

ZC-22-01  
Exhibit "A"  
Date: September 26, 2022

Revised: 11/10/2022  
12/08/2022



## DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

#### **Ordinance 2022-36: ZC 22-01: Rezoning at 4840 Lake Worth Road**

**First Reading & Quasi-Judicial Public Hearing:** A request from Josh Nichols of Schmidt and Nichols, agent for Mint Eco Car Wash Acquisition Co. Inc. to approve a zoning change request from the Commercial General (CG) zoning district to the Commercial Intensive (CI) zoning district. The site is located at 4840 Lake Worth Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  _____ Caryn Gardner-Young, AICP	<b>Reviewed By:</b>  Interim Director of Development & Neighborhood Services  _____ Denise Malone
<b>Approved By:</b>  City Manager  _____ Andrea McCue	<b>Public Notice:</b> [ X ] Required [ ] Not Required Date: 10/27/22, 11/24/22 Paper: Lake Worth Herald  Mailing [ X ] Required [ ] Not Required

<b>Attachments:</b> <ul style="list-style-type: none"><li>• Aerial</li><li>• Zoning Map</li></ul>	<b>City Council Action:</b> [ ] Approval [ ] Approve with conditions [ ] Denial [ ] Continued to: _____
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## **II. Executive Summary**

A request by the contract purchaser for a change in the zoning designation (ZC-22-01) of three parcels of land totaling 3.62 acres from City Commercial General (CG) to City Commercial Intensive (CI). The parcel fronting Lake Worth Road is currently developed with a vacant restaurant structure (La Granja Aruba Foods). The two parcels in the rear are undeveloped. The site and development plan for the restaurant was approved on September 8, 2000. The applicant intends to demolish the existing restaurant building and develop a standalone car wash, which is permitted as a special exception use within the CI zoning district. No development is proposed for the two undeveloped parcels.

### **III. Site Data:**

<b>Existing Use:</b>	Former restaurant / Undeveloped
<b>Proposed Use:</b>	Stand Alone Car Wash
<b>Parcel Control Number:</b>	18-42-44-15-00-000-3260, 3080 and 3081
<b>Parcel Size:</b>	3.62 acres
<b>Existing Future Land Use Designation:</b>	Commercial
<b>Existing Zoning District:</b>	Commercial General (CG)
<b>Proposed Zoning District:</b>	Commercial Intensive (CI)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Medical Office	Commercial (CM)	Commercial General (CG)
<i>South</i>	Canal/ Single-Family Residence	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>East</i>	Dairy Queen/ Single Family Residences	Commercial (CM)/Residential Low Density (RS-LD)	Commercial General (CG)/ Residential Low (RL-3)
<i>West</i>	Office/ Single Family Residences	Commercial (CM) and Residential Low Density (RS-LD)	Commercial General (CG) and Residential Low 3 (RL-3)

### **IV. Annexation/Zoning History:**

The subject parcel sites are located on the south side of Lake Worth Road, approximately 200 feet west of Empire Way. The subject sites have a future land use designation of Commercial (CM) and a zoning designation of Commercial General (CG). The parcel fronting Lake Worth Road was originally developed as “Bud’s Chicken”, through petition SE-80-02, which vacated this site for another site to the east in 1991. In 1995, the site was issued a building permit for an auto parts store (Kirby’s), which was subsequently renamed to Whitey’s Auto Parts. The building was vacant for seven years. Then in 2000, a Site Plan Amendment (Class III) was received to approve a sit-down restaurant (La Granja). This restaurant closed in 2018 and the building has been vacant since.

The back two parcels are undeveloped with no plans submitted by the applicant. The current owner is now requesting a site and development plan amendment to build a standalone car wash mainly on the subject parcel fronting Lake Worth Road.

## **V. Applicable Comprehensive Plan Provisions:**

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning change request:

### **1. Future Land Use Element**

#### **Objective 1, Policy b)**

Higher intensities and densities of development shall be located within spheres of activity (as depicted on Map No. 5) and along major corridors where public facilities are available and land use compatibility can be achieved.

#### **Objective 2 Policy c) and d)**

Policy c)

The City shall adopt measures to promote redevelopment that include the potential establishment of a Transportation Concurrency Exception Area (TCEA) and/or a Corridor Master Plan for Lake Worth Road, including appropriate redevelopment densities and intensities and mix of uses.

Policy d)

In order to maximize compatibility and preserve commercial opportunity, economic vitality, and the tax base, the City shall restrict future land uses in the Lake Worth Road corridor to commercial and mixed-use designations.

#### **Objective 8, Policy c)**

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

\* \* \* (1 through 9 and 12 through 16 omitted for brevity) \* \* \*

(10) Commercial General - 30% lot coverage, 0.35 FAR;

(11) Commercial Intensive - 30% lot coverage, 0.35 FAR

#### **Objective 11, Policies b) and c)**

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels

## **VI. Applicable City Code Provisions:**

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

### ***Division 11. Commercial Intensive (Section 16-496 through 16-506)***

The Commercial Intensive (CI) district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along thoroughfares designated as major arterials in the Comprehensive Plan. Permitted uses and special exceptions within this designation require larger land areas with ample off-street parking and off-street loading space. This district provides the greatest variety of uses among commercial districts and serves a geographical area that extends beyond the city limits. This district may accommodate certain light manufacturing, processing, wholesaling and storage and warehousing uses when it is clearly demonstrated that such uses are compatible with other uses in the district. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

### ***Division 17. Urban Corridor Overlay District (Section 16-590 through 16-593)***

The purpose and intent of the Lake Worth Road Urban Corridor overlay zoning district is to encourage redevelopment and provide enhanced property development standards and patterns within the Lake Worth Road commercial corridor. This overlay district will help implement the City's vision for the area and create solutions for land development along Lake Worth Road. Objectives are to: facilitate redevelopment, manage over time the transition from residential uses to commercial uses, protect adjacent residential uses, enhance the economic viability of the commercial corridor, encourage pedestrian access and efficient vehicular movement, and enhance physical appearance and market success through landscaping and architectural design guidelines. The standards within this district will ensure that any new development or expansion of an existing development is compatible with the surrounding area and supportive of the overall viability of the corridor.

### ***Division 7 Transitional Areas (Section 16-736 through Section 16-737)***

Transitional areas shall be provided in all CI and CG zoned areas which are contiguous to residentially zoned areas in order to adequately screen, buffer, and separate objectionable commercial uses from residential uses. The transitional area is not intended to preclude the use of commercial intensive (CI) and commercial general (CG) zoned lands, but to provide reasonable alternatives to commercial development next to residentially zoned areas.

## **VII. Staff Analysis:**

### ***Development Review Committee Comments:***

The petition was reviewed by the Development Review Staff on September 9, 2022, and no objections were received.

Planning and Engineering Dept.:	Incorporated into the staff report
Building Department:	No comments
Fire Rescue Department:	No comments
Public Works Department:	No comments
PBSO District 16:	No comments
Community and Recreation Services	No comments

### ***Zoning Change Criteria and Findings of Fact:***

Section 16-153. Planning and Zoning Board of Appeals Report: The Planning and Zoning Board of Appeals shall submit a report to the City Council which shows that the Board has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

### ***Specific Criteria Findings:***

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

***Finding:*** The proposed Commercial Intensive (CI) zoning district is consistent with the property's Commercial future land use designation. With Lake Worth Road being the city's main thoroughfare, the Commercial Intensive zoning district is the most appropriate zoning for the subject parcels. Although the subject parcels fall under the Lake Worth Road Urban Corridor, there are no specific sub-district regulations applicable to the parcels at this time.

- (2) The existing land use pattern.**

***Finding:*** The proposed Commercial Intensive (CI) zoning district is consistent with the existing land use pattern in the area. The portion of the subject property where the standalone car wash would be located is bound by commercial uses to the east, west, and north so its impacts would not affect the single-family residences that are located further

east, west, or south.

- (3) **The possible creation of an isolated district unrelated to adjacent and nearby districts.**

*Finding:* The proposed zoning change would not create an isolated district unrelated to adjacent and nearby districts. The zoning designations to the north, west and east are designated as Commercial already and support the high intensity use typically found along a major thoroughfare. Although the existing zoning districts are CG, most of the Lake Worth Road corridor possesses a CI zoning designation which these parcels would become compatible with.

- (4) **The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.**

*Finding:* The proposed rezoning is a change from one commercial designation to another so there is no expected increase or overtaxing of the land on public facilities. However, any future development of the site would need to receive concurrency for special exception and site plan approval.

- (5) **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

*Finding:* The proposed rezoning is a change from one commercial designation to another so the boundaries are already drawn as commercial. Thus, the proposed CI zoning designation is compatible and a logical district boundary in relation to the existing conditions in the area.

- (6) **Whether changed or changing conditions make the passage of the proposed amendment necessary.**

*Finding:* The site was previously utilized as a restaurant and there have not been any potential buyers for another restaurant since La Granja closed in 2018. According to the Comprehensive Plan, the proposed CI zoning district is best suited along major thoroughfares such as Lake Worth Road, Military Trail, and Forest Hill Boulevard. As noted, the proposed rezoning will not only allow for the proposed use of a standalone car wash but will provide a wider array of possible uses which can better serve the community.

- (7) **Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

*Finding:* According to the traffic study provided, the proposed rezoning will have an insignificant impact on the surrounding roadways. The standalone car wash is expected to generate 166 trips per day, or 12 am peak hour trips and 14 pm peak hour trips. Since this is less than 20 peak hour trips, the city's traffic consultant has determined that no

excessive increased traffic will be generated by the proposed zoning change.

**(8) Whether the proposed change will adversely influence living conditions in the neighborhood.**

***Finding:*** The proposed zoning change will not adversely affect living conditions in the area. The CI zoning district allows for the most intensive commercial uses in the Zoning Code which the Comprehensive Plan has indicated is appropriate along Lake Worth Road. Further, the project will need to meet the more stringent Transitional Area regulations which were adopted to provide additional protect to residential properties which are adjacent to commercial projects. Based upon the proposed layout of the project, landscape buffering, the property being already zoned commercial and overall open space adjacent to residential properties, the neighborhood living conditions are not expected to be affected.

**(9) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

***Finding:*** There is a substantial reason why the property cannot be used in accord with the existing zoning district. The applicant is proposing the rezoning to Commercial Intensive (CI) in order to develop a standalone car wash which is not permitted in a Commercial General zoning district.

**(10) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

***Finding:*** The proposed change would not constitute a special privilege for the property owner. The Comprehensive Plan proposes that the property along Lake Worth Road will be zoned Commercial Intensive in order to continue the development of the corridor and allow for a broader mix of uses that can better service the community along a major thoroughfare.

**VIII. Staff Recommendation:**

***Approval*** of ZC-22-01.

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**PZBA RECOMMENDATION – November 10, 2022**

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The Planning Zoning Board of Appeals meeting was cancelled due to impacts from Hurricane Nicole.

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**PZBA RECOMMENDATION – December 8, 2022**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Litowsky, voting four (4) to zero (0), ***recommended approval*** of Zoning Change ZC-22-01, as presented by staff.

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**CITY COUNCIL ACTION First Reading – December 19, 2022**

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**CITY COUNCIL ACTION Adoption Hearing – February 6, 2023**

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