



**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JANUARY 19, 2022 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

- A. [December 1, 2021 Regular Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [PZB Project Number 21-01400027: Consideration of a Major Site Plan and Conditional Use request to develop an electrical substation and associated improvements related to parking, drainage, and landscaping within the Public \(P\) zoning district.](#)

**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 AND ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, DECEMBER 01, 2021 -- 6:09 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were-Juan Contin-Chairman Pro-tem; Laura Starr; Mark Humm; Zade Shamsi-Basha; Anthony Marotta arriving at 6:11 PM. Absent: Greg Rice; Edmund LeBlanc. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**Consensus motion:** to approve the agenda with no additions, deletions or reordering.

**Vote:** Ayes all, unanimous

**APPROVAL OF MINUTES:**

A. November 3, 2021 Meeting Minutes

**Consensus motion:** to approve the November 3, 2021 minutes as presented.

**Vote:** Ayes all, unanimous.

**CASES:**

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

**PROOF OF PUBLICATION**

- 1) Herff Jones  
LW Substation  
Intermex

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. A Request for Continuance to a date certain of January 5, 2022 for PZB 21-00500008-Intermex - Money Services Business.
- B. Request for continuance to a date certain of January 5, 2022 for PZB 21-01400027 Lake Worth Beach Substation.

**Motion:** M. Humm motions to continue New Business items A. and B. to a date certain of January 5, 2022; J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- B. PZB Project Number 21-01400025: Consideration of a Major Site Plan and Conditional Use request to renovate an existing 14,446 sq. ft. commercial building and to allow for improvements to parking, drainage, and landscaping to operate a single-destination commercial use with a photography studio gallery (Herff Jones) within the Mixed Used Dixie Highway (MU-DH) zoning district.

**Staff:** E. Sita provides a case analysis and overview of the business use. It is a phased project with the intent of being open for business in the busy season of May through September 2022. Two smaller structures on the southern end are proposed to be demolished in order to reconfigure the parking and driveway entrance. Applicant applying to FDOT for a curb cut. Staff is requesting the applicant to revise the parking lot and provide a landscape buffer in Phase 1; and the curb cut in Phase 2. Decorative elements and glass fenestration meet the Major Thoroughfare Design Guidelines. Staff is requesting the kneewall be removed and replaced with landscaping. The site improvements would provide improved screening, site circulation, increased jobs and an increase to the City tax base in alignment with the City Strategic Plan. It will re-develop an existing vacant commercial property.

**Applicants:** Daniel & Joelle Guitierrez – are in agreement with the Conditions of Approval. Pose the question of when a Certificate of Occupancy could be obtained or if a temporary CO be obtained. The reason for the phasing is May through September are busy months. This would allow the business to safely open and then provide parking lot improvements in Phase II. As photography is an integral part of the business, light control is important hence the lack of windows. Louvered panels on the second floor give texture and articulation. Other site improvements include the adjacent alley will be milled and repaved; mechanical equipment will be removed from the roof; the building color will be repainted white with a blue accent. Future consideration is being given to a mural by Sami Makela on the south side of the building. Staff advised the Mural would be a separate application.

**Board:** J. Contin asks about the dissimilar rooflines. **Response:** The buildings were added at different times, there are 3 buildings. The two on the south side will be demolished. Parking will be 37 spaces when completed. There will be sufficient parking throughout both phases. The parking lot will be completed by spring 2023. The landscaping and buffering will be completed in May 2022. A FDOT permit will be required for the curb cuts, a lengthier process. L Starr asks if the alley is being utilized. **Response:** Only to access the drive aisles, that is why the alley is being improved. Exit will be through the alley, entrance only off Dixie Hwy..

**Public Comment:** None

**Board:** Z. Shamsi-Basha asks if the phasing is a common occurrence? His concern is for long term ongoing construction activity for the neighbors. **Staff Response:** It happens occasionally, prior to the issuance of a TCO the site will be safe. The applicant will be motivated and excited to move to Phase 11.

**Motion:** L. Starr moves to approve PZB 21-01400025 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing: J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- C. PZB Project Number 21-00500007: Consideration of a Conditional Use Permit request to allow a 3,200 square feet self-service laundromat at the property located at 810 South Dixie Highway.

**Staff:** Despite staff having requested a concurrent Site Plan application, the applicant requested to move forward with the Conditional Use in order to be able to place the order for the laundromat equipment. The proposal would support the Strategic Plan goals for stimulating the economy, contributing to the tax base and increasing jobs within the City. Staff has remaining concerns with the site circulation. Applicant has agreed to submit a subsequent Site Plan. Board should discuss the timing of the Conditional Use submittal prior to the submittal of the site plan amendment. Conditions of Approval are prepared in the event the Board chooses to approve the Conditional Use. Parking would be deficient, the only enhancement to the landscape would be in the form of planter boxes.

**Applicant:** Ran Dagan-The south side of the building has been vacant for quite awhile. It is similar to many other buildings in the area with front and back exits. Understands concerns with a rear exit and circulation in the back. Is asking if the laundry can proceed, is willing to work with the rest later. Brief powerpoint shows an improved exterior with resurfacing of parking area in the rear; improved the lighting and dumpster enclosure, repainting of the structure. For continuity between parking and laundromat an option would be to eliminate the pool or to creating a fenced area for traversing to the front of the business.

**Board:** L. Starr asks about the number of machines **Response:** 32 washers 16 dryers. J. Contin inquires if the single-family home will remain? **Response:** It is occupied. J. Contin states the Board could be putting itself in a precarious position by approving a Conditional Use without a Site Plan. It could also put the applicant at risk if the Site Plan is not approved. L. Starr asks if the applicant knew that it was a Board review item prior to the purchase of the property. **Response:** Prior to Covid the review would have been an AUP (administrative use permit at staff level review) A. Marotta asks if the applicant is ok with the risk of possibly not getting the Site Plan approved. **Response:** Yes, acknowledges it's a calculated risk. At the other location how many people walk to the laundromat versus drive to the laundromat? **Response:** 80 % walk

**Two Affected Parties:** Ryan Leyton for Guiseppe Millage— there is currently congestion on the street, no one will park in the parking lot, they will be parking on the street. There are eleven usable spaces. The loading area with improvements including the double door is preparation for it to be the main entrance. Wes Blackman for Guiseppe Millage-It is compelling to say “no” for this project giving the applicant certainty and the opportunity to find another tenant that would be friendlier to the Single-Family Residential Community to the east of the project. Slideshow indicates the property is zoned Single Family Residential. Mentions the removal of the loading dock area which now has a main entrance with the double doors. This area will be utilized as the drop-off main entrance. The parcel has commercial use and a single-family dwelling. Proposes there are three dedicated parking spots for the use of residents at the Bridges. This use will have a negative impact on the adjacent Single-Family zoning district with 49 machines and open from 7am to 10 pm. There is a counter inside the double door for potential drop-off laundry service with seven seats for waiting. Parking along J Street will be difficult at best with

cars backing out into the street. Believes the criteria for conditional use is not met. Willie Mason-not present.

**Questions from staff to affected parties or applicant:** None

**Questions from applicant to affected parties or staff:** Applicant states the lease signed by the Bridges occupants acknowledges the parking is available to everyone living on the parcel.

**Questions from affected parties to staff or applicant:** None

**Board:** L. Starr asks to see the map of locations of applicant and affected party parcel. Asks how many parking spaces are on the affected party parcel. **Response:** It is a legal non-conforming structure in a Single Family zoning district with 3 units and eight (8) spaces. **Staff:** Mr. Mason lives to the north of Mr. Millage. To the south is a multi-family structure. Parking is happening on J Street despite the lack of no parking signs. It is a 40 foot wide right-of-way. A. Marotta: what would the required number of spaces be for the use? **Staff:** Circulation is the concern, not necessarily the number of spaces. A. Marotta: Site Plan questions are now clouding the question of use. To Wes: Why does he believe it would result in greater impact than a use permitted by right despite being conditioned? Mr. Blackman states the prior loading dock area is going to act as a drop off, and produce a greater impact.

**Public Comment:** Mr. Millage wishes to represent Willie Mason. (he is not able to represent Mr. Mason) Every sidewalk on the street is occupied by cars already. This will intensify the congestion especially with the loading dock conversion. Dixie Hwy is Mixed-Use, J Street is not.

**Mr. Dagan** believes Mr. Millage is renting four (4) units. Disagrees the laundromat will increase congestion, and there will be connectivity from the structure to the parking lot. What use could be approved? The tenants of Mr. Millage will most likely walk to the laundromat.

**Board:** If 700 feet were removed, would this be reviewed by Board? **Response:** No, however it would still require an Administrative review by staff as a laundromat is not permitted by right. There are site qualitative standards that must be met which may result in the removal of the home and remedy all parking. J. Contin- a parking study would clear this up.

**Public Comment:** Diane Calvard of 812 South J Street (tenant of Mr. Millage)– major congestion on the street. It will take up too much of the street.

**Staff apprises Board of the three possible outcomes:** Continuation; Approval; or Denial.

**Board:** L. Starr- If Board were to deny this conditional use Mr. Millage would be paying the price for conditions created by others in the neighborhood. J. Contin- the problem will be compounded. A. Marotta- With an approval, the risk is being put back on the applicant with little to no negotiating power with the Board or Staff. Z. Shamsi-Basha- sympathizes with the affected party. A. Marotta- Is the adjacent Single Family area not a step down in zoning? It's not suppose to be there but it will always be there until something is destroyed beyond 51%. **Staff:** If the Site Plan were to come back before the Board, the community would again have the opportunity to speak about it.

**Motion:** Z. Shamsi-Basha moves to deny PZB 21-00500007 as the project does not meet the conditional use criteria specifically following reason 23.2-29.(e) impact to surrounding area; J. Contin 2<sup>nd</sup>.

**Vote:** 3/2 motion passes to deny the request; L. Starr and A. Marotta dissenting.

**PLANNING ISSUES:** None

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

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 8:02 PM

**PLANNING AND ZONING BOARD REPORT**

**PZB Project Number 21-01400027:** Consideration of a Major Site Plan and Conditional Use request to develop an electrical substation and associated improvements related to parking, drainage, and landscaping within the Public (P) zoning district.

**Meeting Date:** January 19, 2022

**Property Owner:** Dixie Capital Partners LLC

**Applicant:** Edward Jones of Maxed Properties Palm Beach LLC

**Project Manager:** Yoan Machado of WGI, Inc.

**Address:** 706 South H Street and 710 South H Street

**PCNs:** 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060

**Size:** 13,488 square feet (0.31 acres)

**General Location:** Southeast corner of the 7th Avenue South and South H Street intersection

**Existing Land Use:** Two single-family residential homes

**Current Future Land Use Designation:** Public (P)

**Current 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 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 page 6 of this report.

## PROJECT DESCRIPTION

The subject site is 13,488 square feet (0.310 acres) and is located at the southeast corner of the 7<sup>th</sup> Avenue South and South H Street intersection. It is comprised of two separate single-family residential parcels which are identified by Parcel Control Numbers (PCNs) 38-43-44-21-15-223-0070 and 38-43-44-21-15-223-0060. The subject site currently accommodates two single-family residential homes. The parcels are identified as Lots 6 and 7 of Block 223 within the Town of Lake Worth Beach Plat (Plat Book 2/Page 29). The single-family dwellings which exist within each respective parcel were constructed in 1940. No other Planning & Zoning approvals are associated with the subject site. The demolition of the existing single-family residences is needed, in order to allow for the construction of the proposed substation which will serve and be owned by the City of Lake Worth Beach. The development of the substation is not proposing any structures on the subject site. The proposed development is will consist of mechanical equipment, minor site improvements, and landscaping.

## 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 subject site currently accommodates two single-family residential homes identified as Lots 6 and 7 of Block 223 within the Town of Lake Worth Beach Plat (Plat Book 2/Page 29). The single-family dwellings which exist within each respective parcel were constructed in 1940. The demolition of the existing single-family residences is needed, in order to allow for the construction of the proposed substation which will serve and be owned by the City of Lake Worth Beach.

**Use:** The subject site currently accommodates two single-family residential homes. In December 2021, the City Commission adopted two ordinances that changed the Future Land Use (FLU) to Public (P) and the Zoning district to Public (P) in order to allow for the development of a utility substation use on the site. The application was approved by the PZB.

**Code Compliance:** There are no known active code cases on the subject site regarding Use and Occupancy inspection.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

Per Section 23.3-26 of the Land Development Regulations, "...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 public district implements the P public land use category of the Lake Worth Comprehensive Plan."

The City's Strategic Plan sets goals and ideals for the City's future vision and lays out methods to achieve them. The proposed concurrent amendments to the FLUM and the Zoning are required for consistency with the Comprehensive Plan. The proposal, if approved, would be consistent with Strategic Plan Pillar I.E: Provide superior public amenities and services to retain existing and entice new residences and businesses and Pillar II.C: Sustain infrastructure investments. The proposal is necessary as the existing substation 610 is proposed to be relocated to the subject site.

Based on the analysis above, the proposed rezoning and FLUM amendment are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and the Strategic Plan.

### **Consistency with the Land Development Regulations**

**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 public district implements the P public land use category of the Lake Worth Comprehensive Plan.*

**Analysis:** The proposed development of utility substation use with associated site improvements is consistent with the intent of the Public zoning district as conditioned. The analysis for the both the conditional use permit and the major site plan is provided in this section below and is consistent with the review criteria located in Attachments A & B.

**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:** Only temporary parking related to maintenance of the facility is needed. Therefore, no dedicated parking spaces are required.

**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.*

**Analysis:** The development proposes adequate perimeter landscaping and additional vegetation to screen the adjacent properties on the north, east, and south side of the subject site. Additionally, the proposed landscaping adequately screens the site from the right-of-way. The proposed landscape plan is consistent with City landscape code requirements.

### **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 existing uses in the surrounding area are as follows:

Subject Property FLU	Adjacent Direction	Adjacent Future Land Use	Existing Use
Mixed Use – East (MU- E)	North	Mixed Use – East (MU- E)	Single Family
Mixed Use – East (MU- E)	South	Mixed Use – East (MU- E)	Multifamily Apartments
Mixed Use – East (MU- E)	East	Mixed Use – East (MU- E)	Motel
Mixed Use – East (MU- E)	West	Mixed Use – East (MU- E)	Single Family Vacant Residential

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing industrial area.

**Conditional Use Findings (Attachment B)**

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the previous single-family homes use on the property. The facility would generate a very low level of vehicular trips associated with facility maintenance. There are no anticipated impacts to public services, including police, fire, water and sewer. The proposal also provides external screening around the perimeter of the property. Therefore, the proposed use and concurrent site improvements adequately screen the facility while providing a public benefit of improved electric utility services.

**CONCLUSION AND CONDITIONS**

The P district “designates locations for public schools and municipal facilities...and provides for publicly owned utility facilities.” Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. 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 property or have a negative impact on the viability of neighboring commercial businesses and residences. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

**Planning & Zoning**

1. A Unity of Title is required prior to issuance of a building permit as proposed improvements cross property lines.
2. Security lighting shall be reviewed for compliance with the City’s land development regulation at building permit. If LED lighting is utilized than fixture shall have warm tone of 2700 K or less. All lighting fixture shall be shielded in compliance Dark Skies guidelines.

**Utilities (Water, Sewer & Stormwater)**

1. Callout the removal of the water service from the meter back to the main. The service line will be capped at the corporation stop attached at the main. This is for both 706 & 710 S. H St. lots.
2. The sewer lateral shall be removed in the alleyway and shall be capped at the wye on the sewer main. This is for both 706 & 710 S. H St. lots.

**Public Works**

1. The proposed curb cut to S H St shall meet the standards of the Public Works Dept. Valley gutter through the driveway, 6” thick, 3,000 psi concrete.

2. The right of way shall be restored to a like or better condition should any damages occur during construction.
3. NPDES compliance shall be adhered to with silt fence, construction entrance and all other requirements as applicable.

#### BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the subject Conditional Use Permit and Major Site Plan 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 the subject Conditional Use Permit and Major Site Plan. 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 Conditional Use Permit and Major Site Plan. 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><b>1. Harmonious and efficient organization.</b> 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>	<b>In Compliance</b>
<p><b>2. Preservation of natural conditions.</b> 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>	<b>Not Applicable</b>
<p><b>3. Screening and buffering.</b> 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>	<b>In compliance</b>
<p><b>4. Enhancement of residential privacy.</b> 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>	<b>In compliance</b>
<p><b>5. Emergency access.</b> 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>	<b>In compliance</b>
<p><b>6. Access to public ways.</b> 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>	<b>In compliance</b>
<p><b>7. Pedestrian circulation.</b> There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	<b>Not Applicable</b>
<p><b>8. Design of ingress and egress drives.</b> 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>	<b>In compliance</b>
<p><b>9. Coordination of on-site circulation with off-site circulation.</b> The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	<b>Not Applicable</b>

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. **Not Applicable**

**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. **Not Applicable**

**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. **Not Applicable**

**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**

<b>Section 23.2-31(d) - Qualitative Buildings, generally</b>	<b>Analysis</b>
<p>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.</p>	<b>Not Applicable</b>
<p>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.</p>	<b>Not applicable</b>
<p>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.</p>	<b>Not applicable</b>

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



<b>Section 23.2-31(l) – Community Appearance Criteria</b>	<b>Analysis</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
4. <i>The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	<b>In compliance</b>

### 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:

<b>Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.</b>	<b>Analysis</b>
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>

<b>Section 23.2-29(e) Specific findings for all conditional uses.</b>	<b>Analysis</b>
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. *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.* **In compliance**
4. *The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**
5. *The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.* **In compliance**
6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **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**