



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 20, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [April 6, 2022 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1936 7th Ct North](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 20-00500007](#): Consideration of a **Conditional Use Permit** request to establish an *import/export use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district at 1936 7th Court North. The request is to establish the proposed 1,800 square foot use within the current industrial building. The project is being processed concurrently with a minor site plan amendment to address parking and screening in the proposed outdoor storage area.**

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, APRIL 06, 2022 -- 6:02 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Anthony Marotta-Vice-Chair presiding; Mark Humm; Juan Contin (arrival 6:04pm); Edmond LeBlanc; Zade Shamsi-Basha. Absent: Laura Starr. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: Led by M. Humm

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. January 19, 2022 Meeting Minutes

Motion: A. Marotta moved to accept the January 2022 Regular Meeting Minutes as presented; M. Humm 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- Included in the meeting packet.

- 1) PZB 22-01400001 - Warehouse
- PZB 21-01400033 - Boat & RV Storage
- PZB 21-00500009 - Impact Banquet
- Ordinance 2022-06

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: Will occur Prior to each case

UNFINISHED BUSINESS: None

NEW BUSINESS:

Chairman Rice passes the gavel to the Vice- Chair Anthony Marotta

- A. PZB Project Number 21-01400033:** A Major Site Plan amendment to provide additional paving, landscaping and drainage to support a boat and recreational vehicle storage facility on the property located at 1778 7th Avenue North within the Industrial Park of Commerce (IPOC) zoning district.

Board Attorney: Provides reminder regarding disclosures for Quasi- Judicial hearings. If they have or believe to have demonstrated bias or prejudice for or against the project and /or monetary interest in the outcome of the project including ex-parte communications or pre-judgements or personal investigations.

Board members stated they had no disclosures to make.

Staff: S. Rodriguez presents case findings and analysis. The site has been utilized for the outdoor storage of marble and granite since 2005. A business license was issued to operate as a warehouse and general storage of marble and granite and renewed in 2019 with the Use and occupancy changed to Commercial Industrial RV and Boat Storage (outdoor). This proposal would maintain the accessory office and warehouse use and expand the outdoor storage of RV's and boats.

Agent for the Applicant: Bradley Miller, Urban Design Studios, provides a brief overview of requests. Has a current business license for RV &Boats. This request will provide a uniform parking surface for the 93 parking spaces. A sliding gate/fence was installed several years ago along the front and required at the time to be pushed back 20 feet onto the property. There is a Condition added to this approval to push the gate back an additional 25 feet to accommodate the vehicles. The agent for the applicant is asking to remove this condition based upon low daily turning movements into the site. The site is to be landscaped around entire perimeter.

Board: The analysis provided by the applicant and reviewed by the City engineer indicated the gate should be located further onto the property to allow the vehicle to completely move off the roadway while entering the property.

Affected Party: Patricia Rodriguez, property owner of 1777 7th Avenue North state the heavy traffic in the area makes it difficult to maneuver in the area. There has been damage to both her property and public property from trucks in the area. As her property is on the corner, it is used to cut through when traffic is backed up or stopped near the corner . Believes the requirement for a 45-foot queuing distance from street to entrance will help the situation.

Public Comment: None

Staff: Improved drainage and lighting will now be provided.

Board discussion: Question about RV long term usage as in a park. **Staff Response:** This is not a park but storage only. **Staff:** no new buildings can be added to the site. To the affected party- Is it possible this will improve the property? Board finds the project will improve the area, they find the gate condition will solve the congestion in the area

Motion: E. LeBlanc moves to approve **PZB 21-01400033** with staff recommended Conditions of Approval, based upon competent substantial evidence in the staff report and testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

- B. PZB Project Number 21-01400001:** A Major Site Plan and a Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for the

development of a ± 75,989 square foot industrial development at 1939 7th Avenue North within the Industrial Park of Commerce (I-POC) zoning district.

Board members stated they had no disclosures to make.

Staff: S. Rodriguez provides case findings and analysis. The proposal is consistent with the Comprehensive Plan, Strategic Plan and Land Development Regulations. Condition #5 by Public Works, related to sidewalks, should be deleted. The Blanket Conditional uses are indicated within the Conditions of Approval and include no outdoor storage, no retail (wholesale and online only) This is a multi-tenant building, any tenant exceeding 25K sq. ft. will require an AUP; any tenant exceeding 50K sq. ft. will require a new Conditional use for that use.

Agent for the Applicant: Proposal is for a 76K square foot building with two drives onto 7th Ave N. The impervious coverage is at 65%. Is in agreement with the Conditions of Approval.

Staff: This is an improvement over the previously approved warehouse.

Board: This is a plus for the area as there are many aging warehouses in the area. Concerns about medical labs and industries that may create environmental issues; wholesale distilleries vs microbreweries. **Staff response:** the microbrewery tends more toward commercial in nature and could be allowed with additional review. Question about the ceiling height. Maximum height is 30 ft on the exterior and 24 ft on the interior with tilt wall construction. Board member requests staff to follow form over function for interpreting provisions such as the distinction in distilleries versus microbreweries.

Public Comment: None

Motion: M. Humm moves to approve PZB 21-01400001 based upon competent substantial evidence in the staff report and the testimony provided. G. Rice 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 21-00500009: Consideration of a Conditional Use Permit for a 5,827 square foot ballroom/banquet/meeting room and bar with or without live entertainment (bar/ lounge grill) located at 2141 10th Avenue North. The property is zoned Mixed Use - West (MU-W).

Board members stated they had no disclosures to make.

Staff: The applicant has requested the approval allow for the operation of a restaurant with a bar with or without live entertainment. A proximity waiver for alcohol may be required unless the applicant applies for a restaurant business license with service providing 51% food.

Applicant: The area is located in the southernmost portion of the property. A small restaurant with banquet hall.

Board: The use fits in with the rest of the area businesses.

Staff: The use typically requires many parking spaces; heavy parking requirements, that is why the banquet hall requires conditional use approval.

The Board requests clarification on the proposed uses.

Public Comments: None

Motion: J. Contin moves to approve PZB 21-00500009 ballroom/banquet/meeting room and bar with or without live entertainment (bar/ lounge grill) or restaurant with bar with of without live entertainment. based upon competent substantial evidence in the staff report and testimony. E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

D. PZHP 22-03100001 (Ordinance 2022-06): Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 2 “Procedures,” adding a new Section 23.3-20 “Applicant’s Public Neighborhood Meeting and Outreach,” providing for an applicant held public neighborhood meeting and virtual outreach.

Staff: E. Sita explains the outreach to neighborhoods when faced with the possibility of approval of a larger project will aide in a smoother process for the applicant; Developers will appreciate the certainty when going before the Board or City Commission. It will lessen the volume of public comments by addressing and clarifying issues prior to hearings. Staff already suggests this to developers, now it will be a requirement. Minutes of the meeting (provided by the developer/applicant) will ensure that the outreach occurred.

Board members express concern regarding possible staff participation in yet another meeting.

Motion: G. Rice moves to recommend approval of Ordinance 2022-06 to the City Commission; M. Humm 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The Gulfstream is currently scheduled to be heard before the Preservation Board on April 27, 2022.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: A new preservation planner began working with the City on April 4; a current intern will be offered a permanent position as Associate Planner.

BOARD MEMBER COMMENTS: The workshop scheduled for April 11, is it for staff initiated items? Yes, City Commission had established items they wanted to review which will be workshopped then come back to the Boards for review.

ADJOURNMENT: 7:45 PM

Legal Notice 40170

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, April 20, 2022 at 6:00 pm** or as soon thereafter to consider the following application commonly referred to as "The Export Connection."

PZB 20-00500007: Request by Lily Hakkarainen of The Export Connection, Inc., for consideration of a Conditional Use Permit for a 1,800 square-foot low-intensity import/export use within the Industrial Park of Commerce (I-POC) zoning district at 1936 7th Court North, PCN # 38-43-44-21-07-000-0130.

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

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

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

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
April 7, 2022

PLANNING AND ZONING BOARD REPORT

PZB Project Number 20-00500007: Consideration of a **Conditional Use Permit** request to establish an *import/export use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district at 1936 7th Court North. The request is to establish the proposed 1,800 square foot use within the current industrial building. The project is being processed concurrently with a minor site plan amendment to address parking and screening in the proposed outdoor storage area.

Meeting Date: April 20, 2022

Property Owner: Areal Investments Inc.

Applicant: The Export Connection Inc.

Address: 1936 7th Ct. N.

PCN: 38-43-44-21-07-000-0130

Size: 0.64-acre site / 3,600 sf. Building section
 (request is for 1,800 sf)

General Location: 1900 block of 7th Court
 North

Existing Land Use: Factory not exceeding 6
 employees (Areal Investments Inc.)

Current Future Land Use Designation:
 Industrial (I)

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



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Lily Hakkarainen of The Export Connection Inc., is requesting a **Conditional Use Permit (CUP)** to establish an *import/export business use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court North. The subject site is located on the southwest corner of Detroit Street and 7th Court North. According to the property appraiser, the subject site is included in an existing 16,079 square foot building. Per the application submitted by the applicant, the conditional use will occupy only a portion of the existing building totaling 1,800 square feet. The building is currently configured as warehouse space. The proposed use can be a medium-intensity industrial use typically generating moderate volumes of customer traffic.

According to the applicant, The Export Connection, Inc. provides freight forwarding services by transporting and exporting vehicles, automotive parts, and general household items. A majority of the products will be stored inside the facility. The accessory outdoor storage component will mainly be comprised of the temporary storage of vehicles within the parking areas awaiting exportation. The proposal does not include the storage of hazardous materials. A total of 2 employees will be on site at any given time and the proposed hours of operations are Monday through Friday, from 8 A.M. to 5 P.M.

An *import/export business use with accessory outdoor storage* is allowed in the I-POC zoning district subject to a Conditional Use Permit approval. Additionally, the applicant is proposing a minor site plan amendment to address existing code enforcement issues related to parking and screening of the outdoor storage areas.

COMMUNITY OUTREACH

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

BACKGROUND

Existing Development: The existing site master address is 1932 7th Court North and is comprised of a 16,079 square foot building including the 1,800 square foot bay located at 1936 7th Court North. Phase one of the building construction was completed in 1975, while phases two and three of the building were completed in 1977.

Land Use: The bay has an active business license for a factory use (Areal Investments Inc.). For zoning purposes, the existing factory use is allowed as a Conditional Use in the Industrial Park of Commerce (I-POC). There is no record of a conditional use granted for the subject site. The existing use is allowed to continue as is as long as it remains lawful and complies with the regulations in LDRs Section 23.5-3(e) Nonconformities, or if a conditional use permit is submitted and approved for modifications or expansions of the existing use.

Landscaping: The site currently has an existing three-foot hedge along the 7th Court North right-of-way (ROW). There are also existing interior landscaping within the site. Staff is proposing conditions of approval that landscaping, where possible, shall be enhanced and brought up to code to the furthest extend possible. The landscaping requirement will address the adequate screening of the outdoor storage and parking areas through the minor site plan process.

Code Compliance - There are no open code compliance cases on this bay. However, there is an open code compliance case on the property. The open code case for 1932 7th Court North does impact the bay located at 1936 7th Court North. The conditional use permit request and minor site plan amendment will assist in the compliance of current LDRs and address outstanding code enforcement issues.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed use of import/export is allowed in the I-POC zoning district as a Conditional Use. The proposal is associated with an existing 16,079 square foot building of which 1,800 square feet will be used by the applicant. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial FLU.

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

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

Minor Site Plan Amendment

A concurrent minor site plan is being processed with this application to address parking and screening in the proposed outdoor storage area. The site has been through a long code enforcement history beginning with the former owner (Namrock Industries) and now with the current owner (Areal Investments). The minor site plan amendment will address existing code enforcement issues related to the parking of inoperable vehicles without the outdoor storage use approval. The site plan will provide the location of parking areas (including a handicap parking space) and how the parking areas will be screened. The import/export business with accessory outdoor storage shall be completely screened from all public rights-of-way. Staff has proposed conditions of approval to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.4-19, *Outdoor storage and open-air operations*.

Per LDR Section 12-7, *Dumpster Requirements*, *the location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.* The minor site plan amendment will address the refuse area and required screening. Staff is proposing a condition requiring the applicant and property owner to work with the Public Works Department to identify a screened refuse location.

Consistency with the City's Land Development Regulations

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

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

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

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

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

Staff Analysis: The structure on the property completed construction in 1977. The building and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

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

Staff Analysis: A parking lot with nine (9) parking spaces is located on the rear of the property with access from 7th Avenue North and from the alley located on the rear. The parking spaces are designated for the existing use located at 1936 7th Court North. The existing use is classified as a Vehicular use. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. Land Development Regulations, Section 23.4-10 provides an equation of one (1) parking space per 1000 square feet of gross area for industrial uses. The conditional use request is decreasing the number of parking spaces within the site from nine (9) spaces to six (6) spaces to accommodate outdoor storage areas for vehicles only. The layout of the parking is also being addressed by the concurrent minor site plan. The required parking for the subject site complies with LDRs and has added a dedicated handicap parking space.

Findings for Granting Conditional Uses

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

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

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. An import/export business with accessory outdoor storage use is an anticipated use in the Industrial Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

As described earlier in this report, a majority of the products will be stored inside the facility. The accessory outdoor storage component will mainly be comprised of the storage of vehicles within the parking areas awaiting exportation. Staff will propose conditions that will address the type of vehicles that will be allowed to be stored, required screening, and prohibition of materials stored inside and outside of the facility.

Additionally, per LDR Section 23.4-19, *Outdoor storage and open-air operations*, the import/export business with accessory outdoor storage shall be completely screened from all public rights-of-way. The applicant will provide a six-foot opaque fence with rolling gate approximately 33 feet in length along the eastern property line to adequately screen the parking and storage areas. The fence will be located behind the hedge along the 7th Court North roadway. Staff has proposed conditions of approval to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, Landscape regulations.

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

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject bay. However, please note that there is an open code compliance case on the overall property. The open code case for 1932 7th Court North does impact the bay located at 1936 7th Court North. The conditional use permit and concurrent minor site plan request will assist in the compliance of current LDRs and address outstanding code enforcement issues.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *import/export business with accessory outdoor storage* use is appropriate for this zoning district. The use is located adjacent to compatible uses and will not create excessive problems for through traffic. Based on the data and analysis in this report and the supporting materials by the applicant, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

1. Planning and Zoning:

- a. The effective date of the conditional use permit shall be the approval date of the concurrent minor site plan amendment.
 - b. Outdoor storage shall be limited to vehicles that are within the Federal Highway Administration vehicle classification of a Class 3 or less, and a curb weight of 8,000lbs or less. The outdoor storage area shall be fully screened.
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- c. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
- d. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
- e. 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.
- f. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1936 7th Court North, and will not constitute approval for any new location or unit.
- g. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

2. Landscaping:

- a. Prior to the issuance of a business license, remove existing Sea Grape hedge and replace with native shrubs in order to provide required screening. Code section 23.6-1 (c) (2) (b)
- b. Prior to the issuance of a business license, plant small and/or medium native trees along the public right of way as described in code section 23.6-1 (c) (2) (b).
- c. Prior to the issuance of a business license, all plant beds must be mulched.

3. Public Works:

- a. Prior to the approval of the companion minor site plan amendment, the applicant and property owner shall work with the Public Works Department to identify a screened refuse location.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 20-00500007 with staff recommended conditions for a **Conditional Use Permit** request to establish an import/export use with accessory outdoor storage in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 20-00500007 for a **Conditional Use Permit** request to establish an import/export use with accessory outdoor storage in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, request letter)

ATTACHMENT A - Findings for Granting Conditional Uses

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

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

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

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance