

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500008: A Conditional Use Permit (CUP) request for Sunbelt Rentals at 1800 Aragon Ave for the establishment of an equipment rental facility designated as an equipment rental and leasing use (high Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses) by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). The project is being processed concurrently with a minor site plan amendment to address new landscaping and accessory outdoor storage.

Meeting Date: October 19, 2022

Property Owner: Susan King, Marlesu, Inc.

Applicant: Joseph Hill, Sunbelt Rentals, Inc.

Project Manager: Josh Nichols, Schmidt Nichols

Address: 1800 Aragon Avenue

PCNs: 38-43-44-21-04-004-0010

Size: .98-acre lot / 12,000 square feet of existing structure

General Location: West of I-95 and north side of Aragon Avenue

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 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, Joseph Hill with Sunbelt Rentals, Inc., is requesting a **Conditional Use Permit (CUP)** to establish an equipment rental and leasing use ($\pm 12,000$ square feet of use area) in the Industrial Park of Commerce (I-POC) zoning district located at 1800 Aragon Avenue. The subject site is located West of I-95 on the north side of Aragon Avenue. The building is currently configured as warehouse/light manufacturing space.

The applicant is proposing to utilize the existing $\pm 12,000$ square foot structure for the purpose of opening a Sunbelt rental facility. This facility will support the company's flooring division and handles the rental of equipment to other businesses and delivers said equipment to the renter's place of business. The equipment consists of mainly commercial grade floor cleaners and polishers. The use is entirely enclosed and not open to the public. The use is not a retail-based business or operation and is not approved for the sale of any product. The facility will operate Monday through Friday from 7:00 A.M. to 5 P.M., with a maximum number of five (5) to eight (8) employees. The applicant is requesting an equipment rental and leasing use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries of product is generally two (2) times per month.

An *Equipment Rental and Leasing* use is allowed in the I-POC zoning district subject to a Conditional Use Permit approval. Additionally, the applicant is proposing a minor site plan amendment to address landscaping and outdoor storage.

COMMUNITY OUTREACH

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

BACKGROUND

Construction: According to the Palm Beach County Property Appraiser's Office, the $\pm 12,000$ square foot structure was built around 1973.

Use: The property's use is warehouse/light manufacturing. Sunbelt Rentals, Inc., will be operating an equipment rental and leasing use at the site and does not have an active business license.

Code Compliance: There are no open code violations on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). 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 use of Factory or Manufacturing use is allowed in the I-POC zoning

district as a Conditional Use. The proposal is associated with an existing ±12,000 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial 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.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 heavy intensity industrial use (Equipment Rental and Leasing 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 Permit request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Minor Site Plan Amendment

A concurrent minor site plan is being processed with this application to address landscaping and outdoor storage. The site plan will provide the location of the storage cages for propane tanks that will be utilized by the business for their equipment in the outdoor storage area. The site plan will also provide the location of parking/storage areas for a commercial vehicle and equipment on an improved surface as required by LDR Section 23.4-19.A.b).

Per LDR Section 23.4-19.A.b), Outdoor storage and open air-operations: *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 surface to reduce pollutants in stormwater runoff.* The applicant has submitted a landscape plan to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.4-19, *Outdoor storage and open-air operations*.

The applicant is proposing to store a 16-foot box truck with two trailers in the outdoor storage area. The type of commercial vehicle being stored is defined as a medium or heavy duty commercial vehicle: *vehicles that include any construction vehicle or equipment, other motor vehicles classified by the Federal Highway Administration as a class 3 or greater with a curb weight more than eight thousand (8,000) lbs., towed trailers regardless of size and weight, vehicles with an openly visible or an unconcealed load of equipment, cargo, tools, construction materials, mounted accessories that a reasonable person would associate with commercial activity. Such may vehicles may include the display of a business name, logo, address, telephone number, or business license number. Medium and heavy-duty vehicles or construction vehicles includes but is not limited to: commercial trailers (e.g. landscape trailers), tow trucks, service trucks, rental trucks, tracker trailers and construction vehicles or equipment, such as a bulldozer, backhoe, and vehicles with blades attached for plowing or grading.*

Staff is proposing conditions to ensure compliance with LDR Section 23.4-22, Parking, storing or keeping of commercial vehicles in non-residential districts related to the storage of the commercial vehicle, outdoor activity, restriction on the vehicle size, and screening.

Consistency with the City's 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 proposed Equipment Rental and Leasing use requested is consistent with the intent of the I-POC zoning district as conditioned.

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

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 existing condition of the landscaping does not comply with Section 23.6-1. Therefore, the applicant was required to submit a landscape plan with the use approval and minor site plan request. The proposed landscaping improvements for the overall site and existing structure generally are consistent with the City’s landscape code. The proposed project provides perimeter and interior landscaping and shade trees. Multiple trees such as Silver and Green Buttonwood trees will be added to replace missing or damaged trees and Cocoplum, Green Island Ficus and Virburnum will be added to fill in missing shrubs.

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 was built around 1973. The building and site presently 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:**

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 entire site area has a total of 21 parking spaces with one (1) handicap parking space and one (1) loading space (12' x 25') designated for the proposed use. 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, and 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. A summary of the findings are provided below with a review of the individual finding in the tables in Attachment A:

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. An equipment rental and leasing use is an anticipated use 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 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 Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses. 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.

The proposed *equipment rental and leasing* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use has additional state licensing requirements and security measures in place to mitigate any potential adverse impacts. 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. Outdoor parking, storage or keeping of commercial vehicles shall be permitted only in the I-POC industrial district on impervious approved surfaces. The outdoor parking, storage or keeping of these vehicles shall be considered an outdoor storage use and the requirements in section 23.4-19, outdoor storage, shall apply.
2. A minor site plan to address landscaping and outdoor storage shall be required.
3. No major vehicle repair work may be conducted on the premises.
4. There shall be no restriction on size other than the requirement that the vehicle shall not extend onto or over public property or abutting private properties.
5. All commercial vehicles in this category shall be effectively screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use.
6. All business activity shall be conducted within the enclosed structure.
7. 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.
8. 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).
9. 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.
10. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the equipment rental and leasing business.
11. 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.


Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to the issuance of a building permit, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.

Utilities, Water, and Sewer

1. Please provide the annual certification for all the back-flow devices on the property: six-inch DDCA on fire line, RPZ for potable water, and the irrigation device.

Building Division

1. Any proposed interior renovations will require applicable building permits.
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I move to **approve** PZB Project Number 22-00500008 with staff recommended conditions for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North 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 22-00500008 for a Conditional Use Permit request to establish a factory or manufacturing use in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North. 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, preliminary site plan and 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>	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. *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.* **In compliance**
4. *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.* **In compliance**
5. *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.* **In compliance**
6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

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>	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