

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-12400001: An Appeal of the Development Review Official’s Decision regarding the expansion of outdoor storage areas at 128 South F Street, pursuant to but not limited to Sections 23.2-8, 23.4-19, and 23.1-8 of the Land Development Regulations. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Transit Oriented Development (TOD).

Meeting Date: February 7, 2023

Property Owners: S & D Land, LLC

Address: 128 South F Street

PCNs: 38-43-44-21-15-057-0010

Size: 0.3099-acre lot / ±2800 square feet of existing structure

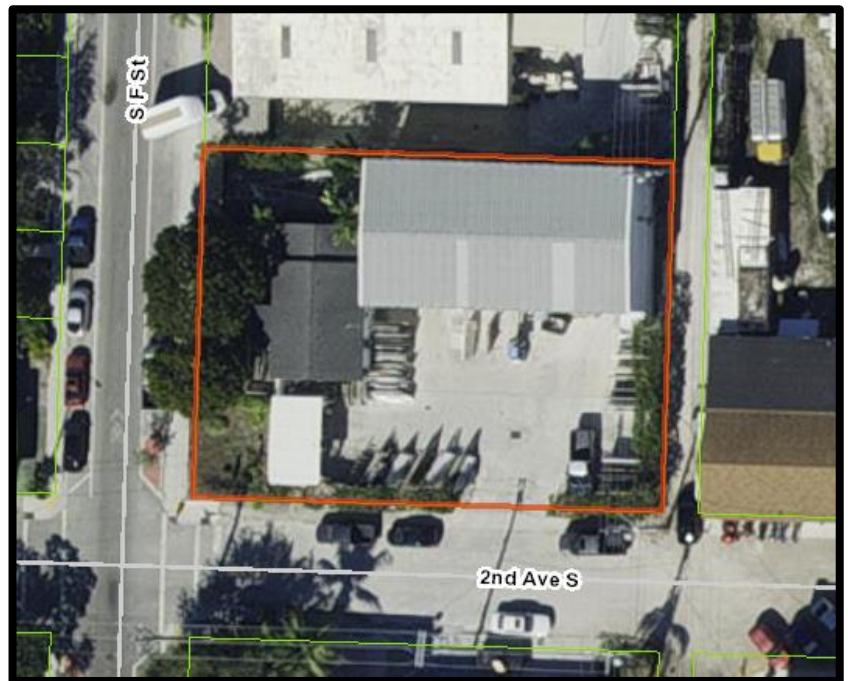
General Location: Northeast corner of S F Street and 2nd Avenue South

Existing Land Use: Fabrication Services/Manufacturing/Processing excluding retail display and sales

Current Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Artisanal Industrial (AI)

Location Map



RECOMMENDATION

The DRO denied the request to expand the outdoor storage areas at 128 S F Street. Staff recommends that the Board interpret LDR Section 23.2-8, 23.4-19, and 23.1-8 in manner consistent with the DRO's decision based on the zoning analysis in the following section.

PROJECT DESCRIPTION

The Applicant, Wes Blackman, on behalf of Patrona Marble & Granite is appealing a decision by the City's Development Review Official (DRO) denying the request to expand the outdoor storage areas at 128 S F Street.

PROPERTY HISTORY

- Based on City records, the property received approval from the Planning and Zoning Board at the March 17, 2004, meeting for:
 - A variance (PZB #02080001) related to use restrictions for stone cutting and finishing; and,
 - A site plan (PZB #03030011) for the construction of an industrial building. The site plan is included in **Attachment A**.
- Per Palm Beach County property appraiser's office, the 2,800 square foot warehouse structure was built in 2006.
- Based on City Records, Patrona Marble & Granite has maintained a City of Lake Worth Beach Business License since 2007. Per LDR Section 23.3-6, the business is classified as a Medium Intensity (less than 7,500 square feet) "Fabrication Services/Manufacturing/Processing excluding retail display and sales" use.
- According to the Property Appraiser's aerials, it appears the outdoor storage area began to expand beyond the approved 2004 site plan, within parking spaces, between 2012-2014.
- Code Enforcement case #23-0883 was established on May 23, 2023. The active violations include the expansion of outdoor storage and use & occupancy inspection.
- The applicant applied for a Zoning Verification Letter (PZ #23-01700057) on November 16, 2023 requesting a zoning interpretation on creating additional storage at the subject property.
- In response, a Zoning Determination by the DRO was issued on December 5, 2023, indicating the subject property cannot expand or request additional outdoor use areas per LDR Section 23.4-19. If additional storage is desired, it must be accommodated within a building, in accordance with LDR Section 23.1-8. The Zoning Determination Letter is included in **Attachment B**.
- On January 4, 2024, the Applicant submitted a notice of appeal to the DRO's written decision, included as **Attachment C**.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

ANALYSIS

The subject property is located in the Artisanal Industrial (AI) zoning district. Per the 2004 site plan, included as an attachment, the property includes a "Material Lay-Down Yard". This is the only approved area for outdoor storage. No documentation has been found indicating approval for additional outdoor storage areas on the property.

Per [LDR Section 23.4-19](#), only properties located within the Industrial Park of Commerce (I-POC) area permitted to establish new outdoor storage areas accessory to an approved principal use. Therefore, the subject property, which is located within the Artisanal Industrial (AI) zoning district, cannot expand or request additional outdoor use areas. The approved "Material Lay-Down Yard" is a nonconforming use subject to the provisions of [LDR Section 23.5-3](#).

If additional storage is desired, it must be accommodated within a building. Per [LDR Section 23.1-12](#), a building is defined as *any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. For purposes of this definition, equipment shall exclude mechanical and conveyance equipment. All buildings are structures, but not all structures shall be considered buildings.* In accordance with [LDR Section 23.1-8](#), a building shall have walls, adhering to the most restrictive interpretation of the building definition that aligns with the purposes and intent of the code. The proposal shall be subject to the site plan review process and shall comply with all applicable code requirements including the AI regulations listed in [LDR Section 23.3-23](#).

Pursuant to LDR Section 23.2-17, *Appeals*:

- a) *To planning and zoning board and historic resources preservation board. An applicant may appeal a final decision of the development review official to the planning and zoning board or the historic resources preservation board, as applicable, within thirty (30) days of the official's written decision.* The appeal shall be in writing on a form provided by city staff and accompanied by the applicable fee and filed with the development review official. The appeal shall be heard at a quasi-judicial hearing and be based on the record made in the proceeding below.

As indicated LDR Section 23.2-17(a), the Planning and Zoning Board has the authority to review appeals of a final decision of the DRO.

CONCLUSION AND CONDITIONS

Based on staff's analysis, Staff recommends that the Board interpret LDR Section 23.2-8, 23.4-19, and 23.1-8 in manner consistent with the DRO's decision.

BOARD POTENTIAL MOTION:

I MOVE TO **DENY** PZB Project Number 24-12400001: An Appeal of the Development Review Official decision, interpreting LDR Section 23.2-8, 23.4-19, and 23.1-8 in manner consistent with the DRO's decision.

I MOVE TO **APPROVE** PZB Project Number 24-12400001: An Appeal of the Development Review Official's decision to allow an additional storage area at 128 South F Street, within structures, subject to a site plan review process. [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be the final decision for the Appeal. The Applicant may appeal the Board's decision directly to City Commission.*

ATTACHMENTS

- A. 2004 Site Plan
- B. Zoning Determination Letter
- C. Applicant's Notice of Appeal Submittal