanded to staff to include relevant conditions.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 20-02100002: Request for a **Zoning Interpretation**, interpreting the code as disallowing a veterinary clinic to operate as permitted by right in the DT zoning district.

**Attachments:**

- A. City's Land Development Regulations References
- B. Letter from Applicant



**ATTACHMENT A**  
**DEPARTMENT FOR COMMUNITY SUSTAINABILITY**  
**PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**  
**PZB Project Number 20-02100002**

**City's Land Development Regulations References**

**Sec. 23.3-14. - DT—Downtown.**

- a) *Intent.* The "downtown (DT) district" is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The DT district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. **Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area.** The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.

**Sec. 23.1-12. - Definitions.**

**Single-destination commercial uses:** The following commercial uses are categorized as single destination for zoning district purposes and those that are substantially similar or related:

- Auction rooms.
- Automobile insurance claims services.
- Bait shops.
- Bar and restaurant equipment sales.
- Bicycle sales and service stores.
- Building material supply establishments, retail.
- Catering establishments as accessory to restaurants, but not direct selling establishments as listed in SIC 5963.
- Electrical supply stores.
- Food storage lockers.
- Funeral homes and mortuaries.
- Furniture and domestic equipment rental establishments.
- Furniture refinishing.
- Greenhouses and nurseries.
- Janitorial equipment and supply establishments.
- Locksmith establishments.
- Medical and dental supply sales and rental sales.
- Monument sales establishments.
- Motion picture studios.
- Newspaper distributing agencies.
- Nurseries, retail, for the sale of plant materials grown off the premises.
- Plumbing supply stores.
- Related office temporary help service.
- Repair shops for household appliances, furniture, small motors and machines and other small mechanical and electrical equipment.
- Taxidermists.
- Trade schools not involving industrial, motor vehicles, or other heavy equipment.
- Upholstering, cloth and canvas products fabrication, including the fabrication of clothing, slipcovers, awnings and similar products.
- Veterinary establishments, but not kennels.







DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00200001**: City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance..

Meeting Dates: **May 13, 2010 and May 20, 2020**

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**BACKGROUND:**

The subject City-initiated proposed amendments to the Future Land Use Map provide prime locations for Transit-Oriented Development (TOD) that are in close proximity to the existing Tri Rail train station/I-95 corridor and respond to market driven conditions for economic development by providing the desired TOD FLU designations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

The two (2) proposed Future Land Use Map amendments to expand the TOD boundaries are described as follows:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks; and
- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

The current FLU and proposed FLU maps are included as Exhibit A in the attached proposed Ordinance. The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the City initiated future land use map amendments (**PZB/HRPB 20-00200001**) to the Florida Department Economic Opportunity (DEO) for expedited review.

**DATA & ANALYSIS:**

The proposed TOD Future Land Use for the subject properties is compatible with the Future Land Use designations of surrounding properties. The following outlines the Future Land Use designations for the adjacent areas:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks

| Current FLU    | Adjacent Direction | Future Land Use            |
|----------------|--------------------|----------------------------|
| Mixed Use East | North              | Medium Density Residential |
| Mixed Use East | South              | Public                     |
| Mixed Use East | East               | Mixed Use East             |
| Mixed Use East | West               | Mixed Use West             |

- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

| Current FLU    | Adjacent Direction | Future Land Use Designations |
|----------------|--------------------|------------------------------|
| Mixed Use West | North              | Industrial and Public        |
| Mixed Use West | South              | Transit Oriented Development |
| Mixed Use West | East               | Mixed Use East               |
| Mixed Use West | West               | Mixed Use West               |

**JUSTIFICATION:**

The TOD FLU designation provides an alternative mixed-use development pattern within a one-quarter mile radius of the existing Tri Rail Station, CSX railway, and I-95 transit nodes. Currently, the adjacent property to the south of Lake Worth Road and west of I-95 has a TOD FLU. Expansion of the TOD boundaries will enable a greater TOD area to serve the desired TOD uses, design, and lifestyle all within one-quarter mile of the existing Tri Rail train station/I-95 corridor and within close proximity to the Lake Worth Road Park of Commerce. The amendment provides market driven opportunities for TOD in prime transit locations positioning Lake Worth Beach to be a competitive viable location of choice.

## **COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:**

### **Consistency with the Comprehensive Plan**

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach's Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

#### 1. FUTURE LAND USE ELEMENT

**Objective 1.2.2:** The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit oriented development (TOD) areas.

Policy 1.2.2.1: The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.

Policy 1.2.2.2: The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.

Policy 1.2.2.3: Investigate additional uses and opportunities to promote a more sustainable and resilient community.

Policy 1.7.1.13: The City shall consider creating a "Commerce Park Village" incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

#### 2. TRANSPORTATION ELEMENT

Policy 2.1.1.6: The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.

Policy 2.1.1.16: The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

#### 3. HOUSING AND NEIGHBORHOODS ELEMENT

**Objective 3.1.8:** Encourage construction of workforce housing units and market- rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types

**and prices for current and anticipated homeowners and renters in all household income levels.**

- Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices.
- Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.
- Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.
- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
  - Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
  - Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
  - The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
  - Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
  - Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
  - Relate new buildings to the context of the neighborhood and community.
  - Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

## 11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

### **Consistency with the Strategic Plan**

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistency with the following Strategic Plan Pillars:

#### **Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice**

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

#### **Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'**

A: Diversify housing options

#### **Pillar IV: Navigating Towards a Sustainable Community**

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

### **Level of Service Analysis**

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional



demands. According to the City's Comprehensive Plan, the maximum development potential change is for the existing Mixed Use FLU at 30 du/acre to the proposed TOD FLU at 60 du/acre resulting in an increase of 30 du/acre.

Analysis of the increased density (30 du/acre to 60 du/acre= 30 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 30 du/acre for the proposed TOD area of approximately 26.67 acres generates an increase of 800 dwelling units or 2,024 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.

### FLUM AMENDMENT LOS SUMMARY TABLE

| Type of Facility:     | Existing FLU Designations:<br>(at 30 du/acre for Mixed Use)   | Proposed FLU Designations:<br>(at 60 du/acre for TOD)   |
|-----------------------|---|---|
| <b>Drainage</b>       | 3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.  | 3-year, 1-hour storm duration<br><br>Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required to provide drainage collection and conveyance systems to positive outfall.          |
| <b>Potable Water</b>  | 105 GPCD (gallons per capita per day).<br><br>105 gpcd x 30 du/acre x 2.53 pph =7,970   | 105 gpcd x 60 du/acre x 2.53 pph =15,939<br>Increase of 7,970 gpcd<br><br>The City facilities have available capacity to accommodate the additional demand.   |
| <b>Sanitary Sewer</b> | Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.<br><br>100 gpcd x 30 du/acre x 2.53 pph =7,590                     | 100 gpcd x 60 du/acre x 2.53 pph =15,180<br>Increase of 7,590 gpcd<br><br>The City facilities have available capacity to accommodate the additional demand.   |
| <b>Solid Waste</b>    | Collection and disposal of 6.5 pounds of solid waste per capita per day.<br><br>6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 =<br>90 Tons/year                               | 6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 =<br>180 Tons/year<br><br>Increase of 90 Tons/year<br><br>The Solid Waste Authority has available capacity to accommodate the additional demand.                        |
| <b>Parks</b>          | 2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons.<br><br>26.67 acre x 30 du/acre = 800 du/acre x 2.53 pph/du= 2,024 persons | 26.67 acre x 60 du/acre = 1,600 du/acre x 2.53 pph/du= 4,048 persons<br><br>Increase of 2,024 persons<br><br>The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand. |

|                       |  |   |
|-----------------------|--|---|
| <p><b>Schools</b></p> | <p>800 dwelling units</p>  | <p>1600 dwelling units<br/>Increase of 800 du<br/>School District to determine impact of additional 800 units; School Capacity Availability Determination (SCAD).</p>                         |
| <p><b>Traffic</b></p> | <p>26.67 acre x 30 du/acre = 800 du<br/>800 du x 5.44 daily trips* = 4,356<br/>Daily Trips<br/><br/>* ITE 10th Edition Trip Generation Rates</p> | <p>26.67 acre x 60 du/acre = 1,600 du<br/>1,600 du x 5.44 daily trips = 8,705 daily trips<br/>Increase of 858 daily trips<br/>Capacity is available to accommodate the additional demand.</p> |

Traffic: The proposed amendment could result in an additional 4,356 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

**CONCLUSION:**

Staff **recommends approval of the draft City initiated site-specific amendments**, as:

- The amendments are consistent the City’s goals of housing diversity and economic development by allowing for mixed use transit oriented development desired in close proximity to the existing Tri Rail train station that optimizes the maximum residential development potential for these locations.
- The amendments area supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City’s community goals and vision and consistency with level of service requirements.

**POTENTIAL MOTIONS:**

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Map of the Lake Worth Beach Comprehensive Plan from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation.

**Attachments:**

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan Future Land Use Map



DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
Planning Zoning Historic Preservation Division  
1900 2<sup>ND</sup> Avenue North  
Lake Worth Beach, FL 33461  
561-586-1687

DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00400001**: City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.

Meeting Dates: May 13, 2010 and May 20, 2020

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**BACKGROUND:**

The subject City-initiated proposed amendments to Future Land Use Element Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10 that relate to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, density limitations, and general location descriptions.

The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements. The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the text amendments (PZB/HRPB 20-00400001) to the Florida Department Economic Opportunity (DEO) for expedited review.

**DATA & ANALYSIS**

The following represents the five (5) proposed text amendments in ~~strikethrough~~ (proposed deleted provisions) and underline (proposed new provisions) format.

**1) Future Land Use Element Policy 1.1.1.1 Table 1 Mixed- Use East Federal Highway (MU-E FH) Zoning District**

Policy 1.1.1.1: ~~\*\*\*Portion of Policy 1.1.1.1 Text Omitted for Brevity\*\*\*~~

Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

**Table 1**

~~\*\*\*Residential Portion of Table 1 Omitted for Brevity\*\*\*~~

|                  | Land Use                                | Zoning District | Density Allowed by Zoning District | Building Height         | Height w/ Sustainable Incentive Bonus Program Allocation(1) | Allowable Mix of Uses per District   | Floor Area Ratio |
|------------------|---|-----------------|------------------------------------|-------------------------|---|--------------------------------------|------------------|
| <b>Mixed Use</b> | Mixed Use East (MU-E) 45' Max.          | MU-DH           | 30 du/acre                         | 30 feet (max 2 stories) | plus 15 feet (max 4 stories)                                | 75% residential/ 25% non-residential | <b>1.55</b>      |
|                  |   | MU-FH           | <u>30</u> du/acre                  | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                 |                                      |                  |
|                  |   | MU-E            | 30 du/acre                         | 30 feet (max 2 stories) | plus 15 feet (max 4 stories)                                |                                      |                  |
|                  | Mixed Use West (MU-W) 65' Max.          | MU-W            | 30 du/acre                         | 30 feet (max 2 stories) | plus 35 feet (max 6 stories)                                | 75% residential/ 25% non-residential | <b>3.0</b>       |
|                  | Downtown Mixed Use (DMU) 45' – 65' Max. | DT              | 40 du/acre                         | 30 feet (max 2 stories) | plus 35 feet (max 6 stories—east of FH)                     | 75% residential/ 25% non-residential | <b>2.45</b>      |
|                  |   | MU-E            | 30 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                 |                                      |                  |
|                  |   | MF-20           | 20 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                 |                                      |                  |
|                  |   | MF-30           | 30 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                 |                                      |                  |

~~\*\*\*Remaining Land Use Designations in Table 1 Omitted for brevity\*\*\*~~

**JUSTIFICATION:**

The proposed amendment allows for 30 du/acre in the Mixed Use - Federal Highway (MU-FH) Zoning District consistent with the Mixed Use East (MU-E) Future Land Use Designation maximum development potential.

The maximum density for the MU-E FLU pursuant to FLU Policy 1.1.1.5 is 30 du/acre. The amendment allows 30 du/acre in the corresponding MU-FH Zoning District consistent with the other corresponding Zoning districts of MU-DH and MU-E. The increase in density for the Zoning District from 20 du/acre to 30 du/acre will allow for a maximum range of multifamily unit sizes and is consistent with the existing maximum development potential of the MU-E Future Land Use Designation.

## 2) Future Land Use Element Policy 1.1.1.8 Transit-Oriented Development (TOD) Land Use Designation

Policy 1.1.1.8: Transit-Oriented Development, maximum 650/du acre

The Transit-Oriented Development land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 650/ dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH MF-20, MU-W, P, PROS, and AI.

### **JUSTIFICATION**

The proposed amendment allows an additional 10 du/acre (max 60 du/acre) in the Transit Oriented Development (TOD) Future Land Use designation and lists all corresponding implementing zoning districts currently located within the TOD areas.

The TOD designation provides an alternative mixed-use development pattern within a one-quarter mile radius of rail or light rail transit nodes. TOD uses, design, and desired lifestyle lend itself to integrating high density residential enabling various unit types and sizes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

### **Level of Service Analysis**

Pursuant to Chapter 163 of the Florida Statutes, any amendment increasing maximum development potential (densities or intensities) must be evaluated to determine if the proposed amendment will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the increase in maximum FLU designation development potential, and whether or not each public facility has capacity to accommodate any additional demands.

Analysis of the proposed amendment increased density (50 du/acre to 60 du/acre= 10 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 10 du/acre for the approximately 85.81 acres currently with a TOD FLU generates an increase of 858 dwelling units or 2,171 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.

### FLUM AMENDMENT LOS SUMMARY TABLE

| Type of Facility      | Existing 50 du/acre  | Proposed 60 du/acre   |
|-----------------------|--|---|
| <b>Drainage</b>       | 3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.   | 3-year, 1-hour storm duration<br><br>Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required for development to provide drainage collection and conveyance systems to positive outfall.  |
| <b>Potable Water</b>  | 105 gpcd (gallons per capita per day).<br><br>105 gpcd x 50 du/acre x 2.53 pph =13,285 gpcd  | 105 gpcd x 60 du/acre x 2.53 pph =15,939<br>Increase of 2,654 gpcd<br><br>The City has available capacity to accommodate the additional demand.   |
| <b>Sanitary Sewer</b> | Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.<br><br>100 gpcd x 50 du/acre x 2.53 pph =12,650 gpcd                  | 100 gpcd x 60 du/acre x 2.53 pph =15,180 gpcd<br>Increase of 2,530 gpcd<br><br>The City has available capacity to accommodate the additional demand.  |
| <b>Solid Waste</b>    | Collection and disposal of 6.5 pounds of solid waste per capita per day.<br><br>6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year                                     | 6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 = 180 Tons/year<br><br>Increase of 90 Tons/year<br><br>The Solid Waste Authority has available capacity to accommodate the additional demand.   |
| <b>Parks</b>          | 2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons.<br><br>85.81 acre x 50 du/acre = 4,291 du/acre x 2.53 pph/du= 10,855 persons | 85.81 acre x 60 du/acre = 5,149 du/acre x 2.53 pph/du= 13,026 persons<br><br>Increase of 2,171 persons<br>5 acres Community Park and 4 acres Neighborhood Park demand<br><br>The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand. |
| <b>Schools</b>        | 85.81 acres x 50du/acre= 4,291 du  | 85.81 x 60du/acre= 5,149 du<br>Increase of 858 du<br>School District to determine impact of additional 858 units; School Capacity Availability Determination (SCAD).  |
| <b>Traffic</b>        | 85.81 acres x 50 du/acre = 4,291 du<br>4,291 du x 5.44 daily trips* = 23,343 daily trips<br><br>* ITE 10th Edition Trip Generation Rate  | 85.81 acres x 60 du/acre = 5,149 du<br>5,149 du x 5.44 daily trips* = 28,008 daily trips<br>Increase of 858 daily trips<br>Capacity is available to accommodate the additional demand.  |

Traffic: The proposed amendment could result in an additional 858 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

**3) Future Land Use Element Policy 1.1.1.1 Table 1 TOD-East and TOD–W Zoning Districts.**

Policy 1.1.1.1: **\*\*\*Portion of Policy 1.1.1.1 Text Omitted for Brevity\*\*\***  
 Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

**Table 1**

**\*\*\*Residential & Mixed Use Portion of Table 1 Omitted for Brevity\*\*\***

|                                     | Land Use   | Zoning District | Density Allowed by Zoning District | Building Height         | Height w/ Sustainable Incentive Bonus Program Allocation (1) | Allowable Mix of Uses per District | Floor Area Ratio |
|-------------------------------------|--|-----------------|------------------------------------|-------------------------|--|------------------------------------|------------------|
| <b>Transit-Oriented Development</b> | Transit-Oriented Development (TOD)<br>45' – 55' Max. | TOD-E           | 650 du/acre                        | 30 feet (max 2 stories) | plus 25 feet (max 5 stories – train station.)                | 75% residential/<br>25% non-res.   | 2.65             |
|                                     |  | TOD-W           | 650 du/acre                        | 30 feet (max 2 stories) | plus 25 feet (max 5 stories – train station.)                |                                    |                  |
|                                     |  | SFR             | 7 du/acre                          | 30 feet (max 2 stories) | N/A  |                                    |                  |
|                                     |  | MF-30           | 30 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                  |                                    |                  |
|                                     |  | MU-DH           | 30 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                  |                                    |                  |
|                                     |  | AI              | 30 du/acre                         | 30 feet (max 2 stories) | plus 5 feet (max 3 stories)                                  |                                    |                  |

**\*\*\*Remaining Land Use Designations in Table 1 Omitted for brevity\*\*\***

**JUSTIFICATION:**

The proposed amendment, consistent with previous amendment 2, allows 60 du/acre in the TOD-E and TOD-W Zoning districts. These Zoning Districts are consistent with the TOD FLU and are located in prime TOD areas within a one-quarter mile radius of rail or light rail transit nodes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

#### 4) Future Land Use Element Policy 1.1.2.10 TOD Future Land Use designation locations

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designation

The Transit Oriented Development designation is intended for mapping in the following locations:

1. TOD-W includes the area just south of Lake Worth Road, north-east of Lake Osborne, and west of I-95 and railway tracks and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North from Boutwell Road east of I-95 and the railway tracks.
2. TOD-E includes the area between Lucerne Avenue and 4<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks; the area between 7<sup>th</sup> Avenue North and 11<sup>th</sup> Avenue North flanking both sides of the FEC railway tracks; and the area between 7<sup>th</sup> Avenue South and 10<sup>th</sup> Avenue South flanking both sides of the FEC railway tracks, and the area from Lake Worth Road north to 2<sup>nd</sup> Avenue North east of I-95 and the railway tracks to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4<sup>th</sup> Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

\*\*\*Omitted for brevity\*\*\*

#### **JUSTIFICATION:**

The proposed amendment expands the location of the TOD boundaries in close proximity to the existing TOD/Tri Rail train station to include Lake Worth Road north to 2nd Avenue North, east of Boutwell Road to North A Street. The addition of these locations is important to the expansion of desired TOD and reflects the City's desire to capitalize on existing infrastructure to serve TOD expansion.

#### 5) Future Land Use Element Policy 1.1.1.7 Downtown Mixed Use (DMU):

Policy 1.1.1.7: Downtown Mixed Use, maximum 40 du/acre

The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, ~~including higher intensity commercial~~, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The maximum density of permitted residential development is 40 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The implementing zoning districts are DT, MU-E, MF-20 and MF-30.

\*\*\*Omitted for brevity\*\*\*



**JUSTIFICATION:**

The proposed amendment removes specific reference to “higher intensity commercial” use within the DMU FLU as it is redundant since the policy references that commercial uses are allowed within the DMU FLU. The zoning code provides for the development regulations specific to the types and intensity of commercial uses allowed.

**COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:****Consistency with the Comprehensive Plan**

The proposed text amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

**1. FUTURE LAND USE ELEMENT**

**Objective 1.2.2:**      **The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City’s mixed use, high density residential and transit oriented development (TOD) areas.**

Policy 1.2.2.1:      The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.

Policy 1.2.2.2:      The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.

Policy 1.2.2.3:      Investigate additional uses and opportunities to promote a more sustainable and resilient community.

Policy 1.7.1.13:      The City shall consider creating a “Commerce Park Village” incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

**2. TRANSPORTATION ELEMENT**

Policy 2.1.1.6:      The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.

Policy 2.1.1.16:      The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

### 3. HOUSING AND NEIGHBORHOODS ELEMENT

**Objective 3.1.8:** **Encourage construction of workforce housing units and market-rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types and prices for current and anticipated homeowners and renters in all household income levels.**

Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices

Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
- The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
- Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
- Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- Relate new buildings to the context of the neighborhood and community.
- Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

## 11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

### **Consistency with the Strategic Plan**

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are compatible with the following Pillars:

#### **Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice**

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

#### **Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'**

A: Diversify housing options

#### **Pillar IV: Navigating Towards a Sustainable Community**

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

**CONCLUSION:**

Staff **recommends approval of the draft City initiated text amendments**, as:

- The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

**POTENTIAL MOTIONS:**

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Element of the Lake Worth Beach Comprehensive Plan, Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10.

**Attachments:**

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan  
Comprehensive Plan proposed text amendments are in ~~Strikethrough~~ and Underline format.



**City Of Lake Worth**  
**Department for Community Sustainability**  
**Planning, Zoning and Historic Preservation Division**  
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: May 13, 2020

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: May 13, 2019 and May 20, 2019

SUBJECT: **PZB / HRPB Project Number 20-03100001**: Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

---

**BACKGROUND/ PROPOSAL:**

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address several of the initially prioritized items identified at the March meeting. These include changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-12: Definitions
- Article 2- Section 23.2-31. – Site Design Qualitative Standards
- Article 3 - Section 23.3-18 - MU-W Mixed Use West
- Article 3 - Section 23.3-25 – Planned Development District
- Article 4 - Section 23.4-10 – Off Street Parking
- Article 4 - Section 23.4-13 – Administrative Uses and Conditional Uses
- Article 5 - Section 23.5-3 – Non-Conformities

**Parking:** The proposed parking amendments are intended to simplify review of parking requirements and allow for additional flexibility in meeting required parking standards, while ensuring adequate parking is constructed for residential and commercial uses. In establishing minimum parking requirements by general use categories instead of specific uses, parking review is streamlined and minimum parking requirements are more easily conveyed to potential applicants. Flexibility in meeting minimum parking requirements in a new “Parking Alternates” section. The payment in lieu fee was also increased for parity with the market value costs of constructing a parking space.

Per commission consensus, on street parking allowances to meet on-site parking requirements have been expanded.

**Electric Vehicle Charging:** The intent of the proposed amendments is to increase the availability of electric vehicle charging stations to residents and visitors by establishing standards for the construction of electric vehicle charging infrastructure with the City. New commercial or mixed use developments with a minimum of 25 parking spaces would be required to provide at least 4% of the site's required parking as designated and outfitted electric vehicle charging spaces.

**Single Destination Retail:** The proposed amendments include updates to the development review standards for Single Destination Retail and consolidates the Convenience Store use into the Single Destination use based on fundamental similarities and existing development pattern. Additional performance and development standards have been provided to ensure that nuisance generating and curb appeal issues are addressed.

**Development Standards:** The proposed amendments include edits and changes to improve consistency and clarity for both Administrative and Conditional uses. The changes also provide a higher level of performance standard for both types of uses.

**Comprehensive Plan Consistency:** The proposed amendments include changes to the location description of districts for clarity and consistency with the City's Comprehensive Plan and Strategic Plan

**Housekeeping Items:** The proposed amendments include several minor amendments to update internal references and update references to "zoning administrator" to "development review official." Modified several definitions for clarity. Redundant and conflicting provisions have been deleted as well as out of date definitions.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-XX: PZB / HRPB Project Number 20-03100001

**POTENTIAL MOTION:**

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100001.

**Attachments**

- A. Draft Ordinance 2020-XXXX