



**CITY OF LAKE WORTH**  
1900 2<sup>nd</sup> Ave N · Lake Worth, Florida 33461 · Phone: 561-586-1687

**Agenda**  
**Regular Meeting**  
**City of Lake Worth**  
**Planning & Zoning Board**  
**City Hall Commission Room**  
**7 North Dixie Hwy; Lake Worth, FL**

**WEDNESDAY, AUGUST 03, 2016 6:00 PM**

1. Roll Call and Recording of Absences:
- 2. Pledge of Allegiance**
3. Additions/Deletions/Reordering and Approval of the Agenda:
4. Approval of Minutes:
  - A. July 6, 2016 Regular Meeting Minutes
5. Cases:
  - A. Swearing in of Staff and Applicants:
  - B. Proof of Publication:
  - C. Withdrawals/Postponements:
  - D. Consent:
  - E. Public Hearings:
    1. Board Disclosure
    2. Cases:
  - F. Unfinished Business:
  - G. New Business:
    1. PZB Project# 15-01400010 and 16-00500010: A request for consideration of a Minor Site Plan and Conditional Land Use to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district.

August 3, 2016 Regular Meeting

2. PZB Project# 16-02900003: A request for a Conditional Use Permit to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted by right) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 4 acre site, in a series of existing buildings totaling +/- 60,600 square feet.
  3. PZB Project# 16-02100018: A request for a Conditional Use Permit to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted by right) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 42,980 square foot site, in an existing +/- 15,540 square foot building.
  4. PZB Project# 16-00500017: A request for a Conditional Use Permit to allow an auto repair shop with an existing auto towing business located at 2712 Park Street, in the Artisanal Industrial (AI) Zoning District.
  5. PZB/HRPB Project Number 16-03100001 a City-initiated request to consider proposed changes to Chapter 23, Land Development Regulations of the Lake Worth Code of Ordinances.
6. Planning Issues:
  7. Public Comments (3 minute limit):
  8. Departmental Reports:
  9. Board Member Comments:
  10. Adjournment:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (Sec. 2-12 Lake Worth Code of Ordinances)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.

August 3, 2016 Regular Meeting

All project-related back-up materials, including full plan sets, are available for review by the public in the Planning, Zoning and Historic Preservation Division located at 1900 2nd Avenue North.



**CITY OF LAKE WORTH**  
1900 2<sup>nd</sup> Ave N · Lake Worth, Florida 33461 · Phone: 561-586-1687

**Agenda**  
**Regular Meeting**  
**City of Lake Worth**  
**Planning & Zoning Board**  
**City Hall Commission Room**  
**7 North Dixie Hwy; Lake Worth, FL**

**WEDNESDAY, JULY 06, 2016 6:02 PM**

1. Roll Call and Recording of Absences:

Present were: Greg Rice, Chairman; Anthony Marotta, Vice Chairman; Mark Humm; Dustin Zacks; Ricardo Martin.

Absent Cindee Brown

Also present were: Curt Thompson, Senior Community Planner; Maxime Ducoste, Asst. Director for Planning, Zoning, and Historic Preservation; Brian Shutt, Board Attorney; Sherie Coale, Board Secretary.

**2. Pledge of Allegiance**

3. Additions/Deletions/Reordering and Approval of the Agenda:

Request to continue New Business Item G.1. to a date certain of August 3, 2016.

**Motion:** M. Humm , A. Marotta 2<sup>nd</sup> .

**Vote:** Ayes all, unanimous

4. Approval of Minutes:

A. Meeting Minutes

1. June Minutes

**Motion to accept June minutes:** A. Marotta motion, M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

5. Cases:

A. Swearing in of Staff and Applicants:

Board Secretary swore in all persons wishing to speak before the Board.

B. Proof of Publication:

Accepted and provided in the meeting packet.

C. Withdrawals/Postponements: Continuance of Item G.1 to a date certain August 3, 2016 6:00 PM or as soon thereafter as the agenda permits, due to improper courtesy noticing.

D. Consent: None

E. Public Hearings:

1. Board Disclosure: None

2. Cases:

F. Unfinished Business:

None

G. New Business:

1. PZB 16-01400010 & PZB 16-00500010 A request for a Minor Site Plan and Conditional Use Permit to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The subject parcel locations: 127 North Dixie Highway PCN# 38-43-44-21-15-016-0130; 120 North H Street PCN# 38-43-44-21-15-016-0040; 124 North H Street PCN# 38-43-44-21-15-016-0060; 128 North H Street PCN# 38-43-44-21-15-016-0071.

**Motion: Continued to August 3, 2016 6:00 PM**

**Vote:** Ayes all, unanimous.

2. PZB 16-01400009 & PZB 16-00500009 Requests for a Major Site Plan and Conditional Use Permit to allow for the construction of a 4 story mixed use building (+/- 30,772 square feet) consisting of a ground level parking area with a +/- 3,386 square foot retail commercial area, a public plaza and three floors consisting of 14 dwelling units located on a +/- 20,250 square foot parcel located at 1 South Palmway, on the southwest corner of Lake Avenue and South Palmway, PCN 38-43-44-21-15-029-0090, in the Downtown (DT) zoning district. Pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs.

Senior Community Planner, Curt Thompson presents the case findings and recommends approval of the Major Site Plan, and Conditional Use. Maxime Ducoste provides the applicant is proposing to relocate on site mahoganies to the south property line despite no requirement for buffering.

**Applicant:** Jean Francois Gervais, Architect, designed the building to enhance the neighborhood, points out the architectural features, glass and light.

Discussion about landscape planters, access to the building.

A. Marotta inquires about the parking calculation and requests clarification. Asks about 25 % reduction to mixed use development. M. Ducoste clarifies this is a mixed use development (as opposed to Mixed Use District). Jeff Mercier, owner/developer clarifies the parking spaces will be assigned.

Currently there are no gates in garage / parking however there is controlled access to the residential areas. A price range has not yet been established. Owner/developer may be renting or selling the commercial space, it has not yet been determined. The 14 residential units are for sale not rental. 9'6" ceiling height in units, 15 feet ceiling height in commercial space. The size of the complex does not necessitate a gym or pool, only a lounging area located on the roof which is not intended to be a gathering place, just and outdoor space catering to the residents only.

**Public Comments:** Darrin Engel, 328 Ocean Breeze, comments on the lack of shade trees on Lake Avenue and N. Palmway for pedestrian comfort. Believes palms do not provide the needed shade. Although the Mahoganies are proposed to be relocated to the south property line, would like to see Mahoganies preserved in place or mitigate with shade trees.

Herman Robinson: Ocean Breeze- Could the conditions be condensed and repeated for the public not present, would like public to see the presentation on the screen, asks about additional cameras. Sustainable Bonus possibly tied to a parking structure in downtown.

William Feldkamp 108 Lake Ave – Similarities between where he lives and this proposed structure, has parking garage that is not gated but assigned parking. Agrees with D. Engel assessment of the shade trees. Asks if A/C will be screened if it is on the roof. Comments the turning radius at dumpster appears to be tight.

**Applicant:** Responds that A/C on roof will be screened.

**Board:** M. Humm asks about height of shade trees currently. If the shade trees are blocking the view, what's the point of buying there. Suggests trellis or exploring other options.

**Staff:** M. Ducoste states the conditions could be amended, however it currently meets the landscape code and cautions about going above code. Tedious for applicant to approach DOT regarding trees in the State Right-of-Way.

**Board:** G. Rice states the 45-foot structure on the south side of the street, will provide shade when the sun is in the southern sky.

**Applicant:** Jean Francois Gervais states the Applicant and Architect will replace the palms with hardwood if so desired.

Marc Andre Levesque-Alley will be increased from 10 feet to 12 feet in width to accommodate the turning radius, discussion of roll out dumpsters. M. Ducoste states this was reviewed by and is agreeable to Public Works.

**Board:** R. Martin comments it is certainly an urban downtown design and hopefully encourages further development, there seems to be plenty of parking in the area, hopes other corner (to the east) will come forward with something similar and is pleased with the expressed interest in the area.

Board asks Jean Francois Gervais, Architect, to restate the intent to put shade trees instead of palms with the code limit.

**Board:** G. Rice asks about likelihood of applicant successfully approaching DOT to bear the cost of replacing the palms along Lake Avenue.

**Public Comment:** Joseph Torres purchased 5th & 8<sup>th</sup> Street. Trees should be trimmed, maintained in order for business encouragement and safety of citizens.

**Board:** M. Humm provides a contact for citizen to meet with a local group (Tropical Ridge area) to express concerns.

**Motion:** M. Humm MSP A. Marotta 2<sup>nd</sup> with the addendum the applicant has agreed upon for shade trees to replace the palm trees on the applicant property.

**Vote:** Ayes all, unanimous

**Motion:** A. Marotta for COUS 2<sup>nd</sup> M. Humm

**Vote:** Ayes all, unanimous.

3. PZB 16-01500007 & PZB 16-01500008 & PZB 16-01500009 A request for three variances to allow for an addition to an existing residence (lot coverage requirement), a swimming pool in the front setback and relief from the sight visibility triangle requirement, pursuant to Sections 23.2-26, 23.3-7 and 23.4-4 of the Land Development

Regulations (LDRs). Located in the Single Family Residential (SFR) zoning district PCN 38-43-44-15-15-000-0200.

**Staff:** Senior Community Planner, Curt Thompson presents staff findings. M. Ducoste clarifies the criteria for the basis of decisions. Explains the resolution to each request and how no hardship criteria has not been met, it is a self-imposed hardship. The wall can be moved outside of the sight triangle, engineering methods are available that could support the 2<sup>nd</sup> floor and a pool can be placed in the rear of the property. Although it may not be as proposed by the applicant, there is nothing depriving the applicant of all reasonable use of the property, which is a single family residence.

**Applicant:** Daniel Becker – trying to preserve a piece of Lake Worth. Deep setbacks are many in the College Park area making it hard to achieve. States it is within his right to have these things. In addressing the pool- unnecessary hardship to demolish the house to achieve the pool. Impermeable – has scaled back and needs additional square footage necessary for family circumstance. Unnecessary and costly hardship to reinforce the foundation. On the contrary the improvements will enhance the neighborhood. Visibility triangle- cites Public Services department response providing relief to the code requirement, no reason to enforce the sight visibility triangle. Enforcing the code regarding sight visibility triangle doesn't provide benefits to the community. Believes there are limits to the power of the board to enforce that portion of the code since it doesn't provide benefits to the community.

**Board:** G. Rice asks about windows, asks about this being a recent purchase and whether applicant looked over wall to the south, at front yard pool. Various comparisons to other municipalities and their codes and variance criteria. Each property is unique, in light of the uniqueness can the hardship criteria be met?

A. Marotta less than 6 months ago a plan was denied re: visibility triangle. M. Humm asks about the possibility of increasing the radius of the curvature to the wall. R. Martin also asks about the reduction of length of the pool. Applicant states he is meeting the intent of the code with regard to the sight visibility triangle. The pool at 2216 N Lakeside was approved Feb 2 2005 despite staff recommended denial.

Applicant states that if the lot frontage were onto Harbor Drive, the pool would be permitted by right as it would be in the side yard. As the proposed plans show, the house will front on Harbor Drive as opposed to where it is currently located on Lakeside. Wall material is conceptual at this point but possibly would be masonry. A. Marotta states he would not be in favor because aesthetics do not constitute a hardship. Applicant states the hardship is the distance the house is setback from the front. A. Marotta states that he is generally in favor of a improvements however sees the need for consistency and does not see hardship

Dustin Zacks departs at 8:08 PM

A. Marotta inquires about the use of pilings, as recommended by the soil analysis, to be used for achieving the height, thus a solution to the lot coverage. M. Ducoste suggests that Sustainable Bonus features could be included in the construction of the house, effectively this is a "new" house so reconfiguration to meet code is possible.

R. Martin suggests several solutions to the lot coverage and wall, would not like the pool relocated to the back yard but does not wish to go against code.

**Public Comment:** Marilu Machin, 27 Harbor Drive, here to support neighbor for variance for the front yard pool. Believes applicant is trying to improve the neighborhood and to put his family in a nice home. States many other areas of College

Park where you can see front yard pools. This property has a very small area in the back. She has lived there 20 years and believes it will enhance everyone's property.

**Board Secretary** read 2 letters of support into the record. Terry Dotter-33 Harbor Drive; and Michael & Alissa Lamoureux - 2212 N Lakeside Drive.

**Motion:** A. Marotta motions to deny the location of the wall in the sight visibility triangle M. Humm 2<sup>nd</sup>. Chairman G. Rice clarifies and reiterates that we have discussed possible solutions for the applicant.

**Vote:** Ayes all, unanimous. Denied.

**Motion:** R. Martin motions to approve the location of the proposed pool in the front yard. M. Humm 2<sup>nd</sup>.

**Vote:** 3 ayes/1 nay A. Marotta opposed.

**Motion:** R. Martin motions to deny the lot coverage variance. M. Humm 2<sup>nd</sup>

**Vote:** Ayes all, unanimous. Denied.

A. Marotta likes the looks of the proposal, applauds the applicant but will not go against code.

G. Rice appreciates the parapet detail of clerestory windows. Suggests these issues may be something to revisit during LDR development.

6. Planning Issues:

Joint workshop tentatively planned for LDR review on July 20, 2016. Impermeable lot coverage was previously at a more generous percentage re: runoff if we need to increase again then we will revisit. A. Marotta asks about mitigating surface water runoff with a sustainable bonus item i.e. a cistern, M. Ducoste states it could be part of Sustainable Bonus. College Park has some of the largest homes in the City.

Assistant Director for Planning Zoning Historic Preservation gives brief quantitative overview / shares the amount of work / level of service that staff provides.

7. Public Comments (3 minute limit):

Mary Lindsay- College Park 327 Columbia Drive. Brings up the previously introduced access to the park. The Courtyard has been handing out keys individually to access Spillway Park. It has been 2 months and nothing has happened. The most upset people have their own keys. But the conditions are not being enforced, or there is not a will to enforce. Which conditions matter and which don't. Board should direct staff or put it on an agenda themselves. 2011 was when the gate was locked. There is nothing left to re-consider. A. Marotta recently sent William Waters, Director for Community Sustainability, an email, to which he did not yet have an answer. M. Ducoste states it is being reviewed by legal and it may be at the least a code case. Ms. Lindsay states 2 months of we are still looking into it is not an answer.

Board Attorney Brian Shutt spoke with Board Attorney Carolyn Ansay. M. Ducoste suggests if condition is violated, it is an offense. The enforcement is the difficult part. Board Attorney reiterates that code enforcement is not the most expedient path to a resolution.

8. Departmental Reports:

None

9. Board Member Comments:

G. Rice thanks Senior Community Planner for his time in preparation for tonight.

10. Adjournment: 8:54 PM

**Attest:**

\_\_\_\_\_  
**Greg Rice, Chairman**

**Submitted By:**

\_\_\_\_\_  
**Sherie Coale, Board Secretary**

**Minutes Approved:**

\_\_\_\_\_  
**Date**

**Legal Notice No. 30513**

PLEASE TAKE NOTICE the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Commission Chambers, 7 North Dixie Highway, in said City at or after 6:00 PM on August 3, 2016 to consider a request by Joy Towing, represented by Ms. Betty Resch, Agent, for the following:

**PZB Project PZB-16-00500017:** A request for a Conditional Use application to allow a minor auto repair shop with an existing auto towing business located at 2712 Park Street, in the Artisanal Industrial (AI) Zoning District, pursuant to Section 23.2-29 of the Land Development Regulations (LDRs).

The subject property is located at 2712 Park Street. The PCN #38-43-44-16-22-000-0100

The Public Hearing will be conducted at the above stated time or as soon thereafter as possible.

Written responses can be sent to the Lake Worth Planning & Zoning Board at 1900 2nd Avenue N, Lake Worth, FL 33461 and must arrive before the hearing date to be included in the formal record. You also have the opportunity to attend the meeting to provide oral testimony. For additional information on the above issues, please visit the City of Lake Worth Division of Planning, Zoning and Historic Preservation located at 1900 Second Ave. North, Lake Worth, Florida 33461 or contact City Staff at 561-586-1687. If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105) In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1673 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald  
July 21, 2016

**Legal Notice No. 30514**

PLEASE TAKE NOTICE that the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Commission Chambers, 7 North Dixie Highway, in said City at or after 6:00 PM on August 3, 2016 to consider a request by c/o Stanley Steamer, Applicant and AAA ABachman Enterprises, Inc., Owner, represented by Ms. Anna Cottrell, AICP, for the following:

**PZB Project# 16-02100018:** A request for a Conditional Use Permit to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 42,980 square foot site, in an existing +/- 15,540 square foot building. This proposal is pursuant to Section 23.2-29 of the Land Development Regulations (LDRs).

The subject parcel location is: 3670 23rd Avenue South; PCN# 38-43-44-20-19-000-0090.

The Public Hearing will be conducted at the above stated time or as soon thereafter as possible.

Written responses can be sent to the Lake Worth Planning & Zoning Board at 1900 2nd Avenue N, Lake Worth, FL 33461 and must arrive before the hearing date to be included in the formal record. You also have the opportunity to attend the meeting to provide oral testimony. For additional information on the above issues, please visit the City of Lake Worth Division of Planning, Zoning and Historic Preservation located at 1900 Second Ave. North, Lake Worth, Florida 33461 or contact City Staff at 561-586-1687. If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105) In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1679 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald  
July 21, 2016

**Legal Notice No. 30512**

PLEASE TAKE NOTICE that the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Commission Chambers, 7 North Dixie Highway, in said City at or after 6:00 PM on August 3, 2016 to consider a request by the Marlin Commerce Center Condominium Association, Inc., Applicant and Owner, represented by Ms. Christina Morrison, P.A., for the following:

**PZB Project# 16-02900003:** A request for a Conditional Use Permit to allow for a listing of industrial uses (that are either permitted as a condition use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 4 acre site, in a series of existing buildings totaling +/- 60,600 square feet. This proposal is pursuant to Section 23.2-29 of the Land Development Regulations (LDRs).

The subject parcel location is: 3677 23rd Avenue South; PCN# 38-43-44-20-28-001-1010; 38-43-44-20-28-001-1020; 38-43-44-20-28-001-1030; 38-43-44-20-28-001-1040; 38-43-44-20-28-001-1050; 38-43-44-20-28-001-1060; 38-43-44-20-28-001-1070; 38-43-44-20-28-001-1080; 38-43-44-20-28-001-1090, etc.

The Public Hearing will be conducted at the above stated time or as soon thereafter as possible.

Written responses can be sent to the Lake Worth Planning & Zoning Board at 1900 2nd Avenue N, Lake Worth, FL 33461 and must arrive before the hearing date to be included in the formal record. You also have the opportunity to attend the meeting to provide oral testimony. For additional information on the above issues, please visit the City of Lake Worth Division of Planning, Zoning and Historic Preservation located at 1900 Second Ave. North, Lake Worth, Florida 33461 or contact City Staff at 561-586-1687. If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105) In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1673 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald  
July 21, 2016



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City Of Lake Worth  
 Department for Community Sustainability  
 Planning, Zoning and Historic Preservation Division  
 1900 Second Avenue North · Lake Worth · Florida 33461  
 Phone: 561-586-1687

DATE: June 27, 2016  
 TO: Members of the Planning & Zoning Board  
 FROM: Curt Thompson, Senior Community Planner  
 Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB Project Number 15-01400010 and 16-00500010**: Request by Jeff H. Iravani, Jeff Iravani Inc., for consideration of a Minor Site Plan and Conditional Land Use to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071).

Meeting Date: August 3, 2016

**SYNOPSIS:**

<b>Applicant</b>	Mr. Jeff Iravani	
<b>General Location</b>	127 North Dixie Highway	
<b>Zoning</b>	Downtown (DT)	
<b>Existing Land Use</b>	Vacant	
<b>Future Land Use Designation</b>	Downtown Mixed Use (DMU)	
<b>Applicable Municipal Code Sections</b>	23.2-29, 23.2-30, 23.2-31, 23.2-32	
	<b>Required</b>	<b>Proposed/Existing</b>
<b>Lot Area</b>	6,500 square feet	+/-39,825 square feet

<b>Lot Width</b>	25 feet on Lake and Lucerne Avenue; 50 feet in general	175 feet
<b>Building Height</b>	Comprehensive Plan: Maximum 30' (not to exceed two stories) plus 15 feet (max 4 stories) with Sustainable Bonus Incentive Program	Zoning Code: Maximum 30' (not to exceed two stories) plus 15 feet (max 4 stories) with Sustainable Bonus Incentive Program  27 feet
<b>Setbacks</b>	<b>Required</b>	<b>Provided</b>
Front (North Dixie Hwy.)	10 feet minimum, 22 feet maximum	12 feet
Side (Interior)	0 feet	0 feet
Side (Interior along south property line)	0 feet	7 feet
Rear (alleyway)	10 feet	34 feet
Bonus Height and Stories	Not Applicable	Not Applicable
Living Area	Not Applicable	Not Applicable
Accessory Structure Limitations	Not Applicable	Not Applicable
Impermeable Surface Total	80% maximum	79.7% (+/-31,761 sq. ft.)
Maximum Building Coverage	60%	16.3% (+/-6,501 sq. ft.)
Floor Area Ratio	1.15	0.163
Parking	1 per 300 square feet (13 spaces)	35 spaces provided, 2 ADA
<b>Board Required</b>	<b>Action</b>	Approve, Approve With Conditions, Deny the Request, Continue the request for additional information;

<b>Staff Recommendation</b>	Staff recommends approval of the requested Conditional Land Use and Minor Site Plan, with conditions, to allow for to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071).	
	<b>Name and Title</b>	<b>Initials</b>
<b>Project Planner</b>	Curt Thompson, Senior Community Planner	CT
<b>Approved by</b>	Maxime Ducoste, Assistant Director for Planning and Preservation	MD

**Project/Property Description and Analysis:**

The applicant is proposing to construct a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071).

The site plan was reviewed by the Site Plan Review Team (SPRT) at their regular meeting on June 13, 2016. The SPRT recommended a number of conditions of approval, which have been included for the Board's reference.

The following analysis includes a discussion about the specific site improvements the applicant is proposing followed by an analysis that addresses each of the two (2) part request outlined in the project description.

**Public Support/Opposition**

Staff has not received any letters of support or opposition

**Consistency with the Comprehensive Plan:**

The applicant's proposal to construction a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071). The subject site is consistent with the following Comprehensive Plan objectives and policies, which are outlined below:

- **Policy 1.1.3.6:** Redevelopment opportunities will be maximized through use of mixed land use designations that permit a flexible mix of multifamily residential and compatible office uses.

The project site has a Future Land Use Designation of Downtown Mixed Use (DMU). The Downtown (DT) zoning designation, which is the zoning of the project site, is intended to “encourage through incentives the use of innovative land planning and development techniques to create more desirable and attractive development in the City”. The Downtown Mixed Use Land Use designation is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, including higher intensity commercial within the traditional downtown core of the City. The implementing zoning districts are **DT**, MU-E, MF-20 and MF-30.

- **Policy 1.2.2.:** Locational Strategy for the Downtown Mixed Use

The Downtown Mixed Use land use category is intended for mapping of areas considered to be the traditional downtown core. The area is primarily bounded on the north by 2nd Avenue North, the east by Golfview Road, the south by 1st Avenue South, and the west by H Street. This concentrated downtown core demonstrates a reasonably good potential for intensive use by office and retail establishments and shall provide for the vertical or horizontal mixing of land uses within a single site in order to allow development and redevelopment in specific geographic areas of the City that take maximum advantage of existing utility systems and services.

The applicant is proposing a compact development in the Downtown Mixed Use land use category. Existing public services, including potable water, sewer, fire and police services, are adequate to serve the project. The compact nature shall be consistent with the Downtown Mixed Use future land use designation and this policy.

It is evident through consistency with the identified objectives and policies that the project is consistent with the adopted Comprehensive Plan.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The project is in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

**Staff Response:** The proposed use will be in harmony with the intent of the Downtown Mixed Use Zoning District to construct a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district and the associated site improvements.

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Response:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use/ Name of Development
North	Downtown Mixed Use (DMU)	Downtown (DT)	Coin operated Laundry Facilities
South	Downtown Mixed Use (DMU)	Downtown (DT)	CVS Pharmacy and Drug Store
East	Downtown Mixed Use (DMU)	Downtown (DT)	Wells Fargo Bank
West	Public	Public	City of Lake Worth Facilities

The majority of existing uses are commercial and public in nature. Therefore, the proposed use shall be in harmony with the existing mix of commercial uses in the immediate area.

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Response:** The proposed use will be compatible with the Future Land Use designation (Downtown Mixed Use) and may stimulate development of the surrounding area. The proposed use will not result in substantially less public benefit or greater harm than would result from a use permitted by right

4. 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.

**Staff Response:** The proposed commercial/retail use will not result in a more intensive development than that approved by the Future Land Use Element of the Comprehensive Plan. Rather, the commercial nature of the use shall be compatible with the planning goals, objectives and policies of the Future Land Use Element as identified above under Consistency with the Comprehensive Plan.

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Response:** The proposed commercial /retail use will not generate traffic volumes or movements, which will reduce the level of service provided on any street to a lower level than would result from a

development permitted by right. The applicant has provided a Traffic Impact Analysis report prepared by Ms. Susan E. O'Rourke, P.E. Based on this report, the proposed development does not have a significant peak hour traffic impact as defined in the Palm Beach County Traffic Performance Standards (TPS) on the roadway network and therefore meets the Traffic Performance Standards of Palm Beach County.

2. 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.

**Staff Response:** The proposed conditional use will not result in a significantly greater amount of through traffic on local streets. Traffic accessing the site is anticipated to come from North Dixie Highway along the east side of the site, and from North H Street to the west of the site.

3. The proposed conditional use will not produce significant air pollution emissions.

**Staff Response:** The proposed commercial/retail use does not include any operational features that would produce significant air pollution emissions.

4. 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.

**Staff Response:** the proposed use will not require 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.

5. 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.

**Staff Response:** The proposed conditional use will be served by existing utilities such that neither extension nor enlargement is necessary as a result of the project.

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Response:** The proposed conditional use is not anticipated to place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Response:** The proposed commercial/retail project is not anticipated to generate significant noise.

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Response:** The proposed lighting plan for the project is anticipated to be in compliance with Section 23.4-3, which requires that lighting not impact residential properties by more than one (1) foot-candle. The applicant will submit a photometric plan when applying for a building permit. Also, staff has made this standard a condition of approval.

### **Section 23.2-31: Site Design Qualitative Standards**

1. Harmonious and efficient organization.

**Staff Response:** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs. The criterion has been met.

2. Preservation of natural conditions.

**Staff Response:** The natural landscape shall be preserved in its natural state to the greatest degree possible, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to this development site. This criterion has been met.

3. Screening and buffering.

**Staff Response:** The applicant is proposing landscaping and buffering which will meet the requirements of the LDRs. The landscape plan is attached for the board's review.

4. Enhancement of residential privacy.

**Staff Response:** This project does not involved residential privacy.

5. Emergency access.

**Staff Response:** Adequate emergency access to the project site is assured due to the fact that a Palm Beach County Fire Station is located just southwest of the project site at 1020 Lucerne Avenue.

Emergency vehicles would be able to arrive at the project site in a matter of seconds if an emergency were to happen. The site has adequate access for all emergency and maintenance vehicles. There are sufficient public rights of way in proximity to all sides of the building. The criterion has been met.

6. Access to public ways.

**Staff Response:** Access to public rights-of-way to the project is being provided via North Dixie Highway and on North H Street to the west of the site. The criterion has been met.

7. Pedestrian circulation.

**Staff Response:** Existing sidewalks encompass the subject site providing pedestrian circulation adequate for ADA compliance as well as the safe and orderly pedestrian movement from parked vehicles and pedestrian access from the public right of way. This criterion has been met.

8. Design of ingress and egress drives.

**Staff Response:** This site currently has two 24' ingress and egress drives. One (egress and ingress) is located on North Dixie Highway and the other (ingress and egress) is located on North H Street. This criterion has been met.

9. Coordination of on-site circulation with off-site circulation.

**Staff Response:** The applicant is proposing an on-site circulation pattern that will allow customers to enter and exit the site from North Dixie Highway or N H Street using stop signs at key areas to preserve traffic and pedestrian safety. This criterion has been met.

10. Design of on-site public right-of-way.

**Staff Response:** Although there are no on-site public streets or rights-of-ways associated with the project site, the applicant will locate traffic safety signs (stop signs and vehicular circulation signage) to enhance public safety. Criterion has been met.

11. Off-street parking, loading and vehicular circulation areas.

**Staff Response:** Off-street parking will be screened by a landscape buffer of hedge material and street trees that provides an adequate screen from adjacent property without creating a safety concern (CPTED). The on-site circulation includes customer parking, a cross walk and ADA parking for customer use. This criterion has been met.

12. Refuse and service areas.

**Staff Response:** Refuse and loading areas shall be designed to be screened from adjacent properties so as to not negatively impact adjacent properties. A full vegetative planting shield is depicted on the proposed landscape plan. The criterion has been met.

13. Protection of property values.

**Staff Response:** This development will not have a negative impact on the surrounding properties' value. The development is proposed to be architecturally pleasing and has met all design criteria to increase visual appearance. The redeveloped site should have a positive effect on property values in the immediate area. The criterion has been met.

14. Transitional development.

**Staff Response:** The subject site is not at the edge of a zoning district

15. Consideration of future development.

**Staff Response:** It is staff's professional opinion that the proposed use will be compatible with future development in the surrounding area. The type of compact urban development proposed by the applicant is consistent with the Future Land Use Element of the Comprehensive Plan. The redeveloped site is expected to serve as a catalyst for investment in Downtown Lake Worth. The criterion has been met.

d) Buildings, generally.

1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.

**Staff Response:** The proposed commercial building will be design to be compatible with the existing commercial/retail uses in the DT zoning district. Meets criterion.

2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.

**Staff Response:** Meets criterion.

3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.

**Staff Response:** The building facades meet this criterion.

4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.

**Staff Response:** The proposed structure meet this criterion.

5. Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.

**Staff Response:** Meets criterion.

6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.

**Staff Response:** Meets criterion.

7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.

**Staff Response:** The project meets this criterion.

8. Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.

**Staff Response:** All building surfaces, walls and roofs are proposed to be compatible and in harmony with the surrounding vicinity. Meets criterion.

9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.

**Staff Response:** Meets criterion.

10. All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.

**Staff Response:** Meets criterion.

11. All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.

**Staff Response:** No such design(s) have been proposed for this development. Meets criterion.

12. Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.

**Staff Response:** Meets criterion.

13. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.

**Staff Response:** No such advertising has been proposed by this applicant. Meets criterion.

14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.

**Staff Response:** The proposal meets this criterion.

#### **Section 23.4-13 (14) Drive Through Facilities:**

Visibility: The facility, including the stacking lanes must not be visible from public rights-of-way.

**Staff Response:** The facility and the vehicular stacking area is be screened by the buildings and with adequate landscaping along North Dixie Highway and North H Street to provide the necessary buffering needed to screen this use from adjacent properties. The drive through area is proposed to be located along the southeastern portion of the site, and is screened by landscape buffering and the principal buildings and from public right-of-ways.

Separation: Each drive-through lane will be separated from circulation routes necessary for ingress or egress from the property or access to any parking space. Criterion has been met.

**Staff Response:** The entire drive through area is designed to be separated from the two proposed ingress and egress point along North Dixie Highway and North H Street and the parking areas on the site. Criterion has been met

Drive-through facilities shall be 100 feet from any residential zoning district.

**Staff Response:** The proposed drive through facilities is proposed be at least 100 feet from any residential zoning district. Criterion has been met.

Marking. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated in a manner acceptable to the city.

**Staff Response:** Each drive through lane will be striped, marked as required by the LDRs. Criterion has been met.

Queuing and stacking. The queuing or vehicle stacking capacity of a drive-through facility shall be at least 100 feet. The minimum distance shall be measured from the centerline of the window closest to the edge of right-of-way from which access is provided. The stacking capacity may be increased based upon individual circumstances as determined by the city.

**Staff Response:** Criterion has been met.

Drive-through facilities shall not be allowed on any building facade that directly fronts on a public or private right-of-way. On eligible building facades (sides and/or rear) the following design standards are required where windows for drive-through facilities are proposed:

All principal and accessory structures related to the drive-through facilities shall be 100 feet from any residential zoning district.

**Staff Response:** This criterion has been met.

The building facade is proposed to have windows that occupy no less than 25% of the facade and that are located at the pedestrian level. A maximum of 10% of this 25% may be non-transparent windows.

**Staff Response:** The proposed building façade meets this criterion.

The building facade will be modulated and divided into smaller identifiable pieces to articulate the plane of the facade.

**Staff Response:** This criterion has been met.

The building facade shall have at least one offset having a roof.

**Staff Response:** This criterion has been met.

Additional landscaping for the screening of drive-through facilities is required in accordance with Article 6, Section 23.6-1 Landscape Regulations.

**Staff Response:** This criterion has been met through the landscape plan (please see sheet L 100).

Roofing. Roofs constructed as part of a drive-through facilities shall be consistent with the architectural style, materials, and colors of the principal structure.

**Staff Response:** The proposed structures shall meet this criterion.

Noise. Any drive-up or drive-through speaker system shall emit no more than 65 (dB) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the real property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

**Staff Response:** This criterion has been met.

**Conclusion:**

The analysis has shown that the required findings can be made with respect to the Minor Site Plan and Conditional Land Use requests. The use as proposed is in harmony with the underlying zoning district and surrounding areas, subject to compliance with staff's proposed conditions of approval.

**CONSEQUENT ACTION:**

The Planning & Zoning Board's decision on the Minor Site Plan and Conditional Land Use will be final. The staff recommends that the Planning and Zoning Board approve the Minor Site Plan and Conditional Use to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071).

**STAFF RECOMMENDATION:**

Staff recommends the following on the various requests:

Staff recommends that the Planning & Zoning Board **APPROVE** the Minor Site Plan to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071). The approval of this project is subject to the attached conditions of approval.

Staff also recommends that the Planning & Zoning Board **APPROVE** a Conditional Land Use to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071). The approval of this project is subject to the attached conditions of approval.

**POTENTIAL MOTION:**

Should the Planning & Zoning Board concur with staff's recommendation the following motions are recommended:

"PZB PROJECT NUMBER 15-01400010: I MOVE TO APPROVE/DENY PZB PROJECT NUMBER 15-01400010: A **Minor Site Plan** to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071). The approval of this project is subject to the Conditions of Approval in Attachment B.

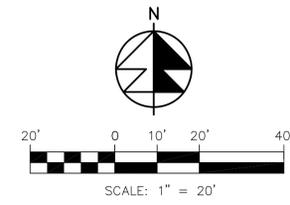
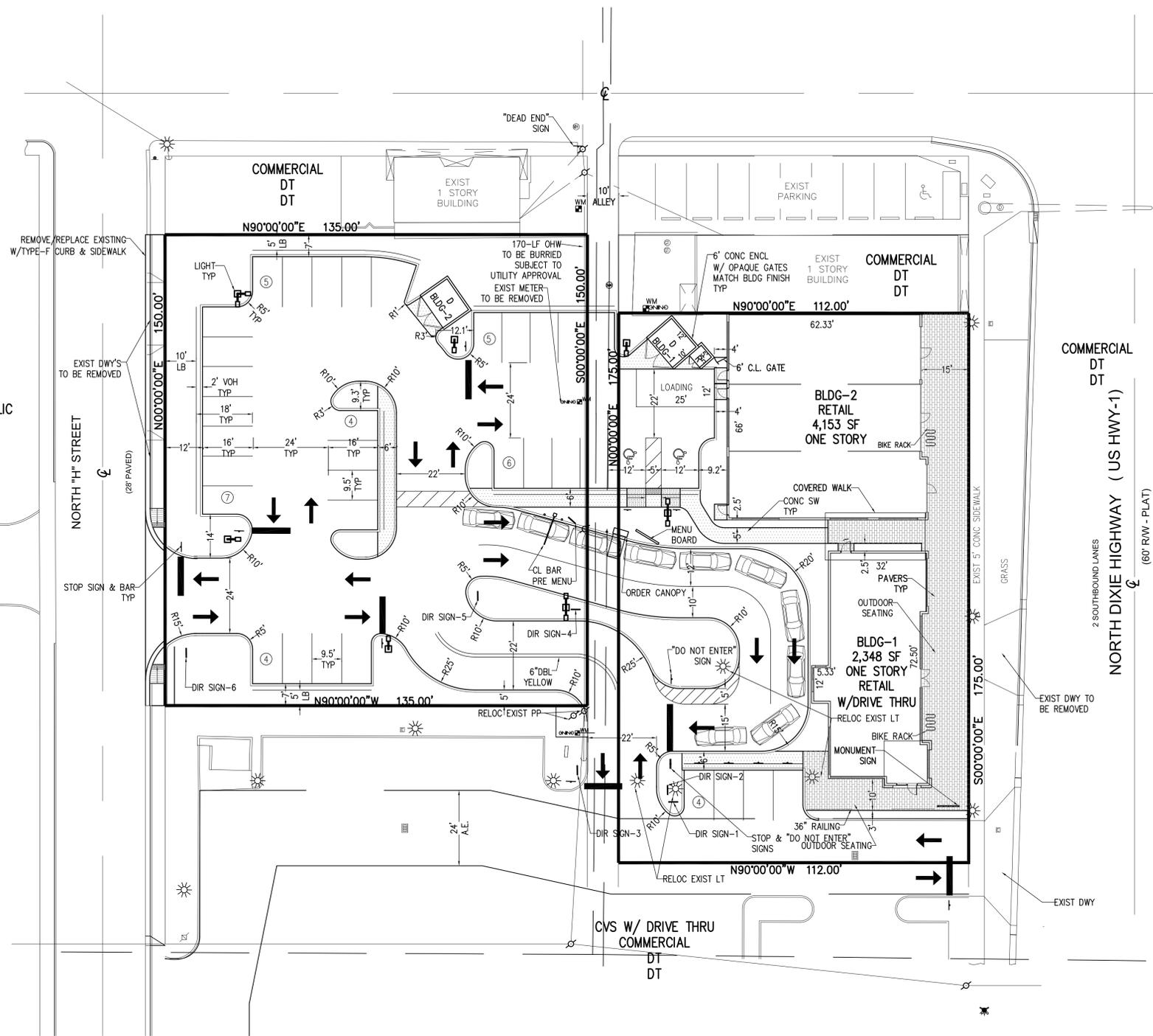
"PZB PROJECT NUMBER 16-00500010: I MOVE TO APPROVE/DENY PZB PROJECT NUMBER 16-00500010: A **Conditional Land Use** to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The site is located at 127 North Dixie Highway (PCNs: 38-43-44-21-15-016-0130; 38-43-44-21-15-016-0040; 38-43-44-21-15-016-0060 and 38-43-44-21-15-016-0071). The approval of this project is subject to the Conditions of Approval in Attachment B.

LOCATION MAP



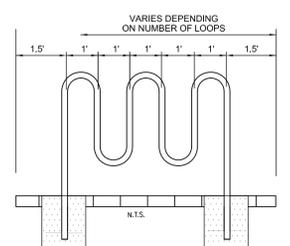
Attachments:

- A. Proposed Plans
  - Survey
  - Site Plan
  - Architectural Plans
  - Photometric Plan
  - Landscape Plan
  - Preliminary Paving, Graving and Drainage Plans
  - Traffic Statement
- B. Conditions of Approval



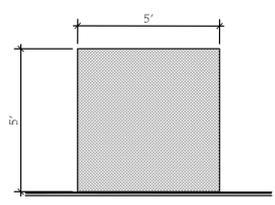
VICINITY MAP  
SECTION 21 TOWNSHIP 44S RANGE 43E

SITE DATA			
PROPOSED USE	RETAIL		
FUTURE LAND USE	DT		
ZONING	DT		
PCN NUMBER:	38-43-44-21-15-016-0130		
	38-43-44-21-15-016-0071		
	38-43-44-21-15-016-0060		
	38-43-44-21-15-016-0040		
	REQ/ALLOWED	PROP	
LOT AREA	6,500 SF MIN	39,825 SF	0.91 AC 100%
BLDG AREA	70% MAX	6,501 SF	0.15 AC 16.3%
PAVT/SW		25,260 SF	0.58 AC 63.4%
IMPERVIOUS AREA	80% MAX	31,761 SF	0.73 AC 79.7%
OPEN SPACE	20% MIN	8,064 SF	0.18 AC 20.3%
BLDG HEIGHT	30 FT MAX	27 FT	
PARKING PRO			35 SP
PARKING REQ	6,501 SF @ 1/250 SF		26 SP
HANDICAP PARKING REQ			2 SP
HANDICAP PARKING PRO			2 SP
LOADING REQ			1 SP
LOADING PRO			1 SP
SETBACKS			
FRONT REQUIRED			10 FEET
FRONT PROPOSED			12 FEET
REAR REQUIRED			10 FEET
REAR PROPOSED			34 FEET
SIDE REQUIRED			0 FEET
SIDE PROPOSED			0 FEET



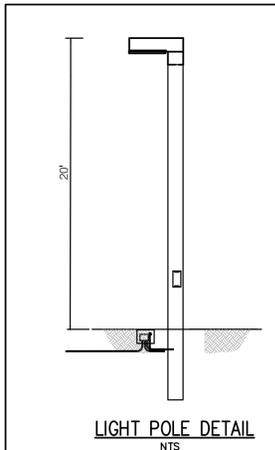
MADRIX HEAVY DUTY WINDER OR APPROVED EQUAL. 2 3/8" DIA. HARDENED PIPE STEEL "RIBBON" TYPE BICYCLE RACK SET IN CONC. MONO-FOOTING W/ PAINT FINISH

BIKE RACK DETAIL



SIGN EXACT DESIGN & DETAILS SHALL BE SUBMITTED TO BLDG DEPT W/ BLDG PLANS

PROJECT SIGN



LIGHT POLE DETAIL

REVISIONS
06-17-16 REV PER CITY

**Jeff H. Iravani, Inc.**  
Consulting Engineers

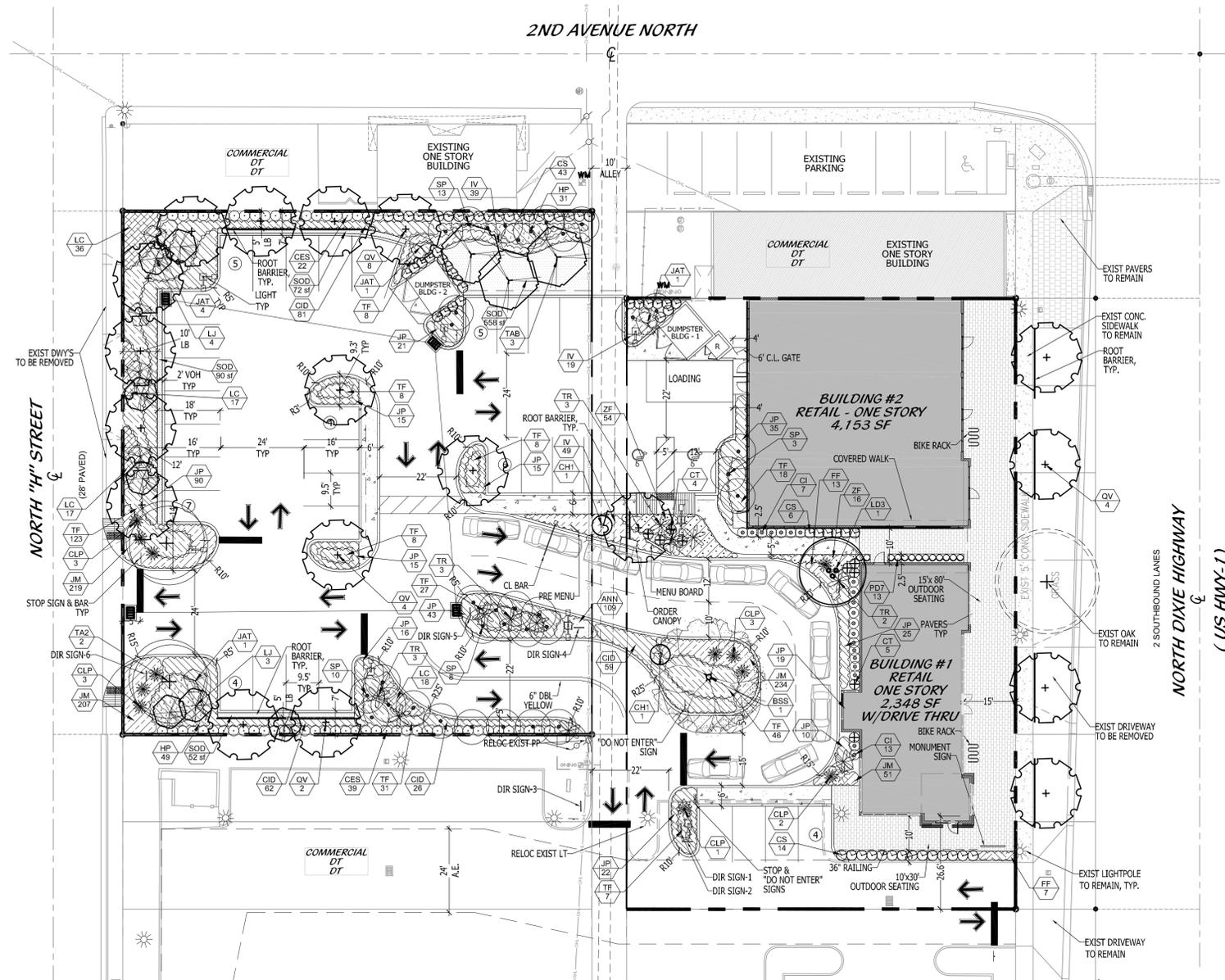
1834 COMMERCE LANE, SUITE 5  
JUPITER, FLORIDA 33468  
TEL: (561) 575-6030  
FAX: (561) 575-6088  
WEBSITE: www.jhinc.com

# 127 N Dixie Highway

LAKE WORTH, FLORIDA

SITE PLAN	
DATE	3/7/2016
SCALE	1"=20'
DESIGNED BY	JHI
DRAWN BY	JBI

SEAL	
JEFF H. IRAVANI, PE FL REG #33155 CDA #6586	JOB NO. 1505-1157 SHEET NO. SP-1



**LANDSCAPE DATA**

NAME OF PROJECT	127 N. DIXIE RETAIL DT		
PROPOSED USE	DT		
FUTURE LAND USE	DT		
ZONING	DT		
<b>TOTAL SITE AREA</b>	<b>39,825 SF</b>	<b>0.91 AC</b>	
<b>LAND USE</b>	<b>SF</b>	<b>AC</b>	<b>%</b>
BUILDING LOT COVERAGE	6,501	0.15	16.32%
VEHICULAR USE AREA	21,279	0.49	53.43%
SIDEWALK/PLAZA	3,981	0.09	10.00%
OPEN SPACE	8,064	0.19	20.25%
<b>TOTAL</b>	<b>39,825</b>	<b>0.91</b>	<b>100.00%</b>
<b>PERIMETER LANDSCAPE REQUIREMENT</b>	<b>REQ</b>	<b>PROV</b>	
TREES (1 PER 20 LF)			
NORTH BUFFER	7	7	
WEST BUFFER	8	11	
SOUTH BUFFER	7	7	
<b>INTERIOR LANDSCAPE REQUIREMENT</b>	<b>REQ</b>	<b>PROV</b>	
OVERALL SF REQUIREMENT (>20% OF VEHICULAR USE)	4256	8,064	
PARKING ISLAND TREES	10	10	
<b>PLANT MATERIAL REQUIREMENT</b>	<b>REQ</b>	<b>PROV</b>	
NATIVE TREES	>50%	73%	
DROUGHT TOLERANT TREES	>50%	100%	
NATIVE OR DROUGHT TOLERANT SHRUBS AND GROUNDCOVERS	>50%	51%	
PALM TREES	<25%	17%	

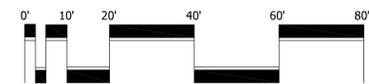
**LEGEND**

HC	HANDICAP	HC SIGN	PARKING LIGHT
LB	LANDSCAPE BUFFER	STOP SIGN	PEDESTRIAN LIGHT
R	RADIUS	DO NOT ENTER	FPL COACH LIGHT
SB	SETBACK	PEDESTRIAN CROSSING	
SW	SIDEWALK		
TYP	TYPICAL		

**LOCATION MAP**



**Landscape Plan**



Scale: 1" = 20'-0"



North



**Cotleur & Hearing**

Landscape Architects  
Land Planners  
Environmental Consultants

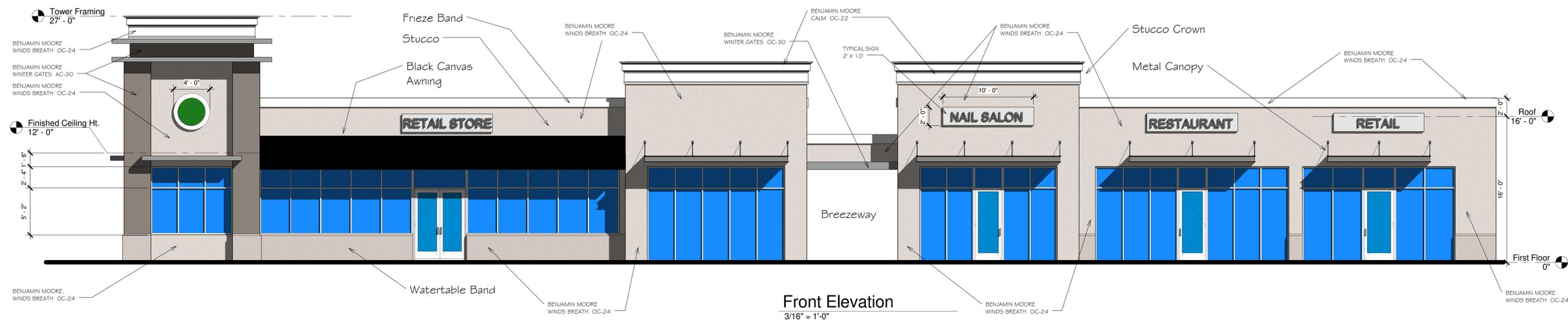
1934 Commerce Lane  
Suite 1  
Jupiter, Florida 33458  
561.747.6336 · Fax 747.1377  
www.cotleurhearing.com  
Lic# LC-C000239

**127 N. DIXIE HIGHWAY**

Lake Worth, Florida

DESIGNED	AN
DRAWN	AN
APPROVED	EP
JOB NUMBER	16-0302
DATE	05-06-16
REVISIONS	06-16-16

June 16, 2016 5:22:33 p.m.  
Drawing: 16-0302 LP.DWG



Front Elevation  
3/16" = 1'-0"



Perspective- Pedestrian Retail Store Entry

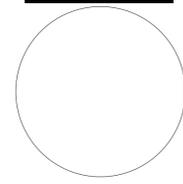


Pedestrian- Walkway North End



Perspective- Aerial Retail Store Entry

**LAKE WORTH RETAIL**  
STATESIDE PARTNERS  
127 North Dixie Highway Lake Worth, Florida.

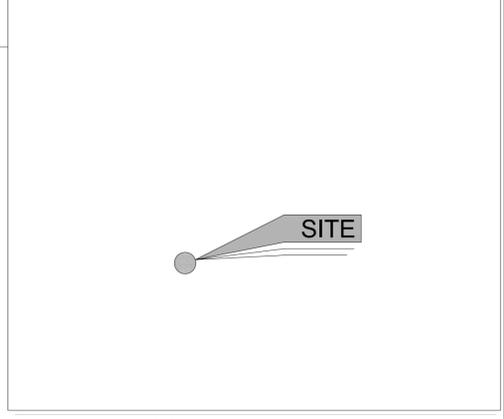
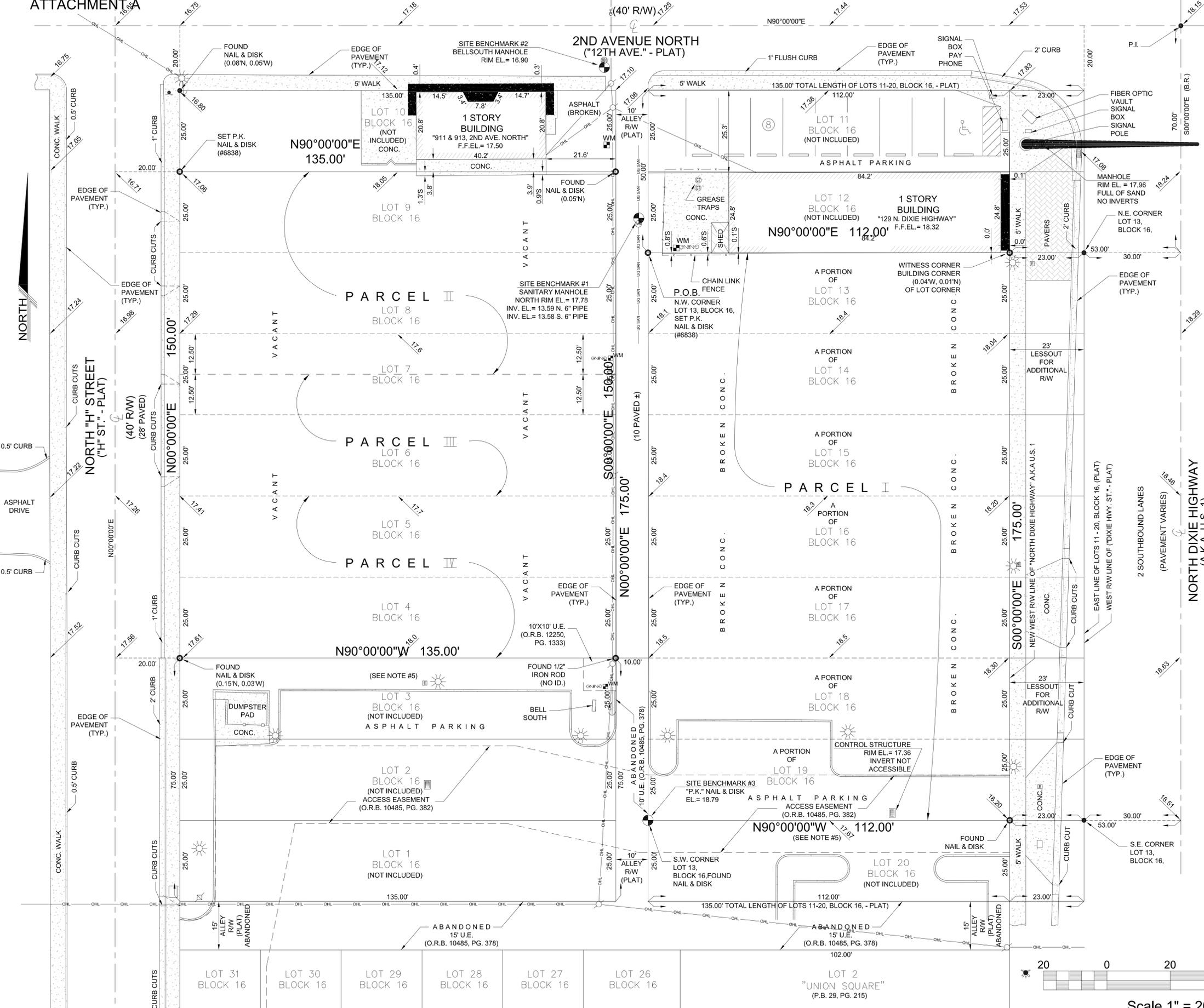


ph (561) 741-0091  
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1935 Commercial Lane  
Suite 2 Jupiter, Florida 33458  
**MJD**  
Manuel J. Diaz Architect, P.A.  
R - 00079292787  
NCARB - 31157

Project No: 1604  
File No: TROY-WORKIADT  
Projects\MJD\2016\Weinstein-1603\1603-D12- Lake Worth Retail 4 tenant signs.rvt  
Status: Preliminary  
Date: 6/16/16

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Sheet Number:



**CERTIFIED TO:** Stateside Partners LLC  
**FLOOD ZONE:** C (FIRM 120213 0002C 9/30/82)  
**PARCEL I:** 38434421150160130 (127 N. Dixie Hwy, Lake Worth, FL 33460)  
**DESCRIPTION:**  
 A parcel of land being a portion of Lots 13 through 19 inclusive, Block 16, The Palm Beach Farms Co. Plat No. 2, The Townsite of Lucerne (now Lake Worth), according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 29, and being more particularly described as follows:  
 Beginning at the Northwest corner of said Lot 13; run along the Northerly line of said Lot 13, North 90°00'00" East, a distance of 112.00 feet to a point on a line being 53.00 feet West of and parallel with the centerline of North Dixie Highway; thence along said parallel line, South 00°00'00" West, a distance of 175.00 feet; thence leaving said line and along the Southerly line of said Lot 19, North 90°00'00" West, a distance of 112.00 feet to the Southwest corner of said Lot 19; thence along the Westerly line of lots 19, 18, 17, 16, 15, 14 and 13, North 00°00'00" West, a distance of 175.00 feet to the Point of Beginning.  
 Containing 19,600 square feet (0.450 acres).

**PARCEL II:** 38434421150160071 (128 N. H Street, Lake Worth, FL 33460)  
**DESCRIPTION:**  
 The North half of Lot 7 and all of Lots 8 and 9 in Block 16 of Lake Worth, according to the Plat thereof recorded in Plat Book 2, Page 29, of the Public Records of Palm Beach County, Florida.  
 Containing 8,437.5 square feet (0.194 acres).

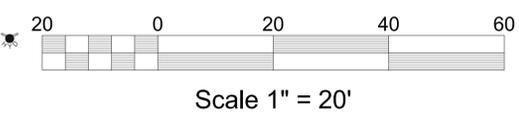
**PARCEL III:** 38434421150160060 (124 N. H Street, Lake Worth, FL 33460)  
**DESCRIPTION:**  
 Lot 6 and the South 1/2 of Lot 7, in Block 16, of Townsite of Lucerne (now known as Lake Worth), according to the Palm Beach Farms Company Plat No. 2, recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, at Pages 29 through 40, inclusive.  
 Containing 5,062.5 square feet (0.116 acres)

**PARCEL IV:** 38434421150160040 (120 N. H Street, Lake Worth, FL 33460)  
**DESCRIPTION:**  
 Lots 4 and 5, in Block 16, of Townsite of Lucerne (now known as Lake Worth), according to the Palm Beach Farms Company Plat No. 2, recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, at Pages 29 through 40, inclusive.  
 Containing 6,750 square feet (0.155 acres).

**TOTAL AREA (PARCELS I, II, III, IV):** 39,850 square feet (0.915 acres).

**SURVEY NOTES:**  
 1.) Lands shown hereon were not abstracted for easements and/or rights-of-way of record by this office.  
 2.) Elevations shown hereon are based on N.G.V.D. 1929.  
 a) Originating benchmark = Nail in wood utility pole (elev. = 19.03') = existing elevation (typical).  
 b) = existing elevation (typical).  
 3.) No underground improvements located.  
 4.) All bearings and distances shown hereon are plat and measured unless otherwise noted.  
 5.) This firm's "Certificate of Authorization" number is "LB 6838".  
 6.) Reciprocal Cross Access Easement recorded in O.R.B. 10377, Page 1707, is an agreement between Parcel I shown hereon and the CVS parcel to the South. This is a blanket easement and can't be plotted.

**BOUNDARY SURVEY**  
 This survey is invalid without embossed surveyor's seal and/or an authenticated electronic signature and authenticated electronic seal.  
 Registered Land Surveyor, Florida Certificate No. MICHAEL J. MILLER #4034



**REVISIONS:**


**LEGEND:**

CAL.C. = CALCULATED	(P) = PLAT	P.I. = POINT OF INTERSECTION	[Symbol] = ASPHALT PAVEMENT
C.B.S. = CONCRETE BLOCK STRUCTURE	R = RADIUS	P.O.C. = POINT OF COMMENCEMENT	[Symbol] = CONCRETE FLATWORK
CONC. MON. = CONCRETE MONUMENT	Δ = CENTRAL "DELTA" ANGLE	P.O.B. = POINT OF BEGINNING	[Symbol] = PAVER BRICK FLATWORK
CONC. = CONCRETE	L = ARC LENGTH	R.W. = RIGHT OF WAY	[Symbol] = WOOD FENCE
D.E. = DRAINAGE EASEMENT	CH.B. = CHORD BEARING	--- x --- = CHAIN LINK FENCE	[Symbol] = WOOD POWER POLE
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM	O.R.B. = OFFICIAL RECORD BOOK	--- x --- = METAL FENCE	[Symbol] = WATER METER
P.E. = POOL EQUIPMENT	P.B. = PLAT BOOK	--- x --- = CENTERLINE	[Symbol] = FIRE HYDRANT
F.F.EL. = FINISHED FLOOR ELEVATION	N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM	--- x --- = EASEMENT	[Symbol] = CATCH BASIN
EL. = ELEVATION	O.R.B. = OFFICIAL RECORD BOOK	--- x --- = COVERED	[Symbol] = SANITARY MANHOLE
(B.R.) = BEARING REFERENCE	P.T. = POINT OF TANGENCY	--- x --- = OVERHEAD LINES	
D = DEED	P.R.C. = POINT OF REVERSE CURVATURE	--- x --- = LOT TIE	
(M) = MEASURED	P.C.C. = POINT OF COMPOUND CURVATURE		

**SCALE:** 1" = 20'  
**DRAWN BY:** PICARD  
**FIELD WK:** M.M. / B.M.  
**DATE:** 05/11/2015

**MILLER LAND SURVEYING**  
 1121 LAKE AVENUE  
 LAKE WORTH, FLORIDA 33460  
 PHONE: (561) 586-2669 - FAX: (561) 582-0151  
 www.millersurveying.com  
 e-mail: millersurveying@aol.com

**REFERENCES:** C80/22 874/2  
 PREV. Y141041  
 JOB NO'S. Y150437  
**M - 3847 - A**



**ATTACHMENT B**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
CONDITIONS OF APPROVAL AND DEVELOPMENT INFORMATION FOR  
PZB CASE No. 16-01400010 & 16-00500010**

**Date of Preparation:** June 27, 2016  
**P&ZB Meeting Date:** July 6, 2016  
**Applicant:** Jeff Iravani representing the Applicant  
**Location:** 127 North Dixie Highway

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**CONDITIONS OF APPROVAL  
PZB CASE No. 16-01400010**

**Standard Conditions of Approval:**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable Codes including but not limited to the Florida Building Code.
2. Unless construction has commenced pursuant to a building permit, or a time extension is granted in accordance with Code, this application shall expire one (1) year from Planning & Zoning Board Approval.
3. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
4. This approval is for a Major Site Plan and Conditional Use Permit approval to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the Land Development Regulations (LDRs). This use must operate in compliance with all state and local laws that govern this use.
5. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

**Additional Conditions of Approval:**



### **Planning and Zoning**

1. Prior to Certificate of Occupancy, the applicant shall obtain a revocable permit or an alley abandonment for the portion of the alley which the applicant is proposing to use.
2. No outdoor storage shall be permitted on the property without the request and approval of a separate conditional land use application.
3. All signage shall comply with the requirements of Section 23.5-1 Signs; and all new signage shall comply with the standard of the code at time of building permit application before installation.
4. All fully operated activities shall occur within the building and within the site's property lines.
5. All above ground mechanical equipment such as exterior utility boxes, meters and transformers, shall be visually screened. Equipment placed on the walls of the building shall be painted to match the building color.
6. Upon application for a building permit, the applicant shall submit a photometric/illumination plan according to the LDRs.

### **Public Services**

7. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Services Construction Standards and Policy and Procedure Manual.
8. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
9. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
10. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s) if necessary.
11. Prior to issuance of a certificate of occupancy, the applicant shall install a new 5-foot wide sidewalk with Type F curb along the east side of North H Street from the south property line to the north property line in compliance with the Public Services Department's specifications and Policy and Procedure Manual.



12. Prior to the issuance of a building permit, provide a signage and striping plan that illustrates the striping pattern necessary for vehicles entering and exiting the property.
13. Prior to the issuance of a certificate of occupancy, the applicant shall enter into a Maintenance Agreement with the City for perpetual maintenance of the alleyway consisting of paving, concrete, landscaping, trash/litter pickup, sweeping, irrigating, striping, signage, and other related items.
14. Prior to the issuance of Certificate of Occupancy, a utility easement shall be granted to the City for the required access and maintenance of utilities in the alleyway. The width shall be determined by the City's Engineer.
15. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
16. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
17. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with Bahia sod.
18. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
19. Prior to any construction in the right of way, the applicant shall apply for a "Right of Way/Utility" permit application and receive the permit to authorize the work

#### **Electric Utilities**

20. Developer must provide a load calculation and voltage requirements prior to obtaining a building permit.
21. Provide ten (10) foot clearance in front of the transformer and four (4) feet on the remaining sides of the transformer.
22. Provide a ten (10) foot easement from the proposed transformer location to the nearest power pole.



**Water Utilities**

Prior to building permit application, the Preliminary Engineering Plans shall be amended as follows:

1. Applicant to provide concurrence from FDOT on Access Management.
2. Show locations and label existing water and sewer mains surrounding the property.
3. Show connections from onsite water and sewer to offsite.
4. Show existing fire hydrant and Fire Department Connection within 100 feet of fire hydrant.

The Building Department Engineering Submittal shall include the following:

1. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, crossing and structure sizes and elevations, hydrants, manholes, as well as all pertinent site elevations. There is an existing 6-inch watermain in the alley and 8- inch sanitary sewer in the alley.
2. Show water and sewer services and drainage structures and pipes on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
3. Confirm condition of existing clean-out is satisfactory to be used with City of Lake Worth Sewer Collection Department via Customer Service 561-533-7300.
4. Confirm condition of existing water service and meter is satisfactory to be used with City of Lake Worth Water Distribution Department via Customer Service 561- 533-7300.
5. Fireflow calculations based on a recent hydrant test.
6. Dedication of necessary 15-foot Utility easements.
7. Any storm water permits from SFWMD.
8. Provide a copy of FDOT permit for work within Dixie Highway.
9. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.



10. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
11. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
12. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr., 1 hour (2.6")) runoff being maintained on site.
13. Provide existing and proposed site grades.
14. Indicate vertical datum on all plan drawings with grades.
15. All applicable City of Lake Worth details.
16. Prior to building permit issuance, reserved capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
17. Prior to Certificate of Occupancy, a copy of the recorded alley access easement must be provided.

#### **Landscaping**

1. Prior to the issuance of any building permit including but not limited to a clearing and grubbing permit a complete tree survey and tree disposition plan must be submitted for review and approval. Tree species and DBH (diameter breast height) of each must be on the tree survey. The tree disposition plan must list which trees are remaining in place, being relocated or removed. All trees that are removed must be replaced per code section 23.6-1p.
2. Additionally an amended landscape plan must be submitted showing the location of any relocated or replaced trees.

#### **CONDITIONS OF APPROVAL PZB 16-00500010**

#### **Conditional Land Use**

1. The subject site shall remain clear and clean of any trash or debris when the business has closed for the day.
2. Any activities associated with the operation of the business shall emit no more than 65 (db) decibels and at no time be audible above daytime ambient noise levels beyond the real property lines of the site.



**Lake Worth, Florida. The Art of Florida Living.<sup>sm</sup>**

City Of Lake Worth  
 Department for Community Sustainability  
 Planning, Zoning and Historic Preservation Division  
 1900 Second Avenue North · Lake Worth · Florida 33461  
 Phone: 561-586-1687

DATE: July 21, 2016

TO: Members of the Planning & Zoning Board

FROM: Curt Thompson, Senior Community Planner

Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB Project Number 16-02900003:** Consideration of a Conditional Land Use application the Marlin Commerce Center Condominium Association, Inc., Applicant and Owner, represented by Ms. Christina Morrison, P.A., to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 4 acre site, in a series of existing buildings totaling +/- 60,600 square feet. The subject parcel is located 3677 23<sup>rd</sup> Avenue South (PCN# 38-43-44-20-28-001-1020, etc.).

Meeting Date: August 3, 2016

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**SYNOPSIS:**

<b>Applicant</b>	MARLIN COMMERCE CENTER CONDOMINIMUM ASSOCIATION
<b>General location</b>	3677 23 <sup>rd</sup> Avenue South
<b>Zoning</b>	I-POC; Industrial Park of Commerce
<b>Existing land use</b>	Industrial
<b>Future land use designation</b>	Industrial
<b>Applicable Municipal Code Sections</b>	23.2-29

<b>Board action required</b>	Approve, Approve With Conditions, Deny the Request, Continue the request for additional information	
<b>Staff Recommendation</b>	Staff recommends approval of the Conditional Land Use subject to the attached conditions of approval.	
	<b>Name and Title</b>	<b>Initials</b>
<b>Project planner</b>	Curt Thompson, Senior Community Planner	CT
<b>Approved by</b>	Maxime Ducoste, Assistant Director for Planning and Preservation	MD

**PROPOSAL:**

Marlin Commerce Center Condominium Association, Inc., Applicant and Owner, represented by Ms. Christina Morrison, proposes to establish a list of industrial and industrial-related uses for their buildings located at 3677 23<sup>rd</sup> Avenue South (“Property”). The Property is located within the Industrial – Park of Commerce (I-POC) zoning district. The applicants wish to obtain approval for all industrial-related uses listed in the City’s Land Development Regulations (LDRs) as specifically described in Attachment “A”. To establish these uses, approval of a Conditional Land Use permit is required from the Planning and Zoning Board. Approval of a conditional use permit is required prior to the issuance of a Lake Worth Business License(s) for uses of this type.

The City’s Land Development Regulations (“LDRs”) authorize the Planning & Zoning Board to grant a Conditional Use Permit subject to making three sets of findings detailed in Section 23.2-29(c) and (d) and Section 23.4-13. These include general and specific findings intended to ensure harmony of the proposed uses both with the land development regulations as a whole as well as the surrounding existing uses.

The following analyzes the Applicants’ request for a Conditional Land Use to establish industrial-related uses; with a discussion about Property conditions and existing uses; operational characteristics of the proposed use; consistency of the proposed use with the comprehensive plan; and a narrative with respect to each of the required findings for a conditional land use.

**ANALYSIS:**

**Background:**

The property located at 3677 23<sup>rd</sup> Avenue South, consist of three (3) existing buildings within the Industrial – Park of Commerce (I-POC) zoning district. According to the Palm Beach County Property Appraiser’s Office, the structures was built around 2007 to 2010. Glass Engineering & Installation, Aspect Marlin LLC, Above & Beyond Pest Environmental Services and Termite LLC are a few of the businesses operating on the property.

All existing setbacks are to remain in place. No changes to the structures or landscaping has been made. There are no proposed changes to the buildings. The parking area was calculated and approved as part of the larger parcel identified as 3677 23<sup>rd</sup> Avenue South. All of the existing businesses occupy a portion or all of the buildings on the property. The site includes handicap parking spaces in the front of the buildings.

The property has a Business Tax Receipt history of Office, Warehouse, Manufacturing, Fabrication and other Industrial-related types of use from 2007 to the present. Please see the attached list.

**Site Plan Review:**

Site plan review is not required due to the fact that no exterior changes are proposed on the property.

**Public Support/Opposition:**

Staff has received no letters of support or letters of objection concerning the subject request.

**Consistency with the Comprehensive Plan:**

It is the opinion of Staff that the applicant's proposed use is consistent with the following components of the Comprehensive Plan:

**1.1.3.9 Industrial Use**

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.

**1.2.2.9 Locational Strategy for the Industrial Category:**

The Industrial land use category is intended for mapping the area located west of I-95, known as the Industrial Park of Commerce. This location offers parcels of vacant and under-utilized land that provide a logical setting for development of office, manufacturing and light to moderate industrial uses that have the potential for increased traffic generation. This location also enjoys direct access to I-95 via the 10th Avenue North highway interchange.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

1. The conditional use exactly as presented 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.

**Staff Response:** The proposed conditional uses will be in harmony with the intent of the I-POC zoning district to foster office and industrial uses related to Industrial type of uses. The buildings are existing industrial office/warehouse structures that were built approximately in the mid-2000s to 2010. Continued operation as of commercial and industrial buildings will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Response:** The surrounding area is zoned Industrial – Park of Commerce (I – POC) and although the subject property is adjacent to a residential use (The Palm Club Apartments), there is an existing landscaped buffer along the west and southern property lines to screen uses from those apartments. The Property has been used for both commercial and industrial uses since the mid-2000s, and continued operation as such will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Response:** The proposed conditional uses of the Property will provide about the same amount of a public benefit as the other Industrial-type uses currently operating on the Property. The Property has been used for both commercial and industrial uses since the mid-2000s, and continued operation as industrial/commercial structures will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

4. 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.

**Staff Response:** The proposed conditional uses will not result in a more intensive development than has previously operated at the Property. The Property was originally constructed with industrial offices/warehouses, and continues to function as such, with multiple users operating on the Property at any given time. Use of the Property as proposed is in compliance with the goals, objectives and policies of the Comprehensive Plan, as this area of the city is fully developed with the required improvements to accommodate the existing and future uses.

#### **Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Response:** The existing and future uses will not generate traffic volumes or movements which will reduce the level of service provided on any street to a lower level than would result from a

development permitted by right. The proposed conditional uses will be consistent in nature with previous medium traffic generating commercial and industrial uses at the Property and along 23<sup>rd</sup> Avenue South. No additional traffic is expected to be generated from the existing and future uses. The Property's circulation pattern will remain unchanged from the existing circulation patterns that have existed since the Property was developed in the mid-2000s with its current configuration. There are two existing entrance/exit points that will continue to provide access to the property.

2. 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.

**Staff Response:** The volume of traffic is expected to remain the same as traffic associated with the existing uses in the area. The existing right of way (23<sup>rd</sup> Avenue South) is already subject to a moderate amount of through traffic, both from business owners and customers visiting businesses in the immediate area.

3. 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.

**Staff Response:** No additional air pollution can be attributed to the existing uses. All existing and future businesses will be required to meet all permitting and regulatory approvals upon Building permit application and approval process. The Property includes existing commercial/industrial buildings on the subject site.

4. 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.

**Staff Response:** The project Property is fully developed and the existing and future uses in no way would result in a need for an extension or enlargement of the existing thoroughfare system.

5. 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.

**Staff Response:** The subject Property is fully developed and connected to all of the City's utility systems. The applicants' request will not result in the need for the extension nor enlargement nor any other alteration of such systems.

6. 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.

**Staff Response:** The project Property is fully developed. No increased demand on law enforcement or fire protection service is expected as a result of the proposed use. The Property has operated with on-site industrial/commercial buildings since the time they were constructed.

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Response:** No new sources of noise will result by the establishment of industrial related uses such as office, warehousing, wholesale and distribution businesses at the Property that is beyond previously licensed commercial/industrial uses on the Property. Further, any noise generated from any of the proposed conditional uses will be mitigated through the City's Use and Occupancy inspection, which is a requirement of the City's business license.

8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting.

**Staff Response:** The property will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting on any existing residential uses.

**Conclusion:**

The analysis has shown that the required findings can be made with respect to the Conditional Use and sign variance requests. The Property has historically been utilized as a commercial/industrial property, and the uses as proposed is in harmony with the underlying zoning district and surrounding operating businesses.

**CONSEQUENT ACTION:**

The Planning and Zoning Board's decision will be final for the Conditional Use request. The Applicants' may appeal the Board's decision on the Conditional Use request to the City Commission.

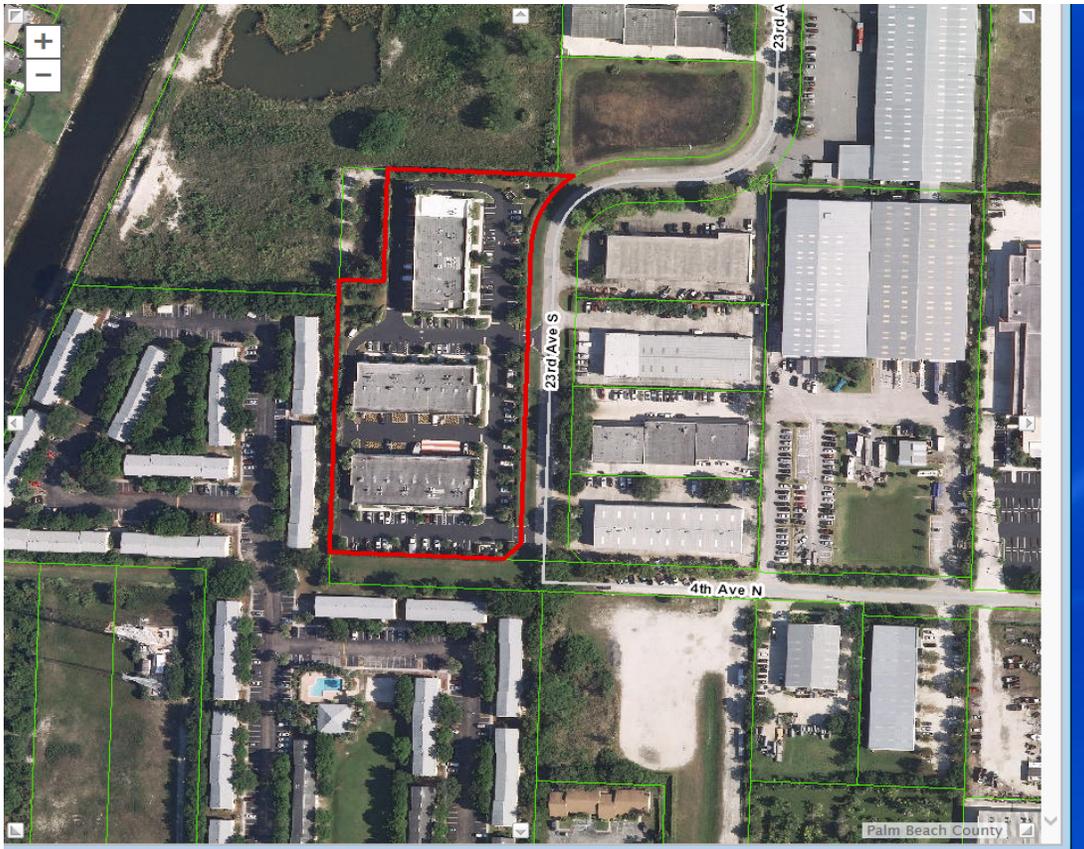
**STAFF RECOMMENDATION:**

Based on the findings outlined in the analysis, staff recommends that the Planning and Zoning Board approve the Conditional Use request to allow for the establishment of Industrial and Industrial-related uses at 3677 23<sup>rd</sup> Avenue South, as described specifically in Attachment "A" and subject to the proposed Conditions of Approval.

**POTENTIAL MOTION:**

"I MOVE TO APPROVE/DENY/CONTINUE P&ZB Project Number. 16-02900003 Request for Conditional Land Use to establish Industrial and Industrial-related uses, as described specifically in Attachment "A", at 3677 23<sup>rd</sup> Avenue South, in the Industrial Park of Commerce (I-POC) zoning district subject to the staff recommended Conditions of Approval."

## LOCATION MAP



### Attachments:

- A. List of Proposed Conditional Uses
- B. Site Plan
- C. Justification Statement
- D. Conditions of Approval

TO: CITY OF LAKE WORTH

FROM: CHRISTINA MORRISON, P.A.

DATE: JULY 13, 2016

RE: MARLIN COMMERCE CENTER CONDOMINIUM ASSOCIATION, INC. - CONDITIONAL USE CRITERIA

USES BEING SOUGHT TO BE RESTORED

1. Marlin Commerce Center Condominium, a light industrial commercial condominium property containing 27 units in three separate buildings on 4+/- acres of property within the Marlin Industrial Park section of the Lake Worth Park of Commerce, was built in 2008- 2010 for uses as stated in the Land Development Regulations section 23.16.02.00 at that time which included:
  - a. . Manufacturing, fabrication and processing;
  - b. Industrial Services;
  - c. Storage, including mini-warehouses ;
  - d. Wholesale and Distribution;
  - e. Light Utility Facilities;
  - f. Essential Services;
  - g. Parking Facilities;
  - h. Radio & Television Broadcasting Studios; and
  - i. Veterinary Establishments with Internal Kennels.
  
2. These uses are currently listed on the current lists of Permitted Uses as follows:
  - A. High Intensity Commercial- Greater than 7500 SF:
    - Cold Storage
    - Contractor (office)
    - Dead Storage Facilities
    - Printing Services
    - Warehouse
    - Wholesale & Distribution Facilities
    - Linen Service/Uniform Service
    - Veterinary Offices with kennels
    - Mini-Warehouses
  
  - B. Medium Intensity Commercial Uses- Less than 7500 SF:
    - Contractor Office
    - Storage Locker
  
  - C. High Intensity Personal Services Uses:
    - Large Household Appliance
  
  - D. High Intensity Industrial Uses- Greater Than 7500 SF:
    - Building & Construction Trades/Contractors without outside storage yards
    - Boat Repair & Maintenance
    - Contractor
    - Specialty Contractor
    - Equipment Rentals & Leasing
    - Factory & Manufacturing (reference Ordinance Chapter 14)

Food Manufacturing & Processing  
Garment/Clothing/ Apparel Manufacturing  
Heavy Utility Services Uses  
High Intensity Fabrication Services excluding retail display and sales  
High Intensity Manufacturing Services excluding retail displays and sales  
High Intensity Processing excluding retail display and sales  
Microbrewery without sales  
Import/Export Business  
Regional Distribution Center  
Renewable Energy Resource Center  
Septic Tank, Sewer and Drain Cleaning and repair Services  
Storage Indoor  
Welding Contractors  
Welding Repair Services

E. Medium Intensity Industrial Uses- Less than 7500 SF:

Boat Detailing  
Building and Construction Trades/Contractors Manufacturing (without outside storage yards)  
Cabinetry Manufacturing  
Cleaning & Maintenance Services  
Disinfecting and Exterminating Services  
Furniture Stripping, Finishing, Refinishing  
Furniture Manufacturing  
Garment/Clothing/ Apparel Manufacturing  
Import/Export Business  
Landscaping Contractors  
Mail Delivery Services  
Medical/Biotech/Pharmaceutical Manufacturing & Distribution  
Medium Intensity Fabrication excluding retail displays and sales  
Medium Intensity Manufacturing Services excluding retail display & sales  
Medium Intensity Processing excluding retail display & sales  
Microbrewery without Sales  
Packaging and Labeling Services  
Regional Distribution Center  
Steam & Pressure Cleaning Services  
Storage- Indoor  
Utility Plant, Substation, Power Generation- Minor  
Vintner/Winery

F. Low Intensity Industrial Uses – Less Than 5,000 SF:

Building & Construction Trades/Contractors Manufacturing without outside storage  
Low Intensity Fabrication Services excluding retail displays and sales  
Low Intensity Manufacturing excluding retail displays and sales  
Low Intensity Manufacturing including retail displays and sales  
Low Intensity Processing excluding retail displays and sales  
Low Intensity Processing including retail displays and sales  
Garment/Clothing/ Apparel Manufacturing

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Medical/Dental Laboratories

- G. High Intensity Vehicular Uses:  
Parking Facilities
  
- H. Low Intensity Vehicular Uses- Less Than 5,000 SF:  
Automotive Parts Sales (Distribution)
  
- I. High Intensity Specialty Uses - Greater Than 7,500 SF:  
Radio and Television Broadcasting Studios W/ Communication Towers
  
- J. Medium Intensity Specialty Uses – Less Than 7,500 SF:  
Radio and Television Broadcasting Studios w/o Communication Towers
  
- K. High Intensity Artisanal Uses- Greater than 7,500 SF:  
Artisanal Manufacturing
  
- L. Medium Intensity Artisanal Uses- Less Than 7,500 SF:  
Artisanal Manufacturing  
Book Binding



TO: CITY OF LAKE WORTH

FROM: CHRISTINA MORRISON. P.A.

DATE: JULY 13, 2016

RE: MARLIN COMMERCE CENTER CONDOMINIUM ASSOCIATION, INC. – CONDITIONAL USE CRITERIA

JUSTIFICATION STATEMENT

1. Marlin Commerce Center Condominium, a light industrial commercial condominium property containing 27 units in three separate buildings on 4+/- acres of property within the Marlin Industrial Park section of the Lake Worth Park of Commerce, was built in 2008 – 2010 for uses as stated in the Land Development Regulations section 23.16.02.00 at that time which included:
  - a. Manufacturing, fabrication and processing;
  - b. Industrial Services;
  - c. Storage, including mini-warehouses;
  - d. Wholesale and Distribution;
  - e. Light Utility Facilities;
  - f. Essential Services;
  - g. Parking Facilities;
  - h. Radio & Television Broadcasting Studios; and
  - i. Veterinary Establishments with Internal Kennels.

These uses are more fully described in the attached pages of LDRs section 23.16.02.00. The Property Owners are hereby applying for Conditional Use to restore the stated Permitted Uses for the entire Marlin Commerce Center Condominium – all 27 units - to the listed uses as originally intended, with no further need for Administrative Use Approvals or other Conditional Use Approvals as adopted by the City in 2013. A list of the sought-after uses, as per the current codes by Intensity and size, is also attached for further clarification.

2. Marlin Commerce Center Condominium was designed for the Permitted Uses stated in the previous LDRs. As such, the LDRs adopted in 2013 have proven to be a hardship for the property and have negatively impacted the intended use as originally approved by the City.
3. The Lake Worth Park of Commerce, and the Marlin Industrial Park, which are the location of Marlin Commerce Center Condominium, contain several buildings with uses which are stated above, as provided by the previous LDRs. As such, the proposed Conditional Use will be in full harmony with the uses in the surrounding area.
4. The proposed/original uses conform totally to the applicable provisions of the Comprehensive Plan for the Lake Worth Park of Commerce. The Conditional Use will not result in a more intensive development than that approved in the Future Land Use element of the Comprehensive Plan since Marlin Commerce Center Condominium has already been fully developed.
5. The proposed uses conform totally to the applicable provisions of the Land Development Regulations for the Lake Worth Park of Commerce.
6. Marlin Commerce Center is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any and all other applicable provisions of the City code and Marlin Commerce Center and the Park of Commerce currently contain many businesses with offices, distribution and warehouse and the other uses listed.

7. The proposed use will not generate additional traffic volumes or movements nor will they reduce the level of service provided on any street in and/or surrounding the property.
8. The proposed Conditional Use is appropriate for the location with respect to collector and arterial streets since it would return to the uses as originally proposed.
9. The proposed Conditional Use will not produce significant air pollution emissions.
10. The proposed Conditional Use is properly located in relation to the thoroughfare system and will not result in a higher net public cost or earlier incursion of public costs than would normally result since the property is located inside a private business park, the Marlin Industrial Park.
11. The proposed Conditional Use is for a completely developed Business Park and, as such, will not further impact water lines, sanitary sewers, storm sewers, surface drainage systems or other systems that would result in a higher net public cost.
12. The proposed Conditional Use is for a completely developed Business Park and, as such, will not place additional demand on police or fire protection service.
13. The proposed Conditional Use is for a completely developed Business Park and, as such, will not generate significant noise and will continue to meet all of the requirements and stipulations set forth in Section 15.24 -0 Noise Control.
14. The proposed Conditional Use is for a completely developed Business Park and, as such, will not generate additional lights or any glare that encroach onto any residential property in excess of those allowed in Section 23.4-10 – Exterior Lighting.
15. The required landscape buffering has been provided in and around the property.
16. To the best of my knowledge, there are no outstanding code enforcement fees or fines.
17. To the best of my knowledge, all previously imposed conditions for approval have been met.

Christina Morrison, P.A.  
 Christina Morrison, P.A.

7.13.2016  
 Date

Notarized:

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of June, 2016 by Christina Morrison, P.A., whom is personally known.

Mariann Gerwig  
 Notary Public





**ATTACHMENT D**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
CONDITIONS OF APPROVAL AND DEVELOPMENT INFORMATION FOR  
PZB CASE No. 16-02900003**

**Date of Preparation:** July 22, 2016  
**P&ZB Meeting Date:** August 3, 2016  
**Applicant:** Marlin Commerce Center Condominium Assn.,  
**Location:** 3677 23<sup>rd</sup> Avenue South

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**DRAFT CONDITIONS OF APPROVAL  
PZB CASE No. 16-02900003**

**Standard Conditions of Approval:**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable Codes including but not limited to the Florida Building Code.
2. Unless construction has commenced pursuant to a building permit, or a time extension is granted in accordance with Code, this application shall expire one (1) year from Planning & Zoning Board Approval.
3. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
4. This approval is for a conditional land use pursuant to Sections 23.2-29 to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted as an administrative use), within the Industrial Park of Commerce (IPOC) zoning district at 3677 23<sup>rd</sup> Avenue South. This use must operate in compliance with all state and local laws that govern this use.
5. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.



**Additional Conditions of Approval:**

1. No outdoor storage shall be permitted on the property without the request and approval of a separate conditional land use application.
2. All signage shall comply with the requirements of Section 23.5-1 Signs, and shall require approval of a building permit application before installation.
3. All business operations must be fully operated within the building structures. No operations may occur in any required parking or other areas on the property.
4. The subject site shall remain clear and clean of debris when businesses have closed for the day.
5. Any activities associated with this site shall emit no more than 65 decibels and at no time be audible above daytime ambient noise levels beyond the real property lines of the site.

Approved by:

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Maxime Ducoste  
Planning and Preservation Manager



**Lake Worth, Florida. The Art of Florida Living.<sup>sm</sup>**

City Of Lake Worth  
Department for Community Sustainability  
Planning, Zoning and Historic Preservation Division  
1900 Second Avenue North · Lake Worth · Florida 33461  
Phone: 561-586-1687

DATE: July 21, 2016

TO: Members of the Planning & Zoning Board

FROM: Curt Thompson, Senior Community Planner

Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB Project Number 16-02100018:** Consideration of a Conditional Land Use application by c/o Stanley Steemer, Applicant and AAA Abachman Enterprises, Inc., owner represented by Ms. Anna Cottrell, AICP, to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, on a +/- 42, 980 square foot site in an existing +/- 15, 540 square foot building. The subject parcel is located at 3670 23<sup>rd</sup> Avenue South (PCN# 38-43-44-20-19-000-0090).

Meeting Date: August 3, 2016

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**SYNOPSIS:**

<b>Applicant</b>	C/O STANLEY STEEMER, APPLICANT & AAA ABACHMAN ENTERPRISES, INC., OWNER
<b>General location</b>	3670 23 <sup>rd</sup> Avenue South
<b>Zoning</b>	I-POC; Industrial Park of Commerce
<b>Existing land use</b>	Industrial
<b>Future land use designation</b>	Industrial
<b>Applicable Municipal Code Sections</b>	23.2-29

<b>Board action required</b>	Approve, Approve With Conditions, Deny the Request, Continue the request for additional information	
<b>Staff Recommendation</b>	Staff recommends approval of the Conditional Land Use subject to the attached conditions of approval.	
	<b>Name and Title</b>	<b>Initials</b>
<b>Project planner</b>	Curt Thompson, Senior Community Planner	CT
<b>Approved by</b>	Maxime Ducoste, Assistant Director for Planning and Preservation	MD

**PROPOSAL:**

Stanley Steemer, Applicant and AAA Abachman Owner, represented by Ms. Anna Cottrell, AICP, proposes to establish a list of industrial and industrial-related uses for their buildings located at 3670 23<sup>rd</sup> Avenue South (“Property”). The Property is located within the Industrial – Park of Commerce (I-POC) zoning district. The applicants wish to obtain approval for all industrial-related uses listed in the City’s Land Development Regulations (LDRs) as described specifically in Attachment “A”. To establish these uses, approval of a Conditional Land Use permit is required from the Planning and Zoning Board. Approval of a conditional use permit is required prior to the issuance of a Lake Worth Business License(s) for uses of this type.

The City’s Land Development Regulations (“LDRs”) authorize the Planning & Zoning Board to grant a Conditional Use Permit subject to making three sets of findings detailed in Section 23.2-29(c) and (d). These include general and specific findings intended to ensure harmony of the proposed uses both with the land development regulations as a whole as well as the surrounding existing uses.

The following analyzes the Applicants’ request for a Conditional Land Use to establish industrial-related uses; with a discussion about Property conditions and existing uses; operational characteristics of the proposed use; consistency of the proposed use with the comprehensive plan; and a narrative with respect to each of the required findings for a conditional land use.

**ANALYSIS:**

**Background:**

The property located at 3670 23<sup>rd</sup> Avenue South, consist of one (1) existing building within the Industrial – Park of Commerce (I-POC) zoning district. According to the Palm Beach County Property Appraiser’s Office, the structures was built around 1988. Originally part of the Model Land Company Subdivision, the property became part of the Marlin Industrial Park when that project was approved for platting by Palm Beach County in 1986. There are 15 lots within the Marlin Industrial Park, all of which are now

developed. Stormwater management is supported by a one -acre water management tract within the central portion of the industrial park.

The existing building was constructed in 1988, when the property was still within unincorporated Palm Beach County. Platting and development of the property was approved by Palm Beach County, consistent with all applicable land development regulations. The property was annexed into the City of Lake Worth on December 21, 2004, via Ordinance 2004-36, as part of a large scale annexation of properties within the Park of Commerce.

Since the construction of the building it has been continuously occupied with a succession of various service and light industry businesses. Stanley Steemer is, and has been since 1988, the principal tenant of the building. It occupies Bay 5 (located on the west end of the building), with approximately 8,542 square feet, or about 55% of the total building area. The remainder of the building is divided into four equally sized bays (Bays 1-4) of approximately 1,750 square feet each. A future tenant (Andy & Joe's Garage) plans to lease and occupy bays 3 and 4 for a total of about 3,500 square feet.

All existing setbacks are to remain in place. No changes to the structures or landscaping has been made. There are no proposed changes to the buildings. The parking area was calculated and approved as part of the larger parcel identified as 3670 23<sup>rd</sup> Avenue South. All of the existing businesses occupy a portion or all of the buildings on the property. The site includes handicap parking spaces in the front of the buildings.

The property has a Business Tax Receipt history of Office, Warehouse and General Storage, Auto Towing, Minor Auto Repair, Carpet Cleaners, and other Industrial-related types of use from 1988 to the present.

**Site Plan Review:**

Site plan review is not required due to the fact that no exterior changes are proposed on the property.

**Public Support/Opposition:**

Staff has received no letters of support or letters of objection concerning the subject request.

**Consistency with the Comprehensive Plan:**

It is the opinion of Staff that the applicant's proposed use is consistent with the following components of the Comprehensive Plan:

**1.1.3.9 Industrial Use**

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.

### 1.2.2.9 Locational Strategy for the Industrial Category:

The Industrial land use category is intended for mapping the area located west of I-95, known as the Industrial Park of Commerce. This location offers parcels of vacant and under-utilized land that provide a logical setting for development of office, manufacturing and light to moderate industrial uses that have the potential for increased traffic generation. This location also enjoys direct access to I-95 via the 10th Avenue North highway interchange.

### Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest

1. The conditional use exactly as presented 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.

**Staff Response:** The proposed conditional uses will be in harmony with the intent of the I-POC zoning district to foster office and industrial uses related to Industrial type of uses. The building has existed for industrial office/warehouse uses since the late 1980s (1988). Continued operation as of commercial and industrial buildings will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Response:** The surrounding area is zoned Industrial – Park of Commerce (I – POC) and the subject property is not adjacent to any residential uses. The Property has been used for both commercial and industrial uses since the late 1980s (1988), and continued operation as such will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Response:** The proposed conditional uses of the Property will provide about the same amount of a public benefit as the other Industrial-type uses currently operating on the Property. The Property has been used for both commercial and industrial uses since the late 1980s (1988), and continued operation as industrial/commercial structures will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

4. 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.

**Staff Response:** The proposed conditional uses will not result in a more intensive development than has previously operated at the Property. The Property was originally constructed with industrial

offices/warehouses, and continues to function as such, with multiple users operating on the Property at any given time. Use of the Property as proposed is in compliance with the goals, objectives and policies of the Comprehensive Plan, as this area of the city is fully developed with the required improvements to accommodate the existing and future uses.

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Response:** The existing and future uses will not generate traffic volumes or movements which will reduce the level of service provided on any street to a lower level than would result from a development permitted by right. The proposed conditional uses will be consistent in nature with previous medium traffic generating commercial and industrial uses at the Property and along 23<sup>rd</sup> Avenue South. No additional traffic is expected to be generated from the existing and future uses. The Property's circulation pattern will remain unchanged from the existing circulation patterns that have existed since the Property was developed in the mid-1980s with its current configuration. There is one (1) existing entrance/exit points that will continue to provide access to the property.

2. 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.

**Staff Response:** The volume of traffic is expected to remain the same as traffic associated with the existing uses in the area. The existing right of way (23<sup>rd</sup> Avenue South) is already subject to a moderate amount of through traffic, both from business owners and customers visiting businesses in the immediate area.

3. 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.

**Staff Response:** No additional air pollution can be attributed to the existing uses. All existing and future businesses will be required to meet all permitting and regulatory approvals upon Building permit application and approval process. The Property includes existing commercial/industrial buildings on the subject site.

4. 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.

**Staff Response:** The subject Property is fully developed and the existing and future uses in no way would result in a need for an extension or enlargement of the existing thoroughfare system.

5. 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.

**Staff Response:** The subject Property is fully developed and connected to all of the City's utility systems. The applicants' request will not result in the need for the extension nor enlargement nor any other alteration of such systems.

6. 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.

**Staff Response:** The project Property is fully developed. No increased demand on law enforcement or fire protection service is expected as a result of the proposed use. The Property has operated with on-site industrial/commercial buildings since the time they were constructed.

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Response:** No new sources of noise will result by the establishment of industrial related uses such as office, warehousing, wholesale and distribution businesses at the Property that is beyond previously licensed commercial/industrial uses on the Property. Further, any noise generated from any of the proposed conditional uses will be mitigated through the City's Use and Occupancy inspection, which is a requirement of the City's business license.

8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting.

**Staff Response:** The property will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting on any existing residential uses.

**Conclusion:**

The analysis has shown that the required findings can be made with respect to the Conditional Use and sign variance requests. The Property has historically been utilized as a commercial/industrial property, and the uses as proposed is in harmony with the underlying zoning district and surrounding operating businesses.

**CONSEQUENT ACTION:**

The Planning and Zoning Board's decision will be final for the Conditional Use request. The Applicants' may appeal the Board's decision on the Conditional Use request to the City Commission.

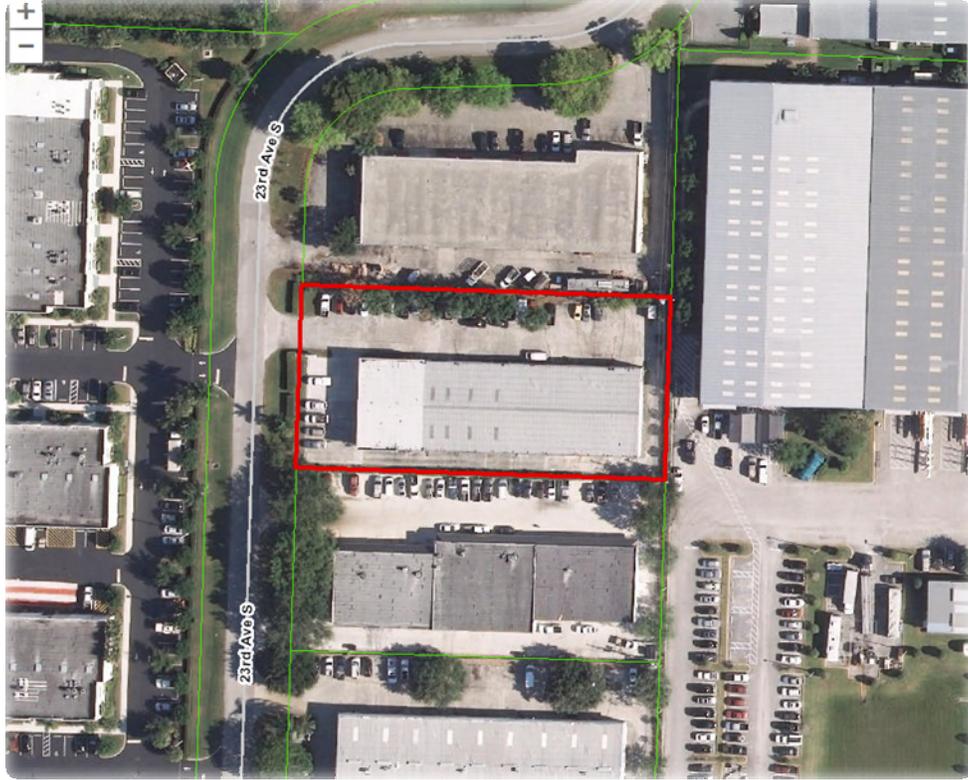
**STAFF RECOMMENDATION:**

Based on the findings outlined in the analysis, staff recommends that the Planning and Zoning Board approve the Conditional Use request to allow for the establishment of Industrial and Industrial-related uses at 3670 23<sup>rd</sup> Avenue South, as described specifically in Attachment "A" and subject to the proposed Conditions of Approval in Attachment C.

**POTENTIAL MOTION:**

"I MOVE TO APPROVE/DENY/CONTINUE P&ZB Project Number. 16-02100018 Request for Conditional Land Use to establish Industrial and Industrial-related uses, as described specifically in Attachment "A", at 3670 23<sup>rd</sup> Avenue South, in the Industrial Park of Commerce (I-POC) zoning district subject to the staff recommended Conditions of Approval in Attachment C."

### LOCATION MAP



#### Attachments:

- A. List of Proposed Conditional Uses
- B. Justification Statement
- C. Conditions of Approval

CONDITIONAL AND ADMINISTRATIVE USES  
REQUESTED FOR APPROVAL  
PROPERTY LOCATED AT 3670 23RD AVENUE SOUTH, IPOC

## ATTACHMENT A

### CONDITIONAL USES

#### **High Intensity Commercial - Greater than 7500 SF**

Cold Storage  
Contractor (office with no outdoor storage yard)  
Dead Storage Facilities  
Laundry Facilities - Public  
Linen service/uniform service  
Printing Services  
Warehouse  
Wholesale and Distribution Facilities

#### **Medium Intensity Commercial uses - Less than 7500 SF**

Contractor (office without outdoor storage yard)  
Linen service/uniform service  
Printing Services  
Warehouse Facilities  
Wholesale and Distribution Facilities

#### **Low Intensity Commercial Uses—Less than 2,500 SF**

Contractor (Office with outdoor storage yard)

#### **High Intensity Office Uses - Greater than 7500 SF**

Call Center  
Governmental Administrative Office  
Contractor (Office with no outdoor storage yard)

#### **Medium Intensity Office Uses—Less than 7,500 sq. ft.**

Contractor (Office only)

#### **Low Intensity Office Uses—Less than 2,500 sq ft**

Contractor (Office only, no outdoor storage yard)

#### **High Intensity Personal Services Uses**

Gymnastics Studios/Training Facilities  
Large Household Appliance Repair  
Small Household Appliance Repair

#### **Medium Intensity Personal Services Uses—Less than 7,500 sq. ft.**

Large Household Appliance Repair

**High Intensity Industrial Uses - Greater than 7500 SF**

Building and Construction Trades/Contractors without outdoor storage yards  
Boat Repair and Maintenance  
Contractor  
Specialty Contractor  
Equipment Rental and Leasing  
Factory or Manufacturing (reference Ordinance Chapter 14)  
Food Manufacturing & Processing  
Garment/Clothing/Apparel Manufacturing  
Heavy Utility Services Uses  
High Intensity Fabrication Services excluding retail display and sales  
High Intensity Manufacturing Services excluding retail display and sales  
High Intensity Processing excluding retail display and sales  
Import/Export Business  
Regional Distribution Center  
Renewable Energy Resource Center  
Septic Tank, Sewer and Drain Cleaning and Repair Services  
Storage Outdoor  
Storage Indoor  
Welding Contractors  
Welding Repair Services

**Medium Intensity Industrial Uses - Less than 7500 SF**

Boat Detailing  
Building and Construction Trades/Contractors Manufacturing (without outdoor storage yards)  
Cabinetry Manufacturing  
Disinfecting and Exterminating Services  
Furniture Stripping, Finishing, and Refinishing  
Furniture Manufacturing  
Garment/Clothing/Apparel Manufacturing  
Import/Export Business  
Landscaping Contractors with storage yards  
Mail Delivery Services  
Medical/Biotech/Pharmaceutical Manufacturing & Distribution  
Medium Intensity Fabrication Services excluding retail display and sales  
Medium Intensity Manufacturing Services excluding retail display and sales  
Medium Intensity Processing excluding retail display and sales  
Packaging and Labeling Services

**High Intensity Vehicular Uses—Greater than 7,500 sq ft**

Automobile Body Shops

CONDITIONAL AND ADMINISTRATIVE USES  
REQUESTED FOR APPROVAL  
PROPERTY LOCATED AT 3670 23<sup>RD</sup> AVENUE SOUTH, IPOC

## ATTACHMENT A

Automotive Towing Services and Storage Yards  
Automobile Service and Repair-Major  
Automobile Service and Repair-Minor  
Motorcycle Service and Repair  
Tire/Rim Sales and Service  
Automobile Window Tinting Establishments  
Automobile Lubrication Establishments  
Automobile Upholstery Establishments  
Automobile Upholstery Establishments

**Medium Intensity Vehicular Uses—Less than 7,500 sq. ft.**

Same as High Intensity Vehicular Uses Greater than 7,500 sq ft

**Low Intensity Vehicular Uses—Less than 2,500 sq. ft.**

Same as High Intensity Vehicular Uses Greater than 7,500 sq ft

**APPLICATION FOR APPROVAL OF ADMINISTRATIVE AND  
CONDITIONAL USES WITHIN THE  
INDUSTRIAL PARK OF COMMERCE (IPOC) DISTRICT**

**Request:**

The application concerns property located at 3670 23rd Avenue South, within the IPOC zoning district. The subject one acre property is within Marlin Industrial Park.

The property is fully developed with one multi-tenant office/warehouse building, the principal tenant of which is Stanley Steemer carpet cleaners.

The application is seeking approval to allow a (Medium Intensity) automotive vehicular repair business which will occupy a portion of the building, and approval of a list of other uses which are categorized by the City of Lake Worth land development regulations as Administrative Uses or Conditional Uses in the IPOC.

The purpose of the request for approval of a list of other uses is to allow an expeditious review and approval of appropriate commercial and industrial uses at the subject property in the future, without the necessity of the additional review required for Administrative Uses or Conditional Uses.

The requested expansion of allowed uses at the property is fully in keeping with the purpose of the IPOC as identified in the City Comprehensive Plan, Policy 1.1.3.9, to wit: "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", as well as the City's Land Development Regulations.

**Property Description:**

The subject property is a platted one acre parcel of land located on the east side of 23rd Avenue South approximately 830 feet south of 7th Avenue North, within the Lake Worth POC (Park of Commerce).

The legal description of the subject property is:

Lot 9, Marlin Industrial park, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 53, Page 168 through 170.

Property PCN: 38-43-44-20-19-000-0090.

The property size is one acre (43,560 square feet). It has a rectangular shape with a width of 145.64 feet (north/south dimension), and an average depth of 299.09 feet (east/west dimension).

Property frontage is along the east side of 23rd Avenue South. The sole access to the property is via one two-way driveway onto 23rd Avenue North.

The property is developed with a one-story, partial CBS and partial metal, flat roof building comprising 15,542 square feet. The building was constructed in 1988.

Site improvements consist of a concrete surface parking area supplying 33 parking spaces (including two handicapped spaces), perimeter landscaping and a pole sign located near the site entry driveway.

The property provides landscape buffers on all four sides of the property, offering effective screening of the parking and services areas within the property.

A 10' wide buffer strip along the property frontage (west side) contains several mature Live Oaks, and ornamental trees, including a nearly 15' tall

# **Anna S. Cottrell & Associates, Inc.**

## ATTACHMENT B

Pigeon Plum tree. A continuous, dense ficus hedge, over 4' tall, runs along the entire frontage.

The perimeter buffers along the side and rear yards are approximately 5' wide. The north side buffer includes a continuous line of mature Live Oaks within the buffer and landscape islands. The rear (east side) and south side buffers take advantage of continuous planting strips within the buffers of the adjacent properties for effective screening.

Along the building foundation on the front and north sides there is a narrow planting strip which contains low level ornamentals, primarily Spider Lilly, and one *Dracaena marginata* which adds some color in the area of the entrance.

### **Development History:**

Originally part of the Model Land Company Subdivision, the property became part of the Marlin Industrial Park when that project was approved for platting by Palm Beach County in 1986. There are 15 lots within the Marlin Industrial Park, all of which are now developed. Storm water management is supported by a one-acre water management tract within the central portion of Marline Industrial Park.

The existing building was constructed in 1988, when the property was still within unincorporated Palm Beach County. Platting and development of the property was approved by Palm Beach County, consistent with all applicable land development regulations.

The property was annexed into the City of Lake Worth on December 21, 2004, via Ordinance 2004-36, as part of a large scale annexation of properties within the Park of Commerce.

### **Description of Proposed Uses:**

Since the construction of the building it has been nearly continuously occupied with a succession of various service and light industry businesses,

# Anna S. Cottrell & Associates, Inc.

## ATTACHMENT B

which have included automotive service and repair, vehicle towing, woodworking and milling, furniture assembly, and office/warehouse uses.

Stanley Steemer is, and has been since 1988, the principal tenant of the building. It occupies Bay 5 (located on the west end of the building), with approximately 8,542 square feet, or about 55% of the total building area. The remainder of the building is divided into four equally sized bays (Bays 1-4) of approximately 1,750 square feet each. A media company occupies one of the other bays.

Andy & Joe Garage business plans to lease and occupy Bays 3 and 4, for a total of about 3,500 square feet. It is the Andy & Joe Garage use which prompted the initial filing of the application for Conditional Use.

The Andy & Joe Garage business operation is limited to minor repair of air conditioner and electric and electronic vehicle components, for both privately-owned automobiles and commercial vehicles. Commercial vehicles will primarily be ambulances, service for which the business specializes.

No heavy repair, body work or painting will be performed at the business. Oil changes will be performed only as required for service and repair of the air conditioner and electric and electronic vehicle components, and no hazardous waste will be generated or stored. No retail sales will be conducted.

Andy & Joe Garage will conduct its repair operation within the confines of the leased bay - no repair will be conducted outside. Overhead roll up doors will allow easy access for vehicles entering and exiting the building. The bay size is sufficient to accommodate the storage of vehicles while repair activity is ongoing.

Two hydraulic lifts will be installed for underside access to the vehicles.

Within the bay there is a small area devoted to office space, storage and toilet.

There are no interior modifications needed in order to operate the business and none are proposed.

No exterior modifications to the building or property are needed to operate the business and none are proposed.

Andy & Joe Garage is typical of the type of automotive service and industrial uses which are requested by this application.

The list of other uses requested by the application include Administrative and Conditional uses which generally fall within the following categories: Commercial - medium to high intensity; Office - medium to high intensity; Automotive vehicular - medium to high intensity, and Industrial uses - medium to high intensity.

A complete list of the additional uses is attached as Attachment 1.

**Statement of Use and Justification:**

**A. Comprehensive Plan Consistency:**

The proposed uses for the property (Medium Intensity Vehicular/Automotive use, and the list of other Conditional and Administrative Uses) are consistent with the goals, objectives and policies of the Comprehensive Plan, particularly as it relates to the intended uses and development of the I-POC, as identified in Policy 1.1.3.9, as follows:

"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 proposed automotive repair use and list of other Conditional and Administrative Uses requested by the application are typical of the type of commercial, service and industrial uses which are found throughout the LWPOC, and which are encouraged by the LWPOC Master Plan.

The existing development is consistent with the development requirements of the comprehensive plan, specifically identified in Policy 1.1.3.9, as follows:

"Industrial: Maximum height of 65' ... Maximum 3.0 FAR.

## **B. Land Development Regulations Consistency:**

The existing site and development are consistent with the applicable land development regulations of the City's Unified Land Development Code, as evidenced by the following:

- 1) The existing improvements (building and site) were completed during the time the property was still within the unincorporated area of Palm Beach County, and conform to all Palm Beach County land development regulations applicable at the time.
- 2) The development conforms to the City of Lake Worth land development regulations as to the property minimum size and dimensions, minimum building setbacks, building coverage and floor area ratio.
- 3) The only non-conforming element of the existing building concerns the exceedence of the allowed impermeable space coverage. Whereas the City code allows maximum impermeable space coverage of 65%, the existing surface coverage is about 85%. Since the existing surface coverage conformed to County regulations at the time of construction the coverage exceedence is considered a non-conforming condition.

## **C. Compliance with Applicable Laws, Regulations and Rules:**

- 1) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, and any other applicable provisions of the City Code, or can demonstrate previous approval of the existing development.

**D.** Conforms to General findings relating to harmony with LDRs and protection of public interest, Section 23.2-29(d) for Approval of Conditional Use:

Approval of the Conditional Use requested by Andy & Joe Garage for a Medium Intensity Vehicular/Automotive service and repair, and the list of other Administrative and Conditional Uses are merited based on the evidence presented in the application that the proposal is in harmony with the LDR's and protection of the public interest, and meets the criteria of Section 23.2-29(d) as follows:

1. The uses exactly as proposed at the location where proposed will be in harmony with the uses which, under the LDRs and the future land use element, are most likely to occur in the immediate area where located.

The proposed uses will be in harmony with the uses which are most likely to occur in the immediate area where located.

The proposed conditional uses are commercial, service and industrial in nature and similar to other uses located in the IPOC district. The future land use designation for the surrounding area is industrial; therefore the proposed uses are compatible with future development.

2. The uses exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

All of the properties immediately adjacent to, and in the general area of the subject property are located within the IPOC district and have an industrial (I) future land use designation. The proposed uses are commercial, service and industrial in nature and are similar to other uses located in the area.

3. The uses exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some uses permitted by right or some other conditional uses permitted on the site.

The proposed uses will not result in substantially less public benefit or greater harm than would result from use of the property for some uses permitted by right or some other conditional uses permitted on the property.

4. The conditional uses 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.

The proposed uses will not result in a more intensive development than allowed by Industrial Future Land Use Element of the Comprehensive Plan. Development of the IPOC is proceeding at a deliberate pace, with infill development by private landowners and continued investment by the City and landowners in supporting infrastructure.

**E.** The proposed uses meet all of the criteria of **Section 23.2-29(e)**: Specific standards for conditional uses as follows:

1. The proposed uses 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.

# Anna S. Cottrell & Associates, Inc.

## ATTACHMENT B

The proposed uses will not generate traffic volumes or movements which will reduce the level of service provided on any street to a lower level than would result from a development permitted by right.

The proposed auto service use will occupy a portion of an existing building which was constructed in 1988. Approval of the list of other uses is proposed to allow future tenants an expeditious avenue for approval of expanded or new businesses. No additional building square footage or site area are proposed.

The existing building was approved for development and constructed while the property was still within unincorporated Palm Beach County.

The property was annexed into the City of Lake Worth in 2004.

The principal tenant, Stanley Steemer, has occupied the largest bay in the building, approximately 8,500 square feet, since construction. The four other bays have been (more or less) continuously occupied by various tenants over the years, with variable lease durations, for uses permitted by right by Palm Beach County, or, since annexation, the City of Lake Worth.

Andy & Joe Garage will likely generate far fewer vehicle trips than other uses which are permitted by right because of its small scale, "mom-and-pop" operation. This is because the only visitors to the business will be customers who will drop off and pick up their vehicles. Generally one to three employees will be at the property during business hours.

Andy & Joe Garage is typical of the type of uses which are likely to be located at the property.

Notwithstanding the above, the site is located within the Transportation Concurrency Exception Area established by the City and Palm Beach County Comprehensive Plans, and is therefore exempt from Traffic Concurrency.

2. The proposed uses 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.

The proposed uses will not produce significantly greater amounts 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. The proposed conditional uses are industrial in nature and similar to other permitted uses in the area.

3. The proposed uses 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.

The proposed uses 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.

4. 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.

The proposed uses 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.

5. The proposed uses 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.

The proposed uses 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.

6. The proposed uses 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.

The condition uses 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.

7. The proposed uses will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

The proposed uses will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. All proposed uses will comply with section 15.24 – Noise Control

8. The proposed uses will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting.

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## ATTACHMENT B

The proposed uses will not generate light or glare which encroaches onto any residential property in excess of that allowed in 23.4-10 – Exterior Lighting

**F.** The proposed uses also meet the "additional requirements" identified in the LDR's, as follows:

- (1) There are no outstanding code enforcement fees or fines related to the project.
- (2) The property is in compliance with all previously imposed conditions of approval for the use at the site and conformance with all applicable permits previously issued.



**ATTACHMENT C**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
CONDITIONS OF APPROVAL AND DEVELOPMENT INFORMATION FOR  
PZB CASE No. 16-02100018**

**Date of Preparation:** July 22, 2016  
**P&ZB Meeting Date:** August 3, 2016  
**Applicant:** c/o Stanley Steemer & AAA Abachman, Owner  
**Location:** 3670 23<sup>rd</sup> Avenue South

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**CONDITIONS OF APPROVAL  
PZB CASE No. 16-02100018**

**Standard Conditions of Approval:**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable Codes including but not limited to the Florida Building Code.
2. Unless construction has commenced pursuant to a building permit, or a time extension is granted in accordance with Code, this application shall expire one (1) year from Planning & Zoning Board Approval.
3. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
4. This approval is for a conditional land use pursuant to Sections 23.2-29 to allow for a listing of industrial uses (that are either permitted as a conditional use or permitted as an administrative use), within the Industrial Park of Commerce (IPOC) zoning district at 3670 23<sup>rd</sup> Avenue South. This use must operate in compliance with all state and local laws that govern this use.
5. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.



**Additional Conditions of Approval:**

1. No outdoor storage shall be permitted on the property without the request and approval of a separate conditional land use application.
2. All signage shall comply with the requirements of Section 23.5-1 Signs, and shall require approval of a building permit application before installation.
3. All business operations must be fully operated within the building structure. No operations may occur in any required parking or other areas on the property.
4. The subject site shall remain clear and clean of debris when businesses have closed for the day.
5. Any activities associated with this site shall emit no more than 65 decibels and at no time be audible above daytime ambient noise levels beyond the real property lines of the site.

Approved by:

\_\_\_\_\_  
Maxime Ducoste  
Planning and Preservation Manager



**Lake Worth, Florida. The Art of Florida Living.<sup>sm</sup>**

City Of Lake Worth  
 Department for Community Sustainability  
 Planning, Zoning and Historic Preservation Division  
 1900 Second Avenue North · Lake Worth · Florida 33461  
 Phone: 561-586-1687

DATE: July 25, 2016

TO: Members of the Planning & Zoning Board

FROM: Curt Thompson, Senior Community Planner

Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB Project Number 16-00500017:** Consideration of a Conditional Land Use application to operate a small owner-operated minor automobile repair shop within an existing industrial warehouse building located on the Property located at 2712 Park Street (PCN# 38-43-44-16-22-000-0100) within the Artisanal Industrial (AI) district.

Meeting Date: August 3, 2016

**SYNOPSIS:**

<b>Applicant</b>	BETTY RESCH, ESQ. (AGENT)	
<b>General location</b>	Just North of the Intersection of Park Street and Rupp Lane	
<b>Zoning</b>	AI; Artisanal Industrial	
<b>Existing land use</b>	Commercial/Industrial Warehouse	
<b>Future land use designation</b>	Artisanal Mixed Use	
<b>Applicable Municipal Code Sections</b>	23.2-29,	
<b>Board action required</b>	Approve, Approve With Conditions, Deny the Request, Continue the request for additional information	
<b>Staff Recommendation</b>	Staff recommends approval of the Conditional Land Use subject to the attached conditions of approval	
	<b>Name and Title</b>	<b>Initials</b>

<b>Project planner</b>	Curt Thompson, Senior Community Planner	CT
<b>Approved by</b>	Maxime Ducoste, Assistant Director for Planning and Preservation	MD

**PROPOSAL:**

Betty Resch, Esq., on behalf of, Mr. and Mrs. Joy (“Applicant”), proposes the property located at 2712 Park Street (“Property”) be used as a small owner-operated minor automobile repair shop within an existing industrial warehouse building located on the Property. The Property is located within the Artisanal Industrial (AI) zoning district. The proposed automobile repair shop is an Industrial/manufacturing use which is a Conditional Land Use in the AI zoning district. Approval of a conditional use permit is required from the Planning and Zoning Board prior to the issuance of a Lake Worth Business License.

The City’s Land Development Regulations (“LDRs”) authorize the Planning & Zoning Board to grant a Conditional Use Permit subject to making three sets of findings detailed in Section 23.2-29(c) and (d). These include general and specific findings intended to ensure harmony of the proposed use both with the land development regulations as a whole as well as the surrounding existing uses.

The following analyzes the Applicant’s request for a Conditional Land Use to establish a small owner operated minor automobile repair shop with a discussion about Property conditions and existing uses; operational characteristics of the proposed use; consistency of the proposed use with the comprehensive plan; and a narrative with respect to each of the required findings for a conditional land use.

**ANALYSIS:**

**Background:**

2712 Park Street is located within the Artisanal Industrial (AI) zoning district. The site consist of approximately +/-12,273 sq. ft. (104.99 ft. x 116.90 ft.) parcel with an existing +/-3,498 square foot warehouse which was constructed in 1978 according to the property Appraiser’s records.

The proposed minor auto repair shop will be located in the southern portion of the one-story building. The property has a Business Tax Receipt history of Warehouse Storage, and Auto Towing from 2001 to the present. In June 2014, the Planning and Zoning Board approved a Conditional Use for an Automobile Painting service at 2626 Park Street. However, the business operator decided to move its operation elsewhere. Also, the Planning and Zoning Board approved a Conditional Use for a marble and granite countertop fabrication shop at the property located at 2626 Park Street, Bay #3.

**Operational Characteristics:**

The applicant has provided details concerning the operational characteristics of the business, as follows:

- There will be no exterior/outdoor storage.

### **Public Support/Opposition:**

Staff has received no letters of support or letters of objection concerning the subject request.

### **Consistency with the Comprehensive Plan:**

It is the opinion of Staff that the applicant's proposed use is consistent with the following components of the Comprehensive Plan:

#### **1.1.3.8 Artisanal Mixed Use**

The Artisanal Mixed Use (AMU) land use category is intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The implementing zoning district is Artisanal Industrial (AI).

Zoning regulations implementing the Artisanal Mixed Use land use category shall permit arts-related industrial uses of low to moderate external impacts. Development in the Artisanal Mixed Use land use category should be guided to minimize negative impacts on nearby residential areas.

#### **1.2.2.8 Locational Strategy for the Artisanal Mixed Use Category:**

Strategy #3: In areas where industrial uses are not desirable, but are too firmly established to permit a realistic expectation of change.

### **Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

1. The conditional use exactly as presented 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.

**Staff Response:** The proposed use is in harmony with the intent of the Artisanal Zoning District to foster office and industrial uses related to the arts as permitted. The building is an existing industrial warehouse building that was built in 1978. Continued operation as a commercial and industrial building will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Response:** The surrounding area is zoned AI and not adjacent to any residential uses. The Property has been used for both commercial and industrial uses since the late 1970s, and continued operation as

such will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Response:** The proposed use of the Property will provide about the same amount of a public benefit as the other uses currently operating in the surrounding area. The Property has been used for both commercial and industrial uses since the 1970s, and continued operation as an industrial/commercial building will not have a greater adverse effect on the surrounding area than any other use permitted by right or conditional land use at this location.

4. 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.

**Staff Response:** The proposed use will not result in a more intensive development than has previously operated at the Property. The Property was originally constructed as an industrial warehouse, and continues to function as such, with a history of different users operating on the Property over the years. The use of the Property as proposed is in compliance with the goals, objectives and policies of the Comprehensive Plan, as this area of the city is fully developed with the required improvements to accommodate the proposed use.

#### **Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Response:** The proposed use will not generate traffic volumes or movements which will reduce the level of service provided on any street to a lower level than would result from a development permitted by right. The proposed use is consistent in nature with previous low to medium traffic generating commercial and industrial uses at the Property and along Park Street. No additional traffic is expected to be generated from the proposed use. The Property's circulation pattern will remain unchanged from the existing circulation patterns that have existed since the Property was developed with its current configuration.

2. 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.

**Staff Response:** The volume of traffic is expected to remain the same as traffic associated with the existing licensed uses. The Property is located just north of the intersection of Park Street and Rupp

Lane. Both streets are already subject to a moderate amount of through traffic, both from business owners and customers visiting businesses in the immediate area.

3. 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.

**Staff Response:** No additional air pollution can be attributed to the proposed use. The proposed minor auto repair shop will be required to meet all permitting and regulatory approvals upon Building permit application and approval process. The Property includes an existing commercial/industrial building.

4. 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.

**Staff Response:** The project Property is fully developed and the proposed use in no way would result in a need for an extension or enlargement of the existing thoroughfare system.

5. 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.

**Staff Response:** The subject Property is fully developed and connected to all of the City's utility systems. The proposed use will not result in the need for the extension nor enlargement nor any other alteration of such systems.

6. 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.

**Staff Response:** The project Property is fully developed. No increased demand on police or fire protection service is expected as a result of the proposed use. The Property operated as a commercial/industrial building since the time it was constructed.

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Response:** No new sources of noise will result by the establishment of a minor auto repair shop at the Property that is beyond previously licensed commercial/industrial uses at the Property.

8. The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10, Exterior lighting.

**Staff Response:** The property is not directly adjacent to any residentially zoned properties or any existing residential uses.

**Conclusion:**

The analysis has shown that the required findings can be made with respect to the Conditional Land Use request. The Property has historically been utilized as a commercial/industrial property, and the use as proposed is in harmony with the underlying zoning district and surrounding operating businesses.

**CONSEQUENT ACTION:**

The Planning and Zoning Board's decision will be final for the Conditional Land Use request. The Applicant may appeal the Board's decision on the Conditional Land Use request to the City Commission.

**STAFF RECOMMENDATION:**

Based on the findings outlined in the analysis, staff recommends that the Planning and Zoning Board approve the Conditional Land Use request to allow a small owner operated minor automobile repair shop at 2712 Park Street, subject to the proposed Conditions of Approval in Attachment D.

**POTENTIAL MOTION:**

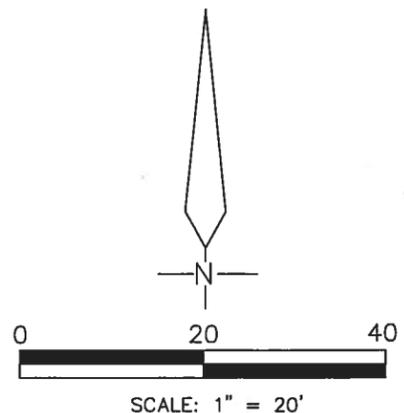
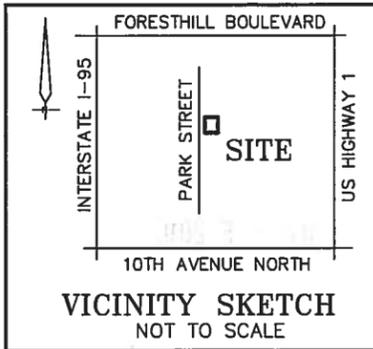
"I MOVE TO APPROVE/DENY/CONTINUE P&ZB Project Number. 16-00500017: Request for Conditional Land Use to establish a minor automobile repair shop at 2712 Park Street, in the Artisanal Industrial (AI) zoning district subject to the staff recommended Conditions of Approval in Attachment D."

LOCATION MAP



Attachments:

- A. Survey
- B. Justification Statement
- C. Photo
- D. Conditions of Approval



**LEGEND:**

- CONC. = CONCRETE
- MEAS = MEASURED
- CALC = CALCULATED
- WM = WATER METER

**PREPARED FOR**

JOY TOWING, INC.  
2713 PARK STREET  
LAKE WORTH, FL 33460

**FLOOD ZONE**

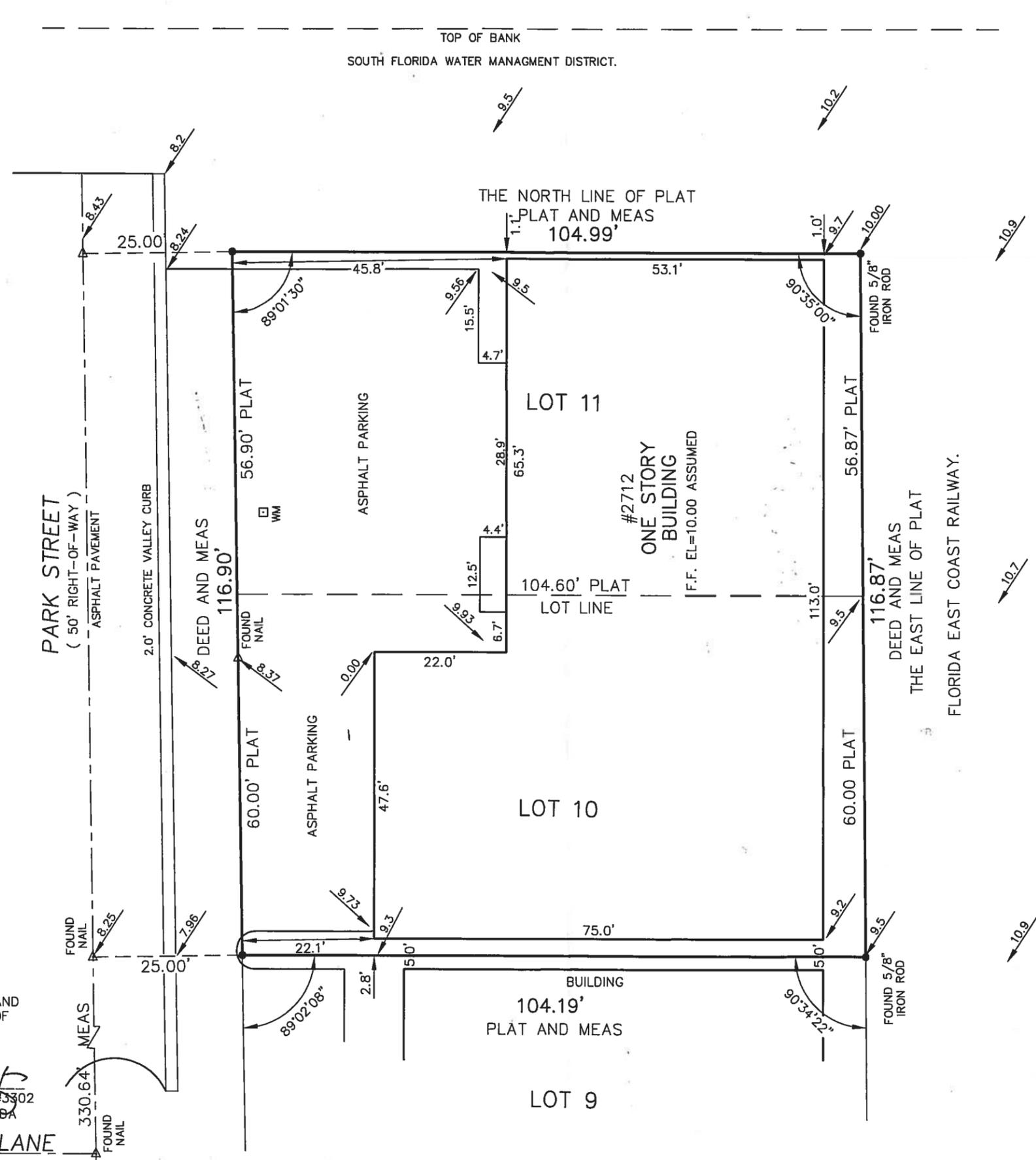
FLOOD ZONE C  
PANEL NUMBER 120213 0001D  
EFFECTIVE DATE 9-30-82

**CERTIFICATION**

I HEREBY CERTIFY THAT I MADE THIS SURVEY AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

BY: *[Signature]*  
ROBERT A. BUGGEE, FLORIDA LAND SURVEYOR #3302  
233 E. GATEWAY BLVD., BOYNTON BEACH, FLORIDA  
DATE OF FIELD SURVEY: 06/01/15

POPE LANE



**Boundary Survey**  
for  
**JOY TOWING, INC.**

**SURVEYOR'S NOTES**

- LEGAL DESCRIPTION PROVIDED BY CLIENT.
- SURVEYOR HAS NOT ABSTRACTED THIS SURVEY FOR EASEMENTS AND RIGHTS OF WAYS OF RECORD.
- SURVEY IS NOT VALID WITHOUT A RAISED SEAL.
- BEARINGS, IF SHOWN, ARE BASED ON THE RECORD PLAT.
- ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD, USING FEET.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- ELEVATIONS SHOWN HEREON ARE OF ASSUMED DATUM.

**LEGAL DESCRIPTION**

LOTS 10 AND 11, PARK STREET INDUSTRIAL CENTER, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 31, PAGE 240, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PROPERTY ADDRESS**

2712 PARK STREET  
LAKE WORTH,  
FLORIDA 33460

PREPARED BY:

**Bob Buggee, Inc.**  
the "SURVEYOR"  
P.O. BOX 3887  
BOYNTON BEACH, FLORIDA, 33426  
SURVEY & MAPPING BUSINESS #7890  
561-732-7877

*Law Offices of Betty C. Resch, Esq.*  
521 Lake Avenue, Lake Worth, Florida 33460  
Office: (561) 533-8118  
[Bettyresch@gmail.com](mailto:Bettyresch@gmail.com)

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July 4, 2016

Mr. Kurt Thompson  
Department for Community Sustainability  
City of Lake Worth, FL

RE: 2712 Park Street, Application for Conditional Use

Dear Mr. Thompson,

This application is for a conditional use which would allow for automotive repairs at 2712 Park Street, Lake Worth. The proposed use would be a small, owner-operated automotive repair shop.

The location is on the entrance road into the industrial park in the northwest corner of the City. The building is owner-occupied; the owners use the north side of the building for their towing company, and will continue to use part of the property as the base for their towing company, and as such, would be on site on a consistent basis.

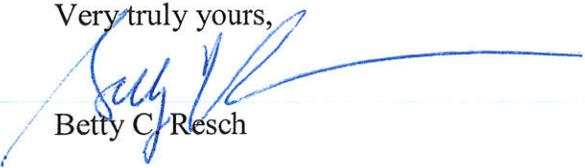
The Lake Worth Zoning Code requires that the proposed conditional use meet the justification standards of Sections 23.2.29.d and 23.2.29.e. This project meets with those standards. There is no new construction involved in this application, so the issues of density, etc. are not at issue; it approval of the conditional use that the owner is seeking.

The use as requested is in keeping with the general feel of the area; across the street is an expansive metal storage yard, and the road actually dead ends at the property under consideration; the canal is to the north. The operation of the business is compatible with the surrounding businesses. There will be no outside storage of vehicles; the work will be done completely indoors.

The owner is applying for a hazardous waste permit, and will follow any regulations regarding any hazardous waste. (i.e. used oil, etc.) This will bring at least two new employees to the area.

If you have any questions, please don't hesitate to contact me.

Very truly yours,

  
Betty C. Resch

## JUSTIFICATION STATEMENT FOR CONDITIONAL USE

AT 2712 PARK STREET, LAKE WORTH, FL

The Lake Worth Zoning code requires that the proposed Conditional use meet the justification of 23.2.29.d and 23.2.29.e

### GENERAL FINDINGS

- 1.) HARMONY WITH OTHER FUTURE USES: The conditional use will be in harmony as a small owner operated business in a district which has been zoned industrial and now is industrial artisanal.
- 2.) HARMONY WITH EXISTING USES: this has been historically been industrial. Across the street is a large metal storage facility, immediately next door is a woodworking shop and a marble fabrication business. This should not create any disharmony with the existing uses.
- 3.) Same as #2
- 4.) INCREASED DENSITY: As there is no new construction anticipated in this application, this item is not applicable.

### SPECIFIC FINDINGS

- 1.) TRAFFIC VOLUMES OR MOVEMENTS: This is a small operation, there will be two or three people working there, with customers dropping off cars to be repaired. There are no large meetings that are going to be held there. The street upon which the property is located is the only ingress or egress to the industrial park, and this operation will not have any impact on the level of service of the road.
- 2.) THROUGH TRAFFIC: This business is not a high traffic kind of business, there will not be a parade of customers coming and going throughout the day. And since this does not involve any new construction, the location will not have any effect on through traffic. The permitted uses would generate the same or more traffic flow to the area.

- 3.) AIR POLLUTION AND EMISSIONS: The only source of air pollution would be from the vehicles when they are started after the repairs to be made.
- 4.) ENLARGEMENT OF THROUGHFARE SYSTEM: The contemplated business is on the main thoroughfare into the industrial park, and since it does not involve any new construction, this provision is not applicable.
- 5.) WATER AND SEWER LINES, DRAINAGE, ETC.: Not applicable
- 6.) EFFECT ON POLICE AND FIRE: There should be no additional demand on the police or fire protection service beyond their capacities.
- 7.) NOISE: This business will not generate significant noise, low intensity industrial uses are by right in the district, and this business should not produce any noise more than a low intensity industrial use. Any noise generated can easily meet the requirements of 15.24. Also, it should be considered that this is in an area zoned for industrial, the only residential homes are quite far from the location.
- 8.) LIGHT: The proposed use will not generate any more light than a use by right, the business will be contained inside the property, no new outside lights are being considered.

Respectfully submitted,

*/s/ Betty C. Resch, Esq.*

Betty Resch





Community Sustainability  
Planning Zoning Historic Preservation  
1900 2nd Avenue North  
Lake Worth, FL 33461  
561.586.1687

**ATTACHMENT D**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
CONDITIONS OF APPROVAL AND DEVELOPMENT INFORMATION FOR  
PZB CASE No. 16-00500017**

Date of Preparation: July 25, 2016  
P&ZB Meeting Date: August 3, 2016  
Applicant: BETTY RESCH. ESQ., AGENT  
Location: 2712 Park Street

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**CONDITIONS OF APPROVAL  
PZB CASE No. 16-00500017**

**Standard Conditions of Approval:**

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable Codes including but not limited to the Florida Building Code.
2. Unless construction has commenced pursuant to a building permit, or a time extension is granted in accordance with Code, this application shall expire one (1) year from Planning & Zoning Board Approval.
3. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
4. This approval is for a conditional land use pursuant to Sections 23.2-29 for a Minor Automobile Repair Shop, within the Artisanal Industrial (AI) zoning district at 2712 Park Street. This use must operate in compliance with all state and local laws that govern this use.
5. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.



**Additional Conditions of Approval:**

1. No outdoor storage shall be permitted on the property without the request and approval of a separate conditional land use application.
2. All signage shall comply with the requirements of Section 23.5-1 Signs, and shall require approval of a building permit application before installation.
3. All business operations must be fully operated within the warehouse structure. No operations (car repair work of any kind) may occur in any required parking or other areas on the property. In addition, no inoperable vehicles shall be located in the public right-of-way at any time.
4. Any activities associated with the operation of the business shall emit no more than 65 (db) decibels and at no time be audible above daytime ambient noise levels beyond the real property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

Approved by:

\_\_\_\_\_  
Maxime Ducoste  
Planning and Preservation Manager



**Lake Worth, Florida. The Art of Florida Living.<sup>sm</sup>**

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City Of Lake Worth  
Department for Community Sustainability  
Planning, Zoning and Historic Preservation Division  
1900 Second Avenue North · Lake Worth · Florida 33461  
Phone: 561-586-1687

DATE: July 27, 2016

TO: Members of the Planning & Zoning Board and  
Historic Resources Preservation Board

FROM: William Waters, Director Community Sustainability  
Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB/HRPB Project Number 16-03100001**: Consideration of recommendation to the City Commission concerning a proposed amendment to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

Meeting Date: August 3, 2016

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**BACKGROUND AND JUSTIFICATION:**

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. The LDRs include six (6) articles governing all development within the city. They are Article I – General Provisions, Article II – Administration, Article III – Zoning Districts, Article IV – Development Standards, Article V – Supplemental Regulations, and Article VI – Environmental Regulations.

As the code progresses, staff acknowledges that some aspects require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen over the past year. Attachment 1 of this report includes the proposed ordinance and a highlight/strike-thru version of those sections of the code which are proposed to be amended.

In this amendment, staff is proposing to amend the following sections: Article 1 – General Provisions, Division 1, “Generally”, Section 23.1-4 – Jurisdiction and applicability.

As such, Staff is proposing this amendment as a solution to some of as aspect confronted during last year. The proposed amendment also will go before the Historic Resources Preservation Board (HRPB) next week at its regularly scheduled meeting of August 10, 2016. The first hearing of the ordinance before the City Commission is tentatively scheduled for next regularly scheduled meeting available.

**POTENTIAL MOTION:**

I MOVE TO RECOMMEND/NOT RECOMMEND DENY PZB/HRPB 16-03100001: Proposed amendments to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

ATTACHMENTS: Proposed Ordinance No. 2016-XX Amendments to Chapter 23 (Land Development Regulations).

ORDINANCE NO. 2016-\_\_ OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23, "LAND DEVELOPMENT REGULATIONS", ARTICLE 1, "GENERAL PROVISIONS", DIVISION 1, "GENERALLY", SECTION 23.1-4, "JURISDICTION AND APPLICABILITY" TO CLARIFY THAT NON-COMPLIANCE WITH CONDITIONS PLACED ON A DEVELOPMENT PROJECT SHALL BE DEEMED A VIOLATION OF THIS CODE AND SHALL BE SUBJECT TO THE CITY'S CODE COMPLIANCE PROCESS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Commission wishes to clarify that non-compliance with conditions placed on a development project shall be deemed a violation of this Code and shall be subject to the City's code compliance process; and

WHEREAS, the City Commission has reviewed the recommended revisions and has determined that it is in the best interest of the public health, safety and general welfare of the City to adopt this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. Chapter 23, "Land Development Regulations", Article 1, "General Provisions", Division 1, "Generally", Section 23.1-4, "Jurisdiction and applicability" is hereby amended as follows:

**Sec. 23.1-4. - Jurisdiction and applicability.**

- a) These regulations shall govern the development and use of land, buildings and structures within the corporate limits of the city.
- b) No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.
- c) The minimum yards and other open spaces, including the intensity of use provisions contained in these LDRs for each building erected, added on to, reconstructed or structurally altered subsequent to the enactment of these LDRs shall not be encroached upon or considered as in compliance with yard

or open space requirements or intensity of use requirements for any other building or adjoining building.

- d) Every building erected subsequent to the enactment of these LDRs shall be located on a lot duly platted in accordance with city ordinances. Alterations or improvements to existing structures are exempt from this requirement.
- e) Except where otherwise specified, the provisions of these LDRs shall be construed to mean minimum or maximum standards, as applicable.
- f) Any violation of any portion of Chapter 23 or any violation or non-compliance with any condition placed on any permit or any approval given to any development or project by a board or administratively shall be deemed a violation of this Code and shall be subject to the City's code compliance process as well as any other legal action available to the City including but not limited to injunctive relief.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective on ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo	_____
Vice Mayor Scott Maxwell	_____
Commissioner Christopher McVoy	_____
Commissioner Andy Amoroso	_____
Commissioner Ryan Maier	_____

The Mayor thereupon declared this Ordinance duly passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2016.

The passage of this Ordinance on second reading was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Mayor Pam Triolo \_\_\_\_\_  
Vice Mayor Scott Maxwell \_\_\_\_\_  
Commissioner Christopher McVoy \_\_\_\_\_  
Commissioner Andy Amoroso \_\_\_\_\_  
Commissioner Ryan Maier \_\_\_\_\_

The Mayor thereupon declared this Ordinance duly passed and enacted on the  
\_\_\_ day of \_\_\_\_\_, 2016.

LAKE WORTH CITY COMMISSION

By: \_\_\_\_\_  
Pam Triolo, Mayor

ATTEST:

\_\_\_\_\_  
Pamela J. Lopez, City Clerk