

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500004: A Blanket Conditional Use request for multiple uses as provided for in LDR Section 23.3-6 for LZC Holdings, LLC, an existing industrial development at 714 Barnett Drive. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

Meeting Date: August 7, 2024

Property Owner: Leon Pults - LZC Holdings, LLC

Project Manager: Leon Pults

Address: 714 Barnett Drive

PCN: 38-43-44-21-07-000-0540

Size: 0.6904-acre lot / ±13,590 total square feet of existing structures/use area (710 Building = 5,460 square feet & 714 Building = 8,130 square feet)

General Location: East of Barnett Drive, north of 7th Avenue North

Existing Land Use: Warehouse/Industrial

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 Blanket Conditional Use 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 pages 8-10 of this report.

PROJECT DESCRIPTION

The applicant, Leon Pults of LZC Holdings, LLC, is requesting a Blanket Conditional Use Permit (CUP) to allow for several low (use area less than 2,500 square feet), medium (use area less than 7,500 square feet), and high intensity (use area greater than 7,500 square feet) uses that could occur within the ±13,590 square-foot warehouse/industrial buildings, as follows:

Low Intensity

- Building and construction trades/contractors manufacturing without outdoor storage yards
- Contractors without outdoor storage
- Governmental Administrative Office
- Medical and Dental Laboratories
- Repair and Maintenance - Minor (excludes boats and all vehicles)
- Research and Development, Scientific/Technological/Pharmaceutical/Medical
- Testing laboratory

Medium Intensity

- Aquaculture/Hydroponic Farming
- Art or Photography Gallery
- Artisan or Art Studio
- Arts and Crafts Studio
- Artisanal Foods
- Artisanal Manufacturing
- Bakery, Commercial
- Book Binding
- Ceramics or Pottery Studio without Kiln
- Ceramics or Pottery Studio with Kiln
- Commissary Kitchen
- Contractor Showroom
- Contractors without outdoor storage
- Culinary Arts
- Fabrication Services/Manufacturing/Processing excluding retail display and sales
- Film Studios
- Governmental Administrative Office
- Gymnastics Studios/Training Facilities
- Gyms/Studio, Fitness or Dance
- Import/export Business
- Indoor Commercial Recreation
- Kitchen/Millwork Design Studio
- Mail Delivery Services
- Medical/Biotech/Pharmaceutical Manufacturing & Distribution
- Perfumery

- Printing Services
- Radio Broadcasting Studios
- Recording Studios
- Repair and Maintenance - Minor (excludes boats and all vehicles)
- Research and Development, Scientific/Technological/Pharmaceutical/Medical
- Sculpture Studio with or without Kiln
- Stationary Engraver
- Storage—Indoor
- Television Production Studios
- Testing laboratory
- Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales
- Vehicle Service and Repair—Major
- Vehicle Service and Repair—Minor
- Wholesale and Distribution

High Intensity

- Aquaculture/Hydroponic Farming
- Art or Photography Gallery
- Artisan or Art Studio
- Arts and Crafts Studio
- Artisanal Foods
- Artisanal Manufacturing
- Bakery, Commercial
- Book Binding
- Building and Construction Trades/Contractors manufacturing
- Ceramics or Pottery Studio without Kiln
- Ceramics or Pottery Studio with Kiln
- Call Center
- Cold Storage
- Commissary Kitchen
- Contractor Showroom
- Contractors without outdoor storage
- Culinary Arts
- Dead Storage Facilities
- Equipment Rental and Leasing
- Fabrication Services/Manufacturing/Processing excluding retail display and sales
- Factory or Manufacturing
- Film Studios
- Food Manufacturing & Processing
- Garment/Clothing/Apparel Manufacturing
- Governmental Administrative Office
- Gymnastics Studios/Training Facilities
- Gyms/Studio, Fitness or Dance
- Import/export Business
- Indoor Commercial Recreation
- Mail Delivery Services
- Medical/Biotech/Pharmaceutical Manufacturing & Distribution
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- Printing Services
- Radio Broadcasting Studios
- Recording Studios
- Repair and Maintenance - Major (excludes boats and all vehicles)
- Repair and Maintenance - Minor (excludes boats and all vehicles)
- Research and Development, Scientific/Technological/Pharmaceutical/Medical
- Sculpture Studio with or without Kiln
- Storage—Indoor
- Stationary Engraver
- Television Production Studios
- Testing laboratory
- Welding Contractor
- Welding Repair and Services
- Vehicle Broker
- Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales
- Vehicle Service and Repair—Major
- Vehicle Service and Repair—Minor
- Warehouse facilities
- Wholesale and Distribution (excludes regional facilities)

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 property was developed in 1972. The property contains two (2) buildings (710 & 714) with a combined square footage of ±13,590. The 710 Building is approximately 5,460 square feet with 14 bays (360 square feet each). The 714 Building is approximately 8,130 square feet with 1 large unit (4,740 square feet) and six (6) bays (450 square feet each).

Use: The property's use is warehouse/industrial.

In 2023, the applicant requested a zoning letter for information regarding the current zoning district's formation and permitted uses at the subject property. Planning and Zoning staff provided a formal written response highlighting Ordinance 2013-34, zoning district regulations, permitted uses in the zoning district, and discussed existing legal nonconforming uses. The 2023 zoning letter initiated the Blanket Conditional Use discussion.

Code Compliance: There is an open lien for the subject property. Several of the remaining code compliance issues have been addressed including submitting revised City of Lake Worth Beach Business Licenses to legally operate businesses, removal of unpermitted signs, dirt buildup, repair to security cameras, replacing electrical covers, missing handrails, and general property maintenance. The Blanket Conditional Use request will only impact new uses requested at the site. There are several existing nonconforming uses at this location that will be addressed in a different section within this staff report.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). The I 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 request is seeking to allow multiple uses in the existing warehouse/industrial buildings with a combined square footage of ±13,590.

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

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

Consistency with the Land Development Regulations

The **Industrial Park of Commerce 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. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Blanket Conditional Use Permit (CUP) to allow for several low (use area less than 2,500 square feet), medium (use area less than 7,500 square feet), and high intensity (use area greater than 7,500 square feet) uses that could occur within the ±13,590 square-foot warehouse/industrial buildings. The request is to address tenant occupancy issues.

The property owner indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Additionally, the site has three (3) legal nonconforming minor vehicular repair uses with a fourth minor vehicular use at the location. The three legal nonconforming uses have maintained active business licenses pursuant to [LDR Section 23.5-3, Nonconformities](#). As long as the businesses continue to maintain an active business license, their minor vehicular repair uses can continue to operate. The fourth minor vehicular repair use has been in operation for several years without an active business license, and therefore cannot be established pursuant to LDR Section 23.5-3. Staff recommended a Blanket CUP to minimize continued challenges with tenant occupancy.

The request will capture limited commercial, office, personal service, and vehicular use classifications. The majority of the requested uses will capture industrial or cultural and artisanal arts use classifications. The request generally focuses on low and medium intensity uses based on the existing unit sizes (use areas) located at the site. However, several high intensity uses are proposed that the site may accommodate in the future with visionary and appropriate planning per the comprehensive plan.

A majority of the uses requested will have low impacts to the adjacent properties. The proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on a local roadway. Therefore, no additional public expenditures are required to service the proposed use. The analysis for the Blanket CUP is provided in the section below and is consistent with the review criteria located in Attachment A. The Department of Community Sustainability is also tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

There are proposed uses that require additional review subject to LDR Section 23.4-13, Administrative uses and conditional uses: manufacturing/processing/fabrication facilities (fabrication services/manufacturing/processing excluding retail display and sales) and vehicle service and repair facilities—major or minor or repair and maintenance services—major. The uses are consistent with the intent of the I-POC zoning district as conditioned and the review criteria located in Attachment B.

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

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

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

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

Staff Analysis: The buildings on the property were constructed in the 1970s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities related to impermeable surface coverage, setbacks, and landscaping are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: The request is for the conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required. However, there are certain proposed uses that require additional review per LDR Section 23.4-13, *Administrative uses and conditional uses*. Similarly, certain uses also may require an additional parking evaluation based on the intensity or the function of the new use per LDR Section 23.4-10.i), *Change of use or occupancy*. Staff is proposing a general condition for each tenant to provide evidence of adequate parking prior to issuance of a business license.

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".*

Section 23.4-13.c)1.A.(5)(b)iv. - Landscaping and screening of outdoor display and storage areas: Such area(s) shall conform to the standard for parking lots, including, but not limited to, paving, layout, screen and landscape standards. Such areas shall also conform to the Major Thoroughfare Guidelines, where appropriate. A six-foot masonry wall shall be erected when outdoor display area(s) or service area(s) are within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.

Analysis: The existing condition of the landscaping does not comply with Section 23.6-1. Based on the 2006 landscape plan in City's property file, the existing landscape areas were originally approved with shrubs, trees, and vegetative screening of the dumpster enclosure that have been removed or died over time. Vehicle service and repair facilities are also subject to additional supplemental landscape standards including the requirement that the site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. Staff has included a condition of approval that requires replacement of any missing or dead landscaping per the 2006 landscape plan. These improvements will bring the property closer to compliance, in so far as feasible.

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.

Staff Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Industrial – Park of Commerce (I-POC) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan.

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

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

Section 23.2-29.g) Additional requirements.

Staff Analysis: There is an open lien for the subject property. Staff has added conditions of approval to the subject Blanket Conditional Use to ensure the open lien is resolved prior to establishing new businesses on the property that are impacted by this approval.

Section 23.4-13 Administrative Uses and Conditional Uses

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

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

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. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report, the uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed conditional uses will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The Blanket Conditional Use Permit (CUP) includes the following uses within the approximately ±13,590 square foot industrial buildings subject to all applicable conditions of approval and business license approval:

Low Intensity

- Building and construction trades/contractors manufacturing without outdoor storage yards
- Contractors without outdoor storage
- Governmental Administrative Office
- Medical and Dental Laboratories
- Repair and Maintenance - Minor (excludes boats and all vehicles)
- Research and Development, Scientific/Technological/Pharmaceutical/Medical
- Testing laboratory

Medium Intensity

- Aquaculture/Hydroponic Farming
- Art or Photography Gallery
- Artisan or Art Studio
- Arts and Crafts Studio
- Artisanal Foods
- Artisanal Manufacturing
- Bakery, Commercial
- Book Binding
- Ceramics or Pottery Studio without Kiln
- Ceramics or Pottery Studio with Kiln
- Commissary Kitchen
- Contractor Showroom
- Contractors without outdoor storage
- Culinary Arts
- Fabrication Services/Manufacturing/Processing excluding retail display and sales
- Film Studios
- Governmental Administrative Office
- Gymnastics Studios/Training Facilities
- Gyms/Studio, Fitness or Dance
- Import/export Business
- Indoor Commercial Recreation
- Kitchen/Millwork Design Studio
- Mail Delivery Services
- Medical/Biotech/Pharmaceutical Manufacturing & Distribution
- Perfumery
- Printing Services
- Radio Broadcasting Studios

- Recording Studios
- Repair and Maintenance - Minor (excludes boats and all vehicles)
- Research and Development, Scientific/Technological/Pharmaceutical/Medical
- Sculpture Studio with or without Kiln
- Stationary Engraver
- Storage—Indoor
- Television Production Studios
- Testing laboratory
- Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales
- Vehicle Service and Repair—Major
- Vehicle Service and Repair—Minor
- Wholesale and Distribution

High Intensity

- Aquaculture/Hydroponic Farming
- Art or Photography Gallery
- Artisan or Art Studio
- Arts and Crafts Studio
- Artisanal Foods
- Artisanal Manufacturing
- Bakery, Commercial
- Book Binding
- Building and Construction Trades/Contractors manufacturing
- Ceramics or Pottery Studio without Kiln
- Ceramics or Pottery Studio with Kiln
- Call Center
- Cold Storage
- Commissary Kitchen
- Contractor Showroom
- Contractors without outdoor storage
- Culinary Arts
- Dead Storage Facilities
- Equipment Rental and Leasing
- Fabrication Services/Manufacturing/Processing excluding retail display and sales
- Factory or Manufacturing
- Film Studios
- Food Manufacturing & Processing
- Garment/Clothing/Apparel Manufacturing
- Governmental Administrative Office
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 - Sculpture Studio with or without Kiln
 - Storage—Indoor
 - Stationary Engraver
 - Television Production Studios
 - Testing laboratory
 - Welding Contractor
 - Welding Repair and Services
 - Vehicle Broker
 - Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales
 - Vehicle Service and Repair—Major
 - Vehicle Service and Repair—Minor
 - Warehouse facilities
 - Wholesale and Distribution (excludes regional facilities)
2. Landscaping must be restored to the previously approved 2006 landscape plan.
 3. Prior to business license issuance, the property owner shall provide evidence of adequate parking for each new tenant.
 4. All applicable use-specific development standards and regulations, per LDR Section 23.4-13, shall provide evidence of compliance at the time of business license application.
 5. Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major uses shall comply with the following supplemental regulations per LDR Section 23.4-13(c)1:
 - a. Minimum lot frontage. Seventy-five (75) feet.
 - b. Minimum site.
 - 1)Major - Site: Twenty thousand (20,000) square feet; minimum area per business/tenant on a multiple tenant/business site: Two thousand five hundred (2,500) square feet.
 - 2)Minor - Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.
 - c. Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
 - d. Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.
 - e. Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.
 - f. Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
 - g. Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with section 23.4-19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.

6. The Fabrication Services/Manufacturing/Processing excluding retail display and sales shall comply with the following supplemental regulations per LDR Section 23.4-13(c)7, *Manufacturing/processing/fabrication facilities*:
 - a. Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.
 - b. All production and processing shall be restricted to an enclosed building.
 - c. Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.
 - d. Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.
7. No outdoor use is permitted as part of this approval.
8. Prior to the issuance of new City of Lake Worth Beach Business Licenses, the open lien and any code violations shall be resolved.
9. Prior to issuance for each business license, the subject tenant shall submit a PBC Wellfield Permit affidavit of notification to PBC Environmental Resources Management.
10. 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).
11. Prior to the issuance of a business license for each tenant, 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.
12. The proposed conditional uses will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
13. Per City Code Section 14-32 and LDR Section 23.2-23, the occupants must obtain and maintain the required Business Licenses for the businesses.
14. The City shall revoke the business licenses and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of any of the requested uses.
15. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
16. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Building Division

1. Permits will be needed for any renovations.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500004 Blanket Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 24-00500004 Blanket Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Conditional Use Standards
- C. Application Package (Justification statement, floor plan, 2006 landscape plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

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

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

ATTACHMENT B – Conditional Use Standards

Section 23.4-13(c)(1)(A)(4)(b) Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major – Design and Performance Standards	Analysis
1. <i>Minimum lot frontage. Seventy-five (75) feet.</i>	In compliance, as conditioned
2. <i>Minimum site.</i> <i>a) Major Site: Twenty thousand (20,000) square feet; minimum area per business/tenant on a multiple tenant/business site: Two thousand five hundred (2,500) square feet.</i> <i>b) Minor Site: Ten thousand (10,000) square feet; minimum area per business/tenant on a multiple tenant/business site: One thousand (1,000) square feet.</i>	In compliance, as conditioned
3. <i>Location of equipment, facilities and services. All pits and hydraulic hoist shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.</i>	In compliance, as conditioned
4. <i>Landscape requirements. The site must be provided with a five-foot wide perimeter planting area with shade trees planted every twenty-five (25) linear feet on center. A hedge must also be maintained within the required planting area.</i>	In compliance, as conditioned
5. <i>Buffering/screening. A masonry wall shall be erected to a height of not less than six (6) feet where the proposed site is within twenty-five (25) feet of a residential district, in addition to the landscaping requirements outlined above. Said wall shall be finished with a graffiti-resistant paint.</i>	Not applicable
6. <i>Minimum parking requirements. Three (3) parking spaces for each service bay (if applicable) plus one parking space for each three hundred (300) square feet of non-service enclosed area. Applicable parking requirements in section 23.4-10 apply to all other use areas. All vehicles shall be parked in designated storage areas, except for vehicles dropped off by customers or placed for temporary customer pick-up in parking spaces designated on an approved site plan not visible from the public right-of-way. These vehicles may be temporarily parked in these designated parking spaces, not to exceed a maximum of one twenty-four-hour period.</i>	In compliance, as conditioned
7. <i>Hours. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.</i>	In compliance, as conditioned
8. <i>Outdoor storage may be permitted as accessory to vehicle service and repair-major and repair and maintenance services-major in I-POC only, provided the outdoor storage area is fully screened from any public rights-of-way and adjacent properties as consistent with section 23.4-</i>	In compliance, as conditioned

19, outdoor storage, and all equipment, parts and vehicles are stored on an impermeable paved surface.

Section 23.4-13(c)(7)(B) Manufacturing/Processing/Fabrication Facilities – Design and Performance Standards	Analysis
1. <i>Height: Maximum height of any industrial/manufacturing structure excluding office not to exceed thirty-five (35) feet including silos or building façades.</i>	In compliance
2. <i>Silos: The number of silos shall not exceed four (4) within the site area and shall be effectively screened.</i>	Not applicable
3. <i>Outdoor storage: Outdoor storage, commercial vehicle parking, display and sale of products shall be shielded from all public rights-of-way. See section 23.4-19 for additional outdoor storage regulations.</i>	In compliance, as conditioned
4. <i>All production and processing shall be restricted to an enclosed building.</i>	In compliance, as conditioned
5. <i>Buffering requirements shall apply as required by existing ordinances, but may be increased based on a site-specific review basis.</i>	In compliance, as conditioned
6. <i>Noise levels shall not be in excess of sixty-five (65) decibels measured from the property line adjacent to residential uses.</i>	Not applicable
7. <i>Minimum area per business/tenant on a multiple tenant/business site shall not be less than eight hundred (800) square feet for manufacturing or processing and five hundred (500) square feet for fabrication services.</i>	In compliance, as conditioned