



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 05, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [May 1, 2024 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [a. 24-01500003 - 531 North C Street](#)
[b. 24-00500005 - 818 North Dixie Hwy](#)
[c. 24-00500006 - 1928 Lake Worth Rd](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. **PZB Project Number 24-01500003:** Consideration of two variances to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen at 531 North C Street. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).
- B. **PZB Project Number 24-00500006:** A conditional use permit request for a ±3,700 square-foot medical office located at 1928 Lake Worth Road. The subject property is zoned Mixed Use- West (MU-W) and has a Transit Oriented Development (TOD) future land use designation.
- C. **PZB Project Number 24-00500005:** A conditional use permit request for a ±850 square foot medical office located at 818 North Dixie Highway. The subject property is zoned Mixed Use – Dixie Highway (MU-Dixie) and has a Mixed Use-East (MU-E) future land use designation.

D. [Ordinance 2024-08: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 – Off-Street Parking](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 01, 2024 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Mark Humm; Dave Mathews; Henry Pawski; Evelyn Urcuyo; Daniel Walesky, Vice-Chair; Absent: Zade Shamsi-Basha. Also present were: Karina Campos, Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

- A. March 6, 2024 Meeting Minutes
April 3, 2024 Meeting Minutes

Motion: M. Humm moves to accept the March 6, 2024 and April 3, 2024 meeting minutes as presented;

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION Provided in the meeting packet.

- 1) 2141 10th Ave N
3 18th Ave S

WITHDRAWALS / POSTPONEMENTS: New Business Item B has been withdrawn at the request of the applicant.

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Consideration of a variance to allow an electronic gate to be set back 5 feet from the front property line at 3 18th Avenue South. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: K. Campos presents case findings and analysis of request. The lot is currently vacant with the intent to build a home in the future. The variance is not consistent with the variance criteria found in LDR Section 23.2-26(b). LWB code states the gates/keypads/callboxes shall be set back a minimum of 25 feet from the property line/ right-of-way to prevent queuing/ stacking in the right-of-way. It may be increased with an analysis performed by a certified traffic engineer.

In order for the variance to be granted, all four variance criteria must be met. In this instance the analysis does not support that result.

1. Special Circumstances exist peculiar to the land or building which do not generally apply to nearby land and are not the result of the applicant.

Analysis: A waterfront property is typical of the area along the eastern edge of the City including the immediate and adjacent neighbors. Secondly, the contention that the Base Flood Elevation within the flood zone affects the ability of the applicant to place the fence according to the code. BFE height regulations do not alter fence placement requirements. These same circumstances apply to nearby properties and the proposed location would be the result of the applicant.

2. The strict application of the LDR's would deprive the applicant of any reasonable use of the land.

Analysis: The installation of a gate is not required for the reasonable use of the property as a single-family residence.

3. The proposed variance is the minimum variance which makes possible the reasonable use of the land.

Analysis: Alternative gate configurations could be utilized to eliminate the need for a variance i.e. comply with electronic gate setback or utilize a manual gate.

4. The granting of the variance will be in the spirit and intent of the chapter of the Code and not unduly injurious to contiguous properties, surrounding neighborhood, nor detrimental to public welfare.

Analysis: LDR's adopted in 2013 provided that the location of electronic gates would address potential issues with traffic and vehicle stacking; further the preliminary site plan indicates the front setback to be 5 feet from the front property line and 6 feet from the southern side property line with the potential for conflict to the egress/ingress to both the subject property and the adjacent south property.

The request does not meet any variance criteria; a hardship has not established; the property owner would not be deprived of the reasonable use of the land and alternative gate types and placement options are available.

Architect for the applicant: Yianni Varnava- Code allows for a manually operated gate and wall to be placed on the property line. All issues would still be in place. The reasons for the request is to allow a landscape buffer to hide a wall and the proposed Base Flood Elevation at 10 feet would create a steep incline for the wait while the gate is opening on approach and departure. A manual gate will affect the southerly neighbor more than an electronic gate as the queuing will exist to a greater extent.

Board: J. Contin, the fence location will not change the elevation of the structure. D. Mathews- the manual gate will take longer to open. H. Pawski – the queuing will be in the street.

Public Comment: Georgia Kelmetsmo - 75 18th Ave S- Will be a hardship on the entire neighborhood. Ongoing flood construction project with traffic has generated concerns for emergency vehicles and safety. Believes the applicant is using the base flood elevation as an excuse for reducing the setback.

Four other comments against approving the variance were received and read into the record.

Staff: Staff explains the nearby gates on the property lines are unpermitted and may also require a variance.

Board: The hammerhead driveway has had 10 feet removed to facilitate the lift station. The driveway location to the south will not impact the site as much as the lift station location. D. Waleskey disagrees with Criteria analysis #1, he believes that there is a special circumstance due to the lift station. Believes the bar is too high to meet the criteria; also disagrees with the analysis of Criteria #4 as the neighboring property can be construed as just as injurious to the applicant as vice-versa.

Board Attorney: The standards are strict and a high standard. They are intended to be strict, and are fairly consistent throughout the State. The granting of a variance should be to alleviate an issue that was not self-created.

Board: J. Contin- creating another wrong is not the right thing to do. The elevation issue is moot as that elevation can be manipulated by the architect.

Suggestion to change the manual gate setback requirement to 25 feet in an upcoming LDR revision.

Motion: D. Waleskey moves to disapprove **PZB 24-01500002** based on the code as currently written as the project does not meet the variance criteria based on the data and analysis in the staff report; M. Humm 2nd.

Vote: Ayes all, unanimous.

B. Consideration of a Conditional Use Permit for the establishment of a ±9,000 square foot laser adapted dry shooting range designated as indoor commercial recreation and accessory training facility uses located at 2141 10th Avenue North, Suite 1. The property is zoned Mixed Use - West (MU-W). **Item withdrawn per request of applicant.**

PLANNING ISSUES: Karina Campos will be presenting more projects.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: E. Urcuyo reminds all to join in on May 4, 2024 for a fundraiser. She has partnered with Lilo's and NAPC at South K Street, there will be a band and auction.

ADJOURNMENT: 6:55 PM

Legal Notice No. 49658

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 5, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500005: A conditional use permit request for a ±850 square foot medical office located at 818 North Dixie Highway. The subject property is zoned Mixed Use -Dixie Highway (MU-Dixie) and has a Mixed Use-East (MU-E) future land use designation. PCN # 38-43-44-21-15-244-0050.

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.

City of Lake Worth Beach
May 23, 2024

Legal Notice No. 49659

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 5, 2024, at 6:00 pm** or soon thereafter to consider the following application.

PZB Project Number 24-01500003: Consideration of two variances to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen at 531 North C Street. The property is zoned Single Family Residential (SFR) and has a Single Family Residential (SFR) future land use designation. PCN # 38-43-44-21-15-136-0090.

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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City of Lake Worth Beach
Publish: The Lake Worth Herald
May 23, 2024

Legal Notice No. 49657

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 5, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500006: A conditional use permit request for a ±3,700 square-foot medical office located at 1928 Lake Worth Road. The subject property is zoned Mixed-Use West (MU-W) and has a Transit Oriented Development (TOD) future land use designation. PCN # 38-43-44-21-02-031-0020.

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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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.

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City of Lake Worth
Publish: The Lake Worth Herald
May 23, 2024

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-01500003: Consideration of two variances to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen at 531 North C Street. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: June 5, 2024

Property Owner/Applicant: Sharon L. Thompson

Address: 531 North C Street

PCNs: 38-43-44-21-15-136-0090

Size: 0.155-acre lot / ±1,222 square feet of existing structures

General Location: South of 6th Avenue North, between North B Street and North C Street.

Existing Land Use: Single-family Residential

Current Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)

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. Neither of the proposed variance requests are consistent with the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending denial of the proposed variance requests.

PROJECT DESCRIPTION

The applicant, Sharon L. Thompson, is requesting **two variances** to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen at 531 North C Street. The site is a single-family zoned property located at the southwest corner of 6th Avenue North and North C Street. The lot currently has a ±1,222 square foot residence. The subject site is surrounded by single-family zoned properties to the north, east, south, and west.

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a 6,750 square foot residential lot. Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

Building permit history:

- 1947 – Construct one-story single-family residence
- 1959 – Reroof
- 1979 – Reroof
- 1987 – Install 6' chain link fence
- 1990 – Install wood fence, 3'-0" in front and 8'-0" in rear (inside of hedges on rear)
- 1993 – Remodel, concrete driveway, reroof
- 2005 – Reroof
- 2006 – Install shed
- 2015 – Install accordion shutters
- January 23, 2023 – Repair and replace fence
- December 1, 2023 – Applied to replace fence, not approved due to proposed location
- 2024 – Replace windows and doors

Code Compliance:

- May 13, 2024 – a search of the City's database shows that there is one active code case linked to the property
 - Violation was reported November 30, 2023, for:
 - Fencing installed without a permit
 - Location of recreational vehicle storage in residential district

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.

Analysis: The existing principal structure is a single-family house that is consistent with the intent of the Single Family Residential designation. The variance being sought will not change the use of the property. As such, a formal consistency review of the comprehensive plan and strategic plan is not applicable to a project of this scale.

Consistency with the City’s Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City’s LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The proposed fencing is not consistent with the LDR requirements for fencing, specifically the height limitations and requirements for additional setback and landscape screening for side and rear fences adjacent to roadways. The applicant has requested relief from these code limitations by applying for two (2) individual variances.

Variance Requests		
LDR Citation	Required	Proposed
Fence Height (Section 23.4-4(d)(1))	<u>Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a maximum height of six (6) feet, must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches.</u>	An 8’ tall fence along the side (north) property line
Fence Location (Section 23.4-4(d)(1))	<u>Along side and rear property lines adjacent to roadways (except alleys) a fence or wall placed at the property line shall have a maximum height of four (4) feet. Fencing over four feet in height, up to a maximum height of six (6) feet, must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches.</u>	To be placed on the side (north) property line without the minimum 30 inch set back and landscape screen

Section 23.2-26(b) – Variances, Required findings for approval:

According to the City of Lake Worth Beach, Land Development Regulations Section 23.2-26, “the power to grant any such variance shall be limited by and be contingent upon documentation that all required findings are made by the appropriate Board.” The PZB is tasked with making the required findings to grant a variance. The following analysis addresses each of the required findings for the requested variances. In addition, the applicant's justification statement is included in **Attachment A**.

1. *Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant.*

Analysis: The applicant contends that the 6-foot-tall fencing permitted by the LDRs is not sufficient to preserve their privacy and security in the side yard, and instead proposes an 8-foot-tall fence on the side (north) property

line. Furthermore, the applicant contends that the required 30-inch setback would require the removal of existing trees and roots. Homes located on corner lots are a common condition throughout Lake Worth Beach, and maximum 6-foot fence height along side the property adjacent to roadways (excluding alleys) is a standard requirement for all homes, including those on corner lots. Per discussions with the City Horticulturalist, the fencing may be placed behind the existing trees and roots can be ground down to accommodate the fence placement. As the circumstances of 531 North C Street generally apply to similar properties and nearby lands and the proposed variance is the result of the action of the applicant (unpermitted fence installation), the requested variance does not meet the intent of this criterion. **Does not meet criterion.**

- 2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.*

Staff Analysis: The property has accommodated a single-family use for over 77 years. Strict application of the LDRs would require fencing placed on the side property line adjacent to a roadway to be a maximum of 4 feet tall; fencing up to 6 feet tall could be installed along a side property line with a 30-inch setback and landscape screen; either of these configurations would not deprive the applicant of reasonable use of the land as a single-family residence. **Does not meet criterion.**

- 3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building.*

Staff Analysis: The variance is not required for reasonable use of the land. A 6-foot-tall fence with a 30-inch setback and landscape screen permitted by the LDRs is sufficient to provide privacy and security, which is a concern expressed in the applicant's justification statement. **Does not meet criterion.**

- 4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.*

Staff Analysis: In 2013, the City's new Land Development Regulations were adopted through Ordinance 2013-34. The new LDRs included fence height regulations for front yards, side property lines, and rear property lines. The granting of the variance may have a negative visual impact on the surrounding neighborhood and is contrary to the intent of the fence regulations; the 30-inch setback and landscape screen requirement is intended to create a visual and physical buffer between tall fencing and the sidewalk. **Does not meet criterion.**

CONCLUSION

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b). The applicants have not established by competent and substantial evidence that the proposed variances are consistent with any of the required review criteria, including that a hardship be established related to the circumstances of the property. As the circumstances of the subject lot are typical for corner properties in Lake Worth Beach, a hardship was not established related to the property's circumstances. Further, the applicant has not established by competent and substantial evidence that strict application of the LDRs would deprive the property owner of reasonable use of the land. Therefore, staff is recommending that the Planning and Zoning Board not approve the proposed variances based on the data and analysis in this report.

BOARD POTENTIAL MOTION:

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 24-01500003 for **two variances** to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen 531 North C Street. The application does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO APPROVE PZB PROJECT NUMBER 24-01500003 for **two variances** to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen 531 North C Street. The project meets the variance criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

- A. Application Package (survey, site plan & supporting documents)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500006: A conditional use permit request for a ±3,700 square-foot medical office located at 1928 Lake Worth Road. The subject property is zoned Mixed Use- West (MU-W) and has a Transit Oriented Development (TOD) future land use designation.

Meeting Date: June 5, 2024

Property Owner: Paise Associates #2, LLC

Applicant: Yelaine Lavin – Reflection Service ABA Therapy, LLC

Address: 1928 Lake Worth Road

PCNs: 38-43-44-21-02-031-0020

Size: ±7.79 acre lot / ±83,399.75 total sf existing structures (±3,700 square foot use area)

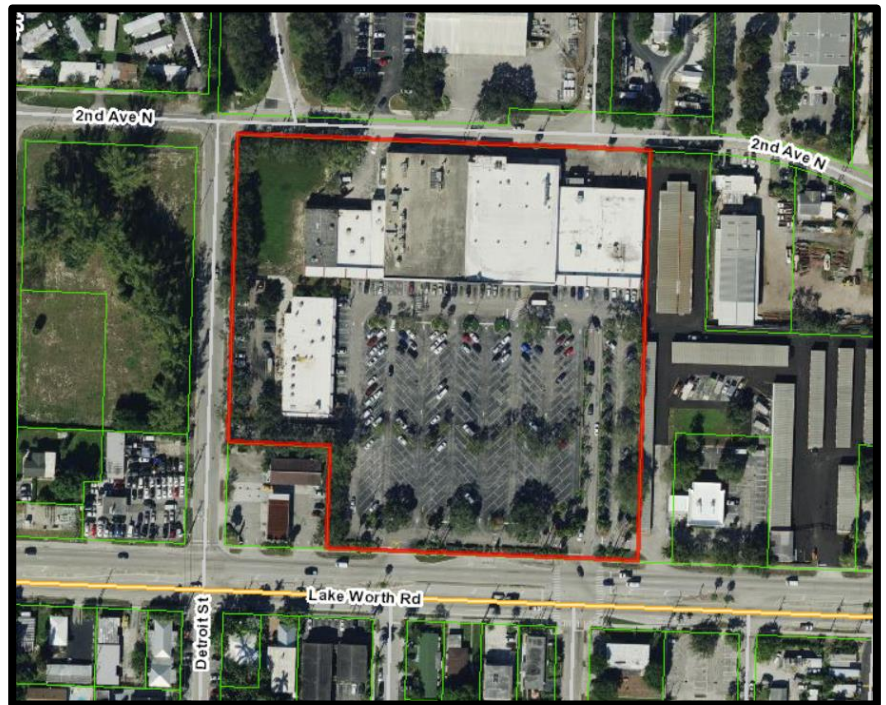
General Location: North side of Lake Worth Road between Detroit Street and the SCL Railroad

Existing Land Use: Commercial

Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Mixed Use – West (MU-W)

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 6 of this report.

PROJECT DESCRIPTION

The applicant, Yelaine Lavin of Reflection Service ABA Therapy, LLC., 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 West (MU-W) zoning district. According to the applicant's justification statement, the proposed facility will provide Applied Behavior Analysis (ABA) therapy services for children with autism and developmental disabilities, overseen by licensed therapists, board certified behavior analysts, and behavior technicians. The subject property is located on the north side of Lake Worth Road between Detroit Street and the SCL Railroad.

COMMUNITY OUTREACH

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

BACKGROUND

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

Existing Development: The site is approximately 7.79 acres with four one-story buildings (three connecting structures and one standalone structure). The first three structures were constructed in 1968 with the addresses 1902-1928 Lake Worth Road, and the fourth structure was constructed in 1974 with the addresses 1960-1978 Lake Worth Road. There is a total of approximately 83,399 square feet amongst the buildings. The structures have a total of 20 tenant spaces with approximately 381 off-street parking spaces.

Addressing: The parcel has several addresses. The site has a main address through the Palm Beach County (PBC) Property Appraiser's office and the city's internal business activity management software called Naviline [Enterprise Resource Planning (ERP) and Utility Billing (UB) system]. The main address for the whole parcel is 1904 Lake Worth Road. The address for the subject unit is 1928 Lake Worth Road.

Land Use: There are numerous active business licenses for uses located at the site. The site has a history of being occupied by various commercial, retail, office, and personal service uses. The current ±3,700 square-foot space at 1928 Lake Worth Road does not have an active business license.

Code Compliance: The site has a recently opened code violation for a barbershop operating without a business license, graffiti, prohibited signage, and a missing electrical protective plate. While the code violations are not directly related to this unit, the violations must be resolved before this unit (or any other new businesses on the site) can receive their business license.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). The TOD FLU land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The proposed request seeks to allow a medium-intensity medical office in the existing ±3,700 square foot commercial unit.

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, is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Mixed Use – West (MU-W)** zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for a 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 expenditure is required to service the proposed use.

Per LDR Section 23.3-6, a medium-intensity medical office use in the MU-W zoning district 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-W 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 B.

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 four existing structures on the site were built in 1968 and 1974. The existing site conditions do not conform to the current LDRs related to the landscaping and impermeable surfaces. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address landscaping insofar as feasible. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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

Analysis: Based on City records, the site currently has six (6) dumpsters. Per the justification statement, the applicant states the business will use a shared dumpster directly behind the unit. A condition is proposed for the applicant/property owner to coordinate with Public Works on refuse service for the medical office.

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: Generally, when a request for conditional use without increasing the existing building floor area is made, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking). However, the supplemental regulations for medical uses require that sufficient parking be provided to serve the needs of the doctors, staff, clients, and patients (LDR Section 23.4-13(c)(15)(B)(3)).

One (1) parking space per 250 gross square feet of use area is required for medical offices. Therefore, a minimum of fifteen (15) spaces is required for the ±3,700 square-foot medical office use. The applicant's justification statement specifies that the site has general shared parking between all tenants. The survey indicates the site currently has 381 parking spaces including ten (10) ADA parking spaces. The applicant states that the business will have up to fifteen (15) total employees working in alternating shifts, with eight (8) to ten (10) employees working at the same time. Further, patients will be dropped off by their parents who typically park for up to 10 minutes. The conditional use permit is conditioned to provide documentation of the parking at Business License to satisfy the supplemental standards for medical offices.

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 in conformance with Section 23.5-1.

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

Analysis: The existing nonconforming property is lacking the 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*. Based on staff analysis, the site has dead and missing landscape hedges, trees, and groundcover. Staff has added a condition of approval to submit a landscaping permit prior to issuance of the Business License to bring the site's landscaping into

compliance insofar as feasible, including adding native shade trees, native shrubs, and native groundcover or native grasses in landscape areas.

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-W zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, fire, and police. As indicated earlier in this report, refuse service will need to be determined. No additional public expenditures are required to service the proposed use. The site is located on a major collector road, and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. A condition is being proposed to address the refuse collection.

Section 23.2-29.g) Additional requirements.

Staff Analysis: The ± 7.79-acre site has various tenants that occupy multiple units. As of the date of this report transmittal, the site has an active code case for a barbershop operating without a business license, work done without a building permit, graffiti, prohibited signage, and missing electrical protective plate. A conditional of approval has been added to resolve the code violations prior to the issuance of the business license.

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Staff Analysis: Per LDR Section 23.4-13.c.(15), medical-related uses are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval regarding hours of operation, parking, and future changes to services provided and/or use area.

CONCLUSION AND CONDITIONS

The Mixed Use – West (MU-W) zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. 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 Lake Worth Road corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

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. Documentation of sufficient/adequate parking to serve the needs of the doctors, staff, clients, and patients shall be submitted with the Business License application.
 - c. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
 - d. 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.
2. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
3. The applicant/property owner shall coordinate with Public Works on the location of the refuse area, as well as any potential changes to refuse service that may be required for the medical office use. The location of the refuse area shall comply with LDR requirements and be approved by the Public Works Department.
4. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
5. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
6. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the requested use.
7. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Barry Schultz (City of Lake Worth Beach – Interim Building Official): Office Phone: 561-227-6976 | Email: bschultz@lakeworthbeachfl.gov
 - Dave Collado (PBC Fire Rescue): Office Phone: 561-233-0051 | Email: dcollado@pbc.gov
8. 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 with Section 23.5-1.
9. Prior to the issuance of the business license, all code violations shall be resolved.

Landscaping

1. Prior to issuance of the Business License, a landscape permit shall be submitted to bring the site's landscaping into compliance insofar as feasible, including adding native shade trees, native shrubs, and native groundcover or native grasses in landscape areas.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500006 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 24-00500006 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. Administrative Uses and Conditional Uses
- C. 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

ATTACHMENT B - Administrative Uses and Conditional Uses

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 as conditioned
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 24-00500005: A conditional use permit request for a ±850 square foot medical office located at 818 North Dixie Highway. The subject property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use-East (MU-E) future land use designation.

Meeting Date: June 5, 2024

Property Owner: 818 N Dixie Hwy LW LLC

Applicant: Silma Treto – Trust Life Medical Center LLC

Address: 818 North Dixie Highway, Unit #1

PCNs: 38-43-44-21-15-244-0050

Size: 0.1493 Acre Lot / ±2,843 sf buildings (±850 sf use area on the 1st floor of the front building)

General Location: East side of North Dixie Highway between 8th Avenue North and 9th Avenue North

Existing Land Use: Commercial/Office (vacant) and Residential

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 use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5-6 of this report.

PROJECT DESCRIPTION

The applicant, Silma Treto of Trust Center Life Medical Center, LLC, 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 Dixie Highway (MU-DH) zoning district. According to the applicant's justification statement, Trust Life will be providing general medical and healthcare services, overseen by a primary care physician and five (5) or fewer employees. The subject property is located on the east side of North Dixie Highway between 8th Avenue North and 9th 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:

Existing Development: The site is 0.1493 acres with 2 separate two-story buildings. Both buildings were constructed in 1949. The first building is ±1,700 square feet, and the second building is ±1,143 square feet. The structures have a total of ±2,843 square feet, with eight (8) off-street parking spaces.

Land Use: There is one active business license for the three residential units located at the site. The commercial/office space on the property is currently vacant. The site has a history of being occupied by various realty offices, general contractor offices, and retail stores.

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. 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 allow a medium-intensity medical office in the existing ±850 square foot commercial space at 818 North Dixie Highway.

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, is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **MU-DH district** is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for a 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 roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a medium-intensity medical office use in the MU-DH zoning district 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-DH 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 B.

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 two existing structures were built in 1949. The existing site conditions do not conform to the current LDRs related to the landscaping and impermeable surface. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address landscaping insofar as feasible.

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

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

Analysis: Per the applicant, the property currently has refuse bins which are stored at the rear of the property near the alley. A condition is proposed for the applicant/property owner to coordinate with Public Works on refuse service and storage location for the medical office.

Per LDR 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: Generally, when a request for conditional use is made without increasing the existing building floor area, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking). However, the supplemental regulations for medical uses require that sufficient parking be provided to serve the needs of the doctors, staff, clients, and patients (LDR Section 23.4-13(c)(15)(B)(3)).

One (1) parking space per 250 gross square feet of use area is required for medical offices. Therefore, the proposed medical office requires a minimum of four (4) parking spaces. The applicant states that the business will have a total of six (6) dedicated off-street parking spaces available for staff and patients, one of which is an ADA parking space.

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

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

Analysis: The existing nonconforming property is lacking required landscaping 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*. Per analysis from the City Horticulturalist, concrete could be removed from the area in front of the building to establish a new landscape area while maintaining ADA access to the front door and northern stairway. Staff has added a condition of approval to submit a landscaping permit prior to issuance of the Business License to bring the site's landscaping into compliance insofar as feasible, including adding native shade trees, native shrubs adjacent to the building, and native groundcover or native grasses in the new landscape area.

Findings for Granting Conditional Uses

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

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

Staff Analysis: The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the MU-DH zoning district. The proposed

use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

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

Section 23.2-29.g) Additional requirements.

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

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Staff Analysis: Per LDR Section 23.4-13.c.(15), medical related uses are subject to design and performance standards. As outlined in Attachment B, the proposed use complies with the supplemental standards. Staff has included conditions of approval regarding hours of operation and future changes to services provided and/or use area.

CONCLUSION AND CONDITIONS

The Mixed-Use Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. 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 Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

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. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
 - c. 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.
2. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
3. The applicant/property owner shall coordinate with Public Works on the location of the refuse area, as well as any potential changes to refuse service that may be required for the medical office use. The location of the refuse area shall comply with LDR requirements and be approved by the Public Works Department.
4. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.

5. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
6. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the requested use.
7. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Barry Schultz (Lake Worth Beach Interim Building Official): Office Phone: 561-586-1786 | Email: bschultz@lakeworthbeachfl.gov
 - David Collado (PBC Fire Rescue): Office Phone: 561-233-0051 | Email: dcollado@pbcgov.org
8. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations Section 23.5-1.
9. The applicant/property owner shall coordinate with the Community Redevelopment Agency (CRA) regarding their site improvement recommendations including but not limited to: painting, new signage, landscaping, removal of weeds, pressure spraying, security lighting, awnings, adherence to the City's Major Thoroughfare Guidelines, etc.

Landscaping

1. Prior to issuance of Business License, contact City Horticulturalist to submit landscape permit. Landscape permit shall provide landscape plan that complies, insofar as feasible, with LDR Section 23.6-1(g) and Major Thoroughfare Design Guidelines.
 - a. Landscape plan shall include establishing a new landscape area in front of the building, removing concrete while maintaining ADA access to the front door and northern stairway.
 - b. Insofar as feasible, the landscape plan shall include 2 Florida native shade trees such as Pigeon Plum, Spanish Stopper, or Simpson's Stopper, native shrubs adjacent to the building and native groundcover or native grasses in the remaining portion of the newly established landscape area.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500005 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 24-00500005 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. Administrative Uses and Conditional Uses
- C. 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

ATTACHMENT B - Administrative Uses and Conditional Uses

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



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

DATE: May 29, 2024

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

FROM: William Waters, Director of Community Sustainability

MEETING: June 5 & June 12, 2024

SUBJECT: **Ordinance 2024-08:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 – Off-Street Parking.

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed change would remove the specific fee-in-lieu reference in the LDRs and defer to the city’s fee schedule. This would allow staff to adjust the in-lieu fee to reflect current development values without requiring amendments to the LDRs.

The proposed ordinance would amend Chapter 23 of the City’s Code of Ordinances:

- Article 4, Section 23.4-10 – Off-Street Parking

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-08.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in Ordinance 2024-08.

Attachments

- A. Draft Ordinance 2024-08