



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
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DATE: May 13, 2020
TO: Members of the Planning and Zoning Board
FROM: Andrew Meyer, Senior Community Planner
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability
MEETING: May 20, 2020

SUBJECT: **PZB Project Number 20-00500004**: Request by Juanique Chadinha Branca of Gentle Pet Crossing, LLC, for consideration of a Conditional Use Permit for a 1,800 square-foot low-intensity funeral home/crematory use at 409 South Dixie Highway, Bays 1 & 2. The project is located within the Mixed Use – Dixie Highway (MU-DH) zoning district. The subject property's PCN is 38-43-44-21-15-149-0210.

PROJECT DESCRIPTION:

The Applicant, Juanique Chadinha Branca of Gentle Pet Crossing, LLC is requesting approval of a Conditional Use Permit for a low intensity funeral home use. The subject property is a large size lot (12,830 square feet), located in the 400 block of South Dixie Highway. The site includes one building of approximately 5,400 square feet, and consists of 6 individual leasable bays and 18 parking spaces. The proposed use, Gentle Pet Crossing, LLC, is a pet animal funeral and cremation business that is proposing to move into bays 1 and 2 of the existing building. According to the Applicant, Gentle Pet Crossing, LLC provides the following services:

- Euthanize pets at the end-of-life
- Dissolve pet animal remains through an alkaline hydrolysis process
- Sell urns and pendants to contain dissolved pet animal remains
- Coordinate and host pet funeral services on site
- Meet and coordinate with families to make pet funeral arrangements
- Arrange the shipment of remains

Per the application submitted by the Applicant, the facility will occupy a total of 1,800 square feet, currently configured as office space. Currently, the space is configured as 4 offices with two restrooms and a kitchenette/break room. The Applicant states that the existing offices will be reconfigured into reception, a business office, a sanctuary for funerals, a private room to allow customers to spend final moments with a pet, and a water-based/zero-flame cremation center for animal remains. The applicant states that two employees will be working at the site, and that the facility will be open to the public for consultation and services between 9:00 A.M and 4:30 P.M. throughout the week, however employees may continue to work at the site after hours.

Staff analyzed the submitted application and had concerns regarding chemical storage and sewer impact. The building code has restrictions on the quantity of chemicals being used in the process, however the applicant has demonstrated that the amount being stored at 409 South Dixie Highway will be well below these levels. In addition, there were concerns about whether the chemicals being discharged into the sewer system would cause damage. As such, the application has been conditioned so that the applicant must apply for the West Palm Beach IPP program before being issued a business license.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use generally meets the criteria of the Comprehensive Plan and LDRs. Staff recommends that the Board review the application and the Code criteria outlined below in order to determine if the request is in compliance. Final approval shall be at the discretion of the Board.

PROPERTY DESCRIPTION:

Applicant	Juanique Chadinha Branca of Gentle Pet Crossing, LLC
Owner	Zabir Esmail
General Location	West side of South Dixie Highway between 4 th and 5 th Avenues South
Existing PCN Numbers	38-43-44-21-15-149-0210
Existing Land Use	Chiropractic Office, Insurance Agency, Vacant Commercial/Office
Zoning	Mixed Use – Dixie Highway
Future Land Use Designation	MU-E

LOCATION MAP**BACKGROUND/PROPOSAL:**

The subject property's main address is 409 South Dixie Highway, and is comprised of six separate leasable bays. Below is a timeline summary of the property's history based on a combination of Palm Beach Property Appraiser's records and City records:

- 1977 – The building was constructed as a +/-5,420 square foot structure.
- November 16, 1999 to September 30, 2018 – Nathanson Chiropractic (Chiropractic Office) held active business licenses at 409 South Dixie Highway.
- November 20, 2019 – The property was sold by Nathanson LLC to Tropical Point Plaza, Incorporated.
- March 17, 2020 – Metro Insurance Services Corporation (insurance office) was issued a business license to operate out of Bay 3
- As of April 30, 2020, no prior Planning & Zoning approvals have been enacted for this site

ANALYSIS:**Consistency with the Comprehensive Plan and Strategic Plan**

The subject application is located within the Mixed-Use East (MU-E) future land use designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses east of I-95 along major thoroughfares. The proposed use is located east of I-95 and is along the Dixie Highway thoroughfare, and would provide pet funeral and cremation services for the local area. In addition, as this is a new business and will create at least 2 jobs with the potential for more, the proposed application furthers the objectives of Pillars IV.A & D, which are to achieve economic stability through a stable tax base, and influence the supply of jobs. Therefore, the proposed pet funeral home is consistent with the following portions of the City of Lake Worth's Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City's Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Policy 1.1.2.1 of the City's Comprehensive Plan, Future Land Use Element:** High quality retail and office uses located within the Dixie Highway corridor.
- **Objective 1.6.1 of the City's Comprehensive Plan, Future Land Use Element:** To support the redevelopment of older urban area.
- **Pillar IV.A of the City's Strategic Plan:** Achieve economic and financial sustainability through a versatile and stable tax base.
- **Pillar IV.D of the City's Strategic Plan:** Influence the supply and expansion of jobs.

Consistency with the City's Land Development Regulations

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the code to review condition applications in accordance with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The subject building was constructed in 1977 as a 5,420 square foot office and retail structure, and today exists as it did when originally built with no additions or expansion. The building currently does not appear to conform to the current land development regulations, which subjects the site to the nonconformities section of the land development regulations. A search performed on May 11, 2020 indicated that there are no active code cases on the property. The proposed use would not expand any existing non-conformities and as conditioned would reduce non-conformities with the land development regulations. The proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

Parking: Code of Ordinances Section 23.4-10 provides an equation of 1 parking space per 50 square foot of area used for services. This section also provides a 25% reduction in required parking for mixed-use developments. There is approximately 500 square feet of funeral services area proposed as part of the business, and the business will be part as a mixed-use facility, so as a result, this use would use approximately 7.5 parking spaces. In addition, the remainder of the mixed-use facility is configured as office, and based upon parking calculations found within Section 23.4-10, would only require 6.75 parking space. Both the funeral home and adjacent office uses combined at the facility at 409 South Dixie Highway would require a total of approximately 15 parking spaces, and currently there are 18 parking spaces available on the site, including one ADA handicap space.

Landscaping: The site currently contains four trees amongst shrubbery, all of which is located around the parking lot in front of the building. The application and site were reviewed by city staff for current compliance with the landscape code. Upon visiting the site, staff observed some shrubbery which was dying or dead, and found the site to be out of conformance with the Major Thoroughfare Design Guidelines. As such, staff has provided conditions of approval which would require the replacement of dying or dead shrubs as well as the planting of two trees that will place the property into further conformance with the Major Thoroughfare Design Guidelines as well as Section 23.6-1.

Building/Pervious Surface: The building was constructed in 1977 prior to the current setback and pervious surface requirements. The 12,830 square foot lot consists of a 5,400 square foot building, and a parking lot with 18 spaces, that cover nearly the remainder of the lot. The building does not meet current setback regulations and the lot exceeds total impermeable lot coverage maximums (65% max lot coverage). The applicant is not proposing any alterations to the structure and the building appears to be in generally good condition. While no expansion or improvement of the structure is proposed at this time, any new expansion or improvements will be required to not increase or to decrease the site's nonconformities per the City's LDRs, including the Major Thoroughfare Design Guidelines.

Signage: Currently, one permanent sign exists on the property which reads 'Chiro Med Rehab" and was for the medical office use which previously operated at the site. This permanent sign will be removed as the business is no longer active at the site. There is also one temporary sign which is placed in the window and reads "Coming Soon: Insurance", presumably for Metro Insurance Services Corporation. There is no permit on file for the temporary sign and it appears to exceed the window signage maximum of 25%. In addition, two murals currently exist on the property; one at each end on the inside of terminating walls. Review of historical imagery shows that these murals existed prior to 2007, and a review of city records found no approval on file for the murals. As such, conditions were added which will require the property to remove or obtain a permit for the signs and murals which currently do not have a permit. The applicant will be required to permit all new signage in accordance with the regulations outlined in LDR Section 23.5-1, Signs.

Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and was found to generally be in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

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.

Staff Analysis: The site contains a zoning designation of MU-DH. The applicant states that human-based crematories have existed in the area in the past, and the applicant believes they do not see a reason why they would not be able to have a pet crematory within the general vicinity. While the historical existence of crematories is not a justification that a use should continue in the vicinity, this crematory and funeral home use appears to be low-impact and does not involve human remains. Further, this use appears to be consistent with the types of personal service uses anticipated to occur within the MU-DH district. To ensure the proposed use remains in harmony the purpose of the FLU and zoning district, a condition was drafted to require that if the scope or scale of the business change, a new conditional use would be required. As such, the proposed funeral home is a use that appears to be compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

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.

Staff Analysis: The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU-E	MU-DH	Professional Office
South (adjacent)	MU-E	MU-DH	Medical Office
East (across S Dixie Hwy)	MU-E	MU-DH	Shopping Plaza (Stores, Restaurants, Offices, Salon, Pharmacy)
West (across the alley)	Artisanal Mixed Use (AMU)	Artisanal Industrial (AI)	Auto Repair

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial, office, and residential uses. The properties to the north, south, and east across South Dixie Highway have a future land use designation of MU-E and a zoning designation of MU-DH. To the west of the site, across the alley, are vehicle repair uses. The lots have a future land use designating of AMU and a zoning designation of AI. The personal service use of a funeral home is generally in harmony with the existing mixture of commercial and residential uses in the immediate area. **Meets Criterion.**

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 Property for some use permitted by right or some other conditional use permitted on the Property.

Staff Analysis: The Applicant states that the Conditional Use request at 409 South Dixie Highway will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the MU-DH zoning district. The applicant states that the animal remains cremation processes used at the proposed business emits no air pollutants nor does it generate noise in excess of that of a household vacuum cleaner. **Meets Criterion.**

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.

Staff Analysis: The Conditional Use request to allow a funeral home on this site will not result in a more intensive development in advance of the Future Land Use Element of the City's Comprehensive Plan. As mentioned, the MU-E land use designation is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed use is a personal service use, and per the City's Use Table in LDR Section 23.3-6, it is an anticipated use in the MU-DH zoning district. **Meets Criterion.**

Section 23.2-29(e): Specific standards for all conditional uses

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.

Staff Analysis: The proposed 1,800 square foot space was previously used as part of a medical office use, which at 1,800 square feet, generated an estimated 57 trips per day. A funeral home will most likely generate similar traffic rates to a place of worship (e.g. a Synagogue), or an office, which is estimated to generate approximately an average of 19 trips per day. Other permitted uses permitted by right, such as an automobile parts retail store, generate 143 trips per day for a space of the same size. Overall based on the Trip Generation Table, both a place of worship and an office are likely to have less daily trips than other uses allowed in the MU-DH zoning district and will likely have less than the previous medical office use. **Meets Criterion.**

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.

Staff Analysis: This use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The Dixie Highway corridor is intended for the establishment of office, commercial, and high-density residential uses. Therefore, the traffic generated from the proposed business will be generally consistent with adjacent commercial uses as well as the anticipated uses in this area. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

Staff Response:

The applicant has stated that the method of cremation employed on-site uses no flames and generates no greenhouse gas emissions, and has 1/10th the carbon footprint of that of traditional flame-based cremation methods. As such, the proposed conditional use is not anticipated to produce significant air pollution emissions.

Meets Criterion.

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.

Staff Analysis: Being an anticipated use in the MU-DH zoning district, the proposed funeral home at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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.

Staff Analysis: The applicant has stated that the cremation of animal remains will take place on the site though a hydrolysis process. The applicant states that the hydrolysis process will use 95% water and 5% of an alkali composed of sodium hydroxide and potassium hydroxide, and will be conducted inside of a "PET400" machine. The cremated remains are separated from the water/alkali mixture and the mixture is deposited into the sewer system. The applicant states that this process generates no greenhouse gas emissions, is cleaner than and has 1/10th the carbon footprint of that of traditional flame-based cremation methods, destroys euthanasia chemicals, and sterilizes all pathogens.

The City's Water Utilities staff reviewed the proposed application and provided the following comment: In order to mitigate any impacts the waste being discharged into the sewer system may cause, the applicant shall, in addition to providing other site-specific upgrades, discharge the waste into a separate drain with a grease interceptor before being discharged into the general sewer system. In addition, the applicant shall apply for an industrial pretreatment permit from the IPP program with West Palm Beach utilities. West Palm Beach utilities will make the determination whether an industrial pretreatment permit is warranted for the business. These requirements and others relating to the treatment and maintenance of discharge have been incorporated into the proposed Conditions of Approval.

Overall, with the conditions outlined in the Conditions of Approval, this use is not anticipated to require either extension nor enlargement or 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. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: The storage of both sodium hydroxide and potassium hydroxide are restricted without specialized containment. The maximum allowed storage of sodium hydroxide is 5,000 pounds, and the maximum allowed storage of potassium hydroxide is 500 pounds. The applicant states that they anticipate using 40 pounds of chemicals per week, and will have approximately three to four weeks of chemicals stored at any given time at the facility, which comes out to approximately 120 to 160 pounds, well under the combined threshold of 5,500 pounds. The applicant has also stated that, operating under full capacity in the future, they envision keeping on-hand 300 to 500 pounds of chemicals, still well under the combined threshold of 5,500 pounds. A staff condition addressing maximum storage thresholds has been added to the Conditions of Approval should the business need to store more than the threshold allowed without specialized containment. As conditioned, this use should not place a demand on municipal police or fire protection services beyond service capacity. **Meets Criterion.**

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.

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The Applicant states that the pet funeral home will not cause noise in excess of what is permitted by Code, stating that the only machines that create noise do so at a level similar to that of a household vacuum cleaner. Pet funeral services will be conducted indoors and there will be no parties, loud music or other activities to cause unreasonable noise. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The Applicant has not proposed additional lighting on the site, and states that the proposed use of a funeral home will not generate light or glare that would negatively impact the surrounding properties. The Applicant also states that the business will remain in compliance with LDR Section 23.4-3 in regards to exterior lighting. **Meets Criterion.**

Public Support/Opposition

Staff has not received any letters of support or opposition.

CONCLUSION:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use generally meets the criteria of the Comprehensive Plan and LDRs. The analysis has shown that the required findings can be made with respect to the Conditional Use Permit request. The use as proposed is in harmony with the underlying zoning district and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff **recommends approval with the conditions listed below:**

Building:

1. The quantity of sodium hydroxide on the site at any given time may not exceed 5000lbs.
2. The quantity of potassium hydroxide on the site at any given time may not exceed 500lbs.

Planning:

1. Prior to the issuance of a business license for the funeral home use, the property owner shall obtain a City of Lake Worth Beach commercial rental license.
2. Prior to the issuance of a business license, two existing murals on the north and south ends of the building must either receive Planning & Zoning Board approval and obtain a City of Lake Worth Beach building permit or be removed.
3. Prior to the issuance of a business license, any unpermitted temporary signs must either obtain a City of Lake Worth Beach building permit or be removed.
4. Prior to the approval of a Lake Worth Beach business license, the building shall receive an approved use and occupancy inspection which shall comply with all standards for a formal change of use and occupancy.
5. Shall any expansions of use be proposed, including but not limited to human cremation, expansion of occupied square footage, and/or an addition, change, and/or increase of chemicals, the use shall go through a new Conditional Use review.
6. Per LDR Section 23.2-21, work, such as fences/walls, shall be applied for on a building permit and are subject to the regulations set forth in LDR Section 23.4-4.
7. Per LDR Section 23.5-1(b), all signage shall be applied for on a building permit and are subject to the regulations set forth in LDR Section 23.5-1.
8. Per Section 15-24.2, no person shall make, continue or cause to be made any unreasonable noise or disturbing noise (defined in Section 15-24.2).

Landscaping:

1. Prior to the issuance of a business license, all dead and/or dying shrubs around parking area shall be replaced as per Code Section 23.6-1 (d)(1)(c).

2. Prior to the issuance of a business license, plant 2 Green Buttonwood trees adjacent to Dixie Hwy per the Tree Palette listed on page 88 of the Major Thoroughfare Design Guidelines and Code section 23.6-1(d)(1)(c).

Utilities, Water and Sewer:

1. Prior to the issuance of a business license, the applicant shall apply for an industrial pretreatment Permit from the IPP program with West Palm Beach utilities. <https://wpb.org/utilities/ipp-industrial-pretreatment/>
2. Prior to the issuance of a business license, the waste “white” water drained from the alkaline hydrolysis process shall discharge to a separate drain lateral that will require a grease inceptor. This line must be independent from sink and toilet drains before its discharged through the grease inceptor, after the inceptor it can tie back into a sanitary lateral.
3. Prior to the issuance of a business license, the water service line must have an reduced pressure zone (RPZ) backflow preventer following the meter.
4. Prior to the issuance of a business license, a cleanout for access to clear blockages must be present on the sewer lateral at the property line.

POTENTIAL MOTION:

I MOVE TO APPROVE/DISAPPROVE PZB PROJECT NUMBER 20-00500004: Request for a **Conditional Use Permit** to allow for a low-intensity funeral home use at 409 South Dixie Highway, with the conditions recommended by staff included in Attachment C.

Attachments:

- A. Zoning Map
- B. Application Package
- C. Site Photos