

PLANNING AND ZONING BOARD REPORT

PZB Project Number 20-00500007: Consideration of a **Conditional Use Permit** request to establish an *import/export use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district at 1936 7th Court North. The request is to establish the proposed 1,800 square foot use within the current industrial building. The project is being processed concurrently with a minor site plan amendment to address parking and screening in the proposed outdoor storage area.

Meeting Date: April 20, 2022

Property Owner: Areal Investments Inc.

Applicant: The Export Connection Inc.

Address: 1936 7th Ct. N.

PCN: 38-43-44-21-07-000-0130

Size: 0.64-acre site / 3,600 sf. Building section
(request is for 1,800 sf)

General Location: 1900 block of 7th Court
North

Existing Land Use: Factory not exceeding 6
employees (Areal Investments Inc.)

Current Future Land Use Designation:
Industrial (I)

Zoning District: Industrial Park of Commerce
(I-POC)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit and minor site plan amendment is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are outlined on page 6 of this report, and address minor site plan requirements.

PROJECT DESCRIPTION

The applicant, Lily Hakkarainen of The Export Connection Inc., is requesting a **Conditional Use Permit (CUP)** to establish an *import/export business use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court North. The subject site is located on the southwest corner of Detroit Street and 7th Court North. According to the property appraiser, the subject site is included in an existing 16,079 square foot building. Per the application submitted by the applicant, the conditional use will occupy only a portion of the existing building totaling 1,800 square feet. The building is currently configured as warehouse space. The proposed use can be a medium-intensity industrial use typically generating moderate volumes of customer traffic.

According to the applicant, The Export Connection, Inc. provides freight forwarding services by transporting and exporting vehicles, automotive parts, and general household items. A majority of the products will be stored inside the facility. The accessory outdoor storage component will mainly be comprised of the temporary storage of vehicles within the parking areas awaiting exportation. The proposal does not include the storage of hazardous materials. A total of 2 employees will be on site at any given time and the proposed hours of operations are Monday through Friday, from 8 A.M. to 5 P.M.

An *import/export business use with accessory outdoor storage* is allowed in the I-POC zoning district subject to a Conditional Use Permit approval. Additionally, the applicant is proposing a minor site plan amendment to address existing code enforcement issues related to parking and screening of the outdoor storage areas.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Existing Development: The existing site master address is 1932 7th Court North and is comprised of a 16,079 square foot building including the 1,800 square foot bay located at 1936 7th Court North. Phase one of the building construction was completed in 1975, while phases two and three of the building were completed in 1977.

Land Use: The bay has an active business license for a factory use (Areal Investments Inc.). For zoning purposes, the existing factory use is allowed as a Conditional Use in the Industrial Park of Commerce (I-POC). There is no record of a conditional use granted for the subject site. The existing use is allowed to continue as is as long as it remains lawful and complies with the regulations in LDRs Section 23.5-3(e) Nonconformities, or if a conditional use permit is submitted and approved for modifications or expansions of the existing use.

Landscaping: The site currently has an existing three-foot hedge along the 7th Court North right-of-way (ROW). There are also existing interior landscaping within the site. Staff is proposing conditions of approval that landscaping, where possible, shall be enhanced and brought up to code to the furthest extend possible. The landscaping requirement will address the adequate screening of the outdoor storage and parking areas through the minor site plan process.

Code Compliance - There are no open code compliance cases on this bay. However, there is an open code compliance case on the property. The open code case for 1932 7th Court North does impact the bay located at 1936 7th Court North. The conditional use permit request and minor site plan amendment will assist in the compliance of current LDRs and address outstanding code enforcement issues.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed use of import/export is allowed in the I-POC zoning district as a Conditional Use. The proposal is associated with an existing 16,079 square foot building of which 1,800 square feet will be used by the applicant. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial 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. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a commercial business (import/export use) that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

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

Minor Site Plan Amendment

A concurrent minor site plan is being processed with this application to address parking and screening in the proposed outdoor storage area. The site has been through a long code enforcement history beginning with the former owner (Namrock Industries) and now with the current owner (Areal Investments). The minor site plan amendment will address existing code enforcement issues related to the parking of inoperable vehicles without the outdoor storage use approval. The site plan will provide the location of parking areas (including a handicap parking space) and how the parking areas will be screened. The import/export business with accessory outdoor storage shall be completely screened from all public rights-of-way. Staff has proposed conditions of approval to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.4-19, *Outdoor storage and open-air operations*.

Per LDR Section 12-7, *Dumpster Requirements*, *the location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.* The minor site plan amendment will address the refuse area and required screening. Staff is proposing a condition requiring the applicant and property owner to work with the Public Works Department to identify a screened refuse location.

Consistency with the City's Land Development Regulations

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29(a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29(b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29(c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property completed construction in 1977. The building and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: A parking lot with nine (9) parking spaces is located on the rear of the property with access from 7th Avenue North and from the alley located on the rear. The parking spaces are designated for the existing use located at 1936 7th Court North. The existing use is classified as a Vehicular use. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. Land Development Regulations, Section 23.4-10 provides an equation of one (1) parking space per 1000 square feet of gross area for industrial uses. The conditional use request is decreasing the number of parking spaces within the site from nine (9) spaces to six (6) spaces to accommodate outdoor storage areas for vehicles only. The layout of the parking is also being addressed by the concurrent minor site plan. The required parking for the subject site complies with LDRs and has added a dedicated handicap parking space.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

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

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. An import/export business with accessory outdoor storage use is an anticipated use in the Industrial Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

As described earlier in this report, a majority of the products will be stored inside the facility. The accessory outdoor storage component will mainly be comprised of the storage of vehicles within the parking areas awaiting exportation. Staff will propose conditions that will address the type of vehicles that will be allowed to be stored, required screening, and prohibition of materials stored inside and outside of the facility.

Additionally, per LDR Section 23.4-19, *Outdoor storage and open-air operations*, the import/export business with accessory outdoor storage shall be completely screened from all public rights-of-way. The applicant will provide a six-foot opaque fence with rolling gate approximately 33 feet in length along the eastern property line to adequately screen the parking and storage areas. The fence will be located behind the hedge along the 7th Court North roadway. Staff has proposed conditions of approval to enhance the roadway and interior landscaping of the site to comply with LDR Section 23.6-1, Landscape regulations.

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

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject bay. However, please note that there is an open code compliance case on the overall property. The open code case for 1932 7th Court North does impact the bay located at 1936 7th Court North. The conditional use permit and concurrent minor site plan request will assist in the compliance of current LDRs and address outstanding code enforcement issues.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *import/export business with accessory outdoor storage* use is appropriate for this zoning district. The use is located adjacent to compatible uses and will not create excessive problems for through traffic. Based on the data and analysis in this report and the supporting materials by the applicant, the use requested is not anticipated to negatively impact adjacent properties. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

1. Planning and Zoning:

- a. The effective date of the conditional use permit shall be the approval date of the concurrent minor site plan amendment.
 - b. Outdoor storage shall be limited to vehicles that are within the Federal Highway Administration vehicle classification of a Class 3 or less, and a curb weight of 8,000lbs or less. The outdoor storage area shall be fully screened.
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- c. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
- d. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
- e. 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.
- f. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1936 7th Court North, and will not constitute approval for any new location or unit.
- g. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

2. Landscaping:

- a. Prior to the issuance of a business license, remove existing Sea Grape hedge and replace with native shrubs in order to provide required screening. Code section 23.6-1 (c) (2) (b)
- b. Prior to the issuance of a business license, plant small and/or medium native trees along the public right of way as described in code section 23.6-1 (c) (2) (b).
- c. Prior to the issuance of a business license, all plant beds must be mulched.

3. Public Works:

- a. Prior to the approval of the companion minor site plan amendment, the applicant and property owner shall work with the Public Works Department to identify a screened refuse location.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 20-00500007 with staff recommended conditions for a **Conditional Use Permit** request to establish an import/export use with accessory outdoor storage in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 20-00500007 for a **Conditional Use Permit** request to establish an import/export use with accessory outdoor storage in the Industrial Park of Commerce (I-POC) zoning district located at 1936 7th Court 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 decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, request letter)

ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance