



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

DATE: January 27, 2021

TO: Members of the Planning and Zoning Board

FROM: Alexis Rosenberg, Senior Community Planner

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

MEETING: February 3, 2021

SUBJECT: **PZB Project Number 20-00500019**: Request by Bryan Sherman of Sloan Consulting Inc. on behalf of Arbor Square Realty Co., LLC for a Blanket Conditional Use Permit at 2505 North Dixie Highway, within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property PCN is 38-43-44-16-25-001-0000.

PROJECT DESCRIPTION:

The Applicant, Bryan Sherman of Sloan Consulting Inc on behalf of Arbor Square Realty Co., LLC is requesting approval of a Blanket Conditional Use Permit to allow the following uses at 2505 North Dixie Highway:

- Single destination commercial
- Single destination retail
- Administrative/Professional services office
- Business service office
- Medical office
- Health clinic/Urgent care
- Pharmacy/Drug store (one already exists in the plaza) – extra conditions in LDR Section 23.4-13(c)(16)
- Veterinary office without kennel
- Printing services
- Catering/Caterer
- Gym/Dance studio/Fitness studio
- Retail bakery

The site, 2505 North Dixie Highway, is a commercial plaza located at the southwest corner of North Dixie Highway and the West Palm Beach Canal, also known the C-51 Canal. The commercial plaza has 20 leasable commercial spaces, totaling 67,450 square feet and has 353 parking spaces. The Applicant is requesting a Blanket Conditional Use Permit to allow the uses listed above within the commercial plaza. The proposed uses are comprised of commercial, retail, office, and services type uses that are all anticipated uses in the MU-DH zoning district.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed uses meet the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the Conclusion.

PROPERTY DESCRIPTION:

Applicant	Bryan Sherman, Sloan Consulting Inc
Owner	Arbor Square Realty Co., LLC
General Location	2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal
Existing PCN Numbers	38-43-44-16-25-001-0000
Existing Land Use	Commercial Plaza
Zoning	Mixed Use – Dixie Highway
Future Land Use Designation	MU-E

LOCATION MAP:



BACKGROUND:

The subject site is a 6.6-acre plaza known as Arbor Square. Below is a timeline summary of the commercial plaza, 2505 North Dixie Highway, based on Palm Beach Property Appraiser's records and City records:

- 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
- 1980 – the retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- March 20, 2009 – A building permit was issued to revise the parking lot striping plan, which includes 372 parking spaces on Tract A, 11 spaces being ADA spaces.
- June 17, 2020 – The Planning and Zoning Board approved a Conditional Use Permit to allow a 10,450 square foot single destination retail use, known as Family Dollar, at 2507 N Dixie Highway (PZB # 20-00500008).
- August 10, 2020 – The Community Sustainability Department approved a Minor Site Plan amendment for façade renovations and other related site plan improvements to 2505 North Dixie Highway (PZ # 20-01400025).

ANALYSIS:**Public Support/Opposition**

Staff has not received any letters of support or opposition.

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU provides for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed uses are comprised of an office, commercial, retail, and services uses. Therefore, the proposal is consistent with the intent of the MU-E FLU. Furthermore, Goal 1.3 aims to preserve and enhance the City's character as a quality residential community and business center within Palm Beach County's urban area. The subject proposal, if approved, will allow a diverse mix of uses in the commercial plaza and create a more efficient approval process if any of the requested uses choose to operate at 2505 North Dixie Highway. Because the proposed uses will result in preserving the character of the retail plaza, the proposal is consistent with Goal 1.3.

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 uses will contribute towards the City's tax base and sustain or increase job supply, the proposal is consistent with Pillar IV.A and Pillar IV.D. Pillar IV.B, Pillar IV.C, Pillar IV.E, and Pillar IV.F are not applicable to this application.

Based on the analysis above, the proposed conditional uses are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the Code to review conditional use applications for consistency with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The 20-retail space shopping plaza at 2505 North Dixie Highway was constructed in 1980. The building currently does not conform to the current land development regulations, which subjects the site to the nonconformities section of the land development regulations, LDR Section 23.5-3.

A search performed on January 6, 2021 shows that there is one active code case and one open lien connected to 2505 North Dixie Highway. The open code case, case #20-00000471, has two components:

- Apply for and obtain City of Lake Worth Beach business licenses for all tenants
- Apply for and obtain a Use and Occupancy Certificate for all buildings
- Trash and debris around the perimeter of the building
- Unpermitted signage on windows (can only cover up to 25% of the window)
- Pressure clean and paint the building where needed

The open lien, case #19-00002266, has multiple components related to property neglect including:

- Enclosure all dumpsters on the property

Code Case #20-00000471 cannot be closed out until the lien is remedied. Per communication with the Code Compliance Division, the Applicant has agreed to sign a stipulated agreement in order to remedy the open lien. The agreement is in the process of being drafted.

This application has been conditioned that if approved, all liens and code case violations shall be remedied prior to any of the requested conditional uses receiving a City business license. In addition to the existing open case and lien, the site is not consistent with the City's LDRs in the following areas:

- Maximum front setback
- Maximum impermeable surface coverage

These items are detailed in the paragraphs below. The proposed uses would not expand any existing non-conformities. Further, the site would be required to remedy all code compliance issues per the staff recommended conditions of approval. The proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

Mixed Use – Dixie Highway: Per LDR Section 23.3-17(a), the MU-DH zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses. The establishment of certain uses is subject to conditional use review to ensure the use will not have a negative impact on nearby residential uses or on the commercial viability of the neighbors. The proposed uses in this application are anticipated uses in the MU-DH zoning district. Based on the information provided in the Applicant's justification statement, staff believes that the proposal seeks to minimize negative impacts on surrounding properties and complies with the conditional use criteria outlined in LDR Section 23.2.29 and LDR Section 23.4-13.

Setbacks: The placement of the existing building exceeds the maximum allowed front setback of 22 feet. Based on the survey and site plan provided, the principal building is about 162 feet from the front property line. As noted,

the commercial plaza was constructed in 1980 prior to the current setback requirements and the building's setback non-conformity is not easily remedied. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the building be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

Impermeable Surface Coverage: The site currently conforms to the maximum allowed structure coverage, but does not conform to the maximum allowable impermeable surface coverage. Based on the survey and site plan provided, the lot appears to have a total impermeable surface coverage of 87%, which is 22% over the maximum coverage allowance. Based on surveys obtained from the City's property file, it appears that the existing impermeable lot coverage matches the original approved site plan. Because the non-conformity is not easily remedied and because additional landscaping was installed as required by the Minor Site Plan amendment approval, no further changes are proposed or recommend at this time to bring the site into conformance with current code as it relates to impermeable surface area.

Parking: As mentioned, on March 20, 2009, a city building permit was issued to revise the parking lot striping plan, which included 372 parking spaces on Tract A, 11 spaces being ADA spaces. In speaking with the Applicant, the site currently has a total of 353 parking spaces. Therefore, it appears that the site has reduced its parking by 19 spaces since 2009.

Per LDR Section 23.4-10(f), a shopping center shall provide a minimum of one space per 250 square feet of gross leasable area. The site has 67,450 square feet of leasable retail space, which equates to a minimum requirement of 270 off-street parking spaces. Therefore, while the site has gone through a reduction of parking over the years, the shopping center currently exceeds its parking requirement by 83 spaces.

Landscaping: The commercial plaza received approval for a Minor Site Plan amendment on August 10, 2020 to upgrade the building facade and complete other related site work such as landscape improvements. The landscape improvements were required by staff to bring the site up to code as much as feasibly possible. Improvements included but were not limited to the following:

- Removed damaged concrete curbing adjacent to the existing trees.
- Planted native shade trees in the parking lot islands matching the spacing pattern of the existing trees.
- Planted a small maturing native shade tree in each of two smaller islands on the north side of the property
- Planted one medium native shade tree in the larger island adjacent to the handicap parking spots on the north side of the property.
- Removed existing shrubs along the arcade and replaced them native shrubs and added native shrubs to areas that currently did not have shrubs.
- Mulched all tree and landscape beds.

Because the required landscape improvements have been completed, no further changes are proposed or recommend at this time to bring the site into further conformance with current landscape code.

Outdoor Storage: No outdoor storage is being proposed as part of this application. Per LDR Section 23.4-19(c)(1), outdoor storage of merchandise for sale within an establishment located on the subject site shall be limited to the area between the front façade and the public right-of-way and shall only be outside of the building during hours of operation. Further, outdoor storage is subject to ADA compliance and cannot obstruct walkways.

Major Thoroughfare Design Guidelines: The commercial plaza received approval for a Minor Site Plan amendment on August 10, 2020 to upgrade the building facade and complete other related site work. As part of the Minor Site Plan amendment review process, staff worked with the Applicant to bring the site and existing buildings into compliance with the City's Major Thoroughfare Design Guidelines. Therefore, no further changes are proposed or recommend at this time to bring the site into further conformance with the City's Major Thoroughfare Design Guidelines.

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

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and was found to be in compliance 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-DH. The Applicant states that the proposed uses are substantially similar to other uses in the commercial plaza and in the surrounding area. The uses are consistent with the types of commercial, retail, and office uses anticipated to occur within the MU-DH zoning district. Therefore, the proposed conditional uses are found to be 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)	N/A	N/A	West Palm Beach Canal/ C-51 Canal
South (adjacent)	Mixed Use - East	Mixed Use – Dixie Highway	Retail (Word Thrift)
East (across N Dixie Hwy)	High Density Residential	Medium Intensity Residential	Townhomes (Courtyards of Lake Worth at College Park)
West (adjacent)	N/A	N/A	Florida East Coast (FEC) Railway

To the north of the subject site is the West Palm Beach Canal/C-51 Canal. The Canal serves as the northern boundary between Lake Worth Beach and West Palm Beach. To the west of the site is the Florida East Coast (FEC) Railway. The Railway separates the lot from the Artisanal Industrial zoning district to the west, which currently houses a variety of light to medium industrial uses. Adjacent to the south of the subject site is a retail plaza, and to the east of the site, across from North Dixie Highway, is a townhome community known as Courtyards of Lake Worth at College Park. Staff finds that the proposed uses are in harmony with the existing uses in the immediate area. **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 Blanket 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. **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: The Blanket Conditional Use request to allow the list of uses on Page 1 will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan. As mentioned, the MU-E land use designation is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed uses, and per the City's Use Table in LDR Section 23.3-6, are anticipated uses in the MU-DH zoning district. **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: Historically, the commercial plaza has been occupied by commercial, retail, office, and personal service uses. Based on the Florida Department of Transportation's (FDOT) 8th Edition of the Trip Generation Table, a 67,450 square foot shopping center generates about 2,896 daily trips, 277 of those trips being PM peak hour trips. The proposed conditional uses listed on Page 1 are commercial, retail, office, and personal service uses that do not greatly differ from the uses that have operated at this site in the past. Therefore, the proposed uses are not anticipated to generate higher traffic volumes than previous uses. Additionally, as the original site was constructed as a commercial plaza and because the proposal does not request an addition to the building, a Traffic Letter from Palm Beach County Traffic Division is not required with this application. **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 uses are not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The Dixie Highway corridor is intended for the establishment of office, commercial, and high-density residential uses. The square footage of leasable retail space within the shopping plaza has not expanded from its original approved area, 67,450 square feet. Therefore, the traffic generated from the proposed businesses are consistent with adjacent commercial uses as well as the anticipated uses in this area. **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: The Applicant states that the proposed uses are not projected to produce significant levels of air pollution emissions. Because the nature of the businesses do not involve hazardous chemicals, the proposed uses are not anticipated to produce air pollution emissions greater than that of a use permitted 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 requested uses are anticipated uses in the MU-DH zoning district. Therefore, the establishment of the uses at the subject site are 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 is utilizing the existing infrastructure from the commercial plaza. 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: As mentioned, the requested uses are anticipated uses in the MU-DH zoning district. Therefore, the uses are not anticipated to place a demand on municipal police or fire protection services beyond capacity. **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 Applicant states that the requested uses will meet all noise requirements. Based on the nature of the uses, staff anticipates that the requested uses will 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 Applicant has not proposed additional lighting on the site as part of this application and states that the Blanket Conditional Use will not result in excess light or glare onto residential properties. There is existing lighting within the commercial plaza that meet the lighting code. **Meets Criterion.**

Section 23.4-13(c)(5): Conditional use standards for single destination retail and single destination commercial uses

1. Minimum site area: Ten thousand (10,000) square feet.

Staff Analysis: The subject site is 6.6 acres which equates to about 287,496 square feet. **Meets Criterion.**

2. Minimum lot width: One hundred (100) feet.

Staff Analysis: The subject site has a lot width of 466.79 feet. **Meets Criterion.**

3. Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. Site landscaping shall comply with adopted landscape regulations.

Staff Analysis: The site currently has a five-foot or greater landscape buffer along the north, west, and east property lines. Additional shrubs were required to be installed within the landscape buffers as part of Minor Site Plan amendment (PZ # 20-01400025) approval. Those shrubs are currently being installed as part of landscape permit #20-306. While there is not a five-foot landscape buffer on the south property line, the adjacent property to the south, 2425 North Dixie Highway, has a landscape buffer that runs along its north side. Because installing a southern landscape buffer on 2505 North Dixie Highway would result in the site losing 42 parking spaces, staff has determined that the northern landscape buffer on 2425 North Dixie Highway can suffice as the required landscape buffer between the two properties and thus meets the intent of this criterion. **Meets Criterion.**

4. Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.

Staff Analysis: The subject site borders the West Palm Beach Canal/C-51 Canal to the north, the Florida East Coast (FEC) Railway to the west, North Dixie Highway to the east, and a commercial property, 2425 North Dixie Highway, to the south. The commercial property to the south is zoned MU-DH which is not a residential district. Therefore, this criterion is not applicable. **Criterion not applicable.**

5. Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street.

Staff Analysis: The application is not proposing the installation of telephones, ATMs, or vending machines outside of the enclosed building. **Criterion not applicable.**

6. Variances for minimum site area shall not be granted.

Staff Analysis: The subject site meets the minimum site area. **Meets Criterion.**

7. Establishments must front one of the city's major thoroughfares.

Staff Analysis: The subject site, 2505 North Dixie Highway, fronts North Dixie Highway to the east. Dixie Highway is listed as one of the City's Major Thoroughfares. **Meets Criterion.**

8. Outdoor display of more than three (3) individual items is strictly prohibited.

Staff Analysis: This has been made a condition of approval for all existing and future single destination retail and single destination commercial uses at this site. **Meets Criterion.**

9. Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable.

Staff Analysis: Based on the renovations approved as part of the Minor Site Plan Amendment approval on August 10, 2020, the commercial building as a whole has more than 25% of its façade covered by fenestration. **Meets Criterion.**

10. Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.

Staff Analysis: A condition of approval has been made so that all display windows shall have engaging vignettes. Additionally, it is required that all vacant commercial spaces have approved (via building permit) vignettes covering the windows until an active business is established in the space. **Meets Criterion.**

11. All sales transactions, except during city approved special events, shall take place within the building.

Staff Analysis: This has been made a condition of approval for all existing and future single destination retail and single destination commercial uses at this site. **Meets Criterion.**

12. Walk up sales windows shall be treated as a drive through facility and be regulated as such.

Staff Analysis: The application does not propose any sales windows or walk-up windows. Drive-thru facilities are not a requested use in this application and will require a separate Conditional Use Permit application. **Meets Criterion.**

Section 23.4-13(c)(15): Conditional use standards for medical related uses

1. All such uses shall front a major thoroughfare.

Staff Analysis: The subject site, 2505 North Dixie Highway, fronts North Dixie Highway to the east. Dixie Highway is listed as one of the City's Major Thoroughfares. **Meets Criterion.**

2. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.

Staff Analysis: This criterion has been made a condition of approval in the event a medical office, health clinic, or urgent care use chooses to operate at the subject location. **Meets Criterion.**

3. Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.

Staff Analysis: This criterion has been made a condition of approval in the event a medical office, health clinic, or urgent care use chooses to operate at the subject location. **Meets Criterion.**

4. In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement.

Staff Analysis: The subject property is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. **Criterion not applicable.**

5. Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement.

Staff Analysis: The subject property does not have frontage along Lake Avenue or Lucerne Avenue. **Criterion not applicable.**

6. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.

Staff Analysis: This criterion has been made a condition of approval in the event a medical office, health clinic, or urgent care use chooses to operate at the subject location. **Meets Criterion.**

7. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.

Staff Analysis: This criterion has been made a condition of approval in the event a medical office, health clinic, or urgent care use chooses to operate at the subject location. **Meets Criterion.**

Section 23.4-13(c)(16): Conditional use standards for pharmacy/drug store uses

1. All such uses shall front a major thoroughfare.

Staff Analysis: The subject site, 2505 North Dixie Highway, fronts North Dixie Highway to the east. Dixie Highway is listed as one of the City's Major Thoroughfares. **Meets Criterion.**

2. Hours of operation shall be weekdays anytime between 7:00 a.m. to 10:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.

Staff Analysis: This criterion has been made a condition of approval for the existing pharmacy in the commercial plaza and for all future pharmacy or drug store uses that choose to operate at the subject location. **Meets Criterion.**

3. In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement.

Staff Analysis: The subject property is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. **Criterion not applicable.**

4. Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement.

Staff Analysis: The subject property does not have frontage along Lake Avenue or Lucerne Avenue. **Criterion not applicable.**

5. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.

Staff Analysis: This criterion has been made a condition of approval for the existing pharmacy in the commercial plaza and for all future pharmacy or drug store uses that operate at the subject location. **Meets Criterion.**

6. All services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.

Staff Analysis: This criterion has been made a condition of approval for the existing pharmacy in the commercial plaza and for all future pharmacy or drug store uses that operate at the subject location. **Meets Criterion.**

7. As a principal use, it cannot be located closer than one thousand (1,000) feet from another pharmacy/drug store.

Staff Analysis: This criterion has been made a condition of approval in the event that more than one pharmacy or drug store wishes to operate at the subject location. **Meets Criterion.**

8. In addition to the regulations and standards above (excluding subsection (7) above), a pharmacy can be approved as an accessory use with the following conditions:
 - a. In the DT zoning district, such use shall only be accessory to medical related uses (See section 23.4-13(c)15).
 - b. Such use shall be approved only as a conditional use.

- c. Such use may only be ten (10) percent or twenty-five hundred (2,500) square feet of the gross floor area of the principal use, whichever is less.
- d. Such use must be located entirely within the principal use.
- e. Such use shall not have a separate outside entrance from the principal use.
- f. The hours of operation shall be equal to or less than that of the principal use.
- g. Such use shall not be advertised or provided signage separate from the principal use.

Staff Analysis: The applicable sub-criteria from this criterion has been made conditions of approval in the event that a pharmacy or drug store chooses to operate as an accessory use to an approved use at the subject location.

Meets Criterion.

CONCLUSION:

The analysis has shown that the required findings can be made with respect to the Blanket Conditional Use Permit request. The uses as proposed are in harmony with the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff is recommending approval of the conditional use permit with conditions below:

Planning/Urban Design:

1. General Conditions of Approval:
 - a. Prior to the approval of a Lake Worth Beach business license for any of the uses listed on Page 1, the following actions shall be completed:
 - i. All liens and code case violations shall be remedied.
 - b. If any uses in the commercial plaza choose to sell packaged alcoholic beverages, the business shall obtain a Proximity Waiver for packaged sales of alcohol prior to the on-site retail sale of alcohol for off-premise consumption.
2. Conditions specifically for all single destination retail or single destination commercial uses:
 - a. Per LDR Section 23.4-19(c)(1), outdoor storage of merchandise for sale within the establishment located on the site shall be limited to the area located between the front façade and the public right-of-way and shall only be outside of the building during hours of operation.
 - b. That site shall comply with the City's noise regulations in Section 15.24-1.
 - c. Per LDR Section 23.4-13(c)(5), the outdoor display of more than three (3) individual items is strictly prohibited.
 - d. All display windows shall have engaging vignettes which shall be applied for through the building permit process. Additionally, all vacant commercial spaces shall have approved (via building permit) vignettes covering the windows until an active business is established in the space.
 - e. All sales transactions, except during city approved special events, shall take place within the building.
3. Conditions specifically for all medical related uses:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board.
 - b. In the event a medical related use is established at the subject site, sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.
 - c. Once established, a medical related use may not be expanded without conditional use approval regardless of increased size of use.
 - d. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the

additional services would constitute an expansion of use requiring an updated conditional use approval.

4. Conditions specifically for all pharmacy or drug store uses:
 - a. Hours of operation shall be weekdays anytime between 7:00 a.m. to 10:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.
 - b. Once established, a pharmacy or drug store use may not be expanded without conditional use approval regardless of increased size of use.
 - c. All services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
 - d. All pharmacies or drug stores that are established as a principal use cannot be located closer than one thousand (1,000) feet from another pharmacy/drug store.
 - e. A pharmacy can be approved as an accessory use with the following conditions:
 - i. Such use shall be approved only as a conditional use.
 - ii. Such use may only be ten (10) percent or twenty-five hundred (2,500) square feet of the gross floor area of the principal use, whichever is less.
 - iii. Such use must be located entirely within the principal use.
 - iv. Such use shall not have a separate outside entrance from the principal use.
 - v. The hours of operation shall be equal to or less than that of the principal use.
 - vi. Such use shall not be advertised or provided signage separate from the principal use.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 20-00500019 with staff recommended conditions for a **Blanket Conditional Use Permit** to allow the requested uses on Page 1 at 2505 North Dixie Highway. The application meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 20-00500019 for a **Blanket Conditional Use Permit** to allow the requested uses on Page 1 at 2505 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 for the Blanket Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.

ATTACHMENTS:

- A. Zoning Map
- B. Application Package
- C. List of requested conditional uses
- D. Site Photos