

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500007: A conditional use permit request for The Guatemalan-Maya Center for a Social Service Center with accessory Medical Office (outpatient clinic/medical office use) up to ±9,952 square foot located at 1776 Lake Worth Road.

Meeting Date: June 7, 2023

Property Owner: 1776 Liberty House, LLC.

Applicant: Mariana Blanco – The Guatemalan-Maya Center, Inc. (tenant)

Address: 1776 Lake Worth Road

PCNs: 38-43-44-21-02-035-0091

Size: 0.5579 – acre Lot / ±9,952 square feet of an existing structure (current leasing area 6,291 sf)

General Location: East of Interstate-95, north side of Lake Worth Road

Existing Land Use: Vacant Office Building

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

Current Zoning District: Multi-Family Residential (MF-20)

Proposed Zoning District: Transit Oriented Development – East (TOD-E) per City-initiated Ord. 2023-11

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, Mariana Blanco on behalf of The Guatemalan-Maya Center (TGMC), is requesting a **Conditional Use Permit (CUP)** to establish a medium to high-intensity social service center with accessory medical office (outpatient clinic/medical office) in the Transit Oriented Development – East (TOD-E) zoning district. The subject site is located east of Interstate-95, north side of Lake Worth Road. According to the property appraiser, the subject site has an existing $\pm 9,952$ square foot vacant office building. The TGMC is leasing a 6,291 sf of the building. If approved, the subject CUP would allow for a use area up to 7,500 sf, as well as expansion at a later date to a use area of up to $\pm 9,952$ square foot without a subsequent CUP application.

The Guatemalan-Maya Center is a tax-exempt 501 (c)3 non-profit agency in Palm Beach County, Florida. The applicant is proposing to utilize the building to provide services with translation in multiple languages in the community and operate as case managers connecting them to resources. Per the applicant, the majority of the services are provided through four (4) major programs: Outreach & Family, ParentChild+, Food Distribution, and Pop-up Medical Clinic.

- Outreach & Family – Case management that includes referring families to legal services for wage theft, domestic violence, housing, immigration, etc.
- ParentChild+ - Assist families navigate literacy and fill out applications and serve as a bridge with city, state, or federal programs they are unable to resolve on their own.
- Food Distribution – Assist in targeting the food insecurity within the community. Most of the food is distributed through community leaders who assist the center in caring for our community members who are unable to come due to lack of transportation or hours of operation. Volunteers prepare boxes of food to be distributed. No pickups or food pantry-style delivery will be at the site.
- Pop-up Medical Clinic – The center is also a hub for health partners to offer services to the Lake Worth Beach community. While TGMC is not its own clinic, other clinic partners bring their physicians and tools in order to provide medical access to the community.

The proposed social service center with accessory medical office will allow the center to operate these programs. Generally, hours of operation will be from 8am-5pm with accessory medical office services provided monthly through 8pm on certain days. The center will be open Monday through Friday only. No additional outdoor site improvements are being proposed with this application. However, staff has proposed conditions of approval requiring landscaping improvements and a dumpster enclosure to be completed within one year of the approval.

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 1973. Per the survey provided, the existing building is $\pm 9,952$ square feet.

Use: The property's use is vacant office building.

Code Compliance: The property located at 1776 Lake Worth Road has an open lien through the City's code enforcement department originating from Palm Beach County Fire Department (Case #21-574). The property owner is actively working with code enforcement to resolve the case. The applicant, who is the tenant, has agreed to the conditions of approval to improve the property. The conditions approval will address the violations indicated above. Staff has also proposed a condition that all code violations are closed prior to the issuance of a business license.

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 social service use with accessory medical office to be allowed in the existing ±9,952 square foot vacant office 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.F and V.E of the Strategic Plan state that the City shall support and improve emergency preparedness to build resiliency and ensure recovery from natural and manmade disasters, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a proposed use that will provide support services to vulnerable resident, and foster inclusion the proposal is consistent with Pillar IV.F and Pillar V.E.

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: A City-initiated rezoning to Transit Oriented Development – East (TOD-E) through Ordinance 2023-11 is being concurrently processed. Therefore, the zoning analysis will be based upon the proposed zoning district. Staff has included a condition of approval that indicates the subject Conditional Use Permit is only valid if the rezoning is adopted. The applicant is requesting a Conditional Use Permit for a use area up to ±9,952 for the proposed social service center with accessory medical office use. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, Use Tables, a social service center is allowed as a medium-intensity use in the TOD-E zoning district subject to an Administrative Use Permit (AUP) approval. The use area for the social service center would be capped up to 7,500 square feet and would not be allowed to expand. However, staff is in the process of preparing a second round of Land Development Regulations (LDR) text amendments, which would include a modification to the Use Table (Section 23.3-6) to allow a high intensity (greater than 7,500 sf) social service center in limited zoning districts as a conditional use with PZB or HRPB approval. A condition of approval has been added to limit the social service center use area to 7,500 square feet unless a text change is adopted in the future to allow for the expansion of the social center use up to ±9,952 square feet.

The accessory medical office is subject to supplemental regulations in LDR Section 23.3-6. A medical office use requires a conditional use permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)15, *Medical related uses*. The use is consistent with the intent of the TOD-E zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A. The proposed accessory outpatient clinic/medical office use is also consistent with the additional supplemental regulations located in Attachment A.

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 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 1973. 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. Further, staff has proposed landscape conditions of approval that will reduce the nonconformities with the City's landscape code. **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 site currently has 38 total parking spaces including one (1) handicap space. Staffing levels will be up to 25 persons on site at various times between 8am-5pm. There appears to be adequate parking for staff and the public utilizing programs within the building.

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: A landscape plan was found in the City’s property records. The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with both the LDRs and Major Thoroughfare Design Guidelines. This will include landscaping along Lake Worth Road, screening for the refuse area, and additional screening of the vehicular use areas.

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. However, it was noted in the review that there is no existing screened refuse area on the property and additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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 expenditures are 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 landscaping conditions of approval to ensure adequate screening is provided of the vehicular use area and compliance with the LDRs and Major Thoroughfare Design Guidelines.

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. The applicant will address the code compliance subject prior to the issuance of a business license.

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 in the Lake Worth Road corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning, and Landscaping

1. This Conditional Use Permit shall be null and void if Ordinance 2023-11, which is proposed to rezone the property to TOD-E, is not adopted.
2. The social service center square footage shall not exceed a use area of up to 7,500 sf. Expansion of the use area beyond 7,500 sf is prohibited unless the Section 23.3-6 is amended to allow for a social service center greater than 7,500 sf in the TOD-E zoning district.
3. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board.
 - b. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
4. 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.
5. A building permit and concurrent site plan modification are required to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code in so far as feasible per LDR Section 23.6-1(c)(2) as follows:
 - a. Remove all of the unpermitted rock from the entire site and replace with applicable ground cover.
 - b. Remove the existing whitefly infested Ficus hedge adjacent to Lake Worth Rd and replace with native shrubs and groundcover.
 - c. Add native shrubs adjacent to the existing fence along the north and west property lines.
 - d. A minimum of 75% of the new plant material must be native to South Florida.
 - e. Add native trees and shrubs along the eastern property line.
 - f. Provide landscape screening around the new refuse enclosure.
 - g. These applications shall be issued and the work shall be completed within one (1) year of the subject CUP's approval.
6. Coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
7. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the accessory medical office.
9. 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.
10. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Electric Utility

1. If any electric work is performed and changes are requested to the electric services, please provide the following:
 - a. Before or at the time of application for a Building Permit, Developer must provide the Load Calculation, Voltage requirements, Riser diagram, and the locations of the riser and service meters.
 - b. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
 - c. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

Community Redevelopment Agency (CRA)

1. Any exterior improvements, alterations, new landscaping or signage must adhere to the Lake Worth Beach Major Thoroughfare Guidelines.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500007 Conditional Use Permit for a social service center with accessory medical office based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500007 Conditional Use Permit for social service center with accessory medical office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package (survey/site plan, floor plan, and supporting documents)

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. *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**

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	Not applicable
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned