

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500012: Consideration of a Conditional Use Permit (CUP) request by Express Roofing Supply at 1800 4th Avenue North for the establishment of a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

Meeting Date: December 4, 2024

Property Owner: Romanelli Maria A Trust

Applicant: Mercy Martinez – Express Roofing Supply 5 LLC

Address: 1800 4th Avenue North

PCNs: 38-43-44-21-02-023-0010

Size: 4.12 Acre Lot / ±61,642 sf existing structures (±15,294 sf proposed indoor use area in a ±33,942 square foot structure)

General Location: West of Industrial Street and south of 4th Avenue North

Existing Land Use: Warehouse

Future Land Use Designation: Industrial (I)

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

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. The proposed use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 6-7 of this report.

PROJECT DESCRIPTION

The applicant, Mercy Martinez of Express Roofing Supply 5 LLC, is requesting a **Conditional Use Permit (CUP)** to establish a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage in the Industrial Park of Commerce (I-POC) zoning district located at 1800 4th Avenue North. The subject site is located West of Industrial Street and south of 4th Avenue North. According to City records, the subject site consist of three structures and the proposed use will occupy ±15,294 square feet within an existing ± 33,942 square foot warehouse building. The building is currently configured as a warehouse space with offices and a showroom. No additional site improvements are being proposed with this application.

According to the applicant's justification statement, Express Roofing Supply will be a full-service roofing distributor that provides roofing materials to contractors, builders, and homeowners. Express Roofing Supply purchases products from manufacturers and will maintain product warranties for roofing material. The applicant also proposes a showroom area to display products and literature to assist customers with product selection. Customers may pick up products from the proposed on-site warehouse area or may have products delivered directly to jobsites. The applicant also requests an accessory outdoor storage use area to store pallets of roofing tile, insulation, and to store commercial vehicles including medium or heavy-duty commercial vehicles. The business hours of operation are Monday through Friday, from 7:00 am to 4:00 pm and Saturday from 7:00 am to 12:00 pm and there will be approximately ten (10) employees. The site is located West of Interstate 95 and is adjacent to Industrial Street.

COMMUNITY OUTREACH

Staff has 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:

Existing Development: The site is 4.12 acres with 3 separate one-story buildings, each with different addresses. According to the Palm Beach County Property Appraiser, the first building (1800 4th Avenue North) is 33,942 square feet; ±2,944 square feet were constructed in 1965, and an addition of ±30,998 square feet was constructed in 1986. The second building (425 Industrial Street) is ±18,900 square feet and was constructed in 2000, and the third building (1802 4th Avenue North) is ±8,800 square feet and was constructed in 2005.

Land Use: The structure at 1800 4th Avenue North is currently occupied by Arc Stone Trading LLC as an importer and wholesaler of granite, marble, and porcelain tile and slab surfaces with an outdoor storage use. The structure is also occupied by Hodl Associates to operate as a factory/manufacturing facility.

Code Compliance: There are no active code cases associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). 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 request is seeking to allow a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage at 1800 4th Avenue North.

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 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 permit will allow for the establishment of a high-intensity roofing contractor facility 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, as conditioned, is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

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 the 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. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.*

Analysis: The applicant is requesting a Conditional Use Permit for a high intensity (use area greater than 7,500 square feet) roofing contractor facility. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than existing industrial uses. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a high intensity (use area greater than 7,500 square feet) roofing contractor facility designated as Wholesale and Distribution Facility, Contractor - Showroom use, Contractor Office, and accessory Outdoor Storage requires a Conditional Use Permit. As the applicant is proposing outdoor storage of roofing materials and commercial vehicles including a medium or heavy-duty vehicle, staff has included a condition of approval to require a minor site plan amendment. The minor site plan application must be submitted prior to the issuance of the business license to identify the accessory outdoor storage area and to verify compliance with LDR Section 23.4-22 *Parking, storing or keeping of commercial vehicles in non-residential districts*; work must be completed within six (6) months of issuance of the minor site plan approval. The proposed request is consistent with the intent of the I-POC zoning district as conditioned. 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 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 of approval 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.*

Staff Analysis: The structures on the property were built between 1965 and 2005. The site does not conform to the current LDRs in regard to landscaping and site impermeable surface coverage; 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.

Additionally, regarding the structure at 1800 4th Avenue, the City's business license currently does not reflect the correct unit address or square footage for Arc Stone Trading LLC. In 2015, Arc Stone Trading LLC received a use approval (PZB 14-00500018) to operate in Unit A as an importer and wholesaler of granite, marble, and porcelain tile and slabs. This approval covers approximately 15,000 square feet of indoor space and 1,000 square feet of outdoor storage. The applicant, Express Roofing Supply 5 LLC, is proposing to operate in Unit A within the same indoor space use area.

Arc Stone Trading LLC has maintained an active business license for Unit B since 2015, to operate within a 16,000 square foot use area. However, the property owner has confirmed that Arc Stone Trading LLC has recently relocated to another unit on the property and has downsized. Staff have added a condition to correctly update the unit addressing for all uses and structures on the site.

The proposed Conditional Use Permit is consistent with the City's LDRs 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: According to the applicant, the proposed contractor facility will utilize refuse rolling bins for waste. Staff has proposed a condition of approval that the applicant/property owner coordinate with the Public Works Department on refuse service and storage location for the roofing contractor facility, prior to the issuance of a business license.

Sections 23.4-10, Off-street Parking and 23.4-9, Off-street Loading Regulations: *Per LDR Section 23.4-10(f)(2)(A), 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: Generally, when a request for conditional use is made without increasing the existing building floor area, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking).

City records indicate the entire parcel has a total of 108 parking spaces. The proposed use will have five (5) parking spaces directly in front of the building's (north) entrance and there are eight (8) parking spaces directly across (north) from where the use will be located with access to 4th Avenue North. As additional square footage is not proposed, and the

request is a 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.

Further, per LDR Section 23.4-9, off-street loading regulations, commercial sites in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Staff has added a condition of approval that the applicant will create the required off-street loading spaces through a Minor Site Plan amendment application.

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 Section 23.5-1.

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 is lacking required landscaping within off-street parking areas and outdoor storage areas and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Staff have added a condition of approval requiring a minor site plan application prior to the issuance of the Business License. This approval is necessary to bring the site's landscaping into compliance, insofar as feasible. It includes adding landscape screening around the vehicular use areas and the outdoor storage area.

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 Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the I-POC zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the I-POC zoning district. The building is already served by municipal services, including water, sewer, fire and police. No additional public expenditure is required to service the proposed use. The site is located on a major collector road, and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than existing industrial uses. The proposed use will not change the existing on-site traffic circulation.

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 property.

CONCLUSION AND CONDITIONS

The industrial park of commerce district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. Based on the data and analysis in this report and the supporting materials by the applicant, the requested roofing contractor facility use is not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Industrial Street corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscaping

1. This approval only applies to ±15,294 square feet of indoor use area, as well as an additional accessory outdoor storage at 1800 4th Avenue North, any expansion of use will require review and approval by staff or the Planning and Zoning Board.
2. Prior to the issuance of a business license, a minor site plan amendment application must be submitted, and work must be completed within six (6) months of approval to address the following:
 - a. Establish an outdoor storage use area
 - b. Provide outdoor storage screening
 - c. Add sufficient off-street loading spaces
 - d. Bring the site's landscaping into compliance insofar as feasible
 - e. The applicant/property owner shall coordinate with Public Works Department/ Solid Waste Division on the location of the refuse area, as well as any potential changes to refuse service that may be required for the roofing contractor facility use. The location of the refuse area and dumpster or bin enclosures shall comply with LDR requirements and be approved by the Public Works Department. The Solid Waste Division can be reached via email at solidwasteinfo@lakeworthbeachfl.gov.
3. Correct unit addressing for all uses and structures located at the site.
4. Retail sales are prohibited.
5. 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.
6. 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).
7. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
8. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
9. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as a result of or related to the operations of the requested use.
10. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Barry Schultz (Lake Worth Beach Interim Building Official): Office Phone: 561-586-1786 | Email: bschultz@lakeworthbeachfl.gov
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations Section 23.5-1.

Electric

1. If the developer proposes an increase to the electric load, the developer must provide the load calculation at the time of building permits.

Building

1. At the time of the minor site plan application, the applicant must provide a floor plan.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500012 Conditional Use Permit for a roofing contractor facility 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** the request for PZB Project Number 24-00500012 Conditional Use Permit for a roofing contractor facility. 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. Conditional Use Findings
- B. Application Package (survey/site plan, floor plan, and 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