



DATE: April 1, 2021
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: April 7, 2021

SUBJECT: **PZB Project Number 21-00500002**: Request by Les Akers of Wayne Akers Ford for consideration of a Conditional Use to establish a +/- 17,385 square feet truck rental use at 2000 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCNs are 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010.

PROJECT DESCRIPTION:

The Applicant, Les Akers of Wayne Akers Ford is requesting approval of a conditional use to allow a truck rental business at the subject property. The site, 2000 10th Avenue North, is currently a used car and auto repair center for Wayne Akers Ford. The truck rental business will be occupying existing parking spaces which were formerly set aside for the use of the used auto sales business currently on the site, with the truck rental business operating alongside the used car and auto repair businesses on-site. No site modifications are proposed as part of this request.

The truck rental business will operate 7:30 A.M. to 5:30 P.M., Monday through Saturday, and 8:30 A.M. to 12:00 P.M. on Sundays, and will employ 6-7 people. The rental trucks are purchased new from the Ford Motor Company. The truck rental business will have approximately 78 rental trucks in inventory, and include pickup trucks, transit/cargo vans, box trucks, and 2-ton dump trucks. While there are approximately 78 trucks in the rental truck inventory, only 24-32 trucks will be stored on site at any given time, as 60-70% of the inventory is actively being rented and is in use by customers off-site. Once a truck has been rented out for one to two years, it is then sold to Wayne Akers Ford, the existing used auto sales use on-site, where it is relocated to the used auto sales storage area and sold to customers.

Staff Recommendation:

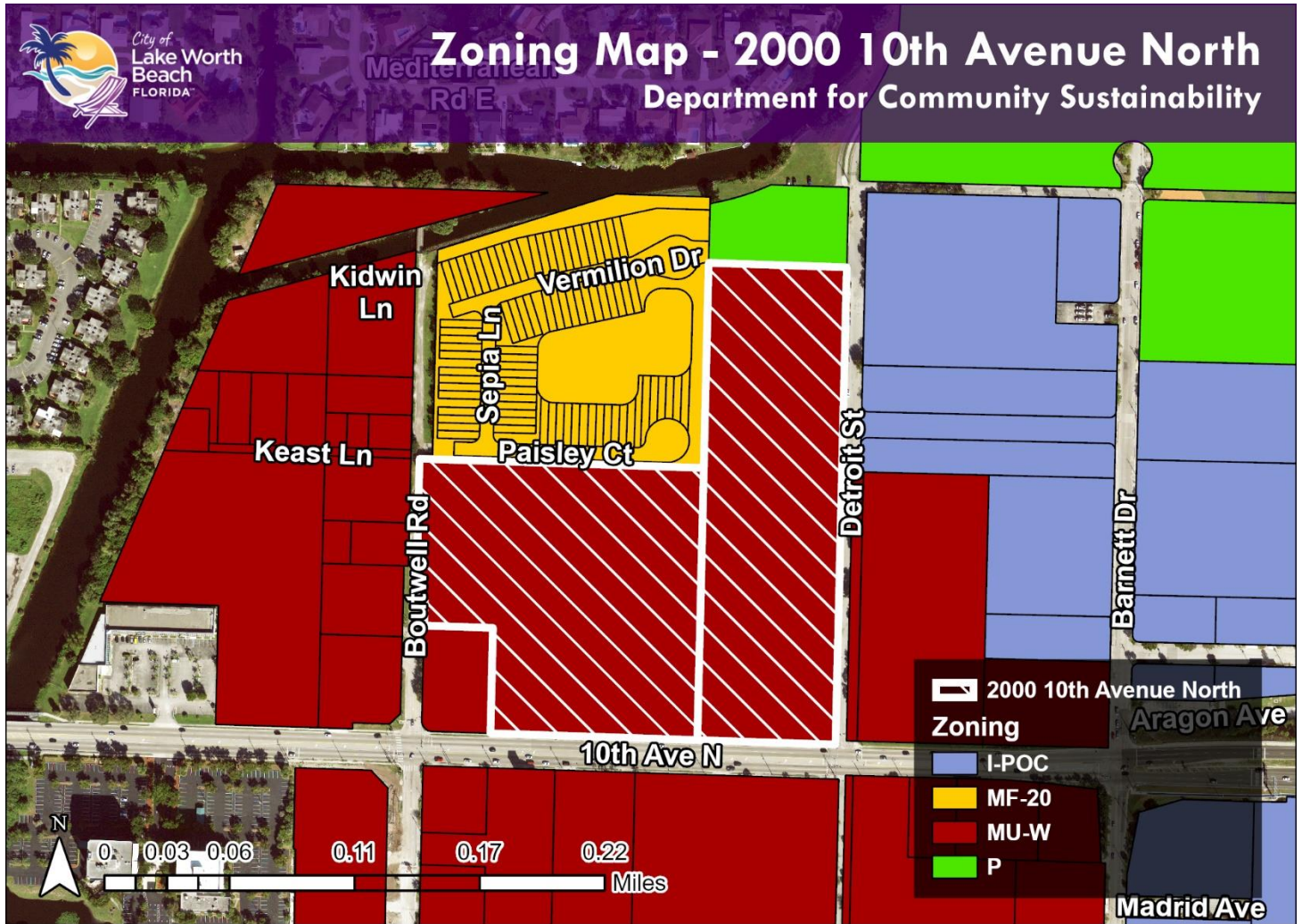
Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the Conclusion.

PROPERTY DESCRIPTION:

Applicant	Les Akers of Wayne Akers Ford
Owner	Lake Worth AFL RE LLC & Lake Worth AFL F LLC
General Location	North side of 10 th Ave N between Detroit St and Boutwell Rd
Existing PCN Numbers	38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010
Existing Land Use	Used Auto Sales and Major Auto Repair

Zoning	Mixed Use – West (MU-W)
Future Land Use Designation	Mixed Use – West (MU-W)

LOCATION MAP:



BACKGROUND:

The subject site is part of a 17.6 acre site currently operated by Wayne Akers Ford, a used car sales and major auto repair business. Below is a timeline summary of the site, based on Palm Beach Property Appraiser’s records and City records:

PCN#: 38-43-44-20-15-001-0000

- 1978 – The used car sales building was constructed
- September 15, 1990 – The property is distributed from Wayne Aker’s Estate to Kathryn J Akers and Patricia A Tackett.
- 2003 & 2004 – The property is transferred from Kathryn J Akers Estate to Patricia A Tackett
- 2017 – The property is transferred from Patricia A Tackett’s Estate to a trust in Patricia A Tackett’s name
- February 2, 2021 – The property is sold to Lake Worth AFL F LLC and Lake Worth AFL RE LCC

PCN#: 38-43-44-20-01-028-0010

- June 2, 1976 – The property is sold to Wayne L Akers
- August 25th, 1985 – The property is transferred to Robert Leslie Akers and Wayne Akers, Jr.
- November 29, 1996 – The property is transferred to Wayne Akers, Jr.
- April 4, 2001 – The property is transferred to Patricia A Tackett
- January 28, 2021 – The property is sold to Lake Worth AFL F LLC and Lake Worth AFL RE LLC

ANALYSIS:

Public Support/Opposition

Staff has not received any letters of support or opposition.

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU provides for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95, allowing for higher-intensity uses as well as higher height limits along the City's western thoroughfares. The proposed truck rental use is consistent with the intent of the MU-W FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillars 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 contribute towards the City's tax base and sustain or increase job supply, the proposal is consistent with Pillar IV.A and Pillar IV.D. Pillar IV.B, Pillar IV.C, Pillar IV.E, and Pillar IV.F are not applicable to this application.

Based on the analysis above, the proposed conditional use is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

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 conditional use applications for consistency 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 existing buildings on the site were initially constructed in 1978, and significantly expanded in 2001. The buildings generally conform to the current land development regulations; however, the site appears to currently exceed maximum impermeable surface regulations as approved in 2001. The proposed conditional use application is generally consistent with the City's LDRs with conditions based on the following data and analysis:

Mixed Use – West: Per LDR Section 23.3-17(a), the MU-W zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure the use will not have a negative impact on nearby residential uses or on the commercial viability of the neighbors. The proposed use in this application is an anticipated use in the MU-W zoning district. Based on the information provided in the Applicant's justification statement, staff believes that the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29 and LDR Section 23.4-13.

Setbacks: The placement of the existing buildings on the site exceeds the maximum allowed front setback of 32 feet. Based on the survey and site plan provided, the principal building is about 158 feet from the front property line. As noted, the used car sales office was constructed in 1978 prior to the current setback requirements and the building's setback non-conformity is not easily remedied. In addition, no modifications to the structures are proposed as part of this application. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the buildings be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

Impermeable Surface Coverage: The site currently conforms to the maximum allowed structure coverage, but does not conform to the maximum allowable impermeable surface coverage. Based on the survey and site plan provided, the site appears to have an estimated total impermeable surface coverage of 74%, which is 9% over the maximum coverage allowance. Based on surveys obtained from the City's property file, it appears that the existing impermeable lot coverage matches the original approved site plan. As no changes to the parking configuration are proposed at this time and the site has existing landscaping and drainage, no further changes are proposed or recommend at this time to bring the site into conformance with current code as it relates to impermeable surface area.

Outdoor Storage: Outdoor storage of rental vehicles is permitted as part of this Conditional Use request. The outdoor storage of merchandise and equipment is not part of this proposal and is not permitted.

Major Thoroughfare Design Guidelines: The site was constructed prior to the implementation of the Major Thoroughfare Design Guidelines, and there are no feasible changes to the site which would bring the site further into compliance with the Major Thoroughfare Design Guidelines. Therefore, no further changes are proposed or recommend at this time to bring the site into further conformance with the City's Major Thoroughfare Design Guidelines.

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 found that the proposed use application complies 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-W. The proposed use will occur on a site which currently contains used auto sales, and these two uses are substantially similar to each other. Furthermore, the proposed use is substantially similar to other uses in the surrounding area. The use is consistent with the types of uses anticipated to occur within the MU-W zoning district. Therefore, the proposed conditional use is found 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)	Medium-Density Residential/Public	MF-20/Public	Multi-Family Residential/Public Safety
South (across 10 th Ave N)	Mixed-Use - West	Mixed-Use – West	Retail, Office, Commercial, Hotel, Gas Station, Indoor/Commercial Recreation
East (across	Mixed-Use –	Mixed-Use – West/Industrial	Offices, Warehouse

Detroit St)	West/Industrial	Park of Commerce	
West (across Boutwell Rd)	Mixed-Use - West	Mixed-Use – West	Office, Gas Station, Vacant Land

To the north of the subject site is the Waterville Townhome Development and a Palm Beach County Fire Station. To the west of the site across Boutwell Road is several lots containing gas station, office, and vacant land uses. East of the subject site, across Detroit Street, is a multi-story office building and a warehouse building. To the south of the subject site, across 10th Avenue North, are several uses including the Fun Depot outdoor/indoor commercial recreation center, two retail and commercial plazas, the Woodspring Suites Hotel, and a Citgo gas station. Staff finds that the proposed use is in harmony with the existing 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 Conditional Use request will not negatively affect the public benefit or cause greater harm than the previously permitted auto sales use. The requested use is similar in nature and function to the existing auto sales use. This use will occur within the existing auto sales use area, which was previously permitted prior to 2001. **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 the truck rental use 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-W land use designation is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95, allowing for higher-intensity uses as well as higher height limits along the City’s western thoroughfares. The proposed use, and per the City’s Use Table in LDR Section 23.3-6, is an anticipated use in the MU-W 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: Used vehicle sales and major auto repair uses are currently operating on the lot. The proposed truck rental use will occupy space formerly used as used vehicle sales. Both used vehicle sales and truck rentals are uses that generate similar amounts of traffic volumes. Therefore, the proposed use is not anticipated to generate higher traffic volumes than the previous use. Additionally, as the proposal does not request an expansion in building area, a Traffic Letter from Palm Beach County Traffic Division is not required with this application. **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: The proposed use is not anticipated to significantly affect the volumes of traffic expected on the City’s roadway network. The Mixed-Use West zoning district is intended for the establishment of higher intensity office, commercial, and residential uses. The use area of the site is not being expanded beyond the existing used auto sales and major auto repair uses, and are uses which are similar in nature to that of the truck rental use requested. Therefore,

the traffic generated from the proposed businesses are 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 Analysis: Because the nature of the business does not involve hazardous chemicals, the proposed use is not anticipated to produce air pollution emissions greater than that of a use permitted by right. **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: The requested truck rental use is an anticipated use in the MU-W zoning district, requiring Conditional Use review, which is being requested through this application. Therefore, the establishment of the use 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 is utilizing the existing infrastructure from the used auto sales and major auto repair uses. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **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: As mentioned, the requested use is an anticipated use in the MU-W zoning district. Therefore, the use is not anticipated to place a demand on municipal police or fire protection services beyond 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

Based on the nature of the use, staff anticipates that the requested use will generate noise levels that are compliant with Section 15.24. **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 as part of this application and states that the Conditional Use will not result in excess light or glare onto residential properties. There is existing lighting within the site that meets the lighting code. **Meets Criterion.**

Section 23.4-13(c)(1)(A)(3): Regulations and Standards for Vehicle Rental Facilities

Section 23.4-13(c)(1)(A)(3) of the city's land development regulations states that Vehicle Rental Facilities shall follow the specific regulations and standards for vehicle sales. Staff has reviewed the application against this section and found the proposed conditional use complies with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. Minimum site area: Two and one-half (2.50) acres.

Staff Analysis: The proposed use is located on a site with a total area of 17.6 acres, which exceeds the minimum of 2.5 acres. **Meets Criterion.**

2. Minimum lot width: Two hundred (200) feet.

Staff Analysis: The proposed use is located on lots which have a total width of 960 feet which exceeds the minimum of 200 feet. **Meets Criterion.**

3. Minimum parking requirements: Three (3) parking spaces for each service bay plus one (1) space for each three hundred (300) square feet of enclosed non-service area or each employee, whichever is greater.

Staff Analysis: No service bays are proposed as part of this conditional use request. Seven (7) employees are anticipated to be working at the site. As such, 7 parking spaces are required, and the applicant has set aside a total of 58 parking spaces in addition to and separate from the spaces set aside for the storage of rental trucks. **Meets Criterion.**

4. Landscaping and screening of outdoor display and storage areas: Such area(s) shall conform to the standard for parking lots, including, but not limited to, paving, layout, screen and landscape standards. Such areas shall also conform to the Major Thoroughfare Guidelines, where appropriate. A six-foot masonry wall shall be erected when outdoor display area(s) or service area(s) are within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.

Staff Analysis: The vehicles will be stored in an area central to the site, and is further than 25 feet from a residential district. The area conforms to the standard for parking lots. **Meets Criterion.**

5. All outdoor sales and vehicular circulation area(s) shall be surfaced with a hard, impermeable, dustless material. Shell rock or similar material is expressly prohibited.

Staff Analysis: The area where the rental vehicles will be stored currently exists, and is currently paved with asphalt. **Meets Criterion.**

6. All vehicle sales facilities must include an interior showroom area capable of displaying at least five (5) vehicles.

Staff Analysis: The existing sales use contains an interior showroom area capable of displaying at least 5 vehicles and is not part of this conditional use request. **Criterion Not Applicable.**

7. All service facilities and activities shall be located within an enclosed structure. No work shall be performed before 7:00 a.m. or after 8:00 p.m.

Staff Analysis: The existing major auto repair use is located within an enclosed structure and is not part of this conditional use request. **Criterion Not Applicable.**

8. Both minor and major repair services may be conducted upon the premise(s) accessory to the sale of new vehicles.

Staff Analysis: The existing major auto repair service currently operates at this location and is not included as part of this conditional use request. **Criterion Not Applicable.**

9. Motor vehicle sales shall not be conducted upon the premises of existing shopping centers or strip centers.

Staff Analysis: The site is not a shopping center or strip center. **Meets Criterion.**

10. Motor vehicles shall not be parked with their hoods or trunks open.

Staff Analysis: The application has been conditioned that the trucks to be rented shall not be parked with their hoods or trunks open. **Meets Criterion.**

11. Motor vehicles shall not be elevated in any manner unless as part of permanent interior showroom space or as part of a permanent, elevated, bermed, landscaped area, accommodating one (1) car. The dealership shall be limited to one (1) elevated exterior parking space and shall be located so as to not create any traffic safety or visibility problems. Any request shall be subject to site plan review and approval by the appropriate regulatory board for functionality and community appearance.

Staff Analysis: The entire storage area set aside for truck rental is on the ground, and no elevated spaces are proposed as part of this request. **Meets Criterion.**

12. All motor vehicles stored or displayed on the site shall be in operable condition.

Staff Analysis: The application has been conditioned that the trucks being rented on the site shall be in operable condition. **Meets Criterion.**

13. Customer parking shall be marked and physically separated from motor vehicle sales, storage and display space.

Staff Analysis: The application indicates the location of customer parking which is separate from the area used to store trucks available for rent. The customer parking area is nearby the rental office also marked in the application. The application has been conditioned to mark the indicated parking as customer parking. **Meets Criterion.**

14. No outdoor speakers or public address system, audible from the exterior of the site, shall be permitted where the site is located within one hundred fifty (150) feet of residential property.

Staff Analysis: The site on which the rental car use is located is within 150 feet of residential property, therefore the application has been conditioned to meet this regulation. **Meets Criterion.**

15. No other outdoor sales or display of any materials, products or goods shall be permitted.

Staff Analysis: The application has been conditioned to prohibit the outdoor sales or display of any materials, products, or goods. **Meets Criterion.**

16. Other than information required by law, no advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the

public's attention shall not be displayed outdoors on sales lot, building, or equipment other than as permitted elsewhere in the sign code.

Staff Analysis: The application has been conditioned to meet this regulation. **Meets Criterion.**

17. Under no circumstances may a vehicle(s) be offered for sale on any publicly owned property at any time.

Staff Analysis: The application does not propose any sales occurring on publicly owned property, however the application has been conditioned to meet this regulation. **Meets Criterion.**

18. New and used motor vehicle sales and service shall be permitted only as a conditional use within the designated zoning districts, and shall also be subject to the following restrictions; No new motor vehicle business may be established, nor an existing use be expanded, between Tenth Avenue North and Sixth Avenue South on Dixie Highway; No new motor vehicle business may be established, nor an existing use be expanded that does not have business frontage on Dixie Highway, Tenth Avenue North or Lake Worth Road.

Staff Analysis: The proposed truck rental use has frontage on 10th Avenue North, and is not located on Dixie Highway. **Meets Criterion.**

CONCLUSION:

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 Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff is recommending approval of the conditional use permit with conditions below:

Planning/Urban Design:

1. Prior to the issuance of a business license, the site shall enter into a Unity of Title to unify parcels 38-43-44-20-15-001-0000, 38-43-44-20-01-028-0010, and 38-43-44-20-01-028-0020 under one PCN number
2. Should the site be reconfigured in any way, including if trucks rented require larger parking stall sizes, the site shall enter into a Minor Site Plan to reconfigure the parking area.
3. Motor vehicles shall not be parked with their hoods or trunks open.
4. All motor vehicles stored, displayed, or available for rent on the site shall be in operable condition.
5. Customer parking shall be marked and physically separated from motor vehicle sales, storage and display space.
6. No outdoor speakers or public address system, audible from the exterior of the site, shall be permitted where the site is located within one hundred fifty (150) feet of residential property.
7. No other outdoor sales or display of any materials, products or goods shall be permitted.
8. Other than information required by law, no advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the public's attention shall not be displayed outdoors on sales lot, building, or equipment other than as permitted elsewhere in the sign code.
9. Under no circumstances may a vehicle(s) be offered for rent on any publicly owned property at any time.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 21-00500002 with staff recommended conditions for a **Conditional Use Permit** to allow a truck rental use at 2000 10th Avenue North. The application meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 21-00500002 for a **Conditional Use Permit** to allow a truck rental use at 2000 10th Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board's decision will be final for the Conditional Use Permit. The applicant may appeal the Board's decision to the City Commission.

ATTACHMENTS:

- A. Application Package
- B. Site Photos