

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500013: A conditional use permit request for a ±6,800 square foot Contractor Showroom at 1806 Madrid Avenue. 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: September 6, 2023

Property Owners: 1800 MADRID LLC

Project Manager: Mauricio Valle

Address: 1800 Madrid Avenue

PCN: 38-43-44-21-04-002-0011

Size: 1.9666-acre lot/36,516 sf. Existing Structure

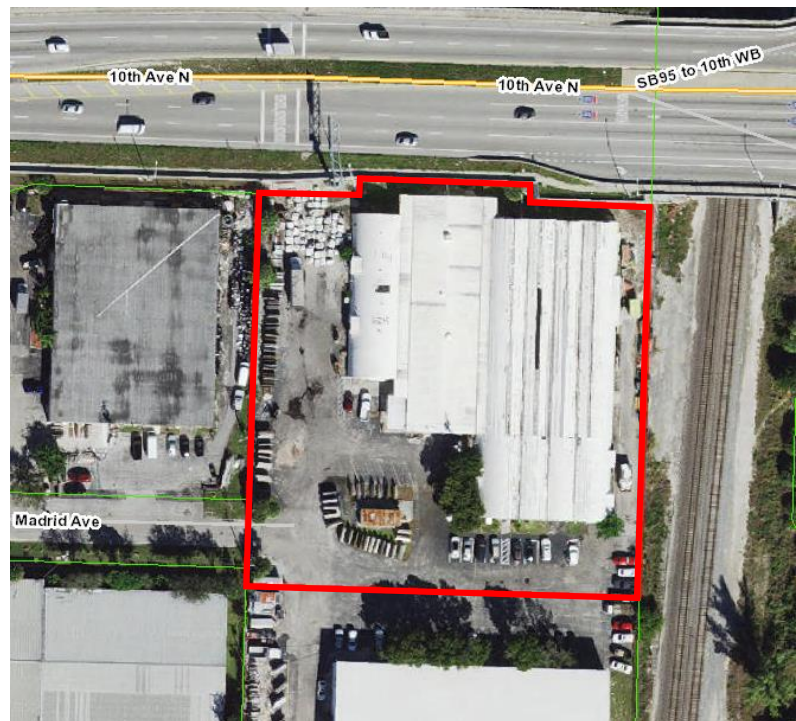
General Location: East of Madrid Avenue, west of the FEC railway, and south of 10th Avenue North

Existing Land Use: Light Manufacturing

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 Conditional Use request 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 page 5 of this report.

PROJECT DESCRIPTION

The project manager, Mauricio Valle on behalf of 1800 MADRID LLC, is requesting a Conditional Use Permit (CUP) to establish a ±6,800 square feet Contractor Showroom classified as a medium-intensity use (less than 7,500 square feet). The business, King of Kitchen and Granite, has an existing warehouse within the same building and is seeking to expand with a contractor showroom for cabinets and countertops. A total of three (3) employees are anticipated. The hours of operation between 9AM and 5 PM during weekdays, and 9AM to 2 PM on Saturdays. The property is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). If approved, the Conditional Use Permit (CUP) will allow a contractor showroom within the existing building which will be open for wholesale use and industry professionals.

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 property at 1803 Madrid Avenue was developed in 1954. The property contains one (1) building with ±36,516 square feet.

Use: The property's use is light manufacturing.

Code Compliance: There is an open lien (21-2492) for the subject property. The outstanding violations are related to fire safety issues that include corrections for electrical, fire extinguishers, fire sprinkler system, unpermitted work, damage to exterior walls, and installation of industrial equipment.

Staff has added conditions of approval to the subject Conditional Use Permit to ensure the open lien is resolved and any fines are paid prior to the licensing/renewal of the new business.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject sites have a Future Land Use (FLU) designation of Industrial (I). The I FLU 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 open a contractor showroom in the existing building with a use area of ±6,800 square feet.

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 Use will allow the establishment of a new contractor showroom that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use request 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 **Industrial Park of Commerce 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 to establish a new contractor showroom. The business, King of Kitchen and Granite, has an existing warehouse within the same building and is seeking to expand with a contractor showroom for cabinets and countertops. A total of three (3) employees are anticipated. The hours of operation between 9AM and 5 PM during weekdays, and 9AM to 2 PM on Saturdays. Outdoor storage is not permitted and shall be removed, as conditioned. 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 property has right-of-way access from Madrid Avenue which is a local road that only serves four (4) industrial properties. Therefore, no additional public expenditures are required to service the proposed use.

The analysis for the CUP is provided in the section below and is consistent with the review criteria located in Attachment A. The Department of Community Sustainability is also 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 by the development review official is provided on page 2 of this report, under Recommendation.

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 building on the property was constructed in the 1950s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

Per LDRs Section 23.4-10.f)2.A., Exceptions. *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: The request is for a conditional use without increasing the existing building floor area; therefore, additional parking spaces are not required. Based on the plans in the City's property file, it is difficult to determine the number of existing designated parking spaces. There appears to be 12 to 17 spaces on the property. In addition, the site should accommodate off-street loading spaces per LDR Section 23.4-9. Since there appears to be enough space on site for additional parking spaces and off-loading spaces, staff has included conditions of approval to require a minor site plan to further review their location and installation.

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. The site contains an abandoned pole sign which is prohibited by LDR Section 23.5-1(g). Therefore, staff has included a condition of approval to remove the pole sign.

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".*

Analysis: In 2021, a landscape plan was approved through building permit #21-4613. The approved improvements enhanced the landscaping to bring into compliance insofar as possible. Staff has added conditions of approval to require an on-site inspection to verify if the approved landscaping has been maintained. If any deficiencies are identified they shall be remedied with a landscape permit.

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 is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is anticipated in the Industrial – Park of Commerce (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.

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

Staff Analysis: The proposed conditional use 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. There is direct right-of-way access from the property to Madrid Avenue. The proposed use will not change/impact traffic circulation on the site.

Section 23.2-29.g) Additional requirements.

Staff Analysis: There is an open lien (21-2492) for the subject property. Staff has added conditions of approval to the subject Conditional Use Permit to ensure the open lien is resolved and any fines are paid prior to the licensing/renewal of the new business.

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: A contractor showroom use is are not subject to the additional standards in Section 23.4-13.

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. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Retail sales to the general public are not permitted. The contractor showroom is for wholesales and industry professionals only.
2. The Conditional Use Permit (CUP) is for ±6,800 square feet of the existing building at 1806 Madrid Avenue.
3. No outdoor storage or outdoor use is permitted as part of this approval. Any existing outdoor storage shall be removed.
4. An on-site visit shall be required to assess the condition of the landscape and the parking lot. If improvements are necessary, the required applications shall be submitted and deemed complete prior to the issuance of new City of Lake Worth Beach Business License.
5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, the open lien shall be resolved and any fines shall be paid.
6. Prior to the issuance of new City of Lake Worth Beach Business License, a minor site plan shall be submitted and deemed complete to address the following:
 - a. Install and document the location of parking and off-loading spaces.
 - b. Remove the pole sign, or incorporate the signage into the architecture of the building.
 Within one (1) year of the issuance of the development order, the improvements shall be permitted and all work completed by the applicant.
7. 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).
8. 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.
9. 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.

10. 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.
11. All uses shall comply with the use occupancy requirements as required by the Florida Building Code.
12. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500013 for a Conditional Use Permit 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 23-00500013 for a Conditional Use Permit. 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

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. <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, as conditioned**
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.* **Not applicable, new exterior lighting is not proposed**