

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500007: A conditional use permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. The subject property is zoned Mixed Use West (MU-W) and has a Mixed-Use West (MU-W) future land use designation.

Meeting Date: September 18, 2024
 (continued from July 17, 2024)

Property Owner: Balestrate LLC

Applicant: Maurizio Finazzo – Romano
 Enterprises Group LLC

Address: 1969 10th Avenue North

PCNs: 38-43-44-21-43-000-0130

Size: ±4.37-acre lot / ±3,600 square feet of
 business use area

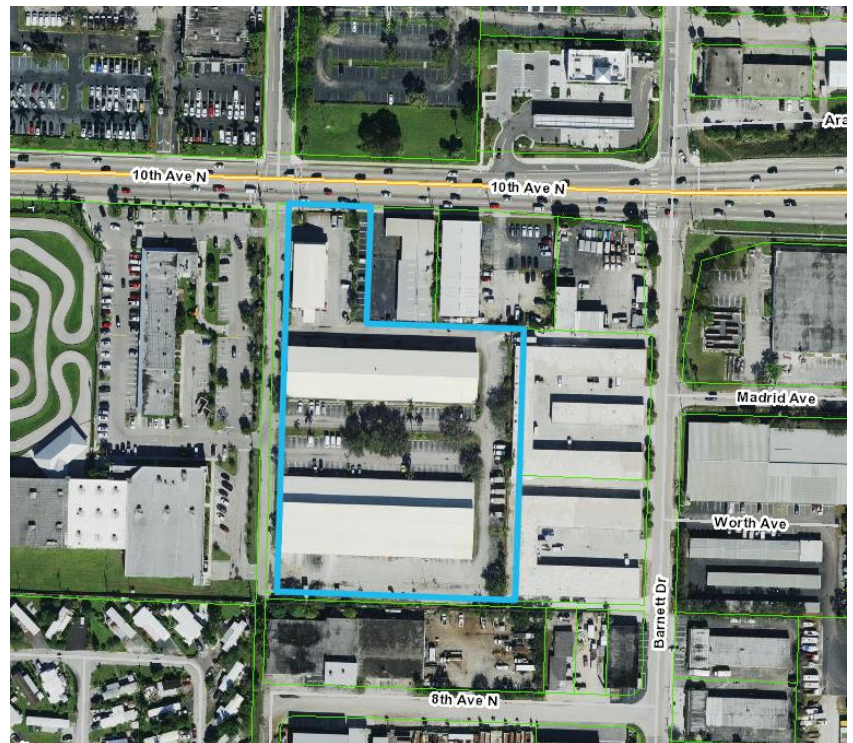
General Location: The southeast corner of
 10th Avenue North and Detroit Street

Existing Land Use: Merchant Inventory –
 Wholesale/Distribution

Current Future Land Use Designation: Mixed
 Use West (MU-W)

Zoning District: Mixed Use West (MU-W)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. Staff recommends that the Planning and Zoning Board approve the proposed Conditional Use Permit (CUP) as it meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 through 7 of this report.

PROJECT DESCRIPTION

The applicant, Maurizio Finazzo on behalf of Romano Enterprises Group LLC, is requesting a **Conditional Use Permit (CUP)** to establish a Minor Vehicular Service and Repair use ($\pm 3,600$ square feet) in the Mixed Use West (MU-W) zoning district located at 1969 10th Avenue North. Romano Enterprises Group LLC has an existing tire wholesale business at the subject site. The applicant is proposing to expand vehicular services by providing tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The subject site is located on the corner of 10th Avenue North and Detroit Street.

COMMUNITY OUTREACH

At the time of publication, staff have not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The overall site is ± 4.37 acres and has three (3) structures that were constructed in 1985. There are a total of 21 bays at the site; each bay has its own parcel number and is individually owned.

Use: Within the three (3) structures at the site, there are various uses including commercial and industrial uses. The applicant, Romano Enterprises Group LLC, currently has an active business license at 1969 10th Avenue North for a tire wholesale business.

Code Compliance: At the time of publication, City records indicate there are no active code cases associated with 1969 10th Avenue North.

Continuance: On July 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The HOA of the property requested a continuance as a potential affected party but failed to request within the required time frame. The applicant also requested a continuance for additional conversation between the HOA of the property and applicant. The Board voted to continue the item to the September PZB Meeting.

ANALYSIS

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 is intended to provide a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the Mixed Use West land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use West category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses*

permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-W sites adjacent to residential zoning districts. The implementing zoning district is MU-W.

The MU-W FLU permits higher-intensity uses for sites west of I-95. The subject site is west of I-95 and is requesting to provide a medium intensity Minor Vehicular Service and Repair use service within an existing ±3,600 square foot bay.

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 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.

The proposed Conditional Use Permit will allow for the establishment of a Minor Vehicular Service and Repair use that will add to the diversification of the economy. The proposed use may also promote economic and financial stability by creating a versatile tax base and by sustaining or increasing jobs, therefore 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 policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

The Mixed Use West (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 they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed use land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for a Minor Vehicular Service and Repair use. Based on staff analysis, the proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The existing site is served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditure is required to service the proposed use.

The proposed vehicular use is subject to City Use Table requirements within LDR Section 23.3-6. The Use Table identifies that a medium intensity (use area less than 7,500 square feet) Minor Vehicular Service and Repair use requires a Conditional Use Permit which is subject to additional supplemental regulations per LDR Section 23.4-13(c)(1)(A)(4), *Vehicular services and repair facilities – Major or minor, or repair and maintenance services – Major*. The proposed use, as conditioned, is consistent with the intent of the MU-W zoning district and supplemental regulations. The analysis for the Conditional Use Permit is provided in the section below and is consistent with the review criteria located in Attachment A. The Minor Vehicular Service and Repair use is also consistent with the additional supplemental regulations located in Attachment B.

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.

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.*

Analysis: The three existing structures on the site were built in 1985. The existing site conditions do not conform to the current LDRs in regard to impermeable surfaces and landscape; 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.**

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.

Analysis: Based on City records, the site currently has four (4) dumpsters. Per the recorded Declaration of Condominium of Gaslight Business Park, all units are to share the existing site dumpsters. The existing locations of the dumpster do not match the approved location for the dumpsters. A condition is proposed for the applicant to coordinate with Public Works on refuse service and location for the Minor Vehicular Service and Repair use.

Per LDRs Section 23.4-10.f)2.A., Exceptions (Off-street Parking). *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.*

Analysis: Vehicular service and repair facilities are subject to additional supplemental standards including the requirement to have three (3) parking spaces for each service bay, plus one parking space for each three hundred (300) square feet of non-service enclosed area. Therefore, the Minor Vehicular Service and Repair use requires a minimum of nine (9) parking spaces. Based on the recorded Declaration of Condominium of Gaslight Business Park documents, the site has shared parking for all 21 bays and their customers. City records, including a site plan from 1987, indicate the ±4.37-acre site was approved and required to have a minimum of 185 parking spaces. Aerial images from the Palm Beach County Property Appraisers website indicate that the parking strips for 32 parking spaces on the southern (rear) end of the property were removed. A condition is proposed to require a site plan amendment to restripe and restore the parking spaces, as well as to clarify which 9 spaces will be designated for the vehicular service and repair use.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by*

an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The existing nonconforming property exceeds the MU-W zoning district impermeable surface coverage allowance and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Vehicle service and repair facilities are also subject to additional supplemental landscape standards including the requirement that the site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.

Aerial images from the Palm Beach County Property Appraisers website indicate a landscape island of approximately 300 linear feet was removed from the southern (rear) end of the property. Staff are proposing a condition to require a site plan amendment to restore the removed landscape island and to add landscape to the perimeter (west and south sides of the property) to meet the supplemental regulations.

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: The proposed conditional use, as conditioned, is in general harmony with the surrounding area. The Minor Vehicular Service and Repair use is an anticipated use in the MU-W zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated for the zoning district in the comprehensive plan.

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

Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant, Romano Enterprises Group LLC, has an existing tire wholesale business at the subject site and is proposing to provide vehicular services. The services provided will include tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks, and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The site is already served by municipal services, including water, sewer, refuse, fire and police. The site is also located on a local roadway, 10th Avenue and Detroit Street. Therefore, no additional public expenditure is required to service the proposed use. Staff are proposing a condition to require all vehicular service repairs to remain indoor.

Section 23.2-29.g) Additional requirements.

Analysis: As of the date of this report transmittal, there is no active code compliance case at 1969 10th Avenue North.

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Analysis: Per LDR Section 23.4-13.c.1(4) vehicle service and repair facilities are subject to design and performance standards. As outlined in Attachment B, the proposed use complies with the supplemental standards. Staff have included conditions of approval regarding hours of operation, equipment location, landscaping, and parking.

CONCLUSION AND CONDITIONS

The Mixed Use West (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 they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting documents provided by the applicant, the request for Minor Vehicular Service and Repair use is not anticipated to negatively impact adjacent properties as conditioned. The proposed Conditional Use Permit will be compatible with other commercial uses provided within the Mixed Use West (MU-W) zoning district. Therefore, a recommendation of approval is provided the Planning and Zoning Board with the following conditions:

Planning & Zoning, and Landscaping:

1. Prior to the issuance of a business license, a minor site plan amendment application shall be required to address refuse location(s), landscaping, and parking spaces as described below. The application and associated site improvements shall be approved and completed within one (1) year of the issuance of this CUP approval.
 - a. Restore and re-stripe parking spaces to the southern (rear) end of the property.
 - b. Designate nine (9) parking spaces for the proposed Minor Vehicular Service and Repair use.
 - c. Restore the landscape island to the southern (rear) end of the property.
 - d. Install a five-foot wide landscape buffer with shrubs and shade trees planted every twenty-five (25) linear feet along the west and south perimeter of the site.
 - e. Coordinate with Public Works on the location and screening of the refuse area(s). The location of the screened refuse area shall comply with LDR requirements and be approved by the Public Works Department
2. Based on City definition of vehicle service and repair, minor (LDR Section 23.1-12), the use may include the following: A business providing brake repairs, tire repair and installation, muffler replacement, and oil changes not including repairs to the drive train or requiring the removal of the engine block, drive train or other major engine components. This includes establishments engaged in the installation, maintenance, and repair of motor vehicle parts or systems that require basic standard maintenance and shall include but not be limited to air conditioning systems, audio systems, brakes, oil and fluid changes, shock absorbers, tune-ups, window tinting, washing and detailing, and wheel alignment and balancing for automobiles, trucks, and motorcycles. Any minor vehicle service and repair use that requires outdoor storage or activities and overnight parking of vehicles being serviced will be considered a major vehicle service and repair use.
3. No on-street parking is permitted for vehicles being serviced.
4. Major vehicular service and repair is prohibited, which includes repairs to transmissions, painting and body work, frame repair, upholstery, engine, air conditioning systems, electrical systems, operations systems, and drive trains.
5. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)(1):
 - a. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
 - b. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
 - c. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.
 - d. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.
6. Outdoor storage is not permitted.

7. 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).
8. Prior to the issuance of the business license, the business shall submit a copy of the PBC ERM Affidavit (<https://discover.pbcgov.org/erm/Publications/wellfieldaffidavitnotification.pdf>) to the Palm Beach County Department of Environmental Resources Management (Jreiser@pbc.gov) and the City of Lake Worth Beach Planning and Zoning Division (Pzoning@lakeworthbeachfl.gov).
9. Prior to the issuance of a business license, the business shall contact the City Engineer's office (vhayduk@lakeworthbeachfl.gov and rchowdhury@lakeworthbeachfl.gov) to confirm if additional pollution prevention or other utility requirements are required.
10. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Lake Worth Beach Business License.
12. 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 requested uses.
13. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance with LDR Section 23.5-1.

Water Utilities

1. Prior to the issuance of the business license, either provide evidence that the site has an oil/water separator to the City Engineer's office (vhayduk@lakeworthbeachfl.gov and rchowdhury@lakeworthbeachfl.gov) or apply for a building permit for the installation of an oil/water separator.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 24-00500007 with staff recommended conditions for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use 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 24-00500007 for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use. 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 the 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. Administrative Uses and Conditional Uses
- C. Application Package (Survey, Justification Statement, Supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

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

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**

ATTACHMENT B – Administrative Uses and Conditional Uses

Sec. 23.4-13(c)(1)(4) - Administrative uses and conditional uses/Standards/ Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major	Analysis
1. <i>Minimum lot frontage. Seventy-five (75) feet.</i>	In compliance
2. <i>Minimum site. Minor - Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.</i>	In compliance
3. <i>Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.</i>	In compliance as conditioned
4. <i>Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.</i>	In compliance as conditioned
5. <i>Buffering/screening. A masonry wall shall be erected to a height of not less than six (6) feet where the proposed site is 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.</i>	Not applicable
6. <i>Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.</i>	In compliance as conditioned
7. <i>Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.</i>	In compliance as conditioned
8. <i>Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with section 23.4-19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.</i>	Not applicable