



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 28, 2023 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1901 12th Avenue South](#)
[1622 North Federal Hwy](#)
[2507 North Dixie Hwy](#)
[326 South H Street](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 23-00000009: Request by Robert Cartagine for the approval of a mural located on the south façade of the building at 920 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway \(MU-DH\) and has a future land use designation of Mixed Use – East \(MU-E\).](#)
- B. [PZB Project Number 23-00500010: A conditional use permit request for a ±3,404 square foot Medical Office \(outpatient clinic/medical office use\) located at 1622 North Federal Highway. The subject property is zoned Mixed Use – Federal Highway and has a Mixed Use – East \(MU-E\) future land use designation.](#)
- C. [PZB Project Number 23-00500006: A conditional use permit request for a ±2,622 square foot Minor Vehicular Service and Repair use located at 326 South H Street. The subject property is zoned Artisanal Industrial \(AI\) and has an Artisanal Mixed Use \(AMU\) future land use designation.](#)

- D. [PZB Project Number 23-01500003: Consideration of a waiver to allow a new ground changeable copy sign for an institutional use at 1901 12th Avenue South. The property is zoned Single-Family Residential \(SF-R\) and has a Single-Family Residential \(SF-R\) future land use designation.](#)
- E. [PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway \(MU-DH\) and has a future land use designation of Mixed Use – East \(MU-E\).](#)

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.

Legal Notice No. 42244

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 28, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 23-00500010: A conditional use permit request for a ±3,404 square foot Medical Office (outpatient clinic/medical office use) located at 1622 North Federal Highway. The subject property is zoned Mixed Use – Federal Highway and has a Mixed Use – East (MU-E) future land use designation. PCN # 38-43-44-15-16-008-0010.

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

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 Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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
June 15, 2023

Legal Notice No. 42242

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 28, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 23-01500003: Consideration of a waiver / variance to allow a new ground changeable copy sign for an institutional use at 1901 12th Avenue South. The property is zoned Single-Family Residential (SF-R) and has a Single-Family Residential (SF-R) future land use designation. PCN # 38-43-44-33-00-000-3050.

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

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PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 28, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 23-00500006: A conditional use permit request for a ±2,622 square foot Minor Vehicular Service and Repair use located at 326 South H Street. The subject property is zoned Artisanal Industrial (AI) and has an Artisanal Mixed Use (AMU) future land use designation. PCN #38-43-44-21-15-119-0040.

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June 15, 2023

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 28, 2023 at 6:00 pm** or as soon thereafter to consider the following application. The City Commission meeting is tentatively scheduled for Tuesday, July 18, 2023 at 6:00 pm or soon thereafter at 7 North Dixie Lake Worth Beach.

PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Presidente Supermarket at 2507 North Dixie Highway. The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

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Publish: The Lake Worth Herald
June 15, 2023

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00000009: Request by Robert Cartagine for the approval of a mural located on the south façade of the building at 920 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: June 28, 2023

Property Owner: 914 920 N DIXIE HWY LLC

Applicant: Robert Cartagine

Address: 920 North Dixie Highway

PCN: 38-43-44-21-15-278-0050

General Location: East 900 block of North Federal Highway

Existing Land Use: Store/Retail

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Dixie Highway (MU-DH)

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed mural 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 3 and 4 of this report.

A rendering of the mural is included as **Attachment A**. Additional information including the mural specifications, artist work samples for James Deluce, and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Robert Cartagine, business owner of The Chill Room, is requesting approval for a new mural on the south façade of the building at 920 North Dixie Highway. The mural will show a “Fijian Beach” scene. It will be installed using a printable vinyl adhesive with UV protection. The subject property is located on the east side of the 900 block of North Dixie Highway.

PUBLIC COMMENT

At the time of publication of the agenda, staff has not received written public comment.

BACKGROUND

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

Construction: The existing structure was constructed in 1955.

Use: The property’s use is specialty retail store (The Chill Room).

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The City’s Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City’s Strategic Plan Pillar III.D is to “Inspire arts and culture through City through events and programs.” Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

Consistency with the City’s Land Development Regulations

Per LDR Section 23.1-12, a mural is defined as, “Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window.”

LDR Section 23.5-1(e)(13) provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*
- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Analysis: The Planning and Zoning Board is tasked in LDR Section 23.5-1(e)(13) with determining the appropriateness of the mural. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(I), which specifies community appearance review criteria. The criteria are listed below and include staff's analysis.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(I); 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.

Analysis: The mural installation generally appears to be of good taste and good design. It illustrates a "Fijian Beach" with views of palm trees, an erupting volcano, beach chair, boat, and turtle. It was designed by the artist James Deluce. The mural is consistent with the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

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.

Analysis: Typically, mural installations in the City consist of painted applications to the exterior of a building. The proposed mural, however, utilizes a printable vinyl adhesive with UV protection. The applicant indicated that the product comes with a 4 to 7-year warranty against defects or erosion. The required mural removal agreement ensures that any deterioration that is not remedied would require removal of the mural. Therefore, the proposed mural appears to be of a high quality, and is not anticipated to cause harm to the local environment.

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.

Analysis: The surrounding area of the subject property includes a mix of commercial and retail buildings, and the mural installation generally appears to be in harmony with murals that exist elsewhere in the City. Staff has included a condition of approval that the QR code be removed from the mural so that it does not contain commercial messaging in accordance with LDR Section 23.5-1(e)(13)(C).

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

Analysis: The subject property, 920 North Dixie Highway, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

Staff is recommending approval of the proposed mural installation since it is in conformity with good taste and design; and is in harmony with the area as required by and consistent with the City's Land Development Regulations. Staff has drafted conditions of approval for the proposed mural installation request, outlined below:

Planning and Zoning

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of the mural.
2. This approval does not include any physical alterations to the building's exterior aside from mural installation.

3. Prior to the approval of the building permit, a mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County by the applicant.
4. The QR code shall be removed from the mural so that it does not contain commercial messaging in accordance with LDR Section 23.5-1(e)(13)(C).

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-00000009 for **mural** installation for the structure located at **920 North Dixie Highway**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 23-00000009 for **mural** installation for the structure located at **920 North Dixie Highway**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.]

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

ATTACHMENTS

- A. Proposed Mural
- B. Additional Information (mural specifications, justification stamen, and artist samples of work)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500010: A conditional use permit request for a ±3,404 square foot Medical Office (outpatient clinic/medical office use) located at 1622 North Federal Highway. The subject property is zoned Mixed Use – Federal Highway and has a Mixed Use – East (MU-E) future land use designation.

Meeting Date: June 28, 2023

Property Owner: INDIAN CHASE PARTNERS LLC

Applicant: Fernando Capetillo – Amel Therapy Center

Address: 1622 North Federal Highway

PCNs: 38-43-44-15-16-008-0010

Size: 0.4362 – Acre Lot / ±3,404 square feet existing structure

General Location: On the northeast and southeast corner of North Federal Highway and 17th Avenue North

Existing Land Use: Vacant Office Building

Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Federal Highway (MU-FH)

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 page 5 of this report.

PROJECT DESCRIPTION

The applicant, Fernando Capetillo on behalf of Amel Therapy Center, is requesting a **Conditional Use Permit (CUP)** to establish a medium-intensity (up to 7,500 square feet of use area) medical office use (outpatient clinic/medical office) in the Mixed Use – Federal Highway (MU-FH) zoning district. According to the applicant’s justification statement, the medical office will provide counseling sessions and group therapy. The subject property is located on the northeast and southeast corner of North Federal Highway and 17th Avenue North.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The existing structure was constructed in 1961.

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

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 Mixed Use – East (MU-E). The MU-E FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed request is seeking to add a medium-intensity medical office to be allowed in the existing ±3,404 square foot vacant office building.

The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a medium-intensity medical office use that will contribute towards the City’s tax base, sustain or increase jobs, and foster inclusion the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

Consistency with the Land Development Regulations

The **Mixed Use – Federal Highway (MU-FH)** zoning district is intended to provide for limited retail, office, hotel/motel and low-density multiple-family residential development. Provision is made for the establishment of the following nonresidential uses: (1) Low intensity office uses; (2) Low intensity personal service uses; (3) Residential apartments as secondary uses in structures with office uses as primary uses; and, (4) Hotels and motels.

Analysis: The applicant is requesting a Conditional Use Permit for medium-intensity (use area less than 7,500 square feet) medical office. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major collector roadway. Therefore, no additional public expenditures are required to service the proposed use.

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

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

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

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

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

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

Staff Analysis: The structure on the property was constructed in 1961. The existing site conditions do not conform to the current LDRs. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The property includes a parcel on the north side of 17th Avenue North that accommodates surplus parking. There is no landscaping other than existing turf. As a result, there is no screening of the vehicular use area. This is nonconforming with the LDRs which require parking areas to fully screened from the right-of-way and neighboring properties. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Further, staff has proposed landscape conditions of approval that will reduce the nonconformities with the City's landscape code. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for a conditional use without increasing the existing building floor area, and as such additional parking is not required. The site currently has 19 total parking spaces including one (1) handicap space. Per LDR Section 23.4-10(f)(B), 1 space per 250 gross square feet of space is required for medical offices. Therefore, a minimum of 14 spaces is required which the site exceeds.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements. Any changes to the existing monument/freestanding sign shall bring it into conformance.

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

Analysis: A landscape plan was found in the City's property records. The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with both the LDRs and Major Thoroughfare Design Guidelines. This will include extending the landscaping along North federal Highway to adequately screen the parking areas and installing a new screened refuse area. In addition, the landscape areas on the perimeter of the northern parking lot shall include shrubs and shade trees in accordance with current landscape requirements.

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 MU-FH 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. However, it was noted in the review that there is no existing screened refuse area on the property and additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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

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

existing on-site traffic circulation. Staff has proposed landscaping conditions of approval to ensure adequate screening is provided of the vehicular use area and compliance with the LDRs and Major Thoroughfare Design Guidelines.

Section 23.2-29.g) Additional requirements.

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

CONCLUSION AND CONDITIONS

The Mixed Use – Federal Highway (MU-FH) zoning district is intended to provide for limited retail, office, hotel/motel and low-density multiple-family residential development. Based on the data and analysis in this report and the supporting materials by the applicant, the requested medical office 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 Federal Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning, and Landscaping

1. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m.
 - b. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
 - c. No outdoor storage, outdoor activities, or patient areas, including smoking areas, are permitted.
2. An issued building permit and concurrent minor site plan shall be required prior to the issuance of a business license to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code in so far as feasible per LDR Section 23.6-1 as follows:
 - a. Extend landscaping along the southwest corner of the property to adequately screen the parking area.
 - b. Supplement the landscaping to match the approved landscape plan on file. Plant substitutions may be reviewed by the City's Horticulturalist.
 - c. Add shrubs and shade trees to the perimeter of the northern parking lot.
 - d. Remove existing non-native invasive Queen Plants from the north side of the property adjacent to 17th Avenue North and replace with native shade trees.
 - e. Remove and replace the existing low-quality Live Oak tree located on the north side of the property adjacent to the parking area entrance.
 - f. Add one live Oak tree in the southern portion of the landscape bed that is adjacent to North Federal Highway.
 - g. Restore/replace all dead turf areas.
 - h. Provide a new screened refuse enclosure.
 - i. Resurface, replace, and/or repair the parking areas based on staff's assessment from a site visit.
 - j. A minimum of 75% of the new plant material must be native to South Florida.

The improvements shall be completed within one (1) year of the subject CUP's approval.
3. Coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
4. A new unity of title or evidence of an existing unity of title to combine the parcels shall be required prior to the issuance of a business license.
5. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.

7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
8. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
9. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance.

Electric Utility

1. If any changes will be required to the electric service at this location, the electric utility will require voltage and load calculations along with a riser diagram before or at the time of application for a building permit.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500010 Conditional Use Permit for a medical office based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500010 Conditional Use Permit for a medical office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

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

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance as conditioned
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**

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

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500006: A conditional use permit request for a ±2,622 square foot Minor Vehicular Service and Repair use located at 326 South H Street. The subject property is zoned Artisanal Industrial (AI) and has an Artisanal Mixed Use (AMU) future land use designation.

Meeting Date: June 28, 2023

Property Owner: Barry Johnson

Applicant: Sergio Molina – Molina Auto Repair Corp.

Address: 326 South H Street

PCNs: 38-43-44-21-15-119-0030 and 38-43-44-21-15-119-0040

Size: 0.3243-Acre Lot / 2,622 square foot existing structure

General Location: East side of South H Street, between 3rd Avenue South and 4th Avenue South

Existing Land Use: Warehouse

Current Future Land Use Designation: Artisanal Mixed Use (AMU)

Zoning District: Artisanal Industrial (AI)

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. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 and 6 of this report.

PROJECT DESCRIPTION

The applicant, Sergio Molina on behalf of Molina Auto Service Corp., is requesting a **Conditional Use Permit (CUP)** to establish a Minor Vehicular Service and Repair use ($\pm 2,622$ square feet) in the Artisanal Industrial (AI) zoning district located at 326 South H Street. According to the applicant's justification statement, the services provided will include oil changes, tire rotation, diagnosing, and maintenance in all types of cars. All repairs will be performed inside the building. The hours of operation will be 8 AM to 6 PM. The subject site is located on the east side of South H Street, between 3rd Avenue South and 4th Avenue South.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The existing structure was constructed in 1955.

Use: The property's use is warehouse

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 Artisanal Mixed Use (AMU). Per Policy 1.1.1.9, The AMU FLU is intended provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 50% non-residential and 50% residential. The implementing zoning district is AI. Zoning regulations implementing the Artisanal Mixed Use land use category shall permit arts-related industrial uses of low to moderate external impacts. Development in the Artisanal Mixed Use land use category should be guided to minimize negative impacts on nearby residential areas. The proposed request is seeking to add a Minor Vehicular Service and Repair use within the existing $\pm 2,622$ square foot building.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a Minor Vehicular Service and Repair use that will sustain or increase jobs, and foster inclusion the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

Consistency with the City's Land Development Regulations

The Artisanal Industrial (AI) zoning district is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial district implements the industrial land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for a Minor Vehicular Service and Repair use. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. However, there is no screened refuse area on the property. Additionally, a unity of title is required so that the parcel meets the minimum lot width and minimum area requirements for the use. A condition of approval has been added to require the unity of title prior to the issuance of a business license.

The vehicular use is subject to LDR Section 23.3-6. A Minor Vehicular Service and Repair use requires a Conditional Use Permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)4, *Vehicular services and repair facilities – Major or minor, or repair and maintenance services – Major*. The use is consistent with the intent of the AI 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 Minor Vehicular Service and Repair use is also consistent with the additional supplemental regulations located in Attachment A.

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

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

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

Analysis: A recommendation 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 the 1950's. 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:**

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

Staff Analysis: There is a deficit of on-street parking in the area due to the illegal usage of the right-of-way for outdoor storage of vehicles by other businesses, which impacts customer parking for all businesses in the area. Therefore, it is important that the subject Minor Vehicular Service and Repair use provides sufficient off-street parking to ensure that the proposed new business does not further contribute to the on-street parking issues. Further, outdoor storage is not permitted in this zoning district. The site currently has a large parking area; however, the surface is shellrock and there is no striping of spaces. Staff has added conditions of approval that will require improvement of the parking area to provide a minimum of three (3) parking spaces for each service bay plus one parking space for each three hundred (300) square feet of non-service enclosed area per LDR Section 23.4-13(c)4. In addition, the shellrock shall be replaced by a code-compliant impervious or semi-pervious material. The parking lot shall also be required to comply with the landscape requirements for parking areas.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements. Any changes to the existing monument/freestanding sign shall bring it into conformance.

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 and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with the LDRs. This will include new landscape buffers [five-foot wide with shrubs and shade trees every twenty-five (25) linear feet on center per LDR Section 23.4-13(c)4] to adequately screen the parking area from the right-of-way and abutting properties and installing a new screened refuse area. In addition, the existing chain-link fencing with barbed wire, abutting South H Street, shall be removed and can be replaced with a code-compliant fence material. New shrubs and shade trees shall be installed in the front yard and in the parking area in accordance with current landscape requirements. The applicant shall be required to comply with the City's landscape requirements in so far as feasible on the subject nonconforming site.

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, as conditioned, is in general harmony with the surrounding area as the proposed conditions would require improving the off-street parking area, limiting business activities to indoor only, and improving the landscaping of the property. The Minor Vehicular Service and Repair use is an anticipated use in the AI

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.

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 services provided will include oil changes, tire rotation, diagnosing, and maintenance in all types of cars. All repairs will be performed inside the building. The hours of operation will be 8 AM to 6 PM. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. However, there is no screened refuse area on the property. Additionally, a unity of title is required so that the parcel meets the minimum lot width requirements for the use. A condition of approval has been added to require the unity of title prior to the issuance of a business license.

Section 23.2-29.g) Additional requirements.

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

CONCLUSION AND CONDITIONS

The Artisanal Industrial (AI) zoning district is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal industrial operations. As the proposed use is not an industrial related use to the arts, staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided below:

Planning & Zoning, and Landscaping:

1. The minor vehicular service and repair is to be (per LDR Section 23.1-12): A business providing brake repairs, tire repair and installation, muffler replacement, and oil changes not including repairs to the drive train or requiring the removal of the engine block, drive train or other major engine components. This includes establishments engaged in the installation, maintenance and repair of motor vehicle parts or systems that require basic standard maintenance and shall include but not be limited to: air conditioning systems, audio systems, brakes, oil and fluid changes, shock absorbers, tune-ups, window tinting, washing and detailing, and wheel alignment and balancing for automobiles, trucks, and motorcycles. Any minor vehicle service and repair use that requires outdoor storage or activities and overnight parking of vehicles being serviced will be considered a major vehicle service and repair use.
2. No on-street parking of vehicles being serviced is permitted.
3. Major vehicular service and repair is prohibited which includes repairs to transmissions.
4. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)4:
 - a. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
 - b. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
 - c. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.
5. Outdoor storage is not permitted.
6. A unity of title to combine the parcels shall be required prior to the issuance of a business license.
7. Prior to the issuance of a business license, an issued building permit and concurrent minor site plan shall be required and the work shall be completed to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code in so far as feasible per LDR Section 23.6-1 as follows:

- a. Installing a new five-foot wide landscape buffer with shrubs and shade trees planted every twenty-five (25) linear feet on center.
 - b. Providing a new screened refuse enclosure.
 - c. Removing the existing chain-link fencing with barbed wire, abutting South H Street. It may be replaced with new fencing that is code compliant.
 - d. Installing new shrubs and shade trees in the front yard of the property and landscaping in the parking lot area for consistency with the City's landscape requirements in so far as feasible.
 - e. A minimum of 75% of the new plant material must be native to South Florida.
 - f. Striping the parking lot area. A dustless material in lieu of the existing shellrock shall be provided within the impervious surface limitations of the zoning district.
 - g. Complying with all applicable landscape requirements for parking areas.
8. Coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
 9. 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).
 10. Prior to the issuance of a business license, the business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.
 11. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
 12. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
 13. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
 14. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance.

Electric Utility

1. If any changes will be required to the electric service at this location, the electric utility will require voltage and load calculations along with a riser diagram before or at the time of application for a building permit.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 23-00500006 with staff recommended conditions for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use 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 23-00500006 for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use. 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 & Justification Statement)

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 as conditioned
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**

Sec. 23.4-13.(c)4. - Administrative uses and conditional uses/Standards/ Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major	Analysis
1. <i>Minimum lot frontage. Seventy-five (75) feet.</i>	In compliance as conditioned through Unity of Title
2. <i>Minimum site.</i> Minor - Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.	In compliance combined area of 0.3243 acres
3. <i>Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.</i>	In compliance
4. <i>Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.</i>	In compliance as conditioned
5. <i>Buffering/screening. A masonry wall shall be erected to a height of not less than six (6) feet where the proposed site is 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.</i>	Not applicable
6. <i>Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.</i>	In compliance as conditioned
7. <i>Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.</i>	In compliance as conditioned
8. <i>Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with section 23.4-19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01500003: Consideration of a waiver to allow a new ground changeable copy sign for an institutional use at 1901 12th Avenue South. The property is zoned Single-Family Residential (SF-R) and has a Single-Family Residential (SF-R) future land use designation.

Meeting Date: June 28, 2023

Property Owners: Lakeside United Methodist Church Inc.

Project Manager: Denise Williams on behalf of Art Sign Company

Address: 1901 12th Avenue South

PCN: 38-43-44-33-00-000-3050

Size: 3.2056-acre lot / ±8,862 square feet of existing structures

General Location: Bounded to the north by 12th Avenue South, to the south by Cochran Drive, to the west by Lake Osborne Drive, and to the east by the railway

Existing Land Use: Religious/Institutional

Current Future Land Use Designation: Single-Family Residential (SF-R)

Zoning District: Single-Family Residential (SF-R)

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

PROJECT DESCRIPTION

The project manager, Denise Williams on behalf of Art Sign Company, is requesting a waiver to allow a new changeable copy sign for an institutional use at 1901 12th Avenue South. As defined in LDR Section 23.1-12, a changeable copy sign is any freestanding, ground sign or wall sign or portion thereof comprised of letters, illustrations or symbols which are replaced automatically, digitally and/or manually and which indicate the names of persons associated with or events conducted upon, or products or services offered on the premises where the sign is maintained. The property is bounded to the north by 12th Avenue South, to the south by Cochran Drive, to the west by Lake Osborne Drive, and to the east by the railway. The property is zoned Single-Family Residential (SF-R). If the waiver is approved, it would allow the installation of a new changeable copy sign, whereas the LDRs only allow this signage type along the City's Major Thoroughfares. The subject site is surrounded by other properties to the north, south, east, and west that are also zoned Single-Family Residential (SF-R).

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a 3.2056-acre institutional lot. Below is a timeline summary of the property based on the City records:

- On November 3, 2022 – A building permit (22-4062) was submitted to install a new freestanding LED sign. On November 15, 2022, and March 1, 2023, the request was denied by zoning due to the dimensions of the sign and because changeable copy signs are not allowed outside of the City's Major Thoroughfares.
- On April 20, 2023 – A relief request was submitted to allow the changeable message sign.
- On May 3, 2023 – The Planning and Zoning Board (PZB) recommended approval of Ordinance 2023-06 which creates a waiver review process for changeable copy signage for public and institutional uses outside of the City's Major Thoroughfares.
- On May 31, 2023 – The relief request is deemed complete.
- June 14, 2023 – A search of the City's database shows that 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 Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area *is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units. Implementing zoning districts are SF-7, MH-7 and NC. Zoning regulations shall protect single-family residential development from the encroachment of incompatible land uses. At the same time, **provision may be made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses shall be compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character.** Zoning regulations may provide for compatible nonresidential uses either through special zoning districts that may be mapped within areas designated single-family residential or through conditional use permit provisions incorporated within single-family*

residential districts. Mobile home parks should accommodate mobile home single-family units, not travel trailers, motor homes, or similar recreational vehicles. **Academic schools that are determined to be compatible with the surrounding neighborhood shall be a conditionally permitted use within this land use category.** There is currently a church and school academy on the subject property. These uses are permitted in the SF-R zoning district through an administrative use permit (AUP) and conditional use permit (CUP), respectively. The waiver being sought does not change the uses of the property. Therefore, the proposal is generally consistent with Policy 1.1.1.2 of the Comprehensive Plan. The subject waiver is associated with the installation of a new sign that will result in a minor change to the property’s appearance. As such, review of the strategic plan is not applicable to an improvement of this scale.

Consistency with the City’s Land Development Regulations

Staff Analysis: On May 3, 2023, the Planning and Zoning Board (PZB) recommended approval of Ordinance 2023-06 which creates a waiver review process for changeable message signage for public and institutional uses outside of the City’s Major Thoroughfares. Per the draft language in Section 23.2-27(c), a waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 – Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specify provisions for approval by the applicable review board. The draft language in Section 23.5-1(e)(16)(i), notes that changeable copy signs may also be allowed on roadways with lower functional classifications for institutional and public uses only with a waiver per Section 23.2-27.c. if approved by the applicable review board. The Department of Community Sustainability is tasked in the Code to review waiver applications for consistency with the City’s LDRs, for compliance with the findings for granting waivers (analyzed in the next section), and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

An upgraded ground changeable copy sign is proposed at the subject property. It shall comply with all applicable signage regulations in Section 23.5-1.

Zoning Analysis		
Development Standard Ground Signs	Sign Regulations (LDR Section 23.5-1)	Provided
Frontage Minimum	50’	±364’ Lake Osborne Drive Frontage
Maximum Sign Area	150 sf (Frontage 301-400’)	136 sf
Setback	3’	10’
Changeable Copy Area	25% of Sign Face	34 sf (25%)
Number of Signs	One (1) for corner properties	One (1)
Landscaping	Required Landscaping at the base of the sign	Existing Planter Base

Waiver Request		
LDR Citation	Required	Proposed
Section 23.5-1(e)(16)(i)	Changeable copy shall be allowed for the following uses along the major thoroughfares of the city. 1. Hotels and motels 2. Institutional uses 3. Gas and service stations 4. Movie theaters and playhouses 5. Menu board signs for restaurants	Changeable copy signage on the corner of Lake Osborne Drive and 12 th Avenue South (Not listed as Major Thoroughfares in LDR Section 23.1-12)

The data and analysis below review the application against the regular findings for approval of all waiver requests:

Section 23.2-26(b) Regular findings of approval

The land development regulations require waiver requests to be analyzed for consistency with Section 23.2-27(c). Staff has reviewed the application against this section and the analysis is outlined as follows:

1. The waiver requested is the smallest or minimum modification necessary.

Staff Analysis: Per LDR Section 23.1-12, the City's Major Thoroughfares are the following streets and roadways:

- a. Lake and Lucerne Avenues from the Intracoastal to Interstate 95 and within the Old Town Historic District.
- b. Lake Worth Road.
- c. 6th Avenue South from Dixie Highway west to the West City Limit.
- d. 10th Avenue North from Dixie Highway west to the West City Limit.
- e. Federal Highway from the South City Limit to the South Boundary of College Park.
- f. Dixie Highway from the South City Limit to the North City Limit.

The property is bounded to the north by 12th Avenue South, to the south by Cochran Drive, to the west by Lake Osborne Drive, and to the east by the railway. The abutting rights-of-way are not classified as Major Thoroughfares. Therefore, due to the property's location, the subject waiver is the minimum necessary to allow installation of a new ground changeable copy sign for an institutional use. **Meets criterion.**

2. The waiver request shall not negatively impact adjacent property owners or protected land uses as described in Section 23.1-12.

Staff Analysis: Per LDR Section 23.1-12, protected land uses means school (public or private, including pre-k through 12th grade), house of worship, child care facility, residential zoning district (including a mixed use district containing a residential component); cemetery, columbarium or mausoleum; public (P) district; Public Recreation and Open Space (PROS) district, Conservation (C) district and Beach and Casino district (BAC) except where the subject property is a preserved natural area not accessible to the general public that was legally established prior to the establishment of the applicable zoning district. The subject site is surrounded by other properties to the north, south, east, and west that are also zoned Single-Family Residential (SF-R) with single-family residences. As conditioned, a new ground changeable copy sign that adheres to the requirements Section of 23.5-1(e)(16)(ii) will not negatively impact adjacent property owners.

Meets criterion.

3. The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area.

Staff Analysis: There is currently a church and school academy on the subject property. These uses are permitted in the SF-R zoning district through an administrative use permit (AUP) and conditional use permit (CUP), respectively. As signage technology has evolved, many institutional uses such as churches and schools have upgraded their message boards with changeable copy (LED) signs. Staff is providing a recommendation of approval because this signage type is common for the subject uses which were envisioned by the SF-R zoning district to provide services for nearby residences.

Meets criterion.

4. The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan.

Staff Analysis: Policy 1.1.1.2 of the City's Comprehensive Plan, indicates that "a limited number of nonresidential uses for the convenience of residents" were expected in the SF-R FLUM. Therefore, the waiver allows upgrades to the existing signage that support uses that are convenient for the neighborhood. **Meets criterion.**

5. The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in Section 23.5-3.

Staff Analysis: Not applicable, the proposed sign waiver will not impact uses of land or existing buildings. The upgraded ground sign with a changeable copy area (LED) shall comply with all applicable signage regulations. **Criterion not applicable.**

CONCLUSION AND CONDITIONS

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

1. The full zoning review of the proposed signage shall take place at permitting.
2. The signage shall comply with all applicable regulations in Section 23.5-1, to be reviewed at permitting, including the following restrictions (Section 23.5-1(e)(16)(ii)):
 - a. Digital copy shall have a minimum dwell time cycle of sixty (60) seconds.
 - b. Digital copy shall be limited to one (1) message related to one (1) type of use per cycle
 - c. Digital copy shall be limited to three (3) individual total cycles
 - d. Changeable copy shall relate only to the principal use on a property
 - e. Individual changeable copy messages may only be changed once in a four (4) hour period
3. The signage shall comply with site visibility requirements, to be reviewed at permitting.
4. The landscaping at the base of the signage shall be reviewed at permitting by the City's Horticulturalist.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-01500003 with staff recommended conditions for a **waiver** allow a new changeable copy sign for an institutional use not along one of the City's Major Thoroughfares at 1901 12th Avenue South. The application meets the waiver criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 23-01500003 for a **waiver** to allow a new changeable copy sign for an institutional use not along one of the City's Major Thoroughfares at 1901 12th Avenue South. The project does not meet the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be the final decision for the Waiver. The Applicant or Affected Party may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Application Package (survey & supporting documents)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: June 28, 2023

Property Owner: ARBOR SQUARE REALTY CO LLC

Applicant: Ariel Martinez – Presidente Supermarket

Address: 2505 North Dixie Highway

PCNs: 38-43-44-16-25-001-0000

Size: 6.6-acre lot / ±25,600 square feet of use area

General Location: 2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal

Existing Land Use: Shopping Center

Current Future Land Use Designation: Mixed Use East (MU-E).

Zoning District: Mixed Use – Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs, considering that an alcohol distance waiver for a similar use (Family Dollar) was recently granted in the same plaza. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided on page 4 of this report.

PROJECT DESCRIPTION

The applicant, Ariel Martinez on behalf of Presidente Supermarket, is requesting an **alcohol beverage distance waiver to allow beer and wine packaged sales** (2APS License) for Presidente Supermarket. The property, 2505 North Dixie Highway, is a plaza known as Arbor Square located at the 2500 block of North Dixie Highway, southwest corner of North Dixie Highway and the West Palm Beach Canal. Presidente Supermarket occupies 25,600 square feet of the existing building.

COMMUNITY OUTREACH

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

BACKGROUND

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

- Development History
 - 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
 - 1980 – The retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- Business License History (Excludes records prior to the year 2000)
 - Monterey Market was licensed in 2013 and 2014.
 - Sedano's Supermarket was licensed in 2001, and between 2008 and 2013.
 - President Supermarket applied for a business license on May 22, 2023. The use and occupancy inspection was conducted on June 13, 2023, and the business license was issued on June 20, 2023.
- Recent Building Permit History
 - March 10, 2023 – Building Permit #23-407 was issued for commercial fire sprinklers.
 - January 13, 2021 – Building Permit #20-3392 was issued for a new dumpster enclosure.
 - July 17, 2021 – Building Permit #20-1431 was issued for major interior renovations.
 - September 4, 2020 – Building Permit #20-306 was issued for façade renovations.
- Recent Code Enforcement History
 - There are no active code cases associated with this property.
- Other Alcoholic Beverage Approvals
 - At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway.
 - Within the existing plaza, an existing restaurant at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU provides for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed alcohol distance waiver allows Presidente Supermarket within the Arbor Square shopping plaza to further expand its offering of products. Therefore, it is consistent with the intent of the MU-E FLU. The subject alcohol distance waiver allows the packaged sales of beer and wine (accessory use to the principal use). As such, review of the strategic plan is not applicable to an application of this scale.

Consistency with the City's Land Development Regulations

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Staff Analysis: Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The City's Spillway Park is located within five hundred (500) of the subject parcel. Additionally, residential uses in the Sunset Ridge and College Park neighborhoods are located five (500) feet from the parcel. Within the existing plaza, an existing restaurant at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only within five hundred (500) feet of the proposed packaged alcoholic beverage sales. At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway. Therefore, the alcohol distance waiver is required since Presidente Supermarket will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties. However, the parcel size, plaza orientation, and the location of the business in the plaza is such that the proposed alcohol beverage establishment's location is greater than 500ft in travel distance on existing roads and sidewalks to protected land uses. Based on the location of Presidente Supermarket within the plaza, direct impacts to protected use are not anticipated. Furthermore, an anchor grocery store with accessory package alcohol sales historically took place at this location.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Staff Analysis: The proposed beer and wine packaged sales will be an accessory use to Presidente Supermarket. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Staff Analysis: The subject property is does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Staff Analysis: The waiver is necessary to allow the packaged sales of beer and wine at the subject Presidente Supermarket. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare and surrounding community.

CONCLUSION AND CONDITIONS

Based on the location of the Presidente Supermarket within the plaza, the proposed accessory packaged alcoholic beverage sales are not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Further, an anchor grocery store with accessory package alcohol sales historically took place at this location. Staff recommends that the Planning and Zoning Board reviews this information to determine whether to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided below:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the existing business.
2. On-site alcohol consumption is not permitted.
3. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600003 of the alcohol distance waiver for the sale of packaged beer and wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600003 of the alcohol distance waiver for the sale of packaged beer and wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

ATTACHMENTS

- A. Application Package