

## PLANNING AND ZONING BOARD REPORT

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

**Meeting Date:** April 5, 2023

**Property Owner:** Palm Beach County School District

**Applicant:** Education Foundation of Palm Beach County

**Agent:** Jorge Fuentes, Song + Associates

**Address:** 1421/1509/1511/1515 Barton Road

**PCNs:**

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

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

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

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

**Size:** 3.7 acres

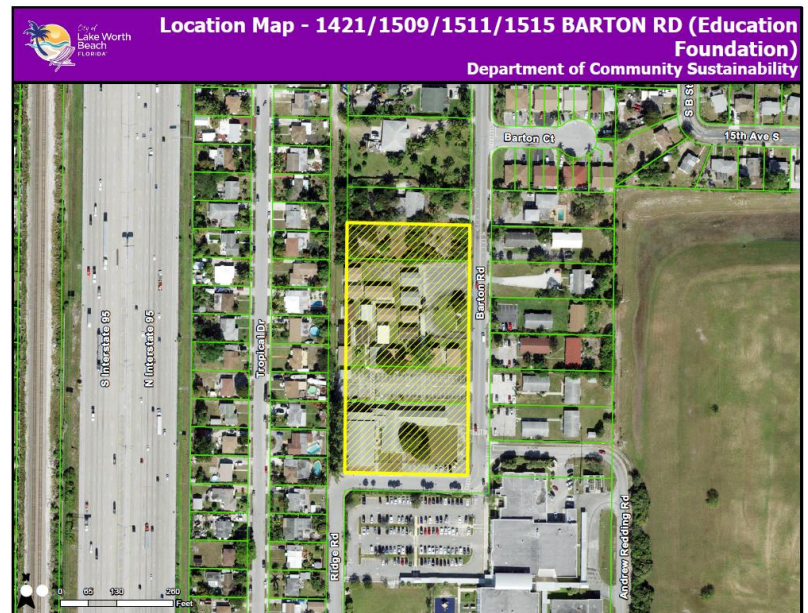
**General Location:** West of Barton Road and north of 16<sup>th</sup> Avenue South

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

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

**Zoning District:** Public (P)

**Location Map:**



## RECOMMENDATION

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

## PROJECT DESCRIPTION

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

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

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

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

## COMMUNITY OUTREACH

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

## BACKGROUND

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

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

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

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

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

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

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

#### Consistency with the Land Development Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

The existing uses in the surrounding area are as follows:

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

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

#### **Community Appearance Criteria:**

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

### Conditional Use Findings (Attachment B)

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

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

### CONCLUSION AND CONDITIONS

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

#### Planning & Zoning

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

#### Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Services Construction Standards and Policy and Procedure Manual.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
3. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage District's (LWDD) Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
5. Prior to the issuance of a building permit, the Applicant shall contact and meet with a representative from the Public Services Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Services. Solid Waste Division contact number is 561-533-7344.
6. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
7. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
8. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
9. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
10. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
11. Prior to issuance of a certificate of occupancy, construct a new 5-foot wide sidewalk along Barton Road on the south side of the property to replace the existing sidewalk that serves as a driveway apron for existing parking spaces, in compliance with the Public Works Department's specifications and Policy and Procedure Manual. Area indicated on plan markup attached.

### **Electric Utilities**

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



**BOARD POTENTIAL MOTION:**

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

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

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

**ATTACHMENTS**

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

## ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p><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>	In Compliance
<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>	Not Applicable
<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>	In compliance, as conditioned
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance

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

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

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

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

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

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

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

<b>Section 23.2-31(d) - Qualitative Buildings, generally</b>	<b>Analysis</b>
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	<b>In compliance</b>
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	<b>In compliance</b>
<p><i>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</i></p>	<b>In compliance</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.* **In compliance**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance, conditioned**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

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

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

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>

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**