

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500012: A conditional use permit request for a ±31,500 square foot facility containing Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Meeting Date: August 2, 2023

Property Owner(s): SL BOUTWELL
 BUSINESS CENTER II LLC & SL BOUTWELL
 BUSINESS CENTER LLC

Applicant: Gateway Classic Cars

Address: 701 Boutwell Road

PCNs: 38-43-44-20-38-001-0000

Size: 18.5861 – Acre Lot / ±31,500 square
 feet use area in existing structure

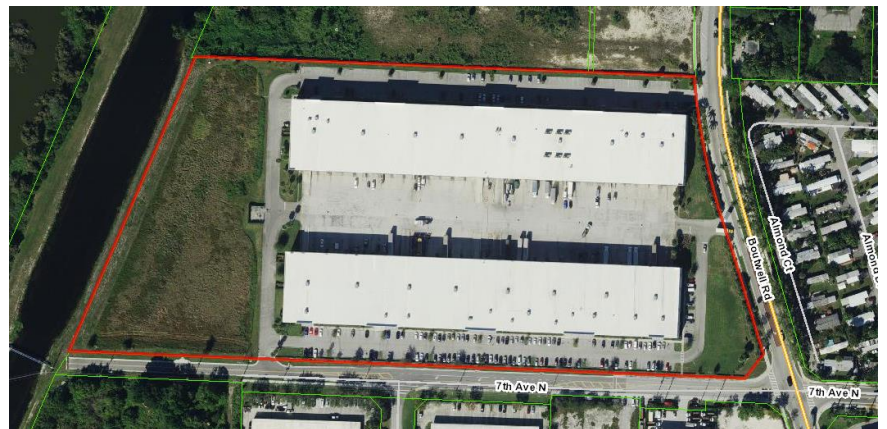
General Location: On the northwest
 corner of Boutwell Road and 7th Avenue
 North

Existing Land Use: Warehouse

Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of
 Commerce (I-POC)

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. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 of this report.

PROJECT DESCRIPTION

The applicant, Gateway Classic Cars, is requesting a **Conditional Use Permit (CUP)** to establish a high-intensity (use area greater than 7,500 square feet) Vehicle Broker and Indoor Storage facility in the Industrial Park of Commerce (I-POC) zoning district. According to the applicant's justification statement, Gateway Classic Cars is an online classic and exotic car sales company. The facilities are open to the public to view vehicles at their leisure between 9AM-5PM Monday-Saturday. However, 95% of sales occur online resulting in limited traffic volume. A total of five (5) employees are anticipated. No outdoor storage or display area is proposed. The subject property is located on the northwest corner of Boutwell Road and 7th Avenue North.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction/ Previous Approvals: There are two (2) buildings located on the subject site, which were constructed in 2016 per city records. The proposed business is located in the northern building. The northern and southern building are ±125,412 square feet each. City records indicate that the property owner has an active rental business license for the existing structure.

Use: The proposed use is proposed within Suite A which is currently vacant. The remaining bays are wholesale and distribution uses with active business licenses.

Code Compliance: City records indicate 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 Industrial. Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to add Vehicle Broker and Indoor Storage uses within an existing 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 Minor Vehicular Service and Repair use that will 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 request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Industrial Park of Commerce (I-POC)** zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for high-intensity (use area greater than 7,500 square feet) Vehicle Broker and Indoor Storage uses. Gateway Classic Cars is an online classic and exotic car sales company. The facilities are open to the public to view vehicles at their leisure between 9AM-5PM Monday-Saturday. However, 95% of sales occur online resulting in limited traffic volume. A total of five (5) employees are anticipated. The use will not operate as a conventional vehicle sales use with outdoor use/display areas and with a majority of transactions taking place on site. 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 (Boutwell Road). Therefore, no additional public expenditures are required to service the proposed use.

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

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

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

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

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

Staff Analysis: The structure on the property was constructed in 2016. It is staff's analysis that the property generally conforms to current zoning regulations except for the landscaping which will be discussed in another section of this report. Further, staff has proposed landscape conditions of approval that will reduce the nonconformities with the City's landscape code. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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: LDR Section 23.4-10 states that additional parking is not required for changes in use or occupancy or the remodeling of existing buildings which does not increase floor area or the number of existing dwelling units. Therefore, no additional parking is required. The existing site has ±250,824 square feet of multiple-use tenants. The site currently has approximately 300 parking spaces.

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.

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 site’s building permit was approved in 2015. It is staff’s analysis that the site has multiple missing, decayed, withered, and/or dead trees in the perimeter landscape and parking lot islands. Staff has added a condition of approval to replace missing and/or dead trees according to the landscape plan on file and replace any shrubs that are damaged or removed in order to plant the replacement trees.

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 I-POC 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. However, it was noted in the review that additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on a major collector (Boutwell 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. Staff has proposed landscaping conditions of approval to ensure compliance with the LDRs.

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.

CONCLUSION AND CONDITIONS

The **Industrial Park of Commerce (I-POC)** zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided below:

Planning & Zoning, and Landscaping

1. This approval only applies to this address (701 Boutwell Road) and will not constitute approval for any new location or suite. No outdoor storage use is permitted.
2. Should the volume of in-person sales be greater than five (5) percent, as anticipated, a new Conditional Use Permit (CUP) shall be required to review the use as vehicle sales.
3. Vehicular service and repair are not permitted.
4. Prior to the issuance of a business license, a landscape permit shall be issued to replace missing and/or dead trees according to the landscape plan on file and replace any shrubs that are damaged or removed in order to plant the replacement trees. All retention areas landscape shall also be adequately maintained. Plant substitutions with Florida native plant materials shall be reviewed by the City's Horticulturalist. All improvements shall be permitted and completed within six (6) of the issuance of this AUP approval.
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. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
9. 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.
10. Outdoor storage of materials, including the display of vehicles, is not part of this approval and not permitted on premises.
11. City dumpsters are required to be brought back into the bays on non-service days.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500012 Conditional Use Permit for Vehicle Broker and Indoor Storage uses 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 23-00500012 Conditional Use Permit for Vehicle Broker and Indoor Storage uses. 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. Application Package (survey/site plan, floor plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

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

6. *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.* **In compliance**

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.* **In compliance**

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.* **In compliance**