



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 07, 2021 -- 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 3, 2021 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Wayne Akers- Proof of Publication](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [PZB Project Number 20-01400050](#): A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

NEW BUSINESS:

- A. [PZB Project Number 21-00500002](#): Request by Les Akers of Wayne Akers Ford for consideration of a Conditional Use to establish a +/- 17,385 square feet truck rental use at 2000 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCNs are 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010.

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 03, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman (Virtual); Anthony Marotta, Vice Chair; Mark Humm, Daniel Tanner, Laura Starr, Robert Lepa, Juan Contin. Also present were: Alexis Rosenberg, Senior Community Planner; Andrew Miller, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; Susan Garrett, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by R. Lepa

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA No re-ordering of agenda.

APPROVAL OF MINUTES:

A. January 6, 2021 Regular Meeting Minutes

January 27, 2021 Meeting Minutes

February 3, 2021 Regular Meeting Minutes

Motion: A. Marotta moved to approve the Minutes as presented; R. Lepa 2nd.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION Provided in the meeting packet.

1) Lake Worth Herald Publications

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 20-01400036: A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned

Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district. The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

Staff: A. Rosenberg presents case findings and analysis, the proposed project will be a one-story building composed of eight (8) multi-family units (three (3) bedroom one bath each) along with a counseling room, common area kitchen and dining room. Thirteen (13) parking spaces will be provided. Burckle Place III is intended to assist a total of 24 women, half over the age of 55 will be prioritized with the remaining half for those under 55 years of age. The applicant states this is not a transient facility but rather a shelter for transition from homelessness to an independent self-sufficient lifestyle by providing support services. Staff is recommending the Board recommend approval to the City Commission. Several conditions of note are to increase the dumpster enclosure size and provide a secure bike rack for eight (8) bicycles. The project is generally consistent with the City's Comprehensive Plan and Strategic Plan. Mixed Use Federal Highway (MU-FH) zoning is intended for low-density multi-family residential development. Landscape buffering and screening is provided along with security perimeter fencing and two gates onsite. There will be overnight security personnel. The massing of the building presents some concerns for staff. It does not apply best practices according to the Major Thoroughfare Design Guidelines. Generally, the immediate area has two two-story structures. The applicant justifies this by indicating the proposed is on the edge of the zoning district, it provides a good transition. The applicant also applied for three (3) waivers pertaining to the parking, minimum living space and dumpster enclosure size.

Applicant Presentation: David Milledge and Diana Stanley give a broad overview of successes at various locations citing percentages of previous residents who remained housed and self-sufficient. They do remain on the tax roll and are serious about being good neighbors. Regarding the requested waivers: mention is made of the possibility of the transit van and bike rack swap; state the reduction in unit size encourages activity in the common area and Public Services agreed to the smaller dumpster size.

Affected Party: Portia Culley- As her property of 14 years has not appreciated at all, she has concerns about the impacts of the project. As a single female, believes their mission is good and that a good neighbor abides by the rules which includes placing parking in the rear and revising the façade to appear as a two-story structure. Believes the R-O-W abandonment is the most egregious by setting precedent allowing for other vacant lots to take R-O-W's. Presents a slideshow with examples of dumpsters in various conditions, believes other Lord's Place sites are not maintained. Recently no parking signs have popped up on the R-O-W. Questions the idea that 9th Ave North and the R-O-W is not utilized as is evidenced by parking in the location.

Other Affected Parties: Adam Peters-Not in Attendance-902 S. Federal Hwy #4-A written statement expressing concern the project should adhere to the Design Guidelines with regard to height being reflective of surrounding homes; parking to be located in the rear or side of the structure; building on 9th Ave South will clog parking for residents and hotel guests. It allows emergency and utility access and if utilized for parking will pose safety and security concerns. Requests that the parking waiver not be granted, nor the minimum living space waiver or dumpster waiver. Supports the Lords Place concept but believes the construction would be against the residents who purchased homes in the area, code is in place to help the community move forward, not fall behind.

Jonas King-Holzsager – 814 S Federal Hwy. The parking is an issue, could build a two-story building.

Jerald Swain – 902 S Federal Hwy #8-parking is a concern and will cause an undue hardship.

Public Comment: Jennifer Rodriguez for Sun Gate Motel. Regarding the abandonment, has concerns about the use of the unpaved 9th Ave South and there will be one less exit from the alleyway. The alleyway south of the site has a lot of debris. When it rains there is flooding on the unimproved portion of the R-O-W. Understands the proposal and would like the neighbors thoughts taken into consideration prior to a decision.

Board Secretary: Read comments received from the following property owners within the 400-foot courtesy notice radius:

Bernard Guthrie 823 S Palmway-Preliminary presentations did not provide a site layout but did dispel the argument of it becoming a homeless shelter/soup kitchen. Some of the big flaws that are contrary to city guidelines and parking requirements. The area is congested with the 9th Avenue Right-of-Way being used as overflow parking for the townhouse community and motel to the south. The abandonment of the street will cause parking problems where none currently exist. Due to the number of potential residents and staff, the parking requirement is conservative and does not account for friends and family visitors. Any overflow will now end up in the surrounding neighborhoods. A solution would be to reduce the number of units or go 2-story which would blend better and allow for more parking. The dumpster location should be changed so the 2nd floor apartments to the north do not have to overlook the enclosure. Development guidelines have been painstakingly crafted to protect all and should be evenly applied without exception.

Charles Phillips – 526 S Palmway- Although a noble endeavor, the location is not suitable as illustrated by the number of waivers requested. Approval will result in additional parking load on the neighborhood as well as a decline in quality of life for the residents. Disagrees with the prohibition of parking in the 9th Ave Right-of-Way parking and the construction of a new project with a parking deficit and encroachment on the neighbors.

Robert Collins – 802 S Federal Hwy – Parking issues are of concern with different unknown cars parking in front his home exiting the car and walking north and south to and from S. Federal Hwy and South Palmway.

Deborah Tobias-902 South Palmway- Opposes the waivers and abandonment and cites the lack of nearby transportation stops as a problem for future residents.

Brendon Lynch – 920 S Lakeside Dr – Opposes the parking variance and abandonment of the 9th Ave R-O-W. A project of this nature should be well inside all City code and Ordinances. Believes in property rights but states the project will not be paying property tax. Variances should be reserved to incentivize the types of projects the City would like. Consideration should be given to what a future owner may do. It is not possible to say the project will bring problems of crime, prostitution and theft.

The following comments are from Lake Worth Beach residents not within the 400-foot courtesy noticing radius:

Michael Allison – 1232 S Palmway – Having previously lived at 602 S Federal Hwy has noticed an improvement in street conditions on S. Federal Hwy from 6th Ave. S to 18th Ave. South. Credits staff, commission and PBSO however notes there has been no new construction since 2005. Recognizes the importance of the mission of the Lords Place, does

not believe this is the right location. Disagrees with the waiver requests. Would like to see another quality residential development in the area.

Geoffrey Mintz – 1311 S Palmway- Opposes the granting of waivers. Has witnessed what happens to neighborhoods when psychologically challenged individuals with no ties to the neighborhood wander the streets. Mentions drug use at South Palm Park and residents becoming upset when unknown people park in front of their homes.

Joseph Patton- 1420 S Palmway – States it is unfair to the residents in the area to build a homeless shelter as there are already addicts, homeless, transient housing and by the week motels. Its not fair to encourage sober homes, homeless shelters and treatment facilities.

Ken Efinger-102 16th Ave South -Does not want more transient housing. Already seeing increased prostitution since a lull in the early days of COVID-19. Advises against the waivers, questions the code on how many unrelated persons can live together with shared common areas.

Roberta Millman-Ide – 6 Lakeside Palms Ct-Disagrees with the parking waiver request and that there is no nearby public transportation. Questions where the vehicles parked on the unpaved Right of Way will park at night. Disagrees with the dumpster location.

Cory Metzler – 219 North L Street- Points to Coconut Walk townhomes and that many of the garages are used for everything but housing a vehicle. His 90-year old mother cannot find a parking space.

Maura Hennessey-1031 North M Street-Disagrees with the parking waiver request and disregarding code has consequences.

The following public comment is from Josh Andreacci, tenant at 811 S Federal Hwy.- Disagrees with the parking waivers and the abandonment of 9th Ave and the Right-of-Way. Believes the developer should provide for adequate parking instead of utilizing the abandonment for extra square footage, improve the roadway and move the parking to the rear of the property.

Tommy Grinis – no address given-no property ownership found – City doesn't need another halfway house.

Larry Boytano – no address given-no property ownership found - Objects to the parking in the front, living space size and proper size dumpsters for the parcel. Rather than paving the unimproved street and providing sidewalks, the Lord's Place is proposing taking over that portion of the street for their own use. In being a good neighbor, they should realize many residents use that area for parking.

Applicant: David Milledge: To staff- Many of the comments were regarding the Design Guidelines. Should it not be the code to which they adhere rather than the Guidelines which 'encourages' the parking to the side or rear? The only code requirement is screening. **Staff:** Major Thoroughfare Design Guidelines are a part of the code but are guidelines to be adhered to as feasible. Massing was less than staff had requested but this was the applicant's preferred layout based upon operational needs. Donaldson Hearing has no questions of staff or affected parties at this time.

Affected party Portia Culley states Diana Stanley spoke in a community outreach meeting that they did not have the money to build a two-story building. It does not become the responsibility of the neighborhood to accommodate them via waivers. Don't say you are a good neighbor if you aren't acting in that fashion.

Affected party Candi and Jonas King Holzsager – The burden should be on the developer to meet the requirements. There are guidelines in place and if they are not being met, the project shouldn't be approved.

Applicant in Conclusion: David Milledge - Urban planned development does allow for the relaxation of code requirements through the waiver process. The height and massing are a nice transition as the height is 19 feet, only one foot different from neighboring properties, the dumpster is within an enclosure and will remain closed with exception of pickup, it is consistent with code as relates to location. The garbage seen in the photos is not produced by this vacant lot. Electric utilities are accessed through the alley to the rear of the property. They are not looking to increase parking deficiencies nor are they responsible for the deficiencies of other developments. Would be agreeable to some of the parking alternatives such as a transient vehicle spot and bike racks. Drainage will be improved; clarifies that there will be one adult person per bedroom; each unit with 3 bedrooms.

Diana Stanley emphasizes it is not an emergency shelter, it is a housing program for women. Recognizes the issues with sober homes but states they run a tight, clean program. 'Neighborly' can be defined in many ways, visit any Lord's Place facility and one would be happy to live nearby.

Donaldson Hearing states parking area is fully concealed and they engage the street. the waivers can be eliminated by utilizing the bike racks and the transit bus. Believes property values will increase with the improvement of the site.

Board Deliberation:

R. Lepa – Has been to Joshua's Place and appreciates the great work of the Lord's Place. Has questions and concerns about the parking. How many staff members will be onsite? **Response:** Diana Stanley states many of the programs offered will not take place at this location. There will be about 2.5 employees. Each unit has 3 bedrooms and each bedroom has one woman. Also, of concern is no transportation. **Response:** Diana Stanley states the residents can walk to the Dixie Hwy bus stop, also the van will help with transportation. Since 1982 the Lords Place has operated 19 locations. How many have been owned and sold? **Response:** None.

David Milledge: Currently the site plan shows 13 actual parking spaces, required is 16 which leaves a deficiency of 3 with bike and transit van making up for the deficiency.

R. Lepa-in asking about the density, the massing and parking. Why can the parcel not have a 2- story structure, which would allow for more parking? If in the future the parcel were to be sold and repurposed, the density could easily double.

Diana Stanley- As half of the population would be 50 years and older, an elevator would be required for a two-story facility. Easy accessibility to what they need. The parking in the front was also intended to be a buffer helping the residents to feel safe. This meeting will allow the Lord's Place to go back and absorb the needs of the community, none of this was done non-chalantly, we can have conversations how to meet in the middle.

R. Lepa - Are the future residents from PBC in general or Lake Worth Beach? **Response:** From Palm Beach County. If they were to vacate the premises as the structure was built with a specific purpose in mind, would they be willing to demolish the buildings?

J. Contin – Lives across the street, and is trying to remain neutral. Likes what the Lord's Place does. However there hasn't been one positive remark from the community which indicates there are issues. This is an opportunity to do something really nice. Because of the

cost, this is the reason it is laid out the way it is. The burden is being borne by the neighborhood. The massing is more than staff was looking for; taxes, he is glad they are paying taxes, but that could change in the future. The City spent a lot of money to craft the Major Thoroughfare Design Guidelines. The applicant retains talented architects and cannot understand why they cannot get to be where they should be with regard to design.

M. Humm – The Lord’s Place does good work but is not working with the neighborhood, cannot understand how it progressed this far.

D. Tanner – What is the density permitted by right on that size parcel? **Response:** A. Rosenberg – permitted by right 20 D.U. (dwelling units) per acre, they applied for 8. As a Residential Urban Planned Development, they could have up to 13 units. They are under the density and under the maximum allowed number of residents per unit.

D. Tanner: Why doesn’t it fit within the allowable footprint? **Response:** D. Milledge - the Urban Planned Development requires ½ acre; the right-of-way abandonment was required to gain the Urban Planned Development to seek the waivers. This size building and parking were only possible with the waivers, obtaining the R-O-W rather than the cost of going vertical.

D. Tanner: How much square footage is being gained with the abandonment? Discussion ensues regarding how much buildable space is acquired through the abandonment versus whether it could fit within the confines of the existing parcel.

E. Sita: The City is not planning on improving the R-O-W and there is a plan to abandon that part in its entirety. Although vehicles are being parked there, it is an unpaved surface and not an approved parking lot; vehicles have been towed from there. Continuing to do so is at their own risk.

D. Tanner: What would the applicant be willing to do to help mitigate their impact on the neighborhood?

D. Stanley: What is the middle of the road to have the Board look favorably at the project?

J. Contin: Pineapple Village has been asked to develop the street, provide sidewalks and improve the R-O-W. The subject R-O-W should be developed by the developer, look to the other side (east) of Federal Highway as an example. There are about 10 parking spaces.

D. Milledge: Not much can be done about parking and the R-O-W is necessary to facilitate the parking and the building. Regarding not using the abandonment, it would exacerbate the parking issue.

D. Tanner: The Board may be more inclined to consider a variance for the parking, allowing for more offsite parking. By developing the R-O-W and maintaining the building within the confines of the parcel, it would be a neighborly compromise.

W. Waters: Any on street parking, adjacent to the property line, in an improved R-O-W could be counted toward required parking. This could amount to up to 5 spaces possibly more.

L. Starr: Will there be staff on premises? **Response:** Yes. Regarding security, would that not require an additional parking space? **Response:** Potentially. Diana Stanley states there will be leadership there for evening/nighttime protection, it depends on the definition of “security”. How many other Burckle Places are there in the City? **Response:** 2; with a total of 23 total residents. Have you ever had properties where living space was added after construction? **Response:** No, this is not about cramming people in, its about improving their life. For this site there could be 13 units, what would prevent the applicant from doing that? **Response:**

David Milledge- site constraints would require coming before the Board again. For Staff: who would receive the balance of the R-O-W? **Response:** The balance would be conveyed to Sungate Motel. Is there a fence around the property? **Response:** Yes, aluminum slatted fence. Would it go along the abandonment area? **Response:** Yes, on the property line. David Milledge: Once the Right-of-Way is abandoned, it is owned outright and it can be built on. L. Starr: When was the parcel purchased? **Response:** August 2019. Was it contemplated at that time that you would be able to acquire the R-O-W? **Response:** No, once it was purchased and design was underway it was realized. Was it represented (to the Lord's Place) that you could get the property? **Response:** No, there was no falsehood from staff or representation from anyone, that never happened. We thought that if we could get that we could really create what we want. So, it was known at the time that you might need to get that (abandonment)? **Response:** That's a bit presumptuous. As the design took shape it became obvious that it would be advantageous to have the property, the R-O-W.

J. Contin: As taxes have only been paid for one year, do you have the opportunity to not pay taxes in the future years after acquisition? **Response:** D. Stanley: Knowing the Lord's Place Board, they do not operate in that fashion, they are an honorable organization. Have paid taxes on Burckle Place I and unsure about Burckle Place West. It will be put in the pro-forma. It doesn't have to be done but they choose to pay the taxes.

W. Waters: 704 S Dixie paid a total of \$13K in taxes for 2020. 711 North J Street, 2012- non-profit exemption when purchased. It was already built and a community residence. The new project has remained on the tax roll and that stipulation was a part of the approval.

A. Marotta: The following items were discussed: Security, taxes, parking, the R-O-W abandonment, which is only brought about by the requesting of waivers. Public works was initially against the smaller enclosure but have since agreed. What is the benefit to the City to give away the property? What does an applicant have to part with to get that?

W. Waters: Public property cannot be sold, per Florida Statute it is given away equally to adjacent properties. It adds to the tax base (as it now becomes taxable property).

L. Starr: When was it designated abandoned?

W. Waters: The process is a Notice for Abandonment will proceed to the City Commission for consideration in tandem with the two readings for the Urban Planned Development.

L. Starr: Where is it stated the city cannot be paid for the abandonment?

W. Waters: It is by Florida Statute. The City has previously completed 11 or 12 right-of-way abandonments.

Board Attorney: Susan Garrett will provide additional information regarding that Florida Statute.

W. Waters: It is not 'property' until given away. A Right-of-Way is in the public realm and has no value until given away. If it were property with an associated property control number that would be different.

A. Marotta: Are there other examples of R-O-W abandonments that were necessary to make a project feasible?

W. Waters: Starbucks, TD Bank, Dunkin Donuts and the alley abandonment that allowed for the Lucerne.

G. Rice: An added benefit to the City and taxpayers is that the maintenance does not have to be performed by the City.

G. Rice: Everything is under-parked in South Florida, South Floridians have a love affair with the auto. The homeless issue is not just Lake Worth Beach, and it is not Lake Worth Beach's responsibility to provide housing for everyone (including those in greater PBC). The Lord's Place is an impressive organization and they do change people's lives. They own five (5) properties in Lake Worth Beach. Doesn't care for the looks, it's a throwback to the 50's and 60's on US One from Key West to Maine. Although an elevator costs, the Lord's Place does have the wherewithal to raise the funds and provide one, he understands the value of an elevator.

A. Marotta: The Lord's Place is a very reputable organization; also sits on a Board for a homeless charity. Comments from the public centered on design issues. The project has the most requested waivers since he has been on the Board and feels it should go back to the drawing board to address those concerns expressed during this meeting.

L. Starr: Go back to the drawing board. If it were to come back before the Board, it would good to know the outcome of the abandonment request, if it was approved or not.

W. Waters: The process for an abandonment is as follows: Notice of Abandonment (1st reading) and 2nd reading for the Abandonment (2 readings). Those will be scheduled at the same time as the development hearing. It would be known at the time of first reading if it would be successful or fail.

D. Tanner: No additional comment.

J. Contin: The approval would set a bad precedent with so many waivers. We have Major Thoroughfare Design Guidelines; Delray Beach finally got it correct as they too have many major thoroughfares.

M. Humm: No additional comment.

R. Lepa: Appreciates what the Lord's Place does and supports the mission but it has presented too many waivers. He is 60+ and climbs stairs, the other half are younger so the cost of an elevator does not play into his consideration. That could be worked out. Parking in the front or rear is also a non-issue but the abandonment doesn't seem right and he cannot support it. Despite the comments regarding drugs and prostitution, he knows they are not the types of tenants the Lord's Place would have.

Motion: J. Contin moves to recommend denial of PZB 20-01400036 and associated applications for the following reasons: The project does not meet the criteria for the following reasons:

for taking of the R-O-W (right of way), parking requirements, reduction in living space area and dumpster; R. Lepa 2nd.

Amendment suggested by A. Marotta, that the project is not compatible with the Major Thoroughfare Design Guidelines. J. Contin accepts the suggested amendment within his motion and R. Lepa 2nd amendment.

Vote: J. Contin-Y; D. Tanner-Y; R. Lepa-Y; L. Starr-Y; M. Humm-Y; A. Marotta-Y; G. Rice-Y.

Motion: 7/0; motion to recommend denial passes unanimously.

B. PZB Project Number 20-01400047: A request by WGI, an engineering and land development firm, on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development at the northwest corner of 10th Avenue North and

Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

Staff: A. Rosenberg presents case findings and analysis. There was a previously approved site plan that expired. The seven parcels totaling 6.39 acres will be home to six (6) residential buildings and a clubhouse/mailroom. Proposed are 230 units. Of the 379 parking spaces 280 will be standard size, 82 compact size and 13 in the form of bicycle racks. Electric vehicle charging stations will service 15 spaces. Based upon analysis the proposed development meets the City Comprehensive Plan and Strategic Plan. Staff recommends approval with Conditions as attached to the staff report.

Agent for the applicant: Lindsay Libes of WGI-The density is now more than was previously approved but continues to be less than is allowed to be on the site. The site plan shows it is more intense toward the center of the property with a tot lot, dog park and pool clubhouse. There will be one entrance and exit, which does not include the emergency access. There is a 10-foot buffer along 10th Ave N and a five (5) foot buffer elsewhere. A six (6) foot high post and panel wall will be along the northerly perimeter extending south to Keast Lane. The previous project was to be phased as is not the case this time.

Board: J. Contin inquires if there are any variances. **Response:** No, everything proposed is by right under RPD (Residential Planned Development), according to code. What was the motivation for the re-design? **Response:** Site circulation was difficult and that it was to be constructed in phases. Drainage has also been moved underground, this is why there aren't any retention ponds on-site. What is the mix of apartment sizes? **Response:** 104 one-bedroom units; 117 two-bedroom units; and 9 three-bedroom units. Were there any issues with traffic? **Response:** Juan Ortega states they have concurrency now. J. Contin states it fits the area. L. Libes states the wall to the north will be installed in the earliest part of construction. M. Humm questions anticipated date for breaking ground. **Response:** As soon as it receives commission approval and permits are obtained. The previous property owner was not committed to the phasing. Is there a Contractor on board at this time? **Response:** Yes, BCC Construction, a minority woman owned business. What is the going rate? The owner states they manage their own money do not have to raise the money unlike developers do, it is family owned business and they have the funds to put the shovel in the ground. \$1700- \$1800 for the 2-bedroom units and \$1,500 per month for the 1-bedroom units R. Lepa also inquires about the traffic. **Response:** Juan Ortega states currently they have concurrency with no restrictions, all ingress and egress movements are okay. Should the County mandate right-in/right-out they will do it. R. Lepa questions the mathematics of the number of units, possible number of drivers and parking spaces. L. Starr asks where over 100+ cars will be parking with a deficit of parking? **Owner Response:** Many working young do not own cars, they travel by ride share and Uber. L. Starr: If the rent is \$1700- \$1800 per month, how is it possible those people don't have cars especially if the majority are 2-bedroom units. **Response:** L. Libes states it meets code requirements. R. Lepa asks if more spaces can be created? **Response:** Only at the expense of the amenities provided on site, taking away from green space and adding more pavement. L. Starr inquires as to how the extra 24 feet in height was obtained? **Staff response W. Waters** explains the height is just over half of what could be achieved through the Sustainable Bonus Incentive Program combined with an RPD in the Mixed-Use West zoning district. A. Marotta points out there will be fewer peak trips than Single-Family which would be permitted by right. M. Humm asks if the bus stop is still there on 10th Ave North? **Response:** It is still in existence. W. Waters

speaks to the right of way dedications being made for the improvement of 10th Ave North. G. Rice mentions unlike years ago, teens now are waiting four-five years beyond what was the norm (16 years old) to acquire a driver license; that ride sharing and Uber has changed the nature of auto ownership market (in younger generations). L. Starr asks for clarification about the setbacks and the dedication of the widened 10th Ave North. **Response:** This is considered in the site plan. The building line will be 28 feet, even after the fifteen (15) foot R-O-W dedication. L. Starr: of the 379 parking spots, are the bike racks and electrical vehicles stations subtracted from the count or inclusive? **Response:** They are included in the count, even if it is a charging station, it is still a parking space, it isn't a dedicated parking spot, the City requires electric charging station parking spots (15). J. Contin asks about the wall on the northern boundary south to Keast Lane and the boundary of the plaza. L. Libes states the entire property is fenced and gated. L. Starr asks if there are other projects completed by the owner. **Response:** Navish Chawla-About 40 ongoing projects currently a 355-unit project in Orlando is just nine months from completion. Other projects include condos in Bradenton, two projects in Palm Bay, 400 units in Jacksonville, Salt Lake City and a large West Palm Beach project currently in site plan review.

Public Comment: None

Motion: R. Lepa moved to recommend approval of PZB 20-01400047 to the City Commission with staff recommended Conditions of Approval as the project meets the applicable criteria based on the data and analysis in the staff report; M. Humm 2nd. The motion was amended by R. Lepa and M. Humm 2nd to include the revised Conditions regarding the unity of title, the six foot wall and from Lake Worth Drainage District the rip rap on the E-4 canal as read into the record by the planner.

Vote: 6/1 motion carries; L. Starr dissenting due to possible insufficient parking.

C. PZB Project Number 20-01400050: A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

Staff: A. Meyer presents case findings and analysis. The proposed triplex features large unit sizes of @2,500 square feet and individual garages. The applicant will improve the northern half of 14th Ave S. and a portion of the alleyway in cooperation with Public Services so that each driveway has paved access and a pedestrian walkway for the rear unit. A minimalist and modernist architectural style is featured. Conditions include the centering of the windows over the garage on the middle unit. The elevations show a textured stucco while the renderings depict extensive use of tile; the applicant should present the tile as depicted in the rendering. As the proposed height of the building exceeds code as does the FAR, the applicant has chosen to participate in the Sustainable Bonus Incentive Program (SBIP) through the payment in lieu of fee to the City trust account.

Public Comment: None

Architect for the Applicant: Albert Jackman of James Drago Architect – increased landscaping and increased the drainage with exfiltration pipe beneath the driveways. The renderings are without the landscaping. Building materials are horizontal wood planking (ceramic tile). The elevation shown is not the correct rendering.

Board: R. Lepa questions whether permeability has been met? **Response:** It was met at just under 65%. M. Humm would like to see the new renderings as he believes the building to be lacking in attractiveness. J. Contin asks about the curb cut and sidewalk improvement,

whether it is CBS or wood structure. Discussion about the tile work and the awnings. A. Marotta would like to know whether or not the windows will be centered or not? Receiving the new renderings is critical to accessing the project. L. Starr asks about the width of the garage door opening and driveway. **Response:** The garage door opening and driveway are of equal width with room for 2 cars inside the garage. J. Contin inquires about the size of sidewalk in the R-O-W. Staff clarifies public works did not require a sidewalk on that unimproved segment of road, public works be added on 14th Ave South. J. Contin can't imagine a curb cut can be made without a sidewalk in place. Believes there should be a sidewalk because with a paved road, people will be parking and walking. Does not like the alignment of the doors shown on the south elevation on both ends of the building. Applicant agrees to cut the doors down to 2'8". L. Starr- are there existing sidewalks in the neighborhood? **Response:** City staff confirms there is a sidewalk along South L Street. R. Lepa states the road is gravel with bollards.

Motion: R. Lepa moved to table Item C on the agenda, giving applicant time to email staff additional information (new renderings) requested by Board, until after Item D PZB/HRPB 21-03100001 is heard; G. Rice 2nd.

Vote: Ayes all, unanimous.

Item D on the agenda, proposed Ordinance 2021-01 is now heard.

D. PZB/HRPB 21-03100001 (Ordinance 2021-01): Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

Staff: E. Sita briefly explains the items undergoing changes through Ordinance 2021-01 which include:

Definitions: Includes new use take-out establishments definition and modifications to existing definitions.

Quasi-judicial proceedings: Alignment with F.S, to allow for one continuance for all affected parties (time to prepare by hiring legal representation and consultants). Time limitations exist within Florida Statutes for items to be heard within 180 days. One continuance per project for all affected parties.

Use table revisions: Instituting take-out establishments within the Use tables and modification of the review processes for several uses including truck/van rentals, museums, school of the arts, art and photography gallery.

Take-out establishments: Retail and restaurant development standards and review standards.

Board: J. Contin -It is beneficial for the quasi-judicial proceedings clarification to be included, one continuance should be sufficient for all parties.

Public Comment: None

Motion: M. Humm moves to recommend approval for adoption of Ordinance 2021-01 to City Commission; R. Lepa 2nd.

Vote: Juan Contin - aye; Daniel Tanner – aye; Robert Lepa – aye; Laura Starr – aye; Mark Humm – aye; Anthony Marotta – aye; Greg Rice – aye

Motion carries unanimously.

RETURN to Item C for further action.

The applicant attempted to provide revised elevations to staff for Board to view however staff did not receive the email and Board members made the decision to continue Item C to a date certain of April 7, 2021 enabling the applicant and ultimately staff and Board to receive the requested renderings.

Public Comment: None

Motion: G. Rice moves to continue item C PZB 20-01400050 to a date certain of April 7, 2021. M. Humm 2nd.

Vote: Juan Contin-aye; Mark Humm-aye; Anthony Marotta-aye; Robert Lepa-aye; Daniel Tanner-aye; Laura Starr-aye; Greg Rice-aye. Motion passes unanimously.

PLANNING ISSUES:

A. 2021 Election of Board Chair & Vice-Chair

Due to the late hour, this item postponed until the April 7, 2021 Board meeting.

PUBLIC COMMENTS (3-minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: Concerns over projects that are coming before the Board with missing information. Staff will relay the information that Board is not amenable to receiving changed or missing information at the time of the meeting.

G. Rice mentions the Gulfstream Hotel press conference held this past week and is hopeful it will stay on track.

ADJOURNMENT: 10:25 PM

Legal Notice No. 38297

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on April 7, 2021 at 6:00 pm or soon thereafter to consider the following:

PZB Project Number 21-00500002: Request by Les Akers of Wayne Akers Ford for consideration of a Conditional Use to establish a +/- 17,385 square feet truck rental use at 2000 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCNs are 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010.

Public comment will be accommodated through the web portal: <https://lakeworth-beachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's website, <https://lakeworthbeachfl.gov/virtual-meetings/>, or YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>.

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

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

Publish: The Lake Worth Herald
March 25, 2021



DATE: February 24, 2021
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: March 3, 2021

SUBJECT: **PZB Project Number 20-01400050**: A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

PROJECT DESCRIPTION:

The Applicant, Janet Rosa and Matt Fino, is requesting approval of the following:

- 1.) **Major Site Plan** for the development of a 7,835 square foot residential triplex (page 4).
- 2.) **Sustainable Bonus Incentive Program** for the addition of a third floor totaling 3,004 square feet (page 8)
- 3.) **Conditional Use Permit** to establish residential uses in excess of 7,500 square feet (page 9).

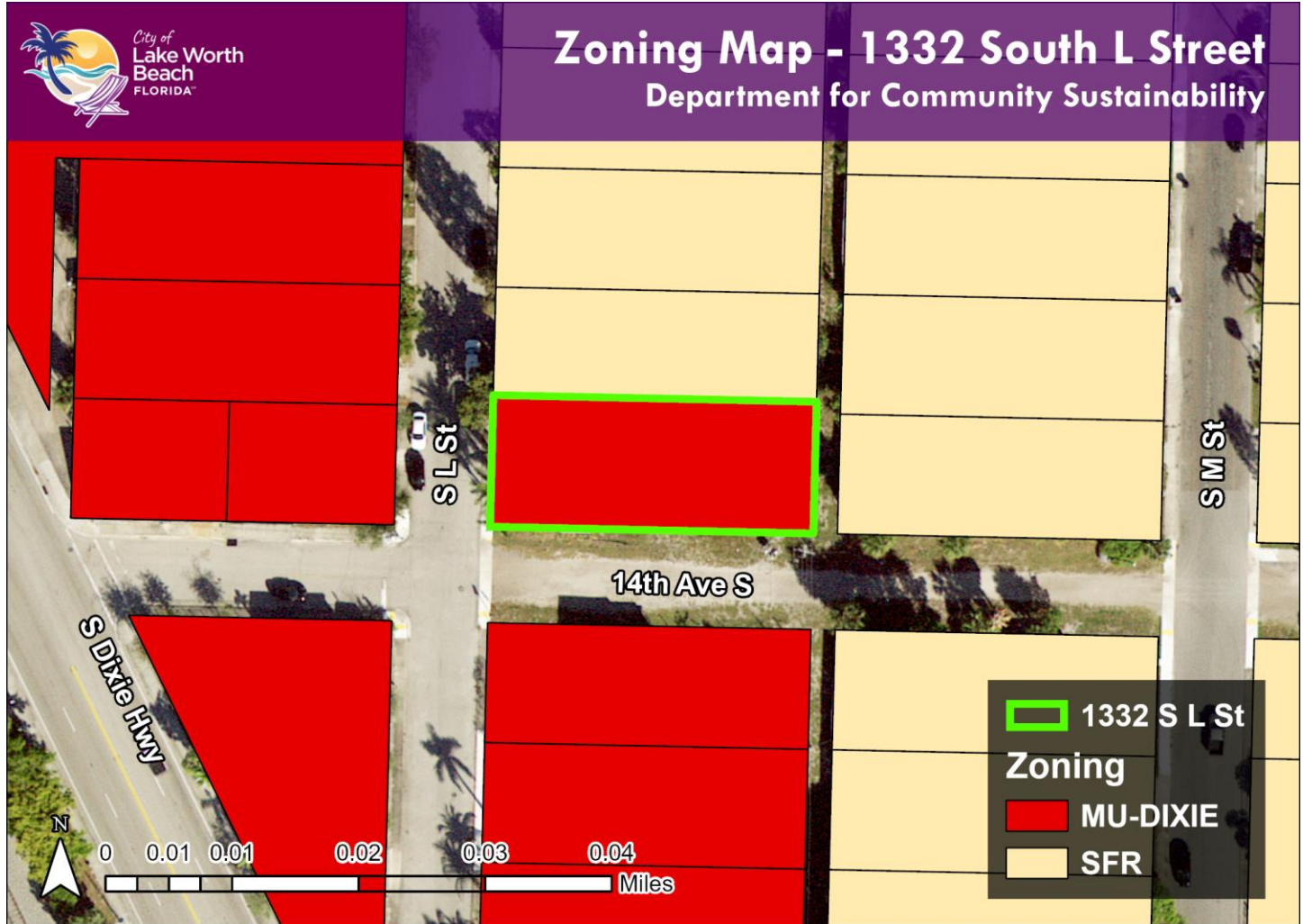
The subject site is 1332 South L Street, is located at the northeast corner of South L Street and 14th Avenue South, and has an area of 7,430 square feet. The PCN is 38-43-44-27-01-064-0010. The proposed development consists of a 3-unit multifamily residential building, with each unit containing 4 bedrooms, 3.5 bathrooms, and a garage.

Staff Recommendation:

Staff has reviewed the documentation and materials provided. In applying the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations and Comprehensive Plan, the proposed development meets the criteria and intent of the LDRs and Comprehensive Plan. Staff recommends that the Board approve the Major Site Plan with Sustainable Bonus and Conditional Use Permit as conditioned starting on page 11.

PROPERTY DESCRIPTION:

| | |
|------------------------------------|--|
| Applicant | Janet Rosa and Matt Fino |
| Owner | Janet Rosa |
| General Location | Northeast corner of South L Street and 14 th Avenue South |
| PCN Number | 38-43-44-27-01-064-0010 |
| Existing Land Use | Vacant Lot |
| Zoning | Mixed-Use Dixie Highway (MU-DH) |
| Future Land Use Designation | Mixed-Use East (MU-E) |

ZONING MAP:**BACKGROUND:**

The project site is located at 1332 South L Street. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 1921 – Single-family residence built
- December 1975 to January 1979 – Property owned by Eric and Hilda Persson
- January 1979 to January 1980 – Property owned by Frank and Nancy Weathers
- January 1980 to February 1993 – Property owned by David and Kathleen Nelson
- February 1993 to October 2001 – Property owned by Jay and Hope Kimmel
- October 2001 to October 2008 – Property owned by Bolivar Davalos
- 2004 to 2008 – Bolivar Davalos has a business license for residential rental
- October 2008 to May 2009 – Property owned by Deutsche Bank National Trust Company
- May 2009 to June 2011 – Property owned by Matthew Fino
- June 2011 to March 2014 – Property owned by TBOneProperties LLC
- March 2014 to Present – Property owned by Janet Rosa-Ramos
- March 2020 – Single-family residence demolished

ANALYSIS:

Consistency with the Comprehensive Plan and Strategic Plan

The subject application is located within the Mixed-Use East (MU-E) Future Land Use (FLU) designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95. The project is a residential development located east of I-95, and aligns with the future land use’s intent of Mixed-Use East. The proposed triplex project will occupy a vacant lot east of South Dixie Highway and provides housing with large unit sizes of approximately 2,500 square feet with individual garages. Therefore, the proposed triplex is consistent with the following portions of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City’s Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Pillar II.A of the City’s Strategic Plan:** Diversity housing options

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.

Mixed-Use Dixie Highway (MU-DH): Per LDR Section 23.3-17(a), The Mixed-Use Dixie Highway district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed project provides a higher density residential-only development on the border between a mixed-use commercial and residential zoning districts, which is an appropriate type of transitional development for this location. Further, MU-DH allows for residential-only projects consistent with the maximum density permitted in the MF-20 District. As such, the proposal is consistent with the intent of the MU-DH district.

The table below shows the proposed site features and its compliance with the development regulation of the Mixed-Use Dixie Highway section of the Code:

| Development Standard | | Codified Regulation | Provided |
|------------------------------------|---------------------|---|--------------------------------------|
| Lot Size (min) In square feet (sf) | | 6,500 sf | 7,425 sf |
| Lot Width (min) | | 50’ | 55’ |
| Height (max) | | 30 ft / 2 stories, 35 ft / 3 stories w/ Sustainable Bonus | 33.58’ Sustainable Bonus provided |
| Setbacks | Front (min) | Min 10’, Max 22’ | 22’ |
| | Rear (min) | 15’ | 16.25’ |
| | Street Side (min) | 10’ | 10’ |
| | Interior Side (min) | 0’ | 5’ |
| Living Area – 4 BR (min) | | 1,350 sf | 2,423 – 2,663 sf |
| Impermeable Surface Coverage (max) | | 65% | 63.1% |
| Structure Coverage (max) | | 50% | 44.2% |
| Parking | | 6 | 6 |
| Floor Area Ratio (FAR) (max) | | 0.95, 1.45 w/ Sustainable Bonus | 1.06 Sustainable Bonus provided |

Height: The proposed building height for the development is 33.58 feet, or 3.58 feet greater than the maximum building height permitted by right. The city's Land Development Regulations allow for a maximum building height of up to 35 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

Floor Area Ratio (FAR): The proposed building height for the development is 1.06, or .11 greater than the maximum FAR permitted by right. The city's Land Development Regulations allows for a FAR of up to 1.45 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

Parking: The proposed development meets the minimum parking requirements in the City's LDRs. Two spaces are required for each dwelling unit, for a total of 6 parking spaces, and the project provides 6 spaces, one within each unit's garage, and one within each unit's respective driveway.

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The project proposes Eagleston Holly, Pigeon Plum, Adonidia Palm, and Cabbage Palm Trees. There are also several shrubs, including Green Buttonwood which helps buffer the site from the single-family residence to the north.

Impermeable Surface Coverage: The project as proposed has a total impermeable surface coverage of 63.1% and meets the allowed impermeable surface coverage of 65% outlined in the MU-DH development regulations. The project is providing 2 of the 3 driveways to be paved with pervious pavement, which for lot coverage purposes is calculated at 50% of the actual area.

Structure Coverage: The project as proposed has a total building coverage of 44.2%, which meets the allowed maximum building coverage of 50%

Setbacks: The project has been reviewed against the setback regulations for properties zoned Mixed-Use Dixie Highway and was found to meet all setback regulations.

Urban Design / Architecture: The proposed project features a minimalist modern architectural style. Staff provided several urban design comments during the review process, including that the middle unit have stacked windows that are centered over the garage. It was also noted that the proposed elevations depicted only textured stucco, which the rendering shows extensive tile work. Staff has included conditions of approval that address the middle unit window and has required the tile as depicted in the rendering.

Major Site Plan:

The review criteria below is intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

Staff Analysis: The project is a higher density residential project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two

zoning districts. In addition, the lot is a corner lot with an alley in the rear, and each unit is oriented toward a different side of the lot, allowing for a sense of privacy and exclusivity among each unit. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The lot as it exists today has little landscaping and is not proposed to disturb terrain or vegetation. The project proposes additional landscaping which exceeds the landscaping already present on-site. The proposed landscaping has been reviewed and meets the requirements of the landscape code. **Meets Criterion.**

3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.

Staff Analysis: The project provides adequate landscape screening with Eagleston Holly, Green Buttonwood, and Golden Dewdrop on the north side of the property where it is adjacent to residential. **Meets Criterion**

4. *Enhancement of residential privacy.* The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

Staff Analysis: The project orients the entrances and exits of the units away from adjacent residentially-owned properties, and each entrance and exit to the individual units on-site are arranged to be separate from each other, enhancing the privacy of the occupants. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: Each unit has direct, dedicated access to vehicular right-of-way, allowing for emergency vehicle access to all sides of the building. In addition, the project was reviewed by the Palm Beach County Fire Department and was found to be acceptable. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: The units are each designed with wide driveways to accommodate pedestrian traffic in addition to vehicular traffic. Each driveway directly connects to public right-of-way, providing access to areas dedicated to common use. The project is not nearby any railroads. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

Staff Analysis: There is a public sidewalk along the western property line on South L Street, which the Public Works Department has conditioned the project to require the applicant to reconstruct. The proposed project has also been conditioned to require right-of-way improvements along the southern property line for the north half of 14th Avenue South; therefore, the pedestrian circulation system is insulated as consistent with the surrounding development pattern from the vehicular circulation system. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: Ingress and egress access points in the form of driveways will be provided South L Street, 14th Avenue South, and the alley in the rear. These ingress and egress points are onto public ways which do not experience much vehicular traffic, and are anticipated to have very little impact on public ways. **Meets Criterion.**

9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

Staff Analysis: The project coordinates with the pattern of existing or planned streets. The project also proposes improving 14th Avenue South and the rear alleyway, which currently exist as unimproved rights-of-way. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: No on-site public right-of-way is being proposed. As mentioned in the above criterion, the applicant is improving 14th Avenue South and the rear alleyway by paving these rights-of-way. These improvements are being designed to the hierarchy that currently exists with these streets. **Meets Criterion.**

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

Staff Analysis: The off-street parking is located as wide driveways and garages accessible from public rights-of-way. These amenities allow for the parking as well as the loading and unloading of vehicles. **Meets Criterion.**

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

Staff Analysis: Each unit will have a garbage bin that will be stored in an area screened with a fence, and will have a paved surface to roll the bin to the street for refuse pickup. The proposed screening will minimize the impact of noise, glare, and odor on adjacent property. **Meets Criterion.**

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

Staff Analysis: The proposed design of the site plan meets or exceeds the current standard of adjacent properties. The project is occupying a vacant lot, and will provide a greater level of landscaping than what currently exists. **Meets Criterion.**

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

Staff Analysis: As stated earlier, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **Meets Criterion.**

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

Staff Analysis: No additional development beyond the scope of this application has been proposed at this time. Should any modification or future development of the site plan occur, they would be required to go through the appropriate site plan review process and meet all requirements of the Comprehensive Plan, Strategic Plan, and Land Development Regulations. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

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

Staff Analysis: The application was reviewed and was found to be in conformity with good taste, good design, and contributing to the image of the city. **Meets Criterion.**

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

Staff Analysis: The property currently exists as a vacant lot. The proposed project improves the vegetation and landscaping of the site. In addition, the proposed structure is of higher quality than what had previously existed on the site. **Meets Criterion.**

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

Staff Analysis: As stated above, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **Meets Criterion.**

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

Staff Analysis: The project has been reviewed against the Conditional Use criteria as outlined on Page 9. **Meets Criterion.**

Sustainable Bonus Incentive Program:

The City of Lake Worth Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City’s Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Based on the calculation of the additional building area as part of the SBIP, the Applicant is seeking an additional 3.58 feet in height above the 30 feet of total building height allowed. The total square footage of bonus area under Sustainable Bonus is 3,004 square feet which results in a value of required improvements for the Sustainable Bonus allowance of \$15,020 (\$5 per square foot bonus).

Section 23.2-33(e) provides an applicant the option to pay a fee in lieu of on or off-site features and improvements to be held in a sustainability bonus incentive trust account to be expended on capital projects that enhance community sustainability. The Applicant’s schedule of fees to meet the requirements of the Sustainable Bonus is as follows:

| Improvement Detail (type of amenity) | Valuation Amount | Calculation Details |
|---|------------------|---|
| Fee in lieu of features or improvements, to be held in Sustainability Bonus Incentive Trust Account | \$15,020 | Bonus Area of 3,004 square feet x \$5 per square foot |
| Total Value of Improvements/Design Excellence Required: <u>\$15,020</u> | | Total Value Provided: <u>\$15,020</u> |

Section 23.2-33(c)(2): Review/decision

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal?

Staff Analysis: The proposed expansion of building area is consistent with the requirements of the Sustainable Bonus. The total square footage of bonus area which exceeds the maximum building height is 3,004 square feet. Therefore, the total value of required improvements is \$15,020 (\$5 per square foot). The Applicant will be providing a fee in-lieu of on and off-site improvements totaling \$15,020, which meets the requirements of the Sustainable Bonus program. **Meets Criterion.**

(b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements beyond those otherwise required by these LDRs for the development proposal that are attainable and reasonable in the context of the proposed project?

Staff Analysis: The project is not proposing on-site improvements toward the SBIP credit. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

Staff Analysis: The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

Staff Analysis: The proposed fee in-lieu provided meets the intent of the SBIP as it contributes to a trust account to further capital projects which enhance sustainability within the City. As such, the proposed development meets the intent of the SBIP. **Meets Criterion.**

Conditional Use Permit:

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish residential uses greater than 7,500 square feet.

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

The proposed project is consistent 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 Mixed-Use West (MU-DH). The LDRs put forth that the MU-DH zoning designation allows for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed triplex use is a higher density residential use appropriate in the MU-DH zoning district. **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) | SFR | SFR | Single-Family Residence |
| South (across 14 th Ave S) | MU-E | MU-DH | Vacant Commercial |
| East (across alley) | SFR | SFR | Single-Family Residence |
| West (across S L St) | MU-E | MU-DH | Single-Family Residence |

Per the Palm Beach County Property Appraiser and City Business License records, the site is surrounded by vacant commercial and single-family residence uses. The proposed project is in harmony with the existing mixture of 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 project provides a higher intensity, yet small residential development which is appropriate for the immediate area, and will not result in less public benefit or greater harm than would result from a permitted-by-right or conditional use permitted on the site. For instance, a Special Interest Automobile Dealership under 7,500 square feet is an Administrative Use at this location and has the potential to provide a higher impact to the neighborhood than would the proposed triplex. **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 Land Development Regulations anticipate residential uses in this zoning district. The project is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and will not result in a more intensive development than what the Plan anticipates. **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 three proposed dwelling units total a square footage in excess of 7,500 square feet, which require a Conditional Use review. By contrast, three units totaling less than 7,500 square feet are permitted by right and would not be subject to a conditional use review. Traffic generation is linked to number of units and not unit size. Therefore, the proposed use is not anticipated to create any additional trips compared to 3 units with a smaller dwelling unit size. **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: The proposed triplex use is a residential use adjacent to a residential area. It is located on local streets along with other residential uses located on the same street and is appropriately located with respect to collector and arterial streets. The proposed use is not anticipated to generate a greater amount of through traffic on local streets than a development permitted by right. **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: The proposed triplex 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: The proposed residential use will be improving 14th Avenue South and the adjacent alley rights-of-way at the applicant's expense, and will not result in a higher or earlier net public cost than 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 proposed triplex is located adjacent to existing water, sanitary sewer, storm, and surface drainage systems, and would not result in a higher net public cost than a development permitted by right. 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: The proposed residential development is located in an area that already receives police and fire protection services, and the addition of 3 dwelling units to this location will not generate demand beyond the capacity of municipal emergency services. **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

Based on the uses being proposed, the project 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 project concentrates exterior lighting to the south and west sides of the site, adjacent to the main entrances to the dwelling units, and away from adjacent residential property. **Meets Criterion.**

Public Support/Opposition:

No public support or opposition has been received prior to February 23, 2021. On February 22, a resident contacted the city requesting additional information about the project, but provided no indication of support or opposition.

CONCLUSION:

The proposed request for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend **approval of the proposed request with the conditions** below:

Electric Utilities:

1. Prior to issuance of a Building Permit:
 - a. Show the meters' location on the plans. The meters will need to be located close to either the northeast or southeast corner of the building.
 - b. Provide load calculations and electrical riser diagrams.
2. Prior to issuance of a Certificate of Occupancy:
 - a. Should the electrical service be underground, the customer shall install the gray schedule-40 conduit a minimum of 24-inches deep and at least 12" away from any other utility from the meter location to the designated pole location. Should the electric service be overhead, the service drop must be clear of any trees or obstructions.
3. The applicant may be responsible for any costs that may arise from the upgrade in electrical infrastructure as a result of this project.

Planning:

1. No bedrooms may be rented out individually as either long-term or short-term rentals, and must be occupied by the tenant of the unit.
2. Exterior lighting shall be consistent with Section 23.4-3 and align with International Dark Sky Communities program guidelines. If LED lighting is used, then the color temperature shall be a warm color and not be in excess of 3000 K.

3. Fixtures shall be compatible with the architectural style of the project. The addition of pole fixtures shall require a minor site plan approval.
4. Changes in architecture outside of the scope of this approval and associated conditions shall require a Minor Site Plan amendment.
5. Prior to the issuance of a building permit:
 - a. Provide a pedestrian path from the east unit to the 14th Avenue South roadway. The path may be in the form of architecturally-compatible pavers or large-scale concrete stepping stones.
 - b. Provide data showing that the percolation rate of the permeable pavers are at least half that of natural ground cover.
 - c. The middle unit shall be designed to have stacked windows that are centered over the garage.
 - d. Reflect on the architectural elevations the tile work illustrated on the rendering.
6. Prior to the issuance of a certificate of occupancy:
 - a. Apply for and obtain new addresses for the units in accordance with the City's addressing policy.
 - b. Provide the fee-in-lieu Sustainable Bonus Incentive Program payment of \$15,020 to the sustainability bonus incentive trust account.

Public Works:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
4. Prior to issuance of a certificate of occupancy,
 - a. the applicant shall construct a new 5-foot wide sidewalk along S L St from the north property line to the south property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
 - b. the applicant shall reconstruct the unimproved roadway on 14th Ave South per the limits depicted in the plan design in compliance with the Public Works Department's specifications. The plans depict a note stating "The street to be paved by the City", however this is in reference to the southern 10' of roadway and is dependent on funding and budget constraints. The applicant will construct the north 10' of roadway.
 - c. alleyway improvements consisting of a paved 10' alleyway per the limits depicted on the plans shall be constructed.
 - d. the applicant shall enter into a "Right of Way Maintenance Agreement" for the landscaping, irrigation, trees, and 10' paved roadway and alley. The improvements that are permitted in the right of way shall be the responsibility of the owner to maintain in perpetuity to a standard acceptable to the City. The Agreement will memorialize these responsibilities.
 - e. the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
 - f. the applicant shall fine grade and sod all disturbed areas with bahia sod.
 - g. the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - h. Prior to the issuance of a Certificate of Occupancy, the applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind

Utilities Water & Sewer:

1. Prior to the issuance of a building permit:
 - a. Provide a signed and sealed drainage statement from a registered professional engineer.
 - b. Site Drainage and Drainage Calculations shall meet City policy that the 3-year 1-hour storm event (2.6 inches) over the entire site area is contained on property and include the typical sections along each property line.

Board Actions:

Based upon the competent substantial evidence presented in the staff report, including the data and analysis, and the testimony presented at the hearing, I MOVE TO APPROVE PZB PROJECT NUMBER 20-01400050 with staff recommended **conditions** for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street.

I MOVE TO DENY PZB PROJECT NUMBER 20-01400050 Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street as the Applicant has not proven by competent substantial evidence that the project meets the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board's decision will be final for the Major Site Plan, Sustainable Bonus Incentive Program, and Conditional Use Permit. The decision may be appealed to the City Commission.

ATTACHMENTS:

- A. Site Plan Package
- B. Supplemental Supporting Documents
- C. Memorandum
- D. Updated Renderings



DATE: April 1, 2021
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: April 7, 2021

SUBJECT: **PZB Project Number 21-00500002**: Request by Les Akers of Wayne Akers Ford for consideration of a Conditional Use to establish a +/- 17,385 square feet truck rental use at 2000 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCNs are 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010.

PROJECT DESCRIPTION:

The Applicant, Les Akers of Wayne Akers Ford is requesting approval of a conditional use to allow a truck rental business at the subject property. The site, 2000 10th Avenue North, is currently a used car and auto repair center for Wayne Akers Ford. The truck rental business will be occupying existing parking spaces which were formerly set aside for the use of the used auto sales business currently on the site, with the truck rental business operating alongside the used car and auto repair businesses on-site. No site modifications are proposed as part of this request.

The truck rental business will operate 7:30 A.M. to 5:30 P.M., Monday through Saturday, and 8:30 A.M. to 12:00 P.M. on Sundays, and will employ 6-7 people. The rental trucks are purchased new from the Ford Motor Company. The truck rental business will have approximately 78 rental trucks in inventory, and include pickup trucks, transit/cargo vans, box trucks, and 2-ton dump trucks. While there are approximately 78 trucks in the rental truck inventory, only 24-32 trucks will be stored on site at any given time, as 60-70% of the inventory is actively being rented and is in use by customers off-site. Once a truck has been rented out for one to two years, it is then sold to Wayne Akers Ford, the existing used auto sales use on-site, where it is relocated to the used auto sales storage area and sold to customers.

Staff Recommendation:

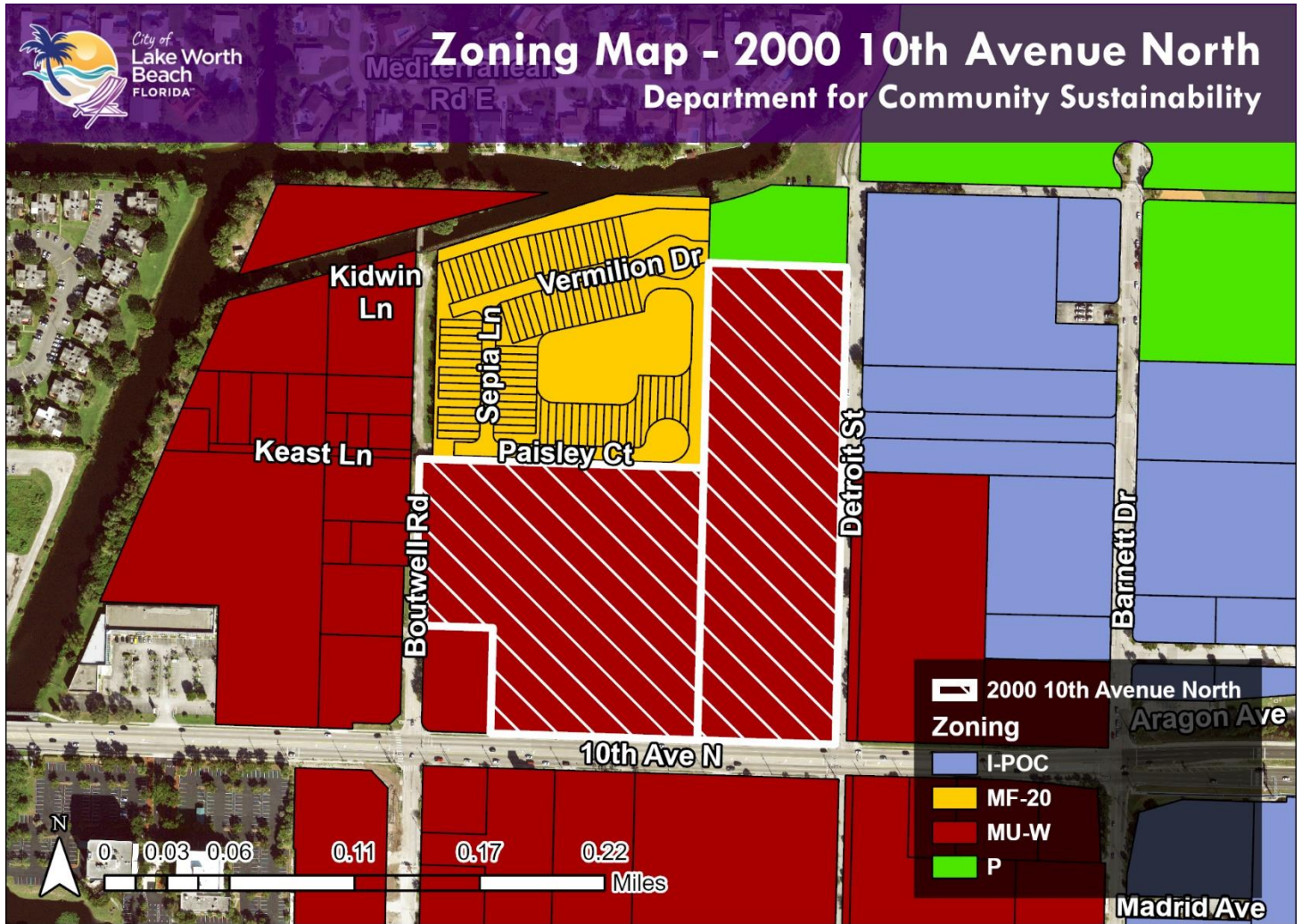
Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the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

PROPERTY DESCRIPTION:

| | |
|-----------------------------|---|
| Applicant | Les Akers of Wayne Akers Ford |
| Owner | Lake Worth AFL RE LLC & Lake Worth AFL F LLC |
| General Location | North side of 10 th Ave N between Detroit St and Boutwell Rd |
| Existing PCN Numbers | 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010 |
| Existing Land Use | Used Auto Sales and Major Auto Repair |

| | |
|------------------------------------|-------------------------|
| Zoning | Mixed Use – West (MU-W) |
| Future Land Use Designation | Mixed Use – West (MU-W) |

LOCATION MAP:



BACKGROUND:

The subject site is part of a 17.6 acre site currently operated by Wayne Akers Ford, a used car sales and major auto repair business. Below is a timeline summary of the site, based on Palm Beach Property Appraiser’s records and City records:

PCN#: 38-43-44-20-15-001-0000

- 1978 – The used car sales building was constructed
- September 15, 1990 – The property is distributed from Wayne Aker’s Estate to Kathryn J Akers and Patricia A Tackett.
- 2003 & 2004 – The property is transferred from Kathryn J Akers Estate to Patricia A Tackett
- 2017 – The property is transferred from Patricia A Tackett’s Estate to a trust in Patricia A Tackett’s name
- February 2, 2021 – The property is sold to Lake Worth AFL F LLC and Lake Worth AFL RE LCC

PCN#: 38-43-44-20-01-028-0010

- June 2, 1976 – The property is sold to Wayne L Akers
- August 25th, 1985 – The property is transferred to Robert Leslie Akers and Wayne Akers, Jr.
- November 29, 1996 – The property is transferred to Wayne Akers, Jr.
- April 4, 2001 – The property is transferred to Patricia A Tackett
- January 28, 2021 – The property is sold to Lake Worth AFL F LLC and Lake Worth AFL RE LLC

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 – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU provides for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95, allowing for higher-intensity uses as well as higher height limits along the City's western thoroughfares. The proposed truck rental use is consistent with the intent of the MU-W FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillars IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed conditional use will contribute towards the City's tax base and sustain or increase job supply, the proposal 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 conditional use 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 for consistency 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 existing buildings on the site were initially constructed in 1978, and significantly expanded in 2001. The buildings generally conform to the current land development regulations; however, the site appears to currently exceed maximum impermeable surface regulations as approved in 2001. The proposed conditional use application is generally consistent with the City's LDRs with conditions based on the following data and analysis:

Mixed Use – West: Per LDR Section 23.3-17(a), the MU-W zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. 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 use in this application is an anticipated use in the MU-W zoning district. Based on the information provided in the Applicant's justification statement, staff believes that the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29 and LDR Section 23.4-13.

Setbacks: The placement of the existing buildings on the site exceeds the maximum allowed front setback of 32 feet. Based on the survey and site plan provided, the principal building is about 158 feet from the front property line. As noted, the used car sales office was constructed in 1978 prior to the current setback requirements and the building's setback non-conformity is not easily remedied. In addition, no modifications to the structures are proposed as part of this application. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the buildings be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

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 and site plan provided, the site appears to have an estimated total impermeable surface coverage of 74%, which is 9% over the maximum coverage allowance. Based on surveys obtained from the City's property file, it appears that the existing impermeable lot coverage matches the original approved site plan. As no changes to the parking configuration are proposed at this time and the site has existing landscaping and drainage, no further changes are proposed or recommend at this time to bring the site into conformance with current code as it relates to impermeable surface area.

Outdoor Storage: Outdoor storage of rental vehicles is permitted as part of this Conditional Use request. The outdoor storage of merchandise and equipment is not part of this proposal and is not permitted.

Major Thoroughfare Design Guidelines: The site was constructed prior to the implementation of the Major Thoroughfare Design Guidelines, and there are no feasible changes to the site which would bring the site further into compliance with the Major Thoroughfare Design Guidelines. Therefore, no further changes are proposed or recommend at this time to bring the site into further conformance with the City's Major Thoroughfare Design Guidelines.

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 found that the proposed use application complies 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-W. The proposed use will occur on a site which currently contains used auto sales, and these two uses are substantially similar to each other. Furthermore, the proposed use is substantially similar to other uses in the surrounding area. The use is consistent with the types of uses anticipated to occur within the MU-W zoning district. Therefore, the proposed conditional use is found 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) | Medium-Density Residential/Public | MF-20/Public | Multi-Family Residential/Public Safety |
| South (across 10 th Ave N) | Mixed-Use - West | Mixed-Use – West | Retail, Office, Commercial, Hotel, Gas Station, Indoor/Commercial Recreation |
| East (across | Mixed-Use – | Mixed-Use – West/Industrial | Offices, Warehouse |

| | | | |
|---------------------------|------------------|------------------|----------------------------------|
| Detroit St) | West/Industrial | Park of Commerce | |
| West (across Boutwell Rd) | Mixed-Use - West | Mixed-Use – West | Office, Gas Station, Vacant Land |

To the north of the subject site is the Waterville Townhome Development and a Palm Beach County Fire Station. To the west of the site across Boutwell Road is several lots containing gas station, office, and vacant land uses. East of the subject site, across Detroit Street, is a multi-story office building and a warehouse building. To the south of the subject site, across 10th Avenue North, are several uses including the Fun Depot outdoor/indoor commercial recreation center, two retail and commercial plazas, the Woodspring Suites Hotel, and a Citgo gas station. Staff finds that the proposed use is in harmony with the existing 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 the previously permitted auto sales use. The requested use is similar in nature and function to the existing auto sales use. This use will occur within the existing auto sales use area, which was previously permitted prior to 2001. **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 the truck rental use 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-W land use designation is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95, allowing for higher-intensity uses as well as higher height limits along the City’s western thoroughfares. The proposed use, and per the City’s Use Table in LDR Section 23.3-6, is an anticipated use in the MU-W 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: Used vehicle sales and major auto repair uses are currently operating on the lot. The proposed truck rental use will occupy space formerly used as used vehicle sales. Both used vehicle sales and truck rentals are uses that generate similar amounts of traffic volumes. Therefore, the proposed use is not anticipated to generate higher traffic volumes than the previous use. Additionally, as the proposal does not request an expansion in building area, a Traffic Letter from Palm Beach County Traffic Division is not required with this application. **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: The proposed use is not anticipated to significantly affect the volumes of traffic expected on the City’s roadway network. The Mixed-Use West zoning district is intended for the establishment of higher intensity office, commercial, and residential uses. The use area of the site is not being expanded beyond the existing used auto sales and major auto repair uses, and are uses which are similar in nature to that of the truck rental use requested. Therefore,

the traffic generated from the proposed businesses are 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: Because the nature of the business does not involve hazardous chemicals, the proposed use is not anticipated to produce air pollution emissions greater than that of a use permitted by right. **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: The requested truck rental use is an anticipated use in the MU-W zoning district, requiring Conditional Use review, which is being requested through this application. Therefore, the establishment of the use 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 is utilizing the existing infrastructure from the used auto sales and major auto repair uses. 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: As mentioned, the requested use is an anticipated use in the MU-W zoning district. Therefore, the use is not anticipated to 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

Based on the nature of the use, staff anticipates that the requested use will 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 as part of this application and states that the Conditional Use will not result in excess light or glare onto residential properties. There is existing lighting within the site that meets the lighting code. **Meets Criterion.**

Section 23.4-13(c)(1)(A)(3): Regulations and Standards for Vehicle Rental Facilities

Section 23.4-13(c)(1)(A)(3) of the city's land development regulations states that Vehicle Rental Facilities shall follow the specific regulations and standards for vehicle sales. Staff has reviewed the application against this section and found the proposed conditional use complies with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. Minimum site area: Two and one-half (2.50) acres.

Staff Analysis: The proposed use is located on a site with a total area of 17.6 acres, which exceeds the minimum of 2.5 acres. **Meets Criterion.**

2. Minimum lot width: Two hundred (200) feet.

Staff Analysis: The proposed use is located on lots which have a total width of 960 feet which exceeds the minimum of 200 feet. **Meets Criterion.**

3. Minimum parking requirements: Three (3) parking spaces for each service bay plus one (1) space for each three hundred (300) square feet of enclosed non-service area or each employee, whichever is greater.

Staff Analysis: No service bays are proposed as part of this conditional use request. Seven (7) employees are anticipated to be working at the site. As such, 7 parking spaces are required, and the applicant has set aside a total of 58 parking spaces in addition to and separate from the spaces set aside for the storage of rental trucks. **Meets Criterion.**

4. Landscaping and screening of outdoor display and storage areas: Such area(s) shall conform to the standard for parking lots, including, but not limited to, paving, layout, screen and landscape standards. Such areas shall also conform to the Major Thoroughfare Guidelines, where appropriate. A six-foot masonry wall shall be erected when outdoor display area(s) or service area(s) are within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.

Staff Analysis: The vehicles will be stored in an area central to the site, and is further than 25 feet from a residential district. The area conforms to the standard for parking lots. **Meets Criterion.**

5. All outdoor sales and vehicular circulation area(s) shall be surfaced with a hard, impermeable, dustless material. Shell rock or similar material is expressly prohibited.

Staff Analysis: The area where the rental vehicles will be stored currently exists, and is currently paved with asphalt. **Meets Criterion.**

6. All vehicle sales facilities must include an interior showroom area capable of displaying at least five (5) vehicles.

Staff Analysis: The existing sales use contains an interior showroom area capable of displaying at least 5 vehicles and is not part of this conditional use request. **Criterion Not Applicable.**

7. All service facilities and activities shall be located within an enclosed structure. No work shall be performed before 7:00 a.m. or after 8:00 p.m.

Staff Analysis: The existing major auto repair use is located within an enclosed structure and is not part of this conditional use request. **Criterion Not Applicable.**

8. Both minor and major repair services may be conducted upon the premise(s) accessory to the sale of new vehicles.

Staff Analysis: The existing major auto repair service currently operates at this location and is not included as part of this conditional use request. **Criterion Not Applicable.**

9. Motor vehicle sales shall not be conducted upon the premises of existing shopping centers or strip centers.

Staff Analysis: The site is not a shopping center or strip center. **Meets Criterion.**

10. Motor vehicles shall not be parked with their hoods or trunks open.

Staff Analysis: The application has been conditioned that the trucks to be rented shall not be parked with their hoods or trunks open. **Meets Criterion.**

11. Motor vehicles shall not be elevated in any manner unless as part of permanent interior showroom space or as part of a permanent, elevated, bermed, landscaped area, accommodating one (1) car. The dealership shall be limited to one (1) elevated exterior parking space and shall be located so as to not create any traffic safety or visibility problems. Any request shall be subject to site plan review and approval by the appropriate regulatory board for functionality and community appearance.

Staff Analysis: The entire storage area set aside for truck rental is on the ground, and no elevated spaces are proposed as part of this request. **Meets Criterion.**

12. All motor vehicles stored or displayed on the site shall be in operable condition.

Staff Analysis: The application has been conditioned that the trucks being rented on the site shall be in operable condition. **Meets Criterion.**

13. Customer parking shall be marked and physically separated from motor vehicle sales, storage and display space.

Staff Analysis: The application indicates the location of customer parking which is separate from the area used to store trucks available for rent. The customer parking area is nearby the rental office also marked in the application. The application has been conditioned to mark the indicated parking as customer parking. **Meets Criterion.**

14. No outdoor speakers or public address system, audible from the exterior of the site, shall be permitted where the site is located within one hundred fifty (150) feet of residential property.

Staff Analysis: The site on which the rental car use is located is within 150 feet of residential property, therefore the application has been conditioned to meet this regulation. **Meets Criterion.**

15. No other outdoor sales or display of any materials, products or goods shall be permitted.

Staff Analysis: The application has been conditioned to prohibit the outdoor sales or display of any materials, products, or goods. **Meets Criterion.**

16. Other than information required by law, no advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the

public's attention shall not be displayed outdoors on sales lot, building, or equipment other than as permitted elsewhere in the sign code.

Staff Analysis: The application has been conditioned to meet this regulation. **Meets Criterion.**

17. Under no circumstances may a vehicle(s) be offered for sale on any publicly owned property at any time.

Staff Analysis: The application does not propose any sales occurring on publicly owned property, however the application has been conditioned to meet this regulation. **Meets Criterion.**

18. New and used motor vehicle sales and service shall be permitted only as a conditional use within the designated zoning districts, and shall also be subject to the following restrictions; No new motor vehicle business may be established, nor an existing use be expanded, between Tenth Avenue North and Sixth Avenue South on Dixie Highway; No new motor vehicle business may be established, nor an existing use be expanded that does not have business frontage on Dixie Highway, Tenth Avenue North or Lake Worth Road.

Staff Analysis: The proposed truck rental use has frontage on 10th Avenue North, and is not located on Dixie Highway. **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/Urban Design:

1. Prior to the issuance of a business license, the site shall enter into a Unity of Title to unify parcels 38-43-44-20-15-001-0000, 38-43-44-20-01-028-0010, and 38-43-44-20-01-028-0020 under one PCN number
2. Should the site be reconfigured in any way, including if trucks rented require larger parking stall sizes, the site shall enter into a Minor Site Plan to reconfigure the parking area.
3. Motor vehicles shall not be parked with their hoods or trunks open.
4. All motor vehicles stored, displayed, or available for rent on the site shall be in operable condition.
5. Customer parking shall be marked and physically separated from motor vehicle sales, storage and display space.
6. No outdoor speakers or public address system, audible from the exterior of the site, shall be permitted where the site is located within one hundred fifty (150) feet of residential property.
7. No other outdoor sales or display of any materials, products or goods shall be permitted.
8. Other than information required by law, no advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the public's attention shall not be displayed outdoors on sales lot, building, or equipment other than as permitted elsewhere in the sign code.
9. Under no circumstances may a vehicle(s) be offered for rent on any publicly owned property at any time.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 21-00500002 with staff recommended conditions for a **Conditional Use Permit** to allow a truck rental use at 2000 10th Avenue North. The application meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 21-00500002 for a **Conditional Use Permit** to allow a truck rental use at 2000 10th Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.]

Consequent Action:

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

ATTACHMENTS:

- A. Application Package
- B. Site Photos