

## PLANNING AND ZONING BOARD REPORT

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

**Transmittal Date:** November 24, 2021

**Meeting Date:** December 1, 2021

**Property Owner:** Edward Jones of Maxed Properties Palm Beach LLC

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

**Project Manager:** Joelle Gutierrez of Living Designs Group Florida Architects, Inc.

**Address:** 1032 N Dixie Highway

**PCNs:** 38-43-44-21-15-310-0040

**Size:** ~ 0.72 ac Lot / 14,446 sf - Existing Main Structure / 2,194 sf - Buildings Proposed for Demolition

**General Location:** Southeast corner of 11<sup>th</sup> Avenue North and North Dixie Highway

**Existing Land Use:** Commercial / Funeral Home

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

**Zoning District:** Mixed Used Dixie Highway (MU-DH)

Location Map



## RECOMMENDATION

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

## PROJECT DESCRIPTION

The applicant, Edward Jones on behalf of Maxed Properties Palm Beach LLC, seeks approval for the addition to renovate an existing 14,446 sq. ft. commercial building and to allow for improvements to parking, drainage, and landscaping to operate a Single Destination Commercial use with a photography studio gallery (Herff Jones).

## COMMUNITY OUTREACH

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

## BACKGROUND

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

**Construction:** The existing main structure was constructed in 1930. Per the plans provided, the main structure is 14,446 sf. There are two smaller structures on the property that are proposed for demolition.

**Use:** The subject site has no active business licenses. The site was previously occupied by a funeral home from 2000 to 2021.

**Code Compliance:** There are two active code cases on the subject site regarding Use and Occupancy inspection.

## ANALYSIS

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

The subject site has a Future Land Use (FLU) designation of Mixed Use - East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide are 75% residential and 25% non-residential. The proposal would allow for the redevelopment of an existing vacant commercial building and the establishment of a new commercial use (commercial and photography space) along one of the City's Major Thoroughfares, as consistent with the intent of the MU-E 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. The proposed building and site improvements and expansion will allow for the establishment of a single destination commercial business and photography studio in previously vacant building, which will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Major Site Plan 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*

**The Mixed Use - Dixie Highway (MU-DH) zoning district** is designed for Dixie Highway, Lake Worth's commercial spine. The MU-DH district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

**Analysis:** Both the proposed use of single-destination commercial use with a photography studio gallery and the proposed minor expansion and renovation of existing main structure have been determined to be consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the both the conditional use permit and the major site plan are provided in this section below and as consistent with the review criteria located in Attachments A & B.

The table below shows the proposed site features and its compliance with the LDRs, as applicable:

Mixed Use – Dixie Highway (MU-DH)/ West side of Dixie Highway (LDR Section 23.3-17)			
Development Standard		Base Zoning District <sup>1</sup>	Proposed
Min. Lot Size in square feet (sf) / East Side		6,500 sf	31,250 sf.
Min. Lot Width		50 ‘	125 ‘.
Setbacks	Front (West)	10‘min - 22‘max	7‘8” <sup>1,2</sup>
	Rear (East)	13.3‘ min.	4‘9” <sup>1</sup>
	Side (North)	10‘ min	0 <sup>1</sup>
	Interior Side (South)	0‘ min	114‘6”
Max. Impermeable Surface Coverage		65%	81% <sup>3</sup>
Max. Structure Coverage		45%	31.9%
Parking Spaces		~51 Spaces for the proposed uses	38 Spaces (37 spaces plus bicycle rack = 1 space in Phase II) 26 Spaces (Existing)
Max. Building Height		30 ft. and 2 stories	27‘ (Existing Roof) 24‘5” (New Stairwell to Parapet)
Floor Area Ratio (FAR) Limitations		0.9	0.49
<sup>1</sup> Existing nonconformity <sup>2</sup> Setback is with condition of approval to remove front knee wall <sup>3</sup> Reduction of 9.3% in impervious surface in Phase II. Existing non-conforming impermeable surface total of 89.3%			

**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, who determined that the dumpster was consistent with the size and screening requirements. The dumpster enclosure is proposed to be an engineered metal enclosure that is located in the service alley.

**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 depicting compliance with the exterior lighting requirements in Section 23.4-3. A recommended 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. 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 if the proposed fixture cannot be set to provide the required light tone.

**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:** Additional parking is not required for changes of use for existing structures. However, the proposed site plan would increase parking by 12 total spaces (11 car spaces & 4 bicycle spaces). The proposed modifications to the parking lot area would also improve site circulation and add landscaping along Dixie Highway.

**Section 23.4-9, Off-Street Loading Regulations:** *Retail operations, wholesale operations and industrial operations, with gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space (not necessarily a full berth) so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley. Where site conditions allow, loading areas shall be screened and buffered from public view.*

**Analysis:** A 12 X25' loading space is proposed in the rear of the property that provides screening from public rights-of-way.

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

**Section 23.6-1. - Landscape regulations:** *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.*

**Analysis:** The existing site has limited pervious and landscape areas. The development proposal reduces these existing non-conformities by providing additional perimeter and parking lot areas that are both pervious and landscaped. Specifically, the new landscape area along Dixie Highway proposed to install palms with some small shade trees. A condition of approval has been included to require the substitution of the palms with small to medium shade trees as consistent with the City’s landscape regulations and the Major Thoroughfare Design Guidelines.

### **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. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. 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 and in the Major Thoroughfare Design Guidelines.**

#### **Site Design Qualitative Standards Analysis (including vehicular use areas) & and Major Thoroughfare Design Guidelines:**

The proposed improvements to the site circulations, landscaping and architecture are generally consistent with the Major Thoroughfare Design Guidelines. The parking lot on the south side of the property will be improved to provide an additional 11 parking spaces and landscape isles. To improve pedestrian access to the site, the Dixie Highway curb



cut is proposed to be reduced with landscaping and shade trees planted along the right-of-way. A new dumpster enclosure is proposed on the rear; this improvement is properly screened as required, and location is deemed appropriate for pick-up services by Public Works. Improvements to the existing landscaping are also proposed and discussed in the landscape section of this report.

The proposed changes to the parking lot and vehicular use areas will effectively be screened from the public view with shade trees, palm trees and shrubs within the landscape areas. The proposed curb cuts and parking lot layout does not create an unsafe situation and will reduce non-conformities with the LDRs upon completion of the proposed upgrades. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use - East (MU-E)	MU-DH	Mixed-Use Commercial
South	Mixed Use - East (MU-E)	MU-DH / SF-TF-14	Commercial (Tuppens)
East	Mixed Use - East (MU-E)	SF-TF-14	Residential
West	TOD	MU-DH	Commercial (Walgreens)

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

**Community Appearance Criteria:**

The existing development is almost 90% impervious with very limited landscaping areas. The proposed building and concurrent site improvements represent a substantial improvement in the general appearance of the property by providing new landscape screening around the perimeter of the property, renovating the building, and improving site circulation. The proposed architecture of the building is appropriate and in harmony with the surrounding commercial area. Overall, the proposed site plan amendment represents a substantial reduction in non-conformities and an improvement in the visual appearance of the property.

**Conditional Use Findings (Attachment B)**

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the previous funeral home and crematorium use on the property. The site is existing non-conforming site that does not utilize the maximum development potential. Further, the applicant is proposing to demolish the two smaller structures along the southern property to reconfigure the parking and driveway entrance to provide a safer and more attractive vehicular and pedestrian circulation. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed concurrent site improvements would provide improved screening and site circulation over the existing non-conforming site development.

**CONCLUSION AND CONDITIONS**

The MU-DH district is intended “to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use.” Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property or have a negative impact on the commercial viability

of neighboring commercial businesses. Further, the proposed site improvements, including upgrades, new landscaping, building renovation and lighting will improve the adjacent Dixie Highway streetscape and provide an improved condition over the existing site conditions. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

#### Planning & Zoning

1. Phase I landscaping shall include landscaping on the north, west and south sides at a minimum.
2. A certificate of occupancy shall not be issued until all improvements in Phase II are completed.
3. Signage shall be reviewed a building permit for consistency with the requirements Land Development Regulations. Signage shall be installed in the general area depicted in the architectural renderings and elevations.
4. No windows or openings of storefronts will utilize a mirrored reflective film. Films allowing light to pass through, but blocking ultraviolet light will be permitted. The intent is that interior displays will be visible from the right-of-way.
5. The fenestration on the front building façade shall be a minimum of 25%.
6. The knee wall in the northwest corner of the property shall be removed from plans prior to building permit and replaced with additional landscaping.
7. The palm trees along the Dixie Highway corridor shall be replaced with appropriately sized shade trees whenever feasible. However, a minimum of six (6) shade trees shall be required.
8. The applicant shall be required to improve the alley condition along the subject property line to 11<sup>th</sup> Ave North as required by Public Works at the time of building permit.

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

1. Applicant is required to fully complete the project prior to their Spring 2023 'busy' season (CRA)
2. Water services located at the structures to be abandoned on the south end must be removed and capped at the watermain by shutting off the corporation stop and removing the service line.
3. Sewer lateral shall be removed and capped at the wye located at the main.
4. The potable water services that will be used for the building shall have certified RPZ backflow devices.
5. The sewer lateral/s shall have a 6-inch cleanout at that property line/alleyway line.

#### 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.
3. Prior to building permit the site plan shall be updated to show the new location of the meter center on the site plan.
4. Developer will be responsible for installing their own lightning for the parking areas.
5. It will be beneficiary for the Developer to keep the same voltage inside the building so the existing pole-mounted transformer can be reused and save on materials.
6. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
7. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

#### BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the subject Conditional Use Permit and Major Site Plan based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for the subject Conditional Use Permit and Major Site Plan. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

#### ATTACHMENTS

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

## ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p><b>1. Harmonious and efficient organization.</b> All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	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
<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**

**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>Not Applicable</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.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **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.* **In compliance**
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</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 is in compliance 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**