



CITY OF LAKE WORTH
1900 2nd 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, JANUARY 04, 2017 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. December 7, 2016 RM 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:
 1. PZB Project 16-00500020 request for approval of a Conditional Use Permit to allow for a listing of uses (that are either permitted as a conditional use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, pursuant to Section 23.2-29 of the Land Development Regulations (LDRs). The subject parcel is located at 615 Industrial Street, PCN # 38-43-44-21-11-000-0190.

G. New Business:

1. PZB Project 16-01500014 Request for a Variance to allow for the location of a swimming pool within the front yard of the subject property, pursuant to Sections 23.2-26 and 23.3-16 of the Land Development Regulations (LDRs). The site is located at 502 S Federal Hwy, PCN# 38-43-44-27-01-003-0090, in the Mixed-Use Federal Highway Zoning District (MU-FH) pursuant to Sections 23.2-26 and 23.3-16, of the LDRs.
2. PZB Project 16-01400019 Request for Major Site Plan Approval and Sustainable Bonus to allow for two three story buildings, each containing 6 apartment units (for a total of 12 units) located at 907 North H Street, PCN # 38-43-44-21-15-274-0140, within the Mixed Use Dixie Highway (MU-DH) Zoning District, pursuant to Section 23.2-30, 23.2-31 and 23.2-32 of the Land Development Regulations (LDRs). Staff is requesting a continuance to the February 1, 2017 meeting.

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.

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.



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

WEDNESDAY, DECEMBER 07, 2016 6:00 PM

1. Roll Call and Recording of Absences:
Present were: Chairman Greg Rice; Vice-Chair Anthony Marotta; Cindee Brown; Mark Humm; Ricardo Martin; Tara McAlonan.
Also present: Senior Community Planner, Curt Thompson; Assistant Director of Planning & Preservation, Maxime Ducoste; Board Attorney, Pamala Ryan; Board Secretary, Sherie Coale.
Absent: Dustin Zacks
2. Pledge of Allegiance
Led by Cindee Brown
3. Additions/Deletions/Reordering and Approval of the Agenda: None
4. Approval of Minutes:
 - A. Meeting Minutes
 1. November 2, 2016 Regular Meeting
Motion: M. Humm moved to accept the November 2, 2016 Regular Meeting Minutes, A. Marotta 2nd.
Vote: Ayes all, unanimous.
5. Cases:
 - A. Proof of Publication: Provided in meeting packet
 - B. Swearing in of Staff and Applicants:
Board Secretary administered oath to everyone wishing to give testimony.
 - C. Withdrawals/Postponements: None
 - D. Consent: None
 - E. Public Hearings:
 1. Board Disclosure: None

2. Cases:

F. Unfinished Business:

1. 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.
Staff: C. Thompson presents case with analysis findings of fact.
Applicant: Ms. Betty Resch Esq., accepts/agrees with Conditions of Approval
Board: Ascertains it is only a minor mechanical shop only with no body work or major work being done.
Public Comment: None
Motion: T. McAlonan motions to approve PZB Project Number 16-00500017 with staff recommended Conditions of Approval. C. Brown 2nd.
Vote: Ayes all, unanimous.

G. New Business:

1. PZB Project 16-01400021 & 16-00500019 requests for approval of a Major Site Plan, Conditional Use Permit and a Sustainable Bonus to allow for a mixed use 4 story building consisting of 841 square feet for commercial uses on the ground floor and 11 dwelling units distributed on the 2nd, 3rd and 4th floors of the structure to be located at 117 Lake Avenue PCN# 38-43-44-21-15-031-0051 within the Downtown (DT) Zoning District; pursuant to Sections 23.2-29 and 23.2-30, 23.2-31, 23.2-32 of the Land Development Regulations (LDRs).
Staff: C. Thompson presents case analysis and findings of fact. Also shares an email (herein entered into the record) from a resident, Jim Tebbe objecting to the project due to perceived parking problems in the area of the project. Summarizes that the project meets all standards of Site Plan, Conditional Use and Sustainable Bonus criteria.
Applicant: Jean-Francois Gervais Architect from IDEA in Aventura, FL. This is a happy project, modest in scale with only 11 units. Appropriate mix for downtown area with retail. Corner units are have extra space and 2 bedroom units present a nice arrangement for guests or sharing of apartment. Parking requirements are exceeded with 17. 12 spaces are under the building and 5 are street side parking. The parking was angled beneath the building. Similar language to other building by applicant but this is simpler and more modest in scale, less amenities than the other. Condos not rentals. The sales effort has already begun and groundbreaking could occur as early as summer 2017.
Public Comment: William Feldkamp 108 Lake Avenue- has 3 questions regarding how the trash room works, top floor activity, and are any trees able to be saved.
Applicant: JF Gervais- Trash is rollout, no chute, residents must bring trash to rollouts. Other ground floor rooms are service rooms with exception of retail space. Tree disposition-City forester reviewed the mitigation and proposed plans exceed the code and also contribute to the Sustainable Bonus application. The rooftop terrace is for exclusive use of residents (for birthday parties or resident activity), since it is mixed-use, clearly the only retail is on the ground floor..
Public Comment: Wm Feldkamp asks why the top floor didn't have the 12th unit, was it due to F.A.R. requirement? Why is adjacent building so close to the property line?

Applicant responds it was designed with a nice amenity as opposed to being constrained by density. Subject project sets eight (8) feet from the property line.

Public Comment: Darrin Engel, 328 Ocean Breeze; Site layout is great. Has security concerns for pedestrians. Would like to see more openings, penetrations.

Discussions regarding the applicant reaching out to the neighborhood associations upon submittal to let them know of a project in the neighborhood. Staff reminds Board that due to the quick, expedient plan review, there is not really sufficient time for the applicant to schedule a meeting with any association. Board encourages staff to give applicants to a list of neighborhood associations to contact when submitting a project.

Motion: C. Brown moves to approve PZB Project 16-01400021 with attached staff recommended Conditions of Approval. A. Marotta 2nd.

Vote: Ayes all, unanimous

Motion: A. Marotta moves to approve PZB Project 16-00500019 with attached staff recommended Conditions of Approval. R. Martin 2nd.

Vote: Ayes all, unanimous.

2. PZB Project 16-00500020 request for approval of a Conditional Use Permit to allow for a listing of uses (that are either permitted as a conditional use or permitted as an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, pursuant to Section 23.2-29 of the Land Development Regulations (LDRs). The subject parcel is located at 615 Industrial Street, PCN # 38-43-44-21-11-000-0190.

Staff: C. Thompson presents case findings and analysis.

Board: Various questions arise with respect to different types of uses and the wisdom and/or feasibility of approving uses without further examining / determining the possible ramifications of a blanket approval. Board prefers caution rather than approving a use that deserves further study.

Applicant: Chris Sebastiano- has owned the property since 1998 and has potential auto body shop client. Is amenable to continuance to a date certain and further discussion of use list with staff.

Staff: Suggests continuance; provides that any potential client requiring a Conditional Use approval (at this point in time without a blanket approval) would not be heard at Board until March at the earliest as the December submittal deadline has already passed.

Public Comment: None

Motion: A. Marotta moves to table the item until a time certain of January 4, 2017 C. Brown 2nd.

Vote: Ayes all, unanimous.

3. PZB Project 16-01400022 & 16-00500021 requests for approval of a Major Site Plan and Mixed Use Urban Planned Development District (MU-UPDD) and a Sustainable Bonus Incentive request to allow for a seven (7) unit townhouse development within the Mixed Use Federal Highway (MU-FH) Zoning District, pursuant to Section 23.2-30, 23.2-31, 23.2-32 and Section 23.3-25 of the Land Development Regulations (LDRs).

Staff: C. Thompson presents the case, findings and analysis.

Applicant: Wesley Mills P.E.- there is no formal name for the development as of yet.

The project is below the allowable density. Due to the small size of the site, a payment has been offered to compensate for the Sustainable Bonus consideration despite the landscaping being as heavy as possible, The site will have a west Indies feel with stucco

that resembles hardy plank, faux shutters to enhance the wall voids, parking requirements have been met with 2-car garages. All a/c units are screened and there is added height with some trees buffering the 3rd floor height.

Board: A question arises about 3rd floor shutters and whether they are functional. Applicant responds that impact windows with decorative shutters are more economical than a functional shutter application. Morning kitchen.

Applicant / General Contractor: Alex Deschaubert indicated the asking price will be dictated by market, it is of CBS construction and with a feel similar to Tuscany. There is a dry retention area beyond a hedge which is heavily landscaped. All appurtenances such as dumpster will be walled on three sides.

Applicant indicates there is ownership of other lots in the vicinity which will likely be developed in the near future.

Public Comment: None

Motion: A. Marotta moves to recommend PZB Project 16-0500021 to the City Commission for review and approval with staff recommended Conditions of Approval

Vote: Ayes all, unanimous.

Motion: C. Brown moves to approve PZB Project 16-01400022 with staff recommended Conditions of Approval, pending approval by City Commission of MU-UPDD; T. McAlonan 2nd.

Vote: Ayes all, unanimous.

6. Planning Issues: None

7. Public Comments (3 minute limit): None

8. Departmental Reports:

Assistant Director Planning & Preservation M. Ducoste reviews the Planning Congress event recently held at the Beach Casino.

Speaks briefly about the various open positions within the Department of Community Sustainability.

Board member asks how elements of the Sustainable Bonus are determined and how a monetary value is determined. M. Ducoste explains: Minimum code requires a certain quantity and caliper, i.e. 5 trees @ 3" caliper = \$175.00. To achieve a bonus or exceed the code, one could provide 20 trees @ 3" caliper = \$700.00 or 10 higher quality/value trees or larger caliper trees including taller trees. There are various combinations and ultimately it becomes an equation based on quantity, value and caliper compared to the minimum code allowance.

9. Board Member Comments:

10. Adjournment: Adjournment at 8:11 PM

Attest:

Greg Rice, Chairman

Submitted By:

Sherie Coale, Board Secretary

Minutes Approved:

Date

THE
LAKE WORTH HERALD

Published Once a Week

Lake Worth, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

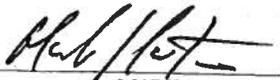
BEFORE the undersigned authority personally appeared MARK J EASTON, who on oath says that he is PRESIDENT of *The Lake Worth Herald*, a weekly newspaper published at Lake Worth in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

Notice of public meeting and hearing of the Lake Worth Florida Planning & Zoning Board to consider PZB Project No. 16-00500020 will be held at 6:00 p.m. on December 7, 2016, in the City Hall Commission Chambers, 7 North Dixie Highway, Lake Worth, FL.

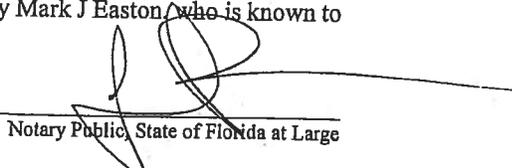
was published in said newspaper in the issue of

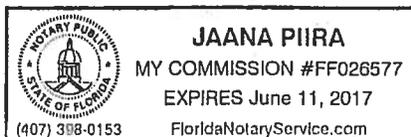
November 24, 2016

Affiant further says that the said *The Lake Worth Herald* is a newspaper published at Lake Worth, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, each week and has been entered as second class mail matter at the post office in Lake Worth, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


MARK J EASTON

SWORN TO AND SUBSCRIBED before me this 24th day of November, 2016, by Mark J Easton who is known to me.


Notary Public, State of Florida at Large



Legal Notice No. 80987

PLEASE TAKE NOTICE the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Commission Room, in said City at or after 6:00 PM on December 7, 2016 to consider a request by Chms Sebastian of Nahpets LLC, Applicant and Owner, for the following:

PZB Project 16-00500020 for a Conditional Use Permit to allow for a listing of uses (that are either permitted, a conditional use or permitted - an administrative use) within the Industrial Park of Commerce (IPOC) Zoning District, pursuant to Section 23.2-29 of the Land Development Regulations (LDRs).

The subject property is located at 618/619 Industrial Street, PCN# 86-48-44-21-11-000-0190.

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 appeals to be heard. (FS 286.0105) In accordance with the provisions of the Americans 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 561-586-1678 no later than five (5) days before the hearing if this assistance is required.

Published: The Lake Worth Herald
November 24, 2016

THE
LAKE WORTH HERALD

Published Once a Week

Lake Worth, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

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Notice of public meeting and hearing of the Lake Worth Florida Planning & Zoning Board to consider PZB Project No. 16-01500014 will be held at 6:00 p.m. on January 4, 2017, in the City Hall Commission Chambers, 7 North Dixie Highway, Lake Worth, FL.

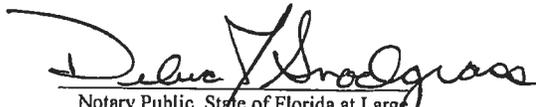
was published in said newspaper in the issue of

December 22, 2016

Affiant further says that the said *The Lake Worth Herald* is a newspaper published at Lake Worth, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, each week and has been entered as second class mail matter at the post office in Lake Worth, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


MARK J EASTON

SWORN TO AND SUBSCRIBED before me this 22nd day of December, 2016, by Mark J Easton, who is known to me.


Notary Public, State of Florida at Large



DEBRA J SNODGRASS
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF045322
Expires 9/18/2017

Legal Notice No. 31082

PLEASE TAKE NOTICE that the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Hall Commission Chambers at 7 North Dixie Highway in Lake Worth, Florida 33460, at 6:00 PM or as soon thereafter as possible, on January 4, 2017 to consider a request by Blue Fin Builders Inc. on behalf of applicant Gisela Stromeyer, GHS9 Enterprises LLC, for the following:

PZB Project# 16-01500014: A request for a variance to allow for the location of a swimming pool within the front yard of the subject property, pursuant to Sections 23.2-26 and 23.3-16 of the Land Development Regulations (LDRs). The site is located at 502 S Federal Hwy, PCN# 38-43-44-27-01-003-0090, in the Mixed-Use Federal Highway Zoning District (MU-FH) pursuant to Sections 23.2-26 and 23.3-16, of the LDRs.

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
December 22, 2016

THE
LAKE WORTH HERALD

Published Once a Week

Lake Worth, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

BEFORE the undersigned authority personally appeared MARK J EASTON, who on oath says that he is PRESIDENT of *The Lake Worth Herald*, a weekly newspaper published at Lake Worth in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

Notice of public meeting and hearing of the Lake Worth Florida Planning & Zoning Board to consider PZB Project No. 16-01400019 will be held at 6:00 p.m. on January 4, 2017, in the City Hall Commission Chambers, 7 North Dixie Highway, Lake Worth, FL.

was published in said newspaper in the issue of

December 22, 2016

Affiant further says that the said *The Lake Worth Herald* is a newspaper published at Lake Worth, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, each week and has been entered as second class mail matter at the post office in Lake Worth, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


MARK J EASTON

SWORN TO AND SUBSCRIBED before me this 22nd day of December, 2016, by Mark J Easton, who is known to me.


Notary Public, State of Florida at Large



DEBRA J SNODGRASS
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF045522
Expires 9/18/2017

Legal Notice No. 31089

PLEASE TAKE NOTICE the Planning & Zoning Board City of Lake Worth, Florida, will hold a public hearing in the City Commission Room, in said City at 6:00 PM, or as soon thereafter as possible, on January 4, 2017 to consider a request by De La Hoz Developer Group LLC, Applicant and Owner, for the following:

PZB Project 16-01400019 for a Major Site Plan approval and a request for a Sustainable Bonus, to allow for two three story buildings, each containing 6 apartment units (for a total of 12 units) located at 907 North H Street, PCN # 38-43-44-21-15-274-0140, within the Mixed Use Dixie Highway (MU-DH) Zoning District, pursuant to Section 23.2-30, 23.2-31 and 23.2-32 of the Land Development Regulations (LDRs).

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-Aq@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 661-586-1673 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
December 22, 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: December 28, 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 16-00500020:** Consideration of a Conditional Land Use application by Mr. Chris Sebastiano of Nehpets LLC., Applicant and Owner, to allow for a listing of 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 +/- 19,170.75 square foot site, in two (2) existing buildings totaling +/- 8,533 square feet. The subject parcel is located 613-615 Industrial Street (PCN# 38-43-44-21-11-000-0190).

Meeting Date: January 4, 2017

SYNOPSIS:

Applicant	MR. CHRIS SEBASTIANO, NEHPETS LLC
General location	613-615 Industrial Street
Zoning	I-POC; Industrial Park of Commerce
Existing land use	Industrial
Future land use designation	Industrial
Applicable Municipal Code Sections	23.2-29

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

PROPOSAL:

Please note: On December 7, 2016, the Planning and Zoning Board (the Board) voted to continue this application to their January 4, 2017 meeting. The Board instructed the Planning and Zoning (P&Z) staff to return on January 4, 2017, with a revised list of uses that would be more compatible with the surrounding uses in the IPOC zoning district.

After careful review, the P&Z staff would like to present to the Board a list of uses for the Board's consideration. In addition, the P&Z staff revised the conditions of approval by amending condition number 6 and adding a seventh condition under the "Additional Conditions of Approval" section.

Mr. Chris Sebastiano, Applicant and Owner of Nehpets LLC, proposes to establish a list of industrial and industrial-related uses for his building located at 613-615 Industrial Street ("Property"). The Property is located within the Industrial – Park of Commerce (I-POC) zoning district. The applicant 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 Applicant's 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 613-615 Industrial Street, consisting of two (2) 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 1980 to 1981. 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 613-615 Industrial Street. All of the existing businesses occupy a portion or all of the buildings on the property. 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 early 1980s. 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 is not adjacent to any residential uses, Interstate 95 is to the east, to the west lies the CSX railway, to the north lies additional warehouse structures and to the south are warehouse uses. The Property has been used for both commercial and industrial uses since the 1980s, 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 and in the surrounding area. The Property has been used for both commercial and industrial uses since the 1980s, 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 Industrial Street. 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 early 1980s with its current configuration. The existing entrance/exit points 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 (Industrial Street) 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 613-615 Industrial Street, 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. 16-00500020 Request for Conditional Land Use to establish Industrial and Industrial-related uses, as described specifically in Attachment "A", at 613-615 Industrial Street, 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. Conditions of Approval
- C. Justification Statement
- D. Site Plan

ATTACHMENT A

**Conditional uses requested for approval at property located at 613 through 619 Industrial St.
Lake Worth, Florida 33461 I-POC**

Conditional Uses

Commercial

High intensity Commercial Uses - Greater than 7500 sq. ft.

Cold Storage
Contractor (Offices with no outdoor storage yard)
Dead storage facilities
Printing Services
Warehouse facilities

Low intensity commercial uses - less than 2500 sq. ft.

Contractor (office only, no outdoor storage yard)

Office

High intensity office uses - Greater than 7500 sq. ft.

Contractor (office only, no outdoor storage yard)

Automotive / vehicular

High intensity vehicular uses greater than 7500 sq. ft.

Automobile washing establishments, attended / unattended
Limousine rental w/ drivers
New boat sales and rentals
Used automobile sales and rentals
Used boat sales and rentals
Vehicle broker

Medium intensity vehicular uses less than 7500 sq. ft.

Automobile Charging Facility
Automobile Body Shops
Automobile lubrication establishments
Automobile rust proofing and undercoating establishments
Automobile upholstery establishments
Automobile washing establishments attended / un-attended
Automobile waxing and polishing establishments
Automobile window tinting establishments
Limousine rental w / drivers
Used automobile sales and rentals
Used boat sales and rentals

Industrial

High intensity industrial uses greater than 7500 sq. ft.

Building and construction trades/ contractors manufacturing w/o outdoor

ATTACHMENT A

Cabinetry manufacturing
Equipment rental and leasing
Garment/ clothing / apparel manufacturing
Storage indoor
Welding contractors
Welding repair services

Medium intensity industrial uses less than 7500 sq. ft.

Building and construction trades/ contractors manufacturing w/o outdoor
Cabinetry manufacturing
Furniture stripping, finishing and refurbishing
Furniture manufacturing
Garment/ clothing / apparel manufacturing
Mail delivery services
Medium intensity manufacturing services excluding retail display and sales
Medium intensity processing services excluding retail display and sales
Microbrewery w/o sales
Packaging and labeling services
Research and development, scientific / technological
Steam and pressure cleaning services
Storage indoor

High Intensity Artisanal Uses greater than 7500 sq. ft.

Radio Broadcasting Studio
Recording Studio

Specialty

High intensity specialty uses greater than 7500 sq. ft.

Special interest automobile dealership



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

ATTACHMENT B

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
CONDITIONS OF APPROVAL AND DEVELOPMENT INFORMATION FOR
PZB CASE No. 16-00500020**

Date of Preparation: November 19, 2016
P&ZB Meeting Date: January 4, 2017
Applicant: Mr. Chris Sebastiano, Nehpets LLC
Location: 613-615 Industrial Street

**DRAFT CONDITIONS OF APPROVAL
PZB CASE No. 16-00500020**

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 613-615 Industrial 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 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.
6. Uses not listed in this approval shall require a separate conditional use permit, or shall be prohibited.
7. Any expansion of uses listed under this approval, would require a separate conditional use permit.

**ATTACHMENT C
Nehpets LLC
13585 Greentree Trail
Wellington, Fl. 33414
561 862-9285
cssebastiano@att.net**

Re: 613 thru 619 Industrial St. Lake Worth, Florida 33461

General findings relating to harmony with LDR's and protection of public interest

- 1) I believe the conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDR's and future land use element, are most likely to occur in the immediate area where located.
- 2) I believe the conditional use exactly as proposed at the location where proposed will be in harmony with the existing uses in the immediate area where located.
- 3) I believe 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.

Specific findings for all conditional uses

- 1) I believe 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.
- 2) I believe 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.
- 3) I believe 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.
- 4) I believe the proposed conditional use will be so located in relation to the thoroughfare system in a manner resulting in a higher net public cost or earlier incursion of public cost than would result from development permitted by right of way.
- 5) I believe 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 other alteration of such systems in a manner resulting in higher net public cost than would result from development permitted by right.
- 6) I believe the proposed condition use will not place a demand on municipal police or fire protection service beyond the capacity of those service, 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) I believe the proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise 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.
- 8) I believe the proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.1 - 10 - exterior lighting.

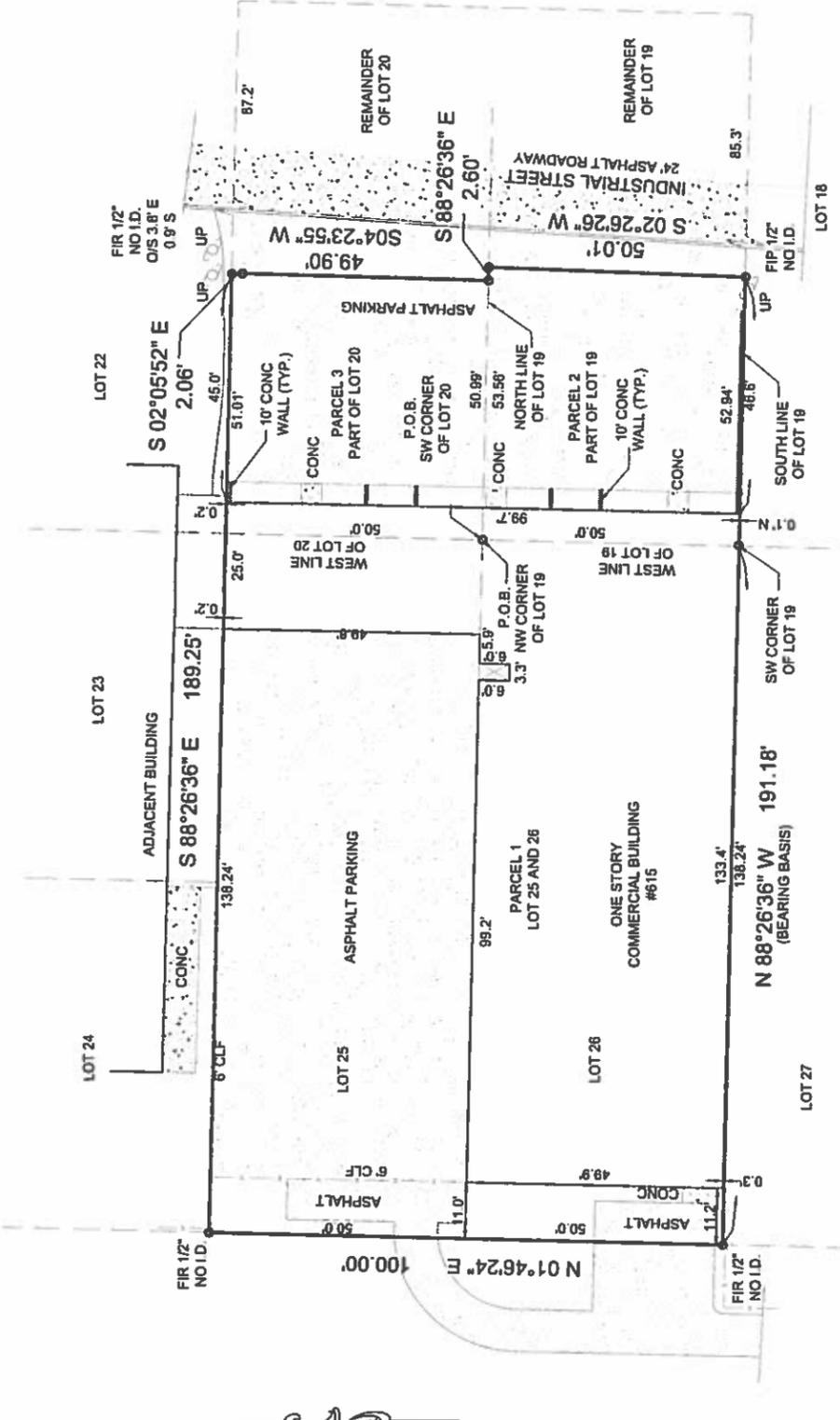
ATTACHMENT C

Additional requirements

- 1) There are no outstanding code enforcement fees or fines related to this project site.
- 2) Based on my knowledge any previously imposed conditions of approval for the use at this site have been met, if applicable, unless request for amendment of conditions is part of the current conditional use permit application.

GENERAL LEGEND:

- BCR = BROWARD COUNTY RECORDS
- BM = BENCHMARK
- CB = CATCH BASIN
- C/L = CENTERLINE
- CLF = CHAINLINK FENCE
- CLP = CONCRETE LIGHT POLE
- CBS = CONCRETE BLOCK STRUCTURE
- CONC = CONCRETE
- DE = DRAINAGE EASEMENT
- D = DELTA (CENTRAL ANGLE)
- E = EAST
- ELEV. = ELEVATION
- X 0.00' = EXISTING ELEVATION
- EOP = EDGE OF PAVEMENT
- EW = EDGE OF WATER
- FF = FINISHED FLOOR
- FH = FIRE HYDRANT
- FN = FOUND NAIL
- INV = INVERT
- FIP = FOUND IRON PIPE
- FIR = FOUND IRON ROD
- FND = FOUND NAIL AND DISC
- L = ARC LENGTH
- MDCR = MIAMI DADE COUNTY RECORDS
- N = NORTH
- N/D = NAIL AND DISC
- MF = METAL FENCE
- ORB = OFFICIAL RECORDS BOOK
- O/S = OFFSET
- PB = PLAT BOOK
- PBCR = PALM BEACH RECORDS
- PCP = FOUND NAIL AND CAP
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PVCF = PLASTIC FENCE
- R = RADIUS
- R/W = RIGHT OF WAY
- S = SOUTH
- SW = SIDEWALK
- SIR = SET 2" IRON ROD
- SND = SET NAIL & DISC
- UE = UTILITY EASEMENT
- UP = UTILITY POLE
- W = WEST
- W/F = WOOD FENCE
- W/M = WATER METER



SURVEYORS NOTES:

BEARINGS SHOWN HEREON ARE REFERENCED TO THE WEST LINE OF LOT 26 (N88°26'36\"W) PER THE RECORD PLAT AND ARE ASSUMED.

LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.

NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.

LEGAL DESCRIPTION:

PARCEL NO. 1: LOTS 25 AND 26 "FINN'S ADDITION TO CITY OF LAKE WORTH" ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF COURT IN AND FOR PALM BEACH, COUNTY, FLORIDA IN PLAT BOOK 14, PAGE 20.

PARCEL NO. 2: PART OF LOT 19 "FINN'S ADDITION TO CITY OF LAKE WORTH" ON FILE IN THE OFFICE OF THE CLERK OF COURT IN AND FOR PALM BEACH, COUNTY, FLORIDA IN PLAT BOOK 14, PAGE 20 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGIN AT THE NORTHWEST CORNER OF LOT 19; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID LOT 19, FOR A DISTANCE OF 53.56 FEET TO A POINT; THENCE RUN S 2°26'26\" WEST FOR A DISTANCE OF 50.01 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 19; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 19 FOR A DISTANCE OF 52.94 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID LOT 19, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3: PART OF LOT 20, "FINN'S ADDITION TO CITY OF LAKE WORTH" ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF COURT IN AND FOR PALM BEACH, COUNTY, FLORIDA IN PLAT BOOK 14, PAGE 20 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGIN AT SW CORNER OF SAID LOT 20, THENCE NORTHERLY ALONG WEST LINE OF SAID LOT 20, A DISTANCE OF 50 FEET; THENCE SOUTH 88°26'36\" EAST, A DISTANCE OF 51.01 FEET; THENCE SOUTH 2°5'52\" EAST, A DISTANCE OF 2.06 FEET; THENCE SOUTH 4°23'55\" WEST, A DISTANCE OF 49.90 FEET; THENCE NORTHERLY 88°26'36\" WEST, A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING.

CERTIFICATIONS:

NEHPETS, LLC

NAVD = NORTH AMERICAN VERTICAL DATUM OF 1988
 NGVD = NATIONAL GEODETIC VERTICAL DATUM OF 1929
 THE FLOOD ZONE DATUM SHOWN BELOW IS REFERENCED TO 1929

Boundary Survey

PROPERTY ADDRESS:
 615 INDUSTRIAL STREET
 LAKE WORTH, FL. 33461

FLOOD ZONE DATA:	REVISIONS:	DATE:	SCALE:
ZONE: X N/A	FIELD LOCATION OF IMPROVEMENTS	10/20/2016	1" = 20'
COMMUNITY #: 120213	CADD: LJ		
PANEL & SUFFIX: 0001 C	CHECKED BY: JSP		
DATE OF FIRM: 9/30/82	INVOICE #: 16-44213		
	SHEET # 1 OF 1		

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

JULIO S. PITA, P.S.M., STATE OF FLORIDA
 PROFESSIONAL SURVEYOR AND MAPPER LS 5789
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ALL COUNTY SURVEYORS

PROFESSIONAL SURVEYORS AND MAPPERS
 LICENSE NO. 6877
 OFFICE: (954) 777-4747
 FAX: (954) 777-2707
 5400 SOUTH UNIVERSITY DRIVE
 DAVIE, FLORIDA 33328 SUITE 21F



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: December 22, 2016

TO: Chair and Members of the Planning and Zoning Board

FROM: Curt Thompson, Senior Community Planner
 Maxime Ducoste, Assistant Director for Planning and Preservation

SUBJECT: **PZB Project Number 16-01500014:** Consideration of a variance to allow for the location of a swimming pool within the front yard of the subject property, pursuant to Sections 23.2-26 and 23.3-16 of the Land Development Regulations (LDRs). The site is located at 502 S Federal Hwy, PCN# 38-43-44-27-01-003-0090, in the Mixed-Use Federal Highway Zoning District (MU-FH) pursuant to Sections 23.2-26 and 23.3-16, of the LDRs.

PZB Meeting Date: January 4, 2017

SYNOPSIS:

Applicant	GISELA STROMEYER, GHS 9 ENTERPRISES, LLC	
General location	502 South Federal Highway	
Property size	Total= +/- 9,574.488 square feet	
Minimum lot width	70.85 feet existing	
Zoning	Mixed Use Federal Highway (MU-FH)	
Existing land use	Residential	
Future land use designation	Mixed Use East (MU-E)	
Applicable Municipal Code Sections	23.2-26 and 23.3-16	
	Required	Existing
Setbacks		
Front	20 feet	87 feet
Side (North)	7 feet	7 feet
Side (South)	7'0"	10.7 feet
Rear	13.5 feet	9.9 feet
Board action required	Approve, Approve With Conditions, Deny the Request, Continue the request for additional information	
Staff Recommendation	Staff recommends approval of the requested variance from Section 23.3-16 to allow for the location of a swimming pool within the front yard of the subject property.	
	Name and Title	Initials

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

BACKGROUND:

The subject property is separated into two pieces by the unimproved "O" Street right-of-way (please see the attached survey as Attachment A). The applicant's existing residence is located +/- 87 feet from the property line adjacent to the "O" Street right-of-way. There are very few (if any) parcels in the City of Lake Worth possessing this type of configuration. The existing rear property line where the residence is located is only nine (9) feet from the rear property line as indicated on the survey. Along the north property line lies 5th Avenue South; adjacent to the south property line lies a vacant lot; east of the subject site is a ten (10) foot wide platted alley and to the east is the unimproved "O" Street right of way and beyond the applicant's separated parcel lies South Federal Highway.

Within the rear yard, there is an existing seven (7) foot wide concrete pad that almost extends the entire length of the area. The residence air-conditioning (AC) unit is located on a portion of this concrete area (please see the survey). In addition, there is existing vegetation in this area.

PROPOSAL:

After consultation with Staff, the applicant elected to request a variance from the land development regulations (LDRs) as follows:

- 1) Variance from Section 23.3-16, Location of accessory buildings, pools, etc. Accessory buildings, pools and similar structures shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.

The applicant has provided a written justification statement for their proposal, included with this staff report, as well as a survey and site plan showing the location of the proposed swimming pool.

VARIANCE ANALYSIS:

According to Section 23.2-26 the power to grant any such variance shall be limited by and be contingent upon documentation that **all required findings are** made by the appropriate board. The following addresses each of the required findings with respect to the applicant's requested variances.

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant;

Staff Response: The circumstances or conditions which are peculiar to this site is due to the fact that the applicant has no rear or side yard area large enough to accommodate a swimming pool. The existing residential structure is located +/- 87 feet from property line adjacent to the unimproved "O" Street right

of way, leaving very little space to realistically locate a swimming pool in the rear yard. In addition, the space along the existing side property lines (7 feet along the north side of the building and 10 feet along the south side of the structure) provide no practical or usable area to locate a swimming pool.

An additional unique condition is the position of the structure on the land. The portion of the parcel located in front of the existing structure, provide adequate space (+/- 70 feet wide and +/- 87 feet in depth) for the location of a swimming pool and the mechanical equipment needed to service the proposed pool.

Therefore due to the location of the existing structure on the lot and the unusual location of an unimproved right of way ("O" Street) splitting the lot, makes the placement of the swimming pool within the front yard area necessary in order to reasonably locate a swimming pool on the subject property.

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought;

Staff Response: Strict application of the LDRs would eliminate the applicant's ability to locate a swimming pool on the subject site. This is due to the fact that the location of the existing residential structure is positioned in such a way that only usable area for the swimming pool is at the front of the residence. The amount of usable land at the rear and side(s) of the building have been reduce due to building's foot print and location. As a result, this leaves the area in front of structure available for the location of a swimming pool. If the variance is approved, the applicant will be able to construct a swimming pool. Without the variance, a pool cannot be placed on this property. Further, staff acknowledge that any accessory structure could not be accommodated without the need for a variance related to the available location within the front yard.

3. That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;

Staff Response: The applicant is currently using the property as a multi family residence. The request is the minimum needed to allow the applicant to construct the proposed swimming pool. The strict implementation of the LDRs (i.e., the location of the swimming pool within the side or rear yard area) would provide for very little usable back yard for this proposed pool. Thus, implementation of the City's LDRs impacts the applicant's ability to design and construct their proposed swimming pool. The location of the pool within the front yard area is the minimum request made by the applicant(s).

4. That the granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare. In deciding appeals from decisions of the development review official or in granting variances, the decision-making board is authorized and required to impose any reasonable conditions and safeguards it deems to be necessary or desirable, and violation of such conditions or

safeguards when made a part of the terms under which a variance is granted, shall be deemed to be a violation of these LDRs.

Staff Response: The granting of the variance will be in accordance with the spirit and purpose of the Land Development Regulations. The granting of the variance will allow the use of a swimming pool similarly to other existing residences with such an amenity. The spirit and purpose of the regulations is to allow such amenities for those residential properties that are able and desire this amenity.

CONSEQUENT ACTION:

The decision of the Planning and Zoning Board will be final; however, the Applicant may appeal the Board's decision to the City Commission.

RECOMMENDATION:

Based on the findings outlined in the analysis, staff recommends that the Planning and Zoning Board approve the variance request as submitted by the Applicant.

POTENTIAL MOTION:

I MOVE TO APPROVE/DENY OF PZB PROJECT NUMBER 16-01500014: Request for a variance from Section 23.3-16 regarding the location of a swimming pool within the front yard of the subject property, to allow the placement of a swimming pool within the front yard of the existing residence located at 502 South Federal Highway.

LOCATION MAP



ATTACHMENTS:

- A. Survey & Site Plan
- B. Justification Statement

PROPERTY ADDRESS:

502 SOUTH FEDERAL HIGHWAY 1
LAKE WORTH, FL 33460

FLOOD ZONE: "C" BASE FLOOD ELEVATION 9'
Panel No: 120213 0002 C
Date: SEPTEMBER 30, 1982

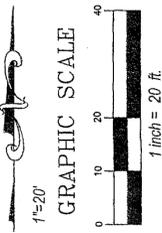
CERTIFIED TO:

1. GISELA STROMEYER



LEGAL DESCRIPTION:

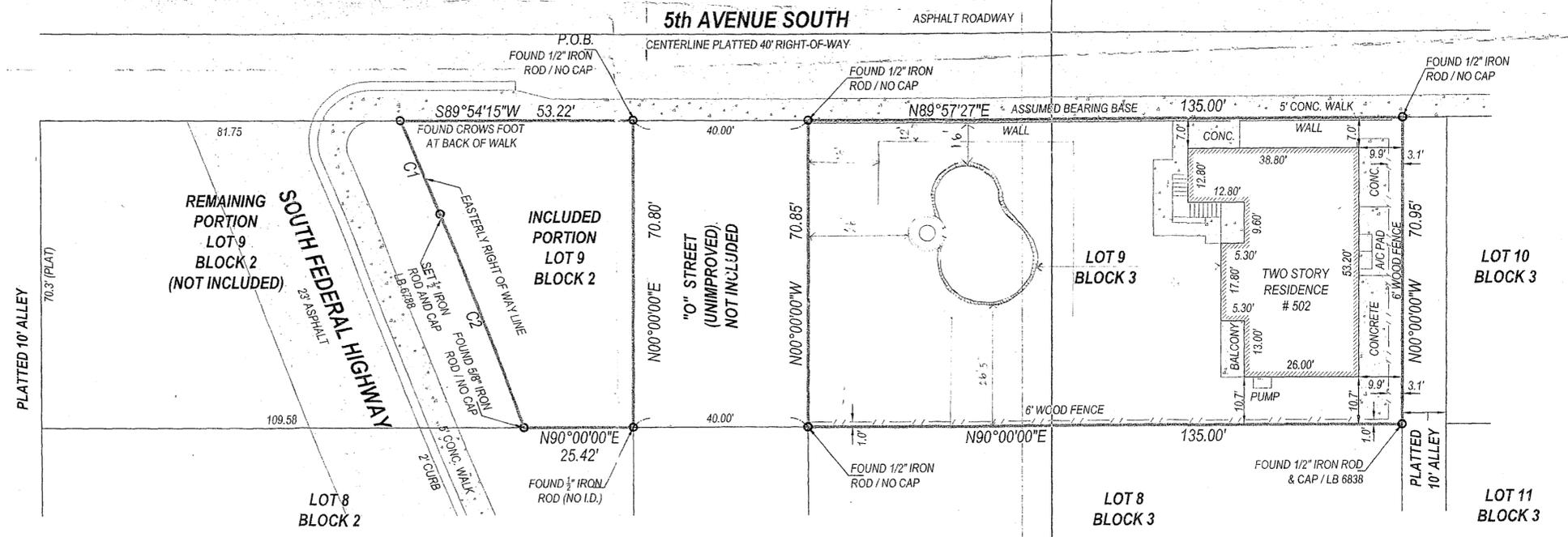
LOT 9, BLOCK 3, THE PALM BEACH FARMS CO PLAT NO. 4, ADDITION NUMBER ONE TO THE TOWN OF LAKE WORTH, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 5, PAGES 6 TO 9, INCLUSIVE.
AND
THAT CERTAIN PART OF LOT 10, BLOCK 2, THE PALM BEACH FARMS CO PLAT NO. 4, ADDITION NUMBER ONE TO THE TOWN OF 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 5, PAGES 6 TO 9, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS LIES EASTERLY OF SOUTH FEDERAL HIGHWAY, (ALSO KNOWN AS STATE ROAD NO. 5), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 10, BLOCK 2 THE PALM BEACH FARMS CO PLAT NO. 4, ADDITION NUMBER ONE TO THE TOWN OF LAKE WORTH, PLAT BOOK 5, PAGES 6 TO 9, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 54'15" WEST ALONG THE NORTHERLY LINE OF LOT 10, BLOCK 2, 53.22 FEET TO THE EASTERLY RIGHT OF WAY OF FEDERAL HIGHWAY AND A POINT OF NON TANGENCY; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST HAVING A CENTRAL ANGLE OF 1 DEGREE 12'14" A RADIUS OF 1121.28 FEET AND WHOSE CHORD BEARS: SOUTH 21 DEGREES 55'56" EAST, A DISTANCE OF 23.56 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE AND THE EASTERLY RIGHT OF WAY LINE OF FEDERAL HIGHWAY, CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1171.28 FEET, A CENTRAL ANGLE OF 1 DEGREE 16'56" AND WHOSE CHORD BEARS SOUTH 21 DEGREES 15'03" EAST, A DISTANCE OF 52.43 FEET TO THE SOUTHERLY LINE OF LOT 10, BLOCK 2; THENCE EAST ALONG THE SOUTHERLY LINE OF LOT 10, BLOCK 2, 25.42 FEET TO THE SOUTHEASTERLY CORNER OF LOT 10; THENCE NORTH ALONG THE EASTERLY LINE OF LOT 10, 70.80 FEET TO THE POINT OF BEGINNING.



Total area — 95957
Imperious area — 3420
% Imperious = $\frac{3420}{95957} = 3.56\%$

CURVE C1:
Radius=1121.28'
Length=23.61'
Delta=1°12'23"
Chord=23.56'
Chord Direction=S21°55'56"E

CURVE C2:
Radius=1171.28'
Length=52.43'
Delta=2°33'58"
Chord=52.45'
Chord Direction=N21°14'58"W



SURVEYORS' NOTES:

1. I HEREBY CERTIFY THIS SURVEY MEETS STANDARDS OF PRACTICE PURSUANT TO FLORIDA STATUTES.
2. THE SURVEY MAP AND REPORT AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. UNDERGROUND OR OBSCURED IMPROVEMENTS WERE NOT LOCATED.
4. DIMENSIONS ARE RECORD AND FIELD UNLESS OTHERWISE NOTED.
5. STATED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
6. THIS FIRM'S CERTIFICATE OF AUTHORIZATION NUMBER IS LB 6788.
7. 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.
8. SURVEY SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD. (UNLESS A TITLE REVIEW, COMMITMENT REVIEW, OR OWNERSHIP AND ENCUMBRANCE REVIEW IS PRESENT ON THE FACE OF THIS DOCUMENT, THIS SURVEY HAS BEEN COMPLETED IN THE ABSENCE OF A TITLE INSURANCE POLICY).
9. LOCATION MAP IS GLEANED FROM ONLINE MAPPING SITES AND AND IS ONLY APPROXIMATE.

ABBREVIATIONS
CONC CONCRETE
POB POINT OF BEGINNING

SIGNED:
GINO FURLANO
PROFESSIONAL LAND SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 5044

S16060574	BOUNDARY SURVEY	ER/DK	CD	06-25-16
JOB#	PURPOSE	FIELD	DRAFT	DATE

BOUNDARY SURVEY

PM SURVEYING
LICENSED BUSINESS No. 6788

4546 CAMBRIDGE STREET
WEST PALM BEACH, FL 33415
OFFICE 561-478-7764
FAX 561-478-1094

ATTACHMENT B



Justification Statement – Variance

RE: 502 S Federal Hwy

1. This property has special circumstances and conditions. The front of the property is Federal Highway and the back of the property end at an ally way. The building is set back all the way to the end of the property the alley way, which leaves only the front yard to build any structure. There is ample space and all the set-backs for the pool are easily kept. The only location possible for a pool is in the front yard. The house was built in this matter before I purchased the property.
2. When I bought the property and saw that there is so much land available I bought it with the plan in mind to build a pool, it made me happy to imaging to be able to be in the water on my land. It is a very common to have a pool in Lake Worth, south Florida and I hope you agree that it is a beautiful enjoyable experience. It brings happiness, I love water.
3. A pool is a reasonable use of the land especially since there is a lot of land and it is of minimal variance.
4. A new pool in the neighborhood can only bring more happiness. I cannot imagine that somebody could have a problem with this new pool, there are no direct neighbors anyway. The front of the property is federal highway the back is an alley way the side is 5th Ave south and the other long side is an empty lot.





PHOTO 2



PHOTO 3





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**Community Sustainability
Planning Zoning Historic Preservation**

1900 2nd Avenue North

Lake Worth, FL 33461

561.586.1687

PZB Project# 16-014-00019 – Request for a Major Site Plan Approval and Sustainable Bonus to allow for two three story buildings, each containing 6 apartment units (for a total of 12 units located at 907 North H Street, PCN# 38-43-44-21-15-271-0140, within the Mixed Use Dixie Highway (MU-DH) Zoning District, pursuant to 23.2-30,23.0-31,and 23.2-32 of the Land Development Regulations (LDRs).

Staff is requesting a continuance to the February 1, 2017 meeting.

