



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 06, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [February 7, 2024 Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [16 South Dixie Hwy](#)
[1200 North G Street](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [PZB Project Number 23-00900001 \(Ordinance 2024-02\): A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," at 826 Sunset Drive to construct nine \(9\) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.](#)
- B. [Ordinance 2024-03: Consideration of an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential \(SF-R\) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.](#)

NEW BUSINESS:

- A. [PZB Project Number 24-00500001: A conditional use permit request for a ±1,791 square foot medical office located at 16 South Dixie Highway. The subject property is zoned Downtown \(DT\) and has a Downtown Mixed-Use \(DMU\) future land use designation.](#)
- B. [PZB Project Number 23-01400002: A conditional use permit request to establish a daycare and elementary school greater than 7,500 square feet located at 1200 North G Street. The subject](#)

[property is zoned Mixed Use – Dixie Highway \(MU-DH\) and has a Mixed Use – East \(MU-E\) future land use designation.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, FEBRUARY 07, 2024 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Dan Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Henry Pawski; Evelin Urcuyo. Also present were: Scott Rodriguez, Asst. Director for Planning & Preservation; Anne Greening, Senior Preservation Planner; Glenn Torcivia, City Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES: Board unanimously approves the January meeting minutes as presented.

CASES:

SWEARING IN OF STAFF AND APPLICANTS – Board Secretary administers oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet.

- 1) 128 South F Street
702 South Dixie Hwy

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE Dave Mathews discloses that he has utilized the professional services of Mr. Wes Blackman for projects but has not had any conversations with him regarding this project.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 24-12400001:** An Appeal of the Development Review Official's Decision regarding the expansion of outdoor storage areas at 128 South F Street, pursuant to but not limited to Sections 23.2-8, 23.4-19, and 23.1-8 of the Land Development Regulations. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Transit Oriented Development (TOD).

Staff: S. Rodriguez outlines the procedural guidelines for Appeals. City Attorney re-iterates it is based on the record below, as it is an appeal.

Staff: A brief history of the property site plan approval in 2004 and activity since 2007. A variance was also granted related to the stone cutting and finishing at the location as well as a site plan for construction of the industrial building which was subsequently constructed in 2006. Business licenses have been maintained since that time. The 2004 approved site plan shows the area of outdoor storage (material lay-down) to be +/- 384 square feet with parking spaces and dumpster location.

Staff further explains that the AI zoning district does not allow for expanded or additional outdoor storage areas. The existing Material Lay-Down area is a non-conforming use. Only in the IPOC zoning district are new storage areas allowed and then only as an accessory use. A new storage area could be accommodated within a building, otherwise remain only where approved.

Wes Blackman of CWB Associates – representing the landowner and business. States there was never a request in the application for expansion of outdoor storage area. It has existed since the business commenced. The site shows the adaptive re-use of a residential structure for the office with ten (10) parking spaces on the property and three (3) on F Street. The parking requirement for the AI zoning district today is for 5 spaces. They've never asserted that they are expanding, portends that staff is putting words in their mouth. No physical changes to the site are planned. Mr. Blackman reads sections of the Code regarding the appeals process and Code sections related to outdoor storage; states the site is overparked. According to definitions, materials and vehicles are equivalent to each other and questions if the marble slabs are worse than the vehicles. The staff report indicates the expansion began between 2012 and 2014. A fence was installed and pergola constructed without benefit of permit. Both were removed in response to a Code compliance citation. It was protecting marble from weather conditions. Appellant would like to enter photos of other artisanal properties doing same.

City attorney objects as it is immaterial to the purpose of this appeal. What other businesses and properties are doing is irrelevant to this appeal.

Board: D. Mathews asks if outdoor storage was allowed prior to being zoned Artisanal Industrial. **Staff response:** The site plan approval occurred in 2004 at which time the zoning was low to heavy industrial. In 2013 the area was re-zoned to AI; the dedicated outdoor storage area is shown on the site plan.

Board: What triggered this action? **Response:** Code Compliance violations.

City Attorney clarifies that at some point in the past the expansion began; The thought seems that as the owner has gotten away with the expansion, they should be allowed to continue and use as much as they want despite the approved 2004 site plan limiting the outdoor storage to +/- 384 square feet.

Architect of record: Curt Stetson- 330 S Lakeside Drive- States they exemplify the intent of this mixed-use neighborhood by re-using the residential structure. The undefined site area on the plans and adjacent to the outdoor storage should be included and considered as part of the material lay-down area.

Board: Board member disagrees that the material storage and vehicle parking is equivalent. Parking is parking and storage is storage. Could the applicant apply for the L-shaped area for storage as it is encroaching into the parking spaces? **Staff:** Storage would need to be enclosed.

Staff states the applicant should/could have applied for a minor site plan amendment but that didn't happen but rather continual expansion.

Board: Z. Shamsi-Basha gives no weight to the aerals but rather to the approved site plan. The code change did not put them out of compliance, their expansion did and failure to apply for a site plan modification.

Dave Patrona-Owner of Business: Spoke with staff about how to resolve the issue of outdoor storage. He was advised his verbal proposals were rejected and did not meet code; as staff did not tell owner what was would be approved, he did not submit or propose any changes to the site plan.

Staff: The idea was for Mr. Patrona to submit a conceptual plan, that did not occur.

Board: Would the owner be willing to work with staff to come up with a resolution?

Owner: He has addressed the code violations by removing the shelter and painting over rust on the building. Questions why he would waste his time and money with another proposal and risk being rejected or having to compromise. He doesn't have room for another building; would the Board be willing to give a variance?

Board: The owner would need to follow the process as the Board does not have the ability to just grant a variance.

City Attorney – Both Board and City are extending an “olive branch” and the owner is not accepting the gesture.

Board: D. Walesky still does not see a response to the original letter regarding the conformity or non-conformity of use. Inquires as to whether or not the site would have been non-conforming during the previous code. As the City is bringing an enforcement action against the appellant, should the City not provide that information?

Z. Shamsi-Basha – The appellant would be responsible to lay out their case showing what they could have done in 2009. The City should not be required or in a position to provide the evidence to the appellant to show otherwise. This is an appeal of the DRO decision letter, this is not the Special Magistrate hearing.

Several Board members are not familiar with the term material lay-down area.

Owner: Mr. Patrona would like to submit a conceptual according to what is occurring in the neighborhood. He is not willing to spend money on Architectural drawings.

Board: The quickest resolution would be for the Board to deny the appeal and for the appellant to submit a drawing to staff. Would a building or structure be required? **Staff response:** A building with walls and roof.

Owner - Nick Patrona- If there's no resolution, people may lose jobs and homes. Questions where future storage could be on the site.

Public Comment: Erin Allen – 208 S Lakeside Drive as Chairperson of Business Advisory Board on behalf of the Board – It seems he has been caught in an unintentional undertow. This is an opportunity for the City to be business friendly, has had to pay for Mr. Blackman to represent them as it couldn't be resolved at staff level.

Board: There are several avenues to resolve the issues; going outside of Code is not going to work in favor of the appellant.

Motion: Z. Shami-Basha moves to deny PZB 24-12400001; H. Pawski 2nd.

Vote: 4/3 to deny the appeal; M. Humm; D.Walesky; D. Mathews dissenting. Motion carries.

Direction to contact staff to resolve.

B. PZB Project Number 23-01400013: A major site plan and sustainable bonus incentive program request to construct an office building at 702 South Dixie Highway. The sustainable bonus incentive program request is for an additional story (3 stories total). The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and site plan analysis. The proposal, as reviewed against Land Development Regulations (LDR's), Strategic and Comprehensive Plan, Major Thoroughfare Design Guidelines, is recommended for approval. Staff is hoping for a modification to the Site plan to run concurrent with the permitting process as opposed to an amendment which is a different process. The Conditions include a lowering of impermeable percentages to 65%. Rather than developing as a true mixed-use project, the applicant has chosen to pay the in lieu of fee to the City.

Architect for the applicant: Ariana

Board member believes the property owner should have chosen to open the office in an existing building rather than building a new structure.

Board: Chair states it is out of the scope of the Board to dictate where people should buy property. Sometimes new development spur re-development of the area.

Staff: As with the sister board HRPB, conceptual review can occur, not within the quasi-judicial process.

Board: It becomes more workload for Staff and Board for items that may never come to fruition. A Board member does not see it as a positive for the City to allow this construction as there is already a Checkers, Walgreens, and gas station. A question arises about cameras being required. Staff mentions that is for residential.

Motion: D. Mathews moves to approve PZB 23-01400013 with staff recommended Conditions of Approval based on competent substantial evidence in the staff report and in testimony provided at the hearing; M. Humm 2nd.

Vote: 5/1 in favor; E. Urcuyo dissenting. Motion carries.

PLANNING ISSUES: There will be the continuance of Sunset Drive in addition to two other projects.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: Anne Greening introduces herself and that she will assist on occasion until the Senior Planner position is filled. Glenn Torcivia states he is pitch-hitting for Elizabeth Lenihan.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:25 PM

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, March 6, 2024 at 6:00 pm** or soon thereafter to consider the following application.

PZB Project Number 23-01400002: A conditional use permit request to establish a daycare and elementary school greater than 7,500 square feet with site improvements located at 1200 North G Street. The subject property is zoned Mixed Use - Dixie Highway (MU-DH) and has a Mixed Use - East (MU-E) future land use designation. PCN #38-43-44-21-15-380-0010

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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Publish: The Lake Worth Herald
February 22, 2024

Legal Notice No. 49320

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, March 6, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 24-00500001: A conditional use permit request for a $\pm 1,791$ square foot medical office located at 16 South Dixie Highway. The subject property is zoned Downtown (DT) and has a Downtown Mixed Use (DMU) future land use designation. PCN # 38-43-44-21-15-017-0072.

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Publish: The Lake Worth Herald
February 22, 2024

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00900001 (Ordinance 2024-02): A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as “Sunset Drive,” at 826 Sunset Drive to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.

Note: The data and analysis for the associated Zoning Text Amendment is under a separate cover.

PZB Meeting Date: March 6, 2024 (continued from January 17, 2024)

Property Owner: Sunset Drive Holdings, LLC

Applicant: SCG Florida, LLC

Address: 826 Sunset Drive

PCN: 38-43-44-29-01-004-0240

Size: 4.017 acres (175,000 square feet)

General Location: South of Sunset Drive

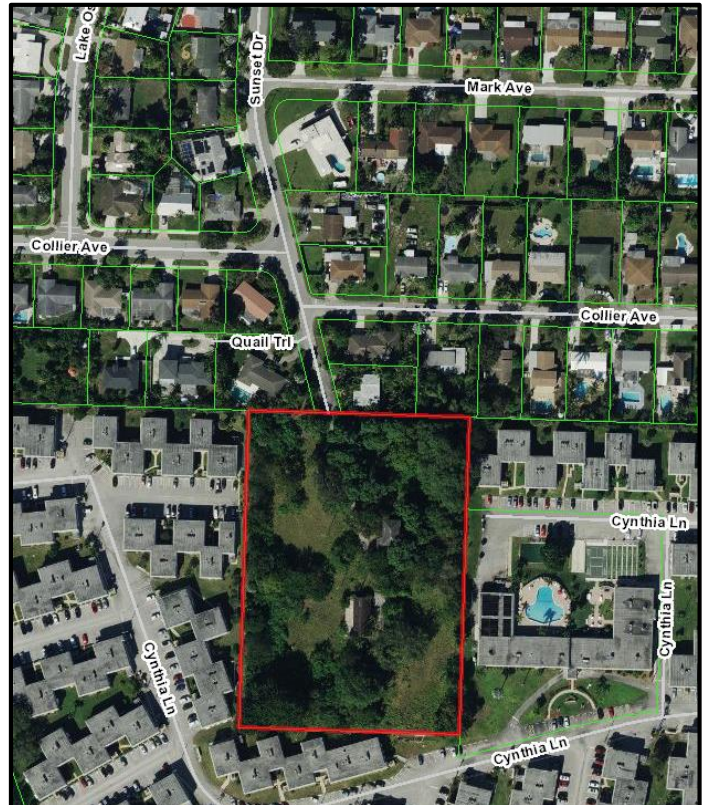
Existing Land Use: Single-family residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Current Zoning District: Not Assigned

Proposed Zoning District: Single-Family Residential (SF-R)

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 Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment requests are 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 13 to 15 of this report.

PROJECT DESCRIPTION

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the following for the project commonly referred to as “Sunset Drive” at 826 Sunset Drive:

- **Residential Only Mixed-Use Urban Planned Development** to construct nine (9), two (2)-story townhouse buildings with 42 dwelling units total.
- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a residential use greater than 7,500 square feet.
- **Sustainable Bonus Program Incentive Program** for additional density.
- **Affordable/Workforce Housing Program** for additional density.
- **Transfer of Development Rights** for additional density.
- **Zoning Map Amendment** to assign a Single-Family Residential (SF-R) zoning district designation.

The applicant is proposing a residential townhouse development on a 4.017-acre site with the purpose of constructing nine (9) townhouse buildings with a total of 42 dwelling units. The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system.

The proposed building designs are contemporary. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouse buildings will each accommodate between four (4) to five (5) units throughout the development. The project includes sustainable elements such as solar panels, rainwater collection systems, bioswales, electric vehicle charging, and a green building certification.

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COMMUNITY OUTREACH

At the time of this report’s publication, staff has received a letter of opposition for this application from the office representing the Murry Hills Association, Inc. Per LDR Section 23.2-19.1, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City’s major thoroughfares as well as those utilizing the City’s Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

Notice requirements for the neighborhood meeting are established in LDR Section 23.2-19.1(c): “The notice and an affidavit of notice affirming the notice requirements have been met shall be hand-delivered to the department for community sustainability. The notice shall be mailed, posted at the property, and hand-delivered to the city clerk and CRA office (as applicable) for website posting at least fifteen (15) days before the public neighborhood meeting.”

On November 14, 2023, the applicant held a meeting with neighborhood residents at the Lake Osborne Church (2016 6th Avenue South). The meeting minutes are included as an attachment. The applicant also created a project webpage: www.sustainableconstructiongroup.com/sunset-drive. According to the applicant, the notices were mailed to all property owners within 400 ft of the project on October 26, 2023. A sign was placed on the property on November 1, 2023.

The required notice and affidavit were not submitted to Community Sustainability staff, nor was a notice delivered to the City Clerk, as required by LDR Section 23.2-19.1. The sign posting also did not meet the fifteen (15) day noticing requirement, as it was posted 13 days prior to the neighborhood meeting.

The Development Review Officer (DRO) has the authority to determine if the notice requirements have been met; the DRO is deferring to the PZB to determine whether the noticing provided was adequate and if notice requirements have been met. If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

The applicant also held a second voluntary neighborhood meeting on March 1, 2024 with the neighborhood residents.

BACKGROUND

Listed below is a summary of the subject property’s background:

- The subject property was annexed into the City in November 2005, with the City Commission approving the annexation and rezoning requests from Sunset Drive Holdings, LLC.

- On June 6, 2006, the City Commission approved a future land use map designation of Medium Density Residential (MDR), however, this designation was challenged by residents of the City.
- In August 2009, the City reversed the prior land use and zoning approvals.
- Since 2012, the City updated and revised its comprehensive plan, future land use map, and zoning map.
- The subject property currently has a City adopted land use designation of Medium Density Residential (MDR) but no City adopted zoning designation.
- The subject property does not have any active code compliance cases.
- On January 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The project was requested to be continued by several affected parties. Public comment was provided to the Planning and Zoning Board (PZB) not supportive of the project. The Board voted to continue the item to the March 6, 2024 PZB Meeting.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per Policy 1.1.1.3, *the MDR category is intended primarily to permit development of two-family and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20 and NC. Zoning regulations shall protect two-family and medium density multi-family residential areas from the encroachment of incompatible land uses. At the same time, provision may be made for a limited number of nonresidential uses that are compatible by reason of their nature and limited frequency of occurrence with an overall medium-density, multi-family residential character. Zoning regulations shall provide for compatible nonresidential uses either through special zoning districts that may be mapped in areas designated SF/TF-14, MF-20 or NC, or through conditional use permit provisions. Academic schools that are determined to be compatible with the surrounding neighborhood shall be a conditionally permitted use within this land use category.*

Future development of multi-family structures in the medium- density residential category shall not exceed densities of 20 dwelling units per acre. Zoning regulations implementing this category shall set appropriate minimum lot area and lot width requirements and minimum site area per dwelling unit requirements.

Zoning regulations shall permit a variety of dwelling unit types in two-family and multi-family structures on lots that meet minimum lot size requirements for multi-family structures.

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 II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed project will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

The proposed development and zoning map amendment requests are consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan as it provides additional housing in the City of Lake Worth Beach.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City's Land Development Regulations (LDR), including the zoning district and planned development requirements. Per Section 23.3-25, planned

developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City’s LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is requesting to waive or relax the following requirements: reducing the townhouse separation distance requirement from 20 feet to 10 feet, and reducing the impermeable surface separation requirement for the driveways from one foot to zero.

Single-Family Residential (SF-R): Per LDR Section 23.3-7(a), the "SF-R single-family residential district" is intended primarily to permit development of one (1) single-family structure per lot. Provision is made for a limited number of nonresidential uses for the convenience of residents. These nonresidential uses are compatible by reason of their nature and limited frequency of occurrence with an overall single-family residential character. The "SF-R single-family residential district" implements the "single-family residential" land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, Affordable/Workforce Housing Program, Transfer of Development Rights and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Provided
Lot Size (min) In square feet (sf)		5,000 sf	.5 acres	4.017 acres
Lot Width (min)		50 feet	50 feet	350 feet
Setbacks	Front	20 feet	20 feet	61 feet
	Rear (min)	15 feet or 10% of lot depth for primary structures, whichever is less	15 feet or 10% of lot depth for primary structures, whichever is less	31 feet
	Street Side (min)	N/A	N/A	N/A
	Interior Side (min)	10 feet for lots over 100 feet in width	10 feet for lots over 100 feet in width	15 feet
Impermeable Surface Coverage (maximum)		50% (Large Lot)	60%	45.18% (79,060 square feet)
Structure Coverage (max)		30% (Large Lot)	40%	20.68% (36,204 square feet)
Building Height (max)		30 feet (2 stories)	30 feet (2 stories)	28 feet (2 stories)
Maximum Wall Height at Side Setback		Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall	Lots over 100 feet in width - 23 feet wall height at 10-foot setback For each additional foot of side setback an additional foot of wall	28-foot wall height at 15-foot setback

	height is allowed to a maximum of 30 feet	height is allowed to a maximum of 30 feet	
Floor Area Ratio (FAR) (max)	0.45 (Large Lot)	0.55	0.2 (34,860 square feet)
Living Area (min)	800 square feet	800 square feet	2,160 square feet
Parking	1.25 spaces per unit	1.25 spaces per unit	Required: 53 spaces Proposed: 102 spaces
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone?	Wellfield Protection Zone 4		

The table below summarizes the project’s proposed density:

Development Standard	Base Zoning District Single-Family Residential (SF-R)	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, A/WHP, and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP and TDR	Residential Only Mixed-Use Urban Planned Development in SFR w/ SBIP, TDR A/WHP, and	Provided
Density (max)	7 du/acre	8.75 du/acre	9.13 du/acre	10.4995 du/acre	10.4995 du/acre
Dwelling units	28	35	36	42	42

Sustainable Bonus Incentive Program – Density Only

Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a planned development may obtain a 25% bonus on density as outlined in Table 1 of the Comprehensive Plan. The applicant is requesting a bonus of 1.75 dwelling units (7.0305326 units) per acre for a residential only mixed-use urban planned development in the SF-R zoning district. The total SBIP square footage of bonus area is based on 7.0305326 dwelling units (2,160 square feet each) which is +/- 15,185.9504 square feet total. Therefore, the value of required improvements for the SBIP bonus areas are \$227,789.256 (15,185.9504 sf X \$15.00 per sf). Fifty percent (50%) of the incentive award value is \$113,894.628, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$113,894.628), the applicant may propose qualified on-site improvements or provide additional payment to the City.

The project will pursue a Florida Green Building Certificate which will reduce the required improvements by 50% per LDR Section 23.2-33(D)(1)(b). Public amenities in the form of a dog park/flex area and a covered workout pavilion are proposed within the development that counts towards the qualifying features or improvements. Also, a variety of green design features such as solar panels, bioswales, rain tanks, rooftop gardens, hydro panels, and electric vehicle charges are proposed which can count towards the SBIP incentive award.

Transfer of Development Rights (TDR):

Section 23.3-25(g) establishes the city’s Transfer of Development Rights program. Projects which utilize the Transfer of Development Rights program may obtain an increase in overall density of ten units per acre. The rights are valued at a cost of \$15 per square foot, and are payed to the City in exchange for development rights on City-owned properties with a future land use designation of Public.

The proposed project has gained an additional 0.38 units per acre (1.52662994) as part of the transfer of development rights bonus. The total development rights cost for the additional 1.52662994 units with a unit size of 2,160 square feet is \$49,461.8099 (1.52662994 units X 2,160 sf X \$15 per sf) which the applicant is required to pay to the City.

Below are the criteria projects must meet to qualify for the program.

1. Projects incorporating transfer development rights must be a mixed use urban planned development, planned development, mixed use planned development or residential planned development.

Analysis: The proposed project is a residential only mixed-use urban planned development which is a type of planned development. **Meets Criterion.**

2. Projects must have incorporated all of the density bonuses available under the sustainable bonus program prior to being eligible for the transfer development rights program.

Analysis: The proposed project has incorporated all of the density bonuses available under the sustainable bonus program. **Meets Criterion.**

Affordable/Workforce Housing Program

The applicant has elected to opt into the program to achieve greater density. An additional 1.36 dwelling units per acre (5.46372819 units) is achieved by utilizing the City's Affordable/Workforce Housing Program.

Analysis: The applicant is proposing 42 dwelling units of which 7 units (15% of the total number of units) will be income restricted. Staff has included a condition of approval to ensure this requirement is satisfied.

Section 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards "apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes."

Analysis: The parking for the dwelling units was calculated as follows:

- 42, single-family attached units (1.25 spaces per unit X 42 townhomes = 53 parking spaces)

A total of 53 parking spaces are required. The parking requirement has been exceeded with 102 parking spaces in the following configurations:

- 42 off-street garage spaces
- 42 off-street driveway spaces
- 18 on-street parking spaces (including 2 ADA spaces)

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".

Analysis: The development proposal provides perimeter and interior landscaping that is generally consistent with the City's landscape regulations. Tree species include a mix of Gumbo Limbo, Green Buttonwood, Silver Buttonwood, Dahoon Holly, Bay Rum and Slash Pine trees for the perimeter and interior plantings with multiple native and non-native shrubs, grasses, and groundcovers throughout the site. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for existing trees is used to calculate the tree replacement requirements and replacement of trees eighteen (18) DBH inches or more shall require replacement trees to be at least six (6) DBH inches. After the review of the Tree Survey, Disposition Plan and Landscape Plan staff determined that there is a tree replacement and mitigation shortfall. Therefore, staff has proposed a condition of approval requiring updated landscape and tree disposition plans that comply with code section 23.6-1(m), *Tree Preservation*.

The revised tree replacement and/or mitigation and the final landscape plan will be reviewed for compliance in a minor site plan application. If the required replacement trees cannot be located on site, the trees shall be mitigated by paying into the tree canopy restoration fund in accordance with code section 23.6-1 (m)(7)(c).

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage are required to be depicted on both the site and landscape plans, and are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: One (1) freestanding monument sign is proposed. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. The sign will have a height of 4', an area of 12 square feet, and a setback that exceeds the minimum requirement. Therefore, the proposed monument sign is code compliant. No waivers are being requested for the signage. However, it is staff's analysis that the sign design is not compatible with the development's contemporary buildings. A recommendation is proposed to update the design at minor site plan review.

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 refuse of each dwelling unit will be placed in refuse bins/carts. A separate dumpster is not proposed. The Public Works Department reviewed the proposal and added conditions of approval to ensure consistency with City requirements.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A condition of approval has been provided requiring further review to ensure compliance with Dark Skies lighting recommendations and for consistency with the architecture of the buildings. Further, proposed fixtures shall be required to have a warm tone setting of 3000K or less.

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. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

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

The site is configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street. The development will include a covered workout pavilion, dog park and flexible recreation area, and a pedestrian circulation system. The proposed building designs are contemporary with a flat roof. The exterior finishes include wood-look cladding, smooth stucco, and brick veneers. The proposed townhouses will accommodate between four (4) to five (5) units throughout the development.

Vehicular ingress and egress are proposed from Sunset Drive. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation; these improvements were further discussed in the landscape section of this report.

According to the project narrative (included as an attachment) the project will satisfy the performance standards listed in LDR Section 23.2-31(c)(16). A workout pavilion and a dog park/flex open space are provided which will encourage community pride and social interaction.

The applicant submitted a separate statement (included as an attachment) that explains how the planned development achieves sustainable qualities, values, and principles as listed in LDR Section 23.2-31(c)(17). The complete compliance analysis is provided in Attachment A.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Unincorporated Palm Beach County	Unincorporated Palm Beach County	Single-family residential
South	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
East	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential
West	Medium Density Residential	Medium Density Multi-Family Residential (MF-30)	Multi-family residential

The proposed use and site improvements will not negatively affect the existing surrounding properties and uses. They are harmonious and compatible with the existing residential area.

Community Appearance Criteria:

The proposed development and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape around the perimeter of the property, and new architecturally compatible townhouse buildings. The proposed architecture of the building is appropriate and in harmony with the surrounding area. Overall, the development proposal represents a substantial improvement in the visual appearance of the property.

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 establish a residential development greater than 7,500 square feet.**

Per LDR Section 23.4-13(c)(11), townhouses are subject to the additional standards as part of the CUP review process:

- (1) Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback;
- (2) Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet;
- (3) Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures;
- (4) Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units;
- (5) The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four (4) units, unless a planned development district is approved; and
- (6) No front door access from alleys when abutting single family residential use or district.
- (7) For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.

Analysis: At present, townhouses are not allowed in the SF-R zoning district. The applicant is requesting, under separate application, concurrent approval of a privately-initiated amendment to the City's Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed Use Urban Planned Development (Ordinance 2024-03). Should Ordinance 2024-03 not be approved, the development application for 826 Sunset Drive would be considered moot and would need to be revised and resubmitted to comply with the existing LDRs.

If Ordinance 2024-03 is approved, the proposed townhouse buildings comply with the requirements noted above, except for the minimum distance between buildings. A waiver is being requested as part of the planned development to reduce the distance between the three (3) southern buildings to 10 feet between each.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant is proposing townhouse buildings that do not utilize the maximum development potential. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition of the parcel while providing new housing options.

Zoning Map Amendment

Consistency with the City's Land Development Regulations

The zoning map amendment will assign a Single-Family Residential (SF-R) zoning district designation. A concurrent zoning text amendment (analysis provided under separate cover) will allow residential planned developments located within the SF-R zoning district to propose townhouses. As a result, the property will be redeveloped with a townhouse project which provide additional housing within the City of Lake Worth Beach. The property is adjacent to single-family uses to the north and multi-family uses to the east, west, and south.

The LDRs also require all zoning requests without a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(3). Staff's full analysis of the review criteria is provided below. The analysis demonstrates that the proposed zoning complies with the review criteria and that the required findings can be made in support of the zoning designation request.

Section 23.2-36(4): Review Criteria for the Rezoning of Land

The Department of Community Sustainability is tasked in the Code to review rezoning applications for consistency with the findings for granting rezoning applications in LDR Section 23.2-36 and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the zoning map amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, city staff, and public comment. At the conclusion of the hearing, the Board shall make a recommendation on the zoning map amendment request to the City Commission.

The land development regulations require all zoning map amendment rezoning requests without a concurrent future land use map amendment be analyzed for consistency with **Section 23.2-36(3)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

- a. **Consistency:** Whether the proposed rezoning amendment would be consistent with the purpose and intent of the applicable comprehensive plan policies, redevelopment plans, and land development regulations. Approvals of a request to rezone to a planned zoning district may include limitations or requirements imposed on the master plan in order to maintain such consistency

Analysis: The zoning map amendment request furthers the implementation of the City's Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Medium Density Residential (MDR) Future Land Use (FLU) designation on the subject site. **Meets Criterion.**

- b. **Land use pattern:** Whether the proposed rezoning amendment would be contrary to the established land use pattern, or would create an isolated zoning district unrelated to adjacent and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude rezoning that would result in more desirable and sustainable growth for the community.

Analysis: The zoning map amendment request will not be contrary or incompatible to the established land use pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. **Meets Criterion.**

- c. **Sustainability:** Whether the proposed rezoning would support the integration of a mix of land uses consistent with smart growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.

Analysis: The zoning map amendment request supports the integration of residential use consistent with smart growth and sustainability initiatives. In particular, approval of the request could lead to compatible land uses that could strengthen and direct development to the vacant property. This is a smart growth principle that will allow the City to benefit from a stronger tax base, will increase efficiency of already-developed land, and will add to the redevelopment potential in the area. The uses immediately surrounding the properties are primarily single-family residential and multi-family residential. Approval of the zoning map amendment will allow for land uses that are complementary to the existing residential uses surrounding the property. **Meets Criterion.**

- d. **Availability of public services/infrastructure:** Requests for rezoning to planned zoning districts shall be subject to review pursuant to [section 23.5-2](#).

Analysis: The development will be served by existing municipal services, including water, sewer, refuse, fire and police. The Electric, Water, Sewer, & Storm Utilities Departments included conditions of approval to adequately ensure community facilities and services are available to sustain the demands. **Meets Criterion.**

e. *Compatibility:* The application shall consider the following compatibility factors:

1. Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.
2. Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

Analysis: The lack of an official zoning designation of the subject property is not consistent with the adopted future land use. Assigning a zoning district designation to the subject site will increase compatibility with the adoption of a zoning district that is intended to implement the vision of the Medium Density Residential (MDR) FLU designation. **Meets Criterion.**

f. *Direct community sustainability and economic development benefits:* For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

1. Further implementation of the city's economic development (CED) program;
2. Contribute to the enhancement and diversification of the city's tax base;
3. Respond to the current market demand or community needs or provide services or retail choices not locally available;
4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage;
5. Represent innovative methods/technologies, especially those promoting sustainability;
6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;
7. Be complementary to existing uses, thus fostering synergy effects; and
8. Alleviate blight/economic obsolescence of the subject area.

Analysis: The project known as "Sunset Drive" will have several economic benefits for the community. Approval of the zoning map amendment would allow for the redevelopment of the site as sustainable residential development. The proposed residential planned development will also result in the construction of seven (7) affordable/workforce housing dwelling units. Therefore, housing options in Lake Worth Beach will be further diversified. **Meets Criterion.**

g. *Economic development impact determination for conventional zoning districts:* For rezoning involving rezoning to a conventional zoning district, the review shall consider whether the proposal would further the economic development program, and also determine whether the proposal would:

1. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category and/or zoning district; and
2. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed application would allow for the development of the subject site. **Meets Criterion.**

- h. *Master plan and site plan compliance with land development regulations*: When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of [section 23.2-32](#).

Analysis: The zoning analysis for the residential planned development was provided in this report. Based on the data and analysis and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property. Further, the proposed site improvements are consistent with the City's LDR requirements. **Meets Criterion.**

The analysis has shown that the required findings can be made in support of the zoning map amendment. Therefore, the proposed request is consistent with the review criteria for zoning designations as outlined in LDR Section 23.2-36.

Project Phasing and Re-Plat

The residential planned development will be constructed in one phase. As depicted on the site plan, the project will include 42 fee-simple residential parcels, a residential loop, and common area tracts. A subsequent re-plat to create these parcels and tracts along will be required. The re-plat will also contain utility easements.

CONCLUSION AND CONDITIONS

If the PZB determines that noticing was inadequate and/or the requirements were not met, the applicant must conduct another neighborhood meeting, which meets all of the noticing requirements.

If the PZB determines that noticing was adequate and/or the requirements were met, the applicant may continue with the development application. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed residential only mixed-use urban planned development will be complimentary to the adjacent residential properties. The project will provide sustainable townhomes and seven (7) affordable/workforce units. Further, the proposed improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning, Zoning, and Landscape Services

Incentive Programs Conditions of Approval

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining portion of the fifty percent of the incentive value prior to the issuance of a certificate of occupancy.
3. The transfer of development rights fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
4. Seven (7) units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/Workforce Housing Program (or an alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.

Project Phasing Conditions of Approval

5. The project shall be constructed in one (1) phase.
6. Final plat approval is required prior to the issuance of a Certificate of Occupancy.

Site Conditions of Approval

7. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:

- a. Provide updated landscape and tree disposition plans that comply with code section 23.6-1(m) Tree Preservation.
 - b. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - c. Provide setbacks for the monument signage.
 - d. Update any site data table errors or discrepancies.
 - e. If applicable, incorporate changes required by other departments.
8. Temporary fencing: Per LDR Section 23.4-4(j), 1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code; 2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues; and 3. Acceptable materials include screened chain link and any other permitted materials identified in section 23.4-4(c).
9. Prior to the issuance of a certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard (NGSB) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

General Conditions of Approval

10. The applicant shall coordinate with Palm Beach County (PBC) regarding required utility and right-of-way connections to Sunset Drive. PBC permits shall be submit to the City (as applicable), to confirm the viability of the work.
11. Prior to the issuance of any building permits, a structural report shall be submitted to City that confirms the integrity of the perimeter site wall.
12. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
13. Any zoning district regulations not specified in the residential planned development shall be governed by the Single-Family Residential (SF-R) zoning district, including but not limited to, mechanical equipment location, generator location, and accessory structure size and location.
14. An address application shall be required to be submitted prior to application for building permit.
15. A video security system shall be required for the property.
16. Staff recommends that the monument signage design is changed to be consistent with the contemporary architecture of the townhouse buildings.

Utilities (Water, Sewer & Stormwater)

1. Prior to issuance of a building permit application, the developer shall provide calculations to demonstrate the necessary water and sewer capacity to serve the overall project.
2. The following drainage comment(s) can be addressed at building permit submittal:
 - a. Activities involving more than one acre of construction require NPDES stormwater construction general permit, submittal of the Notice of Intent (NOI) to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b). A copy of the NOI will need to be submitted with Building Permit application.

- b. Provide paver manufacturer's specification including percolation rate as supporting documentation to demonstrate that the pavers meet the City's definition of semi-pervious paver (material percolation rate of at least 50% relative to the ground percolation rate).
- c. Provide geotechnical report establishing hydraulic conductivity value for soil and ground water table elevation to support both the exfiltration calculations and compare with the percolation rate of the semi-pervious pavers.
- d. Provide drainage analysis report and calculations.
- e. Storm Drainage Plan should show treatment volume calculations, exfiltration trench detail, proposed ground elevations, and runoff flow lines.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Prior to the issuance of a certificate of occupancy, 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. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bid pickup location, and number of bins required. Solid Waste and Recycling can be contacted by email at PublicServicesPermit@lakeworthbeachfl.gov. The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.
6. Prior to issuance of a building permit, a location shall be designated on the site plan for the storage of refuse carts on non-collection days. Plans shall also indicate how the refuse carts will be screened from public view on non-collection days.
7. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
8. Advisory Comment. The specific details concerning the ownership of the ROW for the section of Sunset Drive indicated in the plans provided is currently being researched by the Public Works Department of the City of Lake Worth Beach. Should the results of this investigation be that the City owns the ROW then the following conditions shall apply. Should the results of the investigation be that Palm Beach County owns the ROW then coordination with the County shall be required.
 - a. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
 - b. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
 - c. Prior to issuance of a Certificate of Occupancy, the proposed continuation of Sunset Dr. beyond the property line indicated on the Civil Plans provided, shall be platted as a private road and all construction and maintenance shall be the sole responsibility of the developer or future owner.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. The location of the pad-mount transformers for the buildings shall be

indicated. The transformer locations must be accessible to our vehicles, and must have 10-ft minimum clearance in front of them and 4-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.

2. Before the issuance of a Building permit, a 10-ft wide utility easement shall be required for the underground electric, transformers and other equipment that will need to be installed to provide power to this project. The electric utility is planning a looped underground primary service for this project.
3. Before the issuance of a Building permit, the utility easement must be recorded.
4. Before the issuance of a Building permit, any other services that will be needed for the project such as irrigation, lift station, lighting, gates, etc., shall be indicated and where these services will be.
5. Developer to show the location of the meter center on the site plan.
6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTIONS:

Neighborhood Meeting:

I **move to approve** the neighborhood meeting noticing that was provided by the applicant and find that it meets the requirements of LDR Section 23.2-19.1.

I **move to disapprove** the neighborhood meeting noticing that was provided by the applicant and find it does not meet the requirements per LDR Section 23.2-19.1. The applicant shall conduct another neighborhood meeting prior to the development application moving forward.

Development Application:

I move to **recommend approval with conditions** of Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **recommend disapproval** Ordinance 2024-02 for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units at the subject site. The project does not meet the LDRs for the following reasons [Board member please state reasons.].

Consequent Action: Final decision by the City Commission.

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)
- D. Draft Ordinance 2024-03

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
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<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In compliance
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<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>	Not Applicable
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<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
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<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>	In compliance
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<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
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- 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. **In compliance**
- 7. Pedestrian circulation.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. **In compliance**
- 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. **In compliance**
- 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 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. **In compliance**
- 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. **In compliance**
- 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
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- 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,** **In compliance**

craftmanship 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.

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.

In compliance

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.

In compliance

7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to

In compliance

the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.

- 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.* **In compliance**
- 14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**
- 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:* **In compliance as conditioned**
- 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: **In compliance**
- 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. 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.	In compliance
2. 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.	In compliance
3. 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	In compliance

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.

4. 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. **In compliance**

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p><i>1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p><i>2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance
<p><i>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.</i></p>	In compliance
<p><i>4. The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance

4. *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.* **In compliance**

5. *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.* **In compliance**

6. *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.* **In compliance**

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**



DATE: February 26, 2024

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: March 6 & March 13, 2024 (continued from January 17, 2024 PZB Meeting)

SUBJECT: **Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 “Planned Development District,” to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development.

PROPOSAL / BACKGROUND/ ANALYSIS:

The applicant, Chris Raley on behalf of SCG Florida LLC, is requesting approval of the subject privately-initiated amendment to the City’s Land Development Regulations (LDR) to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Planned Development. As a result, there will be greater flexibility in the housing options that can be offered in the City of Lake Worth Beach.

The proposed LDR Amendments will modify the following section of the City’s Land Development Regulations:

- Article 3 – Section 23.3-25: Planned Development District

As part of the discussion in reviewing the proposed change to the Land Development Regulations, the Boards may consider the following additional parameters concerning townhouses projects in the Single-Family Residential (SF-R) District.

- Where planned developments allowing for the townhouse option in SF-R may be located?
- What is the appropriate minimum parcel and/or project size for the planned developments?
- Should there be a maximum or minimum number of townhouse units allowed within such a planned development?
- Should the City’s Affordable/Workforce Housing Program provide for additional stipulations regarding such planned developments?
- Should the definition of townhouses, under these provisions, be evaluated to include not only attached dwelling units but also zero lot line homes, patio homes, small villa homes, quadraplex housing, tiny homes or other non-traditional single family detached homes?

The applicant is concurrently proposing, under a separate application, a residential townhouse development on a 4.017-acre site at 826 Sunset Drive with the purpose of constructing 42 townhouses. The site will be configured with nine (9), two (2)-story townhouse buildings that are accessed from a new residential loop street.

On January 17, 2024, the project was scheduled to be considered by the Planning and Zoning Board (PZB). The Board voted to continue the item to the March 6, 2024 PZB Meeting.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-03.

POTENTIAL MOTION:

I move to **RECOMMEND/NOT RECOMMEND** TO THE CITY COMMISSION TO ADOPT the proposed LDR text amendment included in Ordinance 2024-03.

Attachments

- A. Draft Ordinance 2024-03

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ORDINANCE 2024-03 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 SECTION 23.3-25 “PLANNED DEVELOPMENT DISTRICT,” PARAGRAPH (e). “MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT,” PROVIDING FOR TOWNHOUSES WITHIN THE SINGLE-FAMILY RESIDENTIAL (SF-R) ZONING DISTRICT AS PART OF A RESIDENTIAL ONLY MIXED USE URBAN PLANNED DEVELOPMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,” to amend, Section 23.3-25 – Planned Development District to provide for townhouses within the single-family residential (SF-R) zoning district as part of a residential only mixed use urban planned development within the City of Lake Worth Beach; and

WHEREAS, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

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Section 2: Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Section 23.3-25 “Planned Development District,” Paragraph (e). “Mixed use urban planned development district,” is hereby amended to read as follows:

e) Mixed use urban planned development district.

1. *Location.* Urban planned developments may be located in any mixed use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

3. *Permitted uses.* Permitted uses within a mixed use urban development are shown in [article 3](#) of these LDRs. An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural and artisanal arts or other uses specifically listed with the use tables of [section 23.3-6](#) for the districts where the planned development is to be located.

4. *Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to [article 4](#) of these LDRs.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by [section 23.6-1](#).

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

9. *Sustainability.* All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in [section 23.2-33](#), City of Lake Worth Sustainable Bonus Incentive Program.

10. *Townhouses.* Residential only mixed use urban planned development districts located within a single-family residential (SF-R) zoning district, a project may utilize townhouses. Use of townhouses shall not, in and of itself, provide a bonus on density, intensity or height.

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Section 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 7: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2024.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2024.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

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ATTEST:

Melissa Ann Coyne, City Clerk

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-00500001: A conditional use permit request for a ±1,791 square foot medical office located at 16 South Dixie Highway. The subject property is zoned Downtown (DT) and has a Downtown Mixed-Use (DMU) future land use designation.

Meeting Date: March 6, 2024

Property Owner: Joelle Szerdi Gutierrez – LDG 16 S Dixie, LLC.

Applicant: Valerie Acosta, BS, RVT, RDMS – Lé Bump, Palm Beach

Address: 16 South Dixie Highway

PCNs: 38-43-44-21-15-017-0072

Size: 0.0679 Acre Lot / ±1,791 square foot use area

General Location: East of South Dixie Highway between Lake Avenue and 1st Avenue South

Existing Land Use: Office

Future Land Use Designation: Downtown Mixed-Use (MDU)

Zoning District: Downtown (DT)

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 use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5-6 of this report.

PROJECT DESCRIPTION

The applicant, Valerie Acosta, is requesting a **Conditional Use Permit (CUP)** to establish a medium-intensity (up to 7,500 square feet of use area) medical office use (outpatient clinic/medical office) in the Downtown (DT) zoning district. According to the applicant's justification statement, the medical office will provide ultrasound services. The subject property is located east of South Dixie Highway between Lake Avenue and 1st Avenue South.

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 ($\pm 1,476$ square feet) was constructed in 1947 with an addition (± 315 square feet) in 1955.

Use: The property's current use is office space for an architecture firm and has an active business license. Staff has been informed that the firm will continue to occupy a portion of the $\pm 1,791$ square foot space until the new tenant obtains an active business license.

Code Compliance: There are no active code cases associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). The DMU FLU is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed-Use category because they would be detrimental to the shopping or office functions of the area. The proposed request is seeking to allow a medium-intensity medical office in the existing $\pm 1,791$ square foot commercial building.

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, IV.D, and V.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, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a medium-intensity medical office use that will contribute towards the City's tax base, sustain or increase jobs, and foster inclusion, the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

Based on the analysis above, the proposed Conditional Use Permit, as conditioned, is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Downtown (DT)** 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.

Analysis: The applicant is requesting a Conditional Use Permit for medium-intensity (use area less than 7,500 square feet) medical office. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major collector roadway. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a medium-intensity medical office use in the DT zoning district requires a Conditional Use Permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)(15), *Medical related uses*. The use is consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A. The proposed medical office use is also consistent with the additional supplemental regulations located in Attachment A.

The Department of Community Sustainability is 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.

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 of approval by the development review official is provided on page 2 of this report.

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: A ±1,476 square-foot structure was constructed in 1947. A ±315 square-foot addition was constructed in 1955. The existing site conditions do not conform to the current LDRs related to the building, landscaping, and parking. The front of the building is located on the property line with a zero setback. There is no existing landscaping located at the site. There are two parking spaces located in the rear. Therefore, the nonconformities section (23.5-3) of the Land Development Regulations is applicable. The existing nonconformities are not proposed to be increased by the subject Conditional Use Permit request. Conditions of approval are proposed to address landscaping and parking insofar as feasible. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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: Currently, per Public Works, the business is not being charged for any waste removal services. A condition is proposed for the applicant/property owner to coordinate with Public Works on refuse service and location.

Per LDRs Section 23.4-10.f)2.A., Exceptions (Off-street Parking). *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: Generally, when a request for a conditional use without increasing the existing building floor area is made, additional parking is not required per LDR Section 23.4-10.f)2.A., Exceptions (Off-street Parking). However, since the conditional use being requested is medical office, additional supplemental regulations related to performance standards are reviewed. The site currently has two (2) total parking spaces. Per LDR Section 23.4-10(f)(B)(3), *Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.*

One (1) space per 250 gross square feet of space is required for medical offices. Therefore, a minimum of seven (7) spaces is required. The applicant states that the business will have a total of two (2) employees and patients will be seen by appointment only. A combination of two (2) existing parking spaces, on-street parking along Lake Avenue and S J Street, and parking secured by an informal agreement between the landlord and neighboring business to the north will provide sufficient parking. A condition is proposed requiring a formal parking agreement between the affected property owners. Additionally, a condition is proposed for the applicant to coordinate with the Building Division on the requirement of an ADA parking space. A minor site plan modification will be required if the Building Division determines that an ADA parking space is required.

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. Any changes to the existing monument/freestanding sign shall bring it into conformance with Section 23.5-1.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping" consistent with this section including a landscape strip ten (10) feet in depth.*

Analysis: The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations* and LDR Section 23.2-31.j), *Design guidelines for major thoroughfares*. However, due to the location of the existing building, landscaping abutting the South Dixie Highway ROW is not feasible. South Dixie Highway is a major thoroughfare maintained by Florida Department of Transportation (FDOT). Additionally, landscaping in the rear is recommended but not required. Per LDR Section 23.6-1(a)(2), landscaping is required if: *"...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."* The vehicular use area is screened by a building to south and a wood fence to the north. Staff is recommending a hedge and/or foundation planting in the rear.

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 Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the DT zoning district. The proposed use 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 Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, fire and police. As indicated earlier in this report, refuse service will need to be determined. No additional public expenditures are required to service the proposed use. The site is located on a major collector road, and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. A condition is being proposed to address the refuse collection.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is no active code compliance case for the subject property.

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: Per LDR Section 23.4-13.c.(15), medical related uses are subject to design and performance standards. As outlined in Attachment B, the uses comply with the standards. Staff has included conditions of approval to limit hours of operation, provide sufficient parking, and satisfy minimum use areas.

CONCLUSION AND CONDITIONS

The Downtown (DT) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Based on the data and analysis in this report and the supporting materials by the applicant, the requested medical office use is not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning, and Landscaping

1. The medical office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15.,
Medical related uses:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m.
 - b. Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.

- c. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
2. No outdoor storage, outdoor activities, or outdoor patient areas, including smoking areas, are permitted.
3. The applicant/property owner shall coordinate with the Building Division on the requirement of an ADA parking space.
4. The applicant/property owner shall coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
5. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
7. 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 either the requested uses.
8. A recorded parking agreement will be required and submitted to the Department of Community Sustainability within six (6) months of approval of the conditional use permit.
9. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Peter Ringle (City of Lake Worth Beach - Building Official): Office Phone: 561-586-1786 | Email: pringle@lakeworthbeachfl.gov
 - Pamela Summers (PBC Fire Rescue): Office Phone: 561-616-7023 | Email: psummers@pbcgov.org
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance with Section 23.5-1.
11. Staff is recommending a hedge and/or foundation planting in the rear subject to LDR Section 23.6-1, Landscape regulations.

Electric Utility

1. If any changes will be required to the electric service at this location, the electric utility will require voltage and load calculations along with a riser diagram before or at the time of application for a building permit.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 24-00500001 Conditional Use Permit for a medical office 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 24-00500001 Conditional Use Permit for a medical office. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Administrative Uses and Conditional Uses
- C. Application Package (survey/site plan, floor 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 as conditioned
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</i>	In compliance

demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.

ATTACHMENT B - Administrative Uses and Conditional Uses

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance as conditioned
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	In compliance
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01400002: A conditional use permit request to establish a daycare and elementary school greater than 7,500 square feet located at 1200 North G Street. The subject property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Meeting Date: March 6, 2024

Property Owner: PRO LIFE 1200 LLC

Applicant: Daniel Ruiz, The Zonum Group

Address: 1200 North G Street

PCN: 38-43-44-21-15-380-0010

Size: 1.0856 ac Lot / 10,424 sf. Existing Structures

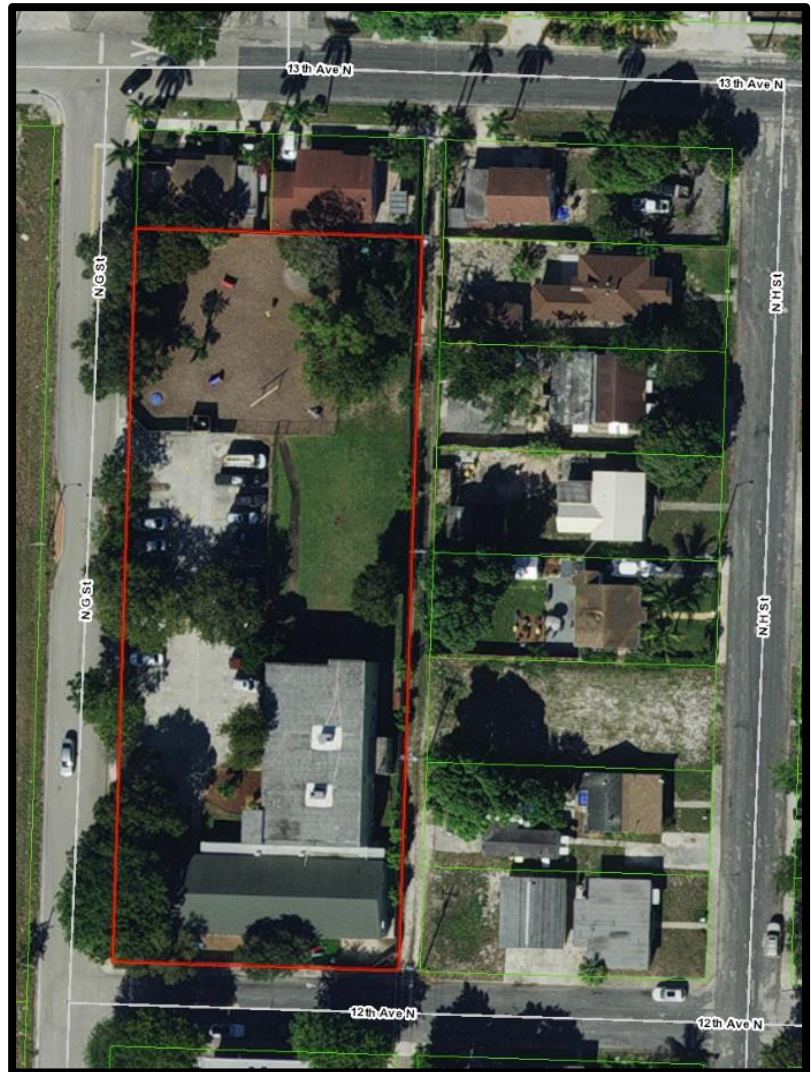
General Location: East of North G Street between 12th Avenue North and 13th Avenue North

Existing Land Use: Daycare

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 use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 6-7 of this report.

PROJECT DESCRIPTION

The applicant, Daniel Ruiz on behalf of Pro Life 1200, LLC, is requesting a Conditional Use Permit (CUP) to expand the existing daycare and establish an elementary school greater than 7,500 square feet located at 1200 North G Street in the Mixed Use – Dixie Highway (MU-DH) zoning district.

Building 1 is comprised of two floors totaling 6,824 (first floor = 3,480; second floor = 3,344) square feet and has an existing daycare and nonconforming indoor storage use. Building 2 is a single-story, 3,600 square foot structure with an existing daycare use. The use application is proposing to expand the daycare use in Building 1, remove the indoor storage, and add office and elementary school uses. Building 2 will remain the same with the daycare use.

According to the applicant's justification statement, the expansion of the daycare and establishment of the elementary school will provide additional services to the community. The subject property is located east of North G Street between 12th Avenue North and 13th Avenue North.

The applicant is only seeking the use approval at this time. A minor site plan amendment will be required to address several site improvements related to the approval including, but not limited to, accessory structures, awning, landscaping, and parking.

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 the Palm Beach Property Appraiser's and City's records:

Construction: The property was constructed in 1958. There are two (2) existing buildings on the property totaling 10,424 square feet. Building 1 is 6,824 square feet (first and second floor). Building 2 is 3,600 square feet.

Use: A private school/day care operates at the property. The current use has had an active business license with the new owner since 2021.

- 1990 – Required parking variance approved by the Zoning Board of Appeals for the daycare/meeting hall.
- 1991 – Special Land Use for daycare and meeting hall was approved by the City Commission.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). The MU-E FLU 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. Although the surrounding adjacent properties do not have a residential zoning designation, there are existing legal nonconforming single-family homes to the north and east of the site. The proposed request is seeking to expand the existing high-intensity daycare and add an elementary school use to be allowed in the existing 10,424 square foot existing structures.

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 II.F., IV.E., and V.E. of the Strategic Plan state that the City shall achieve collaboration with schools to foster rich, diverse, and culturally enriching educational opportunities for all; ensure facility placement, construction, and development that anticipates and embraces the future; and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the expansion of a high-intensity daycare and establishment of an elementary school use that will contribute towards the collaboration with schools, embracing the future, and foster inclusion, the proposal is consistent with Pillars II.F., IV.E., and V.E.

Based on the analysis above, the proposed Conditional Use Permit, as conditioned, are consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **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.

Analysis: The applicant is requesting a Conditional Use Permit for the expansion of the existing daycare and to add an elementary school use. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. Therefore, no additional public expenditures are required to service the proposed use.

Per LDR Section 23.3-6, a high-intensity day care use requires a Conditional Use Permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)6, *Day care centers*. The existing daycare has a capacity of 139 students, per the applicant. The expansion would add an additional 20 students for a total of 159. The request is also seeking an elementary school use that would add an additional 66 students. Although not part of this request, ±500 square feet of office space will be utilized contributing to the mixed-use intent of the zoning district. Office space is permitted by right in the MU-DH zoning district. Staff will propose a condition of approval requiring that any tenant utilizing the ±500 square feet obtain a separate business license and use approval if applicable. The daycare and elementary school uses are consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A. The proposed daycare use is also consistent with the additional supplemental regulations located in Attachment B.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

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 of approval by the development review official is provided on page 2 of this report.

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 building on the property was constructed in the 1950s. The existing site conditions do not conform to the current LDRs related to parking and landscaping; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3, is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request, but conditions of approval are proposed to bring parking and landscaping into conformance insofar as feasible. **The proposed Conditional Use is consistent with the City's LDRs based on the following data and analysis:**

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: A condition of approval is proposed for the property owner to coordinate with Public Works on refuse service and location.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards "apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes."*

Analysis: The required parking was calculated as follows:

- Daycare (institutional – 7,080/200) = 36
- Elementary School (institutional – 2,835/200) = 15
- Office = (509/400) = 2

A total of 53 spaces parking spaces are required. However, the applicant will be utilizing a 25% parking reduction and alternative parking to reduce the total required parking spaces to 40.

- 27 existing off-street parking spaces
- 28 bicycle racks (equal 7 off-street parking spaces)
- 5 on-street parking spaces along 12th Avenue North
- The proposed parking is deficient and does not meet the required parking.

Per LDR Section 23.4-10(h)(1), "When any land or building is used for two (2) or more uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately, minus twenty-five (25)

percent of the total required”. The applicant will be allowing separate office space within Building 1 as a principal use. a low-intensity office use is permitted by right in the MU-DH zoning district. The office use will require its own parking requirements and separate business license. The applicant will be utilizing the 25% credit toward the minimum parking requirements. The applicant is also proposing to utilize alternate spaces to fulfill their minimum parking requirement as permitted by LDR Section 23.4-10(l), which states that “alternate parking spaces including compact spaces shall count towards no more than twenty-five (25) percent of the overall site parking requirement.” The maximum alternate spaces that can be applied to meet required parking for this development is 13 alternate spaces. The applicant is proposing 7 alternate parking spaces by utilizing LDR Section 23.4-10(l)1.a which allows four (4) bicycle rack spaces to count as one (1) parking space. The proposed on-street parking counts towards the required parking spaces. A site plan amendment will be required to address the proposed parking at the site.

In 1990, the Zoning Board of Appeals (ZBA) granted a required parking variance (#90-45). As the project seeks to expand the daycare use and add new uses to the subject site, the applicant has agreed that the previously approved variance is moot. A condition will be proposed to terminate the previously approved parking variance as conditions have changed.

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. Any changes to the existing monument/freestanding sign shall bring it into conformance with LDR Section 23.5-1.

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”.*

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is generally consistent with the City’s landscape regulations. Tree species include a mix of Green Buttonwood, Gumbo Limbo, Silver Buttonwood, and Pigeon Plum for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City’s requirement that 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although multiple invasive trees such as Lebeck, Carrotwood, and Earleaf Acacia are proposed to be removed, mitigation is not required due to on-site replacement in accordance with the City’s Landscape regulations.

A landscape plan was found in the City’s property records with the approved site plan from 1991. The existing nonconforming property is lacking required landscaping and is not meeting the intent of LDR Section 23.6-1, *Landscape regulations*. Staff is proposing conditions to ensure that the site is brought into conformity to the greatest extent feasible and reduce the nonconformity with the LDRs through a site plan amendment process. This will include revising the landscape plan to reflect the removal and replacement of all existing invasive trees, including the invasive trees that are along the eastern property line. The plant schedule shall also be revised to provide the correct native status and provide the native status as a percentage.

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 Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the MU-DH zoning district. The proposed use 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. Therefore, staff has proposed conditions of approval addressing these concerns.

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

Staff Analysis: The proposed Conditional Use Permit is 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. No additional public expenditures are required to service the proposed use. The traffic flow and movements related to the proposed use are not anticipated to negatively impact the street greater than a use permitted by right. The proposed uses will not change the existing on-site traffic circulation. Staff has proposed landscaping conditions of approval to ensure adequate screening is provided for the vehicular use area and compliance with the LDRs.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject property.

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: Per LDR Section 23.4-13.c.(6), Daycare center uses are subject to design and performance standards. As outlined in Attachment B, the proposed uses comply with the standards. Staff has included conditions of approval to satisfy minimum use and play areas as well as occupancy and building safety regulations.

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. Based on the data and analysis in this report and the supporting materials by the applicant, the requested daycare and elementary school uses are not anticipated to negatively impact adjacent properties as conditioned. Further, the proposed Conditional Use Permit will be compatible with the neighboring uses in the Dixie Highway corridor. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning, and Landscaping

1. The Daycare use shall comply with the following supplemental regulations per LDR Section 23.4-13(c)6., *Day Care Centers*:
 - a. Floor area. Up to a capacity of forty (40) children, there shall be a minimum usable floor area, exclusive of any space devoted to kitchen, office, storage and bathroom facilities, of fifteen hundred (1,500) square feet. For each child in excess of forty (40) present at the facility at any one (1) time, there shall be an additional thirty-five (35) square feet of such floor space per child.
 - b. Outdoor play area. There shall be provided a minimum of two thousand (2,000) square feet of outdoor play area, or one hundred (100) square feet of outdoor play area per child, whichever is greater. The entire play area shall be used exclusively for such purpose, and shall be located on the same lot as the principal use and not in the front yard or adjacent to any outdoor storage area.

- c. Fences, walls and hedges. Fence or wall of at least five (5) feet in height shall enclose the play area, and shall otherwise comply with the requirements of section 23.4-11.
 - d. Access and child pick-up area. Safe and clear access to the center and on-site parking spaces and driveway areas shall be provided in compliance with the provisions of sections 23.4-18 and 23.4-19, off-street parking and loading regulations.
 - e. Loading and unloading. All unloading and loading of children shall take place on-site.
 - f. Hours of outdoor play. Outdoor play shall be limited to the hours of 8:00 a.m. to 6:00 p.m.
2. Safety regulations. Every licensed facility shall conform to applicable codes and ordinances of the city, including building, electrical, and fire prevention codes, and shall be free from fire hazards and shall have adequate protection against fire and explosions.
3. Variance (#90-45) granted by the Zoning Board of Appeals is no longer valid upon approval of application PZB 23-01400002.
4. A minor site plan amendment will be required prior to the issuance of a business license to address the following:
 - a. Parking, accessory structures, and an awning
 - b. Proposed landscaping
 - c. Incorporate any plan changes based on the conditions of approval from other departments.
5. The applicant/owner shall coordinate with Public Works on the location and screening of the refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
6. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
7. Per City Code Section 14-32 and LDR Section 23.2-23, the occupants must obtain and maintain the required City Business License.
8. A separate business license and use approval (if applicable) shall be required for any tenant utilizing the ±500 square foot use area located in Building 1. If the use ceases, the site shall be subject to full compliance of LDR Section 23.4-10, *Off-street parking*.
9. 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 either the requested uses.
10. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e. g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
 - Peter Ringle (City of Lake Worth Beach - Building Official): Office Phone: 561-586-1786 | Email: pringle@lakeworthbeachfl.gov
 - Pamela Summers (PBC Fire Rescue): Office Phone: 561-616-7023 | Email: psummers@pbcgov.org
11. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Utilities – Electric

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer to show the location of the meter center on the site plan.
3. Developer will be responsible for installing their own lightning for the parking areas.
4. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual

on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
4. Contact Public Works Solid Waste and Recycling Division and meet with a representative to agree on garbage bin storage location and screening, garbage bin pickup location, and number of bins required. Solid Waste and Recycling Division can be contacted by phone at 561-533-7344 or by email at solidwasteinfo@lakeworthbeachfl.gov. **The agreed upon refuse location and enclosure (if applicable) shall be depicted on the site plan.**

Building

1. Any proposed renovations will require a permit.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-01400002 Conditional Use Permit for a daycare and elementary school 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 23-01400002 Conditional Use Permit for a daycare and elementary school. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Administrative Uses and Conditional Uses
- C. Application Package (survey/site plan, floor 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>	Not applicable
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. *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.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance as conditioned**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

ATTACHMENT B - Administrative Uses and Conditional Uses

Sec. 23.4-13.(c)6 - Administrative uses and conditional uses/Standards/Day Care Centers	Analysis
1. <i>Lot area. The minimum lot area shall be ten thousand (10,000) square feet.</i>	In compliance
2. <i>Floor area. Up to a capacity of forty (40) children, there shall be a minimum usable floor area, exclusive of any space devoted to kitchen, office, storage and bathroom facilities, of fifteen hundred (1,500) square feet. For each child in excess of forty (40) present at the facility at any one (1) time, there shall be an additional thirty-five (35) square feet of such floor space per child.</i>	In compliance as conditioned
3. <i>Outdoor play area. There shall be provided a minimum of two thousand (2,000) square feet of outdoor play area, or one hundred (100) square feet of outdoor play area per child, whichever is greater. The entire play area shall be used exclusively for such purpose, and shall be located on the same lot as the principal use and not in the front yard or adjacent to any outdoor storage area.</i>	In compliance as conditioned
4. <i>Zoning area standards. The building height, setback and total floor area shall be governed by the appropriate zoning district regulations.</i>	In compliance
5. <i>Fences, walls and hedges. Fence or wall of at least five (5) feet in height shall enclose the play area, and shall otherwise comply with the requirements of section 23.4-11.</i>	In compliance as conditioned
6. <i>Access and child pick-up area. Safe and clear access to the center and on-site parking spaces and driveway areas shall be provided in compliance with the provisions of sections 23.4-18 and 23.4-19, off-street parking and loading regulations.</i>	In compliance as conditioned
7. <i>Loading and unloading. All unloading and loading of children shall take place on-site.</i>	In compliance as conditioned
8. <i>Hours of outdoor play. Outdoor play shall be limited to the hours of 8:00 a.m. to 6:00 p.m.</i>	In compliance as conditioned