



DATE: June 17 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: June 23, 2021

SUBJECT: **PZB Project Number 20-01400035**: Consideration of a Major Site Plan with Sustainable Bonus and Conditional Use Permit to construct a +/-47,000 square foot distribution facility and repair and maintenance uses within the Industrial Park of Commerce (I-POC) zoning district commonly referred to as “Umdasch/Doka” and located at 2209 7th Avenue North, PCN # 38-43-44-20-01-066-0010.

PROJECT DESCRIPTION:

The Applicant, Lisa Reves of Saul, Ewing, Arnstein and Lehr on behalf of Umdasch Real Estate USA, Ltd., is requesting approval of Umdasch/Doka, a project located at 2209 7th Avenue North and consisting of the following:

- 1.) **Major Site Plan** for the development of an industrial building in excess of 7,500 square feet. (page 4)
- 2.) **Sustainable Bonus Program Incentive** to gain an increase in increase in building height to 31 ft. (page 8)
- 3.) **Conditional Use Permit** to establish “distribution facility” and “repair and maintenance – major” uses greater than 7,500 square feet (page 9)

Umdasch/Doka consists of an industrial building totaling 47,927 gross square feet in floor area. The building is composed of 3 sections; a 10,150 gsf office, a 26,617 gsf enclosed warehouse/maintenance shop, and 11,160 gsf canopy structure. In addition, a 104,342 outdoor storage area is located east of the building. The facility will store formwork and conduct repair operations on construction equipment. According to the application, the facility will operate between 7:30 AM and 4:00 PM, Monday through Friday, and between 7:30 AM and 12:00 PM on Saturdays as needed.

Staff Recommendation:

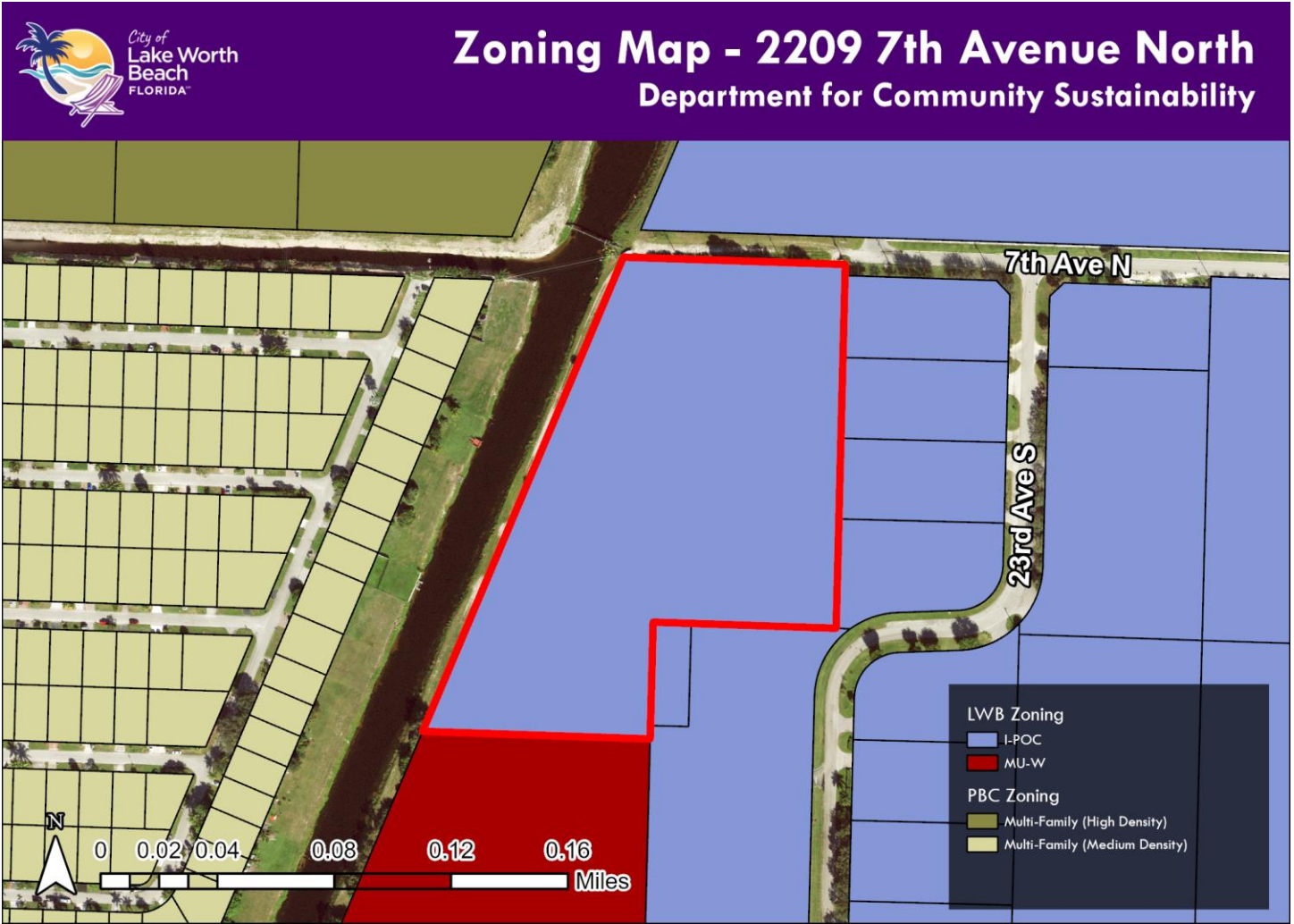
Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code, Comprehensive Plan, and Strategic Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Staff recommends the Board approve the Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive as conditioned on pages 14-15.

PROPERTY DESCRIPTION:

Applicant	Lisa Reves of Saul, Ewing, Arnstein and Lehr on behalf of Umdasch Real Estate USA, Ltd.
Owner	LW Industrial LLC
General Location	South of the western terminus of 7 th Ave N, east of the E-4 Canal
Existing PCN Number	38-43-44-20-01-066-0010

Existing Land Use	Vacant Lot
Zoning	Industrial Park of Commerce (I-POC)
Future Land Use Designation	Industrial (I)

ZONING MAP:



BACKGROUND:

The subject property is currently vacant. The site has been vacant and undeveloped until the 1950s when land was cleared on the southern end and used as a landfill. The filling operations appeared to cease in the late 1970s and the property became overgrown and remained undeveloped until 2011, when there was an expansion of the pond at the north end of the lot. Since that time, the property has remained undeveloped.

ANALYSIS:

Consistency with the Comprehensive Plan and Strategic Plan

The project has a future land use of Industrial (I). Per Policy 1.1.1.10, the Industrial (I) FLU is established 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

development will contain distribution facility and repair and maintenance uses which are moderate industrial uses and therefore is consistent with the intent of the I FLU. Furthermore, Policy 1.7.1.4 states that “the City shall encourage new development proposals within the LWPOC, with emphasis on those at the north and south entrance of the Park of Commerce along Boutwell Road, to be consistent with the goal to create a quality office/industrial park, as established in the LWPOC Conceptual Plan.” This project is a new development proposal within the LWPOC with proposed use consistent with the future land use designation and strategic plan.

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 I.A of the Strategic Plan states that the City shall ensure effective economic development incentive zones. Further, Pillars IV.A, IV.C, and IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, facilitate environmental sustainability through regional partnership and planning, and influence the supply and expansion of jobs. The proposed warehouse, maintenance, and distribution center is an economic development project that will increase local jobs within the City and contribute towards the City’s tax base by developing a vacant 9.7-acre parcel. In addition, Umdasch Real Estate USA, Ltd. intends to enter into an agreement with the Florida Department of Environmental Protection for rehabilitation and redevelopment of the property, which is currently designated as a brownfield. As such, the use is consistent with Pillars I.A, Pillar IV.A, IV.C, and Pillar IV.D. The remaining Pillars in the Strategic Plan are not applicable to this application.

Based on the analysis above, the proposed development 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

The Department of Community Sustainability is tasked in the Code to review planned development applications in accordance with the City’s LDRs (see analysis below) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Industrial Park of Commerce (I-POC) Per LDR Section 23.3-24(a), the 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 I-POC district is also intended to permit the establishment of certain other uses which are compatible with industrial operations. The proposed industrial development provides light industrial uses. As such, the proposal is consistent with the intent of the I-POC district.

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives:

Development Standard		Base Zoning District	Provided
Lot Size (min) In square feet (sf)		13,000 sf	455,500 sf
Lot Width (min)		100’	400’
Setbacks	Front (min)	20’	25’
	Rear (min)	10’	318’
	Interior Side (min)	0’	West: 82.5’ / East: 192’
Impermeable Surface Coverage (maximum)		65%	55%
Structure Coverage (max)		55%	10.3%
Parking		63 (25 office, 38 industrial)	70
Building Height (max)		45’ under sustainable bonus	31’
Floor Area Ratio (FAR) (max)		1.1	.10

Building Height: The maximum building height by right for projects in the I-POC zoning district is 30 feet, with the potential to go to 45 feet by satisfying the requirements of the sustainable bonus incentive program. The proposed building height for this project is 31 feet, or 1 foot taller than the maximum building height by right. The extra building height is being sought in order to provide a parapet in order to screen rooftop equipment from adjacent properties. Staff reviewed the sustainable bonus incentive program applied for the extra building height, and found it to be consistent with the city's LDRs. Staff's analysis of the sustainable bonus can be found on page 8.

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The project proposes Compact Firebush, Pigeon Plum, Dwarf Fakahatchee Grass, and Verawood along the entrance at 7th Avenue North. The project also proposes buffering the wall and site from the single-family to the west with Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak.

Walls/Fences: The site plan proposes a 6' high precast concrete wall along the southern and eastern boundaries of the site to provide buffering from the single-family and multi-family uses near the site. The wall will also be landscaped to provide extra buffering to these residential uses. In addition, the project also proposes an 8' high chain link fence along the eastern edge of the property. During an appeal to the City Commission on May 11 and May 25, 2021, there were concerns about a lack of adequate buffering between the property and adjacent properties to the east. Section 23.4-4(g)(2) requires that all outdoor storage areas shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm, and shall have a height of at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. A condition has been added to the conditions of approval requiring all fencing on site to be in conformance with the above section as well as all other applicable sections within Sections 23.4-4 and 23.4-19; fencing adhering to this condition will be in conformance with the City's LDRs. Fencing material modifications will be reviewed at building permit for consistency with these code sections.

Master Development Plan (Major Site Plan):

A master site plan is required in conjunction with a mixed use urban planned development. The review criteria below are intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

Staff Analysis: The project site is organized so that the most intense uses are oriented toward the north end of the site, closer to like industrial uses and away from the single-family and multi-family residential uses west and south of the site. The office portion of the building is oriented toward 7th Avenue North and contains large windows which positively contributes to the aesthetic of 7th Avenue North in this location. The building on the site contains overhead doors. The applicant has stated that the doors which face the residential area to the west will remain closed for most of the day and will be opened and closed 5-8 times per week total. In addition, these doors will be screened with native trees and a 6' high pre-cast wall. The overhead doors located on the east side of the building will be opened and closed more frequently, and these have been oriented towards adjacent industrial zoned properties to minimize impacts. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural

vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The lot as it exists today are completely vacant, and contain a mixture of Royal Poinciana, Ficus, Cabbage Palm, Southern Live Oak, Tropical Almond, and Mango Trees. The property is located in the Greater Lake Worth Park of Commerce Area, which the City designated as a brownfield area through Resolution Number 03-2009, approved on March 3, 2009. The city has been advised by Umdasch Real Estate USA, Ltd. That it intends to enter into a brownfield site rehabilitation agreement with the Florida Department of Environmental Protection for rehabilitation and redevelopment of the property. The proposed landscape plan depicts native tree species, such as Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak along all property lines. Staff has reviewed the landscape plan and finds the proposed landscaping meets the landscape code and sufficiently replaces the existing landscaping proposed to be removed from the site. **Meets Criterion.**

3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.

Staff Analysis: The project proposes landscaping along the perimeter of the property. Additional tree landscaping, along with a 6' high pre-cast wall is also proposed along the western property line to provide buffering of the site from the existing single-family residences to the west. The trees comprising of this buffer include Laurel Oak, Wax Myrtle, Silver Buttonwood, Green Buttonwood, and Southern Live Oak. The precast concrete wall also continues along the southern edge of the site and buffers the site from the multi-family residences to the south. In addition, 71 bald cypress trees have been proposed between the lake and the precast wall along the southern property line adjacent to the multi-residential development. The project has been conditioned to provide opaque fences or walls around all areas being used for outdoor storage. **Meets Criterion as Conditioned.**

4. *Enhancement of residential privacy.* The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

Staff Analysis: While the proposed industrial project does not contain any dwelling units, there are existing residential dwelling units to the west and south of the project site. The site provides a 6' wall with vegetation to buffer the site's impacts and provide additional residential privacy. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: The building has been oriented on the lot to be closest to 7th Avenue North. This building is directly adjacent to the right-of-way to allow for ease of access by emergency vehicles. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: The building fronts 7th Avenue North and the site has 3 access points from the right-of-way. The project is not nearby any railroad crossings. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

Staff Analysis: The pedestrian circulation from the right-of-way to the office entrance avoids as much conflict with vehicular circulation as possible, with the pedestrian crossings located at the point where vehicles stop to turn on/off of 7th Avenue North. The pedestrian circulation does not cross through any vehicular circulation areas within the site and provides direct access to the building. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: As stated earlier, the site has 3 access points from 7th Avenue North. This portion of 7th Avenue North is currently not paved and will be improved as part of the construction of this project. No other properties obtain access from this portion of 7th Avenue North adjacent to the project site, and as such there is no anticipated negative impact on adjacent properties. **Meets Criterion.**

9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

Staff Analysis: All common ways off the project site will circulate traffic internally on the site and will not connect with any other right-of-way as no such other rights-of-ways exist adjacent to the property. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: An additional right-of-way dedication for 7th Avenue North is depicted on the site plan along the property's northern boundary to the E-4 Canal. Based on the nature of use and proposed traffic circulation on the site, no other on-site right-of-way is being dedicated. Therefore, this criterion does not apply. **Meets Criterion.**

11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

Staff Analysis: The site proposes 3 points of ingress/egress. The westernmost ingress/egress point is for personal and regular-sized vehicles. The two easterly points of ingress/egress will be for larger truck traffic. These have been located away from the single-family and multi-family residences to the west and south to minimize the impact of noise, glare and odor to these properties. The loading and unloading of equipment and materials occurs east of the building, which helps minimize the impact of noise, glare, and odor to the single-family and multi-family residences on the opposite side of the building to the west. **Meets Criterion.**

12. *Refuse and service areas.* Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

Staff Analysis: The site plan shows the refuse area is located toward the middle of the site and away from any existing property lines. The dumpster enclosure is also screened and opens toward the building and away from any adjacent properties, minimizing the impact of noise, glare and odor on adjacent property. **Meets Criterion.**

13. *Protection of property values.* The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.

Staff Analysis: As stated earlier in this staff report, the elements of the site plan are arranged insofar as feasible to minimize negative impacts to property values of adjoining properties. The site provides landscaping and buffering from adjacent properties, and orients building and site activities and circulation away from adjacent properties. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

Staff Analysis: The project is located on the western edge of the Industrial Park of Commerce zoning district and along the city's western boundary following the E-4 Keller Canal. The project provides for a 6' pre-cast concrete wall and landscaping on the edge of the zoning district's boundaries with adjacent mixed-use and residential zoning districts. Yard operations and circulations are located away from these properties and setbacks are provided to minimize the impact. **Meets Criterion.**

15. *Consideration of future development.* In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.

Staff Analysis: The project as proposed does not anticipate any future development at the site. Any future proposed development not included as part of this application must go through the applicable land development process for full review. Overall, the project meets the intent of the Land Development Regulations and Comprehensive Plan. **Meets Criterion.**

Section 23.2-31(I): Community Appearance Criteria

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Staff Analysis: The design of the project reflects modern architectural styles generally associated with good taste and design. The office portion has large windows that face the right-of-way and allow natural light into the space, with more intense uses oriented toward the rear of the site, away from the right-of-way. The project also provides a lake on-site, as well as a pre-cast concrete wall and landscape buffering which shields and buffers the uses from the single and multi-family uses to the west and south of the project site. The project provides architectural embellishments that are colored to match the business branding, however these are kept to a minimum and are in good taste and design. **Meets Criterion.**

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Staff Analysis: The project utilizes industry standard materials that are neutral and generally compatible with the local environment. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: The project uses a modern design aesthetic which is similar to and appropriate with other existing buildings and proposed projects which have been approved in the surrounding area. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

Staff Analysis: The project's compliance with the community appearance and conditional use criteria is detailed within this staff report. **Meets Criterion.**

Sustainable Bonus Incentive Program:

The City of Lake Worth Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City's Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Based on the calculation of the additional height as part of the SBIP, the Applicant is asking for a bonus height of 1 foot, for a total building height of 31 feet. This additional foot in building height is not for the entire building, but the office portion of the building. The total square footage of bonus area under Sustainable Bonus is 5,565 square which results in a value of required improvements for the Sustainable Bonus allowance of \$8,347.50 (\$1.50 per square foot industrial bonus). Below is the Applicant's schedule of improvements to meet and exceed the requirements of the Sustainable Bonus and Planned Development.

Improvement Detail (type of amenity)	Valuation Amount	Calculation Details
Precast wall along west property line	\$97,500	Difference between pre-cast wall and minimum fencing required by code: Precast Wall: \$100 per Linear Foot x 1,300 Linear Feet = \$130,000 Chain-link fence with screening: \$25 per Linear Foot x 1,300 Linear Feet = \$32,500
Total Value of Improvements/Design Excellence Required: <u>\$8,347.50</u>		Total Value of Improvements/Design Excellence Provided: <u>\$97,500</u>

Section 23.2-33(c)(2): Review/decision

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal?

Staff Analysis: The development proposal is consistent with the increase in height requested. The Applicant is asking for a bonus height of 1 foot, for a total building height of 31 feet. The total square footage of bonus area is 5,565 square feet. Therefore, the total value of required improvements is \$8,347.50 (\$1.50 per square foot for industrial bonus height of 5,565 square feet). The Applicant will be providing improvements above the code required minimums equivalent to \$97,500, which exceeds the requirements of the Sustainable Bonus and Planned Development program. **Meets Criterion.**

(b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements beyond those otherwise required by these LDRs for the development proposal that are attainable and reasonable in the context of the proposed project?

Staff Analysis: The proposed on-site features and improvements provide enhancements that exceed the base requirements of the LDRs. The project will provide a wall on the west and south side of the property, which provides a greater degree of buffering than a fence required by code. The wall is above and beyond the minimum requirements of the code, and the difference in value between the fence and the wall meets the required valuation of the SBIP. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

Staff Analysis: The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

Staff Analysis: As identified by the criteria above, the proposed features and improvements incorporated into the development proposal are beyond the base requirements of the LDRs and provide additional amenities and an aesthetic improvement beyond what is required by the LDRs. Thus, the proposed development meets the intent of the SBIP. **Meets Criterion.**

Conditional Use Permit:

Conditional uses are those uses that are 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 conditions pertinent thereto in order 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. Conditional uses are required to be reviewed against the criteria in Section 23.2-29(d) and Section 23.2-29(e). The required analysis is provided below.

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

The proposed project is consistent 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 base zoning designation of I-POC and is adjacent to I-POC zoned property to the north and east, Mixed-Use West (MU-W) zoned property to the south, and residential land use to the west on the opposite side of the E-4 canal. Based on the intent of the I-POC zoning district, the types of uses most likely to occur in this district are the establishment and enlargement of office, manufacturing and light industrial uses. The subject proposal is consistent with the types of uses anticipated to occur within the I-POC district. In addition, the site is designed with features to help buffer the site from nearby incompatible uses; these are described in the below criterion. Therefore, the proposed project is 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 (across 7 th Avenue North)	I	I-POC	Distribution Warehouse, Office (Boutwell Business Center)

South (adjacent)	I/MU-W	I-POC/MU-W	Warehouse (Marlin Commerce Center)/Multi-Family Residential
East (adjacent to and across the E-4/Keller Canal)	Residential High Density (PBC)	Medium-Density Residential (PBC)	LWDD ROW, and Single-Family Residences
West (adjacent)	I	I-POC	Warehouse/Storage

Per the Palm Beach County Property Appraiser, the subject site is surrounded by a mixture of warehouse, single-family, multi-family, and office uses. The property locates the warehouse building to the north of the site and away from the multi-family uses to the south of the site, reducing its impact on those properties. In addition, a 6’ concrete wall with landscaping faces the residential uses to the west and across the E-4 canal, which buffers the warehouse building from these uses. Staff finds that the use is in harmony with the surrounding industrial uses, and finds that the site provides adequate features which help buffer the proposed uses from adjacent, incompatible uses. **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 approval of this conditional use will provide urban infill development that is consistent with the intent of the I-POC zoning district and I future land use category. As such, the proposal is not anticipated to result in less public benefit than other permitted or conditional uses. **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 proposed project is utilizing the City’s SBIP bonuses for an additional 1 foot of building height. The increase in building height will allow for the screening of rooftop equipment located above the office portion of the proposed building. Staff’s analysis of the SBIP can be found on page 8. The project is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and will not result in a more intensive development than what the Plan anticipates. **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: Based on the Florida Department of Transportation’s 8th Edition Trip Generation Table, the construction of a 47,927 gross square foot warehouse is anticipated to generate approximately 171 daily trips and 15 PM Peak trips. Typical uses permitted by right in the I-POC zoning district are under 2,500 square feet, and include gyms/fitness studios and administrative/professional services. If the property was subdivided or rented to individual, small, by-right tenants with uses less than 2,500 square feet and totaling 47,927 square feet, then the trips generated would be greater than the trips generated for the proposed use. For example, 47,927 square feet of individual gyms/fitness studios use would generate 1,578 trips in total, and 47,927 square feet of individual administrative/professional services use would generate 528 trips in total. As such, the proposed conditional use will not generate traffic volumes or movements which would result in a significant impact greater than a development permitted by right. In addition, a Traffic Performance Standards (TPS) Letter from the Palm Beach County Traffic Division indicates that the project is located within the Lake Worth Park of Commerce Traffic Concurrency Exception Area (TCEA) and is exempt from the Traffic Performance Standards of Palm Beach County. **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 I-POC zoning district allows for the establishment of industrial uses without restriction on traffic generating characteristics. As stated in the above criterion, only uses under 2,500 square feet are permitted by right in the I-POC zoning district. If these uses were developed individually on separate lots over time to an intensity equal in square footage to the proposed project, they would generate traffic in excess of the traffic generated by the proposed use. The site will not be open to the general public and will only be open to customers picking up rental equipment. There is no showroom or retail store. Therefore, the traffic generated from the proposed mixed-use development will not be significantly greater than that of adjacent uses and other 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: The mixed-use project is not anticipated to produce significant air pollution emissions that are greater than that of a development permitted by right. The applicant states that no manufacturing or fabrication will occur on-site. The repair and maintenance of rented equipment will be done indoors. The proposed use of a distribution facility and repair and maintenance do not pose a pollution hazard to the nearby properties. **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 project 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 project will be utilizing the existing City utility lines installed in late 1980s/early 1990s. The sewer main is considered maximum size for an industrial area. 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: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the application proposes controlling access to the site through the use of security gates that will restrict access to the site. **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 uses being proposed, the project is conditioned to prohibit generating noise levels that exceed 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 proposed project will not generate light or glare that would negatively impact the surrounding properties. Based on the photometric plan submitted, the proposed development complies with LDR Section 23.4-3, Exterior Lighting. **Meets Criterion.**

Section 23.4-19: Outdoor Storage

1. Outdoor storage in residential districts. Outdoor storage in residential districts for residential purposes shall be limited to domestic equipment and normal supplies necessary for residents. Storage shall not be permitted in any front yard.

Staff Analysis: This project is not located in a residential district, therefore this criterion does not apply.

2. Outdoor storage industrial. Outdoor storage in the I-POC industrial district shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surface to reduce pollutants in storm water runoff.

Staff Analysis: The outdoor storage as part of this proposal is accessory to the distribution facility and repair and maintenance uses seeking approval through this Conditional Use Permit. The outdoor storage areas are screened from the residential areas to the south and west, and conditions of approval have been added to ensure the areas are screened from all rights-of-ways in accordance with this section and Section 23.4-4. **Meets Criterion.**

3. Outdoor storage in planned development and mixed use districts. Outdoor storage facilities shall be limited to the following:

- a. Outdoor storage of merchandise for sale within the establishment located on the site shall be limited to the area located between the front façade and the public right-of-way and shall only be outside of the building during hours of operation. However, this does not apply to the outdoor display of vehicles for sale or rent.
- b. In any commercial planned development, all outdoor storage shall be expressly approved by the city commission as part of the ordinance adopting the commercial planned development.
- c. Approval of outdoor storage in a commercial planned development or mixed use district shall include mitigation measures to protect adjacent properties from the impacts of the outdoor storage.

Staff Analysis: The proposed project is not located within a planned development or mixed-use district, therefore this criterion does not apply.

4. The outdoor storage of all licensed vehicles that are being repaired must be screened from all public rights-of-way or stored completely within an enclosed structure. There shall be no storage of junk or unlicensed vehicles within the public right-of way at any time.

Staff Analysis: There are no vehicle repair uses associated with the operations of the site, therefore this criterion does not apply.

5. The outdoor storage of unlicensed vehicles and/or junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles is prohibited, except in approved junk yards or the temporary storage of such vehicles on a lot or parcel approved and containing an active business license for vehicle towing.

Staff Analysis: There will be no unlicensed and/or junked vehicles stored on-site, therefore this criterion does not apply.
Meets Criterion.

Public Support/Opposition:

As of June 17, 2021, staff has received claims of affected party status from 4 separate parties in opposition to the project. Affected parties are property owners within 400 feet of the subject property.

CONCLUSION:

The proposed request for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas as subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

CONDITIONS OF APPROVAL:

Electric:

1. Prior to the issuance of a certificate of occupancy:
 - a. The 10-ft-wide electric easement will be needed and recorded prior to the issuance of a Certificate of Occupancy.
 - b. The customer will be responsible for installing Lake Worth Beach's two 4" schedule-40 gray electric conduits at a minimum of 42" deep.
2. Prior to the issuance of a building permit:
 - a. The electrical riser diagram and the load calculations will be needed.

Planning:

1. Prior to the issuance of a building permit, amend the site plan to reflect the following:
 - a. As per LDR Section 23.4-4(g)(1), Chain link fences are not permitted in front of the front building setback line or on property abutting public rights-of-way except alleys. Replacement of existing chain link fences shall comply with current standards. Chain link fences or portion thereof visible from rights-of-way including alleys shall require a landscape screen of shrub hedging on the side of the fence facing the public right-of-way that is a minimum height of 24" or ½ of the height of the fence at installation whichever is greater and shall be maintained at a height equal to the height of the fence.
 - b. As per LDR Section 23.4-4(g)(2), the area used as open storage shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm. The above required fences or walls shall be at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. All screening material is subject to approval by the development review official or designee and shall be installed in a professional manner.

- c. All fencing on-site shall meet all other applicable requirements of Sections 23.4-4 and Section 23.4-19.
2. The project is prohibited from generating noise levels that exceed regulations found in Section 15.24.
3. All outdoor field operations are prohibited between 5:00 PM and 7:00 AM.

Public Works:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. Prior to the issuance of a building permit:
 - a. the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - b. the Applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - c. the applicant shall provide architectural details for the dumpster enclosure to confirm the enclosure meets the standards of the Public Works Dept.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application
4. Prior to the issuance of a Certificate of Occupancy:
 - a. All conditions of approval must be satisfied under jurisdiction of the Department of Public Works
 - b. The Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction
 - c. The applicant shall fine grade and sod all disturbed areas with bahia sod
 - d. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity
 - e. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind
 - f. The trench patch for the utility crossing on 7th Ave North shall be restored in accordance with the construction standards of the Public Works Dept.

Water & Sewer:

1. Water & Sewer Utility Plan:
2. Prior to the issuance of a building permit:
 - a. Center the 15-foot-wide easement over the water main.
 - b. Add or move the in-line valve at the edge of the easement for the fire line. This will delineate the private/utility ownership.
 - c. Provide a valve at the southern watermain connection.
 - d. Note to engineer: The proposed watermain has been installed in 7th Ave N, the utility department will have the as-built plan shortly. If practical, the actual utility location should be referenced.
 - e. Move the water service parallel to the fire line or propose a location that minimize the easement extension and path under asphalt. Near the entrance or tapping the main off of 7th Ave N is an option since the meter can be set close to the property line.
 - f. Adjust the water main and/or slope of bank at the lake to provide a minimum of 10 feet flat space for maintenance access. Consider vehicles and equipment having to navigate around the lake bank at the southeast corner.

- g. Capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
- h. The site shall permit through LWDD and/or SFWMD for the stormwater management and provide a copy to Water Utilities.
- i. The following shall be provided:
 - i. At time of engineering submittal, provide a full drawing set including any updated drainage calculations, and any permits or permitting information from SFWMD and LWDD.
 - ii. Add all structure and utility conflict information on the plans.
 - iii. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
 - iv. Permits from the PBC Health Department for the Watermain extension and the private lift station connection
 - v. If applicable, show irrigation service line/s up the meter and backflow RPZ device/s.
 - vi. Show water & sewer services, drainage structures, and storm mains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
 - vii. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at psegovia@pbcgov.com
 - viii. Signed and sealed Drainage Calculations including a drainage statement from the engineer regarding floodplain management provisions for water quality and quantity shall be provided to the City.
 - ix. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
 - x. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - xi. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
 - xii. Provide existing and proposed site grades.
 - xiii. Indicate vertical datum on all plan drawings with grades.
 - xiv. All applicable City of Lake Worth details.

Lake Worth Drainage District:

1. This project will require a drainage outfall connection permit from this District if they will be draining to the E-4 Canal.

Board Actions:

I MOVE TO APPROVE OF PZB PROJECT NUMBER 20-01400035 with staff recommended **conditions** for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a +/-47,000 square foot distribution facility and repair and maintenance uses commonly referred to as "Umdasch/Doka" and located at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO DENY PZB PROJECT NUMBER 20-01400035 for a Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a +/-47,000 square foot distribution facility and repair and maintenance uses commonly referred to as "Umdasch/Doka" and located at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board's decision will be final for the Major Site Plan, Sustainable Bonus, and Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.

ATTACHMENTS:

- A. Appeal Development Order
- B. Site Plan Package
- C. Supplemental Supporting Documents
- D. January 6, 2021 Planning & Zoning Board Minutes