

PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-00500013: A conditional use permit request for Precious Metals Reclaiming Service South, Inc. to operate a Medium-Intensity Single Destination Commercial Use at 23 South H Street. The property is zoned Transit Oriented Development East (TOD-E) and has a Transit Oriented Development (TOD) Future Land Use (FLU) designation.

Meeting Date: February 4, 2026

Property Owner: JTA1, LLC

Applicant: Jake Nyborn – Precious Metals Reclaiming Service South, Inc., also known as PMRS (tenant)

Address: 23 South H Street

PCNs: 38-43-44-21-15-013-0270

Size: 0.15 – acre Lot (6,750 sf) / ±3,000 square foot existing structure & use area

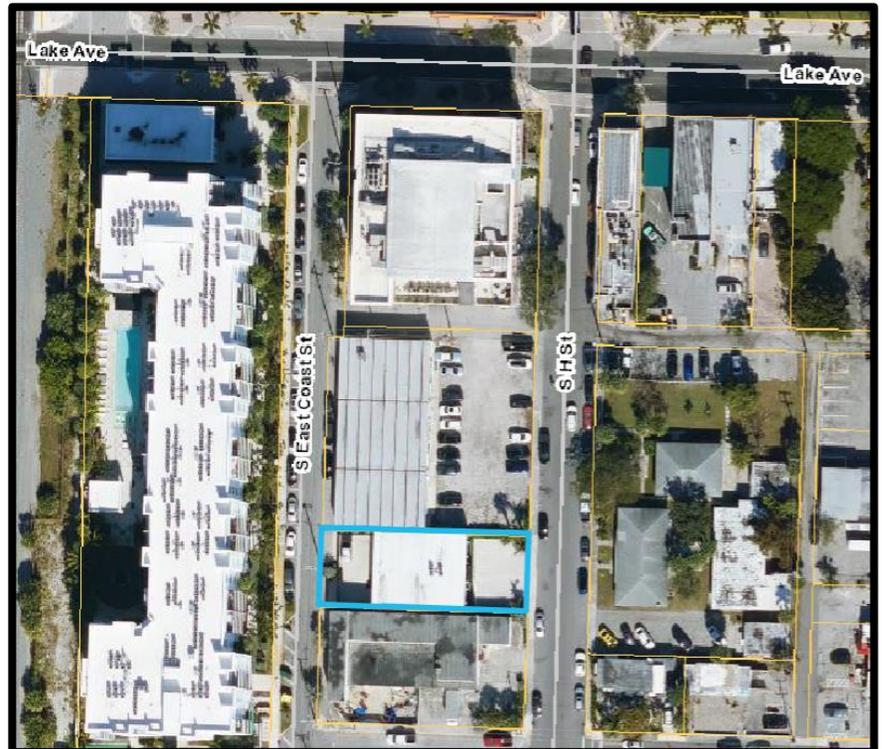
General Location: South of Lake Avenue between South East Coast Street and South H Street

Existing Land Use: Vacant Commercial Building

Current Future Land Use Designation: Transit Oriented Development (TOD)

Current Zoning District: Transit Oriented Development – East (TOD-E)

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 and 6 of this report.

PROJECT DESCRIPTION

The applicant, Jake Nyborn on behalf of Precious Metals Reclaiming Service South, Inc, is requesting a **Conditional Use Permit (CUP)** to establish a medium intensity single destination commercial Use in the Transit Oriented Development – East (TOD-E) zoning district. The subject site is located south of Lake Avenue between South East Coast Street and South H Street. According to the property appraiser, the subject site is an existing $\pm 3,000$ square foot building.

Prior to the proposed use, the site was occupied by two office tenants. The proposed business will operate at an intensity comparable to, or less than, a traditional office use, with a limited accessory retail component. The proposed business activities include the purchase and resale of precious metals, estate jewelry, gemstones, and electronic scrap, along with limited retail jewelry sales. Retail activity is minimal, consisting of approximately three (3) customers per day, all by appointment only, which limits walk-in traffic and on-site activity. The proposed hours of operation are Monday through Friday from 9:00 a.m. to 4:00 p.m., consistent with standard office hours. The majority of business operations are conducted online and through mail-based transactions, further reducing on-site customer presence and vehicular traffic. Deliveries are limited and infrequent, consisting primarily of shipments received via the United States Postal Service, UPS, and FedEx, with an average of approximately two (2) truck deliveries per month. The Lake Worth Beach location will be staffed solely by the three (3) business owners, resulting in minimal employee-generated traffic.

All precious metal processing and handling of larger items occur at a separate facility located in Massachusetts. As such, the proposed use is not anticipated to generate adverse impacts related to traffic, noise, parking demand, or service deliveries and is compatible in intensity with surrounding uses and the site's prior office use.

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 was constructed in 1975.

Use: The property's use consisted of commercial activities associated with two tenants. The proposed Conditional Use would authorize operation of the entire $\pm 3,000$ -square-foot building by the applicant.

Code Compliance: The property located at 23 South H Street has an active code case to obtain a business license and use and occupancy certification to conduct business in the City of Lake Worth Beach (Case #25-0846). The property owner is actively working with code enforcement to resolve the case. The applicant, PMRS, applied for a Zoning Use Confirmation Letter and was classified as a medium-intensity Single Destination Commercial use, which is permitted in the TOD-E zoning district subject to Conditional Use Permit (CUP) approval and compliance with LDR Section 23.4-13(c)(5). The subject site did not meet the minimum site area required for this use; therefore, the applicant was advised that a privately initiated Land Development Regulation amendment would be necessary. A complete amendment application was subsequently submitted and is discussed in detail in the sections below.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). The TOD FLU is intended to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The proposed request is seeking to add a medium intensity single destination commercial use in the existing ±3,000 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 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 for the establishment of a commercial use 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 requests, as conditioned, are 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 **Transit-Oriented Development – East (TOD-E)** zoning district *is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.*

Analysis: The applicant actively worked with City staff to address code compliance requirements associated with obtaining a business license and use and occupancy approval for the subject property. As part of this process, the applicant sought clarification of the proposed business use to determine compliance with the City's Land Development Regulations for their proposed use, single destination commercial.

PMRS applied for a Zoning Use Confirmation Letter on December 30, 2024; per the letter provided by City Staff on January 13, 2025, the business is classified as a medium-intensity Single Destination Commercial use. This use is permissible in the City's TOD-E zoning district, subject to Conditional Use Permit (CUP) approval and compliance with the development standards for single destination commercial uses provided in LDR Section 23.4-13(c)(5).

One of the supplemental standards provided in LDR Section 23.4-13(c)(5) requires single destination commercial uses to have a minimum site area of 10,000 square feet, and specifies that variances shall not be granted for the minimum site area requirement. The applicants' site at 23-25 South H Street has a total area of approximately 6,750 square feet, which would therefore exclude the site from single destination commercial use.

City staff met with the applicant on March 7, 2025, to further discuss the use classification and supplemental regulations. Following that meeting, the applicant provided a detailed description of the proposed business activities for PMRS, which include purchasing and resale of carat gold, dental gold, gold plate, carat silver, estate jewelry purchases; jewelry store sweeps; retail jewelry sales; gemstone purchase and sales; and e-scrap sampling, purchasing, and selling. Staff reviewed the updated business description and confirmed that the use was most appropriately classified as single destination commercial. Staff advised the applicant that they may apply for a privately initiated LDR amendment to lower the required minimum site area to better reflect the size of platted lots in the City.

A complete LDR amendment application was submitted in July 2025. Through staff review and public hearings, the applicant revised the proposal by withdrawing unsupported amendments, modifying others consistent with staff recommendations, and reaching a compromise on perimeter landscaping. The draft ordinance presented to the City Commission reflects these revisions. Ordinance 2025-13 was reviewed by the Planning and Zoning Board and the Historic Resources Preservation Board acting as the Local Planning Agency in September 2025, followed by first and second readings by the City Commission on October 7 and October 21, 2025, respectively. The ordinance became effective ten (10) days after adoption.

Further, pursuant to LDR Section 23.4-13(c)(5), single-destination commercial uses are required to provide a minimum of twenty-five (25) percent clear glazing and fenestration along street frontages, with clearly identifiable entrances. Display windows must include engaging, pedestrian-friendly vignettes, and the covering of display windows with posters, paper, advertisements, written signs, or similar materials is prohibited. The existing conditions of the building do not meet these standards; therefore, staff has added a condition of approval requiring the applicant to obtain building permits to install additional glazing to meet the minimum twenty-five (25) percent requirement and to provide an engaging, pedestrian-friendly window vignette.

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 1975. The existing site conditions do not conform to the current LDRs. 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. **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: The request is for conditional uses without increasing the existing building floor area, and as such additional parking is not required. The project will be providing nine (9) off-street parking spaces (four (4) proposed with access from South East Coast Street; five (5) proposed with access from South H Street). Under standard commercial parking requirements (one space per 250 square feet of use area), the proposed ±3,000-square-foot building would typically require twelve (12) parking spaces if it was a new construction. Given the existing nine (9) off-street spaces, availability of on-street parking, the appointment-only nature of the use, and no increase to the building's floor area, staff finds that the existing parking is sufficient, and no additional spaces are 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.

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 subject property is an existing nonconforming site that does not fully comply with the landscape requirements of LDR Section 23.6-1, Landscape Regulations, or the design guidelines for major thoroughfares set forth in LDR Section 23.2-31(j). The site lacks the minimum required landscape buffers, including the ten (10)-foot-deep landscape strip, due to existing site constraints such as extensive impervious surfaces necessary to accommodate the existing building footprint and vehicular parking areas. As a result, the property does not fully meet the intent of the current landscape regulations. However, staff conducted a site visit and confirmed that the limited permeable surface areas on the site include a variety of ground covers, established hedging, and trees, and that landscaping is provided to the greatest extent feasible given the existing conditions.

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 uses are anticipated uses in the TOD-E zoning district. The proposed uses 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, refuse, fire and police. No additional public expenditure is required to service the proposed use. The site is located on an arterial roadway, and as such traffic flow and movements related to the proposed uses are not anticipated to negatively impact the street greater than a use permitted by right. The proposed uses will not change the existing on-site traffic circulation. Staff has proposed a condition of approval requiring the installation of additional glazing and a pedestrian-friendly window vignette to ensure compliance with the supplemental standards for single-destination commercial uses.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is an active code compliance case for the subject property to obtain a business license and use and occupancy certification (Case #25-0846). The approval of the CUP application will address the code compliance case.

CONCLUSION AND CONDITIONS

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

Planning & Zoning, and Landscaping

1. The single destination commercial use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)5., *single destination commercial uses*:
 - a. Minimum site area: Six thousand five hundred (6,500).
 - b. Minimum lot width: Fifty (50).
 - c. Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. The Development Review Official or designee may adjust or waive the perimeter planting area requirement for those properties that lack sufficient space between existing buildings and the property line to provide the perimeter planting area. Site landscaping shall comply with adopted landscape regulations.
 - d. Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.
 - e. Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street.
 - f. Variances for minimum site area shall not be granted.
 - g. Establishments with use area equal to or greater than 2,500 square feet must front one of the city's major thoroughfares.
 - h. Outdoor display of more than three (3) individual items is strictly prohibited.
 - i. Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable.
 - j. Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs, and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.
 - k. All sales transactions, except during city approved special events, shall take place within the building.
 - l. Walk up sales windows shall be treated as a drive through facility and be regulated as such.
2. Prior to the issuance of new City of Lake Worth Beach Business Licenses, any code violations shall be resolved and applicable fees and fines shall be paid.
3. A building permit and concurrent site plan modification is required to install additional clear glazing to achieve a minimum of twenty-five (25) percent glazing along the street frontage, in compliance with LDR Section 23.4-13(c)(5). The applicant shall also provide engaging, pedestrian-friendly window vignettes consistent with the

Land Development Regulations. These applications shall be issued and the work shall be completed within six (6) months of the issuance of the development order.

4. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at PublicServicesPermit@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
5. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
6. 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.
7. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
8. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Building Division

1. If the parking lot is restriped, at least one (1) accessible parking space shall be provided in compliance with applicable accessibility standards.
2. Prior to approval of the change of occupancy, the building shall be provided with an accessible entrance and accessible restroom(s), as required by applicable codes.
3. This approval is subject to further review and comment upon submission of complete building permit documents and/or a change of occupancy application.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer has to show the location of the meter center and if they will make some changes at the meter center has to be shown on the site plan.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 25-00500013 Conditional Use Permit for a single destination commercial use 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 25-00500013 Conditional Use Permit for a single destination commercial use. 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. Conditional Use Standards
- C. Application Package (survey/site plan, floor plan, and supporting documents)
- D. Ordinance 2025-13

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**
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**

ATTACHMENT B - Conditional Use Standards

Sec. 23.4-13.(c)5. Single destination commercial uses	Analysis
1. <i>Minimum site area: Six thousand five hundred (6,500);</i>	In compliance
2. <i>Minimum lot width: Fifty (50);</i>	In compliance
3. <i>Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. The Development Review Official or designee may adjust or waive the perimeter planting area requirement for those properties that lack sufficient space between existing buildings and the property line to provide the perimeter planting area. Site landscaping shall comply with adopted landscape regulations;</i>	In compliance
4. <i>Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint;</i>	In compliance, as conditioned
5. <i>Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street;</i>	In compliance, as conditioned
6. <i>Variances for minimum site area shall not be granted;</i>	Not applicable
7. <i>Establishments with use area equal to or greater than 2,500 square feet must front one of the city's major thoroughfares;</i>	In compliance
8. <i>Outdoor display of more than three (3) individual items is strictly prohibited;</i>	In compliance, as conditioned
9. <i>Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable;</i>	In compliance conditioned
10. <i>Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs, and similar shall be strictly</i>	In compliance, as conditioned

prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating;

11. *All sales transactions, except during city approved special events, shall take place within the building;*
12. *Walk up sales windows shall be treated as a drive through facility and be regulated as such.*

**In compliance,
as conditioned**

Not applicable