

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500006: A conditional use permit request for a ±3,700 square-foot medical office located at 1928 Lake Worth Road. The subject property is zoned Mixed Use- West (MU-W) and has a Transit Oriented Development (TOD) future land use designation.

Meeting Date: June 5, 2024

Property Owner: Paise Associates #2, LLC

Applicant: Yelaine Lavin – Reflection Service ABA Therapy, LLC

Address: 1928 Lake Worth Road

PCNs: 38-43-44-21-02-031-0020

Size: ±7.79 acre lot / ±83,399.75 total sf existing structures (±3,700 square foot use area)

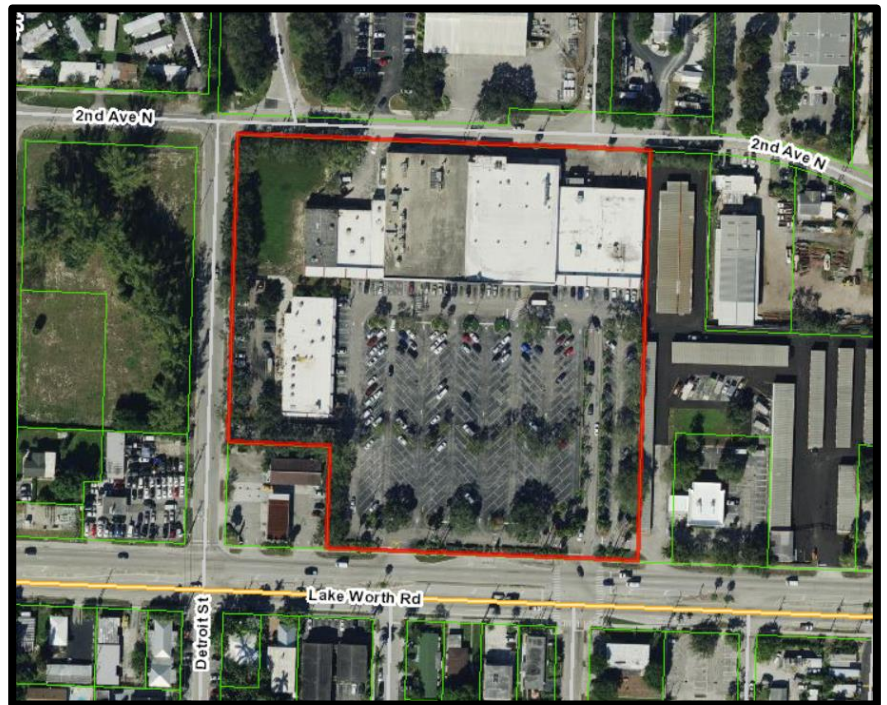
General Location: North side of Lake Worth Road between Detroit Street and the SCL Railroad

Existing Land Use: Commercial

Future Land Use Designation: Transit Oriented Development (TOD)

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. 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 page 6 of this report.

PROJECT DESCRIPTION

The applicant, Yelaine Lavin of Reflection Service ABA Therapy, LLC., is requesting a **Conditional Use Permit (CUP)** to establish a medium-intensity (up to 7,500 square feet of use area) medical office use (outpatient clinic/medical office) in the Mixed-Use West (MU-W) zoning district. According to the applicant's justification statement, the proposed facility will provide Applied Behavior Analysis (ABA) therapy services for children with autism and developmental disabilities, overseen by licensed therapists, board certified behavior analysts, and behavior technicians. The subject property is located on the north side of Lake Worth Road between Detroit Street and the SCL Railroad.

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 approximately 7.79 acres with four one-story buildings (three connecting structures and one standalone structure). The first three structures were constructed in 1968 with the addresses 1902-1928 Lake Worth Road, and the fourth structure was constructed in 1974 with the addresses 1960-1978 Lake Worth Road. There is a total of approximately 83,399 square feet amongst the buildings. The structures have a total of 20 tenant spaces with approximately 381 off-street parking spaces.

Addressing: The parcel has several addresses. The site has a main address through the Palm Beach County (PBC) Property Appraiser's office and the city's internal business activity management software called Naviline [Enterprise Resource Planning (ERP) and Utility Billing (UB) system]. The main address for the whole parcel is 1904 Lake Worth Road. The address for the subject unit is 1928 Lake Worth Road.

Land Use: There are numerous active business licenses for uses located at the site. The site has a history of being occupied by various commercial, retail, office, and personal service uses. The current ±3,700 square-foot space at 1928 Lake Worth Road does not have an active business license.

Code Compliance: The site has a recently opened code violation for a barbershop operating without a business license, graffiti, prohibited signage, and a missing electrical protective plate. While the code violations are not directly related to this unit, the violations must be resolved before this unit (or any other new businesses on the site) can receive their business license.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). The TOD FLU land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The proposed request seeks to allow a medium-intensity medical office in the existing ±3,700 square foot commercial unit.

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, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a medium-intensity medical office use that will contribute towards the City's tax base, sustain or increase jobs, and foster inclusion, the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

Consistency with the 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 medium-intensity (use area less than 7,500 square feet) medical office. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire, and police. The site is located on a major collector roadway. Therefore, no additional public expenditure is required to service the proposed use.

Per LDR Section 23.3-6, a medium-intensity medical office use in the MU-W zoning district requires a Conditional Use Permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)(15), *Medical related uses*. The use is consistent with the intent of the MU-W 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 proposed medical office 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 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 four existing structures on the site were built in 1968 and 1974. The existing site conditions do not conform to the current LDRs related to the landscaping and impermeable surfaces. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address landscaping insofar as feasible. **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: Based on City records, the site currently has six (6) dumpsters. Per the justification statement, the applicant states the business will use a shared dumpster directly behind the unit. A condition is proposed for the applicant/property owner to coordinate with Public Works on refuse service for the medical office.

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.*

Staff Analysis: Generally, when a request for conditional use without increasing the existing building floor area is made, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking). However, the supplemental regulations for medical uses require that sufficient parking be provided to serve the needs of the doctors, staff, clients, and patients (LDR Section 23.4-13(c)(15)(B)(3)).

One (1) parking space per 250 gross square feet of use area is required for medical offices. Therefore, a minimum of fifteen (15) spaces is required for the ±3,700 square-foot medical office use. The applicant's justification statement specifies that the site has general shared parking between all tenants. The survey indicates the site currently has 381 parking spaces including ten (10) ADA parking spaces. The applicant states that the business will have up to fifteen (15) total employees working in alternating shifts, with eight (8) to ten (10) employees working at the same time. Further, patients will be dropped off by their parents who typically park for up to 10 minutes. The conditional use permit is conditioned to provide documentation of the parking at Business License to satisfy the supplemental standards for medical offices.

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 in conformance 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 the required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. Based on staff analysis, the site has dead and missing landscape hedges, trees, and groundcover. Staff has added a condition of approval to submit a landscaping permit prior to issuance of the Business License to bring the site's landscaping into

compliance insofar as feasible, including adding native shade trees, native shrubs, and native groundcover or native grasses in landscape areas.

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 MU-W 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 zoning district. The building is already served by municipal services, including water, sewer, fire, and police. As indicated earlier in this report, refuse service will need to be determined. No additional public expenditures are 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 a use permitted by right. The proposed use will not change the existing on-site traffic circulation. A condition is being proposed to address the refuse collection.

Section 23.2-29.g) Additional requirements.

Staff Analysis: The ± 7.79-acre site has various tenants that occupy multiple units. As of the date of this report transmittal, the site has an active code case for a barbershop operating without a business license, work done without a building permit, graffiti, prohibited signage, and missing electrical protective plate. A conditional of approval has been added to resolve the code violations prior to the issuance of the business license.

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.

Staff Analysis: Per LDR Section 23.4-13.c.(15), medical-related uses are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval regarding hours of operation, parking, and future changes to services provided and/or use area.

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 materials by the applicant, the requested medical office 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 Lake Worth Road corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m.
 - b. Documentation of sufficient/adequate parking to serve the needs of the doctors, staff, clients, and patients shall be submitted with the Business License application.
 - c. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
 - d. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
2. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
3. The applicant/property owner shall coordinate with Public Works on the location of the refuse area, as well as any potential changes to refuse service that may be required for the medical office use. The location of the refuse area shall comply with LDR requirements and be approved by the Public Works Department.
4. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
5. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
6. 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 use.
7. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer 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 (City of Lake Worth Beach – Interim Building Official): Office Phone: 561-227-6976 | Email: bschultz@lakeworthbeachfl.gov
 - Dave Collado (PBC Fire Rescue): Office Phone: 561-233-0051 | Email: dcollado@pbc.gov
8. 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 Section 23.5-1.
9. Prior to the issuance of the business license, all code violations shall be resolved.

Landscaping

1. Prior to issuance of the Business License, a landscape permit shall be submitted to bring the site's landscaping into compliance insofar as feasible, including adding native shade trees, native shrubs, and native groundcover or native grasses in landscape areas.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500006 Conditional Use Permit for a medical office 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 24-00500006 Conditional Use Permit for a medical office. 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. Administrative Uses and Conditional Uses
- C. 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 as conditioned
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

ATTACHMENT B - Administrative Uses and Conditional Uses

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance as conditioned
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	Not applicable
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned