



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**PLANNING & ZONING BOARD REGULAR MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, MAY 05, 2021 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. [April 7, 2021 Regular Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [L38406-Deco Green](#)  
[L38409-Lake Worth Apts.](#)  
[L38408-1831 N. Palmway](#)  
[L38407-Boutwell Rd Apts.](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [PZB # 21-01500003 - A Request by Wes Blackman, AICP of CWB Associates on behalf of David and Jennifer Hamel for consideration of a Variance to the minimum required side setback for a residential shed at 1831 North Palmway within the Single-Family Residential \(SFR\) zoning district.](#)
- B. [PZB # 21-00900001 - A request by Patricia Ramudo, PE of IBI Group on behalf of Ricardo Hernandez of OAG Investment 5 LLC for consideration of a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program to allow for the construction of a 126-unit mixed use development commonly known as "Deco](#)

Green” at 1715 North Dixie Highway within the Mixed-Use Dixie Highway (MU-DH) zoning district. The subject property’s PCN is 38-43-44-16-06-014-0010.

- C. PZB # 21-01400002 - A request by WGI, an engineering and land development firm, on behalf of MA Investment Boca, LLC for consideration of a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development at 3300 Boutwell Road, within the Mixed Use – West (MU-W) zoning district
- D. PZB # 21-01400039: A request by Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Ave North LLC for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a two-building residential project consisting of 24 multi-family units on 10th Avenue North, between North E Street and North F Street, within the Mixed Use – East (MU-E) zoning district, PCN #s 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0160.

**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 REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, APRIL 07, 2021 -- 6:05 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm, Daniel Tanner, Laura Starr, Juan Contin, Robert Lepa. Also present: Andrew Meyer, Senior Community Planner; Erin Sita, Asst. Director for Community Sustainability; Susan Garrett, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE** Led by Board Secretary

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:**

A. March 3, 2021 Regular Meeting Minutes

**Motion:** R. Lepa move to accept March meeting minutes as presented; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS:** Board Secretary administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION**

1) Wayne Akers- Proof of Publication- provided in meeting packet; the unfinished item was continued to a date certain of April 7, 2021.

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT :** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:**

**A. PZB Project Number 20-01400050:** A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

**Staff:** A. Meyer reminded all of the request that was continued as a revised drawing was not provided to staff prior to or during the March meeting. Awnings were added to the

facades, the second and third floor windows of the middle unit have now been centered over the garage door.

**Applicant:** Janet Rosa- the updates included the centering of the windows. Albert Jackman, Architect is present with a powerpoint presentation.

R. Lepa- Believes sidewalks aren't necessary due to the location, the road dead ends. J. Contin-The doors on either end of the units near the columns, appear to have been aligned, and would like to know why the sidewalk isn't on the rendering? R. Lepa mentions a similar situation exists at 11<sup>th</sup> Ave N. between Lakeside and Golfview. The lack of foot traffic, and existence of bollards signal the City has no intent of paving the roadway. G. Rice if the only people to use the sidewalk would be parking to go elsewhere, there wouldn't be a point to providing the sidewalk. Staff states Public Services did not require the addition of sidewalks. J. Contin states we live in an urban environment in a growing city with parts of the City being unwalkable. This is why cities plan sidewalks.

Applicant states it is a dead-end, with no sidewalk on the other side. The north ten (10) feet of the unimproved roadway will be paved by the applicant and the other half by either public services or adjacent owner(s).

**Public Comment:** None

**Motion:** R. Lepa moves to approve PZB 20-01400050 with staff recommended Conditions of Approval based upon competent substantial evidence as presented in the staff report, including data and analysis and testimony; D. Tanner 2<sup>nd</sup>.

**Vote:** Roll call: A. Marotta; J. Contin; M. Humm; D. Tanner; R. Lepa; G. Rice - Ayes; L. Starr, Nay. Motion passes 6/1.

## **NEW BUSINESS:**

**A. PZB Project Number 21-00500002:** Request by Les Akers of Wayne Akers Ford for consideration of a Conditional Use to establish a +/- 17,385 square feet truck rental use at 2000 10<sup>th</sup> Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCNs are 38-43-44-20-15-001-0000 and 38-43-44-20-01-028-0010.

**Staff:** A. Meyer provides a case analysis. The truck rental business is proposed to occupy space formerly set aside for used auto sales nearest to the used car and auto repair service area. A recent use table change resulted in the project being reviewed by Board as opposed to Administrative Review process. The truck rental use was not combined with the auto sales license.

**Applicant:** Les Akers. The use has been a part of the Wayne Akers umbrella. It was determined to be a non-conforming use, an unintended result of an Ordinance change. Since 1955 in business in Lake Worth.

**Board:** R. Lepa- Regarding the permeability, as it exceeds the allowance would he be willing to provide permeable pavers? If the property were sold to another business would he consider installing those pavers?

**Applicant:** The business and underlying property have been sold, he cannot answer for the new owner. They are privately owned, well respected and take care of their employees in a similar fashion. He has given permission to continue with the trade name 'Wayne Akers Ford'. The business has been in the family for sixty five (65) years.

**Public Comment:** None.

**Motion:** M. Humm moves to approve PZB 20-00500002 with staff recommended Conditions of Approval as it meets the criteria based upon the data and analysis in the staff report; J. Contin 2<sup>nd</sup>.

**Vote:** Roll call: A. Marotta; M. Humm; R. Lepa; J. Contin, D. Tanner; L. Starr; G. Rice - Ayes all. Motion passes 7/0 unanimously.

**PLANNING ISSUES:** Annual Board member re-organization (election of Chairman & Vice-Chair).

Vice-Chair Anthony Marotta nominates Greg Rice to continue in the position of Chairman; M. Humm 2<sup>nd</sup>.

Current Chairman (Greg Rice) passes the gavel to the Vice-Chair (Anthony Marotta who was not chairing the meeting at the time of the nomination).

No other nominations were received.

**Vote:** J. Contin, D. Tanner, R. Lepa, L. Starr, M. Humm, A. Marotta, Greg Rice accepts the nomination and votes yes.

Chairman passes the gavel to M. Humm and nominates Anthony Marotta, current Vice-Chair, to continue in the position of Vice-Chair; R. Lepa 2<sup>nd</sup>.

No other nominations were received.

**Vote:** J. Contin, D. Tanner, R. Lepa, L. Starr, M. Humm, G. Rice, Anthony Marotta accepts the nomination and votes yes.

Mark Humm returns the gavel to the Chairman.

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** E. Sita advises of two large, forthcoming projects to be heard at the May meeting. Deco Green with approximately 126 units in a Mixed Use district and 3300 Boutwell Rd with approximately 200 units located just to the south of the new Wyndham Hotel. There is a strong demand for multi-family units in the county.

**BOARD MEMBER COMMENTS:** R. Lepa – regarding the new apartments, what is occurring with the widening of 10<sup>th</sup> Avenue North? Traffic is onerous in the area. E. Sita – FDOT will be easing the burden with a divergent cloverleaf onto I-95 at some point in the future. The county has not yet begun acquisition of property needed for the widening of 10<sup>th</sup> Avenue North. R. Lepa asks if a presentation by the county would be possible. E. Sita mentions that would be unlikely but the information could be found. G. Rice states driving habits will have to change and that COVID has taught many that one can work from home. G. Rice asks about the retaining wall near the bridge, will it get spruced up? E. Sita states the maintenance would be handled by Public Services and Engineering.

**ADJOURNMENT:** Motion to adjourn D. Tanner, J. Contin 2<sup>nd</sup>. **7:04 PM**

Legal Notice No. 38409

**PLEASE TAKE NOTICE** that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **May 5, 2021 at 6:00 pm** or soon thereafter to consider the following:

**PZB Project # 20-01400039:** A request by Mark Humley of Charette International Architecture on behalf of 1212 Tenth Ave North LLC for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a two-building residential project consisting of 24 multi-family units on 10th Avenue North, between North E Street and North F Street, within the Mixed Use - East (MU-E) zoning district, PCN #s 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0160.

Public comment will be accommodated through the web portal: <https://lakeworth-beachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

**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 City Commission 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](mailto:pzoning@lakeworthbeachfl.gov).**

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Publish: The Lake Worth Herald  
April 22, 2021

Legal Notice No. 38406

**PLEASE TAKE NOTICE** that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **May 5, 2021 at 6:00 pm** or soon thereafter to consider the following:

**PZB Project # 21-00900001:** A request by Patricia Ramudo, PE of IBI Group on behalf of Ricardo Hernandez of OAG Investment 5 LLC for consideration of a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program to allow for the construction of a 127-unit mixed use development with +/- 7,450 square feet of commercial space commonly known as "Deco Green" at 1715 North Dixie Highway within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-16-06-014-0010.

Public comment will be accommodated through the web portal: <https://lakeworth-beachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

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Publish: The Lake Worth Herald  
April 22, 2021

## Legal Notice No. 38408

**PLEASE TAKE NOTICE** that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **May 5, 2021 at 6:00 pm** or soon thereafter to consider the following:

**PZB Project # 21-01500063:** A request by Wes Blackman, AICP of CWB Associates on behalf of David and Jennifer Hamel for consideration of a **Residential Variance** to allow for relief from the required minimum side setback for a residential shed at 1831 North Palmway within the Single-Family Residential (SFR) zoning district, PCN # 38-43-44-15-16-065-0090.

Public comment will be accommodated through the web portal: <https://lakeworth-beachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's YouTube channel at <https://www.youtube.com/c/CityofLakeWorthBeach>.

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**PZB Project # 21-01400002:** A request by WGI on behalf of MA Investment Boca, LLC for consideration of a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development commonly known as "Boutwell Road Apartments" at 3300 Boutwell Road within the Mixed Use - West (MU-W) zoning district, PCN # 38-43-44-20-01-034-0040.

Public comment will be accommodated through the web portal: <https://lakeworth-beachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov). Written hard copy comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. The public may view the meeting through the City's website, <https://lakeworthbeachfl.gov/virtual-meetings/>, or YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>.

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

DATE: April 28, 2021  
TO: Members of the Planning and Zoning Board  
FROM: Alexis Rosenberg, Senior Community Planner  
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability  
MEETING: May 5, 2021

SUBJECT: **PZB Project Number 21-01500003**: Request by Wes Blackman, AICP of CWB Associates on behalf of David and Jennifer Hamel for consideration of a Variance to the minimum required side setback for a residential shed at 1831 North Palmway within the Single-Family Residential (SFR) zoning district. The subject property PCN is 38-43-44-15-16-065-0090.

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**PROJECT DESCRIPTION:**

The applicant, Wes Blackman, AICP of CWB Associates on behalf of David and Jennifer Hamel, is requesting a five-foot variance to minimum required side setback for accessory structures in order to install a 240 square foot shed at 1831 North Palmway. The site, 1831 North Palmway, is a single family zoned property located in the north 1800 block of North Palmway. The lot currently houses a 2,814 square foot residence with a pool and a 120 square foot shed to the rear of the residence. The subject site is surrounded by single family zoned properties to the north, south, east, and west.

**Staff Recommendation:**

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed Variance request does not meet all the criteria of the Comprehensive Plan and LDRs. Therefore, staff is not recommending approval of the subject variance application.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Wes Blackman, AICP of CWB Associates
<b>Owner</b>	David and Jennifer Hamel
<b>General Location</b>	North 1800 block of North Palmway
<b>Existing PCN Numbers</b>	38-43-44-15-16-065-0090
<b>Existing Land Use</b>	Single-Family Residence



<b>Zoning</b>	Single Family Residential (SFR)
<b>Future Land Use Designation</b>	Single Family Residential (SFR)

**LOCATION MAP:**



**BACKGROUND:**

The subject site is a 10,000 (100' x 100') square foot residential lot that is made up of two 50-foot wide platted lots. The property is located at 1831 North Palmway which is within the north 1800 block of North Palmway. Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

- 1925 – the 2,513 square foot single family residence was constructed.
- 1925 – a 416.25 square foot detached garage was constructed.
- Between 1946 and 1955 – the 416.25 square foot detached garage was demolished.
- June 27, 1967 – the property received a building permit to extend the existing pool to the north.
- July 31, 1967 – the property received a building permit to construct a 96 square foot utility shed. This shed has since been demolished as it is not depicted on the current survey.
- April 23, 1973 – the property received a building permit to construct a 510 square foot covered patio to the rear of the primary residence.
- December 19, 1994 – the property received a building permit to construct an asphalt driveway (currently reflected on the survey).
- February 2, 2021 – the property owner applied for a shed permit (permit 21-381) to replace the existing 120 square foot shed in the northwest corner of the property with a 240 square foot shed.
- February 25, 2021 – the shed permit was disapproved by zoning due to the fact that the proposed shed was not meeting the required side setback of 10 feet.
- April 12, 2021 – a variance application was submitted to the Department of Community Sustainability requesting a variance to the side setback to allow the proposed placement of the 240 square foot shed.
- April 14, 2021 – a search of the City's database shows that there are no active code cases linked to this property.



**ANALYSIS:****Public Support/Opposition**

Staff has received three letters of support from adjacent and nearby neighbors of 1831 North Palmway. The letters of support are located in Attachment D.

**Consistency with the Comprehensive Plan and Strategic Plan**

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units. There is currently one single family residence on the subject property. The variance being sought does not change the use of the property which will remain single family. Therefore, the proposal is generally consistent with Policy 1.1.1.2 of the Comprehensive Plan. The subject variance is associated with the replacement of a shed (120 sf) with a larger shed (240 sf), which is a minor change to the property overall. As such, review of the strategic plan is not applicable to an improvement of this scale.

Based on the analysis above, the proposed variance is not inconsistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and the Strategic Plan should the PZB approve the subject variance request.

**Consistency with the City's Land Development Regulations**

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City's LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Staff Analysis:** The property 1831 North Palmway appears to meet the City LDRs with the exception of the existing shed's side setback which is 4.84 feet from the north side property line. Because the existing shed is considered a nonconforming structure, it is subject to the nonconforming section of the code, LDR Section 23.5-3, Nonconformities. The code states that if a nonconforming structure is deteriorated or destroyed by more than 50% of the assessed value, it shall not be constructed except in conformity with the current LDRs. Because the existing nonconforming shed is being replaced, the code requires the new proposed shed to meet the current setbacks, lot coverage, and accessory structure requirements.

The data and analysis below review the application against the regular findings for approval for all variance requests:

**Section 23.2-26(b) Regular findings of approval**

The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the application against this section which the analysis outlined as follows:

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

**Staff Analysis:** The application states that there are special circumstances that apply to 1831 North Palmway that do not apply generally to nearby parcels of land. The applicant states that the subject property is the only parcel on the block that is 100 feet wide, with a majority of the other lots on the block being 50 feet wide. The applicant states that because the minimum lot width in the SFR zoning district is 50 feet, the minimum setback being a percentage of the lot width is not as important.

It is noted that 1831 North Palmway is comprised of two 50-foot wide platted lots of record (Lot 9 and Lot 10 of Block Q, North Lake Worth). If 1831 North Palmway was split into two 50-foot wide lots, the minimum side setback for the proposed shed would be five feet. However, due to the configuration of the existing single-family residence, the property cannot be split. Further, staff does not consider a double lot a special circumstance as there are many 100-foot-wide lots in the City. **Does Not Meet Criterion.**

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

**Staff Analysis:** The application states that the strict application of the LDRs deprive the property owner of 1831 North Palmway from using their property the way other properties are able to be used on the same block. As mentioned, a majority of the other lots on the block are 50 feet wide. Those 50-foot wide lots have a minimum five-foot side setback and therefore would be able to construct a shed at least five feet from their side property lines. The applicant states that a side setback requirement is intended to protect adjacent properties from development that may affect the provision of open space or be injurious to adjacent properties. The proposed shed at five feet from the side property line would not be injurious to adjacent properties. That applicant states that the minimum 10-foot setback requirement complicates the utilization of the land and buildings on the subject property. Furthermore, the applicant states that if the proposed shed was shifted to meet the required 10-foot side setback, a portion of the shed would encroach onto the pool deck which would hinder accesses to the shed and pool.

While the proposed location of the shed is ideal due to the existing access from the driveway, the applicant does have the option of locating the shed on the south side of the property outside of the setbacks. Therefore, the strict application of the LDRs does not prevent the applicant from having a shed. **Does Not Meet Criterion.**

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

**Staff Analysis:** The application states that the proposed variance is the minimum variance requested to make reasonable use of the shed. The proposed shed will not be located closer to the north side property line than the existing shed. The applicant states that the proposed side setback is consistent with the side setbacks for a majority of the other lots on the same block. Staff finds that while the proposed variance is minimal, it is not the minimum variance requested to make reasonable use of the land or building, as the applicant does have the option of located the shed on the south side of the property outside of the setbacks. **Does Not Meets Criterion.**

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

**Staff Analysis:** The application states that the proposed variance to the required 10-foot side setback will not be injurious to surrounding properties nor will it be detrimental to the public welfare. The applicant states that the purpose of the side setback requirements is to protect adjacent properties from buildings being built too close to the property line. There are 57 properties in the general area that are able to construct a shed with a five-foot side setback due to their lot width. The applicant also mentions that the code allows a wall height up to 18 feet with a five-foot side setback for properties with a lot width of 50 feet. The proposed shed has a wall height of eight feet and therefore is less intense than what the code allows for a narrower lot. Therefore, the proposed variance would not be unduly injurious to contiguous property and the surrounding neighborhood. **Meets Criterion.**

**CONCLUSION:**

Based on staff's analysis, the required findings cannot be made with respect to the variance request as it does not comply with all the variance criteria outlined above. Therefore, staff is not recommending approval of this application.

**Board Actions:**

I MOVE TO APPROVE PZB PROJECT NUMBER 21-01500003 with staff recommended conditions for a **variance** to the minimum required side setback, allowing a 240 square foot shed to be installed five feet from the north property line. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 21-01500003 for a **variance** to the minimum required side setback. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board's decision will be final for the Variance. The applicant or affected parties may appeal the Board's decision to the City Commission.

**ATTACHMENTS:**

- A. Zoning Map
- B. Application Package
- C. Site Photos
- D. Letters of Support



DATE: April 28, 2021  
TO: Members of the Planning and Zoning Board  
FROM: Andrew Meyer, Senior Community Planner  
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability  
MEETING: May 5, 2021

SUBJECT: **PZB Project Number 21-00900001**: A request by Patricia Ramudo, PE of IBI Group on behalf of Ricardo Hernandez of OAG Investment 5 LLC for consideration of a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Rights Incentive Program to allow for the construction of a 127-unit mixed use development commonly known as “Deco Green” at 1715 North Dixie Highway within the Mixed-Use Dixie Highway (MU-DH) zoning district. The subject property’s PCN is 38-43-44-16-06-014-0010.

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**PROJECT DESCRIPTION:**

The Applicant, Patricia Ramudo, PE of IBI Group on behalf of Ricard Hernandez of OAG Investment 5 LLC, is requesting approval of the following:

1. **Mixed-Use Urban Planned Development** to construct a 127-unit multifamily development with +/-7,450 square feet of commercial space.
2. **Development of Significant Impact** to construct a residential development in excess of 100 units.
3. **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
4. **Conditional Use Permit** to establish a mixed-use master plan greater than 7,500 square feet.
5. **Sustainable Bonus Incentive Program** for an additional density, intensity and height.
6. **Transfer of Development Rights Incentive Program** for a 10% increase in residential density.

The 2.29-acre subject site is currently vacant, and is located on the west side of North Dixie Highway, between 17<sup>th</sup> and 18<sup>th</sup> Avenues North. The site previously contained a mixture of residential and commercial buildings; however, by April 2019 these structures were demolished. The proposed project will be comprised of 3 buildings. Buildings 1 and 3 are three floors in height with a roof terrace, and each contain +/-3,725 square feet of commercial space and 6 dwelling units. Building 2 is seven floors in height with a roof terrace and contains 115 dwelling units.

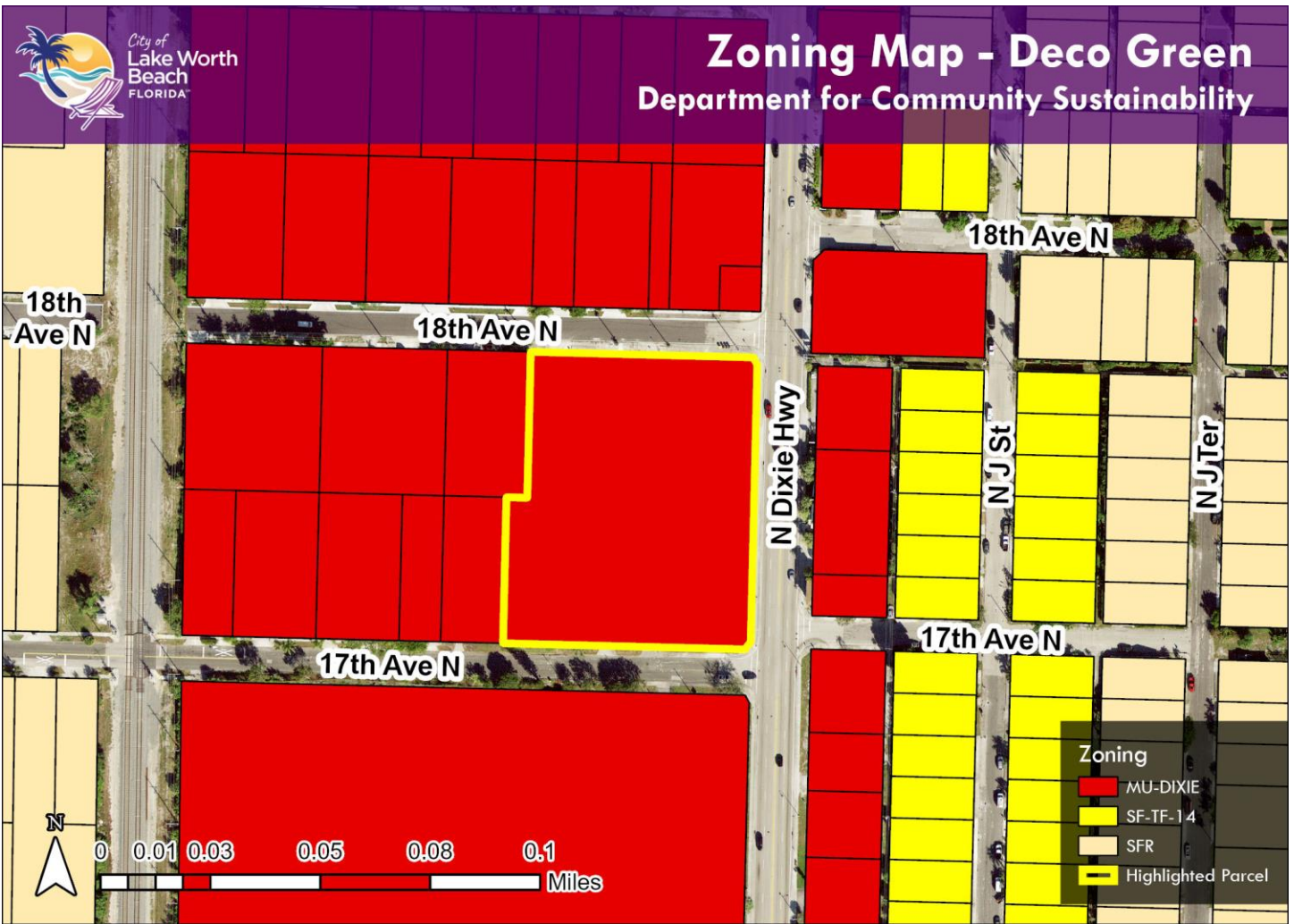
**Staff Recommendation:**

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Beach Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program with conditions of approval to the City Commission.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Patricia Ramudo, PE of IBI Group
<b>Owner</b>	Lake Worth Beach Community Redevelopment Agency
<b>General Location</b>	West side of Dixie Highway between 17 <sup>th</sup> & 18 <sup>th</sup> Aves N
<b>Existing PCN Numbers</b>	38-43-44-16-06-014-0010
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – Dixie Highway (MU-DH)
<b>Future Land Use Designation</b>	Mixed Use – East (MU-E)

**LOCATION MAP:**



**BACKGROUND:**

The project site is located on the west side of Dixie Highway between 17<sup>th</sup> & 18<sup>th</sup> Avenues North. Based on Palm Beach Property Appraiser's records and City records, the site previously contained a mixture of residential buildings along 17<sup>th</sup> and 18<sup>th</sup> Avenues North, and a few commercial buildings along North Dixie Highway; however, these structures were demolished and by April 2019, the entire site was vacant with no currently existing structures and no active business licenses issued. Additionally, a search performed on April 15, 2021 indicated that there are no open code compliance violations at the 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). Per Policy 1.1.1.5, the MU-E FLU is established 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 proposed development provides multi-family dwelling units and commercial space along one of the major thoroughfares of the city. Therefore, the proposal is consistent with the intent of the MU-E FLU. Furthermore, Objective 1.2.2 states that the City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed-use development areas. The proposed development is a mixed use urban planned development that utilizes the City's Sustainable Bonus Incentive and Transfer of Development Rights Program, which grants the development additional height, density, and floor area ratio over what is permitted by right. Thus, this project is consistent with Objective 1.2.2. Additionally, this application is requesting to obtain and additional 10 units per acre through the City's Transfer Development Rights program which is consistent with Policy 1.2.4.4(3)(b). An analysis of the Transfer Development Rights bonus is outlined on page 16.

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.A, II.B, and II.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, and deliver sustainable indoor-outdoor leisure opportunities. The Applicant is providing a landscaped plaza which includes a playground and dog park. In addition, Pillars I.A and I.B of the City's Strategic Plan represent a commitment to economic development, of which this project brings. Therefore, the project inclusive of Phases 1 and 2 is consistent with Pillars I.A, I.B, II.A, II.B, and II.E of the City's Strategic Plan. Pillars II.C, II.D, and II.F are not applicable to this project.

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

**Consistency with the City's Land Development Regulations**

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 base zoning district requirements in four (4) areas of the LDRs, which are analyzed by topic area in this section of the report, including the following:

- LDR Section 23.3-17(d), the front façade for the third story and above must have a front setback of 8 to 12 feet in addition to the minimum setback.
- LDR Section 23.3-17(d), the maximum wall height at side setbacks for properties west of Dixie Highway is 45 feet.
- LDR Section 23.3-17(d), the maximum allowed impermeable surface area on the lot is 65%.



- LDR Section 23.5-1, signage; the subject planned development has an associated sign plan that would govern signage in the development.

**Mixed Use – Dixie Highway (MU-DH):** Per LDR Section 23.3-17(a), the MU-DH zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential uses. The proposed development provides higher-density residential uses as well as office and commercial uses, and is consistent with the intent of the MU-E district.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, including requests to waive or relax base zoning district requirements as permitted in planned developments and factoring in the Sustainable Bonus incentives, Planned Development incentives, Transfer of Development Rights incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP) & Transfer of Development Incentive Program (TDIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	Greater or equal to 21,780 sf (0.5 acres)	99,914 sf (2.29 acres)
Lot Width (min)		100'	100'	350'
Setbacks	Front (min) (N Dixie Hwy)	20'	20'	<b>Buildings 1 &amp; 3: 12'*</b> Building 2: 115.2'
	Rear (min)	15'	15'	Buildings 1 & 3: 201' 8" Building 2: 45' 9"
	Side (min) (North and South)	10' (Maximum Wall Height at Setback: 45')	10' (Maximum Wall Height at Setback: 45')	Buildings 1 & 3: 10' <b>Building 2: 22' 5"*</b> <b>Building 2 Wall Height: 76'*</b>
Impermeable Surface Coverage (maximum)		65%	65%	<b>67.3%*</b>
Structure Coverage (max)		45%	45%	36.7%
Living Area (min)		1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 680-900 sf 2-bed: 994-1,235 sf 3-bed: 1,280 sf
Parking		171	171	Off-Street: 119 Off-Street Compact: 43 On-Street: 11 12 Bike Spaces: 3 6 Motorcycle Spaces: 3 Total: 179
Density (max)		20 du/acre (45 units)	55 du/acre (127 units)	55 du/acre (127 units)
Building Height (max)		30'	82.5'	Bldgs 1 & 3 – 42' Bldg 2 – 78' 10"
Floor Area Ratio (FAR) (max)		1.40	2.325	1.92

\*A relaxing or waiving of base zoning district requirements is requested.

**Density:** The base zoning district allows a maximum density of 20 units per acre. Based on Policy 1.2.3.4(3) of the City’s Comprehensive Plan, mixed-use urban planned developments west of Dixie Highway, which include at least three use

categories, one being residential, and a minimum project size of two acres may obtain a 50% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows a density of 30 units an acre. Therefore, 30 units per acre plus 50% equals a density of 45 units per acre. Furthermore, as per Section 23.3-25(g), developments which incorporate transferred development rights from city-owned properties with a future land use designation of Public can obtain an increase in overall density of 10 units per acre. 45 units per acre plus 10 units per acre equals a final density of 55 units per acre (127 units). The proposed residential planned development proposes a density of 55 units per acre (127 units), which does not exceed the maximum density allowed on this property.

**Height:** The base zoning district allows a maximum building height of 30 feet & 2 stories. Per LDR Section 23.3-17(d)(2)(B), blocks west of Dixie Highway adjacent to a residential zoning district may obtain an additional 5 feet in height & 1 story under the City's Sustainable Bonus Incentive Program. Additionally, Section 23.3-25(b)(2)(C) states that mixed-use urban planned developments west of Dixie Highway, which include at least three use categories, one being residential, and a minimum project size of two acres may obtain a 50% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows a height of 45 feet & 4 stories. Therefore, 45 feet & 4 stories plus 50% equals a height of 67.5 feet & 6 stories. Furthermore, as per Section 23.3-25(g), developments which incorporate transferred development rights (TDRs) can obtain an increase in overall increase in height of 15 feet & 1 story, for a total height of 82.5 feet & 7 stories. The height proposed for this project to the top of the parapet is 78.83 feet which is less than the maximum allowed building height for this property. An architectural feature in area less than 10% of the total area is allowed to exceed building height by 10 feet, or 88.83 feet. The architectural feature proposed reaches a height of 84.33 feet, and complies with this regulation.

**Floor Area Ratio (FAR):** The base zoning district allows a maximum FAR of 1.40 under the City's Sustainable Bonus Incentive Program per LDR Section 23.3-17(d)(7)(D). Additionally, Section 23.3-25(b)(2)(C) states that mixed-use urban planned developments west of Dixie Highway, which include at least three use categories, one being residential, and a minimum project size of two acres may obtain a 50% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows for a FAR of 1.55. Therefore, 1.55 plus 50% equals a maximum allowed FAR of 2.325. The project proposes a total FAR of 1.92 which is less than the maximum allowed FAR for this property.

**Impermeable Surface Coverage:** The project proposes an impermeable surface total of 67.3%, which exceeds the City's maximum impermeable surface allowance of 65% by 2.3%. Planned Developments allow for the relaxation of certain code regulations to promote innovative design and development solutions. The project proposes an open plaza with areas for seating as well as a dog park and playground. Further, the applicant states that semi-pervious pavers are used for parking located outside the building footprint, and that the exfiltration system will provide above the minimum water quality treatment required by the South Florida Water Management District (SFWMD). The site plan proposes approximately 62,563 square feet of impervious surface area and 10,588 square feet of semi-pervious surface area. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 10,588 square feet of semi-pervious surface area, 5,294 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 67,857 square feet (67.3%).

**Major Thoroughfare Design Guidelines / Urban Design:** The project is consistent with the City's Major Thoroughfare Design Guidelines. The project places the most active uses on the site closest to the Major Thoroughfares, and places parking and vehicular areas toward the rear of the site, promoting walkability within and beyond the site. Further review on site design can be found on Page 8 of the staff report under "Qualitative Development Standards".

**Setbacks:** The proposed project is consistent with all setbacks in the base zoning district as proposed except for the front setback for the third story and higher, and the maximum wall height at the side setback. Per LDR Section 23.3-17(d), the front façade for the third story and above must have a front setback of 8 to 12 feet in addition to the minimum setback.

While, the project proposes a total 12-foot setback, the applicant states the request is justified as the third floor has been designed to be flush with the first and second floors based on the architectural style of the building and as shown in the RFP conceptual design. Per LDR Section 23.3-17(d), the maximum wall height at side setbacks for properties west of Dixie Highway is 45 feet, while the proposed wall height is 76 feet. The applicant states that the additional height and stories are required to compensate for the lot configuration and community space provided in the center of the property, which includes an event lawn, dog park, and playground. Furthermore, the project will provide public art located at the center of the property and a low monument logo wall along North Dixie Highway, flanked on either side by low concrete benches that are suitable for sitting.

**Drainage:** The City's engineer has reviewed the preliminary civil plans. Standard staff conditions of approval have been recommended, including the standard requirement to provide detailed engineering plans and data at building permit, to ensure the subject planned development meets the City's design storm (3 yr, 1 hour (2.6")) runoff that is required to be maintained on site. These conditions also include evidence of the design is in compliance with the guideline design of SFWMD drainage basin the project is associated with. This shall be provided prior to the issuance of a building permit. These conditions of approval are listed on pages 16-19 of the staff report.

**Landscaping:** The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. Staff has conditioned that all ground-level mechanical equipment be properly screened with landscaping and all monument signs be landscaped at the base of the sign.

**Lighting:** The Applicant has submitted a photometric plan which does not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3. Nonetheless, staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant.

**Signage:** This application is proposing one monument sign at the center of the site facing North Dixie Highway indicating the project name, as well as additional signage for the commercial units within Building 1 and 3. The proposed signage will exceed the 100 square feet permitted under code, however planned developments are allowed to provide a master sign program to establish signage conditions and regulations appropriate and specific to the site. The project has been conditioned to apply for a Minor Site Plan amendment to finalize a master sign program for individual businesses prior to building permit.

#### **Mixed-Use Urban Planned Development:**

The intent of this section is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The applicant is requesting to relax or waive sections of the LDRs as part of the mixed use urban planned development, which are outlined under the "Consistency with the City's LDR Requirements" analysis section above and includes requests related to setbacks, wall heights, signage, and maximum impermeable surface. The proposed project is a mixed-use urban planned development for the construction of 127 multi-family units. The criteria below list the requirements of all mixed-use urban planned developments.

**Section 23.3-25(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.

**Staff Analysis:** The proposed subject site is located within the Mixed-Use – Dixie Highway zoning district. **Meets Criterion.**

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

**Staff Analysis:** This mixed-use urban planned development will be situated on a lot of 2.29 acres, which is over the required minimum area. **Meets Criterion.**

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.

**Staff Analysis:** The project will contain a mixture of multi-family residential, retail, and office. Per the City's Use Table, LDR Section 23.3-6, multi-family and select office and retail uses are permitted by right in the MU-DH zoning district. **Meets Criterion.**

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.

**Staff Analysis:** The project generally complies with the base minimum required setbacks of the base zoning district, MU-DH, however the project does not comply with the required setback for 3<sup>rd</sup> floors and above. The project has requested to reduce the setback required in this section of the code, justifying that it is providing open space in excess of what is required. **Meets Criterion.**

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to article 4 of these LDRs.

**Staff Analysis:** The proposed project has not requested to waive or reduce any of the requirements associated with parking, and exceeds the minimum parking requirements. Furthermore, Section 23.4-10 permits up to 25% of required parking to be in the form of alternative parking, including compact and motorcycle spaces, as well as bicycle racks. The project provides these parking alternatives, and does not exceed 25% of the required parking at the site.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by section 23.6-1.

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-to-15-foot landscape buffer along the west property lines, which includes hedging, trees, and shrubs, and continues landscape treatment around the perimeter subject site along North Dixie Highway and 17<sup>th</sup> and 18<sup>th</sup> Avenues North. A central plaza which includes an event lawn, dog park, and playground also includes numerous canopy trees and landscaping. **Meets Criterion.**

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.

**Staff Analysis:** The applicant has provided a photometric plan of the site which indicates that the planned development will have approximately 0.1 - 0.3 foot candles at the boundary of the development, which is less than the 1 foot candle maximum allowed by this section. Furthermore, the property proposes fixtures which point downward. The project will be conditioned to use shielded fixtures which are architecturally appropriate and have a warm color temperature in alignment with Dark Sky guidelines. **Meets Criterion.**

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

**Staff Analysis:** No outdoor storage facilities are proposed as part of this request. **Meets Criterion.**

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.

**Staff Analysis:** The project has applied for the Sustainable Bonus Incentive Program and has provided features and amenities which meet the intent and standards of the Sustainable Bonus Incentive Program. **Meets Criterion.**

**Development of Significant Impact (DSI):**

A development of significant impact (DSI) is a commercial, office, or industrial development of 100,000 or more gross square feet of enclosed building area, including renovations of existing structures when a change to a more intensive use is anticipated, or a residential development of 100 or more dwelling units, including renovations of existing structures when a change to a more intensive use is anticipated. The project proposed qualifies as a DSI because it exceeds 100 dwelling units.

Per LDR Section 23.2-35, a proposed DSI and any amendments to an approved DSI shall be reviewed and approved in accordance with the procedures and requirements for a Conditional Use Permit except that the City Commission shall be the decision maker and not the Planning and Zoning Board or the Historic Resources Preservation Board. The Conditional Use Permit criteria is outlined in the conditional use analysis within this report starting on page 12.

**Master Development Plan (Major Site Plan):**

A master site plan is required in conjunction with a residential planned development. The review criteria below is 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.

**Section 23.2-31(c): Qualitative Development Standards**

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.

**Staff Analysis:** The applicant states that the site is designed harmoniously and is consistent with the Major Thoroughfare Design Guidelines by providing for vibrant, diverse, safe, inviting, and sustainable features. The proposal locates the multi-family building and parking toward the rear of the site away from Dixie Highway, and locates the mixed-use buildings closer to Dixie Highway, focusing activity along the Major Thoroughfare. The proposed event lawn and plaza are located toward the center of the site, insulating the space from adjacent roadways and properties. **Meets Criterion.**

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 Part II, Chapter 12, Health and Sanitation, Article VIII, 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.

**Staff Analysis:** The proposal is a redevelopment of the site which was developed prior, therefore the disturbance of the natural conditions had already taken place. The proposal incorporates landscaping and features which improve upon the conditions that had existed prior. **Meets Criterion.**

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.

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 7.25 ft to 15 ft landscape buffer along the west property lines, which includes hedging, trees, sod, and shrubs, and continues landscape treatment around the perimeter subject site along North Dixie Highway and 17<sup>th</sup> and 18<sup>th</sup> Avenues North. A central plaza which includes an event lawn, dog park, and playground also includes numerous canopy trees and landscaping. **Meets Criterion**

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.

**Staff Analysis:** The proposed development locates the main residential building toward the rear of the site to promote privacy for its residents. In addition, the buildings will implement impact windows and insulation to dampen noise leak, and landscaping will promote visual privacy as well. **Meets Criterion.**

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.

**Staff Analysis:** Emergency access is provided to all buildings through means of the perimeter streets and interior private drive-aisles. All buildings will have access to fire hydrants and the interior drive-aisle can accommodate ambulances. All three buildings will be outfitted with a fire sprinkler system. **Meets Criterion.**

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.

**Staff Analysis:** The site has vehicular access to both 17<sup>th</sup> and 18<sup>th</sup> Avenues North, which are public streets. Furthermore, internal pedestrian circulation systems bring pedestrians from all surrounding public streets to all points of access to all three buildings. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**Staff Analysis:** The vehicular access is located towards the rear of the site so that all pedestrian traffic has direct access to the rest of the site and Dixie Highway with no interaction with vehicular circulation. Furthermore, the plaza is designed to allow for multiple pedestrian paths to and from the public rights-of-way to enhance pedestrian comfort. **Meets Criterion.**

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.

**Staff Analysis:** As stated, vehicular access to the site is provided off of 17<sup>th</sup> and 18<sup>th</sup> Avenues North in order to promote pedestrian circulation and connectivity, as well as isolate traffic movements from nearby intersections. **Meets Criterion.**

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.

**Staff Analysis:** The site plan shows that the site's vehicular and pedestrian circulation connects to the existing street pattern and pedestrian walkways. **Meets Criterion.**

10. *Design of on-site public right-of-way.* 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.

**Staff Analysis:** There are no on-site public rights-of-way. **Meets Criterion.**

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.

**Staff Analysis:** Landscape buffers are provided along the west of the property to screen the parking area from the properties to the west. Additionally, landscape buffers are proposed around the perimeter of the property to provide screening for the parking areas and buildings on the site. **Meets Criterion.**

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.

**Staff Analysis:** The site plan proposes the refuse area within an enclosed space among the parking area underneath Building 2. Solid waste and recyclables will be collected in this room, and then wheeled out to a collection point within the parking lot by the facility when the truck is scheduled for pickup. The refuse is located completely within an enclosed area and is located, designed and screened to minimize the impact of noise, glare, and odor on adjacent property. **Meets Criterion.**

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.

**Staff Analysis:** The proposed project will revitalize the vacant site, constructing 127 multi-family units with commercial and retail space, and further add to the City's tax base. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a

harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

**Staff Analysis:** The subject site is within the MU-DH zoning district and surrounded by MU-DH zoned properties on all sides. The project proposes a development that is consistent with the MU-DH zoning district and the development incentives in the City's Comprehensive Plan. **Meets Criterion.**

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.

**Staff Analysis:** With future development in mind, the proposed development meets the intent of the MU-DH zoning district and is consistent with intent of the MU-E future land use designation. **Meets Criterion.**

**Section 23.2-31(l): Community Appearance Criteria**

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.

**Staff Analysis:** The applicant states that the architectural elevations are inspired by the Bauhaus Movement and Art Deco architectural styles. Staff has reviewed the application and determined that the proposal complies with the Major Thoroughfare Design Guidelines and is in conformity with good taste, good design, and contributes to the image of the City. **Meets Criterion.**

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.

**Staff Analysis:** The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined to not be of inferior quality that would cause harm to the nature of the local environment or materially depreciate in appearance and value. **Meets Criterion.**

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.

**Staff Analysis:** The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, the City's LDRs and Major Thoroughfare Design Guidelines. The proposal is also similar in nature to other structures in the general area. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The project's compliance with the community appearance and conditional use criteria is detailed below. **Meets Criterion.**

**Conditional Use Permit:**

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 master plan greater than 7,500 square feet.



**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

**Staff Analysis:** The site contains a zoning designation of MU-DH. Based on the intent of the MU-DH zoning district, uses most likely to occur in the district are office and commercial uses, including higher density residential use. The proposed mixed-use development is consistent with the intent of the MU-DH district. Therefore, the proposed residential planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (across 18 <sup>th</sup> Ave N)	MU-E	MU-DH	Multi-Family, Minor Auto Repair
South (across 17 <sup>th</sup> Ave N)	MU-E	MU-DH	Multi-Family, Live/Work
East (across N Dixie Hwy)	MU-E	MU-DH	Caterer, Laundry Establishment, Restaurant
West (adjacent)	MU-E	MU-DH	Single-Family Residential

Per the Palm Beach County Property Appraiser and City Business License Records, the site is surrounded by a mixture of commercial and residential uses. To the north of the site, across 18<sup>th</sup> Avenue North, are multi-family properties and Bob Davis Minor Auto Repair, and to the east, across North Dixie Highway, is White Apron Catering, Coconut Palm Dry Cleaners and Laundry, and Farmer Girl Restaurant. To the south of the site, across 17<sup>th</sup> Avenue North, is the recently constructed multi-family mixed-use urban planned development known as “The Mid”. To the west, adjacent to the property, are single-family residences. The proposed multi-family residential and retail and commercial uses have been found to be consistent with the surrounding commercial and residential uses. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The approval of this conditional use will bring more residents and businesses to the City and contribute to the City’s tax base. Therefore, the development is not anticipated to result in less public benefit than a use permitted by right. **Meets Criterion.**

4. 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.

**Staff Analysis:** Based on the table on page four, the project proposes a density, height, and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. Therefore, the project is not anticipated to be a more intensive development than what the Comprehensive Plan anticipates. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Analysis:** Residential development is reviewed as a conditional use only if it is greater than 7,500 sf. Based on the data and analysis provided in the applicant's traffic study and justification statement, the proposed project and conditional use request would result in lower levels of traffic compared to the site fully developed through permitted by right uses. Multi-family residential with three or more floors has a lower trip generation rate than multi-family residential with 2 floors or single family residential permitted by right use. In addition, the land may be subdivided and smaller yet cumulatively more intense development could occur separately, which in total would create a higher level of traffic than the proposed development. Subdividing would allow for an increase of driveways which would reduce the capacity of the adjacent roadways. Further, the applicant's traffic engineer has indicated that a combination of land uses allows for internal capture between the uses which may not otherwise occur. The Traffic Impact Statement prepared by Simmons & White, Inc. concludes the proposed project meets all Level of Service requirements and the requirements of the Palm Beach County Traffic Performance Standards. The Applicant's Traffic Study can be viewed in Attachment C. **Meets Criterion.**

2. 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.

**Staff Analysis:** The Traffic Impact Statement included with the application concludes that the project meets all Level of Service requirements. In addition, the project has been conditioned to provide a Traffic Letter from Palm Beach County's Traffic Engineering indicating that the project complies with the Palm Beach County Traffic Performance Standards, and should the letter detail any improvements or modifications required at the site, then the applicant shall amend the site accordingly. The site's driveway access points are consistent with the development patterns of commercial properties along the west side of Dixie Highway within the City. The residential component of the planned development is a conditional use because of its size. Subdivision of the property and/or the development of the property with multiple non-residential uses less than 7,500 sf would not mitigate the reliance of future development on 17<sup>th</sup> Ave N and 18<sup>th</sup> Ave N for to access Dixie Highway. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** Staff does not anticipate the proposed 127-unit mixed-use development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential and commercial uses do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

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.

**Staff Analysis:** The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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.

**Staff Analysis:** The applicant will be utilizing existing City utility lines. Should any additional infrastructure be constructed to connect the development to the city's utilities, the applicant shall be responsible for the expense. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. The project was designed with Crime Prevention through Environmental Design (CPTED) principles, such as promoting visibility throughout the site. **Meets Criterion.**

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.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The requested use is for a 127-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The Applicant has submitted a photometric plan which does not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3. Nonetheless, staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

### **Sustainable Bonus Incentive Program**

The proposal includes a Sustainable Bonus Incentive Program to obtain additional height and additional density from the base zoning district, MU-DH. Section 23.3-25(b)(2)(C) states that mixed-use urban planned developments west of Dixie Highway, which include at least three use categories including residential, and a minimum project size of two acres may obtain a 50% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The site plan provides for 7 floors. Section 23.3-17(d)(2) allows for 2 floors under the base zoning district. Table 1 of the Comprehensive Plan allows for a total of 4 floors which may be utilized under a Planned Development, which this project is at a bonus cost of 5 dollars per square foot. The project also meets the threshold for a 50% increase in density, intensity, and height, which allows the project to go to 6 floors. Floor 7 is granted through the transfer of development rights

program instead of the sustainable bonus incentive program and is detailed on Page 16. Any increase in height above the allowances under Table 1 in the Comprehensive Plan are at a bonus cost of 10 dollars per square foot. The total Sustainable Bonus value is calculated as \$751,560, which has been broken down in the following table:

<b>Buildings 1 &amp; 3 Total</b>	<b>Area</b>	<b>Value per square foot</b>	<b>Bonus Value Required</b>
Floor 3	4,548 square feet	\$5	\$22,740
<b>SBIP Subtotal</b>	<b>4,548 square feet</b>	<b>\$5</b>	<b>\$22,740</b>
<b>Building 2 Total</b>	<b>Area</b>	<b>Value per square foot</b>	<b>Bonus Value Required</b>
Floor 3	25,052 square feet	\$5	\$125,260
Floor 4	25,052 square feet	\$5	\$125,260
Floor 5	25,052 square feet	\$10	\$250,520
Floor 6	25,052 square feet	\$10	\$250,520
<i>Floor 7 (TDR, not part of SBIP)</i>	<i>24,672 square feet</i>	<i>\$10</i>	<i>\$246,720 TDR Value</i>
<b>SBIP Subtotal (excluding Floor 7)</b>	<b>100,208 square feet</b>	<b>\$5-\$10</b>	<b>\$751,560</b>
<b>Bldg 1-3 Total (excluding Floor 7)</b>	<b>104,756 square feet</b>	<b>\$5-\$10</b>	<b>\$774,300</b>

The applicant is providing \$864,000 in on-site and off-site improvements. Staff has reviewed the proposed features and amenities and find them to be generally consistent with the purpose of the Sustainable Bonus Incentive Program. However, individual high efficiency fixtures are not eligible and may only be considered as part of a certification program like Florida Green Building. Therefore, the sustainable bonus has been conditioned to require Florida Green Building certification, which is equivalent to 50% of the value or sustainable bonus, or to require a payment in lieu of the certification. A breakdown of these improvements can be viewed below:

<b>Incentive</b>	<b>On-Site or Off-Site</b>	<b>Bonus Value Required</b>
Enhanced Landscaping	On-site	\$50,000
Dog Park and Playground	On-site	\$100,000
High-Efficiency Water Fixtures *	On-site	\$75,000
Fundamental Commissioning*	On-site	\$30,000
Minimum Energy Performance*	On-site	\$35,000
High-Efficiency HVAC*	On-site	\$330,000
Public Art – Murals & Plaza Sculpture	On-site	\$144,000
Utility Undergrounding (TBD)	Off-Site	\$100,000
<b>TOTAL INCENTIVES PROVIDED</b>		<b>\$864,000</b>

\*Improvement value removed and a Florida Green Building certification, or fee in lieu improvement shall be required.

**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 one additional story of no more than fifteen feet in height, an increase in overall density of ten units per acre, and an increase in overall floor area ratio (FAR) of ten percent. The rights are valued at a cost of \$10 per square foot, and are paid to the city in exchange for development rights on city-owned properties with a future land use designation of Public. The total development rights cost for the 7<sup>th</sup> floor is \$246,720. Below is 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.

**Staff Analysis:** The proposed project is a mixed-use urban planned development. **Meets Criterion.**

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

**Staff Analysis:** The proposed project has incorporated all of the density, height, and intensity bonuses available under the sustainable bonus program, and the receipt of the development rights will result in development beyond the sustainable bonuses as permitted by code. **Meets Criterion.**

**Public Support/Opposition:**

Staff has not received any letters of support or opposition.

**CONCLUSION:**

The proposed request for a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

**Electric Utilities:**

1. Prior to the issuance of a building permit,
  - a. Provide the voltage requirements of the three buildings proposed on the site. Building 2 will need to be three-phase since a single-phase transformer cannot handle the load of the building.
  - b. Provide the location requested for the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in the front of them and 3-ft minimum clearance on the sides and rear, including landscaping. They also must not be under or inside any structure.
  - c. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the construction plans showing the water, sewer, drainage, paving, landscaping, and lighting for the project.
2. Before the issuance of a Certificate of Occupancy
  - a. A 10-ft-wide utility easement for all of the electric lines, transformers and other equipment will be required to be recorded. The easement is required to provide power to this project.
  - b. Install all schedule-40 gray conduit as required by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a 42" minimum depth. Pad specs will be provided to show the proper orientation of conduit at the padmount transformers.
  - c. Lighting for the parking areas on the site shall be installed at the property owner/s' or developer/s' expense.

3. Costs associated with the City of Lake Worth Beach's materials and labor for this project shall be reimbursed to the Electric Utility prior to the issuance of a Certificate of Occupancy.

**Planning and Zoning:**

1. All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in [LDR Section 23.4-3](#). If using LED lighting, a warm light tone is required. Lighting fixtures should comply with dark skies fixture recommendation, including a 2700K and be consistent with the architectural style of the project.
2. All ground level mechanical and electrical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or other similar type open fencing shall not be permitted. Additionally, per LDR Section 23.4-21(1), all roof-mounted equipment shall not be visible. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment.
3. A Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required.
4. Prior to the issuance of a building permit:
  - a. Provide a traffic performance letter from Palm Beach County's Traffic Division. Should the letter recommend any changes or improvements to the site or surrounding area, the applicant shall enter into the applicable site plan amendment process to amend the site plan.
  - b. Provide for 4% of required parking as electric vehicle charging infrastructure spaces as per 23.4-10(g) and indicate on the site plan
  - c. Notification of intent to acquire Florida Green Building certification or payment in lieu of improvements required for the Sustainable Bonus Program.
  - d. Provide landscape screening at the base of all proposed monument signage.
5. Prior to certificate of occupancy, the applicant shall pay \$246,720 toward the city's Transfer of Development Rights program.

**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. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
3. Prior to the issuance of a building permit:
  - a. the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
  - b. the Applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
  - c. the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
  - d. the applicant shall furnish to the City a copy of the FDOT right of way permit for permitted work on Dixie Highway.
4. Prior to the issuance of a certificate of occupancy:
  - a. All conditions of approval shall have been satisfied under jurisdiction of the Department of Public Works.

- b. All off-site improvements inclusive of sidewalk, curb and gutter, parking, curb cut entry, sodding, landscaping, signage and striping in accordance with the approved site plan shall be constructed. All improvements shall meet the standards and specifications of the Public Works Dept and comply with the Policy and Procedure Manual.
- c. 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 shall be restored to the same condition as prior to construction.
- d. The site shall be fine graded and all disturbed areas shall be sodded with bahia sod.
- e. The site shall broom swept, including all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
- f. The right of way shall be restored to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind

#### **Utilities Water & Sewer:**

1. Twenty days prior to first site plan approval reading at the City Commission, the development shall provide data to demonstrate that on-site containment of stormwater based on the three-year, one-hour design storm event or 2.6 inches of precipitation, over the entire site area and shall include the geotech data required to support the drainage calculations.
2. Prior to the issuance of a building permit:
  - a. An FDOT on Access Management shall be provided.
  - b. Provide a drainage statement from a registered FL engineer regarding floodplain management provisions for water quality and quantity, as well as meeting the SFWMD drainage basin conditions.
  - c. Provide a section detail at each property direction from back of building or curb to property line. Please ensure that these open spaces are meeting the City's policy of containing the 3 year – 1 hour storm event as well as meeting the drainage requirements of the 25 year storm as per the SFWMD drainage basin requirements.
  - d. Please show how drainage will be handled between all building structures (specifically NE and SE) in all directions.
  - e. Provide an Erosion Control plan and with the BMPs and NPDES compliance practices for the project site.
  - f. The drainage as-builts for 17th Ave N were recently completed and the CAD files shall be imported into the proposed plan to ensure the existing drainage infrastructure in 17th Ave N is consistent with the propose plan driveways and on street parking. Contact Giles Rhoads at the water department: 561-586-1640 [grhoads@lakeworthbeachfl.gov](mailto:grhoads@lakeworthbeachfl.gov)
  - g. Opposing left turn lanes shall be required to be striped in on Dixie Hwy at 17th Ave N pending the final traffic review and approvals by the State and/or County.
  - h. Additional detail, including expanded views of the site depicting the cross-driveway access from the MID on 17th Ave to the proposed multi-family residential building on 18th Ave N.
3. Prior to the issuance of a building permit, the following actions shall be completed:
  - i. At time of engineering submittal provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
  - ii. Add all structure and conflict information on the plans.
  - iii. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
  - iv. Proposed watermains shall have a minimum depth of 36 inches.
  - v. Show irrigation service line/s up the meter and backflow RPZ device/s.
  - vi. Show water & sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
  - vii. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at [psegovia@pbcgov.com](mailto:psegovia@pbcgov.com)

- viii. Water and Sewer utilities will require a dedicated 15-foot utility easement.
  - ix. Provide a copy of FDOT permit for any work within or touching Dixie Highway.
  - x. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
  - xi. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
  - xii. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
  - xiii. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
  - xiv. Provide existing and proposed site grades.
  - xv. Indicate vertical datum on all plan drawings with grades.
  - xvi. All applicable City of Lake Worth details.
  - xvii. Capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.
- b. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
- i. Provide a copy of the recorded easements.
  - ii. Record a Bill of Sale for the public water and sewer mains.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-00900001 with staff recommended **conditions** for a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program to construct a 127-unit mixed use development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 21-00900001 for a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program to construct a 127-unit mixed use development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board will be making a recommendation to the City Commission on the Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program.

**ATTACHMENTS:**

- A. Site Plan Package
- B. Supplemental Supporting Documents





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

DATE: April 28, 2021  
TO: Members of the Planning and Zoning Board  
FROM: Alexis Rosenberg, Senior Community Planner  
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability  
MEETING: May 5, 2021

SUBJECT: **PZB Project Number 21-01400002:** A request by WGI, an engineering and land development firm, on behalf of MA Investment Boca, LLC for consideration of a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development at 3300 Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCN is 38-43-44-20-01-034-0040.

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**PROJECT DESCRIPTION:**

The Applicant, WGI on behalf of Prospect Real Estate Group, LLC., is requesting approval of the following:

- 1.) **Residential Urban Planned Development** to construct a 200-unit multifamily development.
- 2.) **Development of Significant Impact** to construct a residential development in excess of 100 units.
- 3.) **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
- 4.) **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.
- 5.) **Sustainable Bonus Incentive Program** for an additional density, intensity and height.
- 6.) **Transfer of Development Rights** to obtain an additional 4.7 units per acre

The subject site is a vacant 4.746 acre parcel located in the southwest corner of Boutwell Road and 10<sup>th</sup> Avenue North. On September 7, 2016, the Planning and Zoning Board approved a 199,135 square foot, six story, 158 apartment complex at the subject site. The apartment complex was approved in conjunction with a five story, 100 room hotel to the north at 2224 10<sup>th</sup> Avenue North (PZB 15-01400003 and 15-00500009). The new proposed development, also referred to as Boutwell Road Apartments, consists of two residential buildings including a clubhouse/mailroom. The project proposes a total of 200 multi-family units. Of the 200 units, 120 units will be one-bedroom units, and 80 units will be two-bedroom units. There are 293 parking spaces provided on site with a portion of the parking side-loaded to Building B and the remaining parking spaces located interior to the site. Of the 293 parking spaces, 226 spaces will be standard spaces, 41 spaces will be compact spaces, and 26 spaces will be provided in the form of bicycle racks. Additionally, the development proposes electric vehicle charging stations, as required by code, that will service 13 spaces.

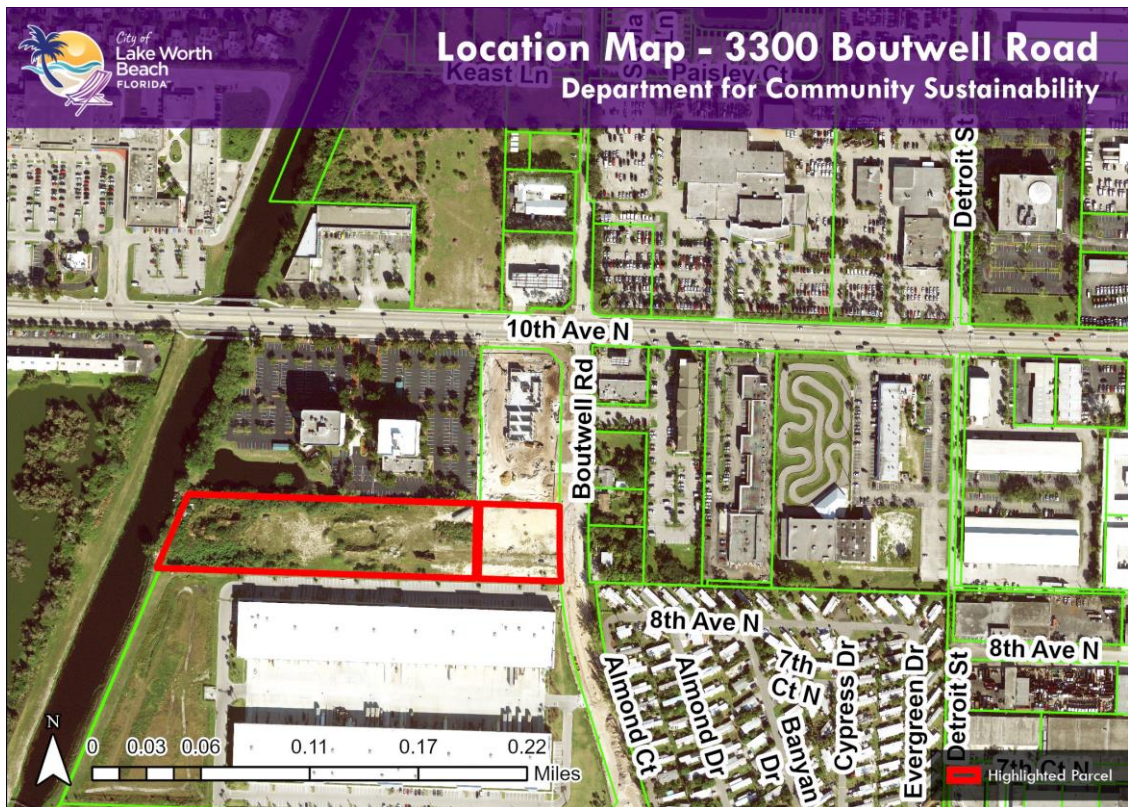
**Staff Recommendation:**

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Transfer of Development Rights with conditions of approval to the City Commission.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	WGI on behalf of MA Investment Boca, LLC
<b>Owner</b>	Boynton Holdings, LLC
<b>General Location</b>	Southwest of the 10 <sup>th</sup> Avenue North and Boutwell Road intersection
<b>Existing PCN Numbers</b>	38-43-44-20-01-034-0040
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – West (MU-W)
<b>Future Land Use Designation</b>	Mixed Use – West (MU-W)

**LOCATION MAP:**



**BACKGROUND:**

The project site is located southwest of the 10<sup>th</sup> Avenue North and Boutwell Road intersection. Based on Palm Beach Property Appraiser's records and City records, the property has remained vacant and does not have any active business licenses linked to the site. A search performed on February 10, 2021 indicated that there is an active code compliance violation linked to the property (case #21-36) regarding an unpermitted fence, trash and debris on the property, construction material, illegal fill, and equipment storage, lack of a vacant lot registration, and lack of landscape maintenance. This application has been conditioned that prior to the issuance of a building permit, all code cases shall be remedied and closed out. Specifically, the illegal fill that is being stored/dumped on the property shall be removed from the site prior to the issuance of a building permit.

**ANALYSIS:****Consistency with the Comprehensive Plan and Strategic Plan**

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The proposed residential development is a high-density residential use in this district where there is a significant amount of existing non-residential uses. The addition of these units would further the policy objective of increasing residential development within the zoning district. Therefore, the proposal is consistent with the intent of the MU-W FLU. Additionally, this application is requesting to obtain an additional 4.7 units per acre (23 units) through the City's Transfer Development Rights program which is consistent with Policy 1.2.4.4(3)(b). An analysis of the Transfer Development Rights bonus is outlined on page 16.

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.A, and Pillar II.B of the Strategic Plan state that the City shall diversify housing options and continue crime reduction and prevention in achieving a safe, livable and friendly community. Boutwell Road Apartments proposes a multi-family residential development that is consistent with Pillar II.A and Pillar II.B. Further, the proposal is consistent with Pillar IV.A of the Strategic Plan which states that the City shall achieve economic and financial sustainability through a versatile and stable tax base.

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

**Consistency with the City's Land Development Regulations**

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 base zoning district requirements in two (2) areas of the LDRs, including:

- LDR Section 23.3-18(c)(4)(B)(3) regarding the minimum side setback
- LDR Section 23.4-10(f) regarding the minimum off-street parking requirement

**Mixed Use – West (MU-W):** Per LDR Section 23.3-18(a), the MU-W zoning district is intended to provide for the establishment and expansion of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel, and medium-density multi-family residential development along the City's western thoroughfares. The proposed residential development is consistent with the intent of the MU-W district.

The table below shows the proposed site features and its compliance with the Code, including requests to waiver or relax base zoning district requirements as permitted in planned developments and factoring in the Sustainable Bonus incentives, Planned Development incentives, Transfer of Development Rights incentives, and the Comprehensive Plan maximums:

Development Standard	Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)	5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	206, 735 sf (4.746 acres)
Lot Width (min)	50'	50'	200.3'
Setbacks	Front (min)	20'	32'
	Rear (min)	15'	253'
	Side (min)	20'	11'3" to the building, 7' to the outer edge of the balconies*
Impermeable Surface Coverage (maximum)	65%	65%	64.3%* (includes 22,780 sf of semi-pervious pavers which receive a 50% lot coverage credit)
Structure Coverage (max)	50%	50%	19.9%
Pervious Landscaped Area in Front Yard (min)	900 sf	900 sf	4,712 sf
Living Area (min)	1-bed: 600 sf 2-bed: 750 sf	1-bed: 600 sf 2-bed: 750 sf	1-bed: between 720 sf and 1,080 sf 2-bed: between 944 sf and 1,075 sf
Parking	320	320	293*
Density (max)	30 du/acre (142 units)	37.5 du/acre + 10 du/acre for Transfer Development Rights Program = 47.5 du/acre (225 units)	42.2 du/acre (200 units)
Building Height (max)	30 feet	81.25 feet	Bldg I – 56'2" Bldg II – 56'2"
Floor Area Ratio (FAR) (max)	1.30	3.75	0.96 (198,465 sf)

\* Relaxing or waiving of base zoning district requirement is requested

**Density:** The base zoning district allows a maximum density of 30 units per acre. Based on Policy 1.2.3.4(3) of the City's Comprehensive Plan, urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The base 30 units per acre plus 25% equals 37.5 units per acre. The applicant is also participating in the City's Transfer Development Rights program which allows the project to obtain an additional 10 units per acre. That being said, the maximum allowed density for this

project is 47.5 units per acre which equals 225 units. The application is proposing a total of 42.2 units per acre which equates to 200 units.

**Height:** The base zoning district allows a maximum building height of 30 feet. Per LDR Section 23.3-18(c)(2)(B), blocks fronting 10<sup>th</sup> Avenue North may obtain an additional 35 feet in height under the City's Sustainable Bonus Incentive Program. Additionally, Policy 1.2.3.4(3) of the City's Comprehensive Plan states that urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 feet plus 35 feet plus 25% equals a maximum height of 81.25 feet. The highest building height proposed for this project is 56 feet and two inches (56'2") which is less than the maximum allowed building height for this property.

**Setbacks:** The proposed project is consistent with all setbacks in the base zoning district as proposed except for the side setback from the north property line. Per LDR Section 23.3-18(c)(4)(B)(3), the minimum required side setback for this property is 20 feet. As part of the planned development application, the applicant is requesting a relaxation to the minimum side setback requirement in order to locate Building A and Building B 11.25 feet from the north property line. The properties to the north consist of the future Wyndham hotel and existing office buildings. The hotel is approximately 160 feet from the subject site's northern property line and the office building is approximately 72 feet from the subject site's northern property line. The proposed location of Building A and Building B would not be injurious to the adjacent properties to the north. A detailed justification from the applicant is located in Attachment C. It is noted that the balconies along the northern side of Building A and Building B protrude 4.25 feet from the building line. Per LDR Section 23.3-18((c)(4)(F), second story awning installations shall project no more than five feet from the building. Therefore, the proposed awnings are permitted to extend 4.25 feet from the building line.

**Floor Area Ratio (FAR):** The base zoning district allows a maximum FAR of 1.30. Per Policy 1.2.3.4(3) of the City's Comprehensive Plan, urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Because Table 1 in the Comprehensive Plan states that the maximum FAR is 3.0, 3.0 plus 25% equals a maximum allowed FAR of 3.75. The project proposes a total FAR of 0.96 (198,465 square feet) which is less than the maximum allowed FAR for this property.

**Drainage:** The City's engineer has reviewed the preliminary civil plans. Standard staff conditions of approval have been recommended, including the standard requirement to provide detailed engineering plans and data at building permit, to ensure the subject planned development meets the City's design storm (3 yr, 1 hour (2.6")) runoff that is required to be maintained on site. These conditions also include the requirement to submit to the City LWDD and SFWMD drainage permits at building permit, including the regulation of outfall and irrigation by the LWDD. Further, a letter from the SFWMD on how the wetland impacts will be mitigated is also required at permit.

**Impermeable Surface Coverage:** The project as proposed complies with the City's maximum impermeable surface allowance of 65%. The site plan proposes approximately 123,036 square feet of impervious surface area, 60,919 square feet of pervious area, and 22,780 square feet of semi-pervious area. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 22,780 square feet of semi-pervious surface area, 11,390 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 134,426 square feet (65%).

**Parking:** Per LDR Section 23.4-10(f), a minimum of 1.5 off-street parking spaces are required for every one-bedroom unit and a minimum of 1.75 off-street parking spaces are required for every two-bedroom unit. Because the project proposes a total of 120 one-bedroom units and 80 two-bedroom units, a minimum total of 320 parking spaces are required. As part of the planned development application, the applicant is requesting a relaxation to

the parking code, proposing a total of 293 parking spaces instead of the required 320 spaces. Of the 293 parking spaces being provided, 226 are standard spaces, 41 are compact spaces (8' x 16'), and 26 spaces are provided in the form of bicycle racks (four bicycle spaces are equivalent to one parking space). To justify the parking relaxation request, the applicant has provided a parking study demonstrating that the proposed 200-unit development requires a maximum of 264 parking spaces as opposed to 320 spaces due to the majority of the units having one-bedroom. The parking study can be viewed in Attachment C.

**Landscaping:** The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. Staff has conditioned that all ground-level mechanical equipment be properly screened with landscaping and all monument signs be landscaped at the base of the sign. The landscape plan can be viewed in Attachment B.

**Lighting:** The applicant has submitted a photometric plan for the site proposing 4000K RSX LED light fixtures. Staff has conditioned the application to amend the light tone from 4000K to 2700K and to ensure that all light fixtures are dark skies compliant prior to the issuance of a building permit.

**Signage:** This application is proposing one monument at the front of the property facing Boutwell Road. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1. The maximum sign area for a ground sign on the subject site is 100 square feet.

#### **Residential Urban Planned Development:**

The intent of this section is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

As stated, the applicant is requesting to waive or relax base zoning district requirements in two (2) areas of the LDRs as part of the residential urban planned development application. The two areas are outlined under the "Consistency with the City's LDR Requirements" analysis on page 4 of the staff report and include a request to reduce the number of required off-street parking spaces and a request to modify the minimum side setback.

It is noted that per LDR Section 23.3-25(e)(3), a mixed use urban planned development may be solely residential in use. Therefore, the proposed project is classified as a residential urban planned development for the construction of 200 multi-family units. The criteria below lists the requirements of all urban planned developments.

#### **Section 23.3-25(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.

**Staff Analysis:** The proposed subject site is located within the MU-W zoning district. **Meets Criterion.**

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

**Staff Analysis:** This residential urban planned development will be situated on a 4.746 acre parcel which exceeds the minimum area requirement. **Meets Criterion.**

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.

**Staff Analysis:** The project will be solely residential, containing 200 multi-family units. Per the City's Use Table, LDR Section 23.3-6, multi-family is permitted by right in the MU-W zoning district. **Meets Criterion.**

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.

**Staff Analysis:** The project complies with the minimum required front and rear setbacks of the base zoning district, MU-W. The applicant is requesting a 8.75 foot relief from the minimum required side setbacks. A summary of the applicant's justification and staff analysis is located on page 5 of this staff report. **Meets Criterion if Approved.**

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to article 4 of these LDRs.

**Staff Analysis:** Per LDR Section 23.4-10(f), a minimum of 1.5 off-street parking spaces are required for every one-bedroom unit and a minimum of 1.75 off-street parking spaces are required for every two-bedroom unit. Because the project proposes a total of 120 one-bedroom units and 80 two-bedroom units, a minimum total of 320 parking spaces are required. As part of the planned development application, the applicant is requesting a relaxation to the parking code, proposing a total of 293 parking spaces instead of the required 320 spaces. A summary of the applicant's justification and staff's analysis is located on page 5 of the staff report. Additionally, the applicant's parking study can be viewed in Attachment C. **Meets Criterion if Approved.**

6. *Landscaping.* Landscaping and buffering shall be provided as required by section 23.6-1.

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along Boutwell Road, a five-foot landscape buffer along the north and south property lines, and eight-foot landscape buffer along the west dry retention area, and foundation plantings around both multi-family buildings. Additionally, the project proposes a six foot high aluminum picket fence along Boutwell Road. **Meets Criterion**

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.

**Staff Analysis:** The applicant has submitted a photometric plan measured in lumens. One foot candle is equivalent to 10.76 lumens. Based on the photometric plan provided, the lighting for the project does not exceed one foot candle (10.76 lumens) at or beyond the property lines. **Meets Criterion.**

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

**Staff Analysis:** The proposed development does not propose outdoor storage areas. **Meets Criterion.**

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.

**Staff Analysis:** The proposal includes a Sustainable Bonus Incentive Program to obtain additional height, floor area ratio, and density from the base zoning district, MU-W. Per Policy 1.2.3.4(3) of the City's Comprehensive Plan, residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The applicant is also participating in the City's Transfer Development Rights program which allows the project to obtain an additional 10 units per acre. A detailed analysis of the applicant's Sustainable Bonus Incentive Program is located on page 15 and 16. Additionally, a tabular detailed break-down of the Sustainable Bonus features are outlined in the spreadsheet in Attachment C.

**Development of Significant Impact (DSI):**

A development of significant impact (DSI) is a commercial, office, or industrial development of 100,000 or more gross square feet of enclosed building area, including renovations of existing structures when a change to a more intensive use is anticipated, or a residential development of 100 or more dwelling units, including renovations of existing structures when a change to a more intensive use is anticipated. The project proposed qualifies as a DSI because it exceeds 100 dwelling units.

Per LDR Section 23.2-35, a proposed DSI and any amendments to an approved DSI shall be reviewed and approved in accordance with the procedures and requirements for a Conditional Use Permit except that the City Commission shall be the decision maker and not the Planning and Zoning Board or the Historic Resources Preservation Board. The Conditional Use Permit criteria is outlined in the conditional use analysis within this report on pages 12-15.

**Master Development Plan (Major Site Plan):**

A master site plan is required in conjunction with an urban planned development. The review criteria below is 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.

**Section 23.2-31(c): Qualitative Development Standards**

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.

**Staff Analysis:** The applicant states that the site is designed harmoniously and is efficiently organized as it relates to the property constraints and provides residential housing options nearby the primarily non-residential corridor. The proposed architectural style is modern contemporary which is compatible with the nearby modern style development such as the Woodsprings Suites Hotel, the Wyndham Hotel, and the Advantis (also referred to as Golden Road Apartments) Apartment Complex. **Meets Criterion.**

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 Part II, Chapter 12, Health and Sanitation, Article VIII, 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.

**Staff Analysis:** The applicant states that the site had previously been cleared. Therefore, there is no established habitat and there are minimal natural features on the site. The proposed development includes a dry retention area on the west portion of the property to retain drainage on the site. Staff does not anticipate a major disturbance to the land that would result in destructive wind or water erosion. **Meets Criterion.**

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.

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along Boutwell Road, a five-foot landscape buffer along the north and south property lines, and eight-foot landscape buffer along the west dry retention area, and foundation plantings around both multi-family buildings. Additionally, the project proposes a six foot high aluminum picket fence along Boutwell Road. **Meets Criterion**

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.

**Staff Analysis:** The two residential buildings are closer to the northern property line which is adjacent to a future hotel and an existing office complex. The parking and drive aisles are positioned along the southern portion of the site to enhance the buffering between the proposing residential use and the existing industrial center to the south. Additionally, as stated above, landscape buffering is proposed along the perimeter of the site to further enhance residential privacy. **Meets Criterion.**

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.

**Staff Analysis:** Emergency access is provided to all building with appropriate site circulation and access. **Meets Criterion.**

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.

**Staff Analysis:** Both residential buildings have safe access to walkways which connect to the parking area and Boutwell Road. Additionally, there is over 150 feet of queuing area between the keypad/callbox and the front property line to allow vehicle stacking that does not encroach into the right of way. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**Staff Analysis:** The applicant states that the project includes a pedestrian circulation system that is separate from the vehicular circulation system in order to assist in safe and efficient circulation for all residents. The pedestrian circulation system connects both residential buildings to all on-site amenities within the development. **Meets Criterion.**

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.

**Staff Analysis:** As stated, vehicular access to the site is provided off of Boutwell Road. A security gate with a keypad/callbox is located about 180 feet into the property. Staff does not anticipate negative impacts resulting from the location of the ingress and egress drives. **Meets Criterion.**

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.

**Staff Analysis:** The site plan shows that the site's vehicular and pedestrian circulation connects to the existing street pattern and pedestrian walkways. **Meets Criterion.**

10. *Design of on-site public right-of-way.* 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.

**Staff Analysis:** There are no on-site public rights-of-way. There are also no right of way dedications proposed with this project. **Meets Criterion.**

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.

**Staff Analysis:** All on-site parking is located behind the front building line of Building B and landscape buffers are proposed around the perimeter of the property to provide screening of the parking areas. **Meets Criterion.**

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.

**Staff Analysis:** The site plan proposes the dumpster to the northwest of Building A. The dumpster is enclosed by a six foot high opaque wall and a landscape hedge that will be 36 inches at the time of planting. This application has been conditioned requiring the hedge to be maintained at no less than  $\frac{3}{4}$  of the total height of the enclosure (4.5 feet). **Meets Criterion as Conditioned.**

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.

**Staff Analysis:** The applicant states that the project is designed to minimize negative impacts on adjacent properties. Landscape buffering is proposed along the perimeter of the property, as required by the code, to enhance privacy. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

**Staff Analysis:** The subject site is within the MU-W zoning district and borders MU-W zoned properties to the north and across Boutwell road to the east. The property to the south is zoned Industrial Park of Commerce (I-POC) and there is parcel to the north that is located in Unincorporated Palm Beach County with the zoning classification of Commercial Specialized (CS). The applicant states that the proposed multi-family use provides a harmonious transition between the surrounding commercial properties and the industrial properties to the south. Additionally, the architecture compliments the nearby architecture, density, and uses. The project proposes a development that is consistent with the MU-W zoning district and the development incentives in the City's Comprehensive Plan. The proposed residential development is proposed to be market rate workforce housing that is located proximate to employment opportunities. **Meets Criterion.**

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.

**Staff Analysis:** With future development in mind, the proposed development meets the intent of the MU-W zoning district and is consistent with intent of the MU-W future land use designation. **Meets Criterion.**

**Section 23.2-31(l): Community Appearance Criteria**

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.

**Staff Analysis:** Staff has reviewed the application and determined that the proposal is in conformity with good taste, good design, and contributes to the image of the City. **Meets Criterion.**

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.

**Staff Analysis:** The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined to not be of inferior quality that would cause harm to the nature of the local environment or materially depreciate in appearance and value. **Meets Criterion.**

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.

**Staff Analysis:** The proposal is consistent with the City’s Comprehensive Plan and Strategic Plan, and the City’s LDRs. The applicant states that the site is designed harmoniously and provides more residential options within the corridor, thus providing the residential mix that the MU-W district anticipates. The applicant also states that the modern contemporary architecture style is harmonious with nearby modern style redevelopment such as the Woodsprings Suites Hotel, the Wyndham Hotel, and Advantis (also referred to as Golden Road Apartments). **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The project’s compliance with the conditional use criteria is detailed below. **Meets Criterion.**

**Conditional Use Permit:**

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 master plan greater than 7,500 square feet.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

**Staff Analysis:** The site contains a zoning designation of MU-W. Based on the intent of the MU-W zoning district, uses most likely to occur in the district are office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel, and medium-density multi-family residential development along the City’s western thoroughfares. The proposed residential development is consistent with the intent of the MU-W district. Therefore, the proposed residential urban planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -W and HR-8 (Unincorporated PBC)	MU -W and CS (Unincorporated PBC)	Hotel – under construction Offices
South (adjacent)	I	I-POC	Boutwell Business Center (warehouse and distribution)
East (across Boutwell)	MU -W and I	MU -W and I-POC	Single Family Residences, Vacant Lots, and Palm Beach

Rd)			Mobile Home Park
West (adjacent)	N/A	N/A	E-4 Keller Canal

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial, industrial and residential uses. To the north is the future site of the Wyndham Hotel which is currently under construction as well as existing offices in Unincorporated Palm Beach County. To the south is the Boutwell Business Center which is an industrial warehouse and distribution center containing multiple business bays. To the west, is the E-4 Keller Canal, and to the east across Boutwell Road is a single-family residence, vacant property, and the Palm Beach Mobile Home Park to the southeast. The proposed use of multi-family residential has been found to be consistent with the surrounding commercial, industrial, and residential uses. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The use of multi-family residential is permitted by right in the MU-W zoning district. However, because the proposed project exceeds 7,500 square feet, a conditional use permit review is required. The proposed development is not anticipated to result in less public benefit than a use permitted by right. **Meets Criterion.**

4. 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.

**Staff Analysis:** Based on the development standards table on page four, the project proposes a density, height, and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. Therefore, the project is not anticipated to be a more intensive development than what the Comprehensive Plan anticipates. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Analysis:** Per the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach. The Traffic Impact Statement prepared by JFO Group, Inc. also concludes the proposed project meets all Level of Service requirements and the requirements of the Palm Beach County Traffic Performance Standards. To further assist alleviating traffic, the applicant has provided a ride-share drop off and pick up area to the south of Building B and has proposed a bus shelter on the property. Residential uses are reviewed as conditional uses if they exceed 7,500 sf. Subdivision of the property and/or the development of the property with multiple non-residential uses less than 7,500 sf would allow for multiple development scenarios on the subject site with by right uses. Further, the trips associated for a multifamily residential building with 3 or more floors is less than a 2-story multifamily residential building and single family residential according to the ITE Trip Generation, 10th Edition on a per dwelling unit basis. Therefore, the traffic generated from the proposed development is not anticipated to generate traffic levels than would result from a development permitted by right. **Meets Criterion.**

2. 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.

**Staff Analysis:** As stated, per the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach County. Further, the property has frontage on Boutwell Road, which is an urban collector. There is no access to the property through local streets. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** Staff does not anticipate the proposed 200-unit multi-family development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential use does not pose a pollution hazard to the nearby properties. **Meets Criterion.**

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.

**Staff Analysis:** The proposal does not include a right of way dedication. Based on the TPS letter that was issued to the applicant, the proposed development is located within the Urban Redevelopment Area (URA) Traffic Concurrency Exception Area (TCEA) and therefore, exempt from the Traffic Performance Standards of Palm Beach County. The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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.

**Staff Analysis:** The applicant will be utilizing existing City utility lines. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the applicant has proposed a security gate placed about 180 feet into the property which will prevent the stacking of automobiles in the public right of way. **Meets Criterion.**

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.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday

- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The requested use is for a 200-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The applicant has submitted a photometric plan for the site proposing 4000K RSX LED light fixtures. The photometric plan complies with the 12.57 lumen maximum at the edges of the property. Further, staff has conditioned the application to amend the light tone from 4000K to 2700K and to ensure that all light fixtures are dark skies compliant prior to the issuance of a building permit. **Meets Criterion as Conditioned.**

**Sustainable Bonus Incentive Program**

The proposal includes a Sustainable Bonus Incentive Program to obtain additional height, floor area ratio, and density from the base zoning district, MU-W. The base zoning district allows a maximum density of 30 units per acre (142 units). Table 1 of the Comprehensive Plan allows for a maximum density of 37.5 units per acre (177 units), which may be utilized under an urban planned development with a bonus cost of 10 dollars per square foot. An additional 4.7 units per acre (23 units) are being granted through the City’s transfer development rights program. The total Sustainable Bonus Value is calculated as \$560,135 which has been broken down in the following table:

Total Number of Additional Units	Total Area	Value per square foot	Bonus Value Required
35 units through SBIP	33,801.25 square feet	\$10	\$338,012.50
23 units through TDRs	22,212.25 square feet	\$10	\$222,122.50
<b>SBIP and TDR Subtotal</b>	<b>56,013.5 square feet</b>	<b>\$10</b>	<b>\$560,135</b>

The applicant is providing \$1,341,967.50 in on-site improvements. Additional on-site improvements that are being provided but were not specifically listed by the applicant in their Sustainable Bonus Incentive Program table are a dog park at the southeast corner of the lot as well as an on-site bus shelter facing Boutwell Road. Staff has reviewed the proposed features and amenities and find them to be generally consistent with the purpose of the Sustainable Bonus Incentive Program. A breakdown of these improvements are located in Attachment C and can be viewed below:

Incentive	On-Site or Off-Site	Bonus Value Provided
Florida Green Building Certification	On-site	\$280,067.50
Clubhouse	On-site	\$576,900
Pool and Pool Deck	On-site	\$350,000
Security Fencing North and East Side	On-site	\$60,000
Security Entry Gate	On-site	\$75,000
<b>TOTAL INCENTIVES PROVIDED</b>		<b>\$1,341,967.50</b>

**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 one additional story of no more than fifteen feet in height, an increase in overall density of ten units per acre, and an increase in overall floor area ratio (FAR) of ten percent. The rights are valued at a cost of \$10 per square foot, and are paid 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 4.7 units per acre (23 units) as part of the transfer of development rights bonus. The total development rights cost for the additional 23 units is \$222,122.50. The applicant will be paying the TDR fee along with the \$250 review fee prior to the issuance of a building permit. 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.

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

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

**Staff Analysis:** The proposed project has incorporated all of the density, height, and intensity bonuses available under the sustainable bonus program, and the receipt of the development rights will result in development beyond the sustainable bonuses as permitted by code. **Meets Criterion.**

**Public Support/Opposition:**

Staff has not received any letters of support or opposition.

**CONCLUSION:**

The proposed request for a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request to the City Commission with the conditions below:

**Building:**

1. Prior to the issuance of a building permit, specify the finished floor elevations as the proposed buildings will be in a flood zone.

**Electric Utilities:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Provide the voltage requirements for the entire project. The multi-unit buildings are too large to be served by a single-phase transformer so the voltage will need to be 120/208v. We will need to know if any other services or transformers will be needed besides the two multi-unit buildings, such as the lift station, irrigation, lighting, etc.



- b. Provide the location of the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in the front of them and 3-ft minimum clearance on the sides and rear, including landscaping.
  - c. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the constructions plans showing the water, sewer, drainage, paving, landscaping and lighting for the project.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
    - a. Provide a 10-ft-wide utility easement for all of the electric lines, transformers and other equipment that will need to be installed to provide power to this project. We will also need in addition to this easement a 10-ft-wide utility easement that runs the entire length of the east side of the property adjacent to Boutwell Rd.
    - b. Install all schedule-40 gray conduit that will be needed by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a minimum of 42" deep. Pad specs will be given to the customer to show the proper orientation of conduit at the padmount transformers.
    - c. Install all lighting consistent with the approved photometric plan.
    - d. Complete the payment for the cost of Lake Worth Beach's materials and labor for this project.

**Community Services Landscaping:**

1. Conditions of approval that must be met at least 20 days prior to the first City Commission hearing:
  - a. The landscape plan along the east property line shall be revised to incorporate landscape design elements and plant materials from the adjacent right of way. Specifically, the landscape plan shall be revised in the area between the back of the curb and the front of the sidewalk from the north property line to the south property line.

**Planning and Zoning:**

1. Conditions of approval that must be met at least 20 days prior to the first City Commission hearing:
  - a. All plans shall be signed and sealed.
  - b. Amend the site plan to show the location of all mechanical equipment (e.g. AC units). All mechanical equipment shall be located outside of the side setbacks and shall be at least five feet from the rear property line. Also note that per LDR Sec. 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or other similar type open fencing shall not be permitted. If the mechanical equipment will be located on the roof, provide a roof diagram with the mechanical equipment location labeled. Additionally, per LDR Section 23.4-21(1), all roof-mounted equipment visible. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment.
2. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. All traffic requirements outlined in the Palm Beach County Traffic Division's TPS letter shall be completed. Note that the letter states a right of way dedication may be required.
  - b. The light tone shall be changed from 4000 K to 2700 K. The photometric plan submitted with the building permit package shall reflect this change. Note that all lighting shall comply with lighting

code regulations in [LDR Section 23.4-3](#). Lighting fixtures should comply with dark skies recommendations for fixtures.

- c. All code cases shall be remedied and closed out. Specifically, the illegal fill that is being stored/dumped on the property shall be removed from the site.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain Florida Green Building Certification.
4. All signage shall be applied for on a separate building permit and shall comply with LDR Section 23.5-1, Signage.
5. All landscape hedging around the dumpster enclosure shall be planted at a minimum height of 24 inches and be maintained at no less than  $\frac{3}{4}$  of the total height of the enclosure (4.5 feet).
6. There is a total of 22,780 square feet of semi-pervious material proposed which allows the project to meet the maximum 65% impermeable surface requirement. Note that semi pervious surface is defined as a surface covered by materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are not limited to permeable paving material and other semi-pervious materials such as gravel, small stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulations. The semi-pervious surface credit shall not reduce the required open space and landscape area requirements. Therefore, the following shall be submitted prior to the issuance of a building permit:
  - a. The manufacturing details of the pervious pavers. The details shall include the pavers' percolation rate which shall be at least 50% relative to the ground percolation rate.
  - b. A maintenance plan for the semi-pervious material to ensure that it is maintained as semi-pervious.
  - c. Note that if the semi-pervious material is converted to impervious surface area at any time, the project would exceed the code's maximum impermeable surface coverage allowance and thus, the applicant would need to apply for a Planned Development amendment.

**Public Works:**

1. Twenty days prior to first reading before the City Commission:
  - a. The applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works.
2. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Lake Worth Drainage (LWDD) District and South Florida Water Management District (SFWMD) permits shall be provided to the City.
  - b. An Erosion Control plan shall be provided that demonstrates compliance with NPDES requirements, including best management practices.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. The right of way shall be restored to a like or better condition. Any damage to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
  - b. All disturbed areas shall be fine graded and sodded with bahia sod.
  - c. The property shall be broom swept all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.

- d. 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.
- e. All conditions of approval shall be satisfied under the jurisdiction of the Public Works Department.
4. 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.

**Utilities Water & Sewer:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Site Plan
    - i. Provide the SFWMD letter for determination how the wetland impacts are managed or mitigated.
  - b. Paving/Grading/Drainage:
    - i. Provide drainage permits through both the LWDD and SFWMD. Note that connections to the canal for outfall and irrigation will be managed through the LWDD.
    - ii. The SPP plan shall address stormwater pollution prevention in Boutwell Road stormwater collection system. Show the extension of the silt fence and include a wash drive at Boutwell.
  - c. Water and Sewer:
    - i. Show the required water and sewer easements on the plans. Water and Sewer utilities will require a dedicated 15-foot utility easement. Note that easements will not be necessary over the sanitary sewer main as this collection system shall remain private. This includes the lift station.
    - ii. Fire hydrants shall be covered by utility easements.
    - iii. Water & Sewer separation shall be designed to a 10-foot horizontal separation for this new construction project.
    - iv. Applicant shall verify there is adequate spacing for the meter and associated back flow device. This distance shall account for the meter manufactures recommended spool lengths up and downstream of the meter.
  - d. At time of engineering submittal, provide a full drawing set the proposed drainage, calculations, and any permits or permitting information from SFWMD and LWDD.
  - e. Add all structure and conflict information on the plans.
  - f. Provide complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
  - g. Provide the PBC Department of Health Water & Sewer permits.
  - h. Show irrigation service line/s up the meter and backflow RPZ device/s.
  - i. Show water and sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
  - j. Show the fireflow calculations based on a recent hydrant test. Contact Wesley Jolin with Palm Beach County at 561-233-5229.

- k. Provide signed and sealed Drainage Calculations including a statement regarding floodplain management provisions for water quality and quantity.
  - l. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
  - m. Provide an Erosion Control plan and with the BMPs and NPDES compliance practices.
  - n. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
  - o. Provide existing and proposed site grades.
  - p. Indicate vertical datum on all plan drawings with grades.
  - q. Identify all applicable City of Lake Worth details.
  - r. Capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
    - a. A copy of the recorded access easement shall be provided.
    - b. A Bill of Sale for the public watermain shall be recorded.

**Lake Worth Drainage District (LWDD):**

1. Prior to submitting a LWDD permit, and prior to the issuance of a city building permit, the following actions shall be completed:
  - a. Convey the required 25 foot right of way to the LWDD.
  - b. Revise the site plan to show the required rip-rap rubble along the E-4 (Keller) canal for the length of the project.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-01400002 with staff recommended **conditions** for a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development at 3300 Boutwell Road. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 21-01400002 for a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development at 3300 Boutwell Road. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board will be making a recommendation to the City Commission on the Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program.

**ATTACHMENTS:**

- A. Zoning Map
- B. Site Plan Package
- C. Supplemental Supporting Documents
- D. Site Photos



DATE: April 29, 2021

TO: Members of the Planning and Zoning Board

FROM: Andrew Meyer, Senior Community Planner

THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability

MEETING: May 5, 2021

SUBJECT: **PZB Project Number 21-01400039**: A request by Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Ave North LLC for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Right of Way Abandonment to allow the construction of a two-building residential project consisting of 24 multi-family units on 10th Avenue North, between North E Street and North F Street, within the Mixed Use – East (MU-E) zoning district, PCN #s 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0160.

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**PROJECT DESCRIPTION:**

The applicant, Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Avenue North LLC, is requesting approval of the following:

1. **Residential Urban Planned Development** to construct a two-building, 24-unit multifamily development.
2. **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
3. **Conditional Use Permit** to establish residential uses greater than 7,500 square feet.
4. **Sustainable Bonus Incentive Program** for additional density of 3 units.
5. **Right-Of-Way Abandonment** for the city to abandon the alley bisecting the project location.

The 0.71-acre subject site is currently vacant, and is located on the north side of 10<sup>th</sup> Avenue North, between North E and F Streets. Prior to 2011, the site contained residential buildings, however the parcels are now currently vacant. The proposed project will be comprised of two, 2-story buildings, each with 12 dwelling units.

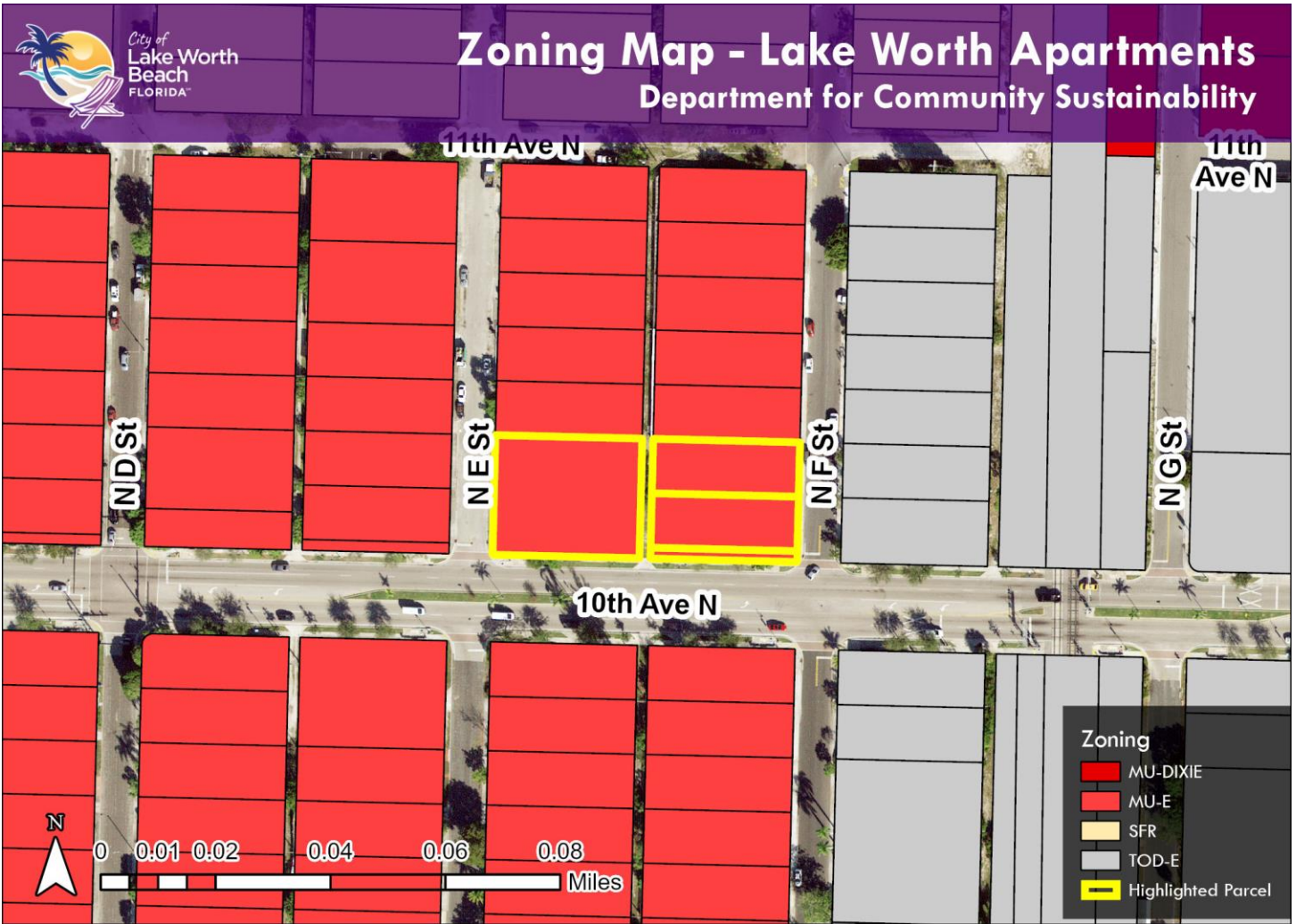
**Staff Recommendation:**

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Beach Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment with conditions of approval to the City Commission.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Mark Hunley of Charette International Architecture
<b>Owner(s)</b>	1212 Tenth Avenue North LLC (Lots 0010, 0140, & 0150) Lake Worth Beach CRA (Lot 0160 / 1,307 sf)
<b>General Location</b>	North side of 10 <sup>th</sup> Ave N between N E and F Sts
<b>Existing PCN Numbers</b>	38-43-44-21-15-318-0010; 38-43-44-21-15-318-0140; 38-43-44-21-15-318-0150; 38-43-44-21-15-318-0160
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – East (MU-E)
<b>Future Land Use Designation</b>	Mixed Use – East (MU-E)

**ZONING MAP:**



**BACKGROUND:**

The project site is located on the north side of 10<sup>th</sup> Avenue North, between North E and F Streets. Based on Palm Beach Property Appraiser's records and City records, the site previously contained a mixture of residential buildings along North E and F Streets, however these structures were demolished between 2009 and 2011, resulting in vacant land which remains vacant to this day, with no currently existing structures and no active business licenses issued. Additionally, a search performed on April 26, 2021 indicated that there are no open code compliance violations at the project site. The Lake Worth Beach CRA currently owns lot 0160, which is a narrow rectangular parcel that is 0.03 acres or 1,306 sf in size. The property will be transferred to the applicant around June 2021 with a condition of approval to complete the development of the project within four hundred and twenty-five (425) days from closing.

**ANALYSIS:****Consistency with the Comprehensive Plan and Strategic Plan**

The subject site has a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is established 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 proposed development provides multi-family dwelling units along one of the major thoroughfares of the city. Therefore, the proposal is consistent with the intent of the MU-E FLU. Furthermore, Objective 1.2.2 states that the City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed-use development areas. The proposed development is a residential urban planned development that utilizes the City's Sustainable Bonus Incentive Program, which grants the development additional density over what is permitted by right. Thus, this project is consistent with Objective 1.2.2.

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.A of the Strategic Plan state that the City shall diversify housing options. In addition, Pillars I.A and I.B of the City's Strategic Plan represent a commitment to economic development, of which this project brings. Therefore, the project is consistent with Pillars I.A, I.B, and II.A of the City's Strategic Plan.

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

**Consistency with the City's Land Development Regulations**

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 proposing to waive or relax base zoning district requirements in one (1) area of the LDRs, LDR Section 23.3-10, the parking requirements, which is analyzed by topic area and in the table below in this section of the report.

**Mixed Use – East (MU-E):** Per LDR Section 23.3-13(a), the MU-DH zoning district is intended to provide for a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. The proposed development provides higher-density residential uses and is consistent with the intent of the MU-E district. The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	Greater or equal to 21,780 sf (0.5 acres)	30,807 sf (0.71 acres)
Lot Width (min)		100'	100'	280'
Setbacks	Front (min) (10 <sup>th</sup> Ave N)	10' min. 22' max	10' min 22' max	10'
	Rear (min)	15' or 10%	15' or 10%	51.8'
	Side (min) (N E & F Sts)	10'	10'	10' (both)
Impermeable Surface Coverage (maximum)		65%	75%	74.9%
Structure Coverage (max)		55%	65%	32.5%
Living Area (min)		Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 607 sf (Qty. 8) 1-bed: 686 sf (Qty. 8) 2-bed: 777 sf (Qty. 8)
Parking		36	36	Off-Street: 21 Off-Street Compact: 7 On-Street: 6 <i>(On-Street Safety Recommendation: 4)</i> 8 Bike Spaces: 2 <b>Total: 34* as conditioned</b>
Density (max)		30 du/acre (21 units)	37.5 du/acre (26 units)	34 du/acre (24 units)
Building Height (max)		30'	56.25'	29.5'
Floor Area Ratio (FAR) (max)		.90	1.94	0.65

*\*A relaxing or waiving of base zoning district requirements is requested.*

**Density & Floor Area Ratio (FAR):** The base zoning district allows a maximum density of 30 units per acre. Based on Section 23.3-25(b)(2)(C) of the City's Land Development Regulations, planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows a density of 30 units an acre. Therefore, 30 units per acre plus 25% equals a density of 37.5 units per acre. The proposed residential planned development proposes a density of 34 units per acre (24 units) which does not exceed the maximum density allowed on this property. The FAR permitted by right at this location is .90, and a Planned Development at this location allows for a FAR of 1.94. The project proposes a building which is .64, well below the maximum FAR for this location.

**Height:** The maximum building height permitted by right at this location is 30 feet and 2 stories. Planned Development at this location allows for buildings in height of up to 56.25 feet and 5 stories in height. The project proposes a building which is 29.5 feet and 2 stories in height, well below the allowed height for this location.

**Major Thoroughfare Design Guidelines / Urban Design:** The project generally complies with the City's Major Thoroughfare Design Guidelines. The project orients the structures and massing toward 10<sup>th</sup> Avenue North which is a Major Thoroughfare within the city, and places parking and vehicular areas toward the rear of the site, promoting walkability along 10<sup>th</sup> Avenue North.



**Parking:** The project proposes a total of 36 parking spaces, met in part by supplying 6 on-street parking spaces, which meets the Land Development Regulations for parking. The plans were reviewed by the city engineering staff, who subsequently determined that the on-street parking directly adjacent to the ingress and egress points posed a visibility and safety issue. As such, staff is recommending a relaxation of Section 23.4-10 of two parking spaces in order to provide a safer condition along North E and F Streets.

**Landscaping:** The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. Verawood, Live Oak, and Green Buttonwood trees are proposed along 10<sup>th</sup> Avenue North, lined with a Cocoplum hedge. Staff has conditioned that all ground-level mechanical equipment be properly screened with landscaping and all monument signs be landscaped at the base of the sign.

**Lighting:** Staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant.

**Signage:** This application is proposing two small monument signs at the southeast and southwest corners of the site along 10<sup>th</sup> Avenue North. The project has been conditioned to provide the location of the proposed monument signs on the site plan, and include their dimensions and height.

#### **Residential Urban Planned Development:**

The intent of this section is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The proposed planned development will require the relaxing of a section of the LDRs related to a staff recommended reduction in required parking by two (2) on-street parking spaces to improve safety. The analysis of this recommendation is outlined under the "Consistency with the City's LDR Requirements" analysis section above. The criteria below list the requirements of all residential urban planned developments.

#### **Section 23.3-25(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.

**Staff Analysis:** The proposed subject site is located within the Mixed-Use — East zoning district. **Meets Criterion.**

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

**Staff Analysis:** This residential urban planned development will be situated on a lot of .71 acres, which is over the required minimum area. **Meets Criterion.**

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.

**Staff Analysis:** The project will contain exclusively multi-family units, which is permitted under this criterion. **Meets Criterion.**

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.

**Staff Analysis:** The project complies with the base minimum required setbacks of the base zoning district, MU-E. **Meets Criterion.**

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to article 4 of these LDRs.

**Staff Analysis:** The proposed project has not requested to waive or reduce any of the requirements associated with parking, and exceeds the minimum parking requirements. Furthermore, Section 23.4-10 permits up to 25% of required parking to be in the form of alternative parking, including compact spaces and bicycle racks. The project provides these parking alternatives, and does not exceed 25% of the required parking at the site.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by section 23.6-1.

**Staff Analysis:** The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. **Meets Criterion.**

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.

**Staff Analysis:** The applicant has provided a photometric plan of the site. The project has been conditioned to ensure lighting does not exceed 12.57 lumens when measured from the property line. Furthermore, the project has also been conditioned to use fixtures which are architecturally appropriate and have a warm color temperature in alignment with Dark Sky guidelines. **Meets Criterion.**

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

**Staff Analysis:** No outdoor storage facilities are proposed as part of this request. **Meets Criterion.**

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.

**Staff Analysis:** The project has applied for the Sustainable Bonus Incentive Program and is providing a fee in-lieu of features to meet the intent and standards of the Sustainable Bonus Incentive Program. **Meets Criterion.**

**Master Development Plan (Major Site Plan):**

A master site plan is required in conjunction with a residential planned development. The review criteria below is 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.

**Section 23.2-31(c): Qualitative Development Standards**

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.

**Staff Analysis:** The site design is consistent with the Major Thoroughfare Design Guidelines. The proposal locates the parking toward the rear of the site away from Dixie Highway, and locates the residential building closer to 10<sup>th</sup> Avenue North, focusing activity along the Major Thoroughfare. The project is designed harmoniously and efficiently with the project site and does not impede the development or improvement of surrounding properties. **Meets Criterion.**

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 Part II, Chapter 12, Health and Sanitation, Article VIII, 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.

**Staff Analysis:** The proposal is a redevelopment of the site which was developed prior, therefore the disturbance of the natural conditions had already taken place. The proposal incorporates landscaping and features which improve upon the conditions that had existed prior. **Meets Criterion.**

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.

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. **Meets Criterion**

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.

**Staff Analysis:** The proposed development provides landscape buffering to enhance the residential privacy of the occupants, and provides the entrance to the units from the rear of the site to provide enhanced privacy of the occupants from view of 10<sup>th</sup> Avenue North. **Meets Criterion.**

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.

**Staff Analysis:** Emergency access is provided to all buildings through means of 10<sup>th</sup> Avenue North and North E and F Streets, and an interior private drive-aisle permits access around the rear of the site. **Meets Criterion.**

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.

**Staff Analysis:** The site has vehicular access to both North E and F Streets, which are public streets. Furthermore, internal pedestrian circulation systems bring pedestrians from all surrounding public streets to all points of access to both buildings. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**Staff Analysis:** The vehicular access is located towards the rear of the site, and direct pedestrian access is provided from the buildings to 10<sup>th</sup> Avenue North so that all pedestrian traffic have a direct access to the Major Thoroughfares with no interaction with vehicular circulation. Furthermore, the site locates the drive aisles toward the rear of the site in order to limit vehicular congestion from occurring closer to 10<sup>th</sup> Avenue North, which would otherwise create hazardous conditions for pedestrians. **Meets Criterion.**

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.

**Staff Analysis:** As stated, vehicular access to the site is provided off of North E and F Streets. These are located as far away as possible from 10<sup>th</sup> Avenue in order to promote pedestrian circulation and connectivity, as well as isolate traffic movements from nearby intersections. **Meets Criterion.**

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.

**Staff Analysis:** The site plan shows that the site's vehicular and pedestrian circulation connects to the existing street pattern and pedestrian walkways. **Meets Criterion.**

10. *Design of on-site public right-of-way.* 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.

**Staff Analysis:** There are no on-site public rights-of-way. **Meets Criterion.**

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.

**Staff Analysis:** Landscape buffers are proposed around the perimeter of the property to provide screening for the parking areas and buildings on the site. **Meets Criterion.**

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.

**Staff Analysis:** The site plan proposes the refuse area within the parking area behind the western building. The dumpster is screened by a wall as well as landscaping to minimize the impact of noise, glare, and odor on adjacent property insofar as feasible. Locating the dumpster elsewhere on the site would either cause traffic to be blocked during trash pickup or not be in alignment with the major thoroughfare design guidelines. **Meets Criterion.**

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.

**Staff Analysis:** The proposed project will revitalize the vacant site, constructing 24 multi-family units and further add to the City's tax base. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

**Staff Analysis:** The subject site is within the MU-E zoning district, is next to Transit-Oriented Development - East (TOD-E) property to the east, and is next to MU-E zoned properties on the other sides. The project proposes a development that is consistent with the MU-E zoning district and the development incentives in the City's Comprehensive Plan, and provides an appropriate transition to higher density residential uses allowed under the TOD-E zoning district. **Meets Criterion.**

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.

**Staff Analysis:** With future development in mind, the proposed development meets the intent of the MU-E zoning district and is consistent with intent of the MU-E future land use designation. **Meets Criterion.**

**Section 23.2-31(I): Community Appearance Criteria**

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.

**Staff Analysis:** The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined that the proposal complies with the Major Thoroughfare Design Guidelines and that the architecture is in conformity with good taste, good design, and contributes to the image of the City. **Meets Criterion.**

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.

**Staff Analysis:** The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined to not be of inferior quality that would cause harm to the nature of the local environment or materially depreciate in appearance and value. **Meets Criterion.**

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.

**Staff Analysis:** The proposal is consistent with the City’s Comprehensive Plan and Strategic Plan, the City’s LDRs and Major Thoroughfare Design Guidelines. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The project’s compliance with the community appearance and conditional use criteria is detailed below. **Meets Criterion.**

**Conditional Use Permit:**

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 master plan greater than 7,500 square feet.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. 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.

**Staff Analysis:** The site contains a zoning designation of MU-E. Based on the intent of the MU-E zoning district, uses most likely to occur in the district are a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development. The proposed residential development is consistent with the intent of the MU-E district. Therefore, the proposed residential planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Analysis:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU-E	MU-E	Multi-Family and Single-Family Residential
South (across 10 <sup>th</sup> Ave N)	MU-E	MU-E	Multi-Family and Single-Family Residential
East (across N F St)	TOD	TOD-E	Multi-Family and Single-Family Residential
West (across N E St)	MU-E	MU-E	Single-Family Residential

Per the Palm Beach County Property Appraiser and City Business License Records, the site is surrounded by a mixture of quadplex and triplex multi-family and single-family residential uses. The proposed multi-family residential uses have been found to be consistent with the surrounding residential uses. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The approval of this conditional use will bring more residents to the City and contribute to the City's tax base. The proposed development is also at an intensity less than what would be permitted by right if developed with non-residential uses. Therefore, the development is not anticipated to result in less public benefit than a use permitted by right. **Meets Criterion.**

4. 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.

**Staff Analysis:** Based on the table on pages four, the project proposes a height and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. In addition, the project proposes an intensity which is less than what the Comprehensive Plan anticipates. Therefore, the project is not anticipated to be a more intensive development than what is approved by the future land use element of the Comprehensive Plan. **Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. 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.

**Staff Analysis:** Residential development east of I-95 in coastal Palm Beach County is exempt from County-wide concurrency requirements to promote urban infill in coastal communities. The applicant has submitted a traffic impact statement, which showed minimal impact to adjacent local roads at peak with only two (2) additional trips and a total trip generation of 176 trips per day. If the subject property were developed as a mixed use property or with two or more non-residential uses less than 2,500 square feet and a residential use less than 7,500 square feet, then it is likely that the cumulative volumes on the site would be greater than the proposed residential-only use. Therefore, the proposal is not anticipated result in a significantly lower level of service than if developed with uses permitted by right. The applicant's Traffic Study can be viewed in Attachment B. **Meets Criterion.**

2. 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.

**Staff Analysis:** Residential development east of I-95 in coastal Palm Beach County is exempt from County-wide concurrency requirements to promote urban infill in coastal communities. The applicant has submitted a traffic impact statement, which showed minimal impact to traffic on local roads (North E & F Streets) with only two (2) additional trips at peak hour. The project has been conditioned to provide a Traffic Performance Standards (TPS) review letter from Palm Beach County's Traffic Engineering to confirm the property's exemption from TPS review. The residential urban planned development is a conditional use because of its size (> 7,500 sf). Subdivision of the property and/or the development of the property with multiple non-residential uses less than 7,500 sf would not mitigate the reliance of future development on the adjacent local roads to access 10<sup>th</sup> Avenue North. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** Staff does not anticipate the proposed 24-unit residential development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential uses do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

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.

**Staff Analysis:** The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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.

**Staff Analysis:** The applicant will be utilizing existing City utility lines. Should any additional infrastructure be constructed to connect the development to the city's utilities, the applicant shall be responsible for the expense. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. The site is designed to allow for emergency vehicle and service access to all sides of the site. **Meets Criterion.**

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.

**Staff Analysis:** Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

The requested use is for a 24-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Analysis:** The applicant has submitted a photometric plan which does not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3. Nonetheless, staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting,



a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

### **Sustainable Bonus Incentive Program**

The proposal includes a Sustainable Bonus Incentive Program as part of the Planned Development to obtain additional density from the base zoning district, MU-E. Section 23.3-25(b)(2)(B) states that mixed-use urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The site proposes a density of 34 units/acre, which is a 13% increase on the base density under the maximum established under the subject section. Section 23.2-33(e) provides an applicant the option to pay a fee in lieu of on or off-site features and improvements to be held in a sustainability bonus incentive trust account to be expended on capital projects that enhance community sustainability. The increase in density result in an additional 3 units above the density permitted by right. With an average unit size of 720 square feet, a total of 2,160 square feet of residential units are being added above Table 1 in the Comprehensive Plan. Any increase in density above the allowances under Table 1 in the Comprehensive Plan are at a bonus cost of 10 dollars per square foot. The total Sustainable Bonus value is calculated as \$21,600, which the applicant will provide through the payment to the City's Sustainability Bonus Incentive Trust account.

### **Right of Way Abandonment**

The proposal includes a right of way abandonment for the south 110 feet of the alley bisecting the project site. The City Commission will consider this request concurrently with the residential urban planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment and then will consider the ROW abandonment request. If approved, the portion of the alleyway within the project site would be granted to the property owner. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer. The utilities department has requested that a utility easement of 15 feet in width be provided, and that the site maintain open access to the alleyway from the site's parking lot. These requests have been addressed and provided with the applicant's proposal.

### **Public Support/Opposition:**

Staff has received a phone call and email with concerns about the noise on the property from the adjacent property owner. Staff encouraged the applicant to reach out to the property owner to mitigate their concerns.

### **CONCLUSION:**

The proposed request for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

### **Electric Utilities:**

1. Prior to application for building permit, the applicant shall meet with Lake Worth Beach Electric Utilities to confirm that either one or two single-phase padmount transformers will be required between the two buildings, depending on the size and amount of private service cable being run from the multi-meter banks to the padmount transformers. Lake Worth Beach will need at least 20-feet of width between the two apartment buildings to install two single-phase padmount transformers and also allow for the appropriate spacing between the buildings and each transformer. Lake Worth Beach Electric also requests that no landscaping be installed within 8-feet of the front of the padmount transformers and 3-feet of the sides and rear of the padmount transformers. No landscaping is currently proposed between the two buildings.

2. Prior to issuance of a Certificate of Occupancy,
  - a. Lake Worth Beach Electric will need a 10-ft wide utility easement for the underground primary line and the padmount transformers.
  - b. The developer and/or property owner shall be responsible for the cost of the new underground electric lines and padmount transformers for the proposed project. There will be another charge separate from the overhead relocation charge for the underground lines and transformers that will need to be installed for the project.
  - c. The developer and/or property owner shall be responsible for installing the 2-2" schedule-40 conduits down a minimum of 36" deep from the designated overhead pole to the padmount transformers.
3. Prior to the issuance of a Building Permit, Lake Worth Beach Electric has an existing overhead electric line and pole that looks to be in conflict with the parking lot. The property owner is responsible for the cost of removing this line and the other electric work that will be needed to prepare the overhead electric lines for the new underground service.

**Planning and Zoning:**

1. All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required. Lighting fixtures should comply with dark skies fixture recommendation and be consistent with the architectural style of the project.
2. Twenty days prior to first site plan approval reading at the City Commission, the applicant shall provide a sign plan showing the dimensions and size of the monument signage proposed at the southwest and southeast corners of the site and indicate the location of such on the site plan.
3. Prior to the issuance of a certificate of occupancy, the property shall be platted. The plat shall depict all utility easements and showing the revised boundaries of the property, including the required right-of-way abandonment and unity of title.
4. Prior to the issuance of a certificate of occupancy, the developer shall pay \$21,600 toward the City's sustainability incentive trust account.

**Public Works:**

1. Twenty days prior to first reading at City Commission:
  - a. Contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
  - b.
2. Prior to the issuance of a building permit:
  - a. 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.
  - b. Provide evidence of any required permit(s) from the Lake Worth Drainage (LWDD) District's Engineering Department and South Florida Water Management District's (SFWMD) Engineering Department, as required. Provide evidence of discussions and outreach to the LWDD and SFWMD, including required permits.
  - c. Provide an Erosion Control plan and indicate the BMP's and NPDES compliance practices.

3. Prior to the issuance of a certificate of occupancy:
  - a. All conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
  - b. A new driveway curb cut on North F Street and North E Street shall be constructed that complies with the Public Works Department's specifications and Policy and Procedure Manual.
  - c. 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 shall be restored to the same condition prior to construction or better.
  - d. All disturbed areas shall be fine graded and sod all disturbed areas with bahia sod.
  - e. The property shall be broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
  - f. A "Right of Way/Utility Permit" is required.
  - g. All rights of way shall be restored to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind

**Utilities Water & Sewer:**

1. Twenty days prior to the City Commission's first reading:
  - a. Eliminate one (1) on-street parking on North E and F streets closest to the northern property line for traffic egress visibility and safety purposes from the site plan package.
  - b. Provide drainage calculations and/or drainage statement that meet the City's stormwater policy of containing the 3-year 1-hour storm event or 2.6 inches of precipitation over the entire site. If a connection to the City storm system is proposed, the calculations must meet attenuation time and pre/post discharges. Provide the elevation cross sections at each property line to confirm the site contains the 3-year 1-hour storm.
2. Prior to the issuance of building permit:
  - a. If the platted alleyway be will be abandoned a Utility Easement will need to be established. Utility easements are a minimum of 15 feet wide and should be centered over the existing to provide a minimum of 7 feet east of the Sanitary Sewer.
  - b. Detailed drainage calculations that meet the City's stormwater policy of containing the 3-year 1-hour storm event or 2.6 inches of precipitation over the entire site. If a connection to the City storm system is proposed, the calculations must meet attenuation time and pre/post discharges. Provide the elevation cross sections at each property line to confirm the site contains the 3-year 1-hour storm.
  - c. Provide the geotechnical analysis for the percolation rate (K).
  - d. Provide an Erosion Control plan with BMPs and NPDES compliance.
  - e. Pay in full all reserved capacity fees for water and sewer must be in accordance with the current City Ordinance.

**Lake Worth Beach Community Redevelopment Agency:**

1. A portion of this project requires the transfer of parcel #38-43-44-21-15-318-0160 from the Lake Worth Community Redevelopment Agency (CRA) to '1212 Tenth Avenue North, LLC', a Florida limited liability company.
2. The owner of the project, '1212 Tenth Avenue North LLC', shall have four hundred twenty five (425) days following the Closing Date as provided in the CRA's Purchase and Sale Agreement to obtain a certificate of occupancy for the development on the Property. Such failure to obtain the certificate of occupancy, subject, however, to extensions for delays attributable to Force Majeure which extensions must be approved by the CRA Board of Commissioners. Closing date between '1212 Tenth Avenue North LLC' and the Lake Worth Beach Community Redevelopment Agency (CRA) is expected to take place no later than the end of June 2021.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-01400039 with staff recommended **conditions** for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment to construct a 24-unit residential development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 21-01400039 for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment to construct a 24-unit residential development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board will be making a recommendation to the City Commission on the Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment.

**ATTACHMENTS:**

- A. Site Plan Package
- B. Supplemental Supporting Documents