

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-00500001:** A conditional use permit request for a ±1,791 square foot medical office located at 16 South Dixie Highway. The subject property is zoned Downtown (DT) and has a Downtown Mixed-Use (DMU) future land use designation.

**Meeting Date:** March 6, 2024

**Property Owner:** Joelle Szerdi Gutierrez – LDG 16 S Dixie, LLC.

**Applicant:** Valerie Acosta, BS, RVT, RDMS – Lé Bump, Palm Beach

**Address:** 16 South Dixie Highway

**PCNs:** 38-43-44-21-15-017-0072

**Size:** 0.0679 Acre Lot / ±1,791 square foot use area

**General Location:** East of South Dixie Highway between Lake Avenue and 1<sup>st</sup> Avenue South

**Existing Land Use:** Office

**Future Land Use Designation:** Downtown Mixed-Use (MDU)

**Zoning District:** Downtown (DT)

**Location Map:**



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5-6 of this report.

## PROJECT DESCRIPTION

The applicant, Valerie Acosta, is requesting a **Conditional Use Permit (CUP)** to establish a medium-intensity (up to 7,500 square feet of use area) medical office use (outpatient clinic/medical office) in the Downtown (DT) zoning district. According to the applicant's justification statement, the medical office will provide ultrasound services. The subject property is located east of South Dixie Highway between Lake Avenue and 1st Avenue South.

## COMMUNITY OUTREACH

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

## BACKGROUND

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

**Construction:** The existing structure ( $\pm 1,476$  square feet) was constructed in 1947 with an addition ( $\pm 315$  square feet) in 1955.

**Use:** The property's current use is office space for an architecture firm and has an active business license. Staff has been informed that the firm will continue to occupy a portion of the  $\pm 1,791$  square foot space until the new tenant obtains an active business license.

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

## ANALYSIS

### *Consistency with the Comprehensive Plan and Strategic Plan*

The subject site has a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). The DMU FLU is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed-Use category because they would be detrimental to the shopping or office functions of the area. The proposed request is seeking to allow a medium-intensity medical office in the existing  $\pm 1,791$  square foot commercial building.

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

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

### *Consistency with the Land Development Regulations*

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

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

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

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

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

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

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

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

**Staff Analysis:** A ±1,476 square-foot structure was constructed in 1947. A ±315 square-foot addition was constructed in 1955. The existing site conditions do not conform to the current LDRs related to the building, landscaping, and parking. The front of the building is located on the property line with a zero setback. There is no existing landscaping located at the site. There are two parking spaces located in the rear. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address landscaping and parking insofar as feasible. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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

**Analysis:** Currently, per Public Works, the business is not being charged for any waste removal services. A condition is proposed for the applicant/property owner to coordinate with Public Works on refuse service and location.

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

**Staff Analysis:** Generally, when a request for a conditional use without increasing the existing building floor area is made, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking). However, since the conditional use being requested is medical office, additional supplemental regulations related to performance standards are reviewed. The site currently has two (2) total parking spaces. Per LDR Section 23.4-10(f)(B)(3), *Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.*

One (1) space per 250 gross square feet of space is required for medical offices. Therefore, a minimum of seven (7) spaces is required. The applicant states that the business will have a total of two (2) employees and patients will be seen by appointment only. A combination of two (2) existing parking spaces, on-street parking along Lake Avenue and S J Street, and parking secured by an informal agreement between the landlord and neighboring business to the north will provide sufficient parking. A condition is proposed requiring a formal parking agreement between the affected property owners. Additionally, a condition is proposed for the applicant to coordinate with the Building Division on the requirement of an ADA parking space. A minor site plan modification will be required if the Building Division determines that an ADA parking space is required.

**Signage:** Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements. Any changes to the existing monument/freestanding sign shall bring it into conformance with Section 23.5-1.

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

**Analysis:** The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. However, due to the location of the existing building, landscaping abutting the South Dixie Highway ROW is not feasible. South Dixie Highway is a major thoroughfare maintained by Florida Department of Transportation (FDOT). Additionally, landscaping in the rear is recommended but not required. Per LDR Section 23.6-1(a)(2), landscaping is required if: *"...on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley."* The vehicular use area is screened by a building to south and a wood fence to the north. Staff is recommending a hedge and/or foundation planting in the rear.

### **Findings for Granting Conditional Uses**

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

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

**Staff Analysis:** The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the DT zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

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

#### **Section 23.2-29.g) Additional requirements.**

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

### **Section 23.4-13 Administrative Uses and Conditional Uses**

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

**Staff Analysis:** Per LDR Section 23.4-13.c.(15), medical related uses are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval to limit hours of operation, provide sufficient parking, and satisfy minimum use areas.

## **CONCLUSION AND CONDITIONS**

The Downtown (DT) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Based on the data and analysis in this report and the supporting materials by the applicant, the requested medical office use is not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

### **Planning & Zoning, and Landscaping**

1. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15.,  
*Medical related uses:*
  - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m.
  - b. Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.



- c. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
2. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
3. The applicant/property owner shall coordinate with the Building Division on the requirement of an ADA parking space.
4. The applicant/property owner shall coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
5. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
8. A recorded parking agreement will be required and submitted to the Department of Community Sustainability within six (6) months of approval of the conditional use permit.
9. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
  - Peter Ringle (City of Lake Worth Beach - Building Official): Office Phone: 561-586-1786 | Email: [pringle@lakeworthbeachfl.gov](mailto:pringle@lakeworthbeachfl.gov)
  - Pamela Summers (PBC Fire Rescue): Office Phone: 561-616-7023 | Email: [psummers@pbcgov.org](mailto:psummers@pbcgov.org)
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance with Section 23.5-1.
11. Staff is recommending a hedge and/or foundation planting in the rear subject to LDR Section 23.6-1, Landscape regulations.

#### Electric Utility

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

#### BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500001 Conditional Use Permit for a medical office based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 24-00500001 Conditional Use Permit for a medical office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

#### ATTACHMENTS

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

### ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	<b>In compliance as conditioned</b>
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	<b>In compliance</b>
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	<b>In compliance</b>
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	<b>In compliance</b>
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	<b>In compliance</b>
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	<b>In compliance</b>
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	<b>In compliance</b>
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	<b>In compliance</b>

*demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.*

**ATTACHMENT B - Administrative Uses and Conditional Uses**

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