

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500008 & 23-0050009: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for an existing industrial development at 1821 and 1841 7th Avenue North. The properties are zoned Industrial - Park of Commerce (I-POC) and have an Industrial (I) Future Land Use (FLU) designation.

Meeting Date: June 7, 2023

Property Owners: LAST MILE LWCC BH LLC & PEQ LWCC TM LLC

Project Manager: Shai Moschowits, Last Mile LWCC BH LLC

Address: 1821 and 1841 7th Avenue North

PCNs: 38-43-44-21-02-019-0020 and 38-43-44-21-02-019-0030

Size: 1821 7th Ave North (0.6887-acre lot/12,990 sf. Existing Structures)

1841 7th Ave North (0.5153-acre lot/8,045 sf. Existing Structures)

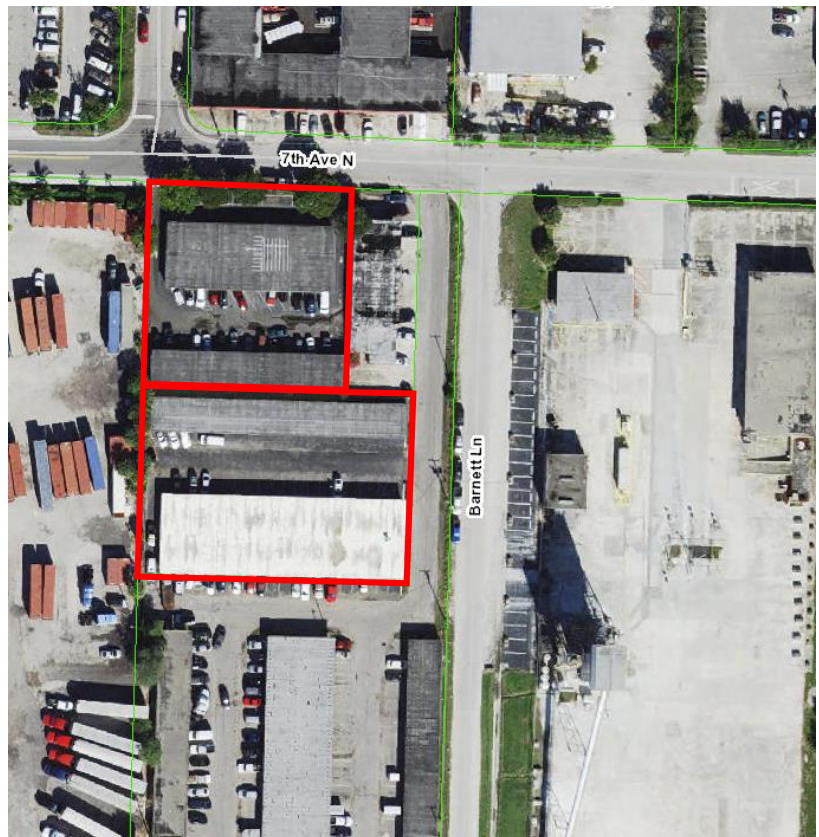
General Location: On the south side of 7th Avenue North, west of Barnett Lane

Existing Land Use: Warehouse/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 Blanket Conditional Use request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5, 6, and 7 of this report.

PROJECT DESCRIPTION

The project manager, Shai Moschowits on behalf of Last Mile LWCC BH LLC, is requesting a Blanket Conditional Use Permit (CUP) to allow for several uses less than 7,500 square feet that could occur within the approximately 21,035-sf of warehouse/industrial buildings with no outdoor use areas or storage, as follows:

- Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
- Manufacturing/processing/fabrication facilities (excludes recycling center)
- Printing Services
- Welding Repair Services
- Artisanal Manufacturing
- Wholesale and Distribution (excludes regional facilities)
- Contractor – Showroom
- Warehouse Facilities (excluding mini-warehouses)
- Kitchen/Millwork Design Studio
- Building and Construction Trades/Contractors manufacturing
- Contractors without outdoor storage
- Welding Contractors
- Storage—Indoor
- Research and Development, Scientific/Technological
- Artisanal Foods
- Artisan or Art Studio
- Arts and Crafts Studio

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 1821 7th Avenue North was developed in 1977, it contains two (2) buildings with a combined square footage of 12,990 square feet. The property at 1841 7th Avenue North was developed in 1975, it contains two (2) buildings with a combined square footage of 8,045 square feet.

Use: The property's use is warehouse/industrial.

Code Compliance: There are no active code cases associated with the properties at 1821 and 1841 7th Avenue North.

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 add multiple conditional uses to be allowed in the existing warehouse/industrial buildings with a combined square footage of 21,035.

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 Blanket Conditional Use will allow for the establishment of several low to medium-intensity uses 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 Blanket Conditional Use request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Industrial Park of Commerce 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 Blanket Conditional Use Permit to allow several low (use area less than 2,500 square feet and low intensity impact uses) to medium-intensity (use area less than 7,500 square feet and/or medium intensity impact uses) uses. A majority of the uses requested will have low impacts to the adjacent properties. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The buildings will be served by municipal services, including water, sewer, refuse, fire and police. The sites are located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use.

The property owner indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Staff recommended a Blanket CUP to minimize continued challenges with tenant occupancy. In addition, staff has conditioned the Blanket CUP to address non-conformities at the property through a minor site plan.

The Blanket CUP request will not capture vehicular uses and all of the industrial use classifications that may have adverse impacts or are generally not compatible in small-scale buildings and will require a separate review by the Planning and Zoning Board (PZB).

The analysis for the Blanket 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 buildings on the properties were constructed in the 1970s. 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 the conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. Staff has included conditions of approval that limit the use areas to 7,500 square feet. Uses with a greater area are required to apply for a separate Conditional Use Permit (CUP), reviewed by the Planning and Zoning Board.

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".*

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. Based on the landscape plans in City's property file, the existing landscape areas were originally approved with shrubs and trees that have been removed overtime. Staff has included conditions of approval that require replacement of plant materials through a landscape permit. In addition, it appears both properties do not have a screened refuse area. Staff has added conditions of approval to create an opaque screened refuse area in each property. In addition, chain-link fencing cannot be visible from the right-of-way. Staff has included conditions of approval to ensure the fencing is replaced in accordance with the LDR Section 23.4-4. These improvements will bring the property closer to compliance, in so far as possible.

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 uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Industrial – Park of Commerce (I-POC) 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 uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The buildings are already served by municipal services, including water, sewer, refuse, fire and police. The sites are located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the sites and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: There are no active code cases associated with the properties at 1821 and 1841 7th Avenue North.

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: Per LDR Section 23.4-13, manufacturing/processing/fabrication facilities are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval to ensure the uses are conducted indoors only, noise levels remain within the allowable threshold, and minimum use areas are satisfied.

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 uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed conditional uses will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The Blanket Conditional Use Permit (CUP) includes the following uses within the approximately 21,035 sf warehouse/industrial buildings subject to all applicable conditions of approval and business license approval, with each business not to exceed 7,500 sf in use area and no outdoor use areas or storage:
 - a. Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
 - b. Manufacturing/processing/fabrication facilities (excludes recycling center)

- c. Printing Services
 - d. Welding Repair Services
 - e. Storage Indoor
 - f. Artisanal Manufacturing
 - g. Wholesale and Distribution (excludes regional facilities)
 - h. Contractor – Showroom
 - i. Warehouse Facilities (excluding mini-warehouses)
 - j. Kitchen/Millwork Design Studio
 - k. Building and Construction Trades/Contractors manufacturing
 - l. Contractors without outdoor storage
 - m. Welding Contractors
 - n. Research and Development, Scientific/Technological
 - o. Artisanal Foods
 - p. Artisan or Art Studio
 - q. Arts and Crafts Studio
2. Businesses with a use area greater than 7,500 sf shall be subject to a separated Conditional Use Permit (CUP) review process.
 3. Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.
 4. No outdoor storage or outdoor use is permitted as part of this approval.
 5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, a minor site plan application with subsequent or concurrent building and landscape permits shall be required to address: the removal and/or replacement of the existing chain link fencing visible from the rights-of-way; the installation of an opaque refuse enclosure in each property; and, the addition of landscaping to match the landscape plans on file. Plant substitutions with Florida native plant materials shall be reviewed by the City's Horticulturalist. Required clearances from electric panels and meters shall be accounted. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
Within one (1) year of the issuance of the development order, the listed improvements shall be permitted and completed.
 6. Documentation that PBC Wellfield Permit affidavit of notification is required to be submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
 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 for each tenant space 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.

Utilities Water, Sewer, & Storm

1. Prior to the issuance of a business license, each business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.

Public Works

1. 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. The selected refuse location shall be depicted in the minor site plan and concurrent building permit. Solid Waste and Recycling Division contact number is 561-533-7344.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Numbers 23-00500008 and 23-00500009 for a Blanket 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 Numbers 23-00500008 and 23-00500009 for a Blanket 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 Blanket 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
- D. Property File Documentation

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.* **Not applicable**

ATTACHMENT B – Conditional Use Standards

Section 23.4-13(c)(7)(B) Manufacturing/Processing/Fabrication Facilities – Design and Performance Standards	Analysis
1. <i>Height: Maximum height of any industrial/manufacturing structure excluding office not to exceed thirty-five (35) feet including silos or building façades.</i>	In compliance
2. <i>Silos: The number of silos shall not exceed four (4) within the site area and shall be effectively screened.</i>	In compliance
3. <i>Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.</i>	Not applicable, outdoor storage and vehicle sales are not proposed
4. <i>All production and processing shall be restricted to an enclosed building.</i>	In compliance
5. <i>Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.</i>	In compliance
6. <i>Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.</i>	Not applicable
7. <i>Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.</i>	In compliance, as conditioned