

7-Eleven @ 1900 10th Avenue North



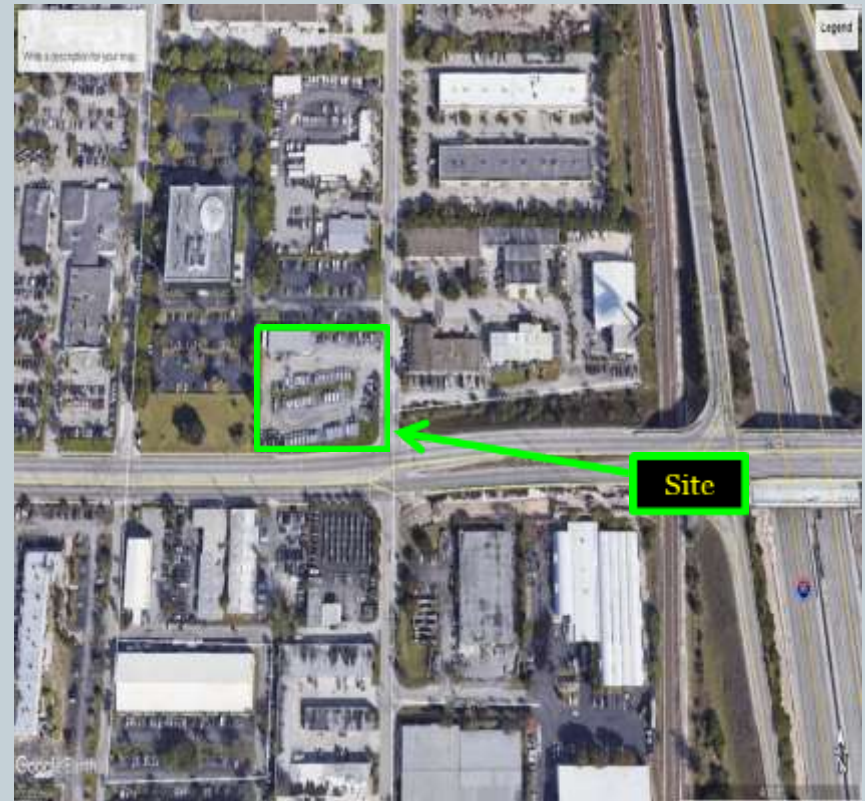
LAKE WORTH BEACH
CITY COMMISSION APPEAL
MAY 20, 2021

PZB PROJECT # 20-00500003



Property Information

- Site is Vacant and approximately 1.24 acres in size, located on NW Corner of 10th Avenue North & Barnett Drive
- Zoning is Mixed-Use West (MU-W)
- Site was formerly used as Vehicle Rental Lot for Wayne Akers Ford



Approvals at Issue



1. **Major Site Plan:** For the development of a 4,730 sq. ft. retail and restaurant building and a 3,520 sq. ft. fuel canopy structure.
2. **Conditional Use Permit:** To establish Vehicle Fueling/Charging Station, Single-Destination Retail and Restaurant Uses.
3. **Together Providing For:**
 - 4,730 SF Retail/Restaurant (4,496 SF Retail/234 SF Restaurant)
 - 3,520 SF Canopy over 7 Fuel Pumps (14 positions)

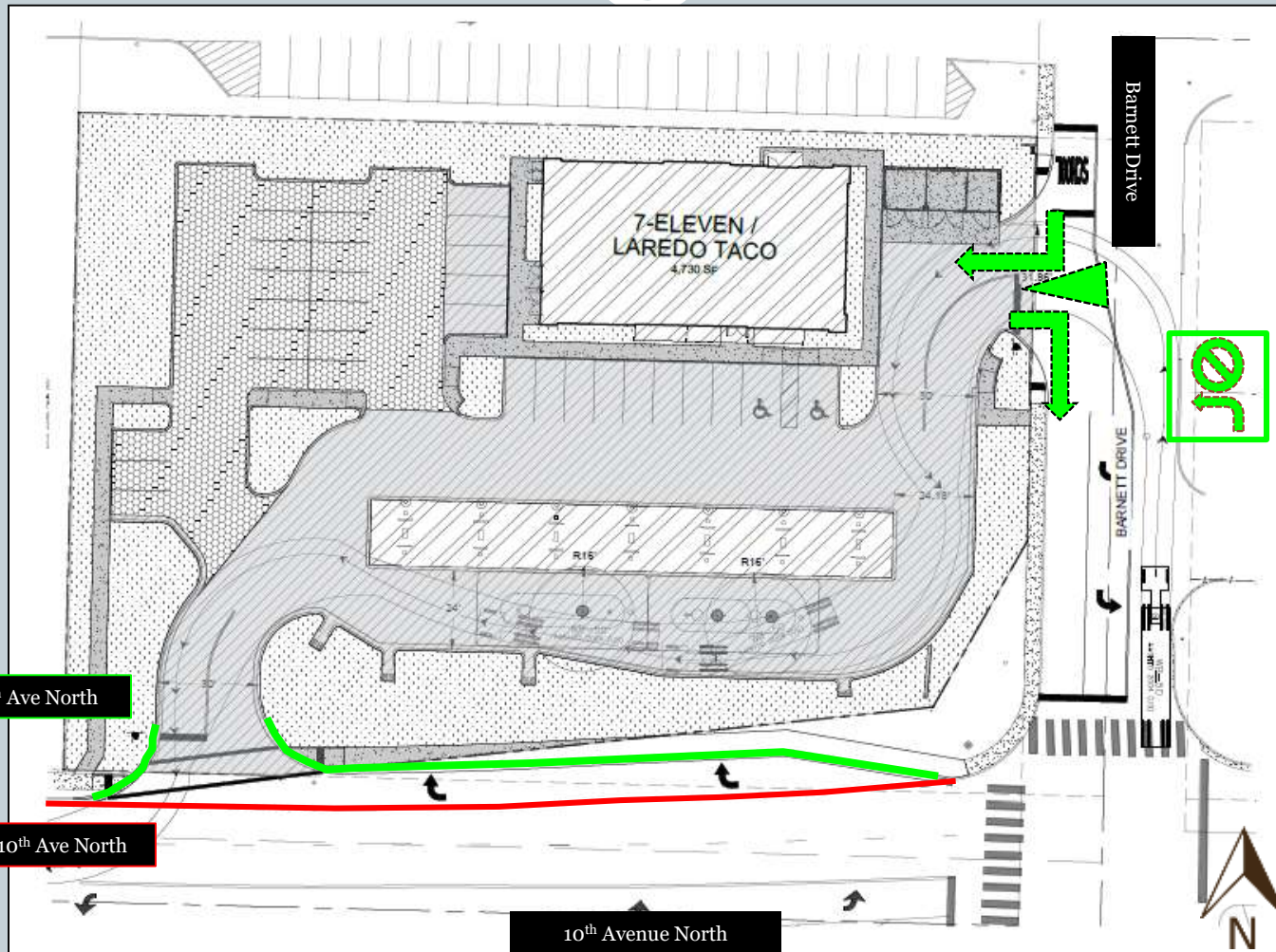
THE PREVIOUSLY APPROVED VARIANCE IS NOT BEFORE YOU

Approval Process



- November 21, 2019 – Initial Pre-Application Discussion with Staff
- March 31, 2020 – Submit Application
- April 16, 2020 – STRP Comment Letter from Staff
- May 14, 2020 – Application Resubmitted to address STRP Comments
- July 15, 2020 – P&Z Board Approves Application
- July 22, 2020 – Palm Beach County Approves Traffic Analysis
- December 15, 2020 – City Commission hears First Appeal
- January 27, 2021 – P&Z Board Approves Application (again)
- May 20, 2021 – City Commission hears appeal of Second Approval

Planning & Zoning Board Approved Plan



Issues on Appeal



- **Proper Standard of Review**
 - No New Evidence
 - Did Planning & Zoning Board have evidence to support the approval
- **Consistency with Comprehensive Plan**
 - The Project is Consistent with Policy 1.1.1.6
 - The Project is Consistent with Policies 2.1.4.7 & 2.1.4.3
- **Consistency with Traffic Requirements**
 - The Project is Consistent with Code Sections 23.2-29 & 23.2-31
 - The Project meets required Palm Beach County Regulations
- **Consistency With Mixed Use West Zoning**
 - The Project is Consistent with Code Section 23.3-18

Standard of Review



1. Appeal based on the evidence in the record before the Planning & Zoning Board.
2. Question is whether Competent Substantial Evidence in the record to APPROVE the Project
3. Contrary Evidence is Irrelevant

**THERE IS MORE THAN ENOUGH EVIDENCE TO
SUPPORT THE PLANNING & ZONING BOARD
APPROVAL**

Consistent with Policy 1.1.1.6



The Mixed Use West category is intended to provide for 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.

Consistent with Traffic Requirements



- Policy 2.1.4.7
 - “The City shall *encourage* the development of mixed-use development to reduce the need for vehicular trips.”
 - Evidence
 - ✦ Three Separate Uses
 - ✦ 61% (or more) pass by trips
 - ✦ Maximum 22 peak hour trips
 - ✦ ONLY 4% OF MAXIMUM ALLOWED DEVELOPMENT
- Policy 2.1.4.3
 - “Heavy traffic generating land uses (as defined in the City’s LDRs) shall be *carefully considered* before permitting along Tenth Avenue North immediately west of I-95.”
 - Evidence
 - ✦ More than 1.5 years of review
 - ✦ Multiple Staff Comments
 - ✦ Palm Beach County Approval
 - ✦ Four public hearings

Consistent with Mixed Use West Zoning



- **Section 23.3-18, Mixed Use West Zoning District**

The 'MU-W mixed use 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."**

- **Evidence: Three Uses Separately defined in Code**

- (1) Vehicle Fueling/Charging Station (vehicular)
- (2) Single-Destination Retail (retail)
- (3) Restaurant (commercial)



QUESTIONS