



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 02, 2023 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [701 Boutwell Rd - Gateway Classic Cars](#)
[1939 7th Avenue North](#)
[821 S Dixie Highway - Madison Terrace](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. PZB Project Numbers 23-00500011 & 23-01400016:** A Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.
- B. PZB Project Number 23-00500012:** A conditional use permit request for a ±31,500 square foot facility containing Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).
- C. PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18):** Privately-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the project known as "Madison Terrace" located at 821 South Dixie Highway requesting: a FLUM amendment from the Mixed Use – East (MU-E) future land use to Transit Oriented Development (TOD) future

[land use; and a Rezoning from the Mixed Use – Dixie Highway \(MU-DH\) zoning district to the Transit Oriented Development – East \(TOD-E\) zoning district.](#)

- D. [PZB Project Number 23-0100001 \(Ordinance 2023-16\): A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace,” to construct two \(2\) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units.](#)**

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.

Legal Notice No. 42420

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 2, 2023 at 6:00 pm** or as soon thereafter to consider the following application. The City Commission meeting is tentatively scheduled for Tuesday, August 15, 2023 at 6:00 pm or soon thereafter at 7 North Dixie Lake Worth Beach.

PZB Project Numbers 23-010000001 (Ordinances 2023-16, 2023-17, and 2023-18): A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as "Madison Terrace," to construct two (2) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units. This project will also include a small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) on a ±0.9298-acre portion of the site. PCNs # 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010.

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

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

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

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 (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
July 20, 2023

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 2, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 23-00500012: A conditional use permit request for a ±31,500 square foot Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I). PCN # 38-43-44-20-38-001-0000.

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

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

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

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 (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
July 20, 2023

Legal Notice No. 42419

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 2, 2023 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Numbers 23-00500011 & 23-01400016: A major site plan amendment and conditional use permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial. PCN # 38-43-44-21-02-020-0010

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

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

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

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 (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

PLANNING AND ZONING BOARD REPORT

PZB Project Numbers 23-00500011 & 23-01400016: A Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

Meeting Date: August 2, 2023

Property Owner: Malcolm Butters – BREF 7 Ave, LLC

Applicants: Shayne Broadnix/Bradley Miller – Urban Design Studio

Address: 1939 7th Avenue North

PCN: 38-43-44-21-02-020-0010

Size: 5.4347 Acre Lot/± 75,989 square foot industrial development under construction

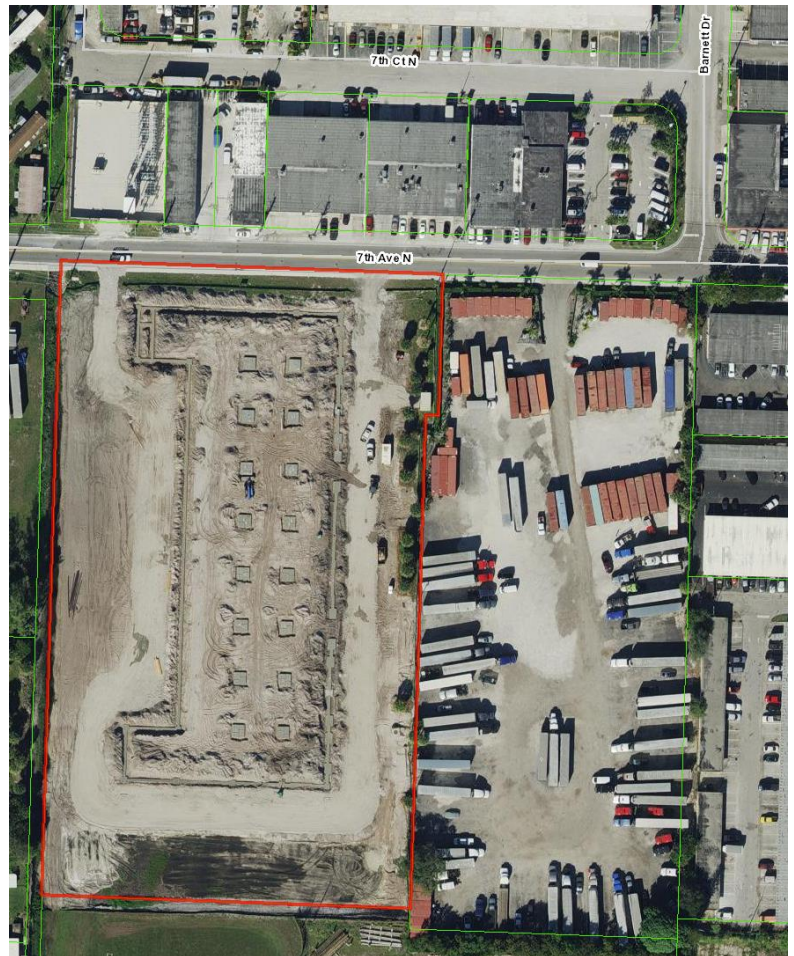
General Location: South of 7th Avenue North, approximately 700 feet east of Boutwell, and 1,200 feet west of I-95.

Existing Land Use: Industrial

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan Amendment and Conditional Use Permit (CUP) is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 6 and 7 of this report.

PROJECT DESCRIPTION

The applicants, Shayne Broadnix and Bradley Miller on behalf of Urban Design Studio, are requesting approval of the following at 1939 7th Avenue North:

- A **Major Site Plan Amendment** to revise the approved site plan to include an accessory outdoor use area (greater than 7,500 square feet)
- A **Conditional Use Permit (CUP)** for approval of a distribution facility (greater than 50,000 square feet)

The applicants are proposing a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area). According to the applicant's justification statement, the new tenant is a distributor of construction materials such as dry wall supply, metal studs framing, and acoustic ceiling tile. They are currently located in Boynton Beach and predominately serve Palm Beach County. They have other facilities in Broward and Dade County that serve those areas. Some of their materials are proposed to be stored outside on racks adjacent to the building. The anticipated hours of operation are 6:00 AM to 5:00 PM Monday thru Friday (Saturdays are occasional and determined by business volume). The delivery volume is predicted to be 4 to 6 daily inbound and 20 daily outbound. The business is anticipated to employ 40 people. The subject property is located south of 7th Avenue North, approximately 700 feet east of Boutwell, and 1,200 feet west of I-95.

COMMUNITY OUTREACH

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

BACKGROUND

Below is a summary of the property based on City records:

On April 6, 2022, the Planning and Zoning Board (PZB) approved a Major Site Plan and a Blanket Conditional Use (PZB 21-01400001) request for multiple conditional uses for the development of a ±75,989 square foot industrial development at the subject property. The previously approved Blanket Conditional Use Permit (BCUP) includes conditions of approval that prohibit outdoor storage and require an additional Conditional Use Permit (CUP) if the use exceeds 50,000 square feet. Therefore, additional approvals are required to establish the distribution facility as proposed.

Building Permit 22-3039 was issued on December 12, 2022, for the new commercial building. Construction is currently ongoing at the property.

There are no active code cases for the subject property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial. Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to add a distribution facility with an accessory outdoor storage use area to existing site.

The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a distribution facility that will sustain or increase jobs, and foster inclusion the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

Consistency with the Land Development Regulations

The Industrial Park of Commerce (I-POC) zoning district *is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.*

Analysis: The applicant is requesting a Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility with an accessory outdoor storage use area. The new tenant is a distributor of construction materials such as dry wall supply, metal studs framing, and acoustic ceiling tile. The proposed ±33,100 square foot accessory outdoor use area will contain cantilevered racks that will be attached to the west wall of building. The cantilevered racks are used to store the metal stud framing. The remainder of the outdoor storage area is available for storage of other construction-related materials and vehicles associated with the business. Fencing will be installed to screen the outdoor use area. The analysis for both the Major Site Plan Amendment and Conditional Use Permit (CUP) is provided in the section below and is consistent with the review criteria located in Attachments A & B.

The table below shows the proposed site features and its compliance with the LDRs, as applicable:

| Industrial Park of Commerce (I-POC) (LDR Section 23.3-24) | | | | |
|---|-----------------------|---------------------------|---|---|
| Development Standard | | Base Zoning District | Previously Approved Site Plan Proposed* | Proposed Site Plan Amendment (No Changes) |
| Min. Lot Size in square feet (sf) | | 13,000 sf. | 234, 751 sf. | 234, 751 sf. |
| Min. Lot Width | | 100 ft. | 380 sf. | 380 sf. |
| Setbacks | Front (North) | 20 ft. min. - 32 ft. max. | 25.2’ ft. | 25.2’ ft. |
| | Rear (South) | 20 ft min. | 130 ft. | 130 ft. |
| | Street Side (West) | 20 ft. | 78 ft. | 78 ft. |
| | Interior Sides (East) | 0 ft. | 84.5’ ft. | 84.5’ ft. |
| Max. Impermeable Surface Coverage | | 65% | 64.67% | 64.67% |
| Max. Structure Coverage | | 55% | 35.33% | 35.33% |
| Parking Spaces | | 76 spaces | 77 spaces | 77 spaces |
| Max. Building Height | | 30 ft. | 30 ft ² | 30 ft ² |
| Floor Area Ratio (FAR) Limitations | | 2.2 | 0.33 | 0.33 |

* Including two (2) site plan modifications (PZ 23-11400011; 22-01400045)

Section 23.4-4. – Fence regulations: Per LDR Section 23.4-4(g)(2): Any area in the industrial district used as open storage shall be completely enclosed by an opaque fence or wall so as to protect surrounding property from debris damage caused by wind or storm. The above required fences or walls shall be at least six (6) feet, but no more than eight (8) feet in height and shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. All screening material is subject to approval by the development review official or designee and shall be installed in a professional manner.

Analysis: A new 8-foot high opaque fence and gate is proposed on the north side of the accessory outdoor use area which is visible from 7th Avenue North. The east and south perimeter of the accessory outdoor use area will have 8-foot high chain-link fencing which is permitted for industrial uses since it is not located in the front yard and does not abut rights-of-way. An additional gate will be installed on the south side.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to “promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.” These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis: The only change to the previously approved site plan is the installation of new fencing associated with the accessory outdoor use area. In addition, racks will be attached to the west side of the structure to store material for the distribution facility. The accessory outdoor use area will not interfere with site circulation related to parking since the parking lot is located on the east side of the property with two-way drive aisles. Staff has included a condition of approval to relocate the refuse area since the fencing would interfere with its functionally.

Per LDR Section 23.4-19(b): *Outdoor storage in the I-POC industrial districts shall be permitted only as accessory to an approved principal use. All such storage shall be completely screened from all public rights-of-way and any adjacent property that is zoned for residential or mixed use. Outdoor storage of equipment, vehicles, boats, parts, materials, or chemicals are required to be stored on an impervious paved surfaces to reduce pollutants in stormwater runoff.* The entire accessory outdoor use area is being proposed on previously approved impervious areas. Also, the proposed fencing will satisfy the required screening from the right-of-way.

The proposed improvements to the site are supportive to the principal distribution use which was anticipated in the I-POC zoning district. The existing uses in the surrounding area are as follows:

| Direction | Future Land Use | Zoning District | Existing Use |
|-----------|---------------------------|---|--|
| North | Public (P)/Industrial (I) | Public (P)/ Industrial Park of Commerce (I-POC) | City Utility Substation/JM Enterprises & Warehouse with multiple tenants |
| South | Public (P) | Public (P) | City-owned property |
| East | Industrial (I) | Industrial Park of Commerce (I-POC) | Silva Storage |
| West | Industrial (I) | Industrial Park of Commerce (I-POC) | Stokes Mechanical |

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

Community Appearance Criteria:

The proposed site improvements represent a minor change to the previously approved site plan. The proposed fencing is in harmony with the surrounding industrial area.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request for an accessory outdoor use area greater than 7,500 square feet.

On April 6, 2022, the Planning and Zoning Board (PZB) approved a Major Site Plan and a Blanket Conditional Use (PZB 21-01400001) request for multiple conditional uses for the development of a ± 75,989 square foot industrial development at the subject property. The previously approved Blanket Conditional Use Permit (BCUP) includes conditions of approval that prohibit outdoor storage and require an additional Conditional Use Permit (CUP) if the use exceeds 50,000 square feet. Therefore, additional approvals are required to establish the distribution facility as proposed.

The anticipated hours of operation are 6:00 AM to 5:00 PM Monday thru Friday (Saturdays are occasional and determined by business volume). The delivery volume is predicted to be 4 to 6 daily inbound and 20 daily outbound. The types of delivery vehicles will be Single Trailer 5-Axel Truck, Single Unit Straight Trucks 4-Axel, and Single Unit Flat Beds 2-Axel. The business is anticipated to employ 40 people. The conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the uses previously approved in the Blanket Conditional Use Permit (BCUP) on the property. The site is located on a collector roadway. The proposed associated site improvements will provide new screening for the accessory outdoor use area. Further, staff is proposing a condition of approval to mitigate concerns related to increased traffic volumes. The proposed distribution facility will serve Palm Beach County, as described, and will not function as a regional facility.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report, the site plan amendment and use requested are not anticipated to negatively impact adjacent properties. Further, the proposed Major Site Plan Amendment and Conditional Use Permit (CUP) will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. All of the conditions of approval from PZB #22-01400001 still apply.
2. The site changes are limited to the installation of the new fencing and new racks attached to the structure as depicted on the site plan.
3. The Conditional Use Permit (CUP) is for a ±83,383 square foot distribution facility at 1939 7th Avenue North.
4. An accessory outdoor use (±33,100 square foot outdoor use area) included within the total use area of the distribution facility shall be permitted as depicted on the site plan.

5. The business shall not operate as a regional wholesale distribution facility. This type of facility requires a traffic study to document the impact on the roadway system and additional review and approval.
6. The opaque fence, not chain link, visible from 7th Avenue North shall be further reviewed at permitting for compliance with the City's fencing and outdoor use area regulations. However, the gates can be chain-link with a decorative mesh or vinyl, which may include an art and/or signage component.
7. Coordinate with Public Works on the relocation of the refuse area. The final location shall be depicted on the building permit and concurrent site plan modification.
8. The new fencing and gates shall not conflict with plant materials as depicted in the approved landscape plan.
9. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
10. 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.
11. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business.
12. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
13. All uses shall comply with the use occupancy requirements as required by the Florida Building Code.
14. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Utilities (Water, Sewer & Stormwater)

1. Updated drainage calculations will be required if additional impervious areas are proposed.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project Numbers 23-00500011 & 23-01400016 for a Major Site Plan Amendment and Conditional Use Permit request to establish a ±83,383 square foot distribution facility distribution facility upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Numbers 23-00500011 & 23-01400016 for a Major Site Plan Amendment and Conditional Use Permit request to establish a ±83,383 square foot distribution facility distribution facility. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, & supporting documents)
- D. Previously Approved Site Plans

ATTACHMENT A – Qualitative Development Standards

| Section 23.2-31(c) –Qualitative Development Standards | Analysis |
|--|-----------------|
|--|-----------------|

- | | |
|---|-----------------------|
| <p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p> | In compliance |
| <p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, fertilizer friendly use regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.</p> | Not Applicable |
| <p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p> | In compliance |
| <p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p> | Not applicable |
| <p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p> | In compliance |
| <p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p> | In compliance |
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
| <p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p> | In compliance |

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.* **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** *Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 12. Refuse and service areas.** *Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 13. Protection of property values.** *The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.* **In compliance**
- 14. Transitional development.** *Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious and complementary transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, height, rhythm of openings and character. Special consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.* **In compliance**
- 15. Consideration of future development.** *In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.* **In compliance**

| Section 23.2-31(l) – Community Appearance Criteria | Analysis |
|---|----------------------|
| 1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i> | In compliance |
| 2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i> | In compliance |
| 3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i> | In compliance |
| 4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i> | In compliance |

ATTACHMENT B - Findings for Granting Conditional Uses

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

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

| Section 23.2-29(e) Specific findings for all conditional uses. | Analysis |
|--|-------------------------------------|
| 1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i> | In compliance as conditioned |
| 2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i> | In compliance as conditioned |
| 3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i> | In compliance as conditioned |
| 4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |
| 5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |
| 6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i> | In compliance |

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

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

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00500012: A conditional use permit request for a ±31,500 square foot facility containing Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Meeting Date: August 2, 2023

Property Owner(s): SL BOUTWELL
 BUSINESS CENTER II LLC & SL BOUTWELL
 BUSINESS CENTER LLC

Applicant: Gateway Classic Cars

Address: 701 Boutwell Road

PCNs: 38-43-44-20-38-001-0000

Size: 18.5861 – Acre Lot / ±31,500 square
 feet use area in existing structure

General Location: On the northwest
 corner of Boutwell Road and 7th Avenue
 North

Existing Land Use: Warehouse

Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of
 Commerce (I-POC)

Location Map:



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided on pages 5 of this report.

PROJECT DESCRIPTION

The applicant, Gateway Classic Cars, is requesting a **Conditional Use Permit (CUP)** to establish a high-intensity (use area greater than 7,500 square feet) Vehicle Broker and Indoor Storage facility in the Industrial Park of Commerce (I-POC) zoning district. According to the applicant's justification statement, Gateway Classic Cars is an online classic and exotic car sales company. The facilities are open to the public to view vehicles at their leisure between 9AM-5PM Monday-Saturday. However, 95% of sales occur online resulting in limited traffic volume. A total of five (5) employees are anticipated. No outdoor storage or display area is proposed. The subject property is located on the northwest corner of Boutwell Road and 7th Avenue North.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction/ Previous Approvals: There are two (2) buildings located on the subject site, which were constructed in 2016 per city records. The proposed business is located in the northern building. The northern and southern building are ±125,412 square feet each. City records indicate that the property owner has an active rental business license for the existing structure.

Use: The proposed use is proposed within Suite A which is currently vacant. The remaining bays are wholesale and distribution uses with active business licenses.

Code Compliance: City records indicate there are no active code cases associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial. Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed request is seeking to add Vehicle Broker and Indoor Storage uses within an existing building.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A, IV.D, and V.E of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, influence the supply and expansion of jobs, and support and foster an environment of inclusion and social consciousness. Because the proposed Conditional Use permit will allow for the establishment of a Minor Vehicular Service and Repair use that will sustain or increase jobs, and foster inclusion the proposal is consistent with Pillar IV.A, Pillar IV.D, and Pillar V.E.

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

Consistency with the Land Development Regulations

The **Industrial Park of Commerce (I-POC)** zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. The industrial park of commerce district implements the industrial land use category of the Lake Worth Comprehensive Plan.

Analysis: The applicant is requesting a Conditional Use Permit for high-intensity (use area greater than 7,500 square feet) Vehicle Broker and Indoor Storage uses. Gateway Classic Cars is an online classic and exotic car sales company. The facilities are open to the public to view vehicles at their leisure between 9AM-5PM Monday-Saturday. However, 95% of sales occur online resulting in limited traffic volume. A total of five (5) employees are anticipated. The use will not operate as a conventional vehicle sales use with outdoor use/display areas and with a majority of transactions taking place on site. Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than multiple uses permitted by right. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on a major collector (Boutwell Road). Therefore, no additional public expenditures are required to service the proposed use.

The analysis for the conditional use permit is provided in the section below and is consistent with the review criteria located in Attachment A.

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

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

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

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

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

Staff Analysis: The structure on the property was constructed in 2016. It is staff's analysis that the property generally conforms to current zoning regulations except for the landscaping which will be discussed in another section of this report. Further, staff has proposed landscape conditions of approval that will reduce the nonconformities with the City's landscape code. **The proposed Conditional Use Permit is consistent with the City's LDRs based on the following data and analysis:**

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

Staff Analysis: LDR Section 23.4-10 states that additional parking is not required for changes in use or occupancy or the remodeling of existing buildings which does not increase floor area or the number of existing dwelling units. Therefore, no additional parking is required. The existing site has ±250,824 square feet of multiple-use tenants. The site currently has approximately 300 parking spaces.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements. Any changes to the existing monument/freestanding sign shall bring it into conformance.

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

Analysis: The site’s building permit was approved in 2015. It is staff’s analysis that the site has multiple missing, decayed, withered, and/or dead trees in the perimeter landscape and parking lot islands. Staff has added a condition of approval to replace missing and/or dead trees according to the landscape plan on file and replace any shrubs that are damaged or removed in order to plant the replacement trees.

Findings for Granting Conditional Uses

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

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

Staff Analysis: The proposed Conditional Use Permit is in general harmony with the surrounding area and consistent with development of the corridor. The requested use is an anticipated use in the I-POC zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan. However, it was noted in the review that additional landscaping will be required. Therefore, staff has proposed conditions of approval addressing these concerns.

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

Staff Analysis: The proposed Conditional Use Permit is not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. No additional public expenditures are required to service the proposed use. The site is located on a major collector (Boutwell Road), and as such traffic flow and movements related to the proposed use is not anticipated to negatively impact the street greater than a use permitted by right. The proposed use will not change the existing on-site traffic circulation. Staff has proposed landscaping conditions of approval to ensure compliance with the LDRs.

Section 23.2-29.g) Additional requirements.

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

CONCLUSION AND CONDITIONS

The **Industrial Park of Commerce (I-POC)** zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed Conditional Use Permit (CUP) meets the criteria of the Comprehensive Plan and LDRs. If the Planning and Zoning Board approves the request, conditions of approval have been provided below:

Planning & Zoning, and Landscaping

1. This approval only applies to this address (701 Boutwell Road) and will not constitute approval for any new location or suite. No outdoor storage use is permitted.
2. Should the volume of in-person sales be greater than five (5) percent, as anticipated, a new Conditional Use Permit (CUP) shall be required to review the use as vehicle sales.
3. Vehicular service and repair are not permitted.
4. Prior to the issuance of a business license, a landscape permit shall be issued to replace missing and/or dead trees according to the landscape plan on file and replace any shrubs that are damaged or removed in order to plant the replacement trees. All retention areas landscape shall also be adequately maintained. Plant substitutions with Florida native plant materials shall be reviewed by the City's Horticulturalist. All improvements shall be permitted and completed within six (6) of the issuance of this AUP approval.
5. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License.
7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
8. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
9. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. Any changes to the existing monument/freestanding sign shall bring it into conformance.
10. Outdoor storage of materials, including the display of vehicles, is not part of this approval and not permitted on premises.
11. City dumpsters are required to be brought back into the bays on non-service days.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 23-00500012 Conditional Use Permit for Vehicle Broker and Indoor Storage uses based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 23-00500012 Conditional Use Permit for Vehicle Broker and Indoor Storage uses. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package (survey/site plan, floor plan, and supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

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

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**

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

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

PLANNING AND ZONING BOARD REPORT

PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18): Privately-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the project known as “Madison Terrace” located at 821 South Dixie Highway requesting:

- A FLUM amendment from the Mixed Use – East (MU-E) future land use to Transit Oriented Development (TOD) future land use
- A Rezoning from the Mixed Use – Dixie Highway (MU-DH) zoning district to the Transit Oriented Development – East (TOD-E) zoning district

Transmittal Date: July 26, 2023

Meeting Date: August 2, 2023

Property Owner: BUYERS CHOICE AUTO SALES

Address: 821 South Dixie Highway

PCN: 38-43-44-21-15-253-0110

Size: 0.9298 acres

General Location: Northwest corner of South Dixie Highway and 9th Avenue South

Existing Land Use: Auto Sales

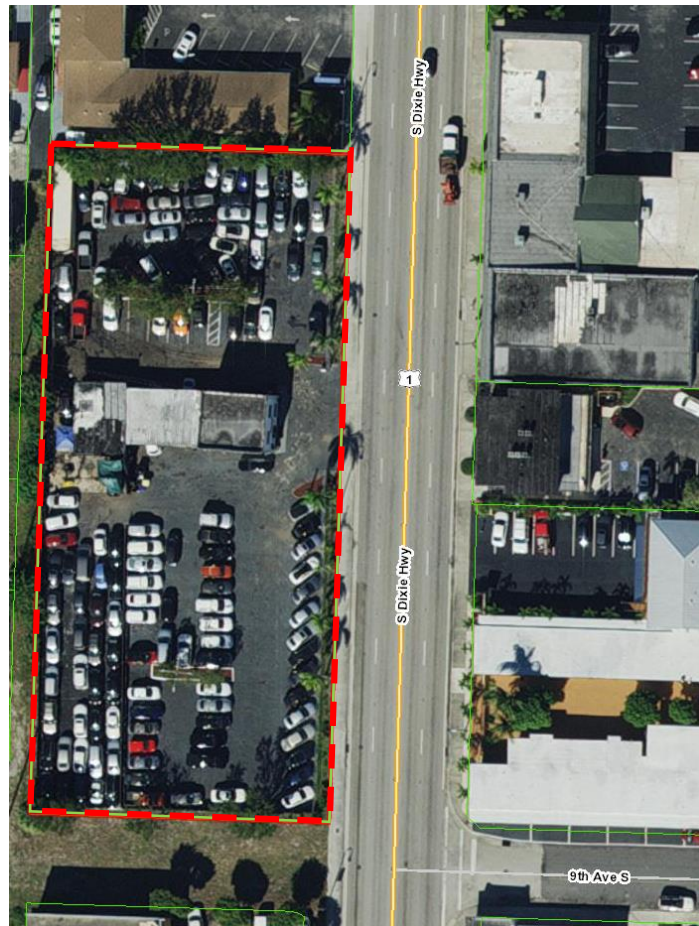
Current Future Land Use Designation: Mixed Use – East (MU-E)

Proposed Future Land Use Designation: Transit Oriented Development (TOD)

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

Proposed Concurrent Zoning District: Transit Oriented Development – East (TOD-E)

Location Map



RECOMMENDATION

The data and analysis in support of the proposed FLUM amendment was prepared in accordance with F.S. 163.3177. The proposed FLUM amendment is consistent with the purpose, intent, and requirements of the Comprehensive Plan, including the level of service requirements and the Strategic Plan, and would facilitate the provision of affordable housing within the City. Therefore, staff recommends that the Planning and Zoning Board recommend to the City Commission to adopt the proposed small-scale FLUM amendment (**Ordinance 2023-18**).

The proposed rezoning is consistent with the Comprehensive Plan, Strategic Plan, and the guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). Therefore, staff recommends that the Planning and Zoning Board recommend to the City Commission to approve the proposed rezoning request (**Ordinance 2023-17**).

PROJECT DESCRIPTION

The proposed privately-initiated FLUM amendment would amend the FLU designation for approximately 0.9298 acres at 821 South Dixie Highway from the Mixed Use – East (MU-E) FLU to the Transit Oriented Development (TOD) FLU. The proposed concurrent rezoning request would amend the zoning district on the subject property from the Mixed Use – Dixie Highway (MU-DH) district to the Transit Oriented Development – East (TOD-E) district. The subject map amendments comprise a portion of the concurrently proposed Madison Terrace Planned Development, which would allow for the redevelopment of a total of 1.8134 acres with 176 affordable units that are income restricted. According to the applicant's justification statement, the project will be financed with low-income housing tax credits provided by the federal government. The project will be required to remain affordable housing for a period of at least 50 years. The rental rates are based on 80% of the Area Median Income (AMI). At least 10% of the units have "Extremely Low Income" ELI rental rates based on a maximum of 30% of the AMI. The average rental rate for all apartment units cannot exceed 60% of AMI. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report for each request.

The data and analysis section of this staff report for the FLUM amendment was prepared in accordance with the requirements of F.S. 163.3177 and provides relevant and appropriate data based on the City's community goals and vision and consistency with the level of service requirements. The proposed FLUM amendment is eligible for processing as a small-scale future land use map amendment per F.S.163.3187. If adopted, the proposed amendment would be sent to the Florida Department of Economic Opportunity (DEO) upon adoption and become effective 31 days after adoption if not challenged within 30 days.

The data and analysis section of this staff report for the concurrent Zoning Map amendment analyzes the proposed request for consistency with the City's Comprehensive Plan, Strategic Plan, and LDR Section 23.2-36(4): Review Criteria for the Rezoning of Land.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

On June 28, 2023, the applicant held a meeting with neighborhood residents at 1121 Lucerne Avenue. Notices were mailed to all property owners within 400 ft of the project on June 9, 2023, and signs were placed on the property on June 9, 2023. There were twelve (12) attendees at the meeting. Residents asked questions about the project’s security features, site design, parking, the sustainable features of the project, and general questions about the units and how the property will be managed. The applicant also created a project webpage: <http://www.madisonterraceseniors.com/>

BACKGROUND

Although the proposed FLUM and Zoning Map amendments include only one (1) parcel, it will be unified with four (4) other parcels on South H Street (832 South H Street, 826 South H Street, 824 South H Street, 818 South Street) to create a residential planned development. The parcels on South H Street already have a Transit Oriented Development (TOD) FLU and Transit Oriented Development – East (TOD-E) zoning district designation. The combined project area will be 1.8134 acres, including approximately 0.1274 of abandoned rights-of-way. The residential planned development will propose 176 affordable dwelling units within the two (2), six (6)-story buildings. The project known as “Madison Terrace” will offer affordable age-restricted rentals. This residential planned development is being proposed concurrently with the FLU and rezoning requests. The project is also located within the boundaries of the Lake Worth Beach CRA.

FUTURE LAND USE MAP (FLUM) AMENDMENT ANALYSIS

The proposed Transit Oriented Development (TOD) FLU for the subject property is compatible with the Mixed Use – East and Transit Oriented Development FLU designations of surrounding properties. The following outlines the FLU designations for the adjacent areas:

- Future Land Use Map amendment for approximately 0.9298 acres from Mixed Use – East (MU-E) to Transit Oriented Development (TOD):

| Subject Property FLU | Adjacent Direction | Adjacent Future Land Use | Existing Use |
|---|---------------------------------------|------------------------------|--------------------------------------|
| Existing: Mixed Use - East | North | Mixed Use - East | Motel |
| | South Across 9 th Ave S | Mixed Use - East | Auto Sales |
| Proposed: Transit Oriented Development | East Across S Dixie Hwy | Mixed Use - East | Motel, office, and store |
| | West Across alleyway | Transit Oriented Development | Vacant and single-family residential |

The Transit Oriented Development FLU designation was established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The amendment will facilitate the site’s redevelopment as a residential planned development. Four (4) Palm Tran bus stops are located within 500 feet of the site. The use of this site as described will help the City of Lake Worth Beach achieve residential development near transit stops as envisioned in its Comprehensive Plan.

Consistency with the Comprehensive Plan

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

Objective 1.2.2: 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, high density residential and transit oriented development (TOD) areas.

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designations

TOD-E includes the area between Lucerne Avenue and 4th Avenue South flanking both sides of the FEC railway tracks; the area between 7th Avenue North and 11th Avenue North flanking both sides of the FEC railway tracks; and the area between 7th Avenue South and 10th Avenue South flanking both sides of the FEC railway tracks; and the area from Lake Worth Road north to 2nd Avenue North, and from I-95 and the railway tracks east to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4th Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

Objective 1.3.4: To coordinate future land uses with availability of facilities and services.

3. HOUSING AND NEIGHBORHOODS ELEMENT

GOAL 3.1: To achieve a supply of housing that offers a variety of residential unit types and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of a full range of quality housing units.

Objective 3.1.1: To upgrade the quality of existing housing and assure that new construction is of the highest possible quality while supporting the position that the city’s housing supply will be principally provided by the private sector.

Policy 3.1.2.1: Amendments to the zoning ordinance and other development regulations shall retain principles and criteria for guiding the location of adult congregate living facilities, group homes, housing for low and moderate income households, mobile homes, and foster homes in a manner consistent with State laws and more explicitly in conformity with Florida Statutes.

4. ECONOMIC DEVELOPMENT ELEMENT

Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.

Consistency with the Strategic Plan

The proposed amendments further the City’s Strategic Plan which is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a “Community of Neighborhoods”, and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistent with the following Strategic Plan Pillars:

Pillar II: Strengthening Lake Worth Beach as a ‘Community of Neighborhoods’

A: Diversify housing options.

Pillar IV: Navigating Towards a Sustainable Community

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long-range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional demands.

According to the City’s Comprehensive Plan, the maximum development potential change is for the existing Mixed Use – East FLU at 30 du/acre to the proposed Transit Oriented Development FLU at 60 du/acre resulting in an increase of 30 du/acre. The TOD FLU generates more service demands than the MU-E FLU. Analysis of the increased density (30 du/acre to 60 du/acre = 30 du/acre increase) on the long-range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future demands and long-range LOS can be met with current and planned system capacities. However, it is important to note that the Live Local Act would allow for an increase in density to 45 units an acre without a Future Land Use Map amendment. The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

| Type of Facility: | Existing FLU Designations: (at 30 du/acre for Mixed Use - East) | Proposed FLU Designations: (at 60 du/acre for Transit Oriented Development) |
|----------------------|--|--|
| Drainage | 3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite. | 3-year, 1-hour storm duration Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required to provide drainage collection and conveyance systems to positive outfall. |
| Potable Water | 105 gpcpd (gallons per capita per day). 105 gpcpd x 30 du/acre x 2.53 pph =7,969.5 gpcpd | 105 gpcpd x 60 du/acre x 2.53 pph = 15,939 gpcpd Increase of 7,969.5 gpcpd The City facilities have available capacity to accommodate the increased demand. |

| Type of Facility: | Existing FLU Designations: (at 30 du/acre for Mixed Use - East) | Proposed FLU Designations: (at 60 du/acre for Transit Oriented Development) |
|-----------------------|---|--|
| Sanitary Sewer | <p>Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day.</p> <p>100 gpcd x 30 du/acre x 2.53 pph = 7,590 gpcpd</p> | <p>100 gpcd x 60 du/acre x 2.53 pph = 15,180 gpcpd Increase of 7,590 gpcpd</p> <p>The City facilities have available capacity to accommodate the increased demand.</p> |
| Solid Waste | <p>Collection and disposal of 6.5 pounds of solid waste per capita per day.</p> <p>6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year/ 2,000 = 90 Tons/year</p> | <p>6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year/ 2,000 = 180 Tons/year Increase of 90 Tons/year</p> <p>Solid waste pickup will be located on the property.</p> <p>The Solid Waste Authority has available capacity to accommodate the demand of the proposed facility.</p> |
| Parks | <p>2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons</p> <p>0.9298 acres x 30 du/ac = 27.894 du/ac x 2.53 pph/du = 70.57 persons</p> | <p>0.9298 acres x 60 du/ac = 55.788 du/ac x 2.53 pph/du = 141.14 persons Increase of 27.894 du = Increase of 70.57 persons</p> <p>The proposed increase is not anticipated to have a significant impact on the parks within the City. Further, the City is planning to pursue a parks master plan in the next fiscal year.</p> |
| Schools | <p>30 du/acre x 0.9298 ac = 27.894 du</p> | <p>Reduction in impact to LOS for local schools</p> <p>School District has requested a condition of approval requiring a covenant for the proposed age restricted (55+) community.</p> |
| Traffic | <p>Roadway Level of Service (LOS)</p> | <p>All developments in PBC require review by the PBC Traffic Division for conformance with the PBC Traffic Performance Standards (TPS), which was enacted by the Board of County Commissioners (BCC) in 1990. Per the applicant's traffic study for the larger Madison Terrace planned development area, "A review of the links within the project's radius of development influence reveals that capacity is available to support the project and the project meets the requirements of the Palm Beach County Traffic Performance Standards."</p> |

ZONING MAP AMENDMENT ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject property currently has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per **Comprehensive Plan Future Land Use Element Policy 1.1.1.5**, the MU-E land use category “is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre.” The implementing zoning districts of the MU-E FLU are Mixed Use – Dixie Highway (MU-DH), Mixed Use – Federal Highway (MU-FH), and Mixed Use – East (MU-E). The intent is to change the zoning district of the property from Mixed Use – Dixie Highway (MU-DH) to Transit Oriented Development – East (TOD-E) with a concurrent FLUM change from the current Mixed Use – East (MU-E) future land use to Transit Oriented Development (TOD) future land use (FLU) to facilitate the redevelopment of the site. Approval of the rezoning request would allow the project known as “Madison Terrace” to construct a 176 dwelling unit multi-family development through a residential planned development. This use is consistent with the intent of the requested zoning district and future land use designation.

Additionally, the proposed changes to the property’s Zoning District and FLU Designation is consistent with **Future Land Use Element Policy 1.1.2.10 (Locational Criteria for the Transit Oriented Development Designations)** as this site is located near potential for sites for future rail stations. **Future Land Use Element Objective 1.2.2 states:** “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, high density residential and transit oriented development (TOD) areas.” Approval of the rezoning request would allow for the redevelopment of the site as compact residential development with access to Palm Tran stations and would be in keeping with the intent of **Objective 1.2.2**.

The City’s Strategic Plan sets goals and ideals for the City’s future vision and lays out methods to achieve them. Pillar Two, Section A seeks to “Diversify housing options.” Approval of the rezoning will result in the construction of age-restricted affordable housing for senior-aged residents. Therefore, housing options in Lake Worth Beach will be further diversified. Additionally, the proposal, if approved, would be consistent with **Strategic Plan Pillar IV. D and E** influencing the supply and expansion of jobs, and ensuring facilities that anticipate and embrace the future.

Consistency with the City’s Land Development Regulations

Rezoning of the subject site will allow the expansion of the abutting Transit Oriented Development – East (TOD) zoning district. As a result, the property will be redevelopment with a multi-family project that offers access to Palm Tran bus stops within walking distance which is consistent with the intent of the TOD-E zoning district. The property is adjacent to a motel to the north, an auto-sales establishment to the south across South Dixie Highway, to motel, office, store uses to the east across South Dixie Highway, to single-family residential uses to the west across the alleyway.

The LDRs also require all rezoning requests with a concurrent Future Land Use Map (FLUM) Amendment be analyzed for consistency with the review criteria in Section 23.2-36(4). Staff’s full analysis of the review criteria is provided below. The analysis demonstrates that the proposed rezoning complies with the review criteria and that the required findings can be made in support of the rezoning.

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

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

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

The land development regulations require all rezoning requests with a concurrent FLUM Amendment be analyzed for consistency with **Section 23.2-36(4)**. Staff has reviewed the rezoning against this section and has determined that the rezoning complies with the following review criteria:

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

Analysis: If the FLUM amendment and the rezoning are approved, the new TOD-E zoning district would be consistent with the purpose and intent of the TOD FLU designation. The rezoning request furthers the implementation of the City’s Comprehensive Plan with the proposed adoption of a zoning district that is consistent with the Transit Oriented Development future land use (FLU) designation on the subject site. Additionally, the proposed age-restricted multi-family development is consistent with both the TOD FLU designation and TOD-E zoning district. **Meets Criterion.**

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

Analysis: The rezoning request will not be contrary or incompatible to the established land pattern, nor will it create an isolated zoning district unrelated to the adjacent and nearby classifications or constitute a grant of special privilege to the petitioner as contrasted with the protection of the public welfare. The proposed Transit Oriented Development - East zoning district is consistent with the proposed multi-family use of the property. Below is a table outlining the existing zoning and future land use designations of adjacent properties. **Meets Criterion.**

| Subject Property FLU | Adjacent Direction | Adjacent Future Land Use Designations | Adjacent Zoning Districts | Existing Use |
|---|---------------------------------------|---------------------------------------|-------------------------------------|--------------------------------------|
| Existing: Mixed Use - East | North | Mixed Use - East | Mixed Use – Dixie Highway | Motel |
| | South Across 9 th Ave S | Mixed Use - East | Mixed Use – Dixie Highway | Auto Sales |
| Proposed: Transit Oriented Development | East Across S Dixie Hwy | Mixed Use - East | Mixed Use – Dixie Highway | Motel, office, and store |
| | West Across alleyway | Transit Oriented Development | Transit Oriented Development - East | Vacant and single-family residential |

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

Analysis: The rezoning request supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives with an emphasis on complementary land uses. Approval of the rezoning request would facilitate the property's redevelopment into a multi-family site with access to transit stops. Further, the proposed rezoning would allow the City to benefit from increased efficiency and the proximity of residential uses to commercial properties. The uses immediately surrounding the properties are commercial and residential. Multi-family uses are considered complementary in function and nature to these uses. **Meets Criterion.**

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

Analysis: As outlined in the Level of Service (LOS) Analysis provided in this report, community facilities and services are available in the area to sustain the future demands and long-range LOS can be met with current and planned system capacities. **Meets Criterion.**

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

1. Whether the proposed FLUM amendment would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.

Analysis: The proposed Transit Oriented Development (TOD) FLU for the subject property is compatible with the Mixed Use – East (MU-E) and Transit Oriented Development (TOD) FLU designations of surrounding properties and will not affect the property values of the neighborhoods. Rezoning of the subject site and the land use change will be consistent with the proposed multi-family redevelopment of the site that is complimentary to the area and surrounding uses. **Meets Criterion.**

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

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

Analysis: The project known as "Madison Terrace" will have several economic benefits for the community. Approval of the FLUM and rezoning requests would allow for the redevelopment of the site as compact residential development with access to Palm Tran stations. The proposed residential planned development will also result in the construction of age-restricted affordable housing for senior-aged residents. Therefore, housing options in Lake Worth Beach will be further diversified. **Meets Criterion.**

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

- A. Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category; and
- B. Represent a potential decrease in the number of uses with high probable economic development benefits.

Analysis: The proposed rezoning to the TOD-E zoning district will not result in a decrease in development intensity of a public amenity for the neighborhood. The TOD-E zoning district offers an increase in density from the MU-DH zoning and will facilitate the City's goal of providing a variety of housing options. **Meets Criterion.**

h. Commercial and industrial land supply. The review shall consider whether the proposed FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:

1. The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or
2. The proposed FLUM amendment provides substantiated evidence of satisfying at least four (4) of the direct economic development benefits listed in subparagraph "f" above; and
3. The proposed FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation.

Analysis: If approved, the proposed rezoning will not result in a reduction of land available for commercial development although a multi-family residential project is proposed. The proposed multi-family development will lead to job creation and economic benefits. Therefore, the change from MU-DH to TOD-E zoning district would maintain the opportunity for commercial development. **Meets Criterion.**

i. Alternative sites. Whether there are sites available elsewhere in the city in zoning districts which already allow the desired use.

Analysis: The purpose of the rezoning request is to enable sustainable compact development near transit stops. As such the proposed TOD-E rezoning is appropriate for the subject property. **Meets Criterion.**

j. A Master plan and site plan compliance with land development regulations. When master plan and site plan review are required pursuant to section 2.D.1.e. above, both shall comply with the requirements of the respective zoning district regulations of article III and the site development standards of section 23.2-32.

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

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

CONCLUSION

The proposed FLUM amendment request is consistent with the purpose, intent, and requirements of the Comprehensive Plan. The proposed rezoning is also consistent with the purpose, intent, and requirements of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of both the FLUM

amendment and the Zoning Map amendment based on the data and analysis in this report and the findings summarized below:

- The amendments are consistent with the City's goals to encourage the location and development of compact sustainable residential units near transit stops.
- The amendments are consistent with the Strategic Plan's goals of diversifying housing options and the expansion of jobs.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the respective Comprehensive Plan and Strategic Plan Analysis sections of this report; and
- The FLUM amendment is supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.
- The Zoning Map amendment is consistent with the proposed FLUM amendment.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18) of the proposed amendments to the Future Land Use Map and the Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

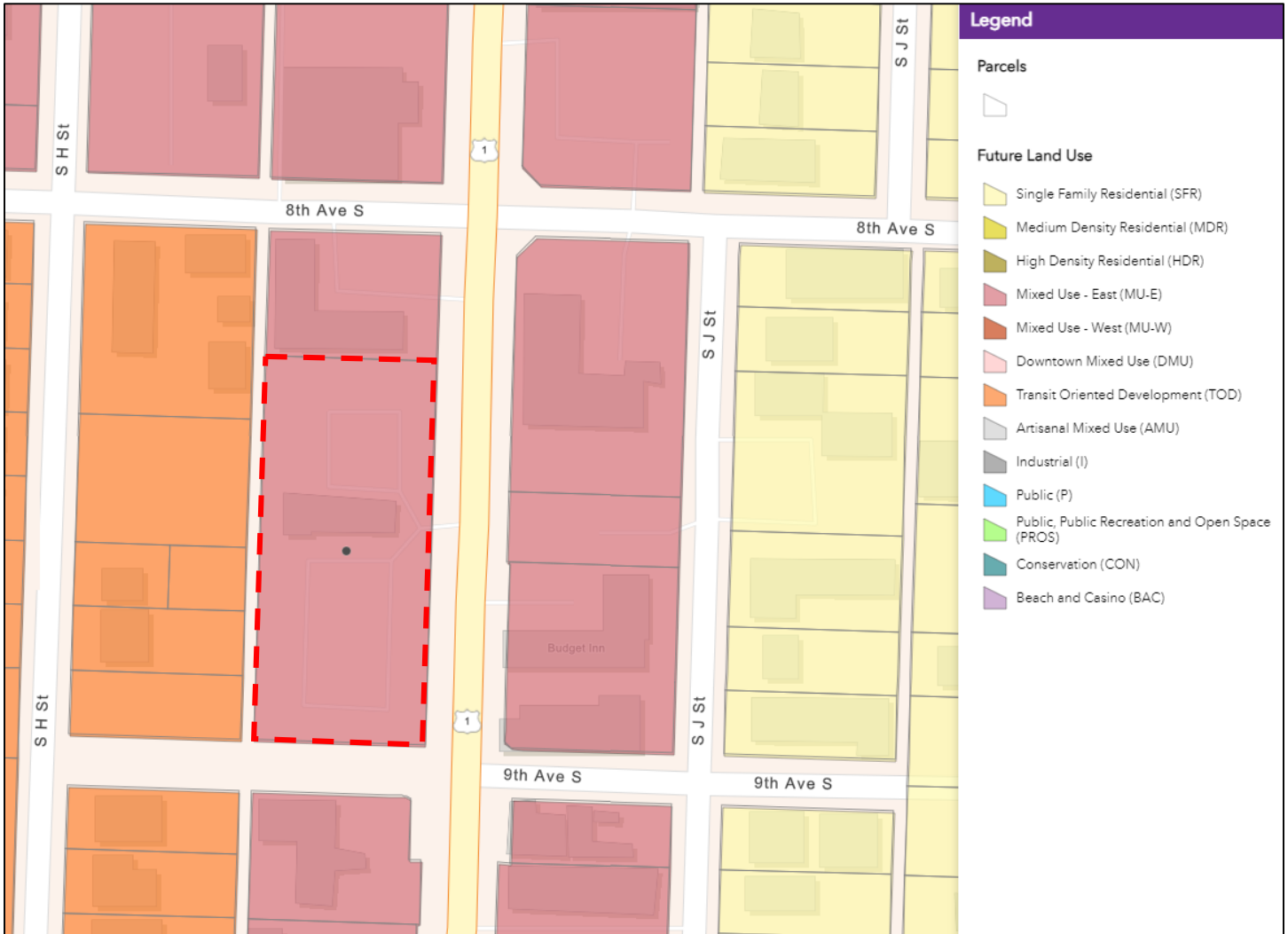
I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18) of the proposed amendments to the Future Land Use Map and Zoning Map as the proposal is not consistent with the City's Comprehensive Plan and Strategic Plan for the following reasons [Board member please state reasons.]

Consequent Action: The Planning and Zoning Board will be making a recommendation to the City Commission on the FLUM and Zoning Map amendment requests.

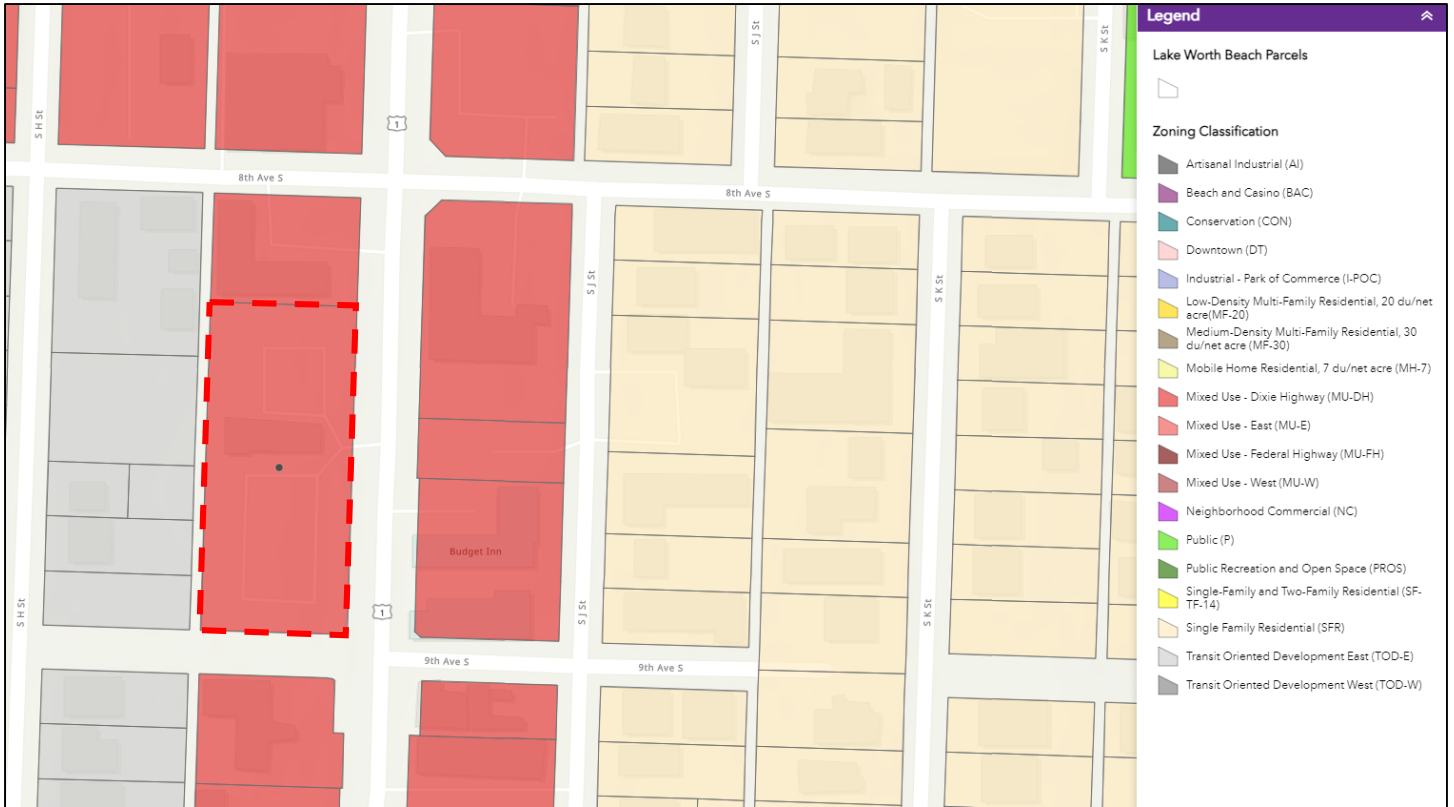
ATTACHMENTS

- A. Current FLU Map of property located at 821 South Dixie Highway
- B. Current Zoning Map of property located at 821 South Dixie Highway

ATTACHMENT A Current FLU Map of Subject Property



ATTACHMENT B CURRENT ZONING MAP



PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01000001 (Ordinance 2023-16): A request for a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace,” to construct two (2) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units.
Note: The data and analysis for the associated FLUM and rezoning of 821 South Dixie Highway is under a separate cover.

PZB Meeting Date: August 2, 2023

Property Owner: Buyer’s Choice Auto Sales, LLC

Applicant: Madison Terrace, LLC

Address: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

Size: 1.8134 acres (1.6186 acres of private property and 0.1274 of abandoned right-of-way)

General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

Existing Land Use: Auto sales and single-family residential

Current Future Land Use Designation: Transit Oriented Development (TOD) & Mixed Use – East (MU-E)

Zoning District: Transit Oriented Development East (TOD-E) & Mixed Use – Dixie Highway (MU-DH)

Location Map



Map Legend

Vacated Rights of Way

Outline of Property

Included in Project

RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 11 to 15 of this report. However, staff is seeking guidance from the City Commission with regard to the parking reduction request by the applicant.

PROJECT DESCRIPTION

The applicant, Madison Terrace, LLC, is requesting approval of the following for the project commonly referred to as "Madison Terrace":

- **Mixed Use Urban Planned Development (Residential Only)** to construct two (2), six (6)-story buildings with 176 dwelling units total.
- **Development of Significant Impact** to construct a residential development with more than 100 dwelling units.
- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a multi-family residential use greater than 7,500 square feet.
- **Right-Of-Way Abandonment** to vacate the 20-foot wide north half of 9th Avenue South and the abutting north-south alleyway bisecting the project location.
- **Sustainable Bonus Program Incentive Program** for additional density, intensity and height.
- **Affordable/Workforce Housing Program** for additional density, reduction in the gross area of dwelling units, and reduction of the required parking.
- **Transfer of Development Rights** for additional density and height.

The applicant is proposing a multi-family development on a 1.8134-acre site with the purpose of providing affordable age-restricted apartments for senior-aged residents. The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings with vehicular ingress and egress from South H Street.

The proposed building design is contemporary with art deco inspired detailing. The exterior finishes include corrugated metal panels, smooth and scored stucco, vertically-oriented windows, and art deco decorative parapet elements. Both buildings feature a flat roof and identical building designs. Overall, the building design is contemporary while honoring the art deco design which is one of Lake Worth Beach's prevailing architectural styles.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

On June 28, 2023, the applicant held a meeting with neighborhood residents at 1121 Lucerne Avenue. Notices were mailed to all property owners within 400 ft of the project on June 9, 2023, and signs were placed on the property on June 9, 2023. There were twelve (12) attendees at the meeting. Residents asked questions about the project's security features, site design, parking, the sustainable features of the project, and general questions about the units and how the property will be managed. The applicant also created a project webpage: <http://www.madisonterraceseniors.com/>

BACKGROUND

The project area includes five (5) properties: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street. Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

821 South Dixie Highway: The subject site is a 40,500 square foot commercial lot. The existing ±780 square foot building was constructed in 1946 and the existing ±600 square foot building was constructed in 1947. The existing use of the lot and structures is classified as Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales. The use is non-conforming as the property does not meet the minimum site area (2.50 acres) required for this use. However, as the subject property has had an active business tax receipt (BTR) for an Auto Dealer Over 20 Vehicles since 2002 and has been in continuous use based on the business license history, the non-conforming use may continue subject to the provisions in Section 23.5-3 Nonconformities. This property has an active code case (22-594). The violations are associated with the existing business "Happy Car Sales". Staff has added conditions of approval to require resolution of the code case and payment of any associated fees prior to submitting building permits for the subject project.

818 South H Street: The subject site is a 13,500 square foot vacant lot.

824 South H Street: The subject site is a 3,000 square foot vacant lot.

826 South H Street: The subject site is a 6,750 square foot residential lot. The existing ±1,210 square foot residence was constructed in 1950.

832 South H Street: The subject site is a 6,750 square foot vacant lot.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

If the concurrent small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the property located at 821 South Dixie Highway is approved, the entire project area will have a Future Land Use (FLU) designation of Transit Oriented Development (TOD).

Per Policy 1.1.1.6, the TOD FLU is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 60 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH, MF-20, MU-W, P, PROS, and AI.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pillar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed multi-family buildings and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

The proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan as it provides affordable age-restricted units in a multi-family project with amenities.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City’s Land Development Regulations (LDR), including the district and planned development requirements. Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City’s LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is requesting to waive or relax several zoning district requirements including landscaping (a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, and a reduction of the landscape buffer width), setbacks (built-to line from South H Street) and a parking reduction. Through the Affordable/Workforce Housing Program the applicant is requesting to reduce the 1-bedroom unit size from 600 square feet to 576 square feet which is within the program’s allowable area reduction. The program also allows a parking reduction of up to 25%, provided that at least 1 parking space is provided per unit. The project requires 262 parking spaces, whereas a total of 123 spaces are proposed. The Affordable/Workforce Housing Program would only allow a reduction to 197 spaces. The applicant is requesting a further reduction through the waiver provisions of the proposed residential planned development.

Transit Oriented Development – East (TOD-E): Per LDR Section 23.3-19(a), The TOD-E transit oriented development east district is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.

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

| Development Standard | | Base Zoning District Transit Oriented Development - East (TOD-E) | Residential Planned Development in TOD-E w/ SBIP, A/WHP, and TDR | Provided |
|---------------------------------------|------------------------------|---|--|---|
| Lot Size (min) In square feet (sf) | | 13,000 sf | 0.5 ac | 1.8134 ac |
| Lot Width (min) | | 100’ | 100’ | 320’ (including half of abandoned 9 th Ave S) |
| Setbacks | Front (min build-to line) | 10’ | 10’ Front façade for third story and above must have front setback of eight (8) to twelve (12) feet in addition to minimum. | 18’ South Dixie Highway 143* South H Street |
| | Rear (min) | N/A | N/A | N/A |
| | Street Side (min) | N/A | N/A | N/A |

| | | | | |
|---|---------------------|---|---|---|
| | Interior Side (min) | 0' | 0' | 9'-0" North 10'-0" South |
| Development Standard | | Base Zoning District Transit Oriented Development - East (TOD-E) | Residential Planned Development in TOD-E w/ SBIP, A/WHP, and TDR | Provided |
| Impermeable Surface Coverage (maximum) | | 65% | 65% | 65.78% (51,868 sf)** |
| Structure Coverage (max) | | 50% | 50% | 30.72% (24,220 sf) |
| Density (max) | | 40 du/acre (72 units) | 97.75 du/acre (177 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1 | 97.05 du/acre (176 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1 |
| Building Height (max) | | 30' (max. 2 stories) | 71.25' (6 stories) | 66'-4" (6 stories) |
| Maximum Wall Height at Side Setback | | 30' | 71.25' | 67' |
| Floor Area Ratio (FAR) (max) | | 1.1 | 3.6437 Read Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1 | 1.7 (134,268 sf) |
| Living Area (minimum) | Studio | 400 sf | 400 sf | 430 sf |
| | One-bedroom units | 600 sf | 600 sf | 576 sf |
| Parking | | 8 Studios 168 1-Bedroom Total: 262 spaces | 8 Studios 168 1-Bedroom Total: 197 spaces | 123 Spaces |
| Workforce/Affordable Housing | | 100% of Units | | |
| Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No | | Wellfield Zone 4 | | |

* Per LDR Section 23.3-19(d)(4)(A)(3): A build-to line of 10' is required from rights-of-way, which can be increased to 18'. A waiver is being requested to allow a greater setback. Landscaping and fencing are being proposed along South H Street to help mitigate the property's appearance along the streetscape.

** Staff has added conditions of approval to decrease the total impervious surface total. This can be achieved by increasing pervious areas and/or proposing additional semi-pervious surfaces on the property.

Affordable/Workforce Housing Program: The applicant has elected to opt into the program to utilize the unit size and parking reduction incentive. Tier Two requires that 15% of the total number of units for projects utilizing any City incentives or bonus programs be income restricted in accordance with the provisions in this ordinance.

Analysis: The applicant is proposing 176 dwelling units of which 100% will be income restricted. According to the applicant's justification statement, the project will be financed with low-income housing tax credits provided by the federal government. The project will be required to remain affordable housing for a period of at least 50 years. The rental rates are based on 80% of the Area Median Income (AMI). At least 10% of the units have "Extremely Low Income" ELI rental rates based on a maximum of 30% of the AMI. The average rental rate for all apartment units cannot exceed 60% of AMI. Staff has included conditions of approval that will require a restricted covenant that will maintain the project's level of affordability.

The Affordable/Workforce Housing Program allows a reduction of unit size area of up to 15%. One-bedroom units are proposed with 576 square feet which represents a 4% reduction from the required 600 square feet. The program allows a parking reduction of up to 25%, provided that at least 1 parking space is provided per unit. The project requires 262 parking spaces, whereas a total of 123 spaces are proposed. The Affordable/Workforce Housing Program would only allow a reduction to 197 spaces. The applicant is requesting a further reduction through the waiver provisions of the proposed residential planned development.

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

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

- 8 Studios (1.25 spaces per unit = 10 spaces)
- 168 1-Bedroom (1.5 spaces per unit = 252)

A total of 197 parking spaces are required with the 25% reduction from the Affordable/Workforce Housing Program. However, the applicant is requesting to reduce the total parking spaces to 123 parking spaces:

- 8 ADA off-street spaces
- 79 standard off-street spaces
- 26 compact off-street spaces
- 12 bicycle spaces (equal 3 off-street parking spaces)
- 8 motorcycle/scooter spaces (equal 4 off-street parking spaces)
- 3 on-street parking spaces

The applicant is proposing to utilize alternate spaces to fulfill their minimum parking requirement as permitted by LDR Section 23.4-10(l), which states that "alternate parking spaces including compact spaces shall count towards no more than twenty-five (25) percent of the overall site parking requirement." The maximum alternate spaces that can be applied to meet required parking for this development is 48 alternate spaces. The applicant is proposing 33 alternate parking spaces as outlined above.

The applicant has submitted examples of similar projects that were constructed in other Florida municipalities with reduced parking (included as an attachment). Staff has proposed a condition of approval requiring additional parking alternates to be provided, or that the City Commission should provide direction if the required parking is to be waived to the extent requested by the applicant.

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

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Green Buttonwood, Dahoon Holly, Slash Pine and Live Oak trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey that was reviewed by staff who found the following deficiencies.

- Existing Royal Palms are misidentified a Queen Palms.
- Existing Green Buttonwood trees are misidentified as Oak trees and Bottle Brush Trees.
- Two existing trees that are in the northern parking lot island are not on the survey.

The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although multiple trees are proposed to be removed from the site to facilitate the construction no mitigation is required due to onsite replacement. Since the two mango trees that are proposed to be removed are greater than 18 inches in diameter they must be replaced with trees that are at least 6 inches in diameter.

The Residential Planned Development includes three (3) landscape waivers: a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, and a reduction of the landscape buffer width.

- Landscape Islands: Per LDR Section 23.6-1(c)(3)(d): Each row of parking spaces shall be terminated by landscape islands with dimension of eight (8) feet in width, exclusive of curbs. The applicant is proposing terminal landscape islands with a reduced width of five (5) feet.
- Landscape Strips: Per LDR Section 23.6-1(c)(3)(e): Whenever parking tiers abut, they shall be separated by a minimum five-foot wide landscape strip. The applicant is proposing to eliminate these landscape strips where the external parking rows abut internal parking rows on the ground floor of the buildings. Staff has included a condition of approval to require wheel stops in these locations to prevent conflicts with parked cars.
- Landscape Buffers: Per LDR Section 23.6-1(c)(2)(c)(1): This landscape screen shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five (5) feet in width that is free of any vehicular encroachment, including car overhang. The applicant is proposing a reduced three (3) foot landscape buffer on an area that is approximately twenty (20) feet long, north of the property located at 822 South H Street.

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

Analysis: Two (2) freestanding monument signs are proposed. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. Each sign has a height a height of 4', an area of 48 square feet, and is setback 5'. Therefore, the two (2) proposed monument signs are code compliant. No waivers are being requested for the signage.

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location in the west side of the project (fronting South H Street) was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster will be fully screened with fencing and landscaping. The dumpster enclosure material shall be further reviewed to ensure architectural consistency with the project.

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

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

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to “promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.” These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

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

The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings. Vehicular ingress and egress is proposed from South H Street. The site will include abandoned portions of abutting alleys and the north half of 9th Avenue South. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation, these improvements are further discussed in the landscape section of this report.

The subject site is designated as Sub-Area 5 in the City’s Major Thoroughfare Design Guidelines. A contemporary industrial aesthetic is recommended in this area with aluminum, steel, masonry, and concrete exterior finishes. The proposed building design is contemporary with art deco inspired detailing. The exterior finishes include corrugated metal panels, smooth and scored stucco, vertically-oriented windows, and art deco decorative parapet elements. Both buildings feature a flat roof and identical building designs. Staff has concerns regarding the long expanses of blank façade along the rear elevation. A condition of approval was added to propose murals that will be reviewed by both the Planning and Zoning Board and the CRA’s LULA program. This public art will create visual interest on the rear elevation that will help mitigate the lack of architectural features. Overall, the building design is contemporary while honoring the art deco design which is one of Lake Worth Beach’s prevailing architectural styles.

New Standards: On October 6, 2022, the City adopted new site design qualitative standards through Ordinance Number 2022-14. Madison Terrace is the first project to be reviewed against these standards since their adoption. According to the project narrative (included as an attachment) the project will satisfy the performance standards listed in LDR Section 23.2-31(c)(16) by acquiring a National Green Building Standard (NGSB) silver certification. The amenity requirement will be satisfied with a grand parlor, game room, activity room that will display artwork from local artists to encourage community pride and social interaction.

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

The existing uses in the surrounding area are as follows:

| Direction | Future Land Use | Zoning District | Existing Use |
|---------------------------------------|------------------------------|-------------------------------------|--------------------------------------|
| North | Mixed Use - East | Mixed Use – Dixie Highway | Motel |
| South Across 9 th Ave S | Mixed Use - East | Mixed Use – Dixie Highway | Auto Sales |
| East Across S Dixie Hwy | Mixed Use - East | Mixed Use – Dixie Highway | Motel, office, and store |
| West Across alleyway | Transit Oriented Development | Transit Oriented Development - East | Vacant and single-family residential |

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

Community Appearance Criteria:

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

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 in the subsequent section.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. **The project proposal includes a conditional use request to establish a residential development greater than 7,500 square feet.**

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

Sustainable Bonus Incentive Program

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The Applicant is asking for a bonus height up to 41.25', a density of +/-75 units per acre (64 bonus units), and a floor area ratio (FAR) of 1.7. The floor area ratio requested is less than the maximum allowance permitted through a sustainable bonus incentive in a planned development in the TOD-E zoning district. The total SBIP square footage of bonus area above the second floor is +/- 86,846.14 of which 36,014.55 has a bonus for both density and height. Therefore, the value of required improvements for the SBIP bonus areas are \$381,236.96 (50,831.59 sf X \$7.50 per sf), plus an additional \$540,218.18 (36,014.55 sf X \$15 per square foot). The total combined value of required improvements both areas \$921,455.14. The applicant has requested that the City Commission waive the requirement that 50% of the sustainable bonus incentive fee be paid to the City.

The project will pursue Florida Green Building Certificate which will reduced the required improvements by 50% per LDR Section 23.2-33(D)(1)(b). A public amenity in the form of public open space is proposed fronting South Dixie Highway which counts towards the qualifying features of improvements. Also, 100% of the project will be affordable housing which exceeds the 15% minimum required by the Affordable/Workforce Housing Program which can count towards the SBIP incentive award.

The applicant is requesting that the 50% of the sustainable bonus incentive payment of \$460,727.57 be waived by the City Commission. Staff has proposed a condition of approval requiring 50% of the sustainable bonus incentive fee be paid to the City, or that the City Commission should provide direction regarding waiving the fee.

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 \$15 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 10 units per acre (18 units) as part of the transfer of development rights bonus. The total development rights cost for the additional 18 units with an average unit size of 562.77 sf. Therefore, the total TDR cost is \$151,947.90 (18 units X 562.77 X \$15 per square foot). The applicant is requesting that this fee is waived by the City Commission. Staff has proposed a condition of approval requiring the fee be paid to the City, or that the City Commission should provide direction if the fee is to be waived.

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 planned development which is a type of 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.**

Right of Way Abandonment

The proposal includes a right-of-way abandonment for the north-south 300 feet of the alley bisecting the project site (approximately 3,000 square feet). The north half of 9th Avenue South (running east-west 280 feet) is also proposed to be abandoned (approximately 5,600 square feet). The City Commission will consider this request concurrently with the residential 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 and 9th Avenue South 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 added conditions of approval to require utility easements in the abandoned rights-of-way. These easements shall be reflected in the re-plat of the property.

Project Phasing and Re-Plat

As depicted on the master development plan, the project will have two (2) phases. The phase lines will also match a subsequent re-plat of the project site into (2) parcels. Staff has added several conditions of approval to address concerns related to the phasing of the proposed. Conditions of approval have been proposed to extend phase one (1) improvements to include the fencing and landscaping on the northeast corner of the site fronting South H Street ensure the streetscape's beautification at the beginning of the project. A subsequent re-plat to create the two (2) parcels will be required prior to a certificate of occupancy for phase one (1). The re-plat will contain utility easements for the abandoned rights-of-way and cross-access easements to ensure both phases have accessed the project's parking, site features, and amenities. Staff has also included conditions that establish requirements should phase two (2) not be constructed. This includes provisions for finalizing the parking lot and providing additional landscaping.

CONCLUSION AND CONDITIONS

The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed residential planned development will be complimentary to the adjacent residential and commercial properties. The project will provide affordable units with access to public transportation. Further, the proposed improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

Incentive Programs Conditions of Approval

1. Fifty percent of the sustainable bonus fee shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first. Alternatively, the City Commission may approve to waive the fee.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining portion of the fifty percent of the incentive value prior to the issuance of a certificate of occupancy.
3. The transfer of development rights fee shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first. Alternatively, the City Commission may approve to waive the fee.
4. Increase parking spaces on the project site. This may be achieved with parking alternates such as bicycle racks as outlined in LDR Section 23.4-10. Alternatively, the City Commission may approve to waive this condition and allow a total of 123 parking spaces, as requested.
5. All units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/Workforce Housing Program (or an alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.

Project Phasing Conditions of Approval

6. Phase one (1) improvements shall include all of the fencing and landscaping fronting South H Street. Additionally, fencing along side property lines may also be required during building permit review.
7. The temporary driveway for phase one (1) shall be constructed of compacted shellrock or another material approvable by the Palm Beach County Fire Rescue Department. Should Phase two (2) not begin construction within one (1) year of the certificate of occupancy being issued for Phase one (1), interim landscaping and a permanent driveway shall be required. These improvements shall be requested through a minor site plan to be reviewed by staff, and the work shall be completed within one (1) year.
8. Final plat approval is required prior to the issuance of a Certificate of Occupancy.

Site Conditions of Approval

1. The building facades fronting South H Street shall include murals to create visual interest. This public art shall be reviewed by both the Planning and Zoning Board and the CRA's LULA program prior to installation. The murals shall be approved and installed prior to the certificate of occupancy being issued for each phase.
2. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:
 - a. Decrease the total impervious surface total to not exceed 65%. This can be achieved by increasing pervious areas and/or prosing additional semi-pervious surfaces.
 - b. Provide an updated tree survey that correctly identifies all existing trees including the diameter at breast height.
 - c. Provide a tree disposition plan.
 - d. Provide an updated landscape plan that provides the required six-inch replacement trees and the required five-foot buffer adjacent to the existing single-family residence including the required trees.
 - e. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - f. A designated delivery and/or ride share space shall be provided.
 - g. The dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements at building permit.
 - h. Wheel stops shall be provided when the parking spaces would encroach on landscape areas, walkways, accessible routes, and other rows of parking.
 - i. Updating site data table errors.
3. Temporary fencing: Per LDR Section 23.4-4(j), 1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code; 2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues; and 3. Acceptable materials include screened chain link and any other permitted materials identified in section 23.4-4(c).
4. Prior to the issuance of a certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard (NGSB) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

General Conditions of Approval

5. A restrictive covenant shall be recorded for the age-restricted units prior to the issuance of a Certificate of Occupancy for the buildings, or the developer shall pay to the PBC school district any required school concurrency fees.
6. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
7. Any code cases associated with the subject properties shall be resolved and any fines shall be paid prior to the issuance of building permits.
8. An address application shall be required to be submitted prior to application for building permit.
9. A video security system shall be required for the property.

Utilities (Water, Sewer & Stormwater)

1. A Utility Easement will need to be established for the abandoned alleyway. Utility easements are a minimum of 15 feet wide and should be centered over the existing water or sewer infrastructure to provide a minimum of 7 feet east of the Sanitary Sewer.
2. Drainage calculations for sizing of the exfiltration trench and hydraulic conductivity number must be provided with building permit application.
3. Eastern gates cannot swing outward into the public right-of-way and must either swing inward or slide.
4. Please be advised that since there is currently no existing driveway access to the site from S Dixie Hwy, the applicant would need to apply for an FDOT driveway permit to establish a construction entrance on that roadway.
5. General utilities site plan comments:
6. Location of the property line, right-of-way, proposed/existing easements, water courses and other essential features.
7. Provide a sedimentation and erosion control plan, including but not limited to: silt fence, inlet protection, filter socks, and truck wash driveways. Provide the public works details in the plan submittal.
8. NPDES compliance practices shall be provided for the project site.
9. Location of existing and proposed fire hydrants (or operational equivalents) within 250 feet of the proposed structure or structures.
10. Locate all underground piping
11. Site and Location of the conceptual sanitary sewer connections and air conditioning units. If there are appurtenances such as grease traps, these must be sized and shown in the site plan.
12. Water and sewer horizontal offset distances must be provided per the FDEP requirements.
13. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.
14. Utility easements are a minimum of 15 feet wide. Combined Water and Sewer easement size will be determined by the department but not less than 23 feet wide.
15. Show asphalt restoration limits required for the utility work. Reference City standard details for trench repair.
16. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
17. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
18. Drainage Plan, prepared by a Registered Professional Engineer. The policy of the City is a property must retain the 3-year 1-hour storm event on site based on the runoff of the entire site area. This is equivalent to 2.6 inches of precipitation. Engineer shall provide calculations validating the retention and calculate the pre/post runoff rates to ensure there are no adverse effects to surrounding properties. The 100-year flood elevation shall be calculated and proposed structures finished floor shall be above the 100-year flood and/or 12-inches above the average crown of the adjacent roadway/s whichever is greater.

19. IF APPLICABLE: At time of engineering submittal provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
20. Provide a cross section of the grading at each property line.
21. Indicate vertical datum on all plan drawings with grades.
22. Provide all applicable City of Lake Worth Beach details.
23. 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.
24. Applicant to provide concurrence from FDOT on Access Management
25. Provide final concurrence from Palm Beach County Traffic Engineering Division based on the traffic statement/analysis.
26. Prior to building permit issuance, capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
27. Prior to Certificate of Occupancy, a Bill of Sale for the public utilities and easements must be dedicated for recording.

Public Works

1. SWPPP plan needs to be amended to include inlet protection for three locations. A copy of the original SWPPP is attached indicating locations. Specification for inlet protection need to be included in SWPPP.
2. The existing entrance to the property via Dixie Highway will need to be removed and new sidewalk installed to FDOT specifications. Plans will need to reflect this change and an FDOT ROW permit secured before issuance of a City permit. The location has been indicated on the attached survey.
3. 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.
4. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
5. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
6. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
7. Prior to the issuance of a certificate of occupancy, ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
8. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
9. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
10. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
11. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
12. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. If a pad mount transformer will be requested, we will need to know the location of the pad-mount transformers for the building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
2. Before the issuance of a Building permit, if pad-mount transformer will be requested, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
3. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
4. Developer to show the location of the meter center on the site plan.
5. Developer will be responsible for installing their own lightning for the parking areas.
6. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
7. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of Ordinance 2023-16 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights to construct a 176 dwelling-unit multi-family residential development at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** Ordinance 2023-16 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights to construct a 176 dwelling-unit multi-family residential development at the subject site. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

| | |
|---|-----------------|
| Section 23.2-31(c) – Qualitative Development Standards | Analysis |
|---|-----------------|

| | |
|---|----------------------|
| <p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p> | In compliance |
|---|----------------------|

| | |
|---|-----------------------|
| <p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, fertilizer friendly use regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.</p> | Not Applicable |
|---|-----------------------|

| | |
|--|----------------------|
| <p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p> | In compliance |
|--|----------------------|

| | |
|--|----------------------|
| <p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p> | In compliance |
|--|----------------------|

| | |
|---|----------------------|
| <p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p> | In compliance |
|---|----------------------|

| | |
|---|----------------------|
| <p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p> | In compliance |
|---|----------------------|

| | |
|---|----------------------|
| <p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p> | In compliance |
|---|----------------------|

| | |
|---|----------------------|
| <p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on</p> | In compliance |
|---|----------------------|

adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization. **In compliance**

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels. **Not applicable**

11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

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

15. Consideration of future development. In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

| Section 23.2-31(d) - Qualitative Buildings, generally | Analysis |
|---|----------------------|
| <p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p> | In compliance |
| <p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation,</i></p> | In compliance |

rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.* **In compliance**

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.* **In compliance**

5. *Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**

6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**

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

8. *Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**

9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**

10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**

11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **In compliance as conditioned**
- a. *Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*
 - b. *Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,*
 - c. *Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,*
 - d. *Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,*
 - e. *Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,*
 - f. *Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,*
 - g. *Incorporation of design features and uses that support multi-modal transportation options,*
 - h. *Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,*
 - i. *Incorporation of amenities that are conducive to enhancing community pride and social interaction, and*

17. *In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:*
- a. *Cultural resources,*
 - b. *Historical resources,*
 - c. *Ecological/natural resources,*
 - d. *Diversity and inclusion,*
 - e. *Social justice,*
 - f. *Economic investment,*
 - g. *Neighborhood vitality,*
 - h. *Sense of place,*
 - i. *Education, and*
 - j. *Recreation.*
- In compliance**

| Section 23.2-31(h) – Criteria for parking lots and vehicular use areas | Analysis |
|---|----------------------|
| <p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p> | In compliance |
| <p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p> | In compliance |
| <p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p> | In compliance |
| <p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p> | In compliance |
| Section 23.2-31(l) – Community Appearance Criteria | Analysis |

-
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.* **In compliance**
 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.* **In compliance**
 3. *The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.* **In compliance**
 4. *The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **In compliance**

ATTACHMENT B - Findings for Granting Conditional Uses

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

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

| Section 23.2-29(e) Specific findings for all conditional uses. | Analysis |
|--|----------------------|
| 1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i> | In compliance |
| 2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i> | In compliance |
| 3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i> | In compliance |
| 4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |
| 5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i> | In compliance |

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**

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

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