



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JULY 17, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [June 5, 2024 PZB Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) HYPERLINK "appISd6056c6496b54d8bb0b106ed4f650eb0"[A. 2121 10th Ave N](#)  
[B. 1969 10th Ave N](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [A Blanket Conditional Use Permit request for multiple conditional uses as provided for in LDR Section 23.3-6 for Finski LLC, Neptune Docks LLC, and CCB Investors Assets Management LLC located at 2121 10th Avenue North. The subject site is zoned Mixed Use- West \(MU-W\) and has a future land use designation of Mixed Use – West \(MU-W\).](#)
- B. [Conditional Use Permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. The subject property is zoned Mixed Use West \(MU-W\) and has a Mixed Use - West \(MU-W\) future land use 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 MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JUNE 05, 2024 -- 6:07PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Evelyn Urcuyo. Absent: Daniel Walesky; Hank Pawski. Also present: Karina Campos, Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:**

- A. May 1, 2024 Regular Meeting Minutes

Motion to accept the minutes as presented; Ayes all, unanimous

**CASES:**

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

**PROOF OF PUBLICATION** Provided in the meeting packet.

- 1) a. 24-01500003 - 531 North C Street
- b. 24-00500005 - 818 North Dixie Hwy
- c. 24-00500006 - 1928 Lake Worth Rd

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. **PZB Project Number 24-01500003:** Consideration of two variances to allow an 8-foot-tall fence and to allow a fence without the required side setback and landscape screen at 531 North C Street. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Staff:** K. Campos presents case findings and analysis. In 1990 a permit was issued for an eight (8) foot fence on the eastside inside the hedges. Another permit was issued in January 2023 for repair and

replace; a third permit for replacing the fence in Dec 2023 disapproved due to location. A 40-foot section of the fence along 6<sup>th</sup> Ave North was replaced without permit. The fencing as installed does not meet the code with respect to fence height, setback and landscape screening requirements.

A review of the four variance criteria indicates the application does not meet the criteria and should not be approved.

1. Special circumstances peculiar to the land and do not apply to nearby properties: Applicant contends the 6-foot height as per the LDR's is insufficient to maintain their privacy. the required setback would require the removal of the trees; **Response:** Staff horticulturalist indicates the fence could be placed behind the trees. Homes on corner lots are common throughout the City and the 6-foot height requirement along the side property line adjacent to roadways is a requirement for all homes including corner lots.
2. Strict application would deprive the applicant of any reasonable use of the land – the property has accommodated a single-family use for over 77 years. The application of the code to the fence would not deprive the owner of any reasonable use of the land.
3. Is the request the minimum required variance which makes possible reasonable use of the land – a variance is not required for reasonable use of the land. A six-foot fence with setback and screening per the LDR's provide sufficient privacy and security.
4. Will the variance be unduly injurious to the community and neighboring properties and in accordance with the spirit and purpose of the chapter? – The variance would have a negative visual impact on the surrounding properties and neighborhood; is contrary to the regulations as the LDR's were adopted through Ordinance. The regulations were intended to provide a visual and physical buffer between tall fencing and the sidewalk.

**Applicant/Property Owner** - Sharon Thompson- States the fence, as installed prior to her ownership, was at eight (8) feet. The replaced eight-foot gate was permitted. A tree fell on the fence and she had no time to apply for a permit before replacing the 40 foot section with an eight foot fence that matches the balance of the existing.

**Board:** Board member asks for clarification on the request. **Response:** The fence is on the property line and not setback with screening; the fence is eight- (8) feet in height. The 8-foot fence was permitted in the alley. **Board** asks if it is a partial replacement? **Response:** Code states a repair as being less than a 16-foot section. Anything over that requires a permit. The total linear footage replaced was forty (40) feet. **Board:** Would hurricane damage or car penetration require a permit? **Response:** Yes, if over 16 linear feet. **Board:** The fence could be lowered/cut to six-foot or moved back. **Board:** A previous case was Conditioned to cut the fence to height as per the LDR's. Consistent decisions in applying the Code is important. **Board:** Staff should provide a real analysis/report telling the real issue. If staff is saying "apply for a variance". The issue is not "what are the standards for a variance". Believes the variance rules should work and not have to respond to each other individually.

**Staff:** Staff works with applicants to remedy the code issues and offers solutions however if no resolution can be arrived at, the applicant has the option to apply for a variance.

**Board attorney:** Each of the criteria should be addressed as to how a decision will be reached whether in favor of granting the variance or against. There is no grandfathering in Code, this is how a City brings properties into compliance over time as Code changes also occur. If you need a permit and don't comply with Code, an applicant won't receive a permit. The applicant will end up in Code Compliance and here at Board. Staff analyses the site as it stands, the request and current Code.

Board member would like to have a printed copy of the applicant's justification at the Board meeting. Other Board members would like it to be provided in the presentation.

**Motion:** M. Humm moves to disapprove **PZB 24-01500003**, to be consistent with previous decisions. Motion fails for lack of a second.

**Motion:** Z. Shamsi-Basha moves to approve **PZB 24-01500003** as the request meets the variance criteria for the following reasons:

1. Applicants statement of issue. 2. Photos submitted within online packet and 3. Testimony of staff, applicant and Board; E. Urcuyo 2<sup>nd</sup>.

**Vote:** 4/1 in favor; M. Humm dissenting.

**Board Attorney:** Advised the Chair cannot make the motion without passing the gavel, however Chair can second the motion.

**B. PZB Project Number 24-00500006:** A conditional use permit request for a ±3,700 square-foot medical office located at 1928 Lake Worth Road. The subject property is zoned Mixed Use- West (MU-W) and has a Transit Oriented Development (TOD) future land use designation.

**Staff:** S. Rodriguez presents case findings and analysis.

**Applicant:** Not present.

**Board:** Inquires as to why the Conditions of Approval include items pertaining to the property owner and why other businesses cannot receive their license.

**Board Attorney:** Commercial properties with multiple tenants require the entire property to be in compliance with code. Any violations must be brought into compliance before the individual business owner can be issued a business license.

**Board:** Has the case been resolved? **Response:** That information is with the Code Compliance Division.

**Motion:** E. Urcuyo moves to approve **PZB 24-01500006** with staff recommended Conditions of Approval based upon the competent and substantial evidence provided in the staff report and in the testimony at public hearing D. Mathews 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. PZB Project Number 24-00500005:** A conditional use permit request for a ±850 square foot medical office located at 818 North Dixie Highway. The subject property is zoned Mixed Use – Dixie Highway (MU-Dixie) and has a Mixed Use-East (MU-E) future land use designation.

**Staff:** S. Rodriguez presents case findings and analysis.

**Applicant:** Does not have a presentation, questions or additional information.

**Motion:** D. Mathews moves to approve **PZB 24-00500005** with staff recommended Conditions of Approval based upon the competent and substantial evidence provided in the staff report and testimony at the public hearing; J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**D. Ordinance 2024-08:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 – Off-Street Parking

**Board Attorney Elizabeth Lenihan reads Ordinance 2024-08 Title.**

**Staff:** S. Rodriguez states the change eliminates the inclusion of the fee in the Land Development Regulations. The fee will now become integrated into the annual City Fee Schedule. This allows for ease of changes going forward.

**Motion:** Z. Shami-Basha moves to recommend adoption of the proposed LDR Text Amendment (Ordinance 2024-08) to the City Commission; M. Humm 2<sup>nd</sup>

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** S. Rodriguez – The July 3 meeting will be re-scheduled to the 3<sup>rd</sup> Wednesday July 17, 2024 due to the holiday.

Queried the Board as to what and how they would like to see data.

**Board:** Suggestions include an on-screen presentation; provision of the applicant's justification to fully understand the request; defining what a hardship means; lastly consistent application of code to the facts.

**Board Attorney:** Variances are difficult for a reason and require a high standard of proof.

**Staff:** The applicant is provided with solutions to the issue. Staff works with the applicant to resolve the issue at hand and does not start the conversation with the variance as being a solution. It is an option/solution of last resort.

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 6:56 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, July 17, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 24-00500008: A Blanket Conditional Use Permit request for multiple conditional uses as provided for in LDR Section 23.3-6 for Finski LLC, Neptune Docks LLC, and CCB Investors Assets Management LLC located at 2121 10th Avenue North. The subject site is zoned Mixed Use- West (MU-W) and has a future land use designation of Mixed Use - West (MU-W). PCN # 38-43-44-20-01-032-0010.**

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](mailto: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](mailto: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](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
July 4, 2024

**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, July 17, 2024, at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project Number 24-00500007: A conditional use permit request for a ±3,600 square-foot Minor Vehicular Service and Repair use located at 1969 10th Avenue North. The subject property is zoned Mixed Use West (MU-W) and has a Mixed Use West (MU-W) future land use designation. PCN # 38-43-44-21-43-000-0130.**

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  
July 4, 2024

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-00500008:** A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Finski LLC, Neptune Docks LLC, and CCB Investors Assets Management LLC located at 2121 10th Avenue North. The subject site is zoned Mixed Use- West (MU-W) and has a future land use designation of Mixed Use – West (MU-W).

**Meeting Date:** July 17, 2024

**Property Owner:** Finski, LLC; Neptune Docks, LLC; CCB Investors Assets Management, LLC

**Applicant:** Daniel May

**Address:** 2121 10<sup>th</sup> Avenue North

**PCN:** 38-43-44-20-01-032-0010

**Size:** 2.6395-acre site / ±31,092 square-foot building

**General Location:** South side of the 2000 Block of 10<sup>th</sup> Ave N

**Existing Land Use:** Commercial/  
Retail/Personal Service

**Current Future Land Use Designation:**  
Mixed-Use - West (MU-W)

**Zoning District:** Mixed-Use - West (MU-W)

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 Blanket Conditional Use request is 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 6-9 of this report.

## PROJECT DESCRIPTION

The applicant, Daniel May on behalf of Finski, LLC; Neptune Docks, LLC; and CCB Investors Assets Management, LLC, is requesting a Blanket Conditional Use Permit (CUP) to allow for several low (use area less than 2,500 square feet), medium (use area less than 7,500 square feet), and high intensity (use area greater than 7,500 square feet) uses that could occur within the ±31,092 square-foot commercial building, as follows:

### Low Intensity

- Ballroom, Banquet and Meeting Rooms
- Governmental Admin Office
- Single Destination Commercial
- Sculpture Studio with Kiln

### Medium Intensity

- Administrative/Professional Services (Nonmedical)
- Artisan or Art Studio
- Ballroom, Banquet and Meeting Rooms
- Business Services
- Call Center
- Catering/Caterer
- Contractor Show Room
- Governmental Admin Office
- Gym/Studio, Fitness or Dance
- Gymnastic Studios/Training Facilities
- Health Clinics/Urgent Care
- Holistic Health Care Facility
- Indoor Commercial Recreation
- Kitchen Millwork/Design Studio
- Out Patient Clinics/Medical Office
- Personal Grooming Service and Day Spa
- Pet Grooming with Boarding
- Pharmacy/Drug Store
- Photography Studio
- Places of worship
- Printing Services
- Recording Studio
- Restaurants
- Retail Bakery
- Single Destination Commercial
- Single Destination Retail
- Social Service Center
- Stand Alone Retail

- Veterinary Offices with or without kennels

### High Intensity

- Administrative/Professional Services (Nonmedical)
- Artisan or Art Studio
- Ballroom, Banquet and Meeting Rooms
- Business Services
- Contractor Show Room
- Dead Storage Facilities
- Film Studio
- Governmental Admin Office
- Gym/Studio, Fitness or Dance
- Gymnastic Studios/Training Facilities
- Health Clinics/Urgent Care
- Home improvement Center
- Indoor Commercial Recreation
- Merchant Retail Stock
- Out Patient Clinics/Medical Office
- Pharmacy/Drug Store
- Printing Services
- Radio Broadcasting Studio
- Recording Studio
- Restaurants
- Single Destination Retail
- Single Destination Commercial
- Stand Alone Retail
- Television Production Studio
- Veterinary Offices with or without kennels

### COMMUNITY OUTREACH

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

### BACKGROUND

**Existing Development:** The existing building on the site was constructed in 1982. The 31,092 square-foot structure currently has a total of 14 tenant spaces ranging from 800 to 14,000 square feet with approximately 150 off-street parking spaces.

**Addressing:** The parcel historically has had several addresses. The site has a main address through the Palm Beach County (PBC) Property Appraiser's office and the city's internal business activity management software called Naviline [Enterprise Resource Planning (ERP) and Utility Billing (UB) system]. The main address is 2121 10<sup>th</sup> Avenue North.

**Land Use:** There are numerous active business licenses for uses located at the site. The site has a history of being occupied by different commercial, retail, and service uses. Active Business Licenses within 2107-2141 10<sup>th</sup> Ave N:

- Punto Rojo II, Inc. – Restaurant – 2107 10<sup>th</sup> Ave N
- Los Angeles Income Tax Services – Income Tax Service – 2111 10<sup>th</sup> Ave N
- Avon By Kaylani, Inc. – Retail Stock – 2113 10<sup>th</sup> Ave N
- Easy Reach Chiropractic, LLC. – Business Office – 2121 10<sup>th</sup> Ave N
- Finski, LLC; Neptune Docks, LLC; & CCB Investors – Commercial/Industrial – 2121 10<sup>th</sup> Ave N

- Rainbow of Life Behavior Health Center, LLC. – Business Office – 2121 10<sup>th</sup> Ave N
- Brighter Minds Behavioral Health Center – Business Office – 2121 10<sup>th</sup> Ave N
- Easy Reach Physical Therapy & Rehab, Inc. – Business Office – 2121 10<sup>th</sup> Ave N
- Los Compadres, Corp. – Restaurant – 2123 10<sup>th</sup> Ave N
- Amazulu Transport, Inc. – Business Office – 2125 10<sup>th</sup> Ave N
- M & Y Nails and Beauty Salon, LLC. – Beauty Salon/Shop/Salon – 2127 10<sup>th</sup> Ave N
- Elim Temple Church of God, Inc. – Charitable Organization – 2129 10<sup>th</sup> Ave N
- Ministerio Evangelistico “La Gran Cosecha,” Inc. – Meeting Hall – 2133 10<sup>th</sup> Ave N
- Iglesia Pentecostes Restaurados Por El Espiritu – Meeting Hall – 2137 10<sup>th</sup> Ave N
- Zion Watchmen, Inc. – Meeting Hall – 2139 10<sup>th</sup> Ave N
- A.R. Williams Air Conditioning – Contractor – 2141 10<sup>th</sup> Ave N

**Code Compliance:** There are no open code compliance cases on the property.

## ANALYSIS

### *Consistency with the Comprehensive Plan and Strategic Plan*

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the MU-W land use area is that it allows higher-intensity uses as well as higher height limits along the City’s western thoroughfares. The proposal would allow for the establishment low, medium, and high intensity uses within an existing commercial building along one of the City’s Major Thoroughfares, 10th Avenue North. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-W FLU.

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, medium, and high 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 polices of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

### *Consistency with the Land Development Regulations*

Per LDR Section 23.3-18, the MU-W mixed use district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city’s western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

**Analysis:** The applicant is requesting a Blanket Conditional Use Permit to allow several low, medium, and high intensity uses. A majority of the uses requested will have minimal impacts to the adjacent properties and are appropriate within the MU-W zoning district. The property manager 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. The Blanket CUP request will not capture vehicular and industrial use classifications that may have adverse impacts or are generally not compatible in the MU-W zoning district. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building is 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 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.

There are several proposed uses that require additional review subject to LDR Section 23.4-13, *Administrative uses and conditional uses*: medical related uses (outpatient clinic/medical office and the health clinics/urgent care), pharmacy/drug store, places of worship, single destination commercial, single destination retail, and stand alone retail. The uses are consistent with the intent of the MU-W zoning district as conditioned and the review criteria located in Attachment B.

**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.*

**Analysis:** The structure on the property was constructed in the 1982. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the Land Development Regulations is applicable (LDR Section 23.5-3). The existing nonconformities related to impermeable surfaces and building setbacks are not proposed to be increased or negatively impacted by the subject Blanket Conditional Use request. The proposed Blanket Conditional Use is consistent with the City's LDRs on the following data and analysis:

**LDR 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.*

**Analysis:** The request is for conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. The existing site has ±31,092 square feet of multiple-use tenants. The site currently has approximately 150 parking spaces and will be able to accommodate proposed uses.

**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:** In 2020, the site obtained approval for a conditional use permit (CUP) and an administrative use permit (AUP). As part of the development orders, landscape plans and permits were submitted and approved by the City. Staff is proposing a condition on the subject application to ensure minimum maintenance requirements of the approved landscape plans are met per LDR Section 23.6-1(d), *Minimum maintenance requirements*; and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*.

#### **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:** 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 Mixed-Use - West (MU-W) 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.***

**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 uses will not impact traffic circulation on the site and staff will proposed a condition to ensure adequate screening is continuously maintained.

#### **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.*

**Analysis:** As previously noted, several uses require additional review subject to LDR Section 23.4-13, *Administrative uses and conditional uses*. Staff is proposing conditions to ensure that all use-specific requirements, per this section, shall provide evidence of compliance at the time of business license application.

### **CONCLUSION AND CONDITIONS**

The MU-W district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2-29. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

#### **Planning, Zoning, & Landscaping**

1. The Blanket Conditional Use Permit (CUP) includes the following low, medium, and high intensity uses within the approximately ±31,092 square feet of the existing commercial building subject to all applicable conditions of approval and business license approval:

**Low Intensity**

- Ballroom, Banquet and Meeting Rooms
- Governmental Admin Office
- Single Destination Commercial
- Sculpture Studio with Kiln (low intensity only)

**Medium Intensity**

- Administrative/Professional Services (Nonmedical)
- Artisan or Art Studio
- Ballroom, Banquet and Meeting Rooms
- Business Services
- Call Center
- Catering/Caterer
- Contractor Show Room
- Governmental Admin Office
- Gym/Studio, Fitness or Dance
- Gymnastic Studios/Training Facilities
- Health Clinics/Urgent Care
- Holistic Health Care Facility
- Indoor Commercial Recreation
- Kitchen Millwork/Design Studio
- Out Patient Clinics/Medical Office (medium to high intensity)
- Personal Grooming Service and Day Spa (medium intensity; permitted by right in low intensity)
- Pet Grooming with Boarding (medium intensity only)
- Pharmacy/Drug Store (medium to high intensity; what about low? There's also an accessory pharmacy)
- Photography Studio (medium only)
- Places of worship (medium intensity)
- Printing Services (medium to high intensity; permitted by right in low)
- Recording Studio (medium to high intensity)
- Restaurants (medium to high intensity; permitted by right in low)
- Retail Bakery (medium only)
- Single Destination Retail (medium to high intensity)
- Single Destination Commercial
- Social Service Center (medium intensity)
- Stand Alone Retail (medium to high intensity)
- Veterinary Offices with or without kennels (medium to high intensity)

**High Intensity**

- Administrative/Professional Services (Nonmedical) (medium to high intensity; permitted by right in low)
- Artisan or Art Studio (medium to high intensity)
- Ballroom, Banquet and Meeting Rooms (low, medium, and high intensity)
- Business Services (medium to high intensity)
- Contractor Show Room (medium to high intensity)
- Dead Storage Facilities (high only)
- Film Studio (high intensity only)
- Governmental Admin Office (low, medium, and high intensity)
- Gym/Studio, Fitness or Dance (medium to high intensity; permitted by right in low)
- Gymnastic Studios/Training Facilities (medium to high intensity)

- Health Clinics/Urgent Care (medium to high intensity)
  - Home improvement Center (high intensity only)
  - Indoor Commercial Recreation (medium to high intensity)
  - Out Patient Clinics/Medical Office (medium to high intensity)
  - Pharmacy/Drug Store (medium to high intensity; what about low? There's also an accessory pharmacy)
  - Printing Services (medium to high intensity; permitted by right in low)
  - Radio Broadcasting Studio (high intensity only)
  - Recording Studio (medium to high intensity)
  - Restaurants (medium to high intensity; permitted by right in low)
  - Single Destination Retail (medium to high intensity)
  - Single Destination Commercial
  - Stand Alone Retail (medium to high intensity)
  - Television Production Studio (high only)
  - Veterinary Offices with or without kennels (medium to high intensity)
2. All applicable use-specific development standards and regulations, per LDR Section 23.4-13, shall provide evidence of compliance at the time of business license application.
  3. The Out-Patient Clinics/Medical Office and Health Clinics/Urgent Care uses shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15, *Medical related uses*:
    - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m.
    - b. Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.
    - c. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
    - d. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
  4. The Pharmacy/Drug Store shall comply with the following supplemental regulations per LDR Section 23.4-13(c)16, *Pharmacy/Drug Store*:
    - a. Hours of operation shall be weekdays anytime between 7:00 a.m. to 10:00 p.m.
    - b. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
    - c. All services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
    - d. As a principal use, it cannot be located closer than one thousand (1,000) feet from another pharmacy/drug store.
  5. A Place of Worship shall comply with the following supplemental regulations per LDR Section 23.4-13(c)9, *Place of Worship*:
    - a. Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.
    - b. Off street parking shall be governed by section 23.4-10. If multiple uses are proposed for the site, the mixed-use parking regulations shall be applicable.
  6. A Single Destination Commercial, Single Destination Retail, and Stand Alone Retail shall comply with the following supplemental regulations per LDR Section 23.4-13(c)5, *Single destination retail uses including stand-alone retail and single destination commercial uses*:
    - a. Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. Site landscaping shall comply with adopted landscape regulations.

- b. Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street.
  - c. Outdoor display of more than three (3) individual items is strictly prohibited.
  - d. Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable.
  - e. Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.
  - f. All sales transactions, except during city approved special events, shall take place within the building.
  - g. Walk up sales windows shall be treated as a drive through facility and be regulated as such.
7. No outdoor storage or outdoor use is permitted as part of this approval.
  8. Prior to issuance for each business license, the subject tenant shall submit a PBC Wellfield Permit affidavit of notification to PBC Environmental Resources Management.
  9. 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).
  10. The proposed conditional uses will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
  11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupants must obtain and maintain the required Business Licenses for the businesses.
  12. The City shall revoke the business licenses 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 any of the requested uses.
  13. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code and Palm Beach County Fire Rescue.
  14. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.
  15. Landscaping shall be subject to 23.6-1(d), *Minimum maintenance requirements*; and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. General and use-specific landscaping will be reviewed by City of Lake Worth Beach's Code Compliance during each subject tenant's Use & Occupancy inspection.

#### **Utilities Water, Sewer, & Storm**

1. Please provide a grease trapper for the usage of a restaurant.

#### **Electric Utilities**

1. If the owner performs any electrical work, load calculations and voltage requirements shall be provided.

#### **BOARD POTENTIAL MOTION:**

I move to **approve with conditions** the request for PZB Project Number 24-00500008 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 24-00500008 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 (justification statement, survey, 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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>

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| 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> | <b>In compliance, as conditioned</b> |
| 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>  | <b>Not applicable</b>                |

### ATTACHMENT B – Conditional Use Standards

Section 23.4-13(15)(B)(1-7) Medical Related Uses – Regulations and Standards	Analysis
1. <i>All such uses shall front a major thoroughfare.</i>	<b>In compliance</b>
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.</i>	<b>In compliance, as conditioned</b>
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.</i>	<b>In compliance, as conditioned</b>
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement.</i>	<b>NA</b>
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement.</i>	<b>NA</b>
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use.</i>	<b>In compliance, as conditioned</b>
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	<b>In compliance, as conditioned</b>
Section 23.4-13(16)(B)(1-8) Pharmacy/Drug Store – Regulations and Standards	Analysis
1. <i>All such uses shall front a major thoroughfare.</i>	<b>In compliance</b>
2. <i>Hours of operation shall be weekdays anytime between 7:00 a.m. to 10:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will</i>	<b>In compliance, as conditioned</b>

*not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.*

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| 3. | <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement.</i>  | <b>NA</b>                            |
| 4. | <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement.</i>  | <b>NA</b>                            |
| 5. | <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use.</i>  | <b>In compliance, as conditioned</b> |
| 6. | <i>All services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>  | <b>In compliance, as conditioned</b> |
| 7. | <i>As a principal use, it cannot be located closer than one thousand (1,000) feet from another pharmacy/drug store.</i>  | <b>In compliance, as conditioned</b> |
| 8. | <p><i>In addition to the regulations and standards above (excluding subsection (7) above), a pharmacy can be approved as an accessory use with the following conditions:</i></p> <ul style="list-style-type: none"> <li><i>i. In the DT zoning district, such use shall only be accessory to medical related uses (See <a href="#">section 23.4-13(c)15</a>).</i></li> <li><i>ii. Such use shall be approved only as a conditional use.</i></li> <li><i>iii. Such use may only be ten (10) percent or twenty-five hundred (2,500) square feet of the gross floor area of the principal use, whichever is less.</i></li> <li><i>iv. Such use must be located entirely within the principal use.</i></li> <li><i>v. Such use shall not have a separate outside entrance from the principal use.</i></li> <li><i>vi. The hours of operation shall be equal to or less than that of the principal use.</i></li> <li><i>vii. Such use shall not be advertised or provided signage separate from the principal use.</i></li> </ul> | <b>NA</b>                            |

<b>Section 23.4-13(9)(B)(1-4) Place of Worship – Design and Performative Standards</b>	<b>Analysis</b>
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| 1. | <i>Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site specific review basis.</i>                              | <b>In compliance, as conditioned</b> |
| 2. | <i>All vehicular parking shall be provided with an adequate landscape buffer from adjacent residential uses.</i>   | <b>NA</b>                            |
| 3. | <i>Off street parking shall be governed by section 23.4-10. If multiple uses are proposed for the site, the mixed use parking regulations shall be applicable.</i>     | <b>In compliance, as conditioned</b> |
| 4. | <i>Nonhabitable space of structures associated with belfries, steeples, or religious symbols shall not be included in the overall height measurement of structure.</i> | <b>NA</b>                            |

Section 23.4-13(5)(B)(1-12) Single Destination Retail Uses including Stand Alone Retail and Single Destination Commercial Uses – Design and Performance Standards	Analysis
1. <i>Minimum site area: Ten thousand (10,000) square feet.</i>	<b>In compliance</b>
2. <i>Minimum lot width: One hundred (100) feet.</i>	<b>In compliance</b>
3. <i>Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area. Site landscaping shall comply with adopted landscape regulations.</i>	<b>In compliance, as conditioned</b>
4. <i>Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s), pay phones or other common area(s) is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined in subsection (5), above. All fences and walls shall be constructed of concrete, masonry or metal. Metal fences shall be open weave chain link, vinyl coated type combined with a shrub hedge or ornamental in nature. Walls shall be finished with a graffiti-resistant paint.</i>	<b>NA</b>
5. <i>Pay telephones, ATMs and vending machines. Vending machines or any facility dispensing cash or merchandise shall be confined to space built into the building or enclosed in a separate structure compatible with the main building. Pay phones must be attached to the building or within ten (10) feet of the main entrance. Where appropriate and feasible, such facilities shall not be visible from a side street.</i>	<b>In compliance, as conditioned</b>
6. <i>Variances for minimum site area shall not be granted.</i>	<b>NA</b>
7. <i>Establishments must front one of the city's major thoroughfares.</i>	<b>In compliance</b>
8. <i>Outdoor display of more than three (3) individual items is strictly prohibited.</i>	<b>In compliance, as conditioned</b>
9. <i>Establishments must have at least twenty-five (25) percent clear glazing and fenestration along frontages and entrances clearly identifiable.</i>	<b>In compliance, as conditioned</b>
10. <i>Display windows must have engaging and pedestrian friendly vignettes. Covering of display windows with posters, paper, advertisements, written signs and similar shall be strictly prohibited. Vacant buildings shall have approved vignettes covering windows until an active business is established and operating.</i>	<b>In compliance, as conditioned</b>
11. <i>All sales transactions, except during city approved special events, shall take place within the building.</i>	<b>In compliance, as conditioned</b>
12. <i>Walk up sales windows shall be treated as a drive through facility and be regulated as such.</i>	<b>In compliance, as conditioned</b>

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-00500007**: A conditional use permit request for a ±3,600 square foot Minor Vehicular Service and Repair use located at 1969 10<sup>th</sup> Avenue North. The subject property is zoned Mixed Use West (MU-W) and has a Mixed Use West (MU-W) future land use designation.

**Meeting Date:** July 17, 2024

**Property Owner:** Balestrate LLC

**Applicant:** Maurizio Finazzo – Romano Enterprises Group LLC

**Address:** 1969 10<sup>th</sup> Avenue North

**PCNs:** 38-43-44-21-43-000-0130

**Size:** ±4.37 acre lot / ±3,600 square feet of business use area

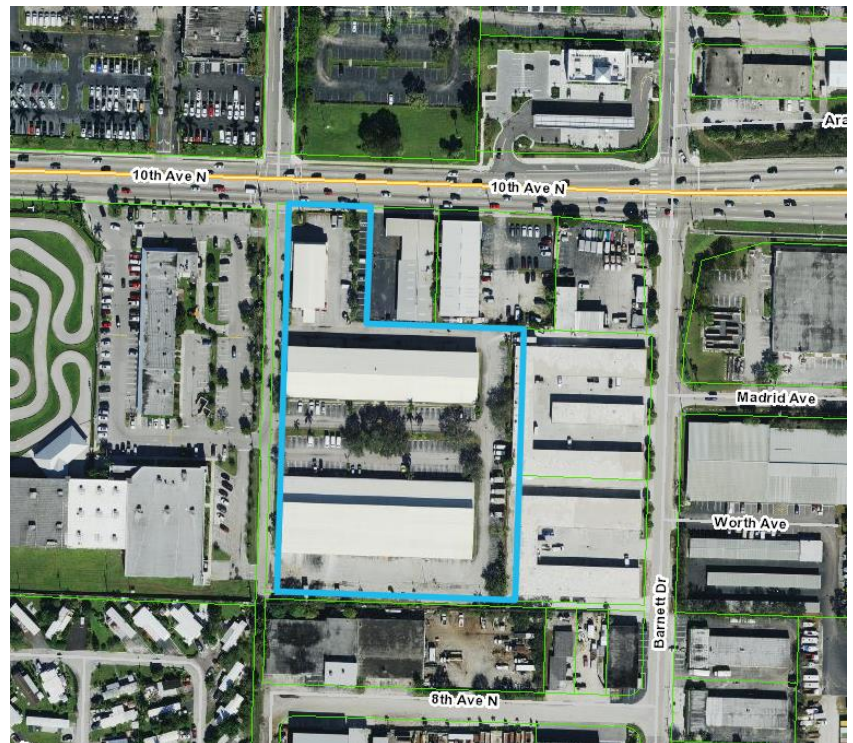
**General Location:** The southeast corner of 10<sup>th</sup> Avenue North and Detroit Street

**Existing Land Use:** Merchant Inventory – Wholesale/Distribution

**Current Future Land Use Designation:** Mixed Use West (MU-W)

**Zoning District:** Mixed Use West (MU-W)

**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. Staff recommends that the Planning and Zoning Board approve the proposed Conditional Use Permit (CUP) as it meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 through 7 of this report.

## PROJECT DESCRIPTION

The applicant, Maurizio Finazzo on behalf of Romano Enterprises Group LLC, is requesting a **Conditional Use Permit (CUP)** to establish a Minor Vehicular Service and Repair use ( $\pm 3,600$  square feet) in the Mixed Use West (MU-W) zoning district located at 1969 10<sup>th</sup> Avenue North. Romano Enterprises Group LLC has an existing tire wholesale business at the subject site. The applicant is proposing to expand vehicular services by providing tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The subject site is located on the corner of 10th Avenue North and Detroit Street.

## COMMUNITY OUTREACH

At the time of publication, staff have 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 overall site is  $\pm 4.37$  acres and has three (3) structures that were constructed in 1985. There are a total of 21 bays at the site; each bay has its own parcel number and is individually owned.

**Use:** Within the three (3) structures at the site, there are various uses including commercial and industrial uses. The applicant, Romano Enterprises Group LLC, currently has an active business license at 1969 10<sup>th</sup> Avenue North for a tire wholesale business.

**Code Compliance:** At the time of publication, City records indicate there are no active code cases associated with 1969 10<sup>th</sup> Avenue North.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use West (MU-W). Per Policy 1.1.1.6, *the MU-W FLU is intended to provide a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the Mixed Use West land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use West category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-W sites adjacent to residential zoning districts. The implementing zoning district is MU-W.*

The MU-W FLU permits higher-intensity uses for sites west of I-95. The subject site is west of I-95 and is requesting to provide a medium intensity Minor Vehicular Service and Repair use service within an existing ±3,600 square foot bay.

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. Pillars IV.A and 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.

The proposed Conditional Use Permit will allow for the establishment of a Minor Vehicular Service and Repair use that will add to the diversification of the economy. The proposed use may also promote economic and financial stability by creating a versatile tax base and by sustaining or increasing jobs, therefore the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit 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 City's Land Development Regulations

**The Mixed Use West (MU-W) zoning district** is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed use land use category of the Lake Worth Comprehensive Plan.

**Analysis:** The applicant is requesting a Conditional Use Permit for a Minor Vehicular Service and Repair use. Based on staff analysis, the proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The existing site is served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditure is required to service the proposed use.

The proposed vehicular use is subject to City Use Table requirements within LDR Section 23.3-6. The Use Table identifies that a medium intensity (use area less than 7,500 square feet) Minor Vehicular Service and Repair use requires a Conditional Use Permit which is subject to additional supplemental regulations per LDR Section 23.4-13(c)(1)(A)(4), *Vehicular services and repair facilities – Major or minor, or repair and maintenance services – Major*. The proposed use, as conditioned, is consistent with the intent of the MU-W zoning district and supplemental regulations. The analysis for the Conditional Use Permit is provided in the section below and is consistent with the review criteria located in Attachment A. The Minor Vehicular Service and Repair use is also consistent with the additional supplemental regulations located in Attachment B.

The Department of Community Sustainability is 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.

**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.*

**Analysis:** The three existing structures on the site were built in 1985. The existing site conditions do not conform to the current LDRs in regard to impermeable surfaces and landscape; 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 as conditioned based on the following data and analysis.**

**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:** Based on City records, the site currently has four (4) dumpsters. Per the recorded Declaration of Condominium of Gaslight Business Park, all units are to share the existing site dumpsters. The existing locations of the dumpster do not match the approved location for the dumpsters. A condition is proposed for the applicant to coordinate with Public Works on refuse service and location for the Minor Vehicular Service and Repair use.

**Per LDRs Section 23.4-10.f)2.A., Exceptions (Off-street Parking).** *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.*

**Analysis:** Vehicular service and repair facilities are subject to additional supplemental standards including the requirement to have three (3) parking spaces for each service bay, plus one parking space for each three hundred (300) square feet of non-service enclosed area. Therefore, the Minor Vehicular Service and Repair use requires a minimum of nine (9) parking spaces. Based on the recorded Declaration of Condominium of Gaslight Business Park documents, the site has shared parking for all 21 bays and their customers. City records, including a site plan from 1987, indicate the ±4.37-acre site was approved and required to have a minimum of 185 parking spaces. Aerial images from the Palm Beach County Property Appraisers website indicate that the parking strips for 32 parking spaces on the southern (rear) end of the property were removed. A condition is proposed to require a site plan amendment to restripe and restore the parking spaces, as well as to clarify which 9 spaces will be designated for the vehicular service and repair use.

**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" consistent with this section including a landscape strip ten (10) feet in depth.*

**Analysis:** The existing nonconforming property exceeds the MU-W zoning district impermeable surface coverage allowance and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Vehicle service and repair facilities

are also subject to additional supplemental landscape standards including the requirement that the site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.

Aerial images from the Palm Beach County Property Appraisers website indicate a landscape island of approximately 300 linear feet was removed from the southern (rear) end of the property. Staff are proposing a condition to require a site plan amendment to restore the removed landscape island and to add landscape to the perimeter (west and south sides of the property) to meet the supplemental regulations.

#### **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:** The proposed conditional use, as conditioned, is in general harmony with the surrounding area. The Minor Vehicular Service and Repair use is an anticipated use in the MU-W zoning district. The proposed use will not result in less public benefit, nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

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

**Analysis:** The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant, Romano Enterprises Group LLC, has an existing tire wholesale business at the subject site and is proposing to provide vehicular services. The services provided will include tire installations, balancing, alignments, brake replacements, shock absorber replacements, and suspension repairs on cars, trucks, and SUVs. The business hours of operation will be 8:30 AM to 7:30 PM. The site is already served by municipal services, including water, sewer, refuse, fire and police. The site is also located on a local roadway, 10<sup>th</sup> Avenue and Detroit Street. Therefore, no additional public expenditure is required to service the proposed use. Staff are proposing a condition to require all vehicular service repairs indoor.

#### ***Section 23.2-29.g) Additional requirements.***

**Analysis:** As of the date of this report transmittal, there is no active code compliance case at 1969 10<sup>th</sup> Avenue North.

#### **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.*

**Analysis:** Per LDR Section 23.4-13.c.1(4) vehicle service and repair facilities are subject to design and performance standards. As outlined in Attachment B, the proposed use complies with the supplemental standards. Staff have included conditions of approval regarding hours of operation, equipment location, landscaping, and parking.

## **CONCLUSION AND CONDITIONS**

The Mixed Use West (MU-W) zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a

negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting documents provided by the applicant, the request for Minor Vehicular Service and Repair use is not anticipated to negatively impact adjacent properties as conditioned. The proposed Conditional Use Permit will be compatible with other commercial uses provided within the Mixed Use West (MU-W) zoning district. Therefore, a recommendation of approval is provided the Planning and Zoning Board with the following conditions:

**Planning & Zoning, and Landscaping:**

1. Prior to the issuance of a business license, a minor site plan amendment application shall be required to address refuse location(s), landscaping, and parking spaces as described below. The application and associated site improvements shall be approved and completed within one (1) year of the issuance of this CUP approval.
  - a. Restore and re-stripe parking spaces to the southern (rear) end of the property.
  - b. Designate nine (9) parking spaces for the proposed Minor Vehicular Service and Repair use.
  - c. Restore the landscape island to the southern (rear) end of the property.
  - d. Install a five-foot wide landscape buffer with shrubs and shade trees planted every twenty-five (25) linear feet along the west and south perimeter of the site.
  - e. Coordinate with Public Works on the location and screening of the refuse area(s). The location of the screened refuse area shall comply with LDR requirements and be approved by the Public Works Department
2. Based on City definition of vehicle service and repair, minor (LDR Section 23.1-12), the use may include the following: A business providing brake repairs, tire repair and installation, muffler replacement, and oil changes not including repairs to the drive train or requiring the removal of the engine block, drive train or other major engine components. This includes establishments engaged in the installation, maintenance, and repair of motor vehicle parts or systems that require basic standard maintenance and shall include but not be limited to air conditioning systems, audio systems, brakes, oil and fluid changes, shock absorbers, tune-ups, window tinting, washing and detailing, and wheel alignment and balancing for automobiles, trucks, and motorcycles. Any minor vehicle service and repair use that requires outdoor storage or activities and overnight parking of vehicles being serviced will be considered a major vehicle service and repair use.
3. No on-street parking is permitted for vehicles being serviced.
4. Major vehicular service and repair is prohibited, which includes repairs to transmissions, painting and body work, frame repair, upholstery, engine, air conditioning systems, electrical systems, operations systems, and drive trains.
5. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)(1):
  - a. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
  - b. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
  - c. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.
  - d. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.
6. Outdoor storage is not permitted.
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. Prior to the issuance of the business license, the business shall submit a copy of the PBC ERM Affidavit (<https://discover.pbcgov.org/erm/Publications/wellfieldaffidavitnotification.pdf>) to the Palm Beach County

Department of Environmental Resources Management ([Jreiser@pbc.gov](mailto:Jreiser@pbc.gov)) and the City of Lake Worth Beach Planning and Zoning Division ([Pzoning@lakeworthbeachfl.gov](mailto:Pzoning@lakeworthbeachfl.gov)).

9. Prior to the issuance of a business license, the business shall contact the City Engineer's office ([vhayduk@lakeworthbeachfl.gov](mailto:vhayduk@lakeworthbeachfl.gov) and [rchowdhury@lakeworthbeachfl.gov](mailto:rchowdhury@lakeworthbeachfl.gov)) to confirm if additional pollution prevention or other utility requirements are required.
10. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Lake Worth Beach Business License.
12. 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 the requested uses.
13. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance with LDR Section 23.5-1.

#### Water Utilities

1. Prior to the issuance of the business license, either provide evidence that the site has an oil/water separator to the City Engineer's office ([vhayduk@lakeworthbeachfl.gov](mailto:vhayduk@lakeworthbeachfl.gov) and [rchowdhury@lakeworthbeachfl.gov](mailto:rchowdhury@lakeworthbeachfl.gov)) or apply for a building permit for the installation of an oil/water separator.

#### BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 24-00500007 with staff recommended conditions for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use 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** PZB Project Number 24-00500007 for a **Conditional Use Permit** request to establish a Minor Vehicular Service and Repair use. 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 the final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Findings for Conditional Uses
- B. Administrative Uses and Conditional Uses
- C. Application Package (Survey, Justification Statement, 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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>

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**

**ATTACHMENT B – Administrative Uses and Conditional Uses**

<b>Sec. 23.4-13(c)(1)(4) - Administrative uses and conditional uses/Standards/ Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major</b>	<b>Analysis</b>
1. <i>Minimum lot frontage. Seventy-five (75) feet.</i>	<b>In compliance</b>
2. <i>Minimum site. Minor - Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.</i>	<b>In compliance</b>
3. <i>Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.</i>	<b>In compliance as conditioned</b>
4. <i>Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.</i>	<b>In compliance as conditioned</b>
5. <i>Buffering/screening. A masonry wall shall be erected to a height of not less than six (6) feet where the proposed site is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.</i>	<b>Not applicable</b>
6. <i>Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.</i>	<b>In compliance as conditioned</b>
7. <i>Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.</i>	<b>In compliance as conditioned</b>
8. <i>Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with section 23.4-19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.</i>	<b>Not applicable</b>