

Reconsideration of Major Site Plan with Variance and Conditional Use Permit

1900 10th Avenue North, City of Lake Worth Beach

PZB Project Number 20-00500003

Planning & Zoning Board - January 27, 2021



Transportation Policy 2.1.4.3.

- Policy 2.1.4.3 states:

“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.” *(emphasis added)*

- Heavy traffic land uses include vehicular uses and are typically located at a major intersection
- Vehicle charging & fueling stations (such as the proposed 7-Eleven) are *High Intensity Vehicular Uses* according to the City’s Code (Definitions and Sec. 23.3-6. - Use Tables)



Transportation Policy 2.1.4.3.

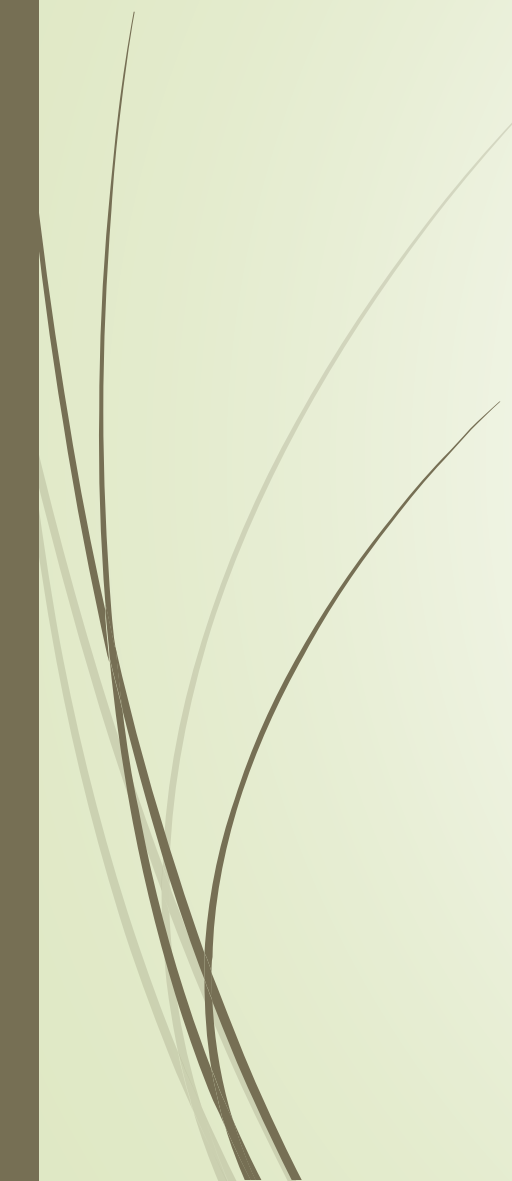
- The intersection of 10th Avenue North and Barnett Drive is not a major intersection
- Barnett Drive provides direct access to Lake Worth Middle School
- **Careful consideration** of the introduction of a *High Intensity Vehicular Use* to a congested area that includes a school and related pedestrian activity should result in the conclusion that the proposed use at this location is not consistent with this Policy



Transportation Policy 2.1.4.7.

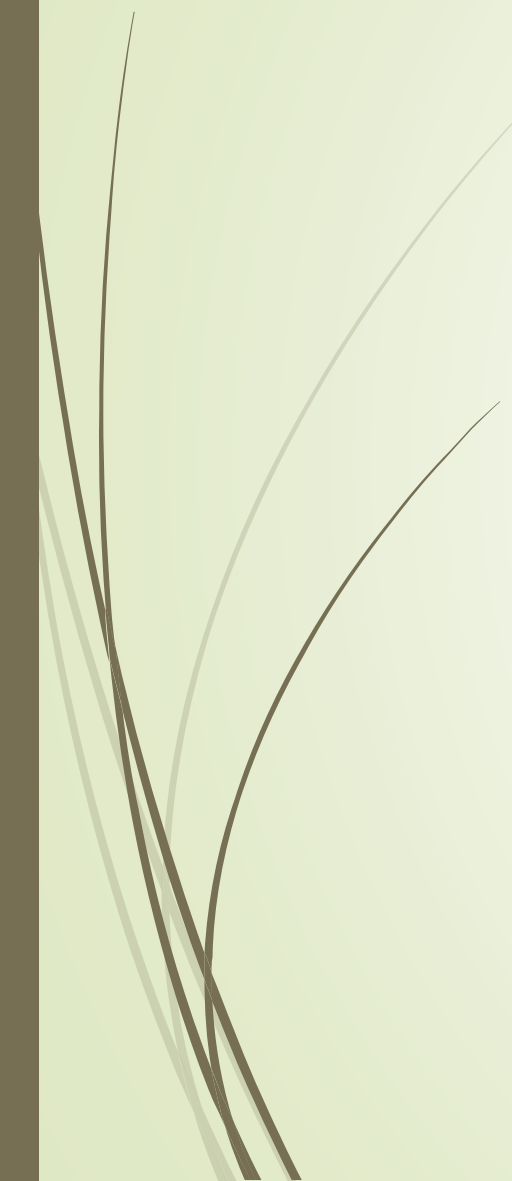
- Policy 2.1.4.7 states:

“The City shall encourage the development of mixed-use development to reduce the need for vehicular trips.”

- Mixed-use development in urban areas typically includes a residential component
 - Mixed-use development generally consists of two or more distinct types of uses (e.g. residential – commercial (retail) – commercial (office) – industrial – civic – recreation, etc.) or some combination thereof
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Transportation Policy 2.1.4.7.

- A c-store with gas sales and take-out food are 3 retail commercial uses (same type of use), not a mix of uses as contemplated by the Comprehensive Plan
 - A mix of uses is not included in the proposed project
 - Accordingly, the proposed project is not consistent with this Policy in the Comprehensive Plan
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Consistency with Comprehensive Plan

- The information presented to the Planning & Zoning Board in July 2020 focused only on Policy 1.1.1.6. to support the conclusion the application is consistent with the Comprehensive Plan
 - The intent of the Policy, however, is to promote development with a mix of 2 or more distinct uses in the area west of I-95 on 10th Avenue North
 - The proposed development consists of 3 repetitive types of uses, as demonstrated by the traffic analysis



Consistency with Comprehensive Plan

- The traffic analysis submitted by the Applicant characterizes the 3 proposed retail uses as **Convenience Store, Gas Station, and a Fast-Food Restaurant**
 - Which are 3 commercial retail uses, not a mix of distinctly different uses
- There is not even a mix of non-residential uses as contemplated by the Policy in the project
 - Rather, the proposed uses are all commercial retail uses: retail sales, retail gas sales, and a fast-food restaurant



Consistency with Comprehensive Plan

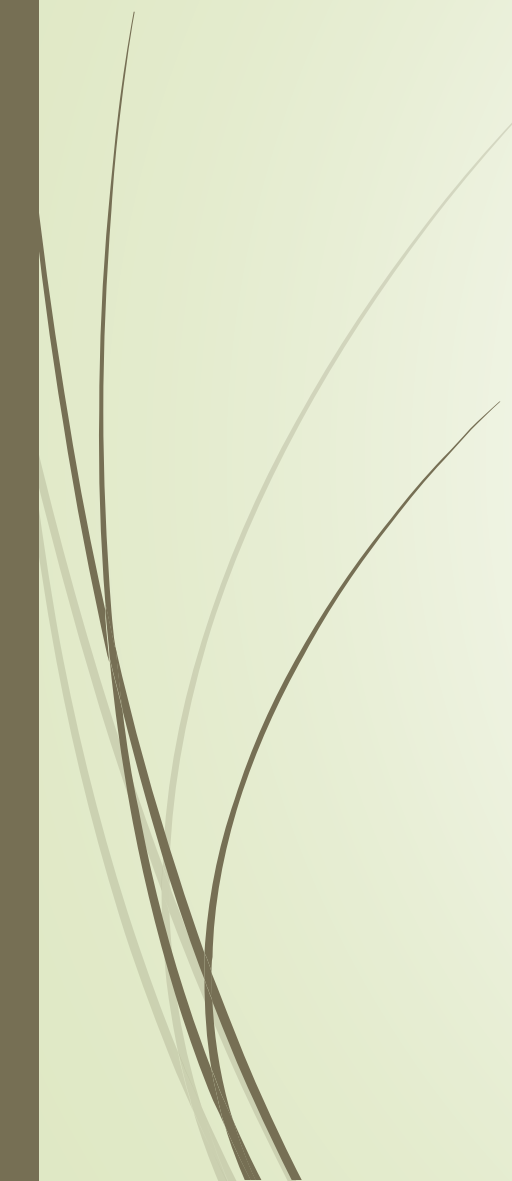
- The Policy further states:

“The preferred mix of uses area-wide is 75% residential and 25% non-residential.”

- The intent of the Policy is to have a mix of uses that is primarily residential
 - The application does not include a residential component
 - The application is 100% commercial retail



Conclusions

- The Policy clearly states that mixed-use projects are intended within the MU-W land use category.
 - To accept the interpretation that **repetitive uses = mixed-use** undermines the purpose and intent of the MU-West land use category, the development and redevelopment goals established by the City, and the design guidelines adopted by the City Commission for this area of the City
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Conclusions

- The proposed 7-Eleven is a “heavy traffic generating land use” as defined by the City’s LDRs. According to the City’s Comprehensive Plan:

"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 1-95."

- Heavy traffic land uses include vehicular uses and are typically located at a major intersection
- Vehicle charging & fueling stations (such as the proposed 7-Eleven) are *High Intensity Vehicular Uses* according to the City's Code (Definitions and Sec. 23.3-6. - Use Tables)



Conclusions

- The intersection of 10th Avenue North and Barnett Drive is not a major intersection
- Barnett Drive provides direct access to Lake Worth Middle School
- Careful consideration of the introduction of a *High Intensity Vehicular Use* to a congested area that includes a middle school and related pedestrian activity should result in the conclusion that the proposed use at this location is not consistent with this Policy in the Plan