



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 05, 2023 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [March 1, 2023 Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Education Foundation - Barton Rd](#)
[Mindful Workspaces - 1819 7th Ave N](#)
[Family Dollar - 2507 North Dixie Hwy](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. **PZB Project Number 22-00600001:** Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at 2507 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).
- B. **PZB Project Number 23-00500004:** A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Mindful Workspaces an existing industrial development at 1819 7th Avenue North. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.
- C. **PZB Project Number 22-01400032:** A Major Site Plan and Conditional Use request for the establishment of a ±31,962 square foot multiple use educational facility for the Education Foundation with office, meeting (training) rooms and indoor storage uses (greater than 7,500

[square feet\) by LDR Section 23.3-6 at 1421/1509/1511/1515 Barton Rd. The property is zoned Public \(P\) and has a Public \(P\) Future Land Use \(FLU\) designation.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

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.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 01, 2023 -- 6:04 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were- Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Evelin Urcuyo; Alexander Cull. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability (virtual); Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. February 1, 2023 Regular Meeting Minutes

Motion: M. Humm moves to approve the February 1, 2023 meeting minutes as presented; A. Cull 2nd.

Vote: Ayes all, unanimous

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administers oath to those wishing to give testimony.

PROOF OF PUBLICATION – Included in the meeting packet.

1) 1914 North Dixie Highway and 1718 South Douglas Street

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 23-00500001: A Conditional Use Permit (CUP) request for Scooter Ave at 1914 North Dixie Highway for the establishment of a scooter sales facility designated as a motorcycle/mopeds/motorscooter/golfcarts rentals and sales, indoor only equipment rental and leasing use (Medium Intensity Vehicular Uses—Use area less than 7,500 sq. ft.) by LDR Section 23.3-6. The subject site is zoned Mixed Use-Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

Staff: A. Fogel provides background information on parcel and proposed business details. All business will be conducted indoors; deliveries occur generally once a week. Parking is to the rear with two (2) spaces on site and three (3) on street spaces on Vanderbilt Drive. The proposal meets the Comprehensive Plan and Strategic Plan. Staff is recommending approval with Conditions of Approval.

Board: Is there a habitable/residential portion of the building? Yes, it is not visible from Dixie Hwy.. What is the reason for a Conditional Use? The Use table indicates according to square footage which correlates to intensity. Is the applicant required to add parking or does on street parking count? As the use is not changing or the square footage, there is no trigger to require additional parking. Board asks if the owner is ok with the conditions and in particular the curb cut.

Property owner: Gus Ramirez -1 5th Ave South- Does not want to eliminate the curb cut, in addition to the cost. Doesn't want to take away the option that, in the future, the garage could be activated again. The impact windows were installed so the interior would be visible. Marcio Andreoli- tenant Deerfield Beach, clarifies that test driving is illegal. Regarding the garbage extend the landscape strip or use a commercial planter.

Public Comment: None

Board: Is the reason beyond aesthetics for conditioning the curb cut? If it were to eliminate/reduce impervious that would be ok but the cost to remove should be considered.

Staff: The curb cut condition would aid in improving on-street parking requirements as well as "teeth" to ensure there will be no illegal test driving or deliveries.

Motion: D. Walesky moves to approve PZB 23-00500001 with staff recommended Conditions of Approval striking Planning & Zoning comment #4, Public Works comment #1 and modifying Planning & Zoning comment #3 to extend the landscape area with a concrete cut or provide a commercial planter based upon competent substantial evidence in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous.

B. PZB/HRPB 23-00300001 & 23-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment (Ordinance 2023-03) and Zoning Map amendment (Ordinance 2023-04) on behalf of For The Children Inc (Lessee) requesting for the property located at 1718 South Douglas Street:

A corrective FLUM amendment from the Public Recreation and Open Space (PROS) FLU to the Public (P) FLU; and,

A corrective rezoning from the Public Recreation and Open Space (PROS) zoning district to the Public (P) zoning district.

The Board Attorney reads the Ordinances by title.

Staff: A. Fogel- There is a Historic school on the site and the current zoning does not permit educational uses. The corrective amendments will allow for future expansion of educational opportunities for children in the neighborhood as well as restoration of the Historic structure through a grant (which is already secured). There will be a site plan before the Board in the near future. Staff has found the amendments to be in compliance with the City Comprehensive Plan and Strategic Plan. It will be a lease to For the Children.

Motion: A. Cull moves to recommend approval to the City Commission for PZB/HRPB 23-00300001 & 23-01300001 based on the data and analysis in the staff report and the testimony at public hearing; D. Walesky 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: A. Cull requests data to be presented at the City Commission for the last quarter.

ADJOURNMENT: 6:39 pm

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, April 5, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project # 22-01400032: Consideration of a Major Site Plan and Conditional Use request for the establishment of a ±32,940 square foot multiple use educational facility for the Education Foundation with office, meeting (training) rooms and indoor storage uses (greater than 7,500 square feet) by LDR Section 23.3-6 at 1421/1509/1511/1515 Barton Rd. The property is zoned Public (P) and has a Public (P) Future Land Use (FLU) designation. PCN #s 38-43-44-33-13-010-0020; 38-43-44-33-13-010-0030; 38-43-44-33-13-011-0020; and 38-43-44-33-13-011-0040.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
March 23, 2023

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, April 5, 2023 at 6:00 pm** or as soon thereafter to consider the following application. The City Commission meeting is tentatively scheduled for Tuesday, May 2, 2023 at 6:00 pm or soon thereafter at 7 North Dixie Lake Worth Beach.

PZB Project Number 22-00600001: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at 2507 North Dixie Highway. The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use - East (MU-E).

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

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Publish: The Lake Worth Herald
March 23, 2023

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, April 5, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project # 23-0050004: Consideration of a Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Mindful Workspaces, an existing industrial development at 1819 7th Avenue North. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation. PCN # 38-43-44-21-02-019-0050.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

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Publish: The Lake Worth Herald
March 23, 2023

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00600001: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at 2507 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: April 5, 2023

Property Owner/Applicant: Family Dollar Stores of Florida, LLC

Address: 2507 North Dixie Highway

PCNs: 38-43-44-16-25-001-0000

Size: 6.6-acre lot / ±10,500 square feet of existing structure

General Location: 2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal

Existing Land Use: Retail

Current Future Land Use Designation: Mixed Use East (MU-E).

Zoning District: Mixed Use – Dixie Highway (MU-DH)



RECOMMENDATION

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the conclusion.

PROJECT DESCRIPTION

The applicant, Family Dollar Stores of Florida, LLC, is requesting an alcohol beverage distance waiver to allow beer and wine packaged sales (2APS License) at the existing Family Dollar. The property, 2507 North Dixie Highway, is a plaza known as Arbor Square located at the 2500 block of North Dixie Highway, southwest corner of North Dixie Highway and the West Palm Beach Canal. Family Dollar currently occupies 10,500 square feet of the existing building.

COMMUNITY OUTREACH

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

BACKGROUND

Below is a timeline summary of the commercial property based on Palm Beach Property Appraiser's records and City records:

- 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
- 1980 – the retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- March 4, 1980 – a Certificate of Final Completion and Occupancy was issued to the building at 2507 North Dixie Highway. The retail space was originally constructed as an 8,450 square foot Shoppers Drug store.
- August 27, 1985 - January 15, 2009 to September 30, 2009 – Sav Mart Inc (retail) held an active business license at 2507 North Dixie Highway.
- March 20, 2009 – A building permit was issued to revise the parking lot striping plan, which includes 372 parking spaces on Tract A, 11 spaces being ADA spaces.
- December 9, 2010 – A building permit was issued to for the interior build-out of a 10,450 square foot Dollar General store. The space appears to expand into the entire 2,000 square foot unit to the north, 2509 North Dixie Highway.
- February 25, 2011 to September 30, 2016 – Dollar General (retail) held an active business licenses at 2507 North Dixie Highway.
- May 28, 2020 - there are no active business licenses associated with 2507 North Dixie Highway.
- May 28, 2020 – there is one active code case and one open lien in relation to the entire plaza, 2505 North Dixie Highway. The details of these cases are described within Staff's analysis of the project's consistency with the City's LDRs.
- June 17, 2020 – Conditional Use Permit to allow a single destination retail use at 2507 North Dixie Highway is approved at the Planning and Zoning Board meeting.
 - The conditions of approval indicate a distance proximity waiver will be requires if packaged alcohol sales are proposed.
- An active business license has been maintained since 2020.
- There are no active code cases or open liens associated with the property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU provides for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed alcohol distance waiver allows the single destination retail use (Family Dollar) within the Arbor Square shopping plaza to further expand its offering of products. Therefore, it is consistent with the intent of the MU-E FLU. The subject alcohol distance waiver

allows the packaged sales of beer and wine (accessory use to the principal retail use). As such, review of the strategic plan is not applicable to an application of this scale.

Consistency with the City's Land Development Regulations

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Staff Analysis: Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The City's Spillway Park is located within five hundred (500) of the subject parcel. Additionally, residential uses in the Sunset Ridge and College Park neighborhoods are located five (500) feet from the parcel. Within the existing plaza, an existing restaurant (Don Juan Pizzeria) is licensed for on-site consumption of beer only within five hundred (500) feet of the proposed packaged alcoholic beverage sales. Therefore, the alcohol distance waiver is required since Family Dollar will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties. However, the parcel size, plaza orientation, and the location of the business in the plaza is such that the proposed alcohol beverage establishment's location is greater than 500ft in travel distance on existing roads and sidewalks to protected land uses. Based on the location of Family Dollar within the plaza, direct impacts to protected use are not anticipated. The other businesses in the plaza are not engage in off-premise alcohol consumption.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Staff Analysis: The proposed beer and wine packaged sales will be an accessory use to the existing Family Dollar. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Staff Analysis: The subject property is does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Staff Analysis: The waiver is necessary to allow the packaged sales of beer and wine at the subject Family Dollar. This accessory use was already envisioned in the previously approved conditional use as reflected in the conditions of approval. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare and surrounding community.

CONCLUSION AND CONDITIONS

Based on the location of the Family Dollar within the plaza, the proposed alcoholic beverage establishment is not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Further, there are no other off-premise alcoholic sales in the same plaza. Therefore, staff recommends approval with conditions listed below to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties.

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the existing business.
2. On-site alcohol consumption is not permitted.
3. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 22-00600001 of the alcohol distance waiver for the sale of packaged beer and wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 22-00600001 of the alcohol distance waiver for the sale of packaged beer and wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

ATTACHMENTS

- A. Application Package

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500004: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Mindful Workspaces an existing industrial development at 1819 7th Avenue North. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

Meeting Date: April 5, 2023

Property Owner: Jeffrey Pechter - MINDFUL WORKSPACES 7TH AVENUE LLC

Project Manager: Candida Linares

Address: 1819 7th Avenue North

PCN: 38-43-44-21-02-019-0050

Size: 1.9943 ac Lot / 24,570 sf. Existing Structures

General Location: On the southwest corner of 7th Avenue North and Barnett Lane

Existing Land Use: Warehouse/Industrial

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial – Park of Commerce (I-POC)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Blanket Conditional Use request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5 and 6 of this report.

PROJECT DESCRIPTION

The applicant, Candida Linares on behalf of MINDFUL WORKSPACES 7TH AVENUE LLC, is requesting a Blanket Conditional Use Permit (CUP) to allow for several uses less than 7,500 square feet that could occur within the 24,570-sf warehouse/industrial buildings, as follows:

- Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
- Manufacturing/processing/fabrication facilities (excludes recycling center)
- Printing Services
- Welding Repair Services
- Storage Indoor
- Artisanal Manufacturing
- Wholesale and Distribution (excludes regional facilities)
- Contractor – Showroom
- Warehouse Facilities (excluding mini-warehouses)
- Kitchen/Millwork Design Studio
- Building and Construction Trades/Contractors manufacturing
- Contractors without outdoor storage
- Welding Contractors
- Storage—Indoor
- Research and Development, Scientific/Technological
- Artisanal Foods
- Artisan or Art Studio
- Arts and Crafts Studio

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The property was developed in 1977. The property contains four (4) buildings with a combined square footage of 24,570.

Use: The property's use is warehouse/industrial.

Code Compliance: There is an open lien for the subject property. Several of the issues have been addressed including submitting City of Lake Worth Beach Business Licenses to legally operate businesses, remove abandoned vehicles and ensure any vehicles on site are operable and have current registration, vacate bays with unlicensed tenants, and general property maintenance. At the time of the publication of this staff report, several use and occupancy inspections are pending for approved business licenses. Staff has added conditions of approval to the subject Blanket Conditional Use

Permit to ensure the open lien is resolved prior to establishing new businesses on the property that are impacted by this approval.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). The I FLU 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. The proposed request is seeking to add multiple conditional uses to be allowed in the existing warehouse/industrial buildings with a combined square footage of 24,570.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Blanket Conditional Use will allow for the establishment of several low to medium-intensity uses that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

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

Consistency with the Land Development Regulations

The Industrial Park of Commerce zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Blanket Conditional Use Permit to allow several low (use area less than 2,500 square feet and low intensity impact uses) to medium-intensity (use area less than 7,500 square feet and/or medium intensity impact uses) uses. A majority of the uses requested will have low impacts to the adjacent properties. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use.

The property owner indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Staff recommended a Blanket CUP to minimize continued challenges with tenant occupancy. In addition, staff has conditioned the Blanket CUP to address non-conformities at the property through a minor site plan.

The Blanket CUP request will not capture vehicular uses and all of the industrial use classifications that may have adverse impacts or are generally not compatible in small-scale buildings and will require a separate review by the Planning and Zoning Board (PZB).

The analysis for the Blanket CUP is provided in the section below and is consistent with the review criteria located in Attachment A. The Department of Community Sustainability is also tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29.a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29.b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29.c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The buildings on the property were constructed in the 1970s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The request is for the conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. Staff has included conditions of approval that limit the use areas to 7,500 square feet. Uses with a greater area are required to apply for a separate Conditional Use Permit (CUP), reviewed by the Planning and Zoning Board.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. Based on the landscape plan in City's property file, the existing landscape areas were originally approved with shrubs that have been removed overtime. Staff has included conditions of approval that require replacement of the shrubs through a landscape permit. The existing refuse does not comply with screening requirements. Staff has added conditions of approval to create an opaque screened refuse area. In addition, chain-link fencing cannot be visible from the right-of-way. Staff has included conditions of approval to ensure the fencing is replaced in accordance with the LDR Section 23.4-4. These improvements will bring the property closer to compliance, in so far as possible.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

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

Staff Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Industrial – Park of Commerce (I-POC) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The buildings are already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided.

Section 23.2-29.g) Additional requirements.

Staff Analysis: There is an open lien for the subject property. Staff has added conditions of approval to the subject Blanket Conditional Use to ensure the open lien is resolved prior to establishing new businesses on the property that are impacted by this approval.

Section 23.4-13 Administrative Uses and Conditional Uses

The following use(s) have been determined to carry the potential for substantial adverse impacts on neighboring properties and, therefore, are subject to development standards and regulations in addition to those required for the zoning district.

Staff Analysis: Per LDR Section 23.4-13, manufacturing/processing/fabrication facilities are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval to ensure the uses are conducted indoors only, noise levels remain within the allowable threshold, and minimum use areas are satisfied.

CONCLUSION AND CONDITIONS

The Industrial – Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report, the uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed conditional uses will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The Blanket Conditional Use Permit (CUP) includes the following uses within the approximately 24,570 sf warehouse/industrial buildings subject to all applicable conditions of approval and business license approval, with each business not to exceed 7,500 sf in use area:

- a. Repair and Maintenance - Minor/Major (excludes boats and all vehicles)
 - b. Manufacturing/processing/fabrication facilities (excludes recycling center)
 - c. Printing Services
 - d. Welding Repair Services
 - e. Storage Indoor
 - f. Artisanal Manufacturing
 - g. Wholesale and Distribution (excludes regional facilities)
 - h. Contractor – Showroom
 - i. Warehouse Facilities (excluding mini-warehouses)
 - j. Kitchen/Millwork Design Studio
 - k. Building and Construction Trades/Contractors manufacturing
 - l. Contractors without outdoor storage
 - m. Welding Contractors
 - n. Storage—Indoor
 - o. Research and Development, Scientific/Technological
 - p. Artisanal Foods
 - q. Artisan or Art Studio
 - r. Arts and Crafts Studio
2. Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.
 3. No outdoor storage or outdoor use is permitted as part of this approval.
 4. Prior to the issuance of new City of Lake Worth Beach Business Licenses, the open lien and any code violations shall be resolved.
 5. Prior to the issuance of new City of Lake Worth Beach Business Licenses, a minor site plan shall be submitted to remove and/or replace the existing chain link fencing, install an opaque refuse enclosure, and supplement the landscaping to match the landscape plan on file. Plant substitutions with Florida native plant materials shall be reviewed by the City's Horticulturalist. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department. Within one (1) year of the issuance of the development order, the improvements shall be completed.
 6. Documentation that PBC Wellfield Permit affidavit of notification is required to be submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
 7. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
 8. 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.
 9. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
 10. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
 11. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
 12. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Utilities Water, Sewer, & Storm

1. Prior to the issuance of a business license, each business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.

Public Works

1. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. Solid Waste and Recycling Division contact number is 561-533-7344.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500004 Blanket Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500004 Blanket Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board’s decision will be final decision for the Blanket Conditional Use Permit. The Applicant may appeal the Board’s decision to the City Commission.*

ATTACHMENTS

- A. Conditional Use Findings
- B. Conditional Use Standards
- C. Application Package (survey, landscape plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance

- | | | |
|----|---|-----------------------|
| 2. | <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i> | In compliance |
| 3. | <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i> | In compliance |
| 4. | <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |
| 5. | <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |
| 6. | <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i> | In compliance |
| 7. | <i>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.</i> | In compliance |
| 8. | <i>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.</i> | Not applicable |

ATTACHMENT B – Conditional Use Standards

Section 23.4-13(c)(7)(B) Manufacturing/Processing/Fabrication Facilities – Design and Performance Standards	Analysis
1. <i>Height: Maximum height of any industrial/manufacturing structure excluding office not to exceed thirty-five (35) feet including silos or building façades.</i>	In compliance
2. <i>Silos: The number of silos shall not exceed four (4) within the site area and shall be effectively screened.</i>	In compliance
3. <i>Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.</i>	Not applicable, outdoor storage and vehicle sales are not proposed

4. *All production and processing shall be restricted to an enclosed building.* **In compliance**
5. *Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.* **In compliance**
6. *Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.* **Not applicable**
7. *Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.* **In compliance, as conditioned**

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-0140032: A Major Site Plan and Conditional Use request for the establishment of a ±31,962 square foot multiple use educational facility for the Education Foundation with office, meeting (training) rooms and indoor storage uses (greater than 7,500 square feet) by LDR Section 23.3-6 at 1421/1509/1511/1515 Barton Rd. The property is zoned Public (P) and has a Public (P) Future Land Use (FLU) designation.

Meeting Date: April 5, 2023

Property Owner: Palm Beach County School District

Applicant: Education Foundation of Palm Beach County

Agent: Jorge Fuentes, Song + Associates

Address: 1421/1509/1511/1515 Barton Road

PCNs:

38-43-44-33-13-010-0020

38-43-44-33-13-011-0040

38-43-44-33-13-011-0020

38-43-44-33-13-010-0030

Size: 3.7 acres

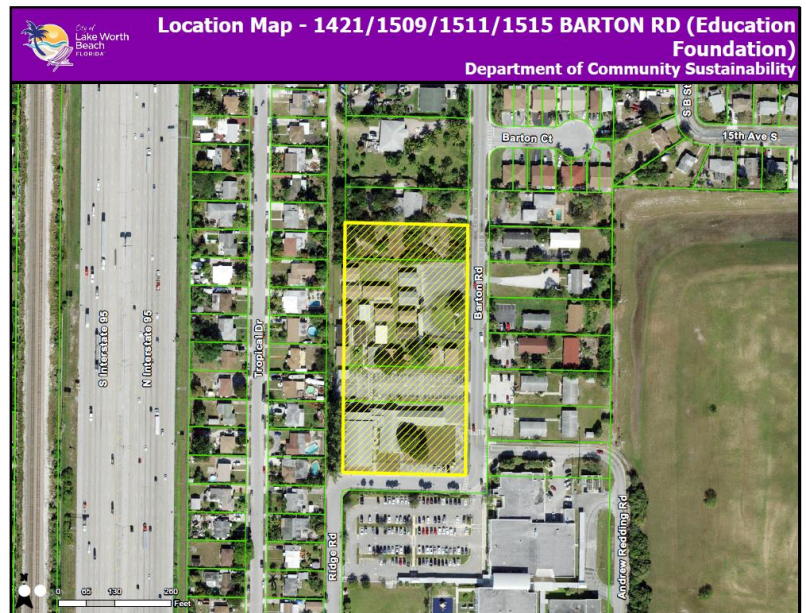
General Location: West of Barton Road and north of 16th Avenue South

Existing Land Use: Palm Beach County Education Foundation campus and parking areas.

Current Future Land Use Designation: Public (P)

Zoning District: Public (P)

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan and Conditional Use are consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 7 and 8 of this report.

PROJECT DESCRIPTION

The applicant, The Education Foundation of Palm Beach County, is requesting approval of the following at 1421/1509/1511/1515 Barton Road:

- A **Major Site Plan** request to construct a ±31,962 square foot facility.
- A **Conditional Use Permit (CUP)** request for the establishment of a multiple use facility with office, meeting (training) rooms, and indoor storage uses.

The Applicant is proposing the construction of a new facilities for the Education Foundation of Palm Beach County, a nonprofit organization that provides services to the School District throughout Palm Beach County free of charge. This includes donation of school supplies to students and teachers alike, as well as coordinating and planning fundraising activities for the district.

The Education Foundation of Palm Beach County will be constructing a new ±31,962 square foot facility on the subject property with the intention of accommodating administration offices, training multipurpose rooms, Red Apple Supply (the signature program for EFPBC where school supplies get picked up by district teachers), as well as a storage area for all school supplies donated by the foundation partners. The site will be developed to provide proper vehicular circulation for visitors, staff, as well as for semi-truck access to allow for drop-off of school supplies. Appropriate drainage will be provided throughout the site with storm water detention areas as required. Additionally, portions of the parking areas will utilize pervious pavers to comply with Lake Worth Beach requirements for the impervious surface maximum on site. The building and parking areas will be provided with exterior lighting in conformance with City's requirements. The new campus will include perimeter fencing with strategically placed vehicular and pedestrian gates to provide security and proper site circulation.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Use/Construction: All existing campus structures and parking areas will be demolished to accommodate the new site improvements and buildings. This includes the removal of all existing underground utilities

Code Compliance: There are no active code cases on the subject sites.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject sites have a Future Land Use (FLU) designation of Public. This zoning district implements the Public (P) future land use category of the Lake Worth Beach Comprehensive Plan. The Public zoning district is specifically used for public school, institutional, community and public uses; and, provides land development regulations for publicly owned lands. The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pillar IV of the Strategic Plan state that the City shall work to strengthen Lake Worth Beach as a community of

neighborhoods and navigate towards a sustainable community. Pillars II.F, IV.E, and V.E, of the Strategic Plan state that the City shall continue to collaborate with schools to foster rich, diverse, and culturally enriching educational opportunities for all, ensure facility placement, construction and development that anticipates and embraces the future, and support and foster an environment of inclusion and social consciousness. The proposed educational facility and associated site improvements will contribute towards the City's Pillars II.F, IV.E, and IV.E of the Strategic Plan.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Public (P): Per LDR Section 23.3-26, the "public district" designates locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility facilities. Because of the diverse variety of uses permitted in the "public district" and the mapping of the district throughout the city, all uses are permitted as conditional uses. The P zoning district implements the Public land use category of the Lake Worth Comprehensive Plan.

Analysis: The proposed educational facility use is allowed conditionally in the P zoning district, subject to the regulations and standards set forth in Section 23.3-18 (Development Standards). The proposed use is consistent with the intent of the P zoning district, as conditioned. The analyses for both the major site plan and the conditional use permit requests are provided in the section below and are consistent with the review criteria provided in Attachments A & B.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Land Development Regulations, including the first tier of the Sustainable Bonus Incentive Program:

Development Standard	Base Zoning District Public (P)	Provided
Lot Size (min) In square feet (sf)	6,500 sf	161,879 sf / ±3.72 acres
Lot Width (min)	50'	282'
Setbacks	Front (min)	81.3'
	Rear (min)	289.9'
	Street Side (min)	28.2''
	Interior Side (min)	74.4''
Impermeable Surface Coverage (maximum)	65%	102,698 square feet (63.4%)
Structure Coverage (max)	NA	NA
Building Height (max)	65'	34.5'
Maximum Wall Height at Side Setback	NA	NA
Floor Area Ratio (FAR) (max)	2.0	.2
Parking	83 Parking Spaces Parking Calculated per non- residential square footage. See pages 4 and 5 for detailed parking analysis.	108 Parking Spaces (103 Conventional, 5 ADA)

Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No	Yes	Wellfield Zone 4
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Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location was reviewed by Public Works. It was determined that the dumpster was consistent with the City's requirements for location, size, and screening. The dumpster is located north of the structure and is fully screened with landscaping.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided demonstrating compliance with the exterior lighting requirements in Section 23.4-3 which does not allow light to trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. If the proposed fixture cannot be set to provide the required light tone, the proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards "apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes."*

Analysis: The required off-street parking for the education facility is 110 spaces. The off-street parking spaces were calculated as follows:

- Indoor Storage (Warehouse): One (1) space per one thousand (1,000) gross square feet of space;
- Office: One (1) space per four hundred (400) gross square feet of space; and,
- Assembly: One (1) space per seventy-five (75) gross square feet of space.

The applicant has provided 108 off-street parking spaces including five (5) ADA parking spaces. Per LDR Section 23.4-10.2, off-street parking spaces that result in "the requirement of a fractional space, any such fraction of one-fourth ($\frac{1}{4}$) or greater shall require a full space". Therefore, the required parking spaces are calculated as follows:

- Indoor Storage (Warehouse) (18,302 SF): $18.3 = 19$;
- Office (8,532 SF): $21.3 = 22$; and,
- Assembly (5,128 SF): $68.4 = 69$.

As the subject site has multiple uses, a twenty-five percent deduction applies per LDR Section 23.4-10(f)(1)(B). Therefore, the total required off-street parking spaces equals 83 spaces ($82.5 = 110 \times 0.75$). The applicant is proposing 108 spaces, which exceed the minimum parking requirement.

LDR Section 23.4-9, Off-Street Loading Regulations: *Every hospital, institution, hotel, commercial and industrial building or similar use, having a floor area in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one (1) permanently maintained off-street loading space for each ten thousand (10,000) square feet of gross floor area or fraction thereof. Where site conditions allow, loading areas shall be screened and buffered from public view.*

Analysis: The applicant is proposing two (2) off-street loading spaces for the proposed $\pm 18,302$ square feet of indoor storage area located within the educational facility. The area will be used to store donated school supplies with

anticipated deliveries once per month. The proposed loading spaces meet the access, size, as well as screening and buffering requirements.

Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage shall require a minor site plan amendment where the ground sign shall be depicted on the site and landscape plans. The signage shall be reviewed at minor site plan and building permit for consistency with the sign requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The development proposal provides perimeter and interior landscaping and shade trees. The proposed landscaping is generally consistent with the City's landscape regulations. Tree species include a mix of Gumbo Limbo, Silver and Green Buttonwood, Simpson's Stopper, Live Oak and Pigeon Plum trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

The perimeter landscaping includes screening of the vehicular use areas from the right-of-way (ROW) utilizing landscape strips with a depth of 10 feet in accordance with LDR Section 23.6-1(2)(b)(1.). One (1) large tree per 25 linear feet is provided within the landscape strips. However, the western and northern portions of the subject site are adjacent to Single-Family Residential (SFR) zoning districts and existing single-family homes. Per LDR Section 23.6-1(2)(c)(2.), *"Where any commercial or industrial area abuts a residential zoning district in addition to requirements established for district boundary line separators in the zoning code one (1) tree shall be planted every twenty (20) feet to form a solid tree line"*. Staff included a condition to require a minor site plan modification and landscape permit to show the northern and western portions of the subject site providing one (1) medium tree for each twenty (20) linear feet, instead of one (1) large tree for each twenty-five (25) linear feet as proposed.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. Due to lack of access on the north side of the property 11 trees were possibly misidentified and were not measured. Once access to this area becomes available and before any trees are removed, the tree survey and disposition plan must be updated to provide the proper species and diameter for these trees. In accordance with code section 23.6-1 (j) (4) the area on the north side of the property must also be evaluated to determine if this area qualifies as a native community that must be preserved or reestablished elsewhere on the site. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although trees are proposed to be removed from the site to facilitate the construction, no mitigation is required due to onsite replacement. Since three (3) of the trees that are proposed to be removed are greater than 18 inches in diameter they must be replaced with trees that are at least six (6) inches in diameter. Staff is proposing a condition to submit a revised landscape plan and an updated tree survey and disposition plan to show changes reflecting the increase in diameter of the replacement trees.

Perimeter fencing and gates are proposed that allow secure access to the educational facility. On the east and south sides of the property abutting Barton Road and 16th Avenue South, a 6-foot high picket fence is proposed. Along the west and north sides of the property, a 6' high chain-link fence is proposed. All vehicular access gates are located along the Barton Road (east) frontage. The fencing and gates comply with LDR Section 23.4-4 (h) as conditioned.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to “*promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.*” These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis (including vehicular use areas): The proposed improvements to the site, including landscaping and architecture are consistent with the Site Design Qualitative Standards. The character of the proposed development is consistent with the surrounding areas.

The building is placed on the southwest corner of the unified property. The contemporary architecture enhances the pedestrian experience and streetscape on Barton Road. The off-street parking areas are adequately screened with fencing and landscaping. Driveway access is placed on the east side of the project, minimizing vehicular interaction with the single-family properties to the west and north. The dumpster will be located on the south side of the property within an enclosure and will provide collection and storage of solid waste and recyclables. Site lighting will comply with the City’s lighting design and illumination standards, so that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings and screen the vehicular use areas.

The proposed improvements to the site are harmonious as a whole, are visually appealing, and will be an asset to the neighborhood with the proposed landscaping and lighting.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family homes
South	Public (P)	Public (P)	16 th Avenue South ROW/School Board of Palm Beach County
East	Medium Density Residential (MDR)	Single-Family Two-Family (SF-TF)	Barton Road ROW/Single - family and two-family
West	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family homes

The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. The project is harmonious and compatible with the existing residential and non-residential area.

Community Appearance Criteria:

The proposed building and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape screening around the perimeter of the property, a new architecturally-appropriate building, and improved site circulation. The proposed contemporary architecture of the building is appropriate and in harmony with the surrounding residential and nonresidential area (public, single-family and two-family homes). Overall, the proposed development improves the visual appearance of the property.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to development a new structure greater than 7,500 square feet.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the existing educational structures on the property. The proposed education facility does not utilize the maximum development potential of the site. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an minor arterial roadway. The proposed associated site improvements will provide new screening and site circulation.

CONCLUSION AND CONDITIONS

The P zoning district implements the Public land use category of the Lake Worth Comprehensive Plan. The P district is intended to designate locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. The subject conditional use is consistent with the purpose of the P FLU category and P zoning district as it is an educational related use that supports local schools and teachers. Based on the data and analysis in this report and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential properties. Further, the proposed site improvements are consistent with the City's LDR requirements as conditioned, and will be an asset to the area with the proposed landscaping and lighting. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. A minor site plan amendment shall be required prior to building permit issuance to address the following:
 - a. Landscape Plan:
 - i. Provide an updated tree survey and disposition plan.
 - ii. Revisions to the western and northern portions of the site to replace the proposed large trees per 25 linear feet with medium trees for every 20 linear feet.
 - iii. Revisions reflecting changes to the tree survey and disposition plan.
 - iv. Revisions reflecting changes from the native community evaluation.
 - v. A landscape permit shall be required.
 - b. Proposed chain link fencing shall be vinyl coated (black or green).
 - c. Revise the site data and site plan to correct minor discrepancies.
2. Any proposed murals shall be reviewed by the Planning and Zoning Board as separate projects in accordance with LDR Section 23.5-1 (d)(13).
3. Any proposed signage shall require a building permit that complies with LDR Section 23.5-1 (e)(1).
4. Prior to building permit application:
 - a. A unity of title will be required for all applicable parcels (1421/1509/1511/1515 Barton Road).
 - b. An address application shall be required to be submitted prior to application for a building permit.
5. Exterior lighting shall be required to comply Dark Sky lighting guidelines, including using fully shielded fixtures and LED lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org

Public Works

1. 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.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
3. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage District's (LWDD) Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. 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.
4. In the event of a legal challenge to this approval, 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.
5. Prior to the issuance of a building permit, the Applicant shall contact and meet with a representative from the Public Services Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Services. Solid Waste Division contact number is 561-533-7344.
6. 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.
7. 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.
8. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
9. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
10. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
11. Prior to issuance of a certificate of occupancy, construct a new 5-foot wide sidewalk along Barton Road on the south side of the property to replace the existing sidewalk that serves as a driveway apron for existing parking spaces, in compliance with the Public Works Department's specifications and Policy and Procedure Manual. Area indicated on plan markup attached.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer to show the location of the meter center on the site plan.
3. Developer will be responsible for installing their own lighting for the parking areas.
4. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
5. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.
6. City of Lake Worth Beach Utility has existing underground primary cable and a pad-mount transformer along the south side of property 1515 Barton Rd. Please call Sunshine before performing any work within this vicinity and coordinate with the City of Lake Worth Beach Utility to de-energize services. The existing underground services will be used to energize future building.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project #22-01400032 for a Major Site Plan and Conditional Use Permit request to construct a ±31,962 square foot education facility with additional site improvements upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project #22-01400032 for a Major Site Plan and Conditional Use Permit request to construct a ±31,962 square foot education facility with additional site improvements. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Major Site Plan and Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. 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.</p>	In Compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, 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 a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	Not Applicable
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance, as conditioned
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance
<p>9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	In compliance

existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**

11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance, as conditioned**

12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**

15. Consideration of future development. In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>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.</i></p>	In compliance
<p><i>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.</i></p>	In compliance
<p><i>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.</i></p>	In compliance

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.* **Not applicable**
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.* **In compliance**
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.* **In compliance**
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.* **In compliance, conditioned**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
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.* **Not applicable**
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.* **In compliance**
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.* **Not applicable**
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.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance, as conditioned
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance
<p>3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i></p>	In compliance
<p>4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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.* **In compliance**

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.* **In compliance**