



## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 23-00500014:** Conditional Use Permit, Alcohol Distance Waiver, and Historic Waiver requests to establish a restaurant with bar, a specialty brewery, a bar without live entertainment, a specialty retail shop, a banquet hall/ballroom/meeting room, and a museum with  $\pm 19,652$  square feet of total use area at 1000 Lake Avenue. The subject property is located in the Transit Oriented Development-East (TOD-E) Zoning District and has a future land use designation of Transit Oriented Development (TOD). The property is a contributing resource in the Old Town Historic District.

**Meeting Date:** March 12, 2025

**Property Owner:** 1000 Lake LLC

**Applicant:** Ryan Kowalski, Krieger Klatt Architects

**Address:** 1000 Lake Avenue

**PCN:** 38-43-44-21-15-506-0090

**Size:**  $\pm 0.47$  acre lot /  $\pm 19,652$  square feet of use area

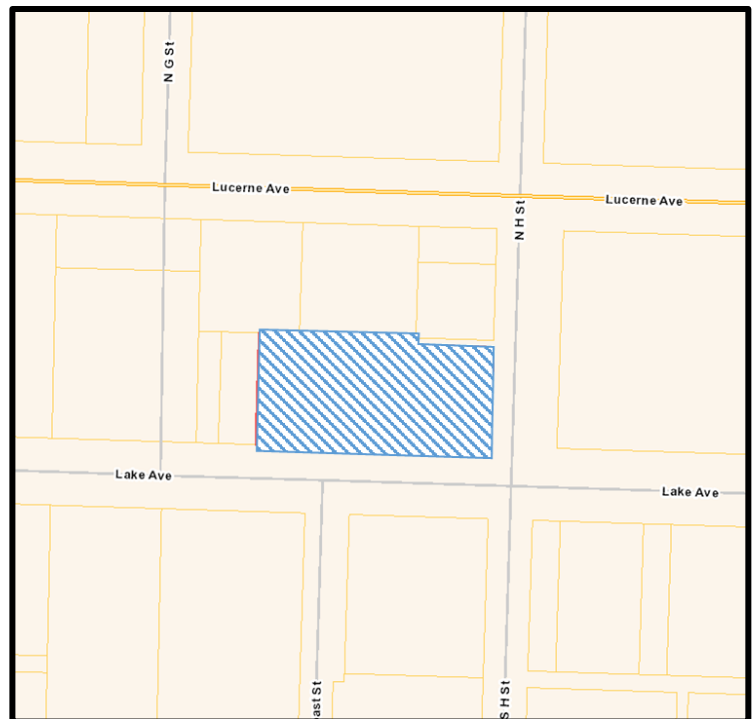
**General Location:** Northwest corner of Lake Avenue and North H Street

**Existing Land Use:** Vacant Commercial

**Current Future Land Use Designation:** Transit Oriented Development (TOD)

**Zoning District:** Transit Oriented Development-East (TOD-E)

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 Historic Resources Preservation Board (HRPB) approve the proposed Conditional Use Permit (CUP), Alcohol Distance Waiver, and Historic Waiver, as they meet the criteria provided in the LDRs. If the HRPB approves the request, conditions of approval have been provided on pages 7-8 of this report.

## PROJECT DESCRIPTION

The applicant, Ryan Kowalski on behalf of 1000 Lake LLC, is requesting a **Conditional Use Permit (CUP), Alcohol Distance Waiver, and Historic Waiver** to establish a restaurant with bar, a specialty brewery, a bar without live entertainment, a specialty retail shop, a banquet hall/ballroom/meeting room, and a museum at 1000 Lake Avenue. The subject site is located in the Transit Oriented Development – East (TOD-E) zoning district and is a contributing resource in the Old Town Historic District.

## 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 and Previous Approvals:** The existing building was constructed from 1921-1926. The building underwent substantial alterations due to damage in the 1928 Okeechobee Hurricane. The property was designated as a contributing resource in the Old Town National and Local Register Historic District in 2001. 1000 Lake Avenue received HRPB approval in June 2020 for a COA for exterior alterations (#20-00100082) and a Major Site Plan (#20-01400024) for rehabilitation of the existing structure and site improvements to the parking lot, landscaping, and exterior lighting.

**Use:** The property is currently vacant. City business license records show that the property was last actively used as a charitable organization and day care between 1999-2007.

**Code Compliance:** The property has one active code case, initiated on January 10, 2025, to register the parcel on the City's vacant/unimproved property register. Staff have added a condition of approval requiring all code compliance violations and fines to be resolved prior to business license issuance.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Policy 1.1.1.8, *the TOD FLU is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute*. The proposed request is seeking to allow a mix of uses including retail, commercial, personal services, industrial, and institutional uses in the existing ±19,652 square foot building.

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 II.D, IV.A, and IV.D of the Strategic Plan state that the City shall preserve and protect historic resources, achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use permit will allow for the establishment of a multi-use development that will reuse a vacant historic building, contribute towards the City's tax base, and sustain or increase jobs, the proposal is consistent with Pillar II.D, Pillar IV.A, and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit and waiver requests are 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 Transit Oriented Development – East (TOD-E) zoning district** is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.

**Analysis:** The applicant is requesting a Conditional Use Permit for multiple uses within the ±19,652 square-foot use area, including a restaurant with bar, a specialty brewery, a bar without live entertainment, a specialty retail shop, a banquet hall/ballroom/meeting room, and a museum. Based on staff analysis, the proposed uses are 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 at the intersection of a local roadway and an FDOT roadway. Therefore, no additional public expenditure is required to service the proposed use.

Per the City's Use Table (LDR Section 23.3-6), medium intensity (use area less than 7,500 square feet) Bar use and high intensity (use area greater than 7,500 square feet) Restaurant with Bar use require Conditional Use Permit approval. A medium intensity (use area less than 7,500 square feet) Specialty Brewery requires Administrative Use Permit approval and is subject to additional supplemental regulations per LDR Section 23.4-13(c)(18), *Breweries, distilleries, micro-breweries, micro-distilleries, specialty breweries, and specialty distilleries*; although AUPs can be administratively reviewed by staff, the use will be reviewed as part of the required Conditional Use Permit request. The proposed low-intensity (use area less than 2,500 square feet) Specialty Retail, Banquet Hall/Ballroom/Meeting Room, and Museum uses are permitted by right in the TOD-E zoning district. The proposed uses, as conditioned, are consistent with the intent of the TOD-E zoning district and supplemental regulations.

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.

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 Specialty Brewery use is also consistent with the additional supplemental regulations located in **Attachment B**. Additionally, analysis for the historic waiver and alcohol distance waiver are provided in the sections below and are consistent with the review criteria provided in LDR Section 23.5-1 and City Code Chapter 5.

**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 historic resources preservation 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 existing structure was built in 1926. The existing site conditions do not conform to the current LDRs in regard to impermeable surfaces, setbacks, building height, 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, and the landscaping nonconformity will be decreased per Major Site Plan 20-01400024. **The proposed conditional use is consistent with the City's LDRs as conditioned based on the following data and analysis.**

**Landscape Requirements, Refuse, Parking, and Signage** were addressed in Major Site Plan HRPB 20-01400024, ensuring compliance with City regulations.

**Off-Street Loading:** Per LDR Section 23.4-9, commercial and industrial buildings that have floor area over 10,000 square feet and require the receipt or distribution of materials and merchandise must have at least one off-street loading space for each 10,000 square feet of gross floor area or fraction thereof.

**Analysis:** The existing building has ±19,652 square feet of gross floor area, which requires two (2) off-street loading spaces, each with a minimum size of 25 feet by 12 feet. In compliance with the supplemental regulations for breweries, all deliveries will take place between 8am and 6pm, Monday through Saturday; no more than six (6) commercial truck deliveries will occur per week.

Because of existing site constraints and to avoid the loss of customer/staff parking area, the applicants have requested a historic waiver for one (1) of the two (2) required loading spaces. Staff has included a condition of approval to require a site plan amendment to address the loading space location prior to issuance of a site work permit. Analysis for the historic waiver is provided on pages 5-6 of this staff report.

#### **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 uses, as conditioned, are in general harmony with the surrounding area and consistent with the development of the corridor as conditioned. The requested uses are anticipated in the Transit Oriented Development – East (TOD-E) zoning district. The proposed uses will not result in less public benefit or 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 permitted by right. The site is already served by municipal services, including water, sewer, refuse, fire and police. The site is also located at the intersection of a local roadway and an FDOT roadway. Therefore, no additional public expenditure is required to service the proposed use. Staff has included a condition of approval regarding compliance with City Code Section 15-24, *Noise control*.

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

**Analysis:** There is currently one (1) open code compliance case for the subject property. Staff has added a condition of approval to ensure that code violations are resolved prior to the issuance of a business license on the property.

#### **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.(18), specialty breweries are subject to additional design and performance standards. As outlined in **Attachment B**, the proposed use complies with the supplemental standards. Staff have included conditions of approval to ensure continued compliance with the supplemental standards.

#### **Section 23.5-4(r)2. Waiver or Modification of Certain Land Development Regulations**

Pursuant to City of Lake Worth Beach LDR Section 23.5-4(r) *Incentives for improvements to designated landmark and contributing properties:*

*2. In addition, the HRPB may waive or modify certain land development regulation requirements....**Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations.***

Waiver Request		
LDR Citation	Required	Proposed
Off-Street Loading Regulations (Section 23.4-9): 1 loading space for each 10,000 square feet of gross floor area or fraction thereof	±19,652 square feet of gross floor area = 2 off-street loading spaces	<b>1 off-street loading space</b>

Pursuant to City of Lake Worth Beach LDR Section 23.5-4(r)(2), the HRPB may grant historic waivers if the request meets the criterion listed in the section below. Staff has listed each criterion and provided responses for the historic waiver request. Due to the building's contributing status to the Old Town Historic District, the application is eligible for relief from the land development requirements of Section 23.4-9, should the Board determine that the criteria are sufficiently met. The applicant has provided a Justification Statement for the requests, which is included in **Attachment C**.

(A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

**Analysis:** The existing structure, built in 1926, has a total of ±19,652 square feet of use area; the existing site has no designated off-street loading areas. Inconsistencies with current parking and loading requirements are common in the City's historic districts due to different development standards and practices in place over the course of the City's development. The nonconformities of the site will be decreased as one loading space will still be required; however, based on analysis by City staff and the applicant, a second on-site loading space could not be created without reducing the parking spaces available for the future business' staff and customers. The site, including the historic structure, is in harmony with the general appearance and character of the district. **Meets Criterion.**

(B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

**Analysis:** The project proposes to reuse an existing commercial structure for as a mixed-use restaurant and brewery project, while making alterations to the site to better accommodate parking, loading, and site circulation. The

approved Major Site Plan includes landscaping along the perimeter and interior of the parking and loading area, which will help minimize aural and visual impacts on adjacent properties. Staff has also included conditions of approval to ensure that the property maintains compliance with the City's noise control requirements, as well as supplemental regulations regarding deliveries for brewery uses. **Meets Criterion.**

(C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

**Analysis:** As conditioned, the waiver to reduce the off-street loading requirements by one (1) loading space will not be detrimental to public health, safety, or welfare. **Meets Criterion.**

(D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

**Analysis:** Based on analysis by City staff and the applicant, a second on-site loading space could not be created without reducing the parking spaces available for the future business' staff and customers. Staff contends that the historic waiver requested is the minimum adjustment necessary to allow the proposed reasonable use of the existing commercial building while maintaining its historic attributes. **Meets Criterion.**

## **Chapter 5 – Alcoholic Beverages**

**Section 5.5(d) – Standards for Review/Decision.** *A decision on a request for a waiver shall be guided by the following factors:*

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

**Analysis:** The subject property is located in the City's downtown area, where there are numerous existing establishments with alcoholic beverage licenses within a 500-foot radius. Properties zoned for residential uses within the Transit Oriented Development-East (TOD-E), Downtown (DT), and Mixed-Use East (MU-E) zoning districts will also be within 500 feet of the proposed alcoholic beverage sales at 1000 Lake Avenue. Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries; none of these uses will be located within 500 feet of the proposed alcohol sales.

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

**Analysis:** The proposed non-package alcohol sales will be part of a new business at 1000 Lake Avenue; the property does not currently have an active City business license, nor were alcohol sales part of the most recent previous use of the building.

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

**Analysis:** The subject property is classified as a contributing resource to the Old Town National and Local Historic District. The Applicant is not proposing any additional exterior alterations as part of the request for alcohol sales for on-site consumption; exterior alterations were previously approved as part of COA 20-00100082.

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

**Analysis:** The waiver is necessary to allow non-package sales of alcohol at the subject property. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory is not detrimental to the health, safety, and welfare of the surrounding community.

## CONCLUSION AND CONDITIONS

The Transit Oriented Development – East (TOD-E) zoning district is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city. Based on the data and analysis in this report and the supporting documents provided by the applicant, the proposed uses, as conditioned, are not anticipated to negatively impact adjacent properties. The proposed Conditional Use Permit will be compatible with other uses provided within the TOD-E zoning district. The proposed historic waiver will enable the property to accommodate required deliveries without reducing staff and customer parking areas, and would not preclude the continuation of the structure's contributing designation. The proposed waiver for non-package sales of alcohol for on-site consumption is not anticipated to have a direct impact on protected land uses, and will not be detrimental to the health safety and welfare of the neighborhood and public. **Therefore, a recommendation of approval is provided to the Historic Resources Preservation Board with the following conditions:**

### Planning, Zoning, and Landscaping:

1. This approval only applies to the subject property (1000 Lake Avenue) and will not constitute approval for any new location or unit.
2. The historic waiver to reduce the required off-street loading spaces by one (1) space shall be project-specific, and shall only apply to the scope of work approved under this application.
3. Prior to application for a site work permit, a site plan amendment shall be submitted and approved to address the required loading space location.
4. Confirmation of Wellfield Affidavit submittal to Palm Beach County ERM is required prior to business license approval.
5. Prior to the issuance of a City of Lake Worth Beach business license, any code violations shall be resolved.
6. An FDOT permit is required for any work within the FDOT Right of way, including the removal of the three existing Foxtail Palms.
7. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.
8. The specialty brewery use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)(18):
  - a. Outdoor display of any items is strictly prohibited.
  - b. 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.
  - c. All sales transactions, except during city approved special events, shall take place within the building.
  - d. Walk up sales windows shall not be allowed.
  - e. All storage, production, shipping and receiving associated with use must be confined within an approved building or structure.
  - f. All deliveries and distribution activities shall take place between the hours of 8 a.m. and 6 p.m. Monday through Saturday, except when located within an industrial zoning district.

- g. Specialty breweries and specialty distilleries shall have a production capacity of no more than three hundred twenty-five thousand (325,000) proof gallons on an annual basis, or one million nine thousand five hundred (1,009,500), 750 ml bottles production per year.
  - h. For micro-breweries, micro-distilleries, specialty breweries and specialty distilleries, guest taps may be allowed in conjunction with a tap or tasting room not to exceed thirty (30) percent of the number of taps or on-site production unless as part of a restaurant with bar or bar use approval.
  - i. All spoils generated as the result of the fermentation and production shall be disposed in an appropriate manner meeting all requisite health and safety standards.
9. Outdoor storage is not permitted.
  10. All conditions from HRPB #20-00100082 and #20-01400024 remain applicable unless specifically superseded in this approval. See Development Orders for full conditions of approval.
  11. No exterior alterations to the structure are included in the scope of this approval. Future exterior alterations shall require a Certificate of Appropriateness (COA) for historic approval.
  12. 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).
  13. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
  14. 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.
  15. 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.

#### Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation and voltage requirements.
2. Developer to show the location of the meter center on the site plan.
3. Developer will be responsible for installing their own lightning for the parking areas.

#### Water & Sewer Utilities

1. Installation of grease trapper(s) is needed for the restaurant use.

#### Building Division

1. Accessible routes must be shown on permit plans.

#### BOARD POTENTIAL MOTION:

I move to **approve** HRPB Project Number 23-00500014 with staff recommended conditions for a **Conditional Use Permit, Alcohol Distance Waiver, and Historic Waiver at 1000 Lake Avenue** based on 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, Alcohol Distance Waiver, and Historic Waiver at 1000 Lake Avenue**. The project does not meet the conditional use, alcohol distance waiver, and/or historic waiver criteria for the following reasons [Board member please state reasons].

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

*demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.*

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**

<b>ATTACHMENT B – Administrative Uses and Conditional Uses</b>	
<b>Sec. 23.4-13(c)(18) - Breweries, distilleries, micro-breweries, micro-distilleries, specialty breweries, and specialty distilleries</b>	<b>Analysis</b>
1. <i>Minimum site area: Seventy-five hundred (7,500) square feet.</i>	<b>In compliance</b>
2. <i>Minimum lot width: Seventy-five (75) feet.</i>	<b>In compliance</b>
3. <i>Minimum distances. All such uses shall be located a minimum of five hundred (500) feet from each other. Distance shall be measured from property line to property line, without regard to intervening structures or objects.</i>	<b>In compliance</b>
4. <i>Landscape requirements. The site must be provided with a minimum five-foot-wide perimeter planting area when adjacent to residential uses. Site landscaping shall comply with adopted landscape regulations.</i>	<b>Not applicable</b>
5. <i>Buffering. A fence or wall shall be erected at a height of not less than six (6) feet when the parking area(s) 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>Not applicable</b>
6. <i>Variances for minimum site area shall not be granted.</i>	<b>Not applicable</b>
7. <i>Specialty breweries and specialty distilleries must front one of the city's major thoroughfares.</i>	<b>In compliance</b>
8. <i>Outdoor display of any 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 with entrances clearly identifiable.</i>	<b>In compliance</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 not be allowed.</i>	<b>In compliance as conditioned</b>
13. <i>All storage, production, shipping and receiving associated with use must be confined within an approved building or structure.</i>	<b>In compliance as conditioned</b>

14. All deliveries and distribution activities shall take place between the hours of 8 a.m. and 6 p.m. Monday through Saturday, except when located within an industrial zoning district.	<b>In compliance as conditioned</b>
15. Each facility shall abide by the following restrictions on production capacity: c. Specialty breweries and specialty distilleries shall have a production capacity of no more than three hundred twenty-five thousand (325,000) proof gallons on an annual basis, or one million nine thousand five hundred (1,009,500), 750 ml bottles production per year.	<b>In compliance as conditioned</b>
16. Each facility shall abide by the following restrictions on deliveries: d. Specialty breweries and specialty distilleries shall have no more than six (6) commercial truck deliveries for shipping, receiving and distribution each week and no deliveries or distribution on Sunday. All deliveries must take place on site and off public rights-of-way.	<b>In compliance as conditioned</b>
17. All micro-breweries, micro-distilleries, specialty breweries and specialty distilleries shall be required to have a retail sales component and a consumption on premises component. For micro-breweries, micro-distilleries, specialty breweries and specialty distilleries in mixed-use districts, no more than seventy (70) percent of the use area shall be used for brewery or distillery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms/tasting areas.	<b>In compliance</b>
18. For micro-breweries, micro-distilleries, specialty breweries and specialty distilleries, guest taps may be allowed in conjunction with a tap or tasting room not to exceed thirty (30) percent of the number of taps or on-site production unless as part of a restaurant with bar or bar use approval.	<b>In compliance as conditioned</b>
19. All spoils generated as the result of the fermentation and production shall be disposed in an appropriate manner meeting all requisite health and safety standards.	<b>In compliance as conditioned</b>
20. Other appropriate conditions may be placed on the use approval depending on location, building/structure and orientation to ensure nuisance type of activities including but not limited to noise, dust, pollutants, odors, and waste by products and other use impacts do not occur.	<b>In compliance</b>