
Ciklin Lubitz

ATTORNEYS AT LAW

515 N. Flagler Drive, 20th Floor, West Palm Beach, FL 33401
O.561.832.5900 | F.561.833.4209
www.ciklinlubitz.com

Bruce G. Alexander, P.A.
Brad Avakian
Jerald S. Beer, P.A.
John D. Boykin, P.A.

Jonathan B. Butler, P.A.
Richard R. Chaves, P.A.
Alan J. Ciklin, P.A.
Robert L. Crane, P.A.

Ronald E. Crescenzo, P.A.
Jeffrey M. Garber, P.A.
Christine M. Hoke, P.A.
Douglas T. Johnson

Gregory S. Kino, P.A.
Charles A. Lubitz, P.A.*
Jason S. Mankoff
Leeza D. Newman

Elisha D. Roy, P.L.
Dean Vegosen, P.L.*
Gary Walk, P.A.
Kevin D. Wilkinson, P.A.*

**Designates Of Counsel*

November 21, 2019

Via Email Only

Mr. William Waters, Director of Community Sustainability Department
City of Lake Worth
7 North Dixie Highway
Lake Worth, FL 33460
wwaters@lakeworthbeachfl.gov

Mr. Mark Stivers, Deputy Director of Community Sustainability Department
City of Lake Worth
7 North Dixie Highway
Lake Worth, FL 33460
mstivers@lakeworthbeachfl.gov

RE: NOTICE OF APPEAL BY AFFECTED PARTY
Kadassa Inc. PZB 19-00500004: Conditional Use Permit

Dear Sirs:

We are in receipt of the Order dated November 7, 2019 of the Planning and Zoning Board, attached as Exhibit 'A', approving the Conditional Use Permit to allow the use of a medium-intensity "fabrication services excluding retail display and sales" use at 1812 Aragon Avenue, Unit A.

This notice is being delivered to you pursuant to Lake Worth Beach Code Section 23.2-17. as the required notice of appeal to the City Commission by an Affected Party, Daniel W. Hiatt and Frederick Schmidt, Trustee, who are property owners of the adjacent properties located at 1847 and 1848 Aragon Avenue. A copy of the Special Warranty Deeds evidencing such ownership are attached as Exhibit 'B' and Palm Beach County Property Appraiser's aeriels of the properties are attached as Exhibit "C", respectively.

Our client previously filed the request for Affected Party status attached as Exhibit "D" and was acknowledged as an Affected Party by the City Attorney and at the October 2, 2019 Planning and Zoning Board hearing.

November 21, 2019

Page 2

We will submit in writing a basis for the appeal within 30 days of the written decision. I am not aware of any such fee for such an appeal, but if there is a fee, please advise me accordingly.

Please advise me as to the date of the quasi-judicial hearing that this appeal will be heard.

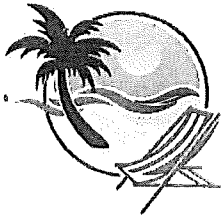
Very truly yours,



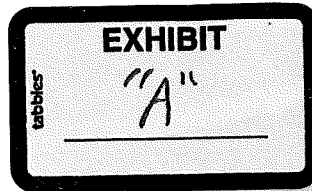
Jason S. Mankoff, Esq.

Enclosures

cc: Mr. Michael Bornstein, Town Manager (mbornstein@lakeworthbeachfl.gov)
Pam Ryan, Esq. (pryan@torcivialaw.com)
Ms. Sheri Coale, Board Secretary (scoale@lakeworthbeachfl.gov)
Client
Greg Kino, Esq.



City of
**Lake Worth
Beach**
FLORIDA



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

**ORDER OF THE PLANNING AND ZONING BOARD
OF THE CITY OF LAKE WORTH, FLORIDA**

PROJECT NAME: Kadassa Inc. PZB 19-00500004

APPLICANT/CONTACT: Martin Arias of Kadassa Inc.

APPLICANT'S ADDRESS: 1812 Aragon Avenue, Unit A, Lake Worth Beach, FL 33460

DATE OF HEARING: October 2, 2019

APPROVAL SOUGHT: Conditional Use Permit to allow the use of a medium-intensity "fabrication services excluding retail display and sales" use at 1812 Aragon Avenue, Unit A, within the Industrial Park of Commerce (I-POC) zoning district.

LOCATION OF PROPERTY: 1812 Aragon Avenue, Unit A

PCNs: 38-43-44-21-04-005-0170

 X THIS MATTER came to be heard before the Planning and Zoning Board of the City of Lake Worth, Florida, on the date of hearing stated above. The Board, having considered the application by the Applicant, the materials submitted by the Applicant, the staff reports and having heard testimony from the Applicant, members of city administrative staff, and the public, finds as follows:

1. Application for the Conditional Use Permit was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.

2. The Applicant

 X HAS

 HAS NOT

established by substantial competent evidence a basis for the approval requested.

3. The conditions for the Conditional Use as presented by administrative staff, or suggested by the public and supported by substantial competent evidence are set forth in the CONDITIONS OF APPROVAL, attached.

4. The Applicant's application for a Conditional Use is hereby

 X GRANTED subject to the conditions referenced in paragraph 3 hereof.

 DENIED

5. This Order shall take effect as of the date of hearing, October 2, 2019.

6. All further development on the property shall be made in accordance with the terms and conditions of this Order.

7. Other CONDITIONS OF APPROVAL

CHAIRMAN on behalf of the BOARD

BOARD SECRETARY

DATE: November 7, 2019

CONDITIONS OF APPROVAL
PZB CASE No. 19-00500004

1. The business shall have 60 days from the date of the Board approval to obtain a City of Lake Worth Beach Business License. Per LDR Section 23.2-29(k), a conditional use permit granted by the Planning and Zoning Board shall be void after one year from the date of the approval unless a building permit has been issued for the construction of all facilities provided in the site plan associated with the conditional use or otherwise needed to house the use, and construction is diligently pursued. However, based on the meeting minutes from the August 7, 2019 Planning and Zoning Board meeting, it was discussed to place the 60 day condition on this particular business because they had been operating without a business license since 2017.
2. Per LDR Section 23.2-29(g)(1), prior to obtaining a City business license, all outstanding code enforcement fees and fines related to the project site shall have been paid to the City.
3. Per LDR Section 23.4-19, all outdoor storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Therefore, screening shall be maintained to ensure that the outdoor storage is not visible from Aragon Avenue. The gate shall only be open when vehicles are pulling in and out of the site. At all other times the gate shall be closed in order to minimize the visibility of the outdoor storage.
4. Per LDR Section 23.4-10(b)(3), unless a Unity of Title is recorded with another parcel, all parking spaces shall be located on-site, at 1812 Aragon Avenue.
5. Per LDR Section 23.4-13(c)(7)(B)(e), all fabrication, including cutting and polishing of the materials, shall take place within the building.
6. The roll-off container shall remain within the property lines of 1812 Aragon Avenue. While Code Section 12-2(b)(4) states that permanent roll-off containers can be located in the right-of-way, it was discussed at the August 7, 2019 Planning and Zoning meeting to keep the container on site.
7. The roll-off container shall have a continuous landscape screen along the west and south sides to minimize visibility from Aragon Avenue.
8. The applicant shall continuously ensure compliance with Chapter Two, Article Seven, Division Two, Prohibited Discharge Standards, of the City's Code.
9. Per the Florida Department of Health, all businesses shall comply with the General Pollutant Emission Limiting Standards (Section 62-296.320 F.A.C.).
10. The wet curtains that have been installed to mitigate dust pollution shall be maintained for the duration of the fabrication services use, and replaced when necessary.
11. Per LDR Section 23.2-29(j), conditions and requirements stated as part of the approval of a conditional use shall be a continuing obligation of the property owner unless and until the conditional use shall expire.
12. In the event of a legal challenge to this approval, the applicant shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
13. Per LDR Section 23.5-1(b), all proposed signage shall require review and approval of a building permit.

14. Per LDR Section 15-24.2, no person shall make, continue or cause to be made any unreasonable noise or disturbing noise. [Section 15-24.2]

#9700996-A

Signed, sealed and delivered
in the presence of:

STS BUILDINGS ASSOCIATES, L.P.
BY: HOLLYWOOD STS ASSOCIATES, L.P.,
its general partner
BY: HOLLYWOOD, INC. (DEL.),
its general partner

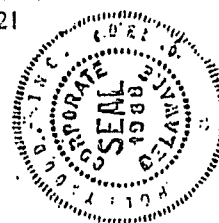
Rhonda S. Alston
Name: Rhonda S. Alston

By: [Signature]
Michael Swerdlow, President
200 South Park Road, Suite 200
Hollywood, Florida 33021

Celeste M. Orlins
Name: Celeste M. Orlins

Attest: Theodore R. Stotzer
Theodore R. Stotzer, Secretary
200 South Park Road, Suite 200
Hollywood, Florida 33021

(Corporate Seal)



STATE OF FLORIDA

COUNTY OF BROWARD

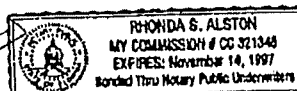
The foregoing instrument was acknowledged before me this 25th day of June, 1997, by
MICHAEL SWERDLOW and THEODORE R. STOTZER, President and Secretary, respectively,
of Hollywood, Inc. (Del.), a Delaware corporation, general partner of Hollywood STS Associates,
L.P., general partner of STS Buildings Associates, L.P., a Delaware limited partnership, on behalf
of said limited partnership. They are personally known to me or have produced _____
and _____, respectively, as identification.

Rhonda S. Alston
NOTARY PUBLIC

Name:

Title or Rank:

Serial Number:



Reference No. 33 Property:

Lots 9 through 12, inclusive, Block 4, BARCELONA GARDENS, according to the Plat thereof recorded in Plat Book 13, page 19, of the Public Records of Palm Beach County, Florida, less right-of-way as set out in Order of Taking recorded in Official Records Book 2226, page 1657, of the Public Records of Palm Beach County, Florida; and

Lots 13 through 16, inclusive, Block 5, BARCELONA GARDENS, according to the Plat thereof recorded in Plat Book 13, page 19, of the Public Records of Palm Beach County, Florida.

EXHIBIT "A"

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Taxes and assessments for 1997 and subsequent years.
2. Zoning, restrictions, resolutions, prohibitions and other requirements imposed by governmental authority.
3. Restrictions, easements, and matters appearing on the Plat of Barcelona Gardens, recorded in Plat Book 13, Page 19, public records of Palm Beach County, Florida, or otherwise common to the subdivision.
4. Rights of tenants in possession under recorded and unrecorded leases.
5. Matters disclosed by survey prepared by O'Brien, Suiter & O'Brien, Inc. under Order No. 88-6db, dated May 27, 1997, further updated on June 14, 1997.
6. Public Utilities Easements affecting the West five feet (5') of Lot 12, Block 4, as set forth in Warranty Deed recorded in Deed Book 1115, Page 107, public records of Palm Beach County, Florida.

This instrument prepared by
And should be returned to:
Frederick J. Schmidt
8233-18 Gator Lane
West Palm Beach, FL 33411

CFN 20120255632
OR BK 25296 PG 0327
RECORDED 06/28/2012 14:19:51
Palm Beach County, Florida
AMT 10.00
Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0327 - 328; (2pgs)

Property Control Nos: 38-43-44-21-04-005-0130 &
38-43-44-21-04-004-0090

SPECIAL WARRANTY DEED

This Special Warranty Deed is made this 15th day of June 2012, by Frederick J. Schmidt, an unmarried man, (herein called "Grantor"), whose mailing address is: 8233-18 Gator Lane, West Palm Beach, FL 33411, to Frederick J. Schmidt, Trustee of the Frederick J. Schmidt Revocable Trust u/a/d 11/29/2005, with full power and authority to protect, conserve, and to sell or to lease or to encumber or otherwise to manage and dispose of the real property conveyed by this deed, whose address is the same as above, (hereinafter called "Grantee").

WITNESSETH: That the Grantor, for and in consideration of the Sum of Ten (\$10.00) Dollars and other valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all of its one-half (1/2) interest in that certain property situate in Palm Beach County, State of Florida, legally described as follows (the "Property"):

Lots 9 through 12, inclusive, Block 4, BARCELONA GARDENS, according to the Plat thereof recorded in Plat Book 13, Page 19, of the Public Records of Palm Beach County, Florida, less right-of-way as set out in Order of Taking recorded in Official Records Book 2326, Page 1657, of the Public Records of Palm Beach County, Florida; and

Lots 13 through 16, inclusive, Block 5, BARCELONA GARDENS, according to the Plat thereof recorded in Plat Book 13, Page 19, of the Public Records of Palm Beach County, Florida.

SUBJECT TO zoning, restrictions, resolutions, prohibitions and other requirements imposed by governmental authority.

SUBJECT TO restrictions, easements of record, if any, and taxes from the year 2012 and subsequent years recorded in the Public Records of Palm Beach County Florida, provided that nothing herein shall serve to reimpose same, and matters appearing on the plat of Barcelona Gardens, recorded in Plat Book 13, Page 19, of the Public Records of Palm Beach County, Florida, or otherwise common to the subdivision.

SUBJECT TO rights of tenants in possession under recorded and unrecorded leases.

SUBJECT TO matters disclosed by survey prepared by O'Brien, Suiter & O'Brien, Inc. under Order No. 88-6db, dated May 27, 1997, further updated on June 14, 1997.

SUBJECT TO Public Utilities Easements affecting the West five feet (5') of Lot 12, Block 4, as set forth in Warranty Deed recorded in Deed Book 1115, Page 107, Public Records of Palm Beach County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining to the Property.

This is a Certified Copy

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this instrument the day and year first above written.

Signed, sealed and delivered in the presence of:

Witnesses

Laura Sokolik

By: Frederick J. Schmidt
Frederick J. Schmidt

LAURA SOKOLIK
Print Name

Christina Morel

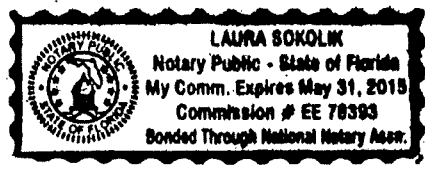
Christina Morel
Print Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

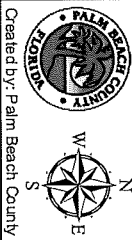
I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Frederick J. Schmidt an unmarried single man, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and who is personally known to me.

Witness my hand and official seal in the State and County last aforesaid this the 15th day of June 2012.

Laura Sokolik
NOTARY PUBLIC



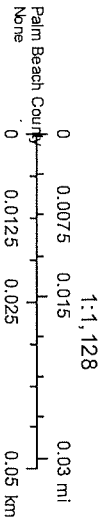
LAURA SOKOLIK
Print Name
My Commission Expires: 5-31-2015



Created by: Palm Beach County

November 21, 2019

38434421040040090



EXHIBIT

tabbies

"C"

1847 Aragon Avenue



DOROTHY JACKS

CFA, AAS

Palm Beach County Property Appraiser

We Value What You Value

PAPA Home >

Search by Owner, Address, Parcel ID, or Location

Property - **1848 Aragon Ave**

Location - **1848 Aragon Ave**

Subdivision - **BARCELONA GARDENS IN**

Parcel ID - **3843012104**

Sale Date - **08/2012**

Mailing Address - **1848 Aragon Ave**

Use Type - **4800 - WARE TERM**

Total Square Feet - **8426**

10th Ave N

Barnett Dr

10th Ave N

SEP 1988 725000

SEP 1988 100

1848
Aragon Ave.

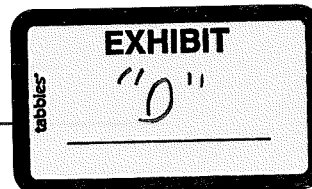
Ciklin Lubitz

ATTORNEYS AT LAW

515 N. Flagler Drive, 20th Floor, West Palm Beach, FL 33401

O.561.832.5900 | F.561.833.4209

www.ciklinlubitz.com



Bruce G. Alexander, P.A.
Jerald S. Beer, P.A.
John D. Boykin, P.A.
Jonathan B. Butler, P.A.

Richard R. Chaves, P.A.
Alan J. Ciklin, P.A.
Robert L. Crane, P.A.
Ronald E. Crescenzo, P.A.

Jeffrey M Garber, P.A.
Christine M. Hoke, P.A.
Douglas T. Johnson
Gregory S. Kino, P.A.

Scott A. Lombardo
Alissa C. Loewenstein
Charles A. Lubitz, P.A.*
Jason S. Mankoff

Leeza D. Newman
Elisha D. Roy, P.L.
Dean Vegosen, P.L.*
Gary Walk, P.A.

Kevin D. Wilkinson, P.A.*

**Designates Of Counsel*

September 30, 2019

City of Lake Worth Beach
Pam Ryan, City Attorney
Deborah M. Andrea, City Clerk
7 North Dixie Highway
Lake Worth, FL 33460
Pryan@torcivialaw.com
Dandrea@lakeworthbeachfl.gov

Via Email Only

REQUEST FOR AFFECTED PARTY STATUS IN QUASI-JUDICIAL HEARING:

PLANNING AND ZONING BOARD OCTOBER 2, 2019

CONDITIONAL USE REQUEST AT 1812 ARAGON AVENUE

PZB PROJECT NO. 19-00500004

Dear City Attorney and City Clerk:

Purpose of this letter. We request affected party status for Daniel W. Hiatt ("Hiatt") and Frederick J. Schmidt, Trustee of the Frederick J. Schmidt Revocable Trust ("Trustee") in the above matter, which is scheduled for hearing before the City of Lake Worth Beach Planning and Zoning Board on Wednesday October 2, 2019 at 6:00 PM. This is a quasi-judicial proceeding.

Criteria for granting intervenor status. The City of Lake Worth Beach's Code identifies §23.2-16. (Quasi-judicial procedures), which articulates at paragraph (a) the order of presentation, and prescribes at paragraph (e) the following procedures for establishing *affected party status*:

"(e) *Affected parties*. Affected parties, as defined in section 23.1-12 ¹ (Definitions), (1) shall be allowed to present evidence, to produced witnesses, and to cross-examine witnesses produced by others; (2) may appeal final decisions of staff, HRPB, planning

¹ Code 23.1-12 *Affected party*: That party whose interests would be adversely affected and is aggrieved such that under Florida law it has standing to challenge the action of the relevant city commission, board or agency. An applicant is an affected party. An affected party is different than an interested property owner.

Pam Ryan, City Attorney
Deborah M. Andrea, City Clerk
September 30, 2019
Page 2

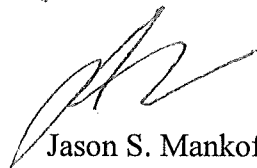
and zoning board, or city commission; and (3) may file suit to enforce the provisions of this article should the city fail or decline to do so. Notwithstanding the foregoing; however, in any suit brought by an affected party the applicable circuit court shall determine whether the affected party has the requisite standing to bring suit.

Parties requesting affected party status. On behalf of the Hiatt and Trustee, property owners of 1847 and 1848 Aragon Lane, in Lake Worth, we respectfully request recognition of intervenor status in opposition to the application.

Qualifications for affected party status. Hiatt and Trustee are the property owners directly to the west and southwest of 1812 Aragon Avenue. They are deeply concerned that they and their tenants may be exposed to excessive noise, odors, dust, and other air pollution, pests, light trespass, loss of property value, and an overall decline in their quality of life. Because they own property directly across from the subject property, they are unquestionably more aggrieved than the general public.

We respectfully request that Hiatt and Trustee be recognized as affected parties on grounds that they legal standing because they are located directly across from the proposed conditional use, which is within the noticed proximity area of 400 feet, and as their testimony, data and information will show at the hearing, they will be affected by noise, dust, odors and other impacts experienced, meet the definition and qualify as affected persons per the definition in City Code §23.1-12 and 23.2-16.

Very truly yours,



Jason S. Mankoff

JSM:sfd

Dan Hiatt
Frederic J. Schmitt, Trustee
Gregory S. Kino, Esq.