

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-01400001: A Major Site Plan and a Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for the development of a ± 75,989 square foot industrial development at 1939 7th Avenue North within the Industrial Park of Commerce (I-POC) zoning district.

Meeting Date: April 6, 2022

Property Owner: Malcolm Butters – BREF 7 Ave, LLC

Applicant: Malcolm Butters – BREF 7 Ave, LLC

Project Manager: Shayne Broadnix/ Bradley D. Miller – Urban Design Studio

Address: 1939 7th Avenue North

PCNs: 38-43-44-21-02-020-0010

Size: 5.4347 ac Lot / 1460 sf. Existing Structures

General Location: South of 7th Avenue North, approximately 700 feet east of Boutwell, and 1,200 feet west of I-95.

Existing Land Use: Industrial/ Radio station structure

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)

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 Blanket Conditional Use Permit request 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, Malcolm Butters – BREF 7 Ave, LLC, seeks approval for the construction of a 75,989 square foot industrial facility including additional site improvements to accommodate multiple tenants. The applicant is also requesting a Blanket Conditional Use Permit for several high-intensity uses to be located within the industrial facility, as follows:

- Storage -Indoor (Warehouse)
- Import/Export Business (Online Sales/Wholesale Only)
- Research and Development, Scientific/Technological
- Medical/Biotech/Pharmaceutical Manufacturing & Distribution
- Wholesale and Distribution Facilities (Multi-tenant)
- Testing Laboratory (Wholesale Only)
- Factory or Manufacturing
- Food Manufacturing & Processing
- Brewery/Distillery (Wholesale Only)
- Garment/Clothing/Apparel Manufacturing
- Contractor without Outdoor Storage
- Renewable Energy Resource Center (Wholesale)
- Vehicle Broker (Online or Wholesale Only)
- Aquaculture/Hydroponic Farming (Wholesale Only)
- Building and Construction Trades/Contractors Manufacturing (Wholesale Only)
- Fabrication Services/Manufacturing/Processing excluding Retail Display and Sales
- Regional Distribution Center (Staff is recommending removal of this use)

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 & Previous Approvals: Currently, the site has a 1,460 square foot radio station office on site. The structure and any improvements will be demolished prior to development of the proposed industrial facility. The property was purchased from 1939 7th Ave., LLC by BREF 7th Ave, LLC on December 22, 2021. The prior owners processed and were granted approval by the City Planning & Zoning Board for similar applications for a phased development as contractor office with associated outdoor storage for Phase 1 and Phase 2 was the construction of a 69,840 square foot industrial building. The application and approval for the 69,840 square foot contractor office expired.

Use: The subject site has no active business licenses.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). The Industrial FLU is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed project is seeking to develop an industrial facility to accommodate high intensity industrial uses.

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 industrial building and site improvements will allow for the accommodation of several high intensity industrial uses within the zoning district, 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 and 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

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.

Analysis: The proposed industrial facility uses requested in the blanket conditional use are consistent with the intent of the I-POC zoning district as conditioned. Staff is recommending several use related conditions of approval and the removal of the regional distribution center use from the blanket conditional use request proposal. The applicant had initially submitted a request to exceed the maximum impermeable surface requirement per LDR Section 23.3-24, Industrial Park of Commerce of 65%. This request was withdrawn by the applicant prior to the public meeting. The maximum impermeable surface coverage currently depicted as 69.15% on the site plan, but the applicant has agreed to a condition of approval that would require a subsequent minor site plan amendment to comply with the 65% requirement. The analysis for both the blanket conditional use permit and the major site plan is 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:

Industrial Park of Commerce (I-POC) (LDR Section 23.3-24)			
Development Standard		Base Zoning District ¹	Proposed
Min. Lot Size in square feet (sf)		13,000 sf.	234, 751 sf.
Min. Lot Width		100 ft.	380 sf.
Setbacks	Front (North)	20 ft. min. - 32 ft. max.	25.2' ft.
	Rear (South)	20 ft min.	130 ft.
	Street Side (West)	20 ft.	78 ft.
	Interior Sides (East)	0 ft.	84.5' ft.
Max. Impermeable Surface Coverage		65%	69.15% ¹ *Conditioned to 65%
Max. Structure Coverage		55%	32.71%
Parking Spaces		76 spaces	87 spaces

Max. Building Height	30 ft.	30 ft ²
Floor Area Ratio (FAR) Limitations	2.2	0.32
¹ Minor Site Plan Amendment requirement is proposed as a Condition of Approval to allow for the administrative review of site modifications to comply with the maximum impermeable surface coverage requirement.		
² Decorative architectural features may extend an additional 10 feet if less than 10% of roof surface area.		

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.

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 Sky 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: An industrial use per Sec. 23.4-10.f)1.B - Off-street parking, Nonresidential uses requires *One (1) space per one thousand (1,000) gross square feet of space.* The required parking is 76 parking spaces. The proposed site plan depicts 87 total parking spaces (82 standard spaces and 5 handicap spaces) being proposed.

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: The project is also proposing 19 loading spaces as required by the LDRs. The loading areas are designated on the west side of the building.

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” consistent with this section including a landscape strip ten (10) feet in depth.*

Analysis: The development proposes adequate perimeter landscaping and additional vegetation to screen the adjacent properties on the east, south, and west side of the subject site. Additionally, the proposed landscaping adequately screens the site from the right-of-way. The proposed landscape plan is consistent with City landscape code requirements.

A condition of approval has been included to require that canopy trees shall not be installed within the 20-foot force main and electric easement.

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. The proposed project is not along a dedicated major thoroughfare per the Major Thoroughfare Design Guidelines, therefore the regulations do not apply.**

Site Design Qualitative Standards Analysis (including vehicular use areas):

The proposed project will develop the parking lot and vehicular use areas in a manner that will be adequately 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 provide and support internal vehicle circulation consistent with the LDRs. Additionally, the loading zone area is on the separate side of the building that would minimize disruption to the parking areas on the east side. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Public (P)/Industrial (I)	Public (P)/ Industrial Park of Commerce (I-POC)	City Utility Substation/JM Enterprises & Warehouse with multiple tenants
South	Public (P)	Public (P)	City owned property
East	Industrial (I)	Industrial Park of Commerce (I-POC)	Silva Storage
West	Industrial (I)	Industrial Park of Commerce (I-POC)	Stokes Mechanical

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 proposed project is suitable and compatible with the surrounding zoning districts and land uses. The industrial facility with multiple tenants will contribute to the surrounding character of the area. 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, and ensuring that site circulation is adequate. The proposed architecture of the building is appropriate and in harmony with the surrounding industrial area. Overall, the proposed site plan amendment represents the elimination of non-conformities as conditioned and an improvement in the visual appearance of the property.

Conditional Use Findings (Attachment B)

The applicant has proposed a Blanket Conditional Use Permit request that includes a list of high intensity-type industrial uses that would allow the property owner to lease space/bays to multiple tenants. The Conditional Use Permit request could accommodate a wide variety of tenants within the industrial facility. The uses are generally industrial in nature.

These uses are as follows:

- Storage -Indoor (Warehouse)
- Import/Export Business (Online Sales/Wholesale Only)
- Research and Development, Scientific/Technological
- Medical/Biotech/Pharmaceutical Manufacturing & Distribution
- Wholesale and Distribution Facilities (Multi-tenant)
- Testing Laboratory (Wholesale Only)
- Factory or Manufacturing
- Food Manufacturing & Processing
- Brewery/Distillery (Wholesale Only)
- Garment/Clothing/Apparel Manufacturing
- Contractor without Outdoor Storage
- Renewable Energy Resource Center (Wholesale)
- Vehicle Broker (Online or Wholesale Only)
- Aquaculture/Hydroponic Farming (Wholesale Only)
- Building and Construction Trades/Contractors Manufacturing (Wholesale Only)
- Fabrication Services/Manufacturing/Processing excluding Retail Display and Sales

In support of the proposed blanket conditional use, the applicant has provided a traffic study and justification statement. Based on the data and analysis provide by the applicant, the proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right or greater than the previous radio station use on the property. The building will be 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 site development. A PBC Traffic Performance Standards (TPS) approval letter for the highest trip generating use is required prior to the issuance of a building permit.

The majority of the site is located in PBC Wellfield Zones 2 & 3 with a small portion of the SW corner of the property located in Wellfield Zone 1. Staff has provided several conditions of approval to ensure compliance with the with PBC Wellfield Ordinance. An affidavit of notification to PBC Environmental Resources Management (ERM) shall be required prior to the issuance of a business license for each tenant. Further, the use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code (ULDC) shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).

Large-scale/regional uses can have substantial impacts to surrounding areas, specifically the proposed Regional Distribution Center uses. One of the more significant impacts would be related to traffic. In an effort to address the potential for large-scale tenants that may want to go into the facility in the future, staff is recommending that the PZB remove the Regional Distribution Center use from the blanket conditional use approval. Further, staff is proposing two conditions of approval to mitigate concerns that a large-scale/regional use will occur without appropriate review. Staff is proposing that individual tenants that exceed 25,000 sf of a use included in this blanket conditional use permit shall be required to apply for and obtain an Administrative Use Permit (AUP) approval prior to the issuance of a business license. Further, an individual tenant that exceeds 50,000 sf of a use included in this blanket conditional use permit, would require a new Conditional Use Permit (CUP) approval prior to the issuance of a business license.

The applicant removed several uses from their initial proposal at the request of staff prior to the public meeting. Staff requested the removal of these uses as they can have dual commercial and industrial natures. Typically, these uses are reviewed as individual use requests to ensure the continuation of the industrial nature of the area as consistent with the LDRs and Comprehensive Plan. Business operations of specific tenants are typically evaluated to determine if these uses can be appropriately located in I-POC. The uses that were removed include: plant nursery, brewery/distillery- micro, boat repair/maintenance/detailing, special interest automobile dealership, equipment rental/leasing, vehicle service and repair uses and vehicle rentals and sales.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. 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 uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed industrial facility, conditional uses, site improvements, landscaping, and lighting will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning - Site

1. Prior to the issuance of a building permit, a minor site plan or minor site plan modification shall be required to:
 - a. Reduce the maximum impermeable surface to 65%, to remove/modify the conditional use list approval on the site plan.
 - b. Modify the landscape plan to replace the canopy trees over the 20-foot force main and within the electric utility easements with alternate shallow root system tree.
 - c. Depict all utility easements on the site plan.
2. A PBC Traffic Performance Standards (TPS) approval letter for the highest trip generating use is required prior to the issuance of a building permit.
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. All lighting fixtures shall be fully shielded and have a warm LED light tone of 3000K or less.

Planning & Zoning - Use

1. No outdoor uses or outdoor storage are permitted.
2. Wholesale or online sales only, no retail sales related uses allowed for any uses.
3. A 2019 deed restriction (OR Book 30540, Page 1796) prohibits the property from being sold, transferred, assigned or leased to a wholesale Air Conditioning, Heating, Parts and Supplies operation for a period not to exceed 5 years.
4. The blanket Conditional Use Permit (CUP) includes the following uses subject to all applicable conditions of approval and business license approval:
 - Storage -Indoor (Warehouse)
 - Import/Export Business (Online Sales/Wholesale Only)
 - Research and Development, Scientific/Technological
 - Medical/Biotech/Pharmaceutical Manufacturing & Distribution
 - Wholesale and Distribution Facilities (Multi-tenant)
 - Testing Laboratory (Wholesale Only)
 - Factory or Manufacturing

- Food Manufacturing & Processing
 - Brewery/Distillery (Wholesale Only)
 - Garment/Clothing/Apparel Manufacturing
 - Contractor without Outdoor Storage
 - Renewable Energy Resource Center (Wholesale)
 - Vehicle Broker (Online or Wholesale Only)
 - Aquaculture/Hydroponic Farming (Wholesale Only)
 - Building and Construction Trades/Contractors Manufacturing (Wholesale Only)
 - Fabrication Services/Manufacturing/Processing excluding Retail Display and Sales
5. Prior to the issuance of a business license for a tenant requesting any type of manufacturing and processing use, the Lake Worth Beach Water & Sewer Utility shall review and approve each tenant's business license request to ensure that the facilities have adequate filtration to protect the City's sanitary sewer system and comply with wellfield protection requirements.
 6. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
 7. 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).
 8. Regional Distribution Center is not included in this blanket conditional use permit request.
 9. All uses shall meet all the requirements and stipulations set forth in section 15.24, Noise control.
 10. An Administrative Use Permit (AUP) shall be required prior the issuance of a business license for uses/tenants that exceed 25,000 sf of a use included in this blanket CUP.
 11. A new CUP shall be required prior to the issuance of a business license for uses/tenants that exceed 50,000 sf of a use included in this blanket CUP.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works
3. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
4. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
5. Prior to issuance of a certificate of occupancy, the applicant shall construct a new 5-foot wide sidewalk along the south side of 18th Ave North from the west property line to the east property line connecting to the existing sidewalk on Federal Hwy in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
6. Prior to the issuance of a building permit, the Applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
7. Prior to the issuance of a Building Permit, the dumpster enclosure dimensions shall be increased to 12'Wx10D' to meet the standards and details as proposed on Plan Sheet 6 and Public Works standards.
8. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.

9. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
10. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
11. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
12. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
13. Prior to the issuance of a Certificate of Occupancy, the applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Utilities (Water, Sewer & Stormwater)

1. Canopy trees proposed to be installed in 20-foot force main & electric easement shall be replaced with an alternative shallow root system tree and shall require a root barrier as approved by Water Utilities.

Electric Utilities

1. Prior to the application for a Building Permit and the issuance of the building permit, the developer shall provide the load calculation, voltage requirements and riser diagram. We will need to know the location of the pad-mount transformers for the building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
2. Prior to issuance of a Certificate of Occupancy (C.O.), all utility easements shall be recorded as depicted on the site plan.
3. Prior to issuance of a Building permit, we will need to know if any other services will be needed for the project such as irrigation, lift station, lighting, gates, etc., and where these services will be.
4. Developer to show the location of the meter center on the site plan.
5. Developer will be responsible for installing their own lightning for the parking areas.
6. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
7. Prior to the issuance of a C.O., 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>1. Harmonious and efficient organization. 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>2. Preservation of natural conditions. 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>3. Screening and buffering. 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>4. Enhancement of residential privacy. 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>	Not applicable
<p>5. Emergency access. 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>6. Access to public ways. 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>7. Pedestrian circulation. 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>8. Design of ingress and egress drives. 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>9. Coordination of on-site circulation with off-site circulation. 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**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance

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.* **In compliance**
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.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<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>	In compliance
<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>	In compliance
<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>	In compliance
<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>	In compliance

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>	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

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**