

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500011 & 23-01400016: A Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

Meeting Date: August 2, 2023

Property Owner: Malcolm Butters – BREF 7 Ave, LLC

Applicants: Shayne Broadnix/Bradley Miller – Urban Design Studio

Address: 1939 7th Avenue North

PCN: 38-43-44-21-02-020-0010

Size: 5.4347 Acre Lot/± 75,989 square foot industrial development under construction

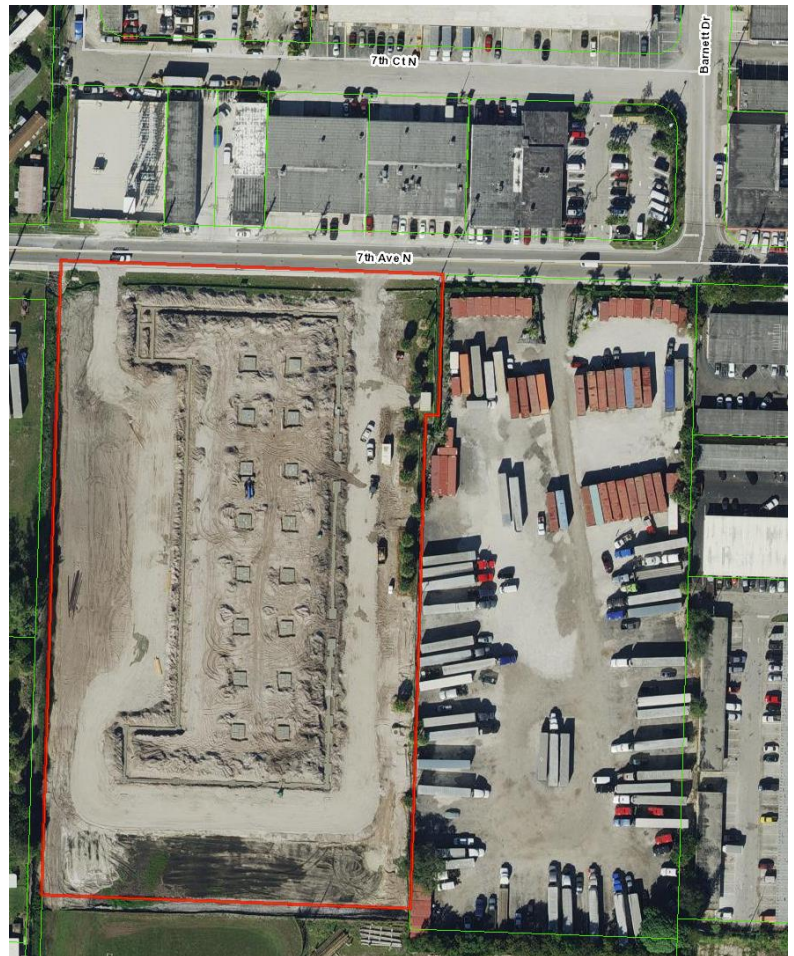
General Location: South of 7th Avenue North, approximately 700 feet east of Boutwell, and 1,200 feet west of I-95.

Existing Land Use: Industrial

Current 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. The proposed Major Site Plan Amendment and Conditional Use Permit (CUP) 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 6 and 7 of this report.

PROJECT DESCRIPTION

The applicants, Shayne Broadnix and Bradley Miller on behalf of Urban Design Studio, are requesting approval of the following at 1939 7th Avenue North:

- A **Major Site Plan Amendment** to revise the approved site plan to include an accessory outdoor use area (greater than 7,500 square feet)
- A **Conditional Use Permit (CUP)** for approval of a distribution facility (greater than 50,000 square feet)

The applicants are proposing a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area). According to the applicant's justification statement, the new tenant is a distributor of construction materials such as dry wall supply, metal studs framing, and acoustic ceiling tile. They are currently located in Boynton Beach and predominately serve Palm Beach County. They have other facilities in Broward and Dade County that serve those areas. Some of their materials are proposed to be stored outside on racks adjacent to the building. The anticipated hours of operation are 6:00 AM to 5:00 PM Monday thru Friday (Saturdays are occasional and determined by business volume). The delivery volume is predicted to be 4 to 6 daily inbound and 20 daily outbound. The business is anticipated to employ 40 people. The subject property is located south of 7th Avenue North, approximately 700 feet east of Boutwell, and 1,200 feet west of I-95.

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 City records:

On April 6, 2022, the Planning and Zoning Board (PZB) approved a Major Site Plan and a Blanket Conditional Use (PZB 21-01400001) request for multiple conditional uses for the development of a ±75,989 square foot industrial development at the subject property. The previously approved Blanket Conditional Use Permit (BCUP) includes conditions of approval that prohibit outdoor storage and require an additional Conditional Use Permit (CUP) if the use exceeds 50,000 square feet. Therefore, additional approvals are required to establish the distribution facility as proposed.

Building Permit 22-3039 was issued on December 12, 2022, for the new commercial building. Construction is currently ongoing at the property.

There are no active code cases for the subject 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 a distribution facility with an accessory outdoor storage use area to existing site.

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 distribution facility 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.*

Analysis: The applicant is requesting a Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility with an accessory outdoor storage use area. The new tenant is a distributor of construction materials such as dry wall supply, metal studs framing, and acoustic ceiling tile. The proposed ±33,100 square foot accessory outdoor use area will contain cantilevered racks that will be attached to the west wall of building. The cantilevered racks are used to store the metal stud framing. The remainder of the outdoor storage area is available for storage of other construction-related materials and vehicles associated with the business. Fencing will be installed to screen the outdoor use area. The analysis for both the Major Site Plan Amendment and Conditional Use Permit (CUP) is provided in the section below and is consistent with the review criteria located in Attachments A & B.

The table below shows the proposed site features and its compliance with the LDRs, as applicable:

Industrial Park of Commerce (I-POC) (LDR Section 23.3-24)				
Development Standard		Base Zoning District	Previously Approved Site Plan Proposed*	Proposed Site Plan Amendment (No Changes)
Min. Lot Size in square feet (sf)		13,000 sf.	234, 751 sf.	234, 751 sf.
Min. Lot Width		100 ft.	380 sf.	380 sf.
Setbacks	Front (North)	20 ft. min. - 32 ft. max.	25.2’ ft.	25.2’ ft.
	Rear (South)	20 ft min.	130 ft.	130 ft.
	Street Side (West)	20 ft.	78 ft.	78 ft.
	Interior Sides (East)	0 ft.	84.5’ ft.	84.5’ ft.
Max. Impermeable Surface Coverage		65%	64.67%	64.67%
Max. Structure Coverage		55%	35.33%	35.33%
Parking Spaces		76 spaces	77 spaces	77 spaces
Max. Building Height		30 ft.	30 ft ²	30 ft ²
Floor Area Ratio (FAR) Limitations		2.2	0.33	0.33

* Including two (2) site plan modifications (PZ 23-11400011; 22-01400045)

Section 23.4-4. – Fence regulations: Per LDR Section 23.4-4(g)(2): Any area in the industrial district used as open storage shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm. The above required fences or walls shall be at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. All screening material is subject to approval by the development review official or designee and shall be installed in a professional manner.

Analysis: A new 8-foot high opaque fence and gate is proposed on the north side of the accessory outdoor use area which is visible from 7th Avenue North. The east and south perimeter of the accessory outdoor use area will have 8-foot high chain-link fencing which is permitted for industrial uses since it is not located in the front yard and does not abut rights-of-way. An additional gate will be installed on the south side.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to “promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.” These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis: The only change to the previously approved site plan is the installation of new fencing associated with the accessory outdoor use area. In addition, racks will be attached to the west side of the structure to store material for the distribution facility. The accessory outdoor use area will not interfere with site circulation related to parking since the parking lot is located on the east side of the property with two-way drive aisles. Staff has included a condition of approval to relocate the refuse area since the fencing would interfere with its functionally.

Per LDR Section 23.4-19(b): *Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in stormwater runoff.* The entire accessory outdoor use area is being proposed on previously approved impervious areas. Also, the proposed fencing will satisfy the required screening from the right-of-way.

The proposed improvements to the site are supportive to the principal distribution use which was anticipated in the I-POC zoning district. The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Public (P)/Industrial (I)	Public (P)/ Industrial Park of Commerce (I-POC)	City Utility Substation/JM Enterprises & Warehouse with multiple tenants
South	Public (P)	Public (P)	City-owned property
East	Industrial (I)	Industrial Park of Commerce (I-POC)	Silva Storage
West	Industrial (I)	Industrial Park of Commerce (I-POC)	Stokes Mechanical

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing industrial area.

Community Appearance Criteria:

The proposed site improvements represent a minor change to the previously approved site plan. The proposed fencing is in harmony with the surrounding industrial area.

Conditional Use Findings (Attachment B)

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

On April 6, 2022, the Planning and Zoning Board (PZB) approved a Major Site Plan and a Blanket Conditional Use (PZB 21-01400001) request for multiple conditional uses for the development of a ± 75,989 square foot industrial development at the subject property. The previously approved Blanket Conditional Use Permit (BCUP) includes conditions of approval that prohibit outdoor storage and require an additional Conditional Use Permit (CUP) if the use exceeds 50,000 square feet. Therefore, additional approvals are required to establish the distribution facility as proposed.

The anticipated hours of operation are 6:00 AM to 5:00 PM Monday thru Friday (Saturdays are occasional and determined by business volume). The delivery volume is predicted to be 4 to 6 daily inbound and 20 daily outbound. The types of delivery vehicles will be Single Trailer 5-Axel Truck, Single Unit Straight Trucks 4-Axel, and Single Unit Flat Beds 2-Axel. The business is anticipated to employ 40 people. The conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the uses previously approved in the Blanket Conditional Use Permit (BCUP) on the property. The site is located on a collector roadway. The proposed associated site improvements will provide new screening for the accessory outdoor use area. Further, staff is proposing a condition of approval to mitigate concerns related to increased traffic volumes. The proposed distribution facility will serve Palm Beach County, as described, and will not function as a regional facility.

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. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report, the site plan amendment and use requested are not anticipated to negatively impact adjacent properties. Further, the proposed Major Site Plan Amendment and Conditional Use Permit (CUP) will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. All of the conditions of approval from PZB #22-01400001 still apply.
2. The site changes are limited to the installation of the new fencing and new racks attached to the structure as depicted on the site plan.
3. The Conditional Use Permit (CUP) is for a ±83,383 square foot distribution facility at 1939 7th Avenue North.
4. An accessory outdoor use (±33,100 square foot outdoor use area) included within the total use area of the distribution facility shall be permitted as depicted on the site plan.

5. The business shall not operate as a regional wholesale distribution facility. This type of facility requires a traffic study to document the impact on the roadway system and additional review and approval.
6. The opaque fence, not chain link, visible from 7th Avenue North shall be further reviewed at permitting for compliance with the City's fencing and outdoor use area regulations. However, the gates can be chain-link with a decorative mesh or vinyl, which may include an art and/or signage component.
7. Coordinate with Public Works on the relocation of the refuse area. The final location shall be depicted on the building permit and concurrent site plan modification.
8. The new fencing and gates shall not conflict with plant materials as depicted in the approved landscape plan.
9. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
10. 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.
11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
12. 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.
13. All uses shall comply with the use occupancy requirements as required by the Florida Building Code.
14. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Utilities (Water, Sewer & Stormwater)

1. Updated drainage calculations will be required if additional impervious areas are proposed.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project Numbers 23-00500011 & 23-01400016 for a Major Site Plan Amendment and Conditional Use Permit request to establish a ±83,383 square foot distribution facility distribution facility upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Numbers 23-00500011 & 23-01400016 for a Major Site Plan Amendment and Conditional Use Permit request to establish a ±83,383 square foot distribution facility distribution facility. 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 Major Site Plan Amendment and Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, & supporting documents)
- D. Previously Approved Site Plans

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) –Qualitative Development Standards	Analysis
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| <p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p> | In compliance |
| <p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, fertilizer friendly use regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.</p> | Not Applicable |
| <p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p> | In compliance |
| <p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p> | Not applicable |
| <p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p> | In compliance |
| <p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p> | In compliance |
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
| <p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p> | In compliance |

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.* **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** *Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 12. Refuse and service areas.** *Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 13. Protection of property values.** *The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.* **In compliance**
- 14. Transitional development.** *Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.* **In compliance**
- 15. Consideration of future development.** *In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.* **In compliance**

Section 23.2-31(l) – Community Appearance Criteria	Analysis
1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i>	In compliance
2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i>	In compliance
3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i>	In compliance
4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	In compliance

ATTACHMENT B - 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.	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 as conditioned
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 as conditioned
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 as conditioned
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. <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 demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	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**