

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500003 & 24-01400012: A Major Site Plan, Conditional Use Permit, Waiver, and Variances to allow a street wall to encroach into the front and side street build-to-line and for the construction of a two-story addition and expansion of the existing minor vehicular repair use at 732 South Dixie Highway. The property is zoned Mixed-Use Dixie Highway (MU-DH) and has a Mixed-Use East (MU-E) future land use designation.

Property Owner: 732 S DIXIE LLC

Applicant: Keith Chambers/ KCA Design Group Inc.

Address: 732 South Dixie Highway

PCN: 38-43-44-21-15-221-0010

Size: ± 0.43 acres

General Location: East of South Dixie Highway between 7th Avenue South and 8th Avenue South

Existing Land Use: Retail, and vehicular use (Auto Repair/Vehicle cleaning)

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

Zoning District: Mixed Use – Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed **Major Site Plan, Conditional Use Permit, Street Wall Waiver, and Variances** requested are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, the staff **recommends approval with conditions**. The conditions are located on pages 10-12 of this report.

PROJECT DESCRIPTION

The applicant, Keith Chambers, is requesting approval for the expansion of an existing vehicular repair service located at 732 South Dixie Highway. The proposal involves the addition of a two-story structure and associated site improvements. The request includes the following applications:

- **Major Site Plan** – to construct a two-story addition totaling approximately 5,192 square feet of new floor area, along with related site improvements including additional parking and enhanced landscaping.
- **Conditional Use Permit (CUP)** – to allow a high-intensity Minor Vehicle Service and Repair use (use area exceeding 7,500 square feet), representing an expansion of the existing use.
- **Street Wall Waiver** – to permit the construction of an alternative street wall in lieu of meeting the building's build-to-line requirements.
- **Two (2) Variances** – to allow the proposed street wall in front of the front and side street build-to-line areas.

The existing business, Discount Tire & Auto Repair, operates as a minor vehicle service and repair facility. According to the applicant's justification statement, the proposed expansion will provide essential storage space for tire inventory and will include an elevator to transport tires to the second floor. The first floor will include two additional tire bays to accommodate service demand. The hours of operation for the expanded use are daily from 7:00 a.m. to 8:00 p.m.

The subject property currently contains an existing $\pm 2,314$ -square foot building. The applicant proposes to construct a two-story addition that expands the first floor by $\pm 2,168$ square feet and the second floor by $\pm 3,024$ square feet, resulting in a total increase of 5,192 square feet of total use area. The project also includes the addition of new parking spaces utilizing semi-pervious asphalt to improve stormwater management.

The new addition is required to meet a 10-foot front and street side build-to-line. Due to existing site constraints, the applicant is requesting a Street Wall Waiver to permit the construction of an alternative street wall with living vegetation, in lieu of meeting the build-to-line requirements. Lastly, the applicant is requesting two variances from the front and side street build-to-line requirements to allow the street wall to be located approximately 3'-5" from the front property line and 5' from the street side property line rather than at the 10' front and side street build-to-line.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: The existing structure was constructed in 1967.

Use: There are a total of two active business licenses for the subject site. Discount Tire & Auto Repair has had an active business license for Minor Auto Repair (3 to 4 employees) since 2007 and a Retail Stock license since 2008. Manny's Food Store has also had an active business license for Retail Stock since 2006.

Code Compliance: The subject site does not have any open code compliance cases. However, the site recently had a code violation for outdoor storage of tires. The proposed addition will allow the site to maintain tire storage indoors.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts.* The proposed project is seeking to add an addition to expand an existing commercial vehicular use and will provide additional landscape buffering.

Analysis: 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. Pillars IV.A, IV.D, and IV.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs ensure facility placement, construction and development that anticipates and embraces the future. The proposed site improvements will add to the City's tax base and sustain or increase jobs as recommended under Pillar's IV.A, IV.D, and IV.E.

Based on the analysis above, the proposed Major Site Plan Conditional Use Permit, requested, are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan. However, the proposal does not meet all requirements for a waiver or all criteria of a variance. The applicant must receive approval of a waiver and variance to proceed with the project.

Consistency with the Land Development Regulations

Mixed Use – Dixie Highway (MU-DH): Per LDR Section 23.3-16(a), *the "MU-DH - mixed use-Dixie Highway" district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed use land use category of the Lake Worth Comprehensive Plan.*

Analysis: The subject property has maintained an active business license for minor vehicle service and repair use since 2007. The request proposes to expand the existing minor vehicle service and repair use and is required to meet existing Mixed Use Dixie Highway (MU-DH) zoning district requirements. The existing building was originally built with a ±59' front setback and a ±65' side street setback and is considered a nonconforming structure as the MU-DH zoning district requires the existing structure to have been built 10' from the front property line and 10' from the street side (8th Avenue South) property line. The applicant is requesting a 2-story addition to expand the existing building but will not meet the build-to-line requirements. To address this, the applicant proposes to construct a street wall with living vegetation on it, located approximately 3'-5' from the front property line and 5' from the street side property line, bringing the project closer to compliance with the required build-to-line. However, to accommodate on-site parking and maneuvering space, the applicant is requesting two variances to allow the street wall to encroach into the required build-to-line areas.

The analysis for the major site plan is provided in this section below and as consistent with the review criteria located in Attachment A.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code:

Development Standard		Mixed Use Dixie Highway (MU-DH)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	18,475 sf
Lot Width (min) East side of Dixie Hwy		50'-0"	100'
Setbacks	Front (min build-to line)	10' build-to-line	Street Wall – 3'-5 ½" * Building – 59'-3 ½"
	Rear (min)	15 ft. or 10% of lot depth when next to residential zoning district. 10 ft. in general. (15 feet required)	10' **
	Street Side – South	10'	Street Wall – 5'-0" * Building – 65'-7 ¼"
	Interior Side – North	0'	Street Wall – 1'-10" Building – 4'-9 ½"
Impermeable Surface Coverage (maximum)		65%	65%
Structure Coverage (max)		45%	24%
Building Height (max)		30'	30'
Maximum Wall Height at Side Setback		30'-0" wall height at setback.	Staff Review - Street Wall: 9'-6" Applicant Provided: 6' & 9'-6" **
Floor Area Ratio (FAR) (max)		0.90	0.40
Parking		23 spaces 1 space per 300 sf of non-service area 1 space per 250 sf of single destination retail use area	Provided: 22 spaces ** (see full parking analysis on pages 4 - 5)

***Does not meet build-to-line requirements, part of the waiver and variance requests.**

**** Staff have added conditions of approval to address inconsistencies.**

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 site has an existing dumpster enclosure located at the southeast corner of the site; modifications to the dumpster enclosure are not proposed. The existing dumpster location was reviewed by Public Works Division. The existing dumpster enclosure also complies with Code Section 12-7, *Dumpster 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: Exterior lighting is not part of the proposal. However, a condition of approval has been added to require a photometric plan if exterior lighting is proposed in the future. Any new exterior lighting must demonstrate compliance with the exterior lighting requirements in Section 23.4-3 and any proposed lighting must comply with Dark Skies lighting recommendations. Proposed lighting fixtures are also required to have a warm tone setting of 3000K or less and must be architecturally compatible with the building.

Section 23.4-10. - Off-street parking and Section 23.4-13 – Vehicle service and repair facilities minimum parking requirements: *These sections establish the general provisions and minimum parking standards applicable “to all new buildings, new uses, additions, enlargements, or changes” to existing developments. Vehicle-related uses are also subject to specific supplemental standards outlined in Section 23.4-13, which include detailed parking requirements for service bays and non-service areas.*

Analysis: According to Section 23.4-13, vehicle service and repair facilities are required to provide 3 parking spaces per service bay, in addition to 1 parking space for every 300 square feet of non-service enclosed area. The proposed development includes 5 service bays, which require a total of 15 parking spaces. The first floor contains approximately 400 square feet of non-service area, requiring an additional 2 spaces. The second floor includes 3,024 square feet of storage area/ non-service area, resulting in a requirement of 10 parking spaces. In addition, the existing retail component on the first floor requires 3 parking spaces. Based on these calculations, the total parking requirement prior to any reduction is 30 spaces.

In accordance with Section 23.4-10, properties with multiple uses may aggregate parking requirements by use category and apply a 25% reduction to the total. Applying this reduction, the required number of parking spaces for the site is 23. However, the submitted site plan contains discrepancies. While the plan indicates that only 16 parking spaces are required, it also shows a total of 23 spaces provided. Upon review, staff identified only 22 on-site parking spaces including 1 parking alternative (bike rack), 1 ADA space, 5 spaces within the service bay, and 15 exterior standard parking spaces. Per Section 23.4-10(I), alternative parking spaces, such as bicycle racks, may account for up to 25% of the total on-site parking required. In this case, the bike rack may count as one parking space toward the required total.

While the proposal generally aligns with the intent of the LDRs, the parking calculation must be corrected to accurately reflect the requirements, and a minimum of 23 total parking spaces must be provided. To address this, staff has included a condition of approval requiring the applicant to submit a minor site plan amendment. This amendment must correct the parking calculation and incorporate at least 1 additional parking space to meet the minimum requirement.

Section 23.5-1- 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 and Section 23.4-13(c)(1)(A)(4)(b)(iv) – Landscape requirements for vehicular uses: 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.” Further supplemental standards for vehicular related uses also specify “*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*”. The proposal does indicate compliance with section requirements including perimeter trees.

Analysis: The development generally provides adequate perimeter landscaping on all sides. However, the proposed street wall is located within the required 5' landscape buffer. As currently designed, the street wall consists only of columns without a solid wall component. To ensure proper screening of vehicles, staff has added a condition of approval requiring the inclusion of a half wall between the columns. The applicant also proposes the use of living vegetation along the wall, which will contribute to meeting both the wall and landscape buffer requirements. The living vegetation on the street wall has also been added to the condition of approval to remain as part of the proposal. Perimeter landscaping will include shade trees, palm trees, and hedges/shrubs. Interior landscaping and vegetation will also be provided. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include Gumbo Limbo and Green Buttonwood as well as Foxtail Palms. The proposal also includes native Cocoplum hedging. The proposed landscape also complies with the City's requirement that 75% of all required plants be Florida native. The site currently has 3 existing Foxtail Palms that will remain, therefore tree mitigation and replacement is not required.

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 is provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting, and sustainable features. The Applicant is proposing an expansion to an existing vehicular use as well as site improvements including additional parking, a street wall, and landscaping. The building façade visible from the Dixie Highway Major Thoroughfare will provide store front glass doors and additional glazed fenestration on the bottom and second floor. The street wall will include living vegetation and will provide a unique method to aesthetically enhance the site. Although the expansion will not correct the existing build-to-line requirements, the project attempts to mitigate the nonconformity with an attractive street wall. Therefore, the building, landscaping, and street wall are generally consistent with both the site design qualitative standards and the Major Thoroughfare Design Guidelines.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Motel
South (Across 8 th Ave S)	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Commercial/office
East	Single-Family Residential (SFR)	Single-Family Residential (SFR)	Single-family and two-family residential
West (Across Dixie Hwy)	Mixed Use – East (MU-E)	Mixed Use – Dixie Highway (MU-DH)	Place of Worship

As conditioned, 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 residential area. The applicant is proposing a 10-foot rear setback, however, since the rear is adjacent to the Single Family Residential (SFR) zoning district a 15’ rear setback is required. A condition of approval has been added to require a site plan application to address the required rear setback for MU-DH properties next to residential zoning districts.

Community Appearance Criteria:

The proposed multi-family development project includes an addition to the existing building, new landscaping, and associated site improvements that represent an enhancement in the general appearance of the property over the existing lot. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City’s Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are 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 conditions pertinent thereto in order 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. **The project proposal includes a conditional use request to expand an existing minor vehicle service and repair use that will now be greater than 7,500 square feet.**

The proposed conditional use is not anticipated to impact the surrounding area greater than the existing minor vehicle service and repair use. The applicant is proposing to expand an existing use that is already served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and landscape buffering, a street wall with living vegetation, and an improvements to the existing parking lot including semi-pervious asphalt material.

Section 23.2-27.c) – Waiver

Per LDR Section Sec. 23.2-31.1) *Street wall*, street walls shall not be utilized for new construction, except for inherently auto-centric uses. Utilization of a street wall in lieu of meeting front build-to line requirements shall require waiver approval as described in section 23.2-27.c.

Autocentric uses are those that are primarily designed to accommodate automobiles, such as vehicle service and repair uses where people drop off or wait for their vehicles to be serviced or repaired.

A waiver of limited land development regulations relating to site development requirements only, and excluding use regulations, may be requested to certain sections or subsections of Chapter 23 - Land Development Regulations where it is expressly stated in that section or subsection that a waiver may be requested to specified provisions for approval by the applicable review board. The waiver shall meet the following review criteria:

- 1) The waiver requested is the smallest or minimum modification necessary;

Analysis: The applicant is proposing a street wall on private property, along the South Dixie Highway and 8th Avenue South rights-of-way in lieu of meeting front build-to line requirements for the proposed addition. The waiver is the most minimal alteration that will still allow them to move forward, without seeking an excessive change to the existing site design.

- 2) The waiver request shall not negatively impact adjacent property owners or protected land uses as described in section 23.1-12;

Analysis: The street wall ensures a continuous building line along the street, allowing breaks only for pedestrian access, with no negative impact on adjacent properties. The street wall will consist of living green vegetation to further enhance the visual aesthetics of the property. Staff has added a condition of approval to further enhance the street wall to include a physical half wall to further screen the parking area with a combination of wall and landscaping.

- 3) The applicable review board has determined that the waiver is appropriate in massing, scale, visual impact and does not create noise, light or other impacts greater than similar improvements permitted in the immediate area;

Analysis: Staff is recommending that the PZB approve the street wall waiver. The waiver will not create noise, light, or other impacts greater than similar improvements to the immediate area including the existing site.

- 4) The waiver request supports the goals, objectives and policies of the City's Comprehensive Plan; and,

Analysis: The waiver request is supportive of the goals, objectives and policies of the City's Comprehensive Plan.

- 5) The waiver request is supportive of currently permitted uses, and shall not create or increase a nonconformity with regards to use as described in section 23.5-3.

Analysis: The existing site contains a nonconforming structure that does not meet the required build-to-line standards. The applicant proposes utilizing the existing structure by expanding the first floor and adding a second story to accommodate the operational needs of the building. The proposed street wall is intended to minimize the setback distance between the structure and the front and side street property lines, enhancing the site's relationship to the streetscape. However, to maintain adequate on-site circulation and parking, the applicant is requesting a variance to permit the street wall to encroach into the required front and side street build-to-lines. This request would result in the continuation of a nonconforming condition related to the build-to-line but will be supportive of the current uses of the site and must receive a variance to continue the nonconformity.

The proposed request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned but does not meet all requirements for a waiver, therefore the applicant must receive approval of a variance to proceed.

Section 23.2-26(b) Variances, Required findings for approval:

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the requests against this section; as the two variance requests are all related to the construction of a street wall encroaching the front and side street build-to-line requirements, the two variance requests are analyzed together.

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of the action of the applicant.

Analysis: The subject property, located at 732 South Dixie Highway, lies on the west side of the Dixie Highway major thoroughfare and is developed with an existing $\pm 2,314$ -square-foot building accommodating both a minor vehicular use and retail stock use. The existing structure was constructed with approximately a ± 59 -foot front setback and a ± 65 -foot side street setback, rendering it nonconforming under the current MU-DH zoning district standards, which require a 10-foot build-to-line along both the front and street side (8th Avenue South) property lines.

The applicant proposes to expand the existing building by adding a second story and extending the first floor. However, even with the proposed expansion, the building would continue to deviate from the required build-to-line. To partially mitigate this, the applicant proposes a street wall with living vegetation, to be located approximately 3'-5" from the front property line and 5' from the street side property line. This improvement would reduce, but not eliminate, the nonconformity. While the site's existing configuration, parking layout, and circulation patterns pose some limitations on achieving full compliance, these conditions are not unique to this property and are typical of other developed parcels in the City. The request for the variances arises primarily from the applicant's design approach rather than from any physical hardship or condition inherent to the land itself. Therefore, staff finds that no special circumstances or conditions exist that are peculiar to the property,
Does not meet criterion.

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.

Analysis: The applicant states that the existing nonconforming building was constructed prior to the adoption of the current zoning regulations. The property has maintained continuous operations with a Minor Auto Repair

license (3–4 employees) since 2007 and a Retail Stock license since 2006. The applicant proposes expanding the existing building to provide enclosed storage for tire inventory, addressing previous code violations related to outdoor storage and improving the overall functionality of the site. While the proposed building addition does not meet the current 10' front and street side build-to-line requirements, the Land Development Regulations allow for a street wall to be constructed at the required build-to-line in lieu of the building façade. To implement this, the applicant is requesting a variance to allow the proposed street wall to encroach into the required build-to-lines, rather than a variance for the building addition itself. The street wall, featuring living vegetation, is proposed to be located approximately 3'-5" from the front property line and 5' from the street side property line. Although the proposed street wall would enhance the site's appearance and move it closer to compliance with the MU-DH zoning district requirements, the applicant retains full reasonable use of the property without approval of the variance. Therefore, strict application of the Land Development Regulations would not deprive the applicant of reasonable use of the land or building. **Does not meet criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building

Analysis: As noted above, the applicant is requesting a variance to allow a street wall with living vegetation to encroach into the required 10' front and street side build-to-lines. The proposed street wall would be located approximately 3'-5" from the front property line and 5' from the street side property line. The variance is requested in conjunction with a proposed building addition to an existing nonconforming structure. The existing building was constructed prior to the adoption of the current zoning regulations and does not meet the required build-to-line standards. As the addition is being constructed off the existing nonconforming structure, it would be difficult to meet the current 10' build-to-line requirements. To comply fully with the build-to-line standards, the proposed addition would need to be relocated toward the opposite corner of the property (southwest corner), which would significantly disrupt the site's existing layout, parking, and circulation patterns. The applicant has instead proposed maintaining the existing building footprint and incorporating a street wall to better define the street frontage and move the project closer to compliance with the intent of the code. While the street wall improves the site's appearance and partially addresses the build-to-line intent, it is not essential and was not appropriately designed to meet the build-to-line requirements. The existing uses could still function without the variance. Therefore, the requested variance does not represent the minimum necessary to allow reasonable use of the land or building and. **Does not meet criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

Analysis: The proposed street wall will enhance the visual character of the property without creating adverse impacts on neighboring properties. Its location within the front and side build-to-line areas helps define the street edge and provides a buffer between the building and the public realm, improving the pedestrian experience along the corridor. The street wall does not obstruct access, visibility, or circulation for adjacent properties and maintains the site's existing parking and traffic flow. The addition of living vegetation further softens the visual impact and creates an attractive streetscape feature. Therefore, the proposed street wall placement does not appear to be injurious to nearby properties or the public welfare. **Meets criterion.**

CONCLUSION AND CONDITIONS

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

mixed-use land use category of the Lake Worth Comprehensive Plan. Based on the data and analysis in this report and the supporting materials by the applicant, the Major Site Plan, Conditional Use Permit, Waiver, and Variances requested is not anticipated to negatively impact adjacent properties. As conditioned, the proposal meets the Major Site Plan and Conditional Use Permit criteria, however the requests do not meet all criteria for a waiver and variances. Therefore, staff recommend the Board to consider staff analysis and discuss waiver and variance requests. If the Board decides to approve, staff has added the following conditions of approval to consider:

Planning, Zoning, and Landscape Services

1. Prior to issuance of building permit, a site plan amendment shall be required to address the following:
 - a. Site data table shall be revised to address inconsistencies related to required and provided parking, wall height, setbacks, etc.
 - b. At least one additional parking space shall be provided and may include parking alternatives.
 - c. Rear setback shall be revised, the rear shall provide a minimum 15 foot setback as it is next to a residential zoned properties.
 - d. Street wall must include a physical half wall. The street wall shall also screen the parking area with a combination of a wall and landscaping improvements. A living green wall effect is required.
 - e. Update elevations to include the removal of the awnings that are not part of the proposal.
 - f. Update landscape plan to reflect changes to the site plan and street wall.
2. The minor vehicular service and repair is to be (per LDR Section 23.1-12): A business providing brake repairs, tire repair and installation, muffler replacement, and oil changes not including repairs to the drive train or requiring the removal of the engine block, drive train or other major engine components. This includes establishments engaged in the installation, maintenance and repair of motor vehicle parts or systems that require basic standard maintenance and shall include but not be limited to: air conditioning systems, audio systems, brakes, oil and fluid changes, shock absorbers, tune-ups, window tinting, washing and detailing, and wheel alignment and balancing for automobiles, trucks, and motorcycles. **Any minor vehicle service and repair use that requires outdoor storage or activities and overnight parking of vehicles being serviced will be considered a major vehicle service and repair use.**
3. No on-street parking of vehicles being serviced is permitted.
4. Major vehicular service and repair is prohibited, which includes repairs to transmissions.
5. The vehicular use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)4:
 - a. No automobile service work shall be performed before 7:00 a.m. or after 8:00 p.m.
 - b. All pits and hydraulic hoists shall be located entirely within a building. Lubrication, washing, repairs and service shall be conducted within the building.
 - c. 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.
6. Outdoor storage is not permitted.
7. If new exterior lighting is proposed, a photometric plan shall be provided and shall meet requirements of LDR Section 23.4-3: "Lighting shall be shielded and located so as not to allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured on that property." Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
8. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious surface areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
9. A Palm Beach County Traffic Performance Statement (TPS) letter shall be provided prior to the issuance of the building permit.
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. If ground signage is desired at a later date, a minor site plan modification shall be required to amend both the site plan and landscape plans.

11. A video security system shall be required for the property.
12. 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).
13. Upon the Certificate of Occupancy (CO) or Certificate of Completion (CC), the business license shall be updated to reflect the updated square footage.
14. Prior to the issuance of an updated business license, the business shall contact the City Engineer's office to confirm if additional pollution prevention or other utility requirements are required. A copy of the PBCERM Affidavit shall be provided.
15. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
16. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
17. The City shall revoke the business license 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 the requested use(s).

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 or Certificate of Completion 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, 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 Certificate of Occupancy or Certificate of Completion, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
5. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, broom sweep all areas of the affected right of way and remove all silt and debris collected as a result of construction activity.
6. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, alleyway improvements consisting of new base, asphalt and header curbs shall be constructed from north property boundary to south property boundary, in compliance with the Public Works Construction Standards and Policy and Procedures Manual.

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> | <p>In compliance</p> |
| <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 as specified in chapter 12, health and sanitation, article V, fertilizer friendly use regulations. 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 (4) feet or more.</p> | <p>Not Applicable</p> |
| <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> | <p>In compliance as conditioned</p> |
| <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> | <p>In compliance</p> |
| <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> | <p>In compliance</p> |
| <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> | <p>In compliance</p> |
| <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> | <p>In compliance</p> |
| <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> | <p>In compliance</p> |
| <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> | <p>In compliance</p> |

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 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 direct 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 and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special 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
1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) 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, height, setback, massing and location on 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.	Not applicable
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 and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation, rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.	In compliance

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. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.* **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 setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, 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 reviewing entity, 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 reviewing entity. 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.* **Not applicable**
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, fenestration 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.* **Not applicable**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance as conditioned**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **Not applicable**
- a. *Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*
 - b. *Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,*
 - c. *Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,*
 - d. *Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,*
 - e. *Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,*
 - f. *Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,*
 - g. *Incorporation of design features and uses that support multi-modal transportation options,*
 - h. *Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,*
 - i. *Incorporation of amenities that are conducive to enhancing community pride and social interaction, and*
17. *In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:* **Not applicable**
- a. *Cultural resources,*
 - b. *Historical resources,*
 - c. *Ecological/natural resources,*
 - d. *Diversity and inclusion,*

- e. Social justice,
- f. Economic investment,
- g. Neighborhood vitality,
- h. Sense of place,
- i. Education, and
- j. Recreation.

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

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

3. *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.* **In compliance**
4. *The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **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 as conditioned
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</i>	In compliance

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.

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

Sec. 23.4-13.(c)4. - Administrative uses and conditional uses/Standards/ Vehicle service and repair facilities—Major or minor, or repair and maintenance services—Major	Analysis
--	-----------------

- | | | |
|----|--|-------------------------------------|
| 1. | <i>Minimum lot frontage. Seventy-five (75) feet.</i> | In compliance |
| 2. | <i>Minimum site.</i> | In compliance |
| | <i>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> | |
| 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 |
| 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> | In compliance |
| 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</i> | In compliance |

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.