



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 01, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [August 4, 2021 Regular Meeting Minutes](#)

CASES:

PROOF OF PUBLICATION

- 1) [PZB 21-00500005 - 701 N Dixie Hwy - Ragtops](#)
[PZB 21-00300001 & 21-01300001 - Land Use Map and Zoning Map Amendment - Barton Rd](#)

SWEARING IN OF STAFF AND APPLICANTS

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [PZB Project Number 20-01400036: A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a seven-unit, multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway \(MU-FH\) zoning district commonly known as “Burckle Place III.”](#)

NEW BUSINESS:

- A. [PZB Project Number 20-00500005: Consideration of a Conditional Use Permit request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway \(MU-Dixie\) at 701 North Dixie Highway. The request is to establish the proposed use within the current 8,425 square feet commercial building.](#)

B. PZB/HRPB 21-00300001 & 21-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) on behalf of the PBC School District requesting: (1) a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU, and (2) a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

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 AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 04, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Laura Starr; Juan Contin; Mark Humm; Edmond LeBlanc; Zade ShamsiBasha. Also present were: Debora Slaski, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE – Led by Chairman

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: M. Humm moves to approve the agenda; A. Marotta 2nd.

Vote: Ayes all, unanimous.

NEW MEMBER OATH OF OFFICE: Board Secretary administered Oath of Office to new Board Member Zade ShamsiBasha.

APPROVAL OF MINUTES:

A. July 7, 2021 Meeting Minutes

Motion: A. Marotta moves to approve the July minutes as presented; M. Humm 2nd.

Vote: Ayes all, unanimous

CASES:

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

PROOF OF PUBLICATION

- 1) Burckle Place 111
Palm Beach Modern Auction

WITHDRAWALS / POSTPONEMENTS - None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A.** PZB Project Number 20-00500004: Request by Rico Baca of 5908 Georgia, LLC for consideration of a Conditional Use Permit to allow an auction house less than 7,500 sf at 1209, 1215, and 1217 North Dixie Highway within the Mixed Use – Dixie Highway (MU-DH) zoning district (PCNs: 38-43-44-21-15-378-0140; 38-43-44-21-15-378-0130; and 38-43-44-21-15-378-0110).

Staff: Asst. Director for Community Sustainability presents case findings and analysis. This approval is for the Conditional Use approval only, the Site Plan will come back at a later date. The site includes a single-family home, a commercial building and parking lot. Explains the staff report structure which is: the request, summary and background information, history of project, land development requirements, special summary information highlighting areas for a specific project.

Applicant: Rico Baca, along with Wade Terwilliger and Carrie Rose are in agreement with the Conditions of Approval. Explains the online auction process.

Board: G. Rice What type of auction? **Response:** 20th Century Decorative art and design furniture. Average lot is \$2,500 – \$3,500. Typically there are three (3) major auctions (held on Saturdays) per year and 2-3 smaller boutique events throughout the year. What is the average size audience? **Response:** 50-75 is preferable although the pandemic has made that problematic. Currently posting items online. Participation can be live on the phone, absentee or online. Intent is to move from West Palm Beach to Lake Worth Beach with the purchase of this property. They do compete with Sotheby's and Christie's Auction Houses however are considered a general auction house. Bid calls, which are a slower pace, allow time to get the hand up. Designed to create time between one bid and the next bid. L. Starr- will this property be built out or will they just be moving in the way it is? **Staff response:** The house will be utilized as a retail space. The commercial space will be the utilized as the auction house. **Applicant:** the architect's job is to blend the façades of the two buildings; it needs to look great because the ability to attract the clientele is dependent upon that feel/look. L. Starr asks if there will be outdoor storage of oversized items? **Response:** Not storage, possibly an installation or display. If the clientele does not feel comfortable and safe in the area, there is no way to get them to attend. There are a total of seven employees. The large events are catered and a massage therapist is brought in half way through the auction. **Board:** J. Contin hopes they are ready for the rigorous P&Z review with the Site Plan. Lake Worth Beach has become synonymous with tough regulations especially with regards to height and parking requirements.

Staff confirms they are aware of the major Thoroughfare Design Guidelines, architect began making revisions after the pre-application meeting. The intent is to bring the existing non-conforming structure more into compliance. Car parking service/valet along with a shared parking agreement should be included with the Site Plan submittal.

Motion: A. Marotta moves to approve PZB 21-00500004 with staff recommended conditions for a Conditional Use Permit to allow an auction house use less than 7500 square feet at 1209,1215, and 1217 North Dixie Hwy adding a condition that a parking plan be submitted with the Site Plan which shall include a shared parking agreement. The application meets the conditional use criteria based on the data and analysis in the staff report. L. Starr 2nd.

Roll call vote: G. Rice-Yea, A. Marotta-Yea; M. Humm-Yea; J. Contin-Yea; Z. ShamsiBasha-Yea; E. LeBlanc- Yea; L. Starr-Yea; Ayes all, unanimous.

- B.** **PZB Project Number 20-01400036:** A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment

to allow the construction of a seven-unit, multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district commonly known as “Burckle Place III.”

Staff: E. Sita gives background of original Board hearing in March 2021. The applicant has revised the project based upon previous comments and concerns. There is an affected party, the same affected party as the first Board Hearing. There has also been a challenge to the affected party status by the attorney for the applicant.

Board Attorney: Elizabeth Lenihan, P&Z Board Attorney clarifies the procedure for affected parties requesting a continuance. Under City Code affected parties are automatically granted a continuance if so requested. A differentiation is made between interested parties versus affected parties. Interested parties are persons within the 400-foot radius, Affected parties, also within the 400 foot radius, have an even greater interest.

Board: A. Marotta clarifies that step one is to hear each of the parties prior to making a decision regarding the continuance.

Staff: That is the intent.

Affected Party: Portia Culley, 902 S. Federal Highway- Does not see any reason to speak, should not have to “pitch” as to why she is an affected party. States she meets the criteria and the Board should make the decision or ask the applicant attorney to speak.

Board: G. Rice inquires as to what makes an affected party. **Board Attorney:** Must state why they are more affected than others within the interested person radius. It is established she is 150 feet from the project. G. Rice asks if there are any other aggrieving issues aside from proximity. That needs to be on the record.

Affected Party: Property values are the primary concern should she want to sell her property, that the applicant’s proposal is not following the Major Thoroughfare guidelines, the construction of the project as presented would depreciate her property.

Board: Is there an appraisal indicating that? **Response:** No. **Board:** It is unknown at this point, but based upon the assumption that it will affect the value.

Affected Party: It is up to the Board, the applicant proposes the use of the R-O-W and the guidelines are not being followed. There has not been sufficient time to get with the neighbors to determine the impact. Board would be approving or disapproving the project without much neighborhood input.

Applicant Attorney: David Milledge, Cotleur Hearing- The affected party cannot point to a single criteria of the Code which is not being met. Furthermore City professional staff (planners and engineers) have concluded the proposed project meets Code and will not negatively affect property values. Cites precedence of Martin County Conservation vs Martin County - an affected party must demonstrate they are negatively affected and that the mere speculation of future adverse impacts is insufficient. Please deny the request to be considered an affected party.

Board Discussion: A. Marotta recalls the recent remanding of another project back to the Board due to not granting affected party the proper opportunity.

J. Contin- does it meet all thoroughfare guidelines? **Staff:** Currently the discussion is not about the project, only Ms. Culley’s position as an affected party. J. Contin states that the staff report indicates the project moves closer to meeting Major Thoroughfare Design guidelines, not that it meets them. Mr. Milledge is incorrect in that it meets the Guidelines thus lending credibility to Ms. Culley’s concern and proximity. Secondly, the last meeting

produced many interested person's. Z. ShamsiBasha requests clarification of whether the Major Thoroughfare Guidelines were met or not because the staff report is not clear.

Staff: The determining body of whether the Guidelines are met or not is the Board. Staff has given a recommendation through the staff report. With regard to the status of the affected party and regarding the continuance, determine she is an affected party or not. If Board determines she is not an affected party, Board would still have an opportunity continue the item in order to give more time to review; or if the Board decides Ms. Culley is an affected party, that determination would automatically grant a continuance. **Board:** E LeBlanc questions how much time does a continuance give? **Staff and Board Attorney:** One continuance of no more than 31 days or not later than September 1, 2021. **Board:** Some members reviewed the plans on the link, others did not review.

Staff: The plans are not published on the website due to ADA compliance, but included in the link to the Board members. Any member of the public with interest may contact staff which will provide the full packet (including plans) link, it is all public information.

Board: A. Marotta confirms the previous plans differ from the current plans, there has been a revision. Makes a comparison of a David & Goliath situation, a layperson and practiced attorney. If the project is good enough to stand on it's merits, there would be no harm in allowing a 30-day continuance. L Starr asks for the length of time that Ms. Culley has lived at her current address? **Response:** 15 years. L. Starr recollects seeing a letter asking Board to deny a variance request for a smaller living space, is that the reason for not liking the plans? **Response from Ms. Culley:** The issue that most rankled her is that the project would like to (again) take the R-O-W **Staff:** A waiver was requested, as this is a PUD this will be covered when the project is heard.

Applicant Attorney: Clarifies what the benefits are to being an "affected party" such as the ability to ask for a continuance, the ability to cross-examine, call witnesses, give presentations, question applicant and staff and allow the party to appeal. The result of a continuance would not result in a typical 2-party interaction between Board, staff and applicant. The applicant, if it appeased the Board and in order to provide the Board additional time to review the plans would concede to a continuance. States that Ms. Culley lives 150 feet (property line to property line) from the project. Lastly, the statement was made that the project met code 100%. Distinguish between Code and Major Thoroughfare Design Guidelines. L. Starr questions how is it compliant if a variance is requested? The PUD code allows for the relaxation of certain code, therefore it de-facto meets code.

Board: J. Contin requests clarity on whether the Design Guidelines are met. **Applicant Attorney:** The Design Guidelines references the spirit of the Code, which has been met.

Board: J. Contin wants the building to go up but wants it done correctly and the neighborhood hasn't had sufficient time to review. It was previously requested that the Major Thoroughfare Design Guidelines be met.

Applicant Attorney: The affected party determination is infringing upon the applicant's property rights, that is why there is an objection to the affected party status. **Board:** A Board member is unsure of whether an affected party can provide a compelling 10-minute presentation against the project. Questions if Ms. Culley would opt to step back as an affected party since the applicant has offered to continue until September, is that her main purpose? **Staff:** The decision needs to be made if Ms. Culley is an affected party, if she is not determined not to be affected party, Board could still make a determination to continue hearing the proposal until September. There is only one continuance for an affected party, it will not be advertised again.

Motion: A. Marotta moves to treat Portia Culley as an affected party; L. Starr and J. Contin 2nd.

Board: Z. ShamsiBasha- has not heard an argument that she is aggrieved in any way aside from proximity, that other similarly situated homeowners are not. Has concerns about the case law citations mentioned by Mr. Milledge. Understands the City has handled other cases with deference. His concern is that the decision could be overturned in the future. She has only mentioned one of two items that would elevate her to an affected party. **Staff:** If it were decided she was not an affected party it would be a change in policy. Additional information / summary information from the Board would be wanted to determine future guidance providing consistency on how affected parties should be treated in the future. **Board:** J. Contin- Recalls the previous reason (precedent) was that the person did not have time to secure an attorney. **Staff:** The recommendation is to be consistent. **Board:** No one is saying that a continuance should not be granted but only that there is no 2nd prong of proof of elevated status.

Roll Call Vote: J. Contin – yea; Z. ShamsiBasha - nay; E. LeBlanc – yea; L. Starr – yea; M. Humm – yea; A. Marotta -yea; G. Rice - yea. Motion carries 6/1. Z. ShamsiBasha dissenting.

Motion: A. Marotta moves to continue item to a date certain of September 1, 2021; Z. ShamsiBasha 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: A. Marotta welcomes both new Board Members.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: Invitations to Zoom will be through Outlook going forward in an effort to make the portal for the public comment more user friendly and accessible.

BOARD MEMBER COMMENTS:

ADJOURNMENT: 7:52 PM

Legal Notice No. 39053

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **September 1, 2021 at 6:00 pm**, or soon thereafter, to consider a request submitted by the City of Lake Worth Beach and the PBC School District for a **Future Land Use Map (FLUM) amendment (PZB 21-00300001) and a Zoning Map amendment (PZB 21-01300001)** for the properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road, which have Property Control Numbers (PCN) of 38-43-44-33-13-011-0040, 38-43-44-33-13-011-0020, 38-43-44-33-13-010-0030 and 38-43-44-33-13-010-0020. The request is to change the existing FLUM designation of Single Family Residential (SFR) to Public (P), and to rezone the subject properties from Single-Family Residential (SFR) to Public (P).

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

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

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

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Publish: The Lake Worth Herald
August 19, 2021

Legal Notice No. 39054

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **September 1, 2021 at 6:00 pm** or soon thereafter to consider a Conditional Use Permit (**PZB Project # 21-005-00005**) for the property located at 701 North Dixie Highway, with a PCN of 38-43-44-21-15-212-0141.

The Conditional Use Permit request was submitted by Ragtops Motorcars to establish the use of a 'Special Interest Automobile Dealership' at the property located at 701 North Dixie Highway, within the Mixed-Use Dixie Highway zoning district. The request is to display and sell antique, classic and collectible vehicles indoors within the existing one-story commercial building that measures approximately 8,425 square feet.

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

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Publish: The Lake Worth Herald
August 19, 2021



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

DATE: August 25, 2021

TO: Members of the Planning and Zoning Board

FROM: Debora Slaski, Principal Planner

THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability

MEETING: September 1, 2021 – *Continued from August 4, 2021, per an affected party request.*

SUBJECT: **PZB Project Number 20-01400036:** A request by Coteleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. to consider a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a seven-unit, multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district commonly known as "Burckle Place III." The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

REQUEST:

The proposal for consideration by the Planning and Zoning Board includes the following:

1. **Residential Urban Planned Development** to construct a seven-unit multifamily development.
2. **Major Site Plan** for the development of a new multi-family building in excess of 7,500 square feet.
3. **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.

A **Right-of-Way Abandonment** request for the abandonment of the northern 20 feet of 9th Avenue South is part of the request for City Commission consideration and final action.

The Planning & Zoning Board (PZB) initially heard the request at the March 3, 2021 PZB meeting. The PZB recommended denial and highlighted several concerns related to consistency with the City's Major Thoroughfare Design Guidelines and the applicant's request to relax the minimum number of parking spaces, and the minimum living space and dumpster enclosure size requirements. Several residents in the area also expressed concerns on consistency with the Major Thoroughfare Design Guidelines, parking in the unpaved right-of-way, and the nature of the residential use.

The request has been revised subsequent to the March 3, 2021 meeting and the applicant is requesting consideration of the revised proposal by the PZB. Revisions made include a new parking lot configuration on the north side of the property instead of the east, which previously faced Federal Highway. A decrease in the number of units from eight to seven is also proposed; this decrease eliminated the need to request to relax the minimum

number of parking spaces, therefore, the parking requirement is now in compliance. The architectural elevations and building placement were also revised to further comply with the Major Thoroughfare Design Guidelines and to address concerns made by the PZB and the residents. Landscape was revised accordingly to address the site modifications, including a robust number of native landscape (97% of the trees are native and 75% of the groundcovers, shrubs and palms are native).

The subject 0.53 acres vacant site is made up of 825 South Federal Highway, 827 South Federal Highway, and the northern 20 feet of 9th Avenue South, which is located at the northwest corner of South Federal Highway and 9th Avenue South. Once combined, the site will measure approximately 22,950 square feet.

The development proposal, commonly known as Burckle Place III, consists of a 7,885 square foot, one-story residential building inclusive of seven multi-family units, an office associated with the development, a counseling room, and a common area with kitchen and dining facilities. Each unit measures 636 square feet and includes three bedrooms, one bathroom, kitchenette/living room area, and laundry/storage room. The parking lot is now located been on the north side of the property, with 12 of the 13 parking spaces located behind the front building line. Additionally, a four-space bike rack is proposed to the west of the building, which is equivalent to one parking space per LDR Section 23.4-10(I). Therefore, a total of 14 off-street parking spaces (inclusive of the bicycle rack) required and proposed.

The multi-family building will be owned and operated by The Lord's Place, Inc. Based on the applicant's market analysis, The Lord's Place, Inc. is a non-profit business in Palm Beach County that aims towards helping the County's homeless population. The proposed Burckle Place III proposes a multi-family residential use with special programming to assist 21 women, who have experienced homelessness, and provides services to aid their transition to independent market-rate housing. The housing model prioritizes half of its units for women over the age of 55 and allow women under 55 in age to reside in the remaining units. Burckle Place III will be offering services as part of their housing program including but not limited to case management, basic needs assistance (food, clothing, hygiene items), benefits coordination, therapy, job training, financial literacy, tutoring, and health education. Other activities that will be offered to residents are on-site yoga sessions, meditation, art lessons, and self-defense workshops. Per the applicant, the facility is not a transient shelter, but rather a supportive housing option where individuals would be selected and placed in the multi-family units with access to supportive services.

Staff Recommendation:

The documentation and materials provided have been reviewed for compliance with the applicable guidelines and standards in the City of Lake Worth Beach Land Development Regulations (LDRs) and Comprehensive Plan. The proposed development generally meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board consider and provide a recommendation of approval with conditions to the City Commission for the Burckle Place III proposal, which consists of a Residential Urban Planned Development, Major Site Plan, and Conditional Use Permit.

PROPERTY DESCRIPTION:

Applicant	Cotleur & Hearing on behalf of The Lord’s Place, Inc.
Owner	Lords Place Inc.
General Location	Northwest corner of South Federal Highway and 9 th Avenue South
Existing PCN Numbers	38-43-44-27-01-021-0140; 38-43-44-27-01-021-0160
Existing Land Use	Vacant
Zoning	Mixed Use – Federal Highway (MU-FH)
Future Land Use Designation	Mixed Use – East (MU-E)



BACKGROUND:

Below is a timeline summary of the properties' histories based on the records of the Palm Beach Property Appraiser and City:

- 825 South Federal Highway (vacant)
 - April 12, 2000 to September 30, 2001 – Front Row Rentals held a business license for the rental of nine residential units.
 - March 28, 2002 to September 30, 2003 – Front Row Rentals held a business license for a nine-unit motel.
 - September 4, 2003 to September 30, 2006 – G & P Real Estate LLC held a business license for the rental of nine residential units.
 - March 27, 2006 – a commercial demolition permit was issued to demolish the two residential complexes.
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.

- 827 South Federal Highway (vacant)
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.

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 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 central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide are 75% residential and 25% non-residential. The proposed residential development is a residential use proposed along one of the City's Major Thoroughfares, Federal Highway. Therefore, the proposed use consistent with the intent of the MU-E FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II.A, and Pillar II.B of the Strategic Plan state that the City shall diversify housing options and continue crime reduction and prevention in achieving a safe, livable and friendly community. Burckle Place III proposes a multi-family residential use with special programming to assist women who have experienced homelessness and provide services to help aid their transition to independent living in market rate housing. The applicant also proposes security perimeter fencing and two security gates on the site. Therefore, the project is consistent with Pillars II.A and II.B of the City's Strategic Plan. Pillars II.C, II.D, II.E and II.F are not applicable to this project.

Based on the analysis above, the proposed development is consistent with the applicable goals, objectives, and polices of the adopted Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Per LDRs Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following

sections), and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Mixed Use – Federal Highway (MU-FH): Per LDR Section 23.3-16(a), the MU-FH zoning district is intended to provide for limited retail, office, hotel/motel, and low-density multi-family residential development. The proposed residential development provides low-density multi-family housing less than 20 units per acre. As such, the proposal is consistent with the intent of the MU-FH district.

The table below shows the proposed site features and its compliance with the LDRs, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard	Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Proposed
Min. Lot Size in square feet (sf)	5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,950 sf (0.52 acres)
Min. Lot Width	50 ft.	50 ft.	170 ft.
Min. Setbacks	Front	10 ft.	10 ft.
	Rear	13.5 ft.	14 ft.
	Street Side	10 ft.	20 ft.
	Interior Side	10 ft.	53 ft.
Max. Impermeable Surface Coverage	55%	55%	50.68%
Max. Structure Coverage	45%	45%	33.3%
Min. Pervious Landscaped Area in Front Yard	900 sf.	900 sf.	1,121 sf.
Min. Living Area for a Three-Bedroom Unit	900 sf.	900 sf.	636 sf. per unit*
Parking Spaces	14 spaces	14 spaces	14 spaces (13 spaces + 4 bike rack spaces)
Max. Density	20 du/acre or 10 units	25 du/acre or 13 units	14 du/acre or 7 units
Max. Building Height	30 ft.	43.75 feet	19 ft.8 in. to the average height between the eave and ridge 21'2" to the top of the ridge
Floor Area Ratio (FAR) Limitations	0.6	1.2	0.33

** Request to relax these items is addressed as part of the Residential Urban Planned Development analysis.*

Landscaping: The development proposal complies with the City's landscape regulations and the plan exceeds the minimum native species requirement; however, it is listed as a condition of approval that certain proposed non-native species (*Clusia Guttifera*, a non-native tree, and *Clusia Flava*, a non-native shrub) shall be replaced with

native species. The installation of landscape screening around the ground level mechanic equipment as required in LDR Section 23.6-1(c)(3)(h) is also listed as a condition of approval. The landscape plan can be viewed in Attachment B.

Signage: One 17-square foot monument sign is proposed on the site to face South Federal Highway. It is listed as a condition of approval that a building permit shall be submitted for proposed signs in accordance with, LDR Section 23.5-1.

Lighting and Security: Public safety features in the form of lighting, and access control are proposed to enhance safety and security. The photometric plan provided depicts acceptable lighting levels within the common areas and parking lot. The site is surrounded by aluminum fencing measuring six feet high along with two security gates that restrict access to the parking lot. The gates are set back 29 feet from the edge of pavement to allow vehicles to stack within the site and out of the public right of way to avoid blocking the traffic lane and sidewalk. It has also been noted that there will be overnight security personnel on site. Lighting has been conditioned to comply Dark Sky guidelines, including shielded light fixtures and warm temperature LED lighting.

Impermeable Surface Coverage: The site plan proposes 13,401 square feet (58.39%) square feet of impervious surface area; however, 3,540 square feet of semi-pervious surface area is provided. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 3,538 square feet of semi-pervious surface area, 1,769 square feet shall count towards impermeable surface coverage. The total impermeable surface area equals 11,632 square feet ($13,401 - 1,769 = 11,632$) or 50.68% of the total site area of 22,950 square feet. Thus, the project as proposed complies with the City's maximum impermeable surface allowance of 55%. As a condition of approval, the site data shall be revised for consistency prior to certification to include the 1,002 square feet listed as "Sidewalks – Impervious" under Lot Coverage as part of the impervious amount listed under "Land Use".

Major Thoroughfare Design Guidelines: The project is generally consistent with the Major Thoroughfare Design Guidelines. The architecture of the one-story building consists of a horizontal design with a two-story high façade at the middle, which enhances the building entrance. The different fenestrations help break up the long façade span. The color palate consists of white with teal and gray accents. The building façade is white (stucco finish) with teal color accents on the building entrances and Bahama shutters. The pitched roof is 4:12 ratio which exceeds the minimum 5:12 ratio requirement. The façade glazing is required to be a minimum of 25% and 25% is proposed, based on the plans. To ensure compliance, it is noted as a condition of approval that the architectural plans shall be revised to depict the total length of the east elevation and the measurements for each opening.

Regarding building massing, page 32 of the City's Major Thoroughfare Design Guidelines states that building massing shall reflect similar dimensions to surrounding buildings and landscape. Block 21 and 30 are comprised of 63.5% one-story buildings, 31.5% two-story buildings, and 5% three-story buildings. While a majority of the block is made up of one-story buildings, the buildings that are adjacent to the subject site are two-story buildings. Therefore the two-story building composition is a requirement for at least a portion of the building to ensure conformity with the surrounding developments. The proposed design composition places the higher sections of the building towards the center providing a middle focal point. The roof height is at approximately 18 feet high with the highest peak at 21 feet approximately. The properties immediately to the south, north, and east have heights between 20 feet and 25 feet.

Page 26 of the Major Thoroughfare Design Guidelines states that on-site parking shall be placed either behind or on the side of the building, not in the front, whenever possible. The proposed parking lot is located on the north side of the building. Although one parking space is located east of the security gate, the remaining parking spaces

are located west of the security gate and the eight-foot wide landscape island, which provides a visual buffer between the parking spaces and Federal Highway right-of-way. The applicant's justification is located in Attachment C.

Parking: Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. With the proposed seven three-bedroom units, a total of 14 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces. Additionally, a four-space bike rack is proposed to the west of the building that counts as one parking space per LDR Section 23.4-10(l). Therefore, a total of 14 off-street parking spaces are proposed, which complies with the minimum required parking.

Minimum Living Area: The applicant is seeking to modify the minimum living area size for individual units and provide equivalent accessible indoor common space for residents. As part of the residential urban planned development application, an applicant may request a relaxing or waiving of code requirements. This requires a modification of the requirements in LDR Section 23.3-20(c)(4)(B)(4), which the applicant has provided justification for in Attachment C. Per LDR Section 23.3-20(c)(4)(B)(4), a three-bedroom unit shall have a minimum of 900 square feet. All seven three-bedroom units propose 636 square feet of living area, which is 264 square feet less than required. The applicant states that the residential building has several communal areas that offsets the need to increase the size of each individual unit. The applicant states that the facility anticipates residents to spend the majority of their time outside of their units. Staff has analyzed the total space of the communal areas, excluding the office, which totals 2,138 square feet, and this area divided by the total number of units is equivalent to the additional 305.4 square feet, for a total of 941.4 square feet.

Dumpster Enclosure: The Public Works Department requires a minimum 12 ft by 10 ft dumpster enclosure. The site plan does show a 12 ft by 10 ft dumpster enclosure that complies with the code. Therefore, the minimum size requirement for a dumpster enclosure is met.

Residential Urban Planned Development:

The intent of this section of the LDRs is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The proposed project is a residential urban planned development with seven multi-family units. The sections of the LDRs that the applicant is requesting to relax or waive as part of the residential urban planned development are outlined under the "Consistency with the City's LDR Requirements" analysis section above and includes a request to **reduce the minimum living space configuration and design for the residential units.**

It is noted that per LDR Section 23.3-25(e)(3), a mixed use urban planned development can have a solely residential use. The criteria below list the requirements of all residential/mixed use urban planned developments.

Section 23.3-25(e) – Mixed Use Urban Planned Development District

1. *Location.* Urban planned developments may be located in any mixed-use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

Staff Analysis: The proposed subject site is located within the MU-FH zoning district. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for an urban planned development district shall be 0.5 acres.

Staff Analysis: This residential urban planned development will be situated on a lot of 22,950 square feet, or approximately 0.52 acres, which is over the required minimum area. **Meets Criterion.**

3. *Permitted uses.* Permitted uses within a mixed use urban planned development are shown in Article 3 of these LDRs. An urban planned development may be residential along or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed within the use tables of Section 23.3-6 for the districts where the planned development is to be located.

Staff Analysis: The project will be solely residential, containing seven three-bedroom multi-family units. **Meets Criterion.**

4. *Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

Staff Analysis: The project complies with the minimum required setbacks of the base zoning district, MU-FH. **Meets Criterion.**

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to Article 4 of these LDRs.

Staff Analysis: Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. With the proposed seven three-bedroom units, a total of 14 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces. Additionally, a four-space bike rack is proposed to the west of the building that counts as one parking space per LDR Section 23.4-10(l). Therefore, a total of 14 off-street parking spaces are proposed, which complies with the minimum required parking. **Meets Criterion.**

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by Section 23.6-1.

Staff Analysis: The required landscaping and buffering is being provided along all sides of the project, and conforms to Section 23.6-1. **Meets Criterion.**

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

Staff Analysis: The project site is not located in a commercial or industrial planned development district; the project is located within a mixed-use zoning district. The photometric plan provided complies with LDRs Section 23.4-3, Exterior Lighting. **Meets Criterion.**

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

Staff Analysis: No outdoor storage facilities are proposed as part of this development application. **Meets Criterion.**

9. *Sustainability.* All mixed use residential planned development districts shall include provisions for sustainability features such as those listed in Section 23.2-33 of the City of Lake Worth Sustainable Bonus Incentive Program.

Staff Analysis: Staff has conditioned the project to be certified by the Florida Green Building Coalition prior to the issuance of a Certificate of Occupancy. In addition, a robust number of native landscaping is proposed. **Meets Criterion as conditioned.**

Master Development Plan (Major Site Plan):

A master site plan is required in conjunction with a residential urban planned development. The review criteria below are intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The proposal is efficiently organized to allow for appropriate site circulation and will provide native landscaping buffers that are more substantial than adjoining properties. The massing and scale of the proposal is also generally consistent with the character of neighboring properties. Properties immediately to the south, north, and east measure between 20 feet and 25 feet in height. The applicant states that the proposed building (approximately 20 feet in height) will not be disproportionate to the surrounding properties and will provide a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **Meets Criterion.**

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

Staff Analysis: The survey provided shows seven existing trees within the site, which six are palm trees and one is a shade tree. The existing trees will be removed, due to their poor condition, and replaced with new material. Also, new native landscaping will be installed to enhance the vacant condition of the property. **Meets Criterion.**

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

Staff Analysis: A six-foot-high aluminum fence is proposed around the perimeter of the property in addition to landscape buffering. Landscaping is provided on both sides of fencing along the alley and along the south property line. Landscaping is provided in front of fencing along the north property line and along South Federal Highway. The applicant states that the fence and landscape buffers intend to enhance site security, privacy, and soften the impact of the fence and the building. **Meets Criterion**

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

Staff Analysis: As mentioned in the criterion above, the site will have perimeter fencing and landscaping on all sides to provide privacy to the residents. Additionally, the site plan proposes two 25-foot wide security gates at the front of the property facing South Federal Highway. The gates are set back 29 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. **Meets Criterion.**

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

Staff Analysis: Emergency vehicles may access the development through the northeast vehicular gate along South Federal Highway which provides emergency access through the front of the building. **Meets Criterion.**

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

Staff Analysis: Vehicular access to the site is provided off of South Federal Highway and the alley to the west. Pathways between the building entrances and the sidewalk along Federal Highway are proposed. **Meets Criterion.**

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

Staff Analysis: There are three entrances to the building, all of which have a walkway that connects the building entrance to the public sidewalk along South Federal Highway. The parking area has direct access to said walkways. **Meets Criterion.**

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

Staff Analysis: As stated, primary vehicular access to the site is provided off of South Federal Highway, with a secondary access from the alley to the west. Clear visibility areas are provided adjacent to the driveway for safety. There is only one, two-way, curb cut off of Federal Highway. Stacking distance for at minimum of one vehicle is provided between the security gate and Federal Highway; this will allow for vehicles to safely wait for the gate to open without blocking the traffic on Federal Highway or the sidewalk. The Applicant states that a majority of the onsite traffic will be limited to staff and van operators; therefore, the stacking distance proposed can be supported. **Meets Criterion.**

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

Staff Analysis: The applicant states that vehicular and pedestrian circulation will be coordinated with the existing street pattern as vehicles will access the site from South Federal Highway. **Meets Criterion.**

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

Staff Analysis: There are no on-site public rights-of-way. All vehicular access will be from South Federal Highway. **Meets Criterion.**

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

Staff Analysis: Landscape buffers are provided along the front of the property to screen the parking area from South Federal Highway. Landscape buffers are also provided along the north property line to screen the parking from the adjacent property to the north. The property provides substantial landscape buffers around the site, specially between the proposed parking area and South Federal Highway. **Meets Criterion.**

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

Staff Analysis: The site plan proposes the dumpster with a 12 feet by 10 feet enclosure on the north side of the property. The enclosed is a concrete wall with stucco finish and opaque powder-coated aluminum gates. In addition to the concrete enclosure, there will be shrub hedging installed around three sides of the enclosure which will be installed at a height of 24 inches and be maintained at a minimum height of 4.5 feet. **Meets Criterion.**

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

Staff Analysis: The proposal will provide infill development on a previously vacant site and add landscaping to the site and along the Federal Highway corridor. The applicant states that the owner and operator of the property, The Lord's Place, Inc., is committed to being good neighbors in the community, continuously maintaining the site and installing safety features that provide privacy and security to its residents. **Meets Criterion.**

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

Staff Analysis: The subject site is within the MU-FH zoning district and surrounded by MU-FH zoned properties to the north, east, and south. To the west are properties in the SFR zoning district comprised on single family and multi-family residences. The massing of the building and the landscape buffering will provide an appropriate transition from the MU-FH zoning district to the neighboring SFR zoning district. **Meets Criterion.**

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

Staff Analysis: The surrounding properties are developed and primarily residential in nature. The proposal is consistent with the residential character of the area and considers future development and redevelopment in the vicinity of the subject site. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

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

Staff Analysis: The proposed architectural is in conformity with good taste and generally contributed to the image of the city. Through the City's preliminary review and site plan review process, the architecture was modified for consistency with the guidance in the Major Thoroughfare Design Guidelines. **Meets Criterion.**

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

Staff Analysis: The architectural style of the proposed project is a modern interpretation of coastal vernacular. A modern vernacular style was featured in the Federal Highway Sub-Area of the Major Thoroughfare Design Guidelines. The renderings indicate that the design and appearance will not be of an inferior quality in regards to construction materials or appearance as to cause materially depreciation in value in the area. The owner of the property, Lord's Place Inc., owns and operates other residential facilities in the City, and prides themselves on maintaining safe and clean sites. **Meets Criterion.**

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

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, and generally consistent with the City's LDRs and Major Thoroughfare Design Guidelines. The applicant states that the site has been carefully designed to be efficient, easily accessible, and provides landscaping material with consideration to each species selected and its location. **Meets Criterion.**

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

Staff Analysis: The project's compliance with the community appearance and conditional use criteria is detailed within this staff report. **Meets Criterion.**

Conditional Use Permit:

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

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

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

Staff Analysis: The site contains a zoning designation of MU-FH. Based on the intent of the MU-FH zoning district, uses most likely to occur in the district are retail, office, hotel/motel, and low-density multi-family uses. The use of this project, which is multi-family residential, is consistent with the types of uses anticipated to occur in the MU-FH zoning district and the MU-E future land use area. Therefore, the proposed residential urban planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

Staff Analysis: The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -E	MU-FH	Multi-family Residences
South (adjacent)	MU -E	MU-FH	New Sungate Motel
East (across S Federal Hwy)	MU -E	MU-FH	Multi-family Residences
West (across alleyway)	SFR	SFR	Mixture of Single-Family and Multi-Family Residences

The site is surrounded by a mixture of commercial and residential uses. The proposed use of multi-family residential is consistent with the surrounding commercial and residential uses. As it relates to the building massing, the properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The applicant states that the proposed building will not be disproportionate to the surrounding properties and provides a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

Staff Analysis: The proposal is not anticipated to result in greater harm than a use permitted by right. Residential uses are permitted by right. Further, the applicant has expressed that the property owners, The Lord's Place, Inc.,

intends on being a good neighbor in the community and has other sites in the City that can be looked at as an example for how they maintain their properties and run their program. **Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

Staff Analysis: Based on the table on pages four and five, the project proposes a density, height, and floor area ratio (FAR) that is less than the maximum development potential allowed on this lot. Therefore, the project is not anticipated to be a more intensive development than what the Comprehensive Plan anticipates. **Meets Criterion.**

Section 23.2-29(e): Specific standards for all conditional uses

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: Based on the Palm Beach County Traffic Concurrency Letter, the subject site is located within the Coastal Residential Exception Area. Therefore, the multi-family proposal is exempt from the Traffic Performance Standards of Palm Beach County. Additionally, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Based on the code, a maximum of seven units measuring a minimum of 900 square feet are permitted by right on the site. The total gross area of seven 900 square foot units is 6,300 square feet, which does not require a Conditional Use Permit review. The Florida Department of Transportation's (FDOT) Trip Generation Table (8th Edition) shows that eight multi-family units (as previously proposed) are anticipated to generate 53 daily trips, five being PM peak trips. Because the trip generation analysis is based on the number of units and not the square footage of the residential building, the proposal will not generate higher traffic volumes than a use permitted by right at this site. The applicant has provided a traffic study as part of the application which can be viewed in Attachment C. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: As stated, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Therefore, the project is not anticipated to produce a greater amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

Staff Analysis: Staff does not anticipate the proposed 7-unit multi-family development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential use does not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The proposal includes a 20-foot right of way abandonment of 9th Avenue South. However, the project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The applicant will be utilizing existing City utility lines. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the Applicant has proposed perimeter security fencing with two electronic vehicular gates on the east side of the site facing South Federal Highway. The gates are set back 29 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. It has also been noted that there will be overnight security personnel at the site. **Meets Criterion.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The requested use is for a 7-unit multi-family residential project. The applicant has stated that there will be outdoor activities, such as yoga, for the residents to partake in. However, such uses are not anticipated to cause unreasonable noise during the hours listed above. The listed outdoor activities are also similar in nature to other outdoor activities accessory to multi-family uses. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The photometric plan provided complies with LDR Section 23.4-3, Exterior Lighting. If approved, the project shall continue to comply with the City's exterior lighting code. **Meets Criterion.**

Right-of Way-Abandonment

The proposal includes a right of way (ROW) abandonment to include the north 20 feet of 9th Avenue South as part of the proposed development. The City Commission will consider the abandonment of the existing 40-foot right-

of-way concurrently with the residential urban planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment, and then, the Commission will consider the ROW abandonment request at a second reading. If approved, the northern portion of the ROW (20 feet) would be granted to the subject property owner and the southern portion (remaining 20 feet) would be granted to the property owner to the south, located 901 South Federal Highway. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer.

Public Support/Opposition:

Staff has received four letters of opposition from Mr. Patton, Mr. Efinger, Ms. Tobias, and Ms. Millman-Ide prior to the March 3, 2021 Planning & Zoning Board meeting. No additional letters of support or opposition have been received prior to the publication of this report.

CONCLUSION:

The proposed request for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right-of-Way Abandonment is generally consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, as subject to compliance with the proposed conditions of approval. Therefore, staff recommends that the Board consider and provide a recommendation of approval with the following conditions:

Electric Utilities:

1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. Provide electrical plans and ensure the plans include the electrical riser diagram.
 - b. Indicate the voltage the project requires and whether a three-phase or single-phases is needed.
2. The electrical services for the proposed building will come from the rear alley.
3. If the customer is wanting the service to be fed by a padmount transformer, the City will need a 10-ft-wide utility easement for the padmount transformer location and the electrical line that will be run from the new pole to the padmount transformer. A padmount transformer will need 8-ft minimum clearance in front of it and 3-ft minimum clearance on the sides and rear of it, including any landscaping. The customer will be responsible for installing any electrical conduit needed by Lake Worth Beach and at the proper depths.
4. If the electric service will only need one meter, and if this service is larger than 320 amps, the electric service will need to be run through a CT Cabinet and be CT-metered.

Planning and Zoning:

1. Per LDR Section 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls, regardless whether it is visible from the street.
2. While the building and mechanical equipment may be located in the 20-foot abandoned ROW area, they shall not be located within utility easement. If an easement is required, an updated survey shall be submitted prior to the issuance of a building permit and reflect the easement and the right of way abandonment.
3. A Declaration of Unity of Title shall be required combining all properties prior to issuance of a building permit.

4. All lighting shall be shielded (full cut-off) so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in [LDR Section 23.4-3](#). LED lighting shall have a warm tone of 2700K or less and light fixtures shall be consistent with the architectural style of the building. Manufacturing cut-sheets for proposed fixtures and sconces in compliance with this condition shall be provided prior to issuance.
5. Prior to the issuance of a building permit, submit the manufacturing details of the pervious parking pavers. The details shall include the pavers' percolation rate which shall be at least 50% relative to the ground percolation rate. a paver maintenance plan to ensure that it will maintain its permeability over time.
6. All proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.
7. The architectural plans shall be revised to depict the total length of the east elevation and the measurements for each opening prior to first reading by the City Commission.
8. Florida Green Building certification shall be obtained prior to the issuance of a Certificate of Occupancy.
9. The minimum living area requirement in Section 23.3-20(c)(4)(B)(4) shall be met through the provision of a minimum unit size of 636 sf per 3-bedroom unit, as proposed, and the equivalent indoor common space area that is accessible to residents for a total of 900 sf per each 3-bedroom unit. Should the Lord's Place cease operations at this facility, then the residential units shall be modified to comply with the minimum unit size.

Public Works:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Permits from the Lake Worth Drainage (LWDD) District's Engineering Department and the South Florida Water Management District's (SFWMD) Engineering Department shall be obtained, if necessary, and furnish to the City.
 - b. An Erosion Control plan shall be submitted and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. The entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements shall be restored to the same or better condition as prior to construction.
 - b. All disturbed areas shall be fine graded and sodded with Bahia sod.
 - c. Broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - d. Restore the right of way to a like or better condition. Any damage to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
 - e. These conditions of approval shall be satisfied under jurisdiction of the Dept. of Public Works.
3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual

on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

4. Prior to performing work in the right of way, the issuance a “Right of Way/Utility Permit” is required for the scope of work being performed.

Utilities Water & Sewer:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - b. Obtain approval from FDOT on Access Management for driveway cuts.
 - a. Submit proof of approval from the Florida Department of Transportation (FDOT) on access management for driveway cuts.
 - b. Prepare a sketch and legal descriptions for the easement over the fire hydrant. There are two sketch and legal descriptions anticipated since the fire hydrant will be centered over what will now be the property lines.
 - c. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - d. Reserved capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.

Board Actions:

I move to recommend **approval** of PZB Project Number 20-0140036 with staff recommended **conditions** for a Residential Urban Planned Development, Major Site Plan, and Conditional Use Permit to construct a seven-unit multifamily development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I move to recommend **denial** of PZB Project Number 20-0140036 for a Residential Urban Planned Development, Major Site Plan, and Conditional Use Permit to construct a seven-unit multifamily development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board will be making a recommendation to the City Commission on the Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right-of-Way Abandonment.

ATTACHMENTS:

- A. Zoning Map
- B. Site Plan Package
- C. Renderings, Architectural Plans
- D. Supplemental Supporting Documents
- E. Site Photos

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-00500005: Consideration of a Conditional Use Permit request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway (MU-Dixie) District at 701 North Dixie Highway with an accessory museum/gallery use. The request is to establish the proposed use within the current 8,425 square feet commercial building.

Transmittal Date: August 25, 2021

Meeting Date: September 1, 2021

Property Owner: Mc Mow Art Glass Inc.

Applicant: Ragtops Motorcars

Address: 701 N Dixie Highway

PCN: 38-43-44-21-15-212-0141

Size: 0.37-acre site / 8,425 sf. building

General Location: North side of 700 Block on N. Dixie Highway

Existing Land Use: Factory and Retail (McMow Art Glass)

Current Future Land Use Designation: Transit Oriented Development (TOD)

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



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are outlined on page 8 of this report.

PROJECT DESCRIPTION

The applicant, Ragtops Motorcars, is requesting a **Conditional Use Permit** to establish a Special Interest Dealership use with an accessory museum/gallery in the Mixed-Use Dixie Highway (MU-Dixie) District at 701 North Dixie Highway. The site is located on the northwest corner of North Dixie Highway and 7th Avenue North. According to LDRs Section 23.1-12. Definitions, a Special Interest Dealership is *an establishment for the display and sale of antique, classic and collectible vehicles. Antique vehicles are manufactured more than twenty-five (25) years prior to the current year and classic vehicles are manufactured more than fifteen (15) years prior to the current year. Collectible vehicles are limited production vehicles, and do not include vehicles that have been altered in appearance or from manufacturers' specifications.*

The proposed use is described as an establishment to sell and display antique and special interest vehicles. It is the intent of the business to operate as a gallery/museum that displays and sells its displayed items (vehicles) where visitors can also attend private events or visit the establishment during its regular business hours. The proposed hours of operations are four to six days a week from 10am to 6pm, with alternative hours for private events. The applicant stated that very small, manageable events and gatherings, such as a Board of Directors meeting, a milestone birthday, and artists private showings, with a range of 40 to 60 guests per event, would be hosted.

The existing improvements on the property include a one-story commercial building measures 8,425 square feet, and a parking lot with 18 parking spaces located on the rear of the property with access from 7th Avenue North and from the alley located on the rear. Vehicle service and outdoor storage of vehicles are not proposed nor are allowed as part of the request.

COMMUNITY OUTREACH

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

BACKGROUND

Existing Development: The existing improvements on the property include an 8,425 sf, one-story commercial building built in 1961. A parking lot with 18 parking spaces is located on the rear of the property with access from 7th Avenue North and from the alley located on the rear. No modifications to the structure or parking are proposed in the subject request.

Land Use: The building has an active business license for a retail and factory use (fabrication, display and sell of stained glass by McMow Art Glass). For zoning purposes, the existing single-destination retail use is allowed as a Conditional Use in the Mixed-Use Dixie Highway (MU-Dixie). There is no record of a conditional use granted for the subject site. The existing use is allowed to continue as is as long as it remains lawful and complies with the regulations in LDRs Section 23.5-3.e) Nonconformities, or if a conditional use permit is submitted and approved for modifications or expansions of the existing use.

Landscaping: The site currently features three shade trees on the south area of the parking lot. A strip of land without any landscape material is existing between each parking row. It is listed as a condition of approval that the landscaping, where possible, shall be enhanced and brought up to code to the furthest extent possible.

Code Compliance - There are no open code compliance cases on the property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Policy 1.1.1.8, the TOD 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 preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The MU-Dixie zoning district is listed as an implementing zoning district for the TOD Future Land Use designation.

The proposed use of a Special Interest Dealership is allowed in the MU-Dixie zoning district as a Conditional Use. The proposal is associated with an existing 8,425 square feet commercial use.

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

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

Consistency with the City's Land Development Regulations

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

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

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

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

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

below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The structure on the property was constructed in the early to mid- 1956s. 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. If the Conditional Use Permit for Special Interest Dealership is approved as conditioned, a site plan application will be required to address the conditions. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

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

Staff Analysis: A parking lot with 18 parking spaces is located on the rear of the property with access from 7th Avenue North and from the alley located on the rear. The existing use is classified as a Vehicular use. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and **meets the parking requirement. However, the Board may consider requiring the introduction of bicycle rack along the rear of the property (adjacent to the west elevation or where possible in the parking lot without impacting vehicular visibility) to provide and encourage different transportation options to the site, especially as the site is within the TOD Land Use Designation.**

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.

1. *The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.*

Staff Analysis: The principal uses allowed in the MU-Dixie zoning district include residential and commercial uses, such as multiple-family, restaurants and retail. The daily activity of the proposed Special Interest Dealership is similar to a retail establishment, where visitors enter the establishment to browse the items displayed. However, the existing 18 parking spaces on site may not be sufficient to accommodate private gatherings within the 8,400 square feet facility. To ensure that the proposed business continues to be harmonious with the surrounding uses during private events, as proposed, **it is recommended that the board require a parking plan or valet agreement to be submitted to allow the private events as part of the conditional use approval.** In addition, it is listed as a condition of approval that all activities associated with the use must be conducted inside, including activities associated with private events.

With regards to alcoholic beverages, the sale of alcoholic beverages is not allowed as part of the use; however, the serving of alcoholic beverages during private events is requested with this proposal. The serving of alcoholic beverage is consistent with customary operations of a hybrid retail/museum use or museum use, where special events are ancillary to the use's function. The applicant stated that very small, manageable events and gatherings, such as a Board of Directors meeting, a milestone birthday, and artists private showings, with a range of 40 to 60 guests per event would be hosted. The board may

consider limitations on the number of events, hours of operations and occupancy to ensure the use remains ancillary in nature and is consistent with its definition, for zoning purposes, and that it does not negatively impact the neighborhood. **Further, it is listed as a condition of approval that the direct sale of alcoholic beverages to customers of the business is not allowed and that an alcohol license shall not be approved under this Conditional Use Permit.** A subsequent conditional use approval and alcohol distance waiver for a bar would be required to allow the direct sales of alcoholic beverages to customers outside of a special event. **Meets Criterion as Conditioned.**

2. *The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.*

Staff Analysis: Per LDR Section 23.3-17, the MU-DH district was designed for Dixie Highway, Lake Worth Beach's commercial spine. 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 uses are not permitted by right in this district as some activities may be detrimental to the shopping, office, or residential functions of the area. The subject property is surrounded by commercial uses on three sides, which include a financial office on the north, a gas station with a vehicle service establishment on the east, and a gas station to the south. Nonconforming single-family dwellings, and a multiple-family structure are located on the west (an improved alley separates these properties from the subject site). The use is in harmony with the commercial establishments surrounding it and is complementary to other uses allowed in the zoning district. **Upon submittal of a parking plan for private events, as conditioned in the criteria listed above, the requested conditional use will not be more impactful to the adjacent residential properties than a retail use that is allowed by right. Meets Criterion as Conditioned.**

3. *The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.*

Staff Analysis: The Conditional Use request will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the MU-DH zoning district. The requested uses are similar in nature and function to permitted uses as conditioned.

4. *The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.*

Staff Analysis: The Conditional Use request to will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan, when its approval is subject to the conditions listed. The Dixie Highway corridor currently functions as major commercial corridor within the City. Further, the proposed use allows for the adaptive reuse of an existing structure built in the 1960's. **Meets Criterion.**

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

1. *The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.*

Staff Analysis: Historically, the subject building has been occupied by an existing commercial retail and art glass fabrication establishment. The anticipated traffic volume generated by the proposed business should not be higher than the current use, or multiple retail and restaurant uses less than 2,500 sf as

permitted by right as these uses are similar in function and traffic patterns. Therefore, the level of service provided on the adjacent streets should not be any adverse than the existing use or other uses allowed by right. **Meets Criterion.**

2. *The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.*

Staff Analysis: The proposed use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The majority of the trips are anticipated to be through the Dixie Highway corridor. The proposed use should not increase traffic through 7th Avenue North as, mentioned previously, the existing use and the proposed use are similar in nature and the similar trip generations and impacts are anticipated, which should not negatively impact the City. **Meets Criterion.**

3. *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.*

Staff Analysis: The proposed Special Interest Dealership will display and sell antique, classic and collectible vehicles; vehicles that are sold to customers will be towed away and shipped to its final destination. No auto repair will be occurring on site. The air pollution emissions anticipated to be produced by the proposed use are compatible with the emissions produced by commercial uses allowed by right. **Meets Criterion.**

4. *The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.*

Staff Analysis: The MU-DH zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses. The applicant is proposing a change of use from a commercial (retail store with ancillary fabrication of stained glass) to another similar commercial/vehicular use (display of vehicles similar to a museum/gallery with occasional private parties). Increase in the traffic volume is not expected to be generated by this change of use, except for the proposed private events. The applicant stated that very small, manageable events and gatherings, such as a Board of Directors meeting, a milestone birthday, and artists private showings, with a range of 40 to 60 guests per event would be hosted. As mentioned previously, the board may consider limitations on the number of events, hours of operations and occupancy to ensure the use does not to significantly affect the volumes of traffic expected on the City's roadway network. **Meets Criterion.**

5. *The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.*

Staff Analysis: The businesses will be utilizing the existing infrastructure at the subject site. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, 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.

Staff Analysis: The proposed Conditional Use is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. **Meets Criterion.**

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.*

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The intended hours of operations are from 10 a.m to 6 p.m. and extended hours for private events until 10 p.m. The applicant was made aware of the noise limitation requirements. Given the intended operations and business hours, the proposed conditional use is not anticipated to generate more noise than a use permitted by right. As stated previously, the board may consider limitations on the number of events, hours of operations and occupancy to ensure the use does not to generates unreadable noise.

Meets Criterion.

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.*

Staff Analysis: No change in lighting has been proposed. However, staff has conditioned the request to require the approval of a site plan application, which shall include upgrades to the existing exterior lighting. **Meets Criterion.**

Section 23.2-29.g) Additional requirements.

1. *Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.*

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

2. *Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless request for amendment of conditions is part of the current conditional use permit application.*

Staff Analysis: This criterion is not applicable as there is no record of an approved site plan for the site.

CONCLUSION AND CONDITIONS

Per LDR Section 23.3-17, the MU-DH district was designed for Dixie Highway, Lake Worth Beach's commercial spine. 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 uses. Certain uses are not permitted by right in this district as some activities may be detrimental to the shopping, office, or residential functions of the area. Therefore, the establishment of certain uses in the MU-DH zoning district, such as the proposed Special Interest Dealership, are allowed as a Conditional Use Permit to allow for the review and mitigation of potential negative impacts.

The proposed Conditional Use Permit for a Special Interest Dealership is described as an establishment to sell and display antique and special interest vehicles with an accessory gallery/museum use that displays and sells its displayed items (vehicles). Visitors can attend private events or visit the establishment during its regular business hours. The proposed hours of operations are four to six days a week from 10am to 6pm, with alternative hours for private events. The applicant stated that very small, manageable events and gatherings, such as a Board of Directors meeting, a milestone birthday, and artists private showings, with a range of 40 to 60 guests per event, would be hosted.

Based on the information provided in the application and analysis section of this report, the proposal seeks to minimize negative impacts on surrounding properties and complies with the conditional use criteria outlined in LDR Section 23.2.29. Besides the recommended conditions of approval listed below in the 'Conditions' section of the report, the board may consider limitations on the number of events, hours of operations and occupancy to ensure the use is consistent with its definition, for zoning purposes, and that it does not negatively impact the neighborhood.

Section 23.2-29.h) Conditions.

The decision-making authority may impose such conditions in a development order for a conditional use that are necessary to accomplish the purposes of the comprehensive plan and these LDRs to prevent or minimize adverse impacts upon the public, the environment and neighborhoods, and to ensure compatibility, including but not limited to function, size, bulk and location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, site circulation, and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest, surrounding land uses or if additional improvements are needed to facilitate a more thoughtful transition between different uses. The placement of conditions on the approval of a development order shall be the minimum conditions necessary in order for the proposed use to meet all necessary findings, as set forth in this section.

The board may consider limitations on the number of events, hours of operations and occupancy to ensure the use is consistent with its definition, for zoning purposes, and that it does not negatively impact the neighborhood.

The following conditions are recommended:

1. Prior to issuance of a business license, a parking plan or valet agreement shall be provided to detail the parking management for private events and gatherings, which may include a shared parking agreement for valet parked cars. Events greater than 40 people shall be limited to no more than 2 events per month or 24 per year.
 2. The serving of alcohol shall be limited to private events and gathering only as limited by the Board. The sale of alcoholic beverages is not allowed as part of this approval. An alcohol license shall not be approved under this Conditional Use Permit.
-

3. A minor site plan approval is required prior to the issuance of a business license to improve the site appearance and to bring the property to the furthest extent possible into compliance with the City's Land Development Regulations and the Major Thoroughfare Design Guidelines. The following is required:
 - a. Architecture & Design – Changes to the building design and new signage require that the selected design and material comply with the Major Thoroughfare Design Guidelines.
 - b. Landscaping – Shade trees, potted plants and other landscaping where possible shall be provided along the Dixie Highway corridor and 7th Avenue. The location and appropriate landscape materials shall be determined in consultation with the Community Sustainability Department and a landscape permit shall be required.
 - c. Refuse – A refuse/recycling enclosure shall be provided. The location shall be determined in consultation with the City's Public Works Department.
 - d. Lighting – The location of new lighting fixtures shall be provided on the site plan or photometric plan for safety. If LED lighting is utilized than fixture shall have warm tone of 2700 K or less. All lighting fixture shall be shielded in compliance with Dark Skies guidelines.
4. Prior to the issuance of a Certificate of Completion for the interior renovations, improvements required for changes of use and occupancy under the Florida Building Code shall be completed.
5. All activities associated with the use must be conducted inside, including activities associated with private events. No outdoor storage is allowed as part of this approval.
6. Loading and unloading of merchandise/vehicles shall be on-site only.
7. The direct sale of alcoholic beverages to customers is not allowed as part of this approval. An alcohol license shall not be approved under this Conditional Use Permit. Alcoholic beverages served during a special event/private event are exempt from this requirement.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 21-00500005 with staff recommended conditions for a **Conditional Use Permit** request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway (MU-Dixie) at 701 North Dixie Highway 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 21-00500005 for a **Conditional Use Permit** request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway (MU-Dixie) at 701 North Dixie Highway. 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. Application Package (survey, request letter)

PLANNING AND ZONING BOARD REPORT

PZB/HRPB 21-00300001 & 21-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) on behalf of the PBC School District requesting:

- a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU, and
- a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

Transmittal Date: August 25, 2021

Meeting Date: September 1, 2021

Property Owner: School Board of Palm Beach County

Address: 1421 Barton Road, 1515 Barton Road, 1511 Barton Road, & 1509 Barton Road

PCN: 38-43-44-33-13-010-0020, 38-43-44-33-13-010-0030, 38-43-44-33-13-011-0020, and 38-43-44-33-13-011-0040

Size: 3.71 acres

General Location Northwest corner of Barton Road and 16th Ave South (aka Barton Rd), west of Tropical Drive, south of 14th Ave South, north of Barton Elementary School

Existing Land Use: Public School and Educational Uses

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

Proposed Future Land Use Designation: Public (P)

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

Proposed Concurrent Zoning District: Public (P)



RECOMMENDATION

The data and analysis in support of the proposed FLUM amendment was prepared in accordance with F.S. 163.3177. The proposed FLUM amendment is consistent with the purpose, intent, and requirements of the Comprehensive Plan, including the level of service requirements and the Strategic Plan. Therefore, staff recommends that the Planning and Zoning Board recommend to the City Commission to adopt the proposed small scale FLUM amendment (**PZB/HRPB 21-00300001**).

The proposed rezoning is consistent with the Comprehensive Plan, Strategic Plan, and the guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). Therefore, staff recommends that the Planning and Zoning Board recommend to the City Commission to approve the proposed rezoning request (**PZB/HRPB 21-01300001**).

PROJECT DESCRIPTION

The proposed City-initiated FLUM amendment would amend the FLU designation for approximately 3.71 acres (4 subject properties) from the Single Family Residential (SFR) FLU to the Public (P) FLU. The proposed concurrent rezoning request would amend the zoning district on the subject properties from the Single-Family Residential (SF-R) district to the Public (P) district. The proposed map amendments would recognize the existing educational uses and to provide for greater flexibility with regards to future educational use of the site. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report for each request.

The data and analysis section of this staff report for the FLUM amendment was prepared in accordance with the requirements of F.S. 163.3177 and provides relevant and appropriate data based the City’s community goals and vision and consistency with level of service requirements. The proposed FLUM amendment is eligible for processing as a small-scale future land use map amendment per F.S.163.3187. If adopted, the proposed amendment would be sent to the Florida Department of Economic Opportunity (DEO) upon adoption and become effective 31 days after adoption if not challenged within the 30 days.

The data and analysis section of this staff report for the concurrent Zoning Map amendment analyzes the proposed request for consistency with the City’s Comprehensive Plan, Strategic Plan, and LDR Section 23.2-36(4): Review Criteria for the Rezoning of Land.

COMMUNITY OUTREACH

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

BACKGROUND

The proposed FLUM and Zoning Map amendments include four (4) parcels owned by the School District of Palm Beach County that were used as a school, and are proposed to be used for educational training, office and storage of educational materials. Three of the subject parcels were acquired by the School District of Palm Beach County in 1996, with the northernmost parcel (38-43-44-33-13-010-0020) purchased in 2005. Most of the site was used for the South Intensive Transition School from 2006 until 2020. The alternative school served students in grades 6 through 12 with focused educational programs to help foster academic success. The school has since moved to a new location in Boynton Beach.

The subject properties will be utilized as the headquarters for the Education Foundation as well as provide a training facility and a Red Apple supply site that furnishes teachers with needed educational materials. The following describes the Foundation in more detail and is from the Education Foundation website:

"Established in 1984 by Palm Beach County business leaders, the Education Foundation serves as the philanthropic support organization for K-12 public education and partners closely with the School District of Palm Beach County and the greater business and charitable community to fund programs that close achievement gaps in learning and that create positive, measurable change for students. This is accomplished by using the funding to provide innovative classroom grants as well as providing quality professional development to foster excellence in teaching.

Through a unique matching grant program, the Education Foundation works with corporate and private investors to fund innovative projects and curriculum that improve literacy and grade-level performance, increase graduation rates, support STEM and career academies and target support to low-performing students and schools.

Children succeed in school when they have all the tools, resources and support they need in order to achieve. That is why the Red Apple Supplies (RAS) program was created as a free school supply store that serves the highest-needs Title I Schools throughout Palm Beach County. RAS is the signature program of the Education Foundation. Since opening the doors to RAS only 3 years ago (in 2016), over \$1 million in free school supplies have been provided to teachers and students throughout Palm Beach County."

FUTURE LAND USE MAP (FLUM) AMENDMENT ANALYSIS

The proposed Public (P) FLU for the subject properties is compatible with the residential and Public FLU designations of surrounding properties. The following outlines the FLU designations for the adjacent areas:

- Future Land Use Map amendment for approximately 3.71 acres (4 properties) from Single Family Residential (SFR) to Public (P)

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use	Existing Use
Single Family Residential	North	Single Family Residential	Single Family
Single Family Residential	South	Public	Barton Elementary School
Single Family Residential	East	Medium Residential	Multifamily
Single Family Residential	West	Single Family Residential	Single Family

The Public FLU designation allows for areas specifically used for public schools and, in conjunction with the implementing Public zoning district, provides for various related office and institutional uses. The amendment provides the site to be used as headquarters for the Education Foundation as well as provide training facilities and a Red Apple supply site that furnishes teachers with needed educational materials. Use of this site as described will help the City of Lake Worth Beach

achieve educational and employment goals enumerated in its Strategic Plan and is consistent with the Comprehensive Plan.

Consistency with the Comprehensive Plan

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach's Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

Objective 1.2.2: The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit oriented development (TOD) areas.

Policy 1.1.2.13: Locational Criteria for the Public and Public Recreation and Open Designations

The Public and Public Recreation and Open Space land use designations are mapped on sites where such uses already exist. The mapping of these uses on these sites indicates that no alternative use of these sites should be established without a properly considered and enacted Future Land Use Map amendment. Public school sites have been delineated in areas proximate to residential land. Lands contiguous to school sites which are owned by the School Board, and proposed for school expansion are intended to be included in this category. The City retains the right to impose reasonable site planning standards when existing schools are proposed for expansion or new school sites are developed. Schools are allowed in all zoning districts except Industrial.

Objective 1.3.4: To coordinate future land uses with availability of facilities and services.

2. EDUCATION ELEMENT

Goal 10.1: Advocate for the educational needs of the citizens of Lake Worth by fostering and further developing relationships between the City, Non-Profit partners, Colleges and Universities, Government Entities and the School District of Palm Beach County (the District).

OBJECTIVE 10.1.4: The City shall work to promote an approach to education that is coordinated with ancillary facilities such as: parks, libraries, recreational facilities, and Non-profit agencies.

Policy 10.1.4.2: The City shall encourage the location and development of facilities such as university campuses, testing centers, private educational facilities, satellite educational programs, magnet facilities, teaching universities, and technical centers that will enhance the educational opportunities in Lake Worth for children and adults alike. These public and private facilities shall be located in areas that meet the location criteria and site development conditions adopted in the Land Development Regulations.

3. HOUSING AND NEIGHBORHOODS ELEMENT

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
- The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
- Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
- Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- Relate new buildings to the context of the neighborhood and community.
- Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

4. ECONOMIC DEVELOPMENT ELEMENT

Policy 11.1.7.1: The City shall encourage education and training institutions to provide education and research programs that meet the needs of targeted cluster industries, and encourage supplemental education to support existing businesses and programs to stimulate new business development.

Consistency with the Strategic Plan

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistent with the following Strategic Plan Pillars:

Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice

- A: Ensure effective economic development incentives and zones
- E: Provide superior public amenities and services to retain existing and entice new residents and businesses

Pillar II: Strengthening Lake Worth Beach as a ‘Community of Neighborhoods’

- F: Collaborate with schools to foster rich, diverse and culturally enriching educational opportunities for all.

Pillar IV: Navigating Towards a Sustainable Community

- D: Influence the supply and expansion of jobs.
- E: Ensure facility placement, construction and development that anticipates and embraces the future.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional demands.

According to the City’s Comprehensive Plan, the maximum development potential change is for the existing Single Family Residential FLU at 7 du/acre to the proposed Public FLU at 0 du/acre resulting in a decrease of 7 du/acre. Public FLU generates less service demands than Single Family Residential FLU. Analysis of the decreased density (7 du/acre to 0 du/acre= 0 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future demands and long range LOS can be met with current and planned system capacities. The decrease from 7 du/acre to 0 du/ac results in a decrease of facilities and services needed (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). Public FLU generates less service demands than Single Family Residential FLU. The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility:	Existing FLU Designations: (at 7 du/acre for Single Family Residential)	Proposed FLU Designations: (at 0 du/acre for Public)
Drainage	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements may be required to provide drainage collection and conveyance systems to positive outfall.
Potable Water	105 gpcpd (gallons per capita per day). 105 gpcd x 7 du/acre x 2.53 pph =1,860 gpcpd	105 gpcd x 60 du/acre x 2.53 pph = 0 Decrease of 1,860 gpcpd Public use generates less demand than single family residential development The City facilities have available capacity to accommodate the decreased demand.

Type of Facility:	Existing FLU Designations: (at 7 du/acre for Single Family Residential)	Proposed FLU Designations: (at 0 du/acre for Public)
Sanitary Sewer	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day. $100 \text{ gpcd} \times 7 \text{ du/acre} \times 2.53 \text{ pph} = 1,771 \text{ gpcpd}$	$100 \text{ gpcd} \times 0 \text{ du/acre} \times 2.53 \text{ pph} = 0$ Decrease of 1,771 gpcpd Public use generates less demand than single family residential development The City facilities have available capacity to accommodate the decreased demand.
Solid Waste	Collection and disposal of 6.5 pounds of solid waste per capita per day. $6.5 \text{ lbs/pcd} \times 7 \text{ du/acre} \times 2.53 \text{ pph} \times 365 \text{ days/year} / 2,000 = 21 \text{ Tons/year}$	Solid waste pickup will be located on the property and is substantially less than the potential impacts of residential development. The Solid Waste Authority has available capacity to accommodate the demand of the proposed facility.
Parks	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons $3.71 \text{ acres} \times 7 \text{ du/ac} = 26 \text{ du/ac} \times 2.53 \text{ pph/du} = 66 \text{ persons}$	$3.71 \text{ acres} \times 0 \text{ du/ac} = 0 \text{ du/ac} \times 2.53 \text{ pph/du} = 0$ Decrease of 26 du = decrease of 66 persons
Schools	$7 \text{ du/acre} \times 3.71 \text{ ac} = 26 \text{ du}$	$0 \text{ du/acre} \times 3.71 \text{ ac} = 0 \text{ du}$ Decrease of 26 du School District to determine impact of decreased units; School Capacity Availability Determination
Traffic	$3.71 \text{ acre} \times 7 \text{ du/acre} = 26 \text{ du}$ $26 \text{ du} \times 10 \text{ daily trips} = 260$ Daily Trips LOS D * ITE 10th Edition Trip Generation Rates	Public use generates less daily trips than single family residential development LOS D Decrease of daily trips Capacity is available to accommodate the decreased demand.

ZONING MAP AMENDMENT ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject properties currently have a Future Land Use (FLU) designation of Single-Family Residential (SFR). Per **Comprehensive Plan Future Land Use Element Policy 1.1.1.2**, the SFR land use category “is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre.” The implementing zoning districts of the SFR FLU are Single-Family – Residential (SF-R), Mobile Home Residential (MH-7), and Neighborhood Commercial (NC). The properties’ use by the School District of Palm Beach County as an educational site with offices is not consistent with the current SF-R zoning district. The intention is to change the zoning district of the properties from SFR to Public (P) with a concurrent FLUM change from the current SFR future land use to Public (P) future land use (FLU) to better reflect the use of the site. Approval of the rezoning request would allow the School District to improve the site while being consistent with the intent of the requested zoning district and future land use designation.

Additionally, the proposed changes to the properties' Zoning District and FLU Designation is consistent with **Future Land Use Element Policy 1.1.2.13 (Locational Criteria for the Public and Public Recreation and Open Designations)** as this site is adjacent to residential uses to the north, east and west. **Future Land Use Element Goal 1.2 states:** "To strive to foster the City of Lake Worth as a livable community where live, work, play and learn become part of the daily life of residents and visitors." Approval of the rezoning request would allow for a continuation of a co-located education complex with Barton Elementary School and would be in keeping with the intent of **Goal 1.2**.

Furthermore, the **Education Element Policy 10.1.4.2** provides for encouragement of the location and development of educational facilities that will enhance the educational opportunities in Lake Worth Beach.

The City's Strategic Plan sets goals and ideals for the City's future vision and lays out methods to achieve them. Pillar Two, Section F seeks to "Collaborate with schools to foster rich, diverse and culturally enriching educational opportunities for all". Approval of the rezoning will result in the continued educational use of the site as well as opportunities to expand in concert with the permitted uses under the Public Zoning District. These expansions will allow for more diverse programs that can be implemented on site and in keeping with the City's Strategic Plan. Additionally, the proposal, if approved, would be consistent with **Strategic Plan Pillar I. A and E** ensuring effective economic development and superior public amenities and services, and **Strategic Plan Pillar IV. D and E** influencing the supply and expansion of jobs, and ensuring facilities that anticipate and embrace the future.

Consistency with the City's Land Development Regulations

Rezoning of the subject site will reflect the current educational use of the property and allow for future educational development of the property. Although public schools are allowed, subject to conditional use approval, in both P and SFR zoning districts, there is more flexibility with the P zoning districts that would allow for accessory uses integral to the educational use (e.g. educational office and storage uses). The property is adjacent to residential uses on the north, east and west sides and would be subject to the development regulations for sites adjacent to residentially zoned lands (**Section 23.3-26.c.1-5**).

The LDRs also require all rezoning requests with a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(4). Staff's full analysis of the review criteria is provided below. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

Section 23.2-36(4): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the rezoning/FLUM amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the rezoning/FLUM amendment request to the City Commission.

The land development regulations require all rezoning requests with a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(4)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

a. Consistency: Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request

to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency.

Analysis: If the FLUM amendment and the rezoning are approved, the new P zoning district would be consistent with the purpose and intent of the P FLU designation. The rezoning request furthers the implementation of the City’s Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Public future land use (FLU) designation on the subject sites. Additionally, the existing educational uses on the site are consistent with both the P FLU designation and P zoning district. **Meets Criterion.**

b. Land use pattern. Whether the proposed FLUM amendment would be contrary to the established land use pattern, or would create an isolated land use classification unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM amendments that would result in more desirable and sustainable growth for the community.

Analysis: The rezoning request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The proposed Public zoning district is consistent with the current and future education uses of the property by the School District of Palm Beach County. Below is a table outlining the existing zoning and future land use designations of adjacent properties. **Meets Criterion.**

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use Designations	Adjacent Zoning Districts	Existing Use
Single Family Residential	North	Single Family Residential (SFR)	Single Family Residential (SF-R)	Single Family
Single Family Residential	South	Public (P)	Public (P)	Barton Elementary School
Single Family Residential	East	Medium Density Residential (MDR)	Single-Family and Two-Family Residential (SF-TF-14)	Multifamily
Single Family Residential	West	Single Family Residential (SFR)	Single Family Residential (SFR)	Single Family

c. Sustainability: Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives with an emphasis on complementary land uses. Approval of the rezoning request would reflect existing educational land uses of the school and Education Foundation facilities. Further, the proposed rezoning would allow the City to benefit from increased efficiency and the proximity of educational services on already-developed land that compliments the existing school use and facilities. The uses immediately surrounding the properties are primarily single-family residential, multi-family residential, and educational. Institutional uses such as schools are considered complementary uses in function and nature to residential uses. Approval of the rezoning will allow for continuation of existing educational related land uses that are complementary to the properties’ surrounding uses. **Meets Criterion.**

d. Availability of public services/infrastructure: Requests for rezoning to planned zoning districts shall be subject to review pursuant to section 23.5-2.

Analysis: This criterion is only applicable to requests to rezone land to a planned zoning district. As this request seeks approval to rezone the subject properties to the conventional Public zoning district and not a planned development district, this criterion does not apply. **Criterion not applicable.**

e. Compatibility: The application shall consider the following compatibility factors:

1. Whether the proposed FLUM amendment would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.

Analysis: The proposed Public (P) FLU for the subject properties is compatible with the residential and Public FLU designations of surrounding properties and will not affect the property values of the neighborhoods. The existing zoning district of the subject site is not reflective of the current educational use of the site. Rezoning of the subject site and the land use change to Public will be consistent with the current educational use of the site, allow for future educational modernization/expansion and be a compliment to the residential uses surrounding the property. **Meets Criterion.**

f. Direct community sustainability and economic development benefits: For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and
8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The rezoning request does not include rezoning to a planned zoning district nor does it have a concurrent site plan application in review at this time. As such, this criterion is not applicable. **Criterion not applicable.**

g. Economic development impact determination for conventional zoning districts: For rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

- A. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category; and
- B. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed rezoning to the P zoning district will not result in a decrease in development intensity or of a public amenity for the neighborhood. While the P zoning district does not offer an increase in density from the SF-R zoning district, the education use is consistent with the City's goal to encourage education and training institutions to provide education and research programs and support existing businesses and programs to stimulate new business development. **Meets Criterion.**

h. Commercial and industrial land supply. The review shall consider whether the proposed FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:

1. The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or
2. The proposed FLUM amendment provides substantiated evidence of satisfying at least four (4) of the direct economic development benefits listed in subparagraph "f" above; and
3. The proposed FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation.

Analysis: If approved, the proposed rezoning will not result in a reduction of land available for commercial and industrial development. Commercial and industrial uses are not permitted under the existing zoning. Therefore, the change from SF-R to P zoning district would not reduce or change the commercial and industrial development potential of the subject properties. **Meets Criterion.**

i. Alternative sites. Whether there are sites available elsewhere in the city in zoning districts which already allow the desired use.

Analysis: The purpose of the rezoning request is to reflect the long-standing existing education use on the subject properties as a Public use. As such the proposed P rezoning is appropriate for the subject properties. **Meets Criterion.**

j. A Master plan and site plan compliance with land development regulations. When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of section 23.2-32.

Analysis: The rezoning request does not require or include a concurrent site plan application. As such, this **criterion is not applicable.**

The analysis has shown that the required findings can be made in support of the rezoning. Therefore, the proposed rezoning is consistent with the review criteria for rezoning as outlined in LDR Section 23.2-36.

CONCLUSION

The proposed FLUM amendment request is consistent with the purpose, intent, and requirements of the Comprehensive Plan. The proposed rezoning is also consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of both the FLUM amendment and the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The amendments are consistent with the City's goals to encourage the location and development of educational facilities that will enhance the educational opportunities in Lake Worth for children and adults alike.
- The amendments are consistent with the Strategic Plan's goals of collaborating with schools to foster rich, diverse and culturally enriching educational opportunities for all, and of providing superior amenities and services to retain existing and entice new residents and businesses.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report; and
- The FLUM amendment is supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.
- The Zoning Map amendment is consistent with the proposed FLUM amendment.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-00300001 & 21-01300001 of the proposed amendments to the Future Land Use Map and the Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

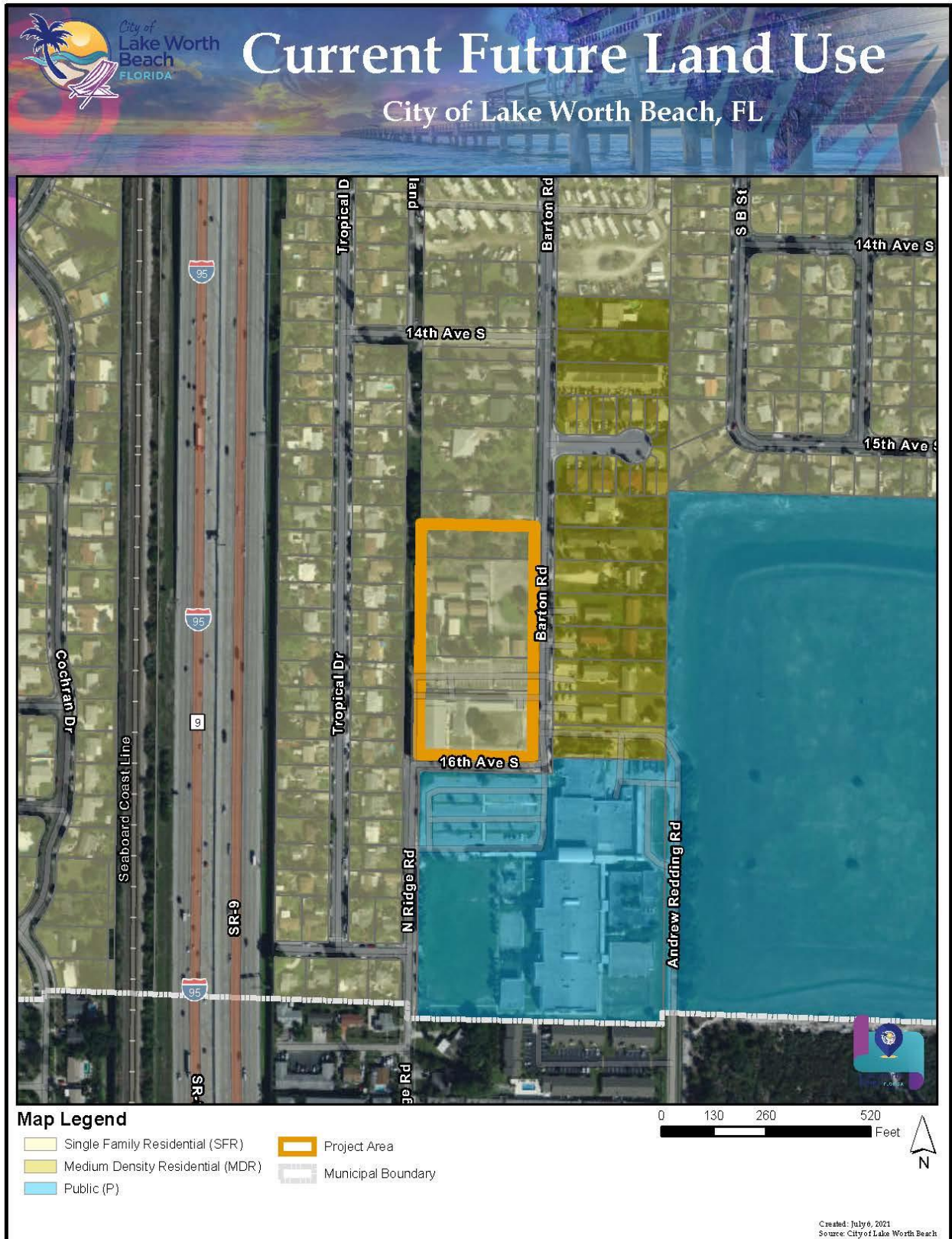
I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-00300001 & 21-01300001 of the proposed amendments to the Future Land Use Map and Zoning Map as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

Consequent Action: The Planning and Zoning Board will be making a recommendation to the City Commission on the FLUM and Zoning Map amendment requests.

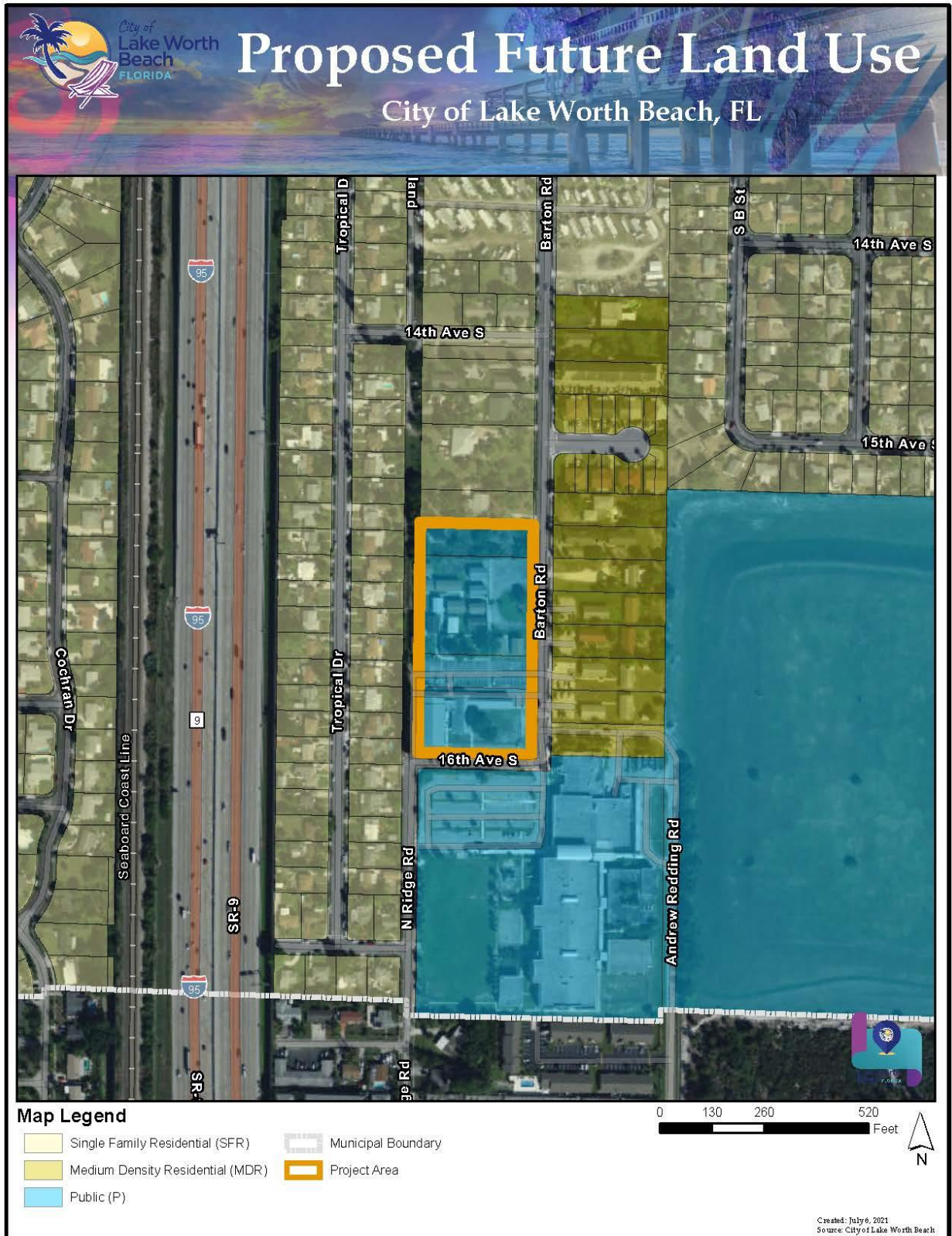
ATTACHMENTS

- A. Current FLU Map of property located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road (PCN#s 38-43-44-33-13-011-0040, 38-43-44-33-13-011-0020, 38-43-44-33-13-010-0030 and 38-43-44-33-13-010-0020)
- B. Proposed FLU Map of property located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road (PCN#s 38-43-44-33-13-011-0040, 38-43-44-33-13-011-0020, 38-43-44-33-13-010-0030 and 38-43-44-33-13-010-0020)
- C. Current Zoning Map of property located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road (PCN#s 38-43-44-33-13-011-0040, 38-43-44-33-13-011-0020, 38-43-44-33-13-010-0030 and 38-43-44-33-13-010-0020)
- D. Proposed Zoning Map of property located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road (PCN#s 38-43-44-33-13-011-0040, 38-43-44-33-13-011-0020, 38-43-44-33-13-010-0030 and 38-43-44-33-13-010-0020)

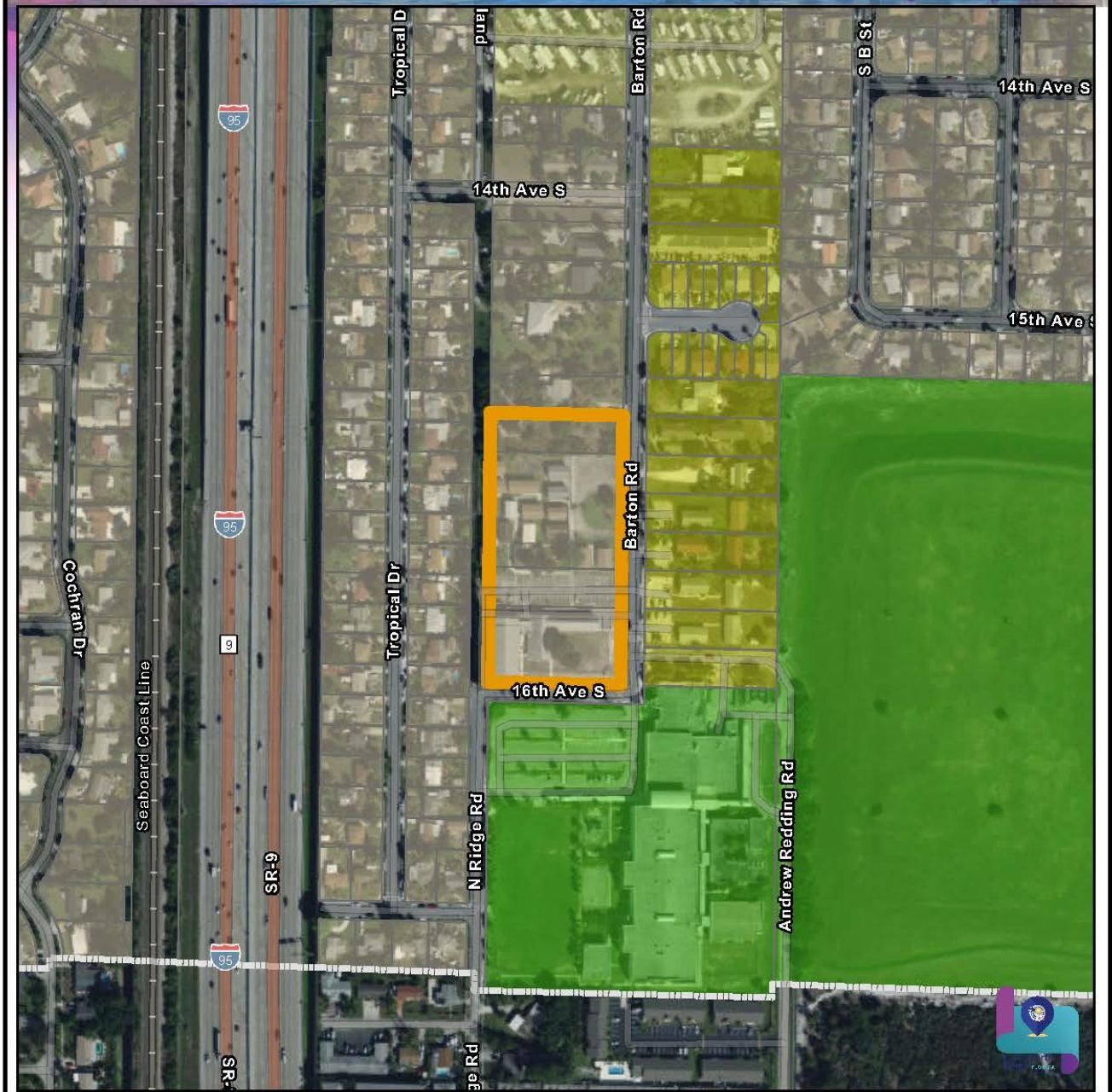
ATTACHMENT A
Current FLU Map of Subject Properties



ATTACHMENT B
Proposed FLU Map of Subject Properties



ATTACHMENT C
CURRENT ZONING MAP



Map Legend

- Mobile Home Residential, 7 du/net acre (MH-7)
- Public (P)
- Single-Family and Two-Family Residential (SF-TF-14)
- Single Family Residential (SFR)
- Municipal Boundary
- Project Area
- Parcel Boundary

0 130 260 520 Feet



ATTACHMENT D
 PROPOSED ZONING MAP



Map Legend

- Mobile Home Residential, 7 du/net acre (MH-7)
- Public (P)
- Single-Family and Two-Family Residential (SF-TF-14)
- Single Family Residential (SFR)
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