

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-00500009:** A Conditional Use Permit (CUP) request by CA Precision at 1106 5<sup>th</sup> Avenue South for the establishment of a manufacturing facility for prototypes designated as Fabrication Services/Manufacturing/Processing/Assembly excluding retail display and sales use (less than 7,500 square feet) by LDR Section 23.3-6. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed Use (AMU).

**Meeting Date:** September 7, 2022

**Property Owner:** Last Mile Marwoth BH, LLC

**Applicant:** Ricardo Castro – CA Precision

**Address:** 1106 5<sup>th</sup> Avenue South

**PCNs:** 38-43-44-21-15-145-0172

**Size:** 0.37-acre lot / 6,600 square feet of existing structure (±750 square feet use area)

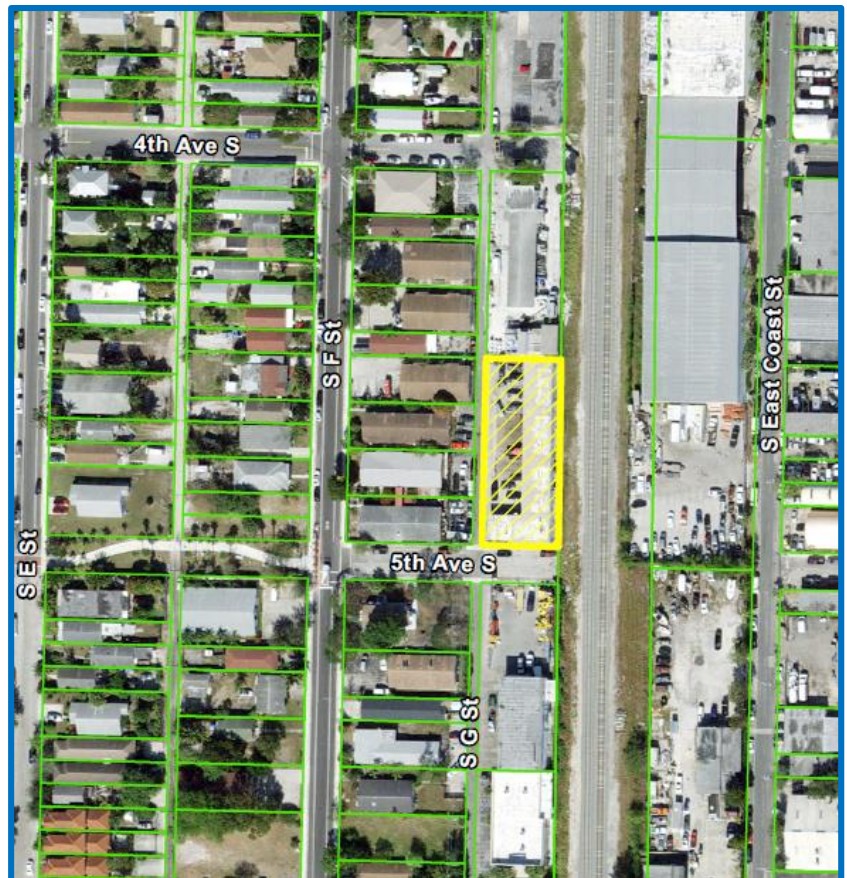
**General Location:** North of 5<sup>th</sup> Avenue South

**Existing Land Use:** Warehouse/Office

**Current Future Land Use Designation:**  
Artisanal Mixed Use (AMU)

**Zoning District:** Artisanal Industrial (AI)

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 Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5-6 of this report.

## PROJECT DESCRIPTION

The applicant, Ricardo Castro of CA Precision, is requesting a **Conditional Use Permit (CUP)** to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use ( $\pm 750$  square feet of use area) in the Artisanal Industrial (AI) zoning district located at 1106 5th Avenue South. The subject site is located North of 5<sup>th</sup> Avenue South. According to the property appraiser, the subject area is included in an existing  $\pm 6,600$  square foot warehouse building. The building is currently configured as warehouse/office space. No additional site improvements are being proposed with this application.

According to the applicant, CA Precision is a small-scale manufacturing company that will be manufacturing and processing prototype parts using computer numerical control equipment for one single client. The client, Republic Spine of Boca Raton, is a local medical equipment manufacturer. The parts that are developed will help the client with designing better parts for the medical devices industry. The use is not a retail-based business or operation and is not approved for the sale of the any product. The use will not be open to the public. The facility will operate Monday through Friday from 8:00 A.M. to 5 P.M., with a maximum number of two (2) employees. The applicant is requesting a factory or manufacturing use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries will be made by the owner to the client personally. No delivery vehicles will be utilized to and from the facility

*A fabrication services/manufacturing/processing/assembly excluding retail display and sales use is allowed in the AI zoning district subject to a Conditional Use Permit approval.*

## COMMUNITY OUTREACH

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

## BACKGROUND

**Construction:** 1106 5<sup>th</sup> Avenue North is within an existing building located within the Artisanal Industrial (AI) zoning district. According to the Palm Beach County Property Appraiser's Office, the structure was built around 1978.

**Use:** The property's use is warehouse/office. There appear to be several occupied bays not including the request by CA Precision. Ricardo Castro of CA Precision will be operating a fabrication services/manufacturing/processing/assembly excluding retail display and sales use at the site and does not have an active business license. The site does have an active landlord business license however, staff records indicate that the remaining occupied bays do not have active business licenses.

**Code Compliance:** There are no open code violations on the subject site. Staff has referred to the Code Compliance that there are bays occupied with no business license.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Artisanal Mixed Use (AMU). Per Policy 1.1.1.9, the Artisanal Mixed-Use land use category is intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The implementing zoning district is AI. The proposed use of fabrication services/manufacturing/processing/assembly excluding retail display and sales use is allowed in the AI zoning district as a Conditional Use. The proposal is associated with an existing ±6,600 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Artisanal Mixed-Use FLU.

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.B and IV.D of the Strategic Plan state that the City shall support sustainable development and attract new investment and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a medium to low intensity industrial use (fabrication services/manufacturing/processing/assembly excluding retail display and sales) that will contribute towards the City's support of new investment and contribution to the supply of jobs, the proposal is consistent with Pillar IV.B and Pillar IV.D.

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 City's Land Development Regulations

**The Artisanal Industrial (AI) zoning district** *is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial district implements the industrial land use category of the Lake Worth Comprehensive Plan.*

**Analysis:** The proposed fabrication services/manufacturing/processing/assembly excluding retail display and sales use requested is consistent with the intent of the AI zoning district as conditioned. However, during the conditional use review, staff analyzed the approved landscape/irrigation plan from 2000. The proposed plan identified at 5-foot-wide drainage area with turf block located at the west side of the site. The drainage area, at the time, was proposed to seep or percolate the ponding water through the compacted rock which was cut into the concrete section to minimize the ponding. The parking area is currently having drainage and stormwater ponding issues. Therefore, a condition of approval has been added to require the updated on-site stormwater improvements within one (1) year, or alternate improvements that meet current stormwater requirements as approved by the City Engineer. Should the improvements not be completed within the one (1) year timeframe, the property will be issued a code violation for non-compliance with the development order.

The analysis for the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

**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:** This existing development which was constructed in 1978 did not provide a landscape plan. However, in 2000, a landscape plan was submitted and reviewed by city staff. Although the 2000 landscape plan may have complied with the landscape code that was in place at the time, the current landscape has numerous deficiencies. Staff has provided landscape comments and conditions to remove invasive plants and plant native shrubs at the south end of the site that will bring the landscape closer to compliance with the landscape code. The landscape conditions will be applied at time of landscape permit application. Traditionally, staff has proposed landscape conditions to comply prior to business license issuance. However, staff understands the importance of opening in a timely manner and is coordinating with the applicant on complying with the landscape conditions. Should the improvements not be completed within the one (1) month timeframe of the development order, the property will be issued a code violation for non-compliance with the development order.

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 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 structure on the property completed construction in 1978. The building and site currently 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 as conditioned based on the following data and analysis:**

#### **Off-Street Parking**

**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 entire site area has a total of 17 parking spaces with one parking space designated as handicap space. The subject area will utilize the existing parking spaces at the south end of the site with access from the alleyway on the west side and to 5<sup>th</sup> Avenue North. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied. Therefore, the proposal does not

require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs.

### 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 harmony with the surrounding area. A fabrication services/manufacturing/processing/assembly excluding retail display and sales use is an anticipated use in the Artisanal Industrial (AI) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated 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. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

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

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

## **CONCLUSION AND CONDITIONS**

The Artisanal Industrial (AI) zoning district is intended to provide for the establishment and enlargement of office and industrial uses related to the arts without restriction on traffic generating characteristics. The artisanal industrial district is also intended to permit establishment of certain other uses which are compatible with artisanal 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.

The proposed *fabrication services/manufacturing/processing/assembly excluding retail display and sales* use is appropriate for this zoning district. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below:

### **Planning and Zoning:**

1. Retail sales is prohibited.
2. Outdoor storage is prohibited.
3. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.

4. 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).
5. 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.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1106 5<sup>th</sup> Avenue South, and will not constitute approval for any new location or unit.
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 the business or accessory outdoor storage.
8. The applicant and property owner shall coordinate with Public Works on the location of the refuse area.

#### **Landscaping:**

2. Prior to business license issuance, a landscape permit application shall be submitted and approved to address the following:
  1. Remove invasive tree from the landscape bed between units 2 and 3.
  2. Remove all trash, debris, and grill from the landscape bed adjacent to unit 4.
  3. Add two (2) cocoplum shrubs to the bed west of the door for unit 4 under the mail box.
  4. Add cocoplum shrubs to the bed west of the door to unit 1.
  5. Add cocoplum on the west side of unit 1 up to the electric service.
  6. Mulch all landscape beds.
3. Landscaping shall be installed and inspected within one month of the issuance of the development order.

#### **Utilities Water, Sewer & Stormwater:**

4. The previously approved stormwater management area shall be improved to reduce / minimize the ponding within twelve (12) months with application for these improvements to be submitted to the City within six (6) months. The drainage improvement should include an exfiltration trench with perforated pipe and drainage collection structures, or alternate improvement that meets current stormwater requirements in so far as feasible and as approved by the City Engineer.

#### **BOARD POTENTIAL MOTION:**

I move to **approve** PZB Project Number 22-00500009 with staff recommended conditions for a **Conditional Use Permit** request to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use in the Artisanal Industrial (AI) zoning district located at 1106 5<sup>th</sup> Avenue South 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** PZB Project Number 22-00500009 for a **Conditional Use Permit** request to establish a fabrication services/manufacturing/processing/assembly excluding retail display and sales use in the Artisanal Industrial (AI) zoning district located at 1106 5<sup>th</sup> Avenue South. 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. Findings for Conditional Uses
- B. Application Package (survey, site plan, landscape plan & supporting documents)

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



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**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	<b>In compliance</b>
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	<b>In compliance</b>