

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500005: A Conditional Use request for the business “Interior Exterior Building Supply” at 1803 Madrid Ave for the establishment of a ±38,000 square foot distribution facility designated as a Wholesale and Distribution Facilities use 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).

Meeting Date: June 7, 2023

Property Owners: LAKE WORTH MADRID LLC

Project Manager: Pete Medina, Interior Exterior Building Supply (tenant)

Address: 1803 Madrid Avenue

PCN: 38-43-44-21-04-001-0010

Size: 2.0387-acre lot/38,000 sf. Existing Structure

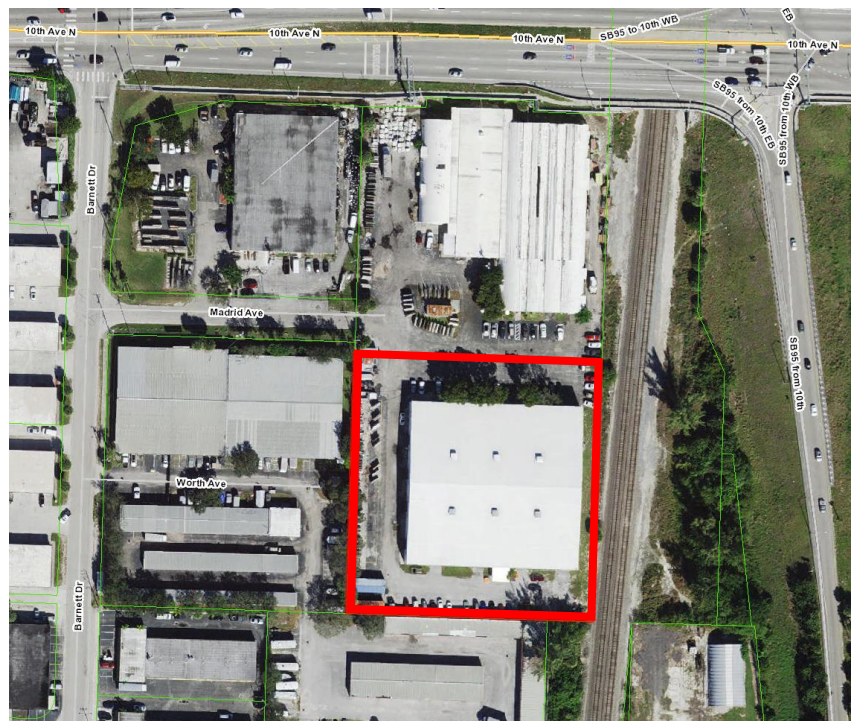
General Location: East of Madrid Avenue, west of the FEC railway, and south of 10th Avenue North

Existing Land Use: Light Manufacturing

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 request 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 project manager, Pete Medina on behalf of Interior Exterior Building Supply, is requesting a Conditional Use Permit (CUP) to establish a ±38,000 square feet distribution facility classified as a high-intensity Wholesale and Distribution Facilities use. The business, Interior Exterior Building Supply, is a wholesale distributor of building supply products (e.g. drywall, plaster, metal framing, fasteners and tools, insulation, and roofing). A total of sixteen (16) employees are anticipated, with hours of operation between 6AM and 5 PM. The business also has operations in Alabama, Louisiana, Mississippi, and Texas. The property is located east of Madrid Avenue, west of the FEC railway, and south of 10th Avenue North. The property is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I). If approved, the Conditional Use Permit (CUP) will allow Interior Exterior Building Supply to operate as a distribution facility.

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 1803 Madrid Avenue was developed in 1974 for Patten Company, a manufacturer of military life boats. Business License records show the Patten Company operations remained active until this year. The property contains one (1) building with ±38,000 square feet.

Use: The property's use is light manufacturing.

Code Compliance: There is an active code case (21-2069) for the property located at 1803 Madrid Avenue. Five separate violations were cited as summarized below:

- Sec. 12-18 Responsibility for keeping areas free of garbage, trash, etc. Remove all garbage, trash, and debris from entire property. (Active)
- Sec. 12-7 Dumpster requirements. Ensuring property owner complies with dumpster requirements. (Violation resolved).
- Sec. 14-32 Business License. Application for and obtain a City of Lake Worth Beach business license. (Active)
- Sec. 14-35 Use & Occupancy Certification. Lake Worth Madrid, LLC to address specified violations to obtain Use & Occupancy certification. (Active)
- Sec. 15-39 Abandoned Property. Storage of inoperable or unlicensed vehicles on the property is prohibited. (Active)

Staff has added conditions of approval to the subject Conditional Use Permit to ensure the code case is resolved prior to the licensing of the new business since it will help address the violations with subsequent improvements to the property (as conditioned), business licensing, and use and occupancy inspection.

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 open a new distribution facility in the existing building with a square footage of ±38,000.

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 the establishment of a new distribution facility 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 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 Conditional Use Permit to establish a new distribution facility. The business, Interior Exterior Building Supply, is a wholesale distributor of building supply products (e. g. drywall, plaster, metal framing, fasteners and tools, insulation, roofing, etc.) A total of sixteen (16) employees are anticipated, with hours of operation between 6AM and 5 PM. 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. There is no direct right-of-way access from the property, however, a permanent access easement from 2014, gives the property ingress and egress from the property to the north to access Madrid Avenue. The right-of-way, Madrid Avenue, is a local road that only serves four (4) industrial properties. Therefore, no additional public expenditures are required to service the proposed use.

The CUP request will not capture regional distribution, since a traffic study would need to be completed to assess the impact of the use. In addition, outdoor storage is not being requested. If desired in the future, it will be subject to additional review and approval to function as an accessory use to Interior Exterior Building Supply. Also, outdoor storage associated with other properties or businesses is not permitted and shall be removed.

The analysis for the 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 building on the property was 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 a conditional use without increasing the existing building floor area; therefore, additional parking spaces are not required. The property survey submitted by the applicant, shows there are approximately thirty-four (34) striped off-street parking spaces. Per LDR Section 23.4-9, the site should accommodate a minimum of three (3) off-street loading spaces. Since there appears to be enough space on site and off-loading spaces are needed to support the use, staff has included conditions of approval to require a minor site plan to further review their location and installation.

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. Staff has included conditions of approval that require enhanced landscaping along the east, west, and south property lines, existing landscape islands, and open spaces in accordance with the current landscape regulations. In addition, the creation of a screened refuse area will be required. Staff has added conditions of approval to create an opaque screened refuse area. It appears the parking areas have surface deterioration that needs to be addressed. Staff has included conditions of approval to ensure the parking areas are improved. Overall, 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 use is 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 use will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use 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. There is no direct right-of-way access from the property, however, a permanent access easement from 2014, gives the property ingress and egress from the property to the north to access Madrid Avenue. The tenant anticipates ten (10) daily trips with box trucks and semi-trucks. Deliveries will be jobsites across Palm Beach County. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not change/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: There is an active code case (21-2069) for the property located at 1803 Madrid Avenue. Staff has added conditions of approval to the subject Conditional Use Permit to ensure the code case is resolved prior to the licensing of the new business.

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: Wholesale and Distribution uses are not subject to the additional standards in Section 23.4-13.

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 use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use 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 Conditional Use Permit (CUP) is for approximately 38,000 sf of the existing building at 1803 Madrid Avenue.

2. The business shall not operate as a regional wholesale distribution facility. This type of facility requires a traffic study to document the impact on the roadway system and additional review and approval.
3. No outdoor storage or outdoor use is permitted as part of this approval. Any existing outdoor storage and unpermitted accessory structures shall be removed.
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. Prior to the issuance of new City of Lake Worth Beach Business Licenses, a minor site plan application shall be required to address the following:
 - a. Install a minimum of three (3) off-street loading spaces in accordance with LDR Section 23.4-9.
 - b. Enhanced landscaping shall be installed along the east, west, and south property lines, existing landscape islands, and open spaces in accordance with LDR Section 23.6-1.
 - c. Install a new screened refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
 - d. Resurface, replace, and/or repair the parking areas based on staff's assessment from a site visit. Within one (1) year of the issuance of the development order, the improvements shall be permitted and all work completed by the applicant.
6. 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).
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.
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 business.
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 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.

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 on 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 Number 23-00500005 for a 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 Number 23-00500005 for a 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 Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package

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
<i>1. 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
<i>2. 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
<i>3. 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
<i>4. 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
<i>1. 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
<i>2. 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
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>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.</i>	In compliance
<i>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.</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, as conditioned**
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, new exterior lighting is not proposed**