

Reconsideration of Major Site Plan with Variance and Conditional Use Permit

1900 10th Avenue North, City of Lake Worth Beach

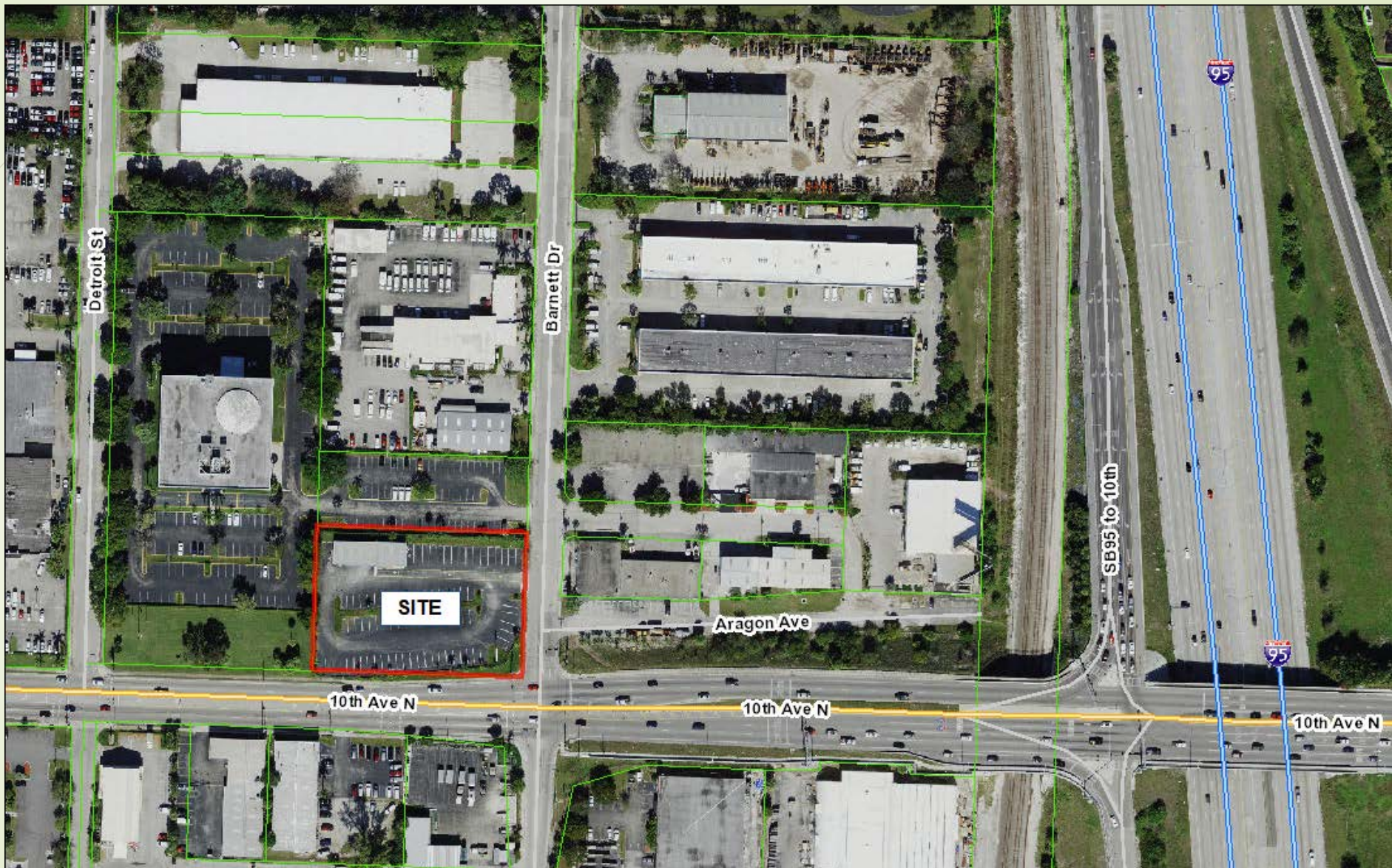
PZB Project Number 20-00500003

Planning & Zoning Board - January 27, 2021

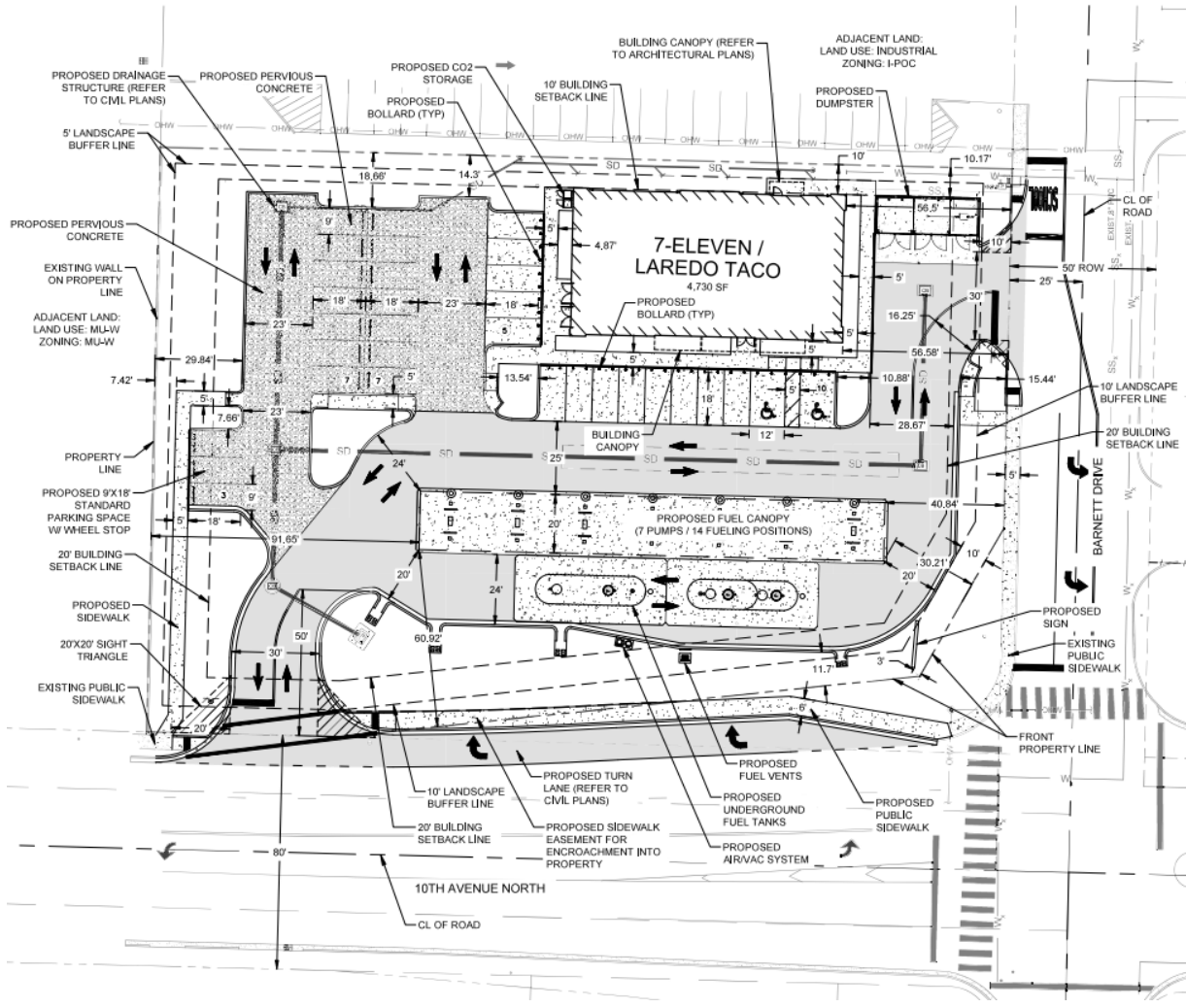


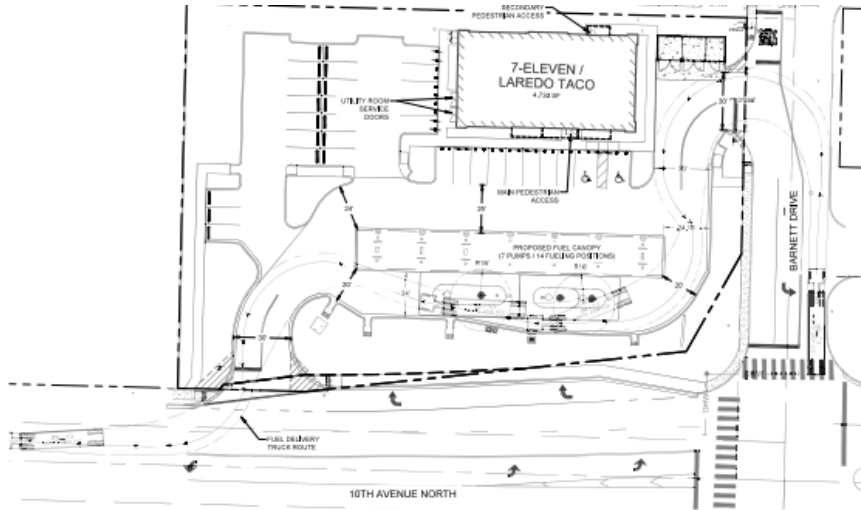
Reconsideration

- On December 15, 2020, the City Commission requested the Planning & Zoning Board reconsider a request for a Major Site Plan with a Variance and a Conditional Use Permit to allow a 4,730 s.f. retail development on the NWC of 10th Avenue North and Barnett Drive consisting of 3 retail uses characterized as:
 1. Vehicle Fueling/Charging Station,
 2. Single Destination Retail, and
 3. Restaurant
- The approval of the variance was appealed to the Palm Beach County Circuit Court, Appellate Division. If the appeal is granted, the project cannot be built as presented on the proposed site plan.



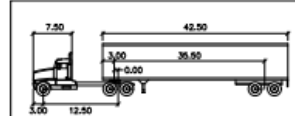






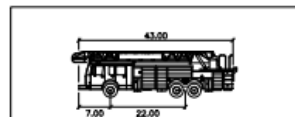
CIRCULATION ROUTE: FUEL TRUCK

AUTOTURN VEHICLE DETAILS



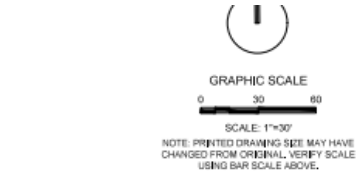
FUEL TRUCK

| feet | |
|--------------------|--------|
| Tractor Width | : 8.00 |
| Tractor Track | : 8.00 |
| Trailer Width | : 8.50 |
| Trailer Track | : 8.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 17.7 |
| Articulating Angle | : 70.0 |

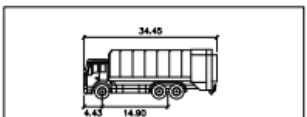


FIRE TRUCK

| feet | |
|-------------------|--------|
| Width | : 8.50 |
| Track | : 8.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 33.3 |

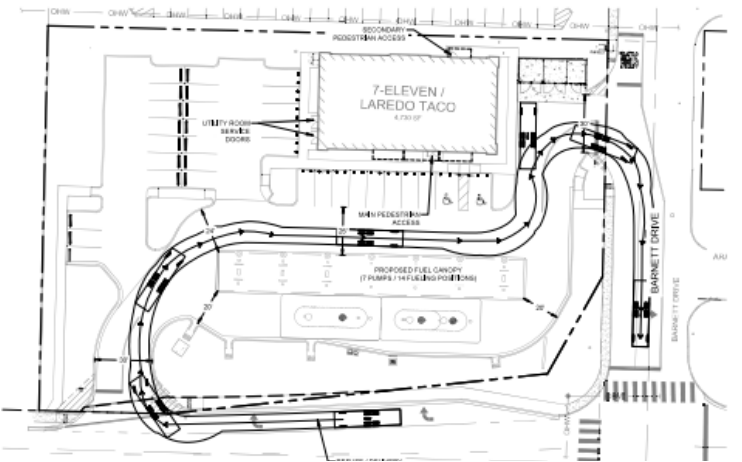
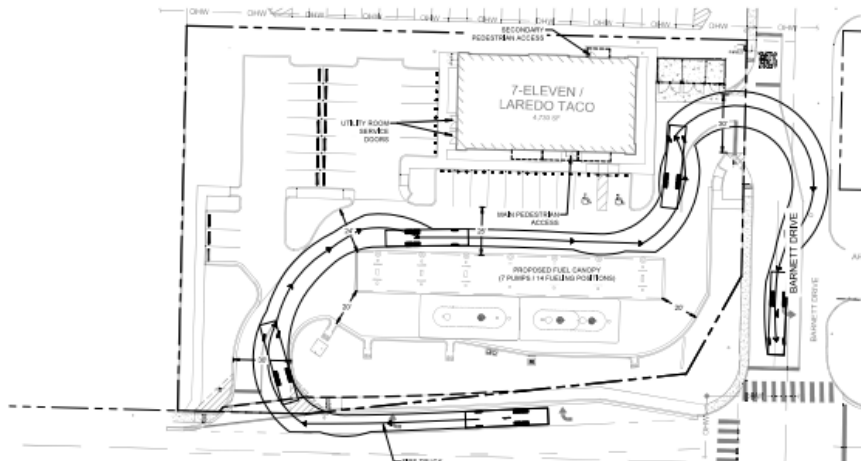


- NOTES:**
1. DELIVERY TRUCKS TO USE SERVICE ENTRANCE FROM 10TH AVENUE NORTH



REFUSE / DELIVERY TRUCK

| feet | |
|-------------------|--------|
| Width | : 8.20 |
| Track | : 8.20 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 42.0 |





Basis for Reconsideration

- The proposed 7-Eleven is not consistent with the Comprehensive Plan:
 - The project is not consistent with Future Land Use Element Policy 1.1.1.6.
 - The project is not consistent with Transportation Element Policies 2.1.4.3. and 2.1.4.7.
- The proposed 7-Eleven is not consistent with the City of Lake Worth Beach Zoning Code:
 - The project is not consistent with the Zoning Code Sec. 23.3-18. - MU-W, Mixed Use-West Zoning District



Future Land Use Policy 1.1.1.6.

- ▶ Policy 1.1.1.6 states:

“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 intent of the Policy is to promote development with a mix of two or more distinct uses
- ▶ This was the only Policy relied upon by the applicant and staff to support the conclusion the application is consistent with the Comprehensive Plan



Future Land Use Policy 1.1.1.6.

- The Policy also states:

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

- The intent of the Policy is to promote mixed-use development with a residential component
 - The project does not comply with the preferred mix of land uses, which is overwhelming residential
 - The propose 7-Eleven application is **100% commercial retail uses**



Future Land Use Policy 1.1.1.6.

- Finally, the Policy states:

“While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses.” (emphasis added)

- This portion of the policy undermines the entire premise of the Mixed Use - West land use category **if interpreted or applied incorrectly**



Future Land Use Policy 1.1.1.6.

- ▶ There is a distinct difference between multiple use and mixed-use:
 - Multiple use: multiple variations of the same type of use, as in the proposed project (c-store (retail commercial) + gas sales (retail commercial) + fast-food restaurant (retail commercial))
 - Mixed-use: a mix of distinctly different types of land uses (e.g. a combination of residential – commercial (retail) – commercial (office) – industrial – civic – recreation uses)
- ▶ The phrase *“it is not a requirement that each site within the category incorporate multiple uses”* **does not mean that mixed-use is not required**



Future Land Use Policy 1.1.1.6.

- ▶ The Policy in the Plan clearly states that mixed-use projects are intended in the MU-W land use category:

“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.” (emphasis added)

- ▶ To accept the interpretation that repetitive uses = mixed-use undermines the purpose and intent of the Mixed Use - West land use category, the development and redevelopment goals established by the City, and the detailed thoroughfare design guidelines adopted by the City for new development



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



Transportation Policy 2.1.4.7.

- ▶ A c-store with gas sales and fast food are 3 retail commercial uses (same type of use), not a mix of uses as contemplated by the Comprehensive Plan
- ▶ In fact, 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 convenience sales, retail gasoline sales, and a retail restaurant
- ▶ 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

Intersection Analysis – 10th Ave N./Barnett Dr. – PM Peak Hour

| SHORT REPORT | | | | | | | | | | | | | |
|--|------------|---------|----------|-------|----------|------|--|-------|------|------------------------|-------|------|--|
| General Information | | | | | | | Site Information | | | | | | |
| Analyst: L.S.B. Agency or Co.: Liss S Barnstein PE Date Performed: 5/4/2020 Time Period: PM Peak Hour | | | | | | | Intersection: 10th Avenue N/Barnett Drive Area Type: All other areas Jurisdiction: PBC Analysis Year: Future With Project | | | | | | |
| Volume and Timing Input | | | | | | | | | | | | | |
| | EB | | | WB | | | NB | | | SB | | | |
| | LT | TH | RT | LT | TH | RT | LT | TH | RT | LT | TH | RT | |
| Number of Lanes | 1 | 2 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | |
| Lane Group | L | TR | | L | TR | | L | TR | | L | TR | | |
| Volume (vph) | 51 | 1233 | 151 | 298 | 1865 | 59 | 188 | 11 | 402 | 176 | 25 | 66 | |
| % Heavy Vehicles | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | |
| PHF | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | 0.95 | |
| Pretimed/Actuated (P/A) | A | P | P | A | P | P | A | A | A | A | A | A | |
| Startup Lost Time | 2.0 | 2.0 | | 2.0 | 2.0 | | 2.0 | 2.0 | | 2.0 | 2.0 | | |
| Extension of Effective Green | 2.0 | 2.0 | | 2.0 | 2.0 | | 2.0 | 2.0 | | 2.0 | 2.0 | | |
| Arrival Type | 3 | 3 | | 3 | 3 | | 3 | 3 | | 3 | 3 | | |
| Unit Extension | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | 3.0 | 3.0 | | |
| Ped/Bike/RTOR Volume | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 10 | |
| Lane Width | 12.0 | 12.0 | | 12.0 | 12.0 | | 12.0 | 12.0 | | 12.0 | 12.0 | | |
| Parking/Grade/Parking | N | 0 | N | N | 0 | N | N | 0 | N | N | 0 | N | |
| Parking/Hour | | | | | | | | | | | | | |
| Bus Stops/Hour | 0 | 0 | | 0 | 0 | | 0 | 0 | | 0 | 0 | | |
| Minimum Pedestrian Time | | 3.2 | | | 3.2 | | | 3.2 | | | 3.2 | | |
| Phasing | Excl. Left | WB Only | EW Perm | 04 | NS Perm | 06 | 07 | 08 | | | | | |
| Timing | G = 17.5 | G = 6.0 | G = 73.5 | G = | G = 43.0 | G = | G = | G = | | | | | |
| | Y = 0 | Y = 6.5 | Y = 6.5 | Y = | Y = 7 | Y = | Y = | Y = | | | | | |
| Duration of Analysis (hrs) | = 0.25 | | | | | | | | | Cycle Length C = 160.0 | | | |
| Lane Group Capacity, Control Delay, and LOS Determination | | | | | | | | | | | | | |
| | EB | | | WB | | | NB | | | SB | | | |
| Adjusted Flow Rate | 54 | 1446 | | 314 | 1805 | | 198 | 425 | | 185 | 85 | | |
| Lane Group Capacity | 240 | 1604 | | 307 | 1898 | | 351 | 428 | | 83 | 449 | | |
| v/c Ratio | 0.22 | 0.90 | | 1.02 | 0.95 | | 0.56 | 0.99 | | 2.23 | 0.19 | | |
| Green Ratio | 0.57 | 0.46 | | 0.65 | 0.54 | | 0.27 | 0.27 | | 0.27 | 0.27 | | |
| Uniform Delay d ₁ | 28.9 | 39.9 | | 56.7 | 35.0 | | 50.4 | 58.3 | | 58.5 | 45.1 | | |
| Delay Factor k | 0.11 | 0.50 | | 0.50 | 0.50 | | 0.16 | 0.49 | | 0.50 | 0.11 | | |
| Incremental Delay d ₂ | 0.5 | 8.6 | | 57.3 | 11.9 | | 2.1 | 41.6 | | 589.9 | 0.2 | | |
| PF Factor | 1.000 | 1.000 | | 1.000 | 1.000 | | 1.000 | 1.000 | | 1.000 | 1.000 | | |
| Control Delay | 29.4 | 48.5 | | 114.0 | 46.9 | | 52.5 | 99.9 | | 648.4 | 45.3 | | |
| Lane Group LOS | C | D | | F | D | | D | F | | F | D | | |
| Approach Delay | 47.8 | | | 56.9 | | | 84.9 | | | 458.5 | | | |
| Approach LOS | D | | | E | | | F | | | F | | | |
| Intersection Delay | 81.8 | | | | | | Intersection LOS | | | F | | | |

Barnett Drive

| SB | |
|-------|-------|
| 185 | 85 |
| 83 | 449 |
| 2.23 | 0.19 |
| 0.27 | 0.27 |
| 58.5 | 45.1 |
| 0.50 | 0.11 |
| 589.9 | 0.2 |
| 1.000 | 1.000 |
| 648.4 | 45.3 |
| F | D |
| 458.5 | |
| F | |
| F | |

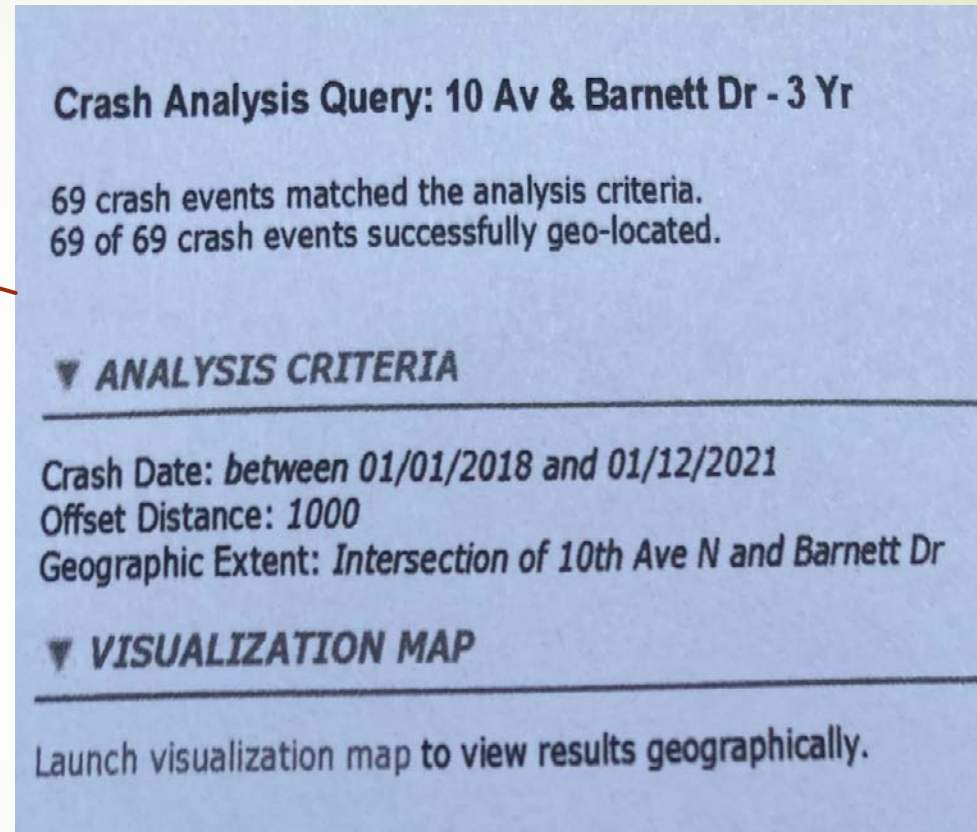
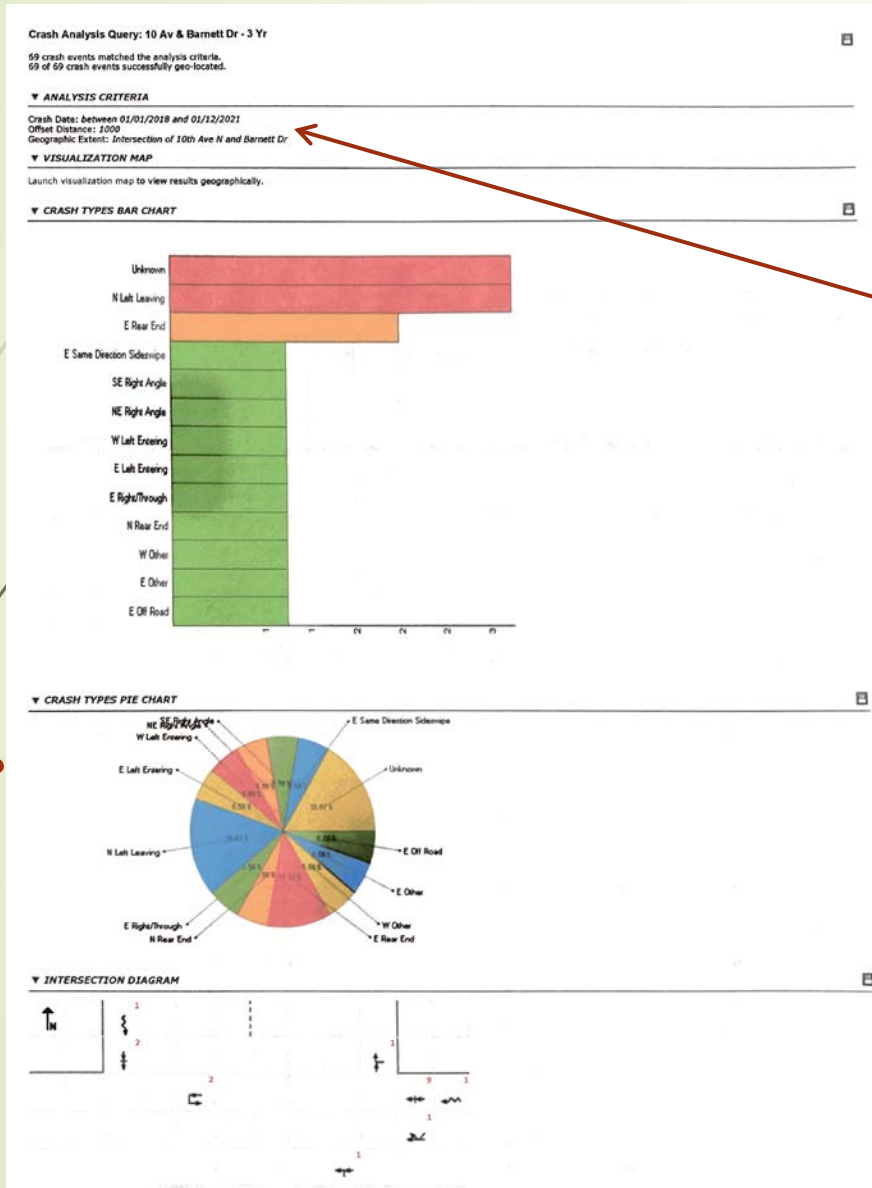
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Barnett Drive
Overall Intersection



Palm Beach County Intersection Crash Analysis

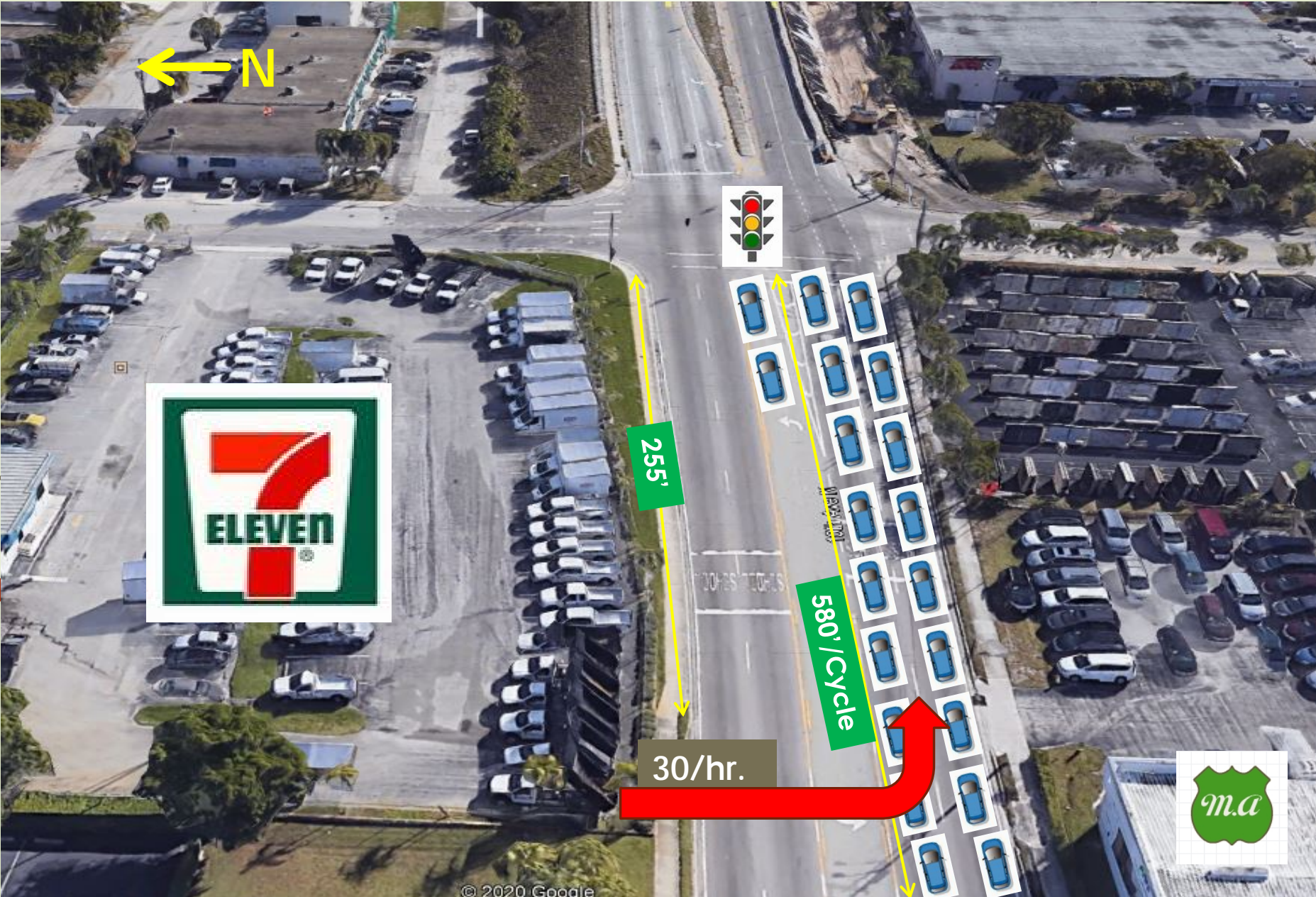
10th Ave N./Barnett Dr. - 3 Years Data (1/1/2018 to 1/12/2021)



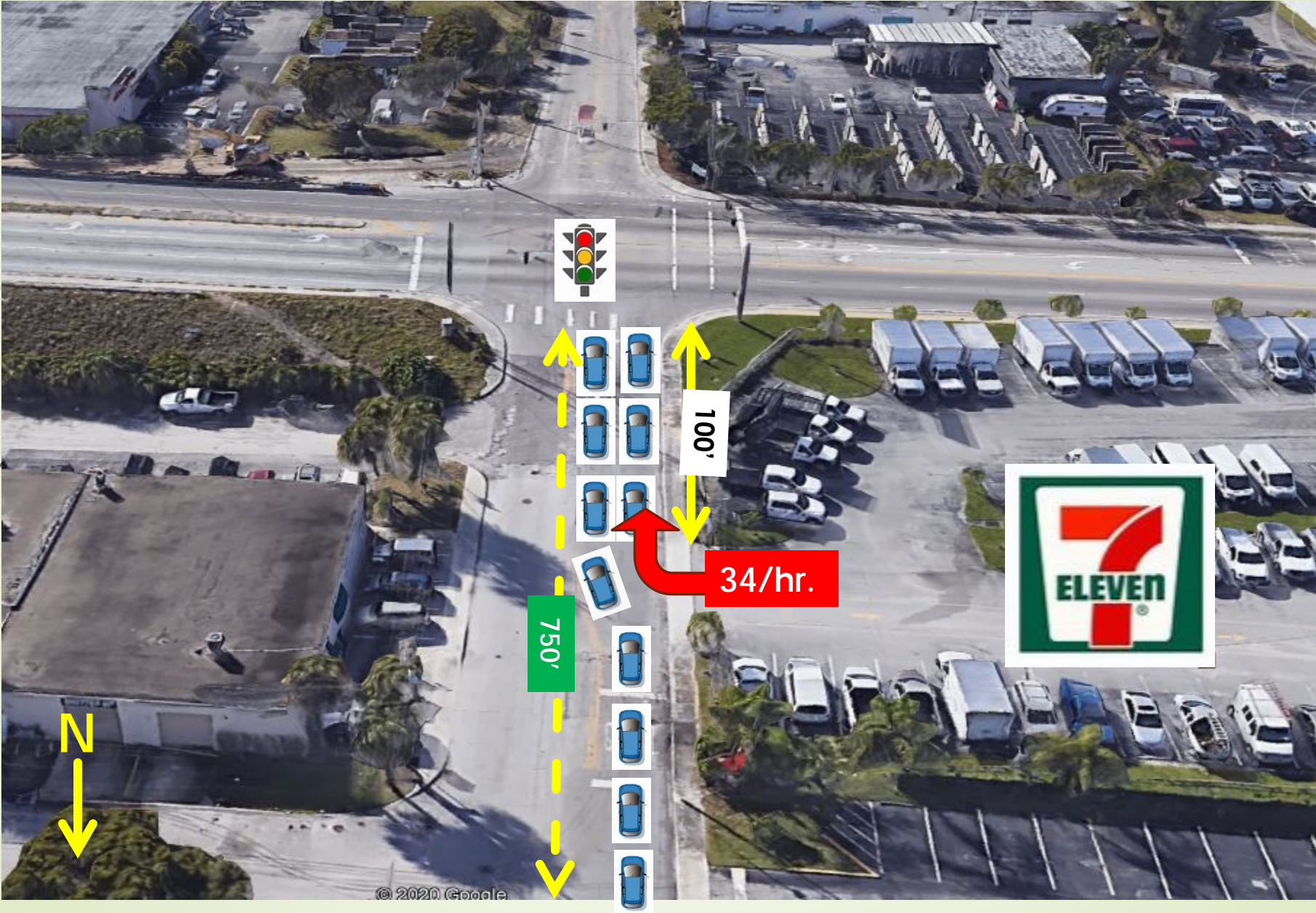
Traffic Conflicts – 10th Ave N. Driveway – PM Peak Hour



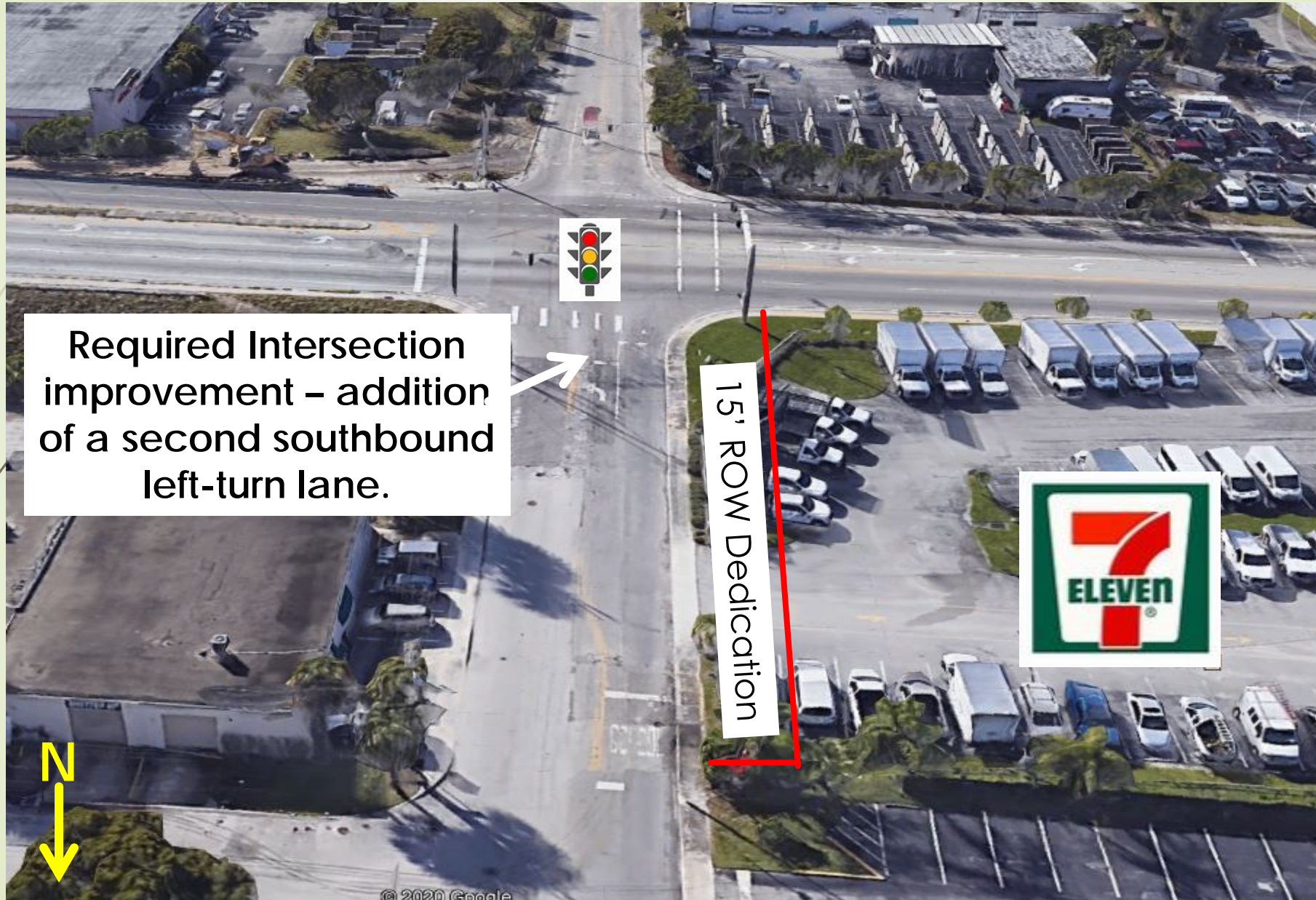
EB Queue - 10th Ave N.



SB Queue - Barnett Drive - PM Peak Hour



Required Intersection Improvement



Required Intersection improvement - addition of a second southbound left-turn lane.

15' ROW Dedication





Zoning Code Sec. 23.3-18.

- Zoning Code Sec. 23.3-18. - MU-W, Mixed Use-West district states:

“This 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.” *(emphasis added)*
- A plain reading of the Code demonstrates the City's intent to establish a broad range of office and other commercial uses including "**medium-density multiple-family residential development**" along in the MU-W district
- The proposed project, however, is located just west of I-95 on the north side of 10th Avenue and is clearly intended as a regional highway use and, as such, is not consistent with the MU-West district



Conditional Use Criteria

- Conditional uses are allowed in the MU-W district subject to meeting the following specific criteria:

"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" (emphasis added)

- As demonstrated by neighboring property owners and our own experts, the proposed project increases traffic congestion in the area, including accessibility to Lake Worth Middle School, and adversely affects the viability of commercial redevelopment on existing long established neighboring commercial properties



Conclusions

- ▶ The intent of the MU-W zoning district is to implement Future Land Use Policy 1.1.1.6. As demonstrated, the proposed uses are not consistent with this Policy and 2 Transportation Policies if the Plan
- ▶ In order for the MU-West zoning district to successfully implement the MU-W land use category, the mix of uses only works if the uses:
 1. do not create excessive problems for through traffic
 2. do not have a negative impact on nearby residential areas, and
 3. do not have a negative impact on the commercial viability of neighbors



Conclusions

- ▶ The combination of multiple retail uses on a single property at this location will increase traffic congestion in the area and adversely affect the viability of existing commercial properties and threatens the redevelopment potential of neighboring commercial properties
- ▶ The Board has a choice, support the introduction of a Regional Highway Use that will primarily serve travelers on I-95 ...

OR

SUPPORT EXISTING PROPERTY OWNERS AND BUSINESSES IN THE CITY



Conclusions

- ▶ Based upon testimony from property owners in the area, it is clear the project is not consistent with and does not meet policies the Commission has adopted
- ▶ Pursuant to § 163.3194 (6), Fla. Stat., a project that is not consistent with the City's Comprehensive Plan cannot be approved
- ▶ Pursuant to § 163.3194 (1) (a) & (b), Fla. Stat., all Projects must comply with the Policies of the City's Comprehensive Plan and Land Development Regulations
- ▶ Pursuant to § 163.3194 (1)(a), Fla. Stat., and because the project is not consistent with the City's Comprehensive Plan upon which the application relies, as demonstrated by the record, the Board must deny the project