

PLANNING AND ZONING BOARD REPORT

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

Meeting Date: July 17, 2024

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

Applicant: Daniel May

Address: 2121 10th Avenue North

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

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

General Location: South side of the 2000 Block of 10th Ave N

Existing Land Use: Commercial/ Retail/Personal Service

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

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

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Blanket Conditional Use request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned; therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 6-9 of this report.

PROJECT DESCRIPTION

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

Low Intensity

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

Medium Intensity

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

- Veterinary Offices with or without kennels

High Intensity

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

COMMUNITY OUTREACH

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

BACKGROUND

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

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

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

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

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

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

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

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

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

Consistency with the Land Development Regulations

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

Analysis: The applicant is requesting a Blanket Conditional Use Permit to allow several low, medium, and high intensity uses. A majority of the uses requested will have minimal impacts to the adjacent properties and are appropriate within the MU-W zoning district. The property manager indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Staff recommended a Blanket CUP to minimize continued challenges with tenant occupancy. The Blanket CUP request will not capture vehicular and industrial use classifications that may have adverse impacts or are generally not compatible in the MU-W zoning district. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building is served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use.

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

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

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

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

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

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

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

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

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

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

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use*

providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping”.

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

Findings for Granting Conditional Uses

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

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

Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Mixed-Use - West (MU-W) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

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

Section 23.4-13 Administrative Uses and Conditional Uses

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

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

CONCLUSION AND CONDITIONS

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

Planning, Zoning, & Landscaping

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

Low Intensity

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

Medium Intensity

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

High Intensity

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

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

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

Utilities Water, Sewer, & Storm

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

Electric Utilities

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

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500008 Blanket Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 24-00500008 Blanket Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

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

ATTACHMENT A - Findings for Granting Conditional Uses

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

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| 7. | <i>The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.</i> | In compliance, as conditioned |
| 8. | <i>The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.</i> | Not applicable |

ATTACHMENT B – Conditional Use Standards

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

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

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

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

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