

September 3, 2020

VIA EMAIL: wwaters@lakeworthbeachfl.gov

William Waters
Director of Community Sustainability
City of Lake Worth Beach
1900 2nd Avenue North
Lake Worth Beach, FL 33461

Re: PZB #20-00500003 (7-Eleven)

Dear Mr. Waters:

This is the appeal of the Planning and Zoning Board's approval of the above referenced project (the Project) by Mr. Francisco Gil as the Manager of 1920 LLC, an affected party (hereinafter referred to as the Petitioner or Mr. Gil). The appeal is being timely filed pursuant to § 23.2-17 b) of the City of Lake Worth Beach Code of Ordinances (Code). The Project is located at the northwest corner of 109th Avenue North and Barnett Drive. The written decision approving a major site plan and conditional use and variance for the Project was rendered August 5, 2020. Although this appeal is specific to the approval of the major site plan and conditional use, the Applicant stated in its June 12, 2020 letter to you that without the requested variance it cannot sell gas. According to the Code, the appeal of the approval of the variance is subject to appeal directly to the circuit court. See § 23.2-17 b). The appeal of the variance was filed today with the circuit court. A copy of the appeal was emailed to Pamela Ryan, Esquire.

I have attached a report by a planning expert engaged by the Petitioner to evaluate the major site plan, conditional use and variance and am incorporating it herein. In addition to that report, I am submitting the following for the Commission's consideration.

The Petitioner owns the building that is west of the Project, and two warehouses of 45,000 square feet on Barnett Drive. The Petitioner's primary objection to the Project is the significant increase in traffic it will generate as compared to the former truck rental facility. The area where the Project is proposed is already severely congested. The congestion and additional traffic has its most harmful impact upon the Petitioner and the other neighboring property owners (and an affected party) who were represented at the Planning & Zoning Board's Quasi-Judicial hearing by Fred Schmidt and Dan Hiatt. Messrs. Schmidt and Hiatt own the two buildings immediately north of the Project and Barnett Drive, 1847 and 1848 Aragon Avenue.

Pursuant to § 23.2-17. B. 1., pursuant to this appeal the Commission is to conduct a quasi-judicial hearing. The Code purports to limit the Commission's consideration to the record made before the

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Planning & Zoning Board (Board) The Code's purported limitation of the quasi-judicial proceeding to the record below is not consistent with the nature of a quasi-judicial hearing and deprives the Petitioner of procedural due process.

Without waiving its right to contest this limitation set forth in the Code the Petitioner states the basis of this appeal, based upon the record is set forth below.

The Board Failure to Continue the Hearing Violated the Petitioner's Rights.

On behalf of the Petitioner and prior to the Board's hearing because in my request to the Board, I noted that I was only retained July 13, two days prior to the hearing, and five days after the Petitioner first learned of the hearing. See Exhibit 1. Upon being retained, I promptly sought "affected party" status for Gil by contacting the City's Senior Planner, Andrew Meyer, who advised me that the City required a certificate of title or warranty deed to demonstrate that Petitioner was an adjacent property owner and "affected party. I promptly provided this information to Mr. Meyer. Becoming recognized as an affected party was critical to my client's rights to request a continuance so that we could prepare for and fully participate in the quasi-judicial hearing. This includes the ability to present evidence and witnesses; and to cross-examine the other parties' witnesses. In order to have a meaningful opportunity to participate in the quasi-judicial proceedings, a continuance of the quasi-judicial hearing was necessary.

Initially, the Board's Attorney advised me that Petitioner was only an "interested party,"¹ and that despite the fact that I had already presented Mr. Meyer with the documentation he told me was necessary to become an affected party. This created confusion and Petitioner again sought a continuance. Ultimately, the Board's failure to confirm that the Petitioner was an affected party, together with its refusal to grant a continuance, prejudiced the Petitioner because it could not be prepared to participate in the quasi-judicial hearing. It was not until after the hearing began that the Petitioner learned that it could participate as an affected party.

There was Fact-Based Testimony Of Concerns Regarding Traffic Impacts

Another affected party, represented by Messrs. Fred Schmidt (Schmidt) and Dan Hiatt (Hiatt) presented their concerns about the new traffic that would be generated by the Project and its impact upon the surrounding commercial properties. Their testimony was that the former truck rental facility was a low generator and attractor of traffic, and that its replacement by a 4,750 square foot gas station with 14 fueling positions, convenience store and a Laredo Taco dine in/take out fast food restaurant would generate a substantially greater traffic for the area. The Applicant's Traffic Impact Study (Traffic Study) estimates that the Project will generate 1,367 new daily trips, 94 net new AM Peak Hour trips and 94 net new PM Peak Hour trips. (Traffic Study at pages 4 & 15). According to the Traffic Study, the properties owned by the Petitioner and Schmidt/Hiatt are all within the radius

¹ The City's Code, and in particular Section 23.2-16 which contains the City's quasi-judicial procedures does not recognize an "interested party," or whether an interested party has the same status as an affected party. The two terms are apparently not the same given that the City Attorney was requesting more information so that the City could determine if the Petitioner was an affected party.

of development influence and trip distribution. Thus, the Traffic Study confirmed that additional traffic and in particular daily and peak hour trips will directly impact the existing developed properties.

Schmidt testified to the congestion and impacts that would be created by the new traffic (1,367 trips). He testified that he and Hiatt have been property and business owners in this neighborhood for 23 years. Schmidt testified to the congestion and impacts that would be created by the new traffic. Schmidt testified that it is already difficult to pull out onto Barnett from his properties, especially the first building. He characterized the experience of pulling out as "almost impossible." Schmidt described what is necessary to pull out onto Barnett: "You have to go around the block parallel to 10th Avenue, go around the end of the buildings, and come back up to the other side of Aragon."

Schmidt testified that the impact on the businesses in his buildings was such that the Project would threaten the viability of the existing uses. He also testified that additional traffic will make it more difficult for the business to come and go especially during rush (peak) hour. As noted, the Traffic Study states that there will be 94 new trips impacting the existing businesses during the morning and afternoon rush (peak) hours. Schmidt noted that the roadways were already so congested in this area and that the roadways have not complied with concurrency for 20 years.

Schmidt also testified to safety issues that exist and will be exacerbated by the new traffic. He noted that there is a school in the area that is within the Traffic Report's area of influence. He noted that in the morning and afternoon school children are walking up and down the street. Mr. Francisco Gil confirmed the impact of the existing traffic and its effect on his businesses in his buildings. He testified that because of the significant amount of traffic, the school children go onto his property because of safety concerns. Hiatt noted there are 250 parents going to from the school making the area gridlocked in the morning and afternoon (peak) hours. Mr. Gil testified that the traffic congestion in this area is so backed up that vehicles cut through the property to go from Barnett Drive to Detroit Street. Schmidt testified that traffic from the west has to turn without the benefit of a traffic light. He described this as a *dangerous* situation.

Hiatt also testified from his experiences of owning property in the radius of development influence described in the Traffic Study. He too noted that the streets in this area have not been "traffic concurrent" for the last 23 years. He testified that between I-95 and the Walmart, it is totally gridlocked all day long. He testified that it would be impossible to turn left into the Project with all of the traffic coming off I-95. He noted there was no traffic signal at the intersection where vehicles would be turning into the Project.

Hiatt testified to his experience in site development and his research with the new 7-Eleven business model. He compared it to WAWA and testified that such business models were typical on 2 ½ - 3 acres. He noted the Project would be developed on less than half of the acreage that is needed (1.24 acres). Hiatt testified to the businesses in the traffic area of influence, including the Saxony Rug Company, and a Fedex facility. He described the corner of Barnett Drive and 10th Avenue North as "already totally overburdened." Hiatt also described the circulating routes drivers took to try and avoid this already congested area.

Application of the Law to the Record Before the Board

There is ample law which would support the City Commission's reversal of the Board's decision based upon the testimony of the above-referenced property owners in the area whose existing businesses will be adversely impacted by the development of the proposed Project. For example, in *Metro. Dade County v. Blumenthal*, 675 So.2d 598,607 (Fla. 3DCA 1995), the court stated "Under the correct legal standard, citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, as long as it is fact based." See also *Miami-Dade County v. Walberg*, 739 So. 2d 115, 117 (Fla. 3rd DCA 1999).

Schmidt, Hiatt and Gil are all neighboring property and business owners who have been in this commercial neighborhood for more than 20 years. Their fact-based testimony of the existing *traffic congestion* and traffic circulation problems which already existed would be exacerbated by the addition of trips to and from the proposed Project; and would not be *compatible* with the existing commercial neighborhood.

The neighboring property owners' testimony that the proposed Project would not be *compatible* with the existing commercial neighborhood was fact-based because of their collective experiences traveling to and from their properties on a routine and sometimes daily basis. The testimony of neighboring property owners regarding the compatibility of the new use provides substantial competent evidence upon which the Commission may rely to deny the site plan and conditional use. See *Metro. Dade County v. Section 11 Prop. Corp.*, 719 So.2d 1204 (Fla. 3d DCA 1998) (the Commission received the testimony of several neighbors who stated that the project would be incompatible with the surrounding neighborhood); *Metro. Dade County v. Sportacres Dev. Group*, 698 So.2d 281, 282 (Fla. 3d DCA 1997) (neighbors appeared before the Commission and testified to the incompatibility of the proposed project with its variances); *Grefkowicz v. Metro. Dade County*, 389 So.2d 1041,1042 (Fla. 3d DCA 1980).

The Traffic Study and the Site Plan, both of which were relied upon by the neighboring property owners for their testimony is competent substantial testimony upon which the Commission could base its decision to reverse the Board's approval. See *Sportacres Dev. Group* at 281 (record which contains maps, reports and other information in conjunction with the testimony of neighbors constitutes competent substantial testimony). As noted by the influential Third District Court of Appeals, it is simply not the law that citizen testimony in zoning matters should be disregarded. See *Blumenthal* at 609, fn. 8. Indeed, in *Marion County v. Priest*, 786 So.2d 623 (Fla. 5th DCA 2001), *reg'd denied* 2001; the District Court reversed a circuit court that had dismissed the concerns of property owners about the roads because it erroneously believed that the citizens testimony was not competent substantial testimony.

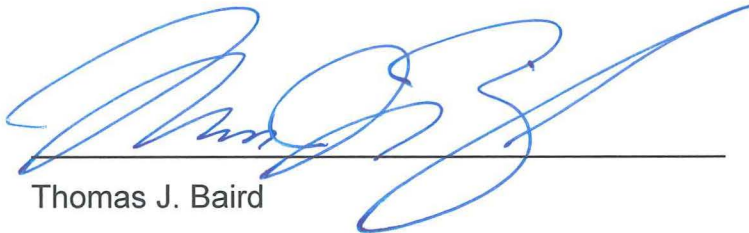
In this appeal, the Commission must consider the testimony and other record evidence such as the Traffic Study and Site Plan and make a decision on that testimony and evidence. As our own Fourth District Court of Appeal has stated², the test is not whether one side produced more experts than the other, it is whether there is any substantial competent evidence upon which this Commission

² *City of Ft. Lauderdale v. Multidyne Medical Waste Management, Inc.* 567 So. 2d 955 (Fla. 43th DCA 1990).

could rely to deny the site plan and conditional use. The answer to that question is, YES, the Commission can base its decision for the fact-based testimony from the neighboring property owners at the quasi-judicial hearing which was derived from the Site Plan and Traffic Study. The petitioner urges the Commission to reverse the Board's decision and deny the site plan and conditional uses application.

Very truly yours,

JONES FOSTER P.A.



Thomas J. Baird

Florida Bar Board Certified City, County and Local Government Attorney

TJB:MRG

cc: Client

J O N E S
F O S T E R

July 15, 2020

Members of the Planning & Zoning Board
c/o Mr. Andrew Meyer, Senior Community Planner
City of Lake Worth Beach
1900 2nd Avenue North
Lake Worth Beach, FL 33461

Re: Major Site Plan Request
PZB Project #20-00500003

Dear Members:

This Firm represents 1920 10th Avenue, LLC. Our client received a courtesy notice of the Planning and Zoning Board's consideration of a proposed major site plan (the Plan) on or about July 8, 2020, just five (5) business days ago. I was only retained Monday, July 13, 2020, to represent my client with respect to the Plan. Although I have read the staff report, I do not have sufficient time to reasonably and adequately advise my client of the merits, or lack thereof, of the Plan. The Plan, as a "major" development plan, obviously has potential impacts on the surrounding properties, including those owned by my client.

The courtesy notice alone is sufficient to create "affected party" status with respect to my client. Nevertheless, pursuant to my discussion with Senior Community Planner, Andrew Meyer, I have attached a copy of a certificate of title and a special warranty deed which demonstrate my client's ownership of property which is adjacent to the property which is the subject of the Plan. My client's properties are shown in the aerial which is contained in the courtesy notice with an aerial location map. Together the notice and certificate of title demonstrate that my client is an "affected party" entitled to participate in the quasi-judicial proceedings and to a presentation regarding its position with respect to the Plan.

In addition, as an affected party, and in accordance with Section 23.2-16 of the City's Code, my client is entitled to call and examine witnesses, to introduce exhibits into the record, to cross-examine opposing witnesses on any relevant matter, and to rebut evidence presented at the hearing. My client respectfully requests that it be afforded an adequate time to prepare for a hearing so that it can fully participate in a quasi-judicial hearing. The virtual process which is reflected in the courtesy notice for this hearing is inadequate and does not afford my client with any reasonable procedural due process. For example, it is questionable whether witnesses can be virtually sworn in and as such questionable whether a witness is offering "sworn testimony" as required by Section 23.2-16(b) of the City's Code. It is also questionable, at best, to expect that the credibility of witnesses can be adequately measured when their testimony is not "live."

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Members of the Planning & Zoning Board
July 15, 2020
Page 2

Basic due process requires adequate notice and a reasonable opportunity to be heard. The notice provided for a hearing on this major site plan was not reasonable because it only provided five (5) days for an affected party to secure counsel and prepare for the quasi-judicial hearing. Moreover, the notice and the virtual procedure established for this quasi-judicial proceeding do not afford my client a reasonable time or place in which it can adequately present relevant evidence.

In sum, my client respectfully requests that the noticed hearing be continued so that it has a reasonable time to prepare its presentation, and that a live quasi-judicial hearing with all of the procedural due process safeguards can be conducted. The Board's failure to continue the hearing, as requested, creates an immediate procedural due process claim against the City; a claim that can be easily avoided.

Very truly yours,

JONES FOSTER P.A.

A handwritten signature in black ink, appearing to read "Tom Baird", is written over a horizontal line.

Florida Bar Board Certified City, County and Local Government Attorney

TJB:mlh

Enclosures

Cc: Pamala Ryan, Esquire, City Attorney- pryan@torcivialaw.com
Client



4020

IN THE CIRCUIT COURT OF THE JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2011CA009906

1920 10TH AVENUE, LLC

Plaintiff (s) / Petitioner (s)

vs.

GP CENTREPOINT LLC

Defendant (s) / Respondent (s)

CFN 20120118811
OR BK 25096 PG 1687
RECORDED 03/27/2012 15:56:42
Palm Beach County, Florida
AMT 2,500.00
Doc Stamp 17.50
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1687 - 1688; (2pgs)

CERTIFICATE OF TITLE

Chapter 45

THE UNDERSIGNED CLERK OF this Court Certifies that a Certificate of Sale was executed and filed in this action on March 7, 2012 for the property described herein and that objections to the sale have either not been filed within the time allowed by statutory law or, if filed, have been heard by the court. The property in Palm Beach County, Florida is described as follows:

For full legal description, see attached

was sold to:

1920 10TH AVENUE, LLC
c/o Rumberger, Kirk & Caldwell, P.A.
80 SW 8th Street, Suite 3000
Miami, FL 33130

WITNESS my hand and seal of this Court on MARCH 26, 2012

Sharon R. Bock, Clerk & Comptroller, Palm Beach County

By: Donna Wilson

Deputy Clerk

DONNA WILSON



\$2,500.00
17.50

FILED

2012 MAR 26 PM 3:22

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL

PARCEL 1:

The West half of Tract 5, less the South 20 feet thereof, SAWYER'S SUBDIVISION of the West half of Section 21, Township 44 South, Range 43 East, as recorded in Plat Book 5, Page 12, Public Records of Palm Beach County, Florida, LESS the West 25 feet thereof deeded to the City of Lake Worth, Florida, by instrument dated December 20, 1982, recorded January 17, 1983 in Official Records Book 3862, Page 1086, Public Records of Palm Beach County, Florida.

PARCEL 2:

The North 112 feet of the following described parcel:

The East half (E 1/2) of Tract 5, less the North 322 feet, less the East 25 feet, less the South 20 feet and less that parcel taken for 10th Avenue and State Road 6 (1-95) right of way, being Parcel No. 520.1R, Section 9322-2405, SAWYER'S SUBDIVISION of the West half of Section 21 Township 44 South, Range 43 East, as recorded in Plat 5, Page 12, Public Records of Palm Beach County, Florida.



CFN 20140108707
OR BK 26690 PG 1515
RECORDED 03/27/2014 12:00:40
Palm Beach County, Florida
AMT 2,700,000.00
Doc Stamp 18,900.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1515 - 1519; (5pgs)

This document prepared by:
Quilling, Sclander, Lownds, Winslett & Moser, P.C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
File No. 3389.1190

After Recording Return To:
First American Title Insurance Company
National Commercial Services
401 E. Pratt Street, Suite 323
Baltimore, Maryland 21202
Attention: Thomas R. Barth
NCS-648894
Tax Parcel ID: 18-43-44-21-46-000-0020

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
COUNTY OF PALM BEACH §

1100 Barnett Drive Holdings, LLC, a Maryland limited liability company ("Grantor"), whose mailing address is c/o CWCapital Asset Management LLC, 7501 Wisconsin Avenue, Suite 500 West, Bethesda, Maryland 20814, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged from 1100 Barnett Drive Management, LLC, a Florida limited liability company ("Grantee"), whose mailing address is 221 Lakeview Avenue, PH 5, West Palm Beach, Florida 33401, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee, the following described property:

- (i) That certain real property in Palm Beach County, Florida, which is described on **Exhibit A** attached hereto and incorporated herein by reference (the "Land");
- (ii) All buildings, structures, utility lines, utility facilities, utility improvements, street and drainage improvements, and other improvements of any kind or nature located in, on, or under the Land (all of the foregoing being referred to herein collectively as the "Improvements"); and
- (iii) All appurtenances benefiting or pertaining to the Land or the Improvements, including, without limitation, all of Grantor's right, title, and interest in and to all development and utility rights and permits benefiting the Land and all streets, alleys, rights-of-way, or easements adjacent to or benefiting the Land, and all strips or pieces of land abutting, bounding, or adjacent to the Land (all of the foregoing being referred to herein collectively as the "Appurtenances").

The Land, Improvements and Appurtenances are collectively referred to herein as the "Property".

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, and Grantee's successors or assigns, forever;

and, subject to all of the matters set forth or referred to herein, Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise; provided, however that this conveyance is made by Grantor and accepted by Grantee subject to: (a) all of the title exceptions revealed in or by the recorded documents and other matters listed on **Exhibit B** attached hereto and incorporated herein by reference and affecting the Property; and (b) all standby fees, taxes and assessments by any taxing authority for the current and all subsequent years, and all liens securing the payment of any of the foregoing.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION OF THE PROPERTY, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY. GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED) CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY, (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE CONSTRUCTION, OF ANY IMPROVEMENTS TO THE PROPERTY; AND (iii) THE MANNER OF REPAIR, QUALITY OF REPAIR, STATE OF REPAIR OR LACK OF REPAIR OF ANY SUCH IMPROVEMENTS. BY GRANTEE'S ACCEPTANCE OF THIS DEED, GRANTEE REPRESENTS THAT GRANTEE HAS MADE (i) ALL INSPECTIONS OF THE PROPERTY TO DETERMINE ITS VALUE AND CONDITION DEEMED NECESSARY OR APPROPRIATE BY GRANTEE, INCLUDING, WITHOUT LIMITATION, INSPECTIONS FOR THE PRESENCE OF ASBESTOS, PESTICIDE RESIDUES, HAZARDOUS WASTE AND OTHER HAZARDOUS MATERIALS AND (ii) INVESTIGATIONS TO DETERMINE WHETHER ANY PORTION OF THE PROPERTY LIES WITHIN ANY FLOOD HAZARD AREA AS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS OR OTHER APPLICABLE AUTHORITY.

[Signature Page Follows]

EXECUTED AND DELIVERED, and to be effective as of the 24th day of March, 2014.

GRANTOR:

1100 Barnett Drive Holdings, LLC.
a Maryland limited liability company

By: U.S. Bank National Association, as Trustee,
successor-in-interest to Bank of America, N.A.,
as Trustee, successor by merger to LaSalle Bank
National Association, as Trustee for the
Registered Holders of J.P. Morgan Chase
Commercial Mortgage Securities Corp.,
Commercial Mortgage Pass-Through
Certificates, Series 2003-CIBC7 (the "Trust"), its
Sole Member/Manager

By: CWC Capital Asset Management LLC, a Delaware
limited liability company, solely in its capacity as
Special Servicer to the Trust

By: [Signature]
Name: Robert Flandrau
Title: Vice President

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Robert Flandrau,
the Vice President of CWC Capital Asset Management LLC, the special servicer to U.S. Bank
National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor by
merger to LaSalle Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase
Commercial Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2003-
CIBC7, the sole member and manager of 1100 Barnett Drive Holdings, LLC, a Maryland limited liability
company, known to me to be the person whose name is subscribed on the foregoing instrument and
acknowledged to me that same was executed for the purposes and consideration therein expressed and in
the capacity therein stated as the act and deed of said entity.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of March, 2014.

[Signature]
Notary Public, State of Texas
My Commission Expires:

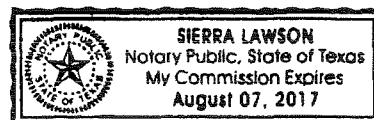


Exhibit A
Legal Description

LOT 2 OF BARNETT BUSINESS PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
BOOK 86, PAGE(S) 168-169, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

This is not a certified copy

Exhibit A

Exhibit B
Permitted Exceptions

1. Provisions of the Plat of Barcelona Gardens, recorded in Plat Book 13, Page 19.
2. Provisions of the Plat of Barnett Business Park, recorded in Plat Book 86, Page 168.
3. Easement in favor of the City of Lake Worth, Florida recorded in March 27, 1990 in Book 6397, Page 1937.

This is not a certified copy

Exhibit B



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

COURTESY NOTICE

Dear Property Owner:

This courtesy notice is being provided to all owners within 400 feet of 1900 10th Avenue North. (See location map below) PCN#: 38-43-44-21-02-005-0030.

The Planning and Zoning Board will consider PZB 20-00500003: Request by Anne-Christine Carrie of KEITH on behalf of 1900 10th Ave, LLC for consideration of a Major Site Plan and Conditional Use Permit to construct Vehicle Fueling/Charging Service Station, Single-Destination Retail, and Restaurant uses at 1900 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCN is 38-43-44-21-02-005-0030.

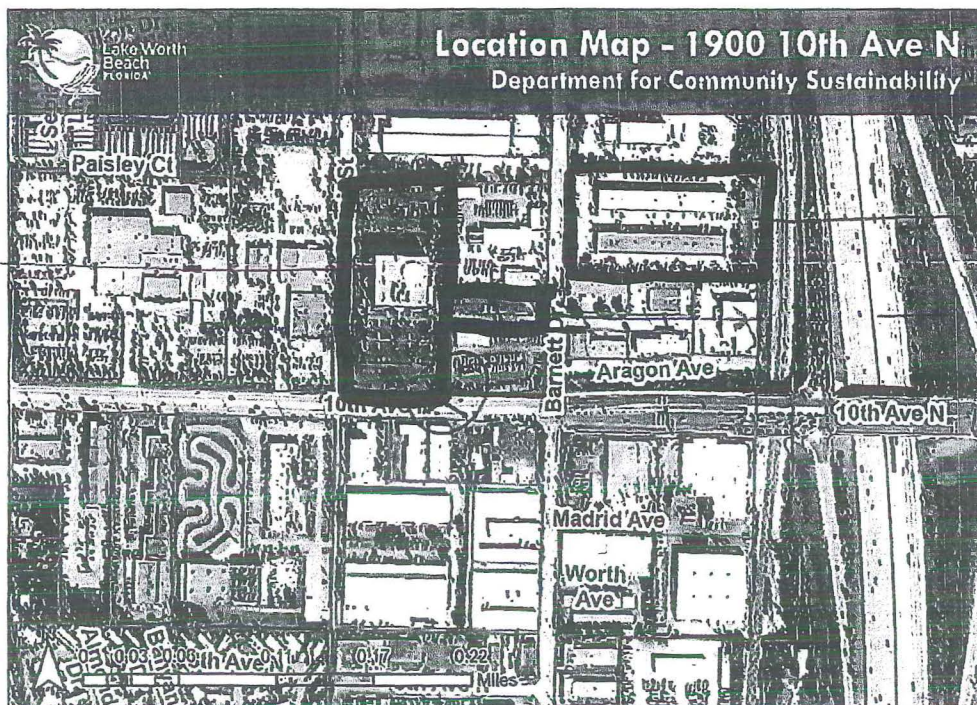
Due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Planning and Zoning (PZB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on Wednesday, July 15, 2020, at 6:00 p.m. or as soon thereafter as possible.

The live streaming and the public comment form can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/>

Public comment will be accommodated prior to and during the meeting through the web portal. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Mailed written responses can be sent to the Lake Worth Beach Planning and Zoning Board at 1900 2nd Avenue N, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in virtual participation, must notify the City of their status and submit evidence they wish the PZB to consider, five (5) days prior to the meeting for technical accommodation.

In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.



1926 10th Avenue

1100 Barnett Drive

1108 Barnett Drive