



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, DECEMBER 04, 2024 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [November 6, 2024 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [A. 1800 4th Ave N](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 24-00500012: Consideration of a Conditional Use Permit \(CUP\) request by Express Roofing Supply at 1800 4th Avenue North for the establishment of a high intensity \(use area greater than 7,500 square feet\) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage. The subject site is zoned Industrial Park of Commerce \(I-POC\) and has a future land use designation of Industrial \(I\).](#)

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 MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 06, 2024 -- 6:04 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Dave Mathews; Henry Pawski. Also present were: Karina Campos, Senior Community Planner; Annie Greening, Principal Planner; Scott Rodriguez, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA The agenda was re-ordered to hear New Business Item C. prior to New Business Item B.

APPROVAL OF MINUTES:

- A. October 2, 2024 Regular Meeting Minutes

Motion to accept the October 2, 2024 meeting minutes; Vote Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION None required

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **PZB Project Number 24-00000021:** A mural installation request for the property located at 1715 North Dixie Highway. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Staff: The proposed mural is consistent with the Comprehensive and Strategic Plan and Land Development Regulations with the exception of the location of the mural. LDR Section 23.5-1(e)(13) states that murals shall not be permitted on the fronts of buildings facing Dixie Hwy except as may be approved by the Board.

Board: Questions arise as to the location as the MID does not have a mural. **Staff:** It was approved with the SBIP (Sustainable Bonus Incentive Program). The Board questions if it will set a precedent for future mural installations along the main arteries. A solution would be to look to the conditions placed upon any proposed new installation. Comparison to the HJ mural not directly facing N. Dixie Hwy.. Mention is made that it is not safe to drive while looking at the mural.

Motion: D. Walesky moves to approve PZB 24-0000021 with staff recommended Conditions of Approval as it meets the mural criteria based on the data and analysis in the staff report.; D. Mathews 2nd.

Vote: Ayes all, unanimous.

B. Ordinance 2024-14: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 – Definitions and Article 6 “Environmental Regulations,” Section 23.6-1 “Landscape Design Standards” to create a definition for artificial turf and establish regulations and performance standards for artificial turf.

Board Attorney reads Ordinance Title

Staff: This is in response to the direction given by the City Commission during a Special Meeting May 9, 2024 which would allow limited use of artificial turf:

- Non-City owned or affiliated athletic fields and playgrounds;
- SFR and SF-TF zoning districts only in rear and side yards, limited use as part of a grid for parking strips, patio, walkway and driveway otherwise prohibited in the front yard.
- roof top terraces
- In Multi -Family or Mixed-Use Residential zoning districts as part of a recreation or amenity area.

City Commission previously deemed the material as impervious.

Board: The proposed Ordinance does not accomplish what those who wish to utilize artificial turf had hoped it would.

Staff: It does not count as living ground cover and no points are awarded for landscape, it is treated as an impermeable surface.

Board: Discussion about the terminology of impermeable vs permeable. What may be permeable on installation can be rendered impermeable due to the accumulation of detritus over time. Board feels it is inaccurate to refer to it as impermeable.

Public Comment: Peggy Fisher- North A Street- recommends Board and staff listen to the May 2024 City Commission. Doesn't believe that was what was said as per the definition. It was discussed that the parking strips would not have to be removed. Has concerns that restaurants and apartments would need to be removed from between pavers. It is difficult to get anything to grow between parking strips. States the only the first 20 feet of the front yard is where calculations are made.

Giovanna Dominguez Timor – see attached

Donna Kerner- 1012 N J St – see attached

Motion: D. Walesky moves to recommend approval of Ordinance 2024-14 to the City Commission with the notation that artificial turf be considered as pervious and not landscape material; D. Mathews 2nd.

Vote: Ayes all, unanimous.

C. Ordinance 2024-17: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to establish definitions, regulations, and performance standards for manufacturing and processing facilities with apparatuses.

Board Attorney reads the Ordinance Title.

Staff: The Ordinance would create a new use type, manufacturing and processing facilities. This would create the Land Development Regulations for the use which do not currently exist. Staff continues to work with the applicant regarding parking regulations. It is anticipated to be resolved by early December.

Board: Request for clarification on the increased height from 24 feet to 60 feet. **Staff:** Due to the height of the apparatus, the Sustainable Bonus Incentive Program would be utilized. Question about Sustainable Bonus only applying to the FAR (floor area ratio living area above a certain height).

Staff states it is not just applicable to living area, the fee schedule will reflect \$3 per foot. The measure would be per linear foot measuring height of the apparatus and square footage of the base.

Board: It is a very heavy industrial use with heavy equipment moving gravel, with dust and truck traffic. Question as to why the distance from a residential area (400 feet) is indicated to a wall rather than a property line.

Staff explains the nearest residential would be the mobile home park, which is not within 400 feet, but is located in the IPOC zoning district. The measurement was recommended by the applicant as there would not be a residential property line to reference. The Ordinance is not specific to any particular project or site.

Board: Another concern was the change in hours, would this allow for the expansion of hours of operation? The temporary use permit is also concerning.

Staff: The use table only allows for the temporary use permit in IPOC. The temporary use permit would allow a set amount of alternate times per month to be requested in advance; similar to a bank of time.

Bradley Miller, Urban Design Studio: A traffic management plan will be provided as part of the Conditional Use application; the Temporary Use permit will also be requested.

Motion: D. Walesky moves to recommend approval of Ordinance 2024-17 to the City Commission including the change to line 391 (375 feet from property line to property line); H. Pawski 2nd.

Vote: Ayes all, unanimous.

- D. **Ordinance 2024-18:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

Board Attorney reads Ordinance Title

Staff: The use table would be revised to re-locate “Nursing Homes and Assisted Living Facilities” to be considered as an Institutional use rather than Residential use. The definition of “townhouse complex” is eliminated, and the definition of townhouse is changed to allow for two (2) unit townhomes. Minimum lot width and area for parcels on the west side of Dixie Hwy in Mixed Use-Dixie Hwy zoning district are revised to match requirements on the east side of Dixie Hwy.. With that change, the redevelopment of smaller lots would be possible.

Board: Suggestion to rename retirement homes to Independent Senior Living.

Motion: D. Walesky moves to recommend to City Commission approval of Ordinance 2024-18, with the suggestion to rename “Retirement Home” (residential use) to “Independent Senior Living”; D. Mathews 2nd.

Vote: Ayes all, unanimous.

- E. **Ordinance 2024-19:** Consideration of an ordinance adopting the City’s Mobility Plan and amending the City’s Comprehensive Plan to align with the goals and objectives of the new Mobility Plan.

Board Attorney reads Ordinance Title

Staff: Editing of existing language within five (5) elements in the Comprehensive Plan to better support the upcoming Mobility Plan Element addition to the Comprehensive Plan. Allows for additional funding in the City, serves as Safety Action Plan. How plans and goods move through the City aside from vehicular traffic. City Commission will initially hear the plan on December 3, 2024.

Board: Traffic calming devices (concrete planters) are not effective as safety features and actually increase risk. Other Questions re: golf carts on city streets; what is the Mobility fee? **Response:** Impact fee; the LDR changes pertaining to golf carts are not yet drafted. That would come later.

Board Attorney: The City has not adopted a Mobility Fee Program. The golf cart language is located in the Code of Ordinances, Chapter 23.

Motion: H. Pawski moves to recommend approval of Ordinance 2024-19 to the CC; D. Mathews 2nd.

Vote: Ayes all, unanimous.

F. Ordinance 2024-20: Consideration of an ordinance banning marijuana dispensing facilities within the City of Lake Worth Beach.

Staff: The Ordinance is intended to treat medical and non-medical marijuana dispensing facilities the same, should the State Amendment pass (which did not)

Public Comment: Peggy Fisher-North A St.- The Ordinance language is offensive, finds it to be inflammatory and untrue. The existing two (2) dispensaries are no more dangerous than any other bar or vape shop. To state the approval may create/lead to offensive odors, robberies, negative impacts is a disservice to anyone who needs it for medicinal purposes. Would like to know who put the language in the Ordinance. Where are the crime statistics? Doesn't want to live in a City that does not offer the option of the service if medically necessary, doesn't want to live in a City that says she is not good enough to have that option. Although it didn't pass during the recent election this Ordinance shouldn't pass. Would like to know who on the City Commission gave direction without City Manager approval. Recommends tabling or denial.

Motion: D. Walesky move to recommend denial of Ordinance 2024-20 to the City Commission; H. Pawski 2nd.

Vote: Ayes all, unanimous

Board Attorney: The language was taken directly from the previously adopted (current code) in the "whereas clause".

PLANNING ISSUES: Office hours for Board members are Monday afternoon prior to the Wednesday Board meeting, staff will be available for clarification and questions.

PUBLIC COMMENTS (3 minute limit) P. Fisher – Several members of the Commission asked for the Ordinance for Medical Marijuana. Who on the Commission went to staff and did not get direction from the City Manager.

Response: This was assigned to Attorney Lenihan at a workshop.

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:32 PM

Attached Public Comment (2)

The Tree Board members and David McGrew, the Tree Board Advisor, met on March 16, 2024, and reviewed previous DRAFT Sec. 23.6-1. Landscape regulations on Artificial turf, rock and mulch and discussed the pros and cons of allowing artificial turf to be installed.

The Tree Board passed a motion to continue the prohibition on artificial turf in the City of Lake Worth Beach and to add language to the ordinance that Artificial Turf is prohibited. Erin Sita, former Assistant Director, Community Sustainability Department said it is clear in the ordinance that landscaping needs to be alive and therefore Artificial Turf is not allowed. The points below were presented at the April 13th City Commission Workshop.

1. Artificial grass is being marketed as an environmentally friendly way to conserve water and to minimize the use of fertilizers,

pesticides, and weed killers.
In reality,

2. Artificial grass has a big carbon footprint and uses huge volumes of plastic and fossil fuels to be manufactured, transported and installed.
3. Artificial grass contains toxic PFAS compounds, heavy metals and chemicals such as acetone, arsenic benzene, and other carcinogens that can present a serious health threat. The material also emits high levels of methane, a potent greenhouse gas.
4. Plastic grass absorbs heat creating heat islands that can reach temperatures of up to 200 degrees in the FL summer.
5. Pieces of plastic grass break down, contaminate our soils, float into the city's sewer system, release harmful compounds and pollute our waterways with microplastic and other chemicals.
6. Artificial grass deprives contact with natural surfaces, kills soil life beneath it and has no wildlife benefit.
7. Artificial grass can't be recycled. There are 3 layers: backing, artificial grass and filler to weigh it all down making it impossible to separate them and therefore making it impossible to recycle.
8. Artificial grass lawns need cleaning and maintaining. Plastic grass lawns don't recycle germs and other debris so you need to sanitize them with biocides to prevent health risks from animal droppings and bacteria.
9. University of Florida IFAS does not consider artificial turf "Florida friendly" or environmentally acceptable. The experts say it holds in heat and raises the temperature of neighborhoods; it allows microscopic petroleum pollutants to seep into the soil and water table; it kills the beneficial bacteria and microorganisms underneath; it collects animal feces; and it is an awful substitute for conscientious natural xeriscaping.

Please keep the current prohibition on Artificial Turf and enforce it.

Thank you, Donna Kerner 1012NJSt. Lake Worth Beach, FL
33460 United States Chair, Tree and Landscape Board City of
Lake Worth Beach

I thank you in advance for reading my statement.

After several years without the distinction, Lake Worth Beach just recently turned toward becoming a Tree City USA once again, a status awarded to cities that safeguard and promote living, breathing plants and trees and promotes educational programs so that children will become future stewards of a living planet.

What kind of Tree City USA are we to claim to be if we allow "Plastic Grass" to be installed anywhere in our city, especially in an environment such as South Florida, where you can literally toss a native seed onto the ground, treat it with mild neglect and still watch it grow into a beautiful living organism beloved by microbial life, insects and all manner of creatures who feed and make homes in our plant life.

Our weather and sandy soils are beloved by hundreds of types of grasses and other living turf many of which require very little care, or water. Those false claims that we "waste" enormous amounts of water on our turf need to be recognized for what they are, false.

There are many beautiful drought tolerant ground covers that live on sun and occasional rainfall. They feel wonderful underfoot and fill our yards with butterflies, dragonflies, skippers, and myriad insects that bring nutrients to the soil and support the root system which in turn helps battle soil erosion and all of this life releases oxygen while capturing CO2.

To even consider the installation of a foul smelling, heat releasing plastic product that atomizes particles of plastic into our environment and into all living organisms including our children who walk and breathe on these surfaces is grossly irresponsible and contrary to everything a Tree City USA should be standing for.

I have watched entire yards covered in plastic grass installed, and others that sit in the planning process year after year waiting for this city to cave into their "low maintenance" argument while ignoring the impact that this "petroleum product" unleashes on everything we are supposed to hold dear- our Mother Earth.

As a former member of the Tree Board I strived every day to set an example by studying the Florida Friendly Landscape guidelines and I met with horticulturists and master gardeners whose recommendations I brought to neighbors and to the board.

I cannot believe that even now after all this time - this debate is still taking place. It needs to be banned - period.

Giovanna Dominguez Timor 307 8th Avenue N Lake Worth Beach, FL 33460 United States 301 8th Avenue N (Parrot Cove)

DISCLAIMER

The information contained herein is for informational assessment purposes only. The Property Appraiser's Office cannot be responsible for any transactions received and posted by this office, but cannot be responsible for any transactions received in the marketplace, and the time that those transactions are received. This information, including email addresses, becomes public record and may be accessed at this website.

ADA ACCESS

The Palm Beach County Property Appraiser's Office is committed to providing equal access to its services on the basis of disability in the admission or access to, or treatment or services provided by, its offices. To allow individuals with disabilities access to the communications and services of this office, including email addresses, becomes public record and may be accessed at this website.

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November 21, 2024

Lake Worth Herald

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Public Notice

Legal Notice No. 50043

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, December 4, 2024, at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500012: Consideration of a Conditional Use Permit (CUP) request by Express Roofing Supply at 1800 4th Avenue North for the establishment of a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

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

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

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

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
November 21, 2024

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500012: Consideration of a Conditional Use Permit (CUP) request by Express Roofing Supply at 1800 4th Avenue North for the establishment of a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

Meeting Date: December 4, 2024

Property Owner: Romanelli Maria A Trust

Applicant: Mercy Martinez – Express Roofing Supply 5 LLC

Address: 1800 4th Avenue North

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

Size: 4.12 Acre Lot / ±61,642 sf existing structures (±15,294 sf proposed indoor use area in a ±33,942 square foot structure)

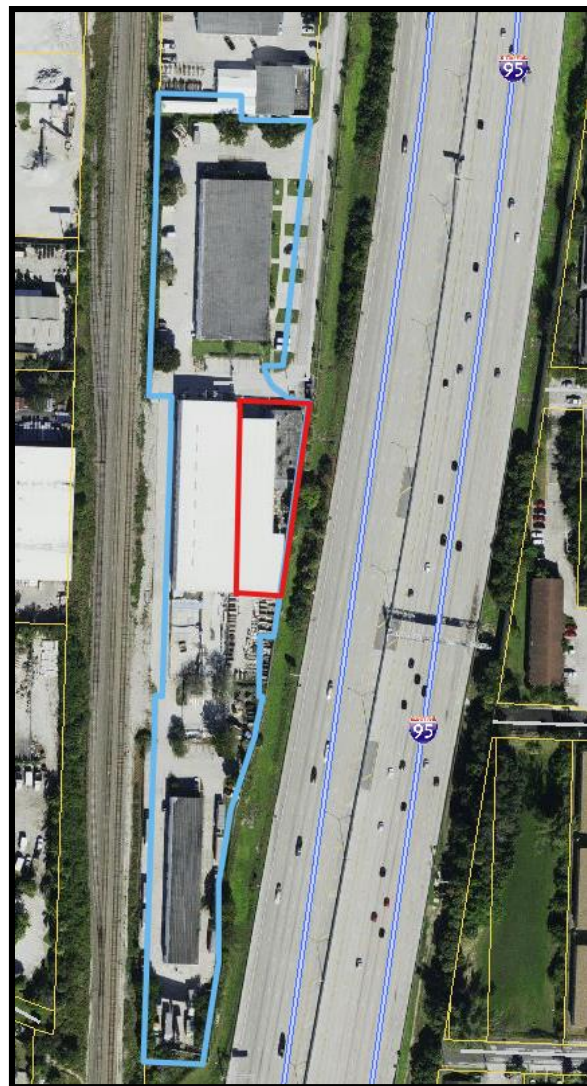
General Location: West of Industrial Street and south of 4th Avenue North

Existing Land Use: Warehouse

Future Land Use Designation: Industrial (I)

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

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 6-7 of this report.

PROJECT DESCRIPTION

The applicant, Mercy Martinez of Express Roofing Supply 5 LLC, is requesting a **Conditional Use Permit (CUP)** to establish a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North. The subject site is located West of Industrial Street and south of 4th Avenue North. According to City records, the subject site consist of three structures and the proposed use will occupy ±15,294 square feet within an existing ± 33,942 square foot warehouse building. The building is currently configured as a warehouse space with offices and a showroom. No additional site improvements are being proposed with this application.

According to the applicant's justification statement, Express Roofing Supply will be a full-service roofing distributor that provides roofing materials to contractors, builders, and homeowners. Express Roofing Supply purchases products from manufacturers and will maintain product warranties for roofing material. The applicant also proposes a showroom area to display products and literature to assist customers with product selection. Customers may pick up products from the proposed on-site warehouse area or may have products delivered directly to jobsites. The applicant also requests an accessory outdoor storage use area to store pallets of roofing tile, insulation, and to store commercial vehicles including medium or heavy-duty commercial vehicles. The business hours of operation are Monday through Friday, from 7:00 am to 4:00 pm and Saturday from 7:00 am to 12:00 pm and there will be approximately ten (10) employees. The site is located West of Interstate 95 and is adjacent to Industrial Street.

COMMUNITY OUTREACH

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

BACKGROUND

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

Existing Development: The site is 4.12 acres with 3 separate one-story buildings, each with different addresses. According to the Palm Beach County Property Appraiser, the first building (1800 4th Avenue North) is 33,942 square feet; ±2,944 square feet were constructed in 1965, and an addition of ±30,998 square feet was constructed in 1986. The second building (425 Industrial Street) is ±18,900 square feet and was constructed in 2000, and the third building (1802 4th Avenue North) is ±8,800 square feet and was constructed in 2005.

Land Use: The structure at 1800 4th Avenue North is currently occupied by Arc Stone Trading LLC as an importer and wholesaler of granite, marble, and porcelain tile and slab surfaces with an outdoor storage use. The structure is also occupied by Hodl Associates to operate as a factory/manufacturing facility.

Code Compliance: There are no active code cases associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). 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 request is seeking to allow a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage at 1800 4th Avenue North.

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 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 permit will allow for the establishment of a high-intensity roofing contractor facility that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

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

Consistency with the Land Development Regulations

The 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 the establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.*

Analysis: The applicant is requesting a Conditional Use Permit for a high intensity (use area greater than 7,500 square feet) roofing contractor facility. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than existing industrial uses. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage requires a Conditional Use Permit. As the applicant is proposing outdoor storage of roofing materials and commercial vehicles including a medium or heavy-duty vehicle, staff has included a condition of approval to require a minor site plan amendment. The minor site plan application must be submitted prior to the issuance of the business license to identify the accessory outdoor storage area and to verify compliance with LDR Section 23.4-22 *Parking, storing or keeping of commercial vehicles in non-residential districts*; work must be completed within six (6) months of issuance of the minor site plan approval. The proposed request is consistent with the intent of the I-POC zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A.

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

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

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

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

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

Staff Analysis: The structures on the property were built between 1965 and 2005. The site does not conform to the current LDRs in regard to landscaping and site impermeable surface coverage; 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.

Additionally, regarding the structure at 1800 4th Avenue, the City's business license currently does not reflect the correct unit address or square footage for Arc Stone Trading LLC. In 2015, Arc Stone Trading LLC received a use approval (PZB 14-00500018) to operate in Unit A as an importer and wholesaler of granite, marble, and porcelain tile and slabs. This approval covers approximately 15,000 square feet of indoor space and 1,000 square feet of outdoor storage. The applicant, Express Roofing Supply 5 LLC, is proposing to operate in Unit A within the same indoor space use area.

Arc Stone Trading LLC has maintained an active business license for Unit B since 2015, to operate within a 16,000 square foot use area. However, the property owner has confirmed that Arc Stone Trading LLC has recently relocated to another unit on the property and has downsized. Staff have added a condition to correctly update the unit addressing for all uses and structures on the site.

The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:

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

Analysis: According to the applicant, the proposed contractor facility will utilize refuse rolling bins for waste. Staff has proposed a condition of approval that the applicant/property owner coordinate with the Public Works Department on refuse service and storage location for the roofing contractor facility, prior to the issuance of a business license.

Sections 23.4-10, Off-street Parking and 23.4-9, Off-street Loading Regulations: *Per LDR Section 23.4-10(f)(2)(A), 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: Generally, when a request for conditional use is made without increasing the existing building floor area, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking).

City records indicate the entire parcel has a total of 108 parking spaces. The proposed use will have five (5) parking spaces directly in front of the building's (north) entrance and there are eight (8) parking spaces directly across (north) from where the use will be located with access to 4th Avenue North. As additional square footage is not proposed, and the

request is a 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.

Further, per LDR Section 23.4-9, off-street loading regulations, commercial sites in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Staff has added a condition of approval that the applicant will create the required off-street loading spaces through a Minor Site Plan amendment application.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with Section 23.5-1.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping" consistent with this section including a landscape strip ten (10) feet in depth.*

Analysis: The existing nonconforming property is lacking required landscaping within off-street parking areas and outdoor storage areas and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Staff have added a condition of approval requiring a minor site plan application prior to the issuance of the Business License. This approval is necessary to bring the site's landscaping into compliance, insofar as feasible. It includes adding landscape screening around the vehicular use areas and the outdoor storage area.

Findings for Granting Conditional Uses

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

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

Staff Analysis: The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the I-POC zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the I-POC zoning district. The building is already served by municipal services, including water, sewer, fire and police. No additional public expenditure is required to service the proposed use. The site is located on a major collector road, and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than existing industrial uses. The proposed use will not change the existing on-site traffic circulation.

Section 23.2-29.g) Additional requirements.

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

CONCLUSION AND CONDITIONS

The industrial park of commerce district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. Based on the data and analysis in this report and the supporting materials by the applicant, the requested roofing contractor facility use is not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Industrial Street corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscaping

1. This approval only applies to ±15,294 square feet of indoor use area, as well as an additional accessory outdoor storage at 1800 4th Avenue North, any expansion of use will require review and approval by staff or the Planning and Zoning Board.
2. Prior to the issuance of a business license, a minor site plan amendment application must be submitted, and work must be completed within six (6) months of approval to address the following:
 - a. Establish an outdoor storage use area
 - b. Provide outdoor storage screening
 - c. Add sufficient off-street loading spaces
 - d. Bring the site's landscaping into compliance insofar as feasible
 - e. The applicant/property owner shall coordinate with Public Works Department/ Solid Waste Division on the location of the refuse area, as well as any potential changes to refuse service that may be required for the roofing contractor facility use. The location of the refuse area and dumpster or bin enclosures shall comply with LDR requirements and be approved by the Public Works Department. The Solid Waste Division can be reached via email at solidwasteinfo@lakeworthbeachfl.gov.
3. Correct unit addressing for all uses and structures located at the site.
4. Retail sales are prohibited.
5. 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.
6. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
7. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
9. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as a result of or related to the operations of the requested use.
10. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Barry Schultz (Lake Worth Beach Interim Building Official): Office Phone: 561-586-1786 | Email: bschultz@lakeworthbeachfl.gov
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations Section 23.5-1.

Electric

1. If the developer proposes an increase to the electric load, the developer must provide the load calculation at the time of building permits.

Building

1. At the time of the minor site plan application, the applicant must provide a floor plan.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500012 Conditional Use Permit for a roofing contractor facility based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 24-00500012 Conditional Use Permit for a roofing contractor facility. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

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

ATTACHMENT A - Findings for Granting Conditional Uses

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