



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 03, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [January 6, 2021 Regular Meeting Minutes](#)
[January 27, 2021 Meeting Minutes](#)
[February 3, 2021 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Lake Worth Herald Publications](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. PZB Project Number 20-01400036:** [A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway \(MU-FH\) zoning district. The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.](#)
- B. PZB Project Number 20-01400047:** [A request by WGI, an engineering and land development firm, on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan,](#)

Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development at the northwest corner of 10th Avenue North and Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

- C. PZB Project Number 20-01400050:** A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.
- D. PZB/HRPB 21-03100001 (Ordinance 2021-01):** Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

PLANNING ISSUES:

A. 2021 Election of Board Chair & Vice-Chair

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 06, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Board members *present in City Commission Chambers:* Anthony Marotta, Vice-Chair; Mark Humm; Juan Contin; Daniel Tanner; Laura Starr. *Virtual Board member attendance:* Greg Rice, Chairman; Robert Lepa. Also present were: Andrew Meyer, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by M. Humm

ADDITIONS / DELETIONS / RECORDING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. October 7, 2020 Meeting Minutes

Motion: M. Humm moved to accept the October 7, 2020 minutes as presented; J. Contin 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS Christa Simmons, Notary-State of Florida, administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in meeting packet.

1) PZB 20-01400035

PZB/HRPB 20-03100008

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: M. Humm, J. Contin, A. Marotta and L. Starr all received calls and/or emails from attorney for applicant but did not return calls or speak with anyone. D. Tanner received calls from persons representing the applicant; R. Lepa did receive calls but referred the caller to city staff. G. Rice did not speak to anyone nor receive any calls.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Presiding Vice-Chair Anthony Marotta briefly read the following description of the proposed project, then mentioned the need to address, as a preliminary matter, the request of one of three (3) affected parties for a continuance to allow time to prepare his case.

Board Attorney Pamala Ryan states the Board is in possession of the written requests from Mr. Daniel Hiatt requesting an additional continuance. It was granted @ December 2, 2020. As the first continuance was granted, and according to the City Ordinance, any further requests would be at the discretion of the Board.

Affected Party: Mr. Daniel Hiatt

- Believes questionable notice was given in December 2020. Specifically he is unhappy with the notice period, that the USPS was not making deliveries in the four-day weekend holiday period including Thanksgiving Thursday, Friday, Saturday or Sunday; he discussed getting the meeting continued but heard rumor the Board could not reach quorum.
- Does not recall receiving notice of the continuance being granted. Sent the request for the continuance. Every affected party gets one continuance, this is exactly why the Ordinance is in place.
- The reason for this request being his attorney, Thomas Baird, on December 30 advised Mr. Hiatt he was not available for the January meeting and recused himself from the case. Mr. Hiatt was then referred to another attorney, who he was not able to “get up to speed” with him.
- In a December 5 email, the attorney for Doka, asked his position on the project. After responding to him, he never heard any community outreach until yesterday.
- Made it perfectly clear to PZ Board members of a new owner for the GSG Investments properties (Eastern Metal-tenant) in addition to contacting the attorney for the new owner, who was not interested in a continuance at that time and now suddenly is present in the zoom room for this meeting.
- Mr. Hiatt states that even if his continuance request is denied, due to inadvertently using up his continuance last month, Board cannot produce any authorization of that, perhaps either Mr. George Garamy or Seth Malamut (Stag Industrial) could be granted a continuance.

Assistant Director for Community Sustainability Erin Sita had a request from Mr. Malamut to speak on the issue. As of this afternoon he had not requested a continuance.

Seth Malamut- In-house counsel for Stag Industrial based in Boston- Acknowledges they are not filed as an affected party. Having recently acquired the properties, he would only request a continuance because he does not have enough information on the project to determine if the new owner should or should not be concerned with the project. He has received some information provided by staff but is still unclear as to what is going to happen on the property. He has not spoken with his tenant (Eastern Metal Supply), Stag Industrial is a professional landlord. It is unknown if Eastern Metal Supply, which does not have a fee interest in the property, would have concerns about the use of the property in question.

Attorney Lisa Reves of Saul Ewing, Arnstein & Lehr, Co-Council for the applicant: - Mr. Hiatt received a continuance in December. Mr. Malamut should take up the issue with the seller. Umdasch-Doka property owners are ready to proceed and opposes the continuance request.

Board Attorney:

- Regarding Mr. Malamut's request for a continuance: Project applications must be moved along under State law; stacked multiple individual requests to continually, indefinitely, postpone projects were not the intention of the Ordinance.
- Regarding Mr. Hiatt's allegation that he never received correspondence: Mr. Hiatt requested and received a continuance prior to the question of a quorum. As the continuance was granted, staff did not continue to push for another member to be physically present at the meeting.
- On December 2 Mr. Hiatt spoke with E. Sita informing her he needed the continuance to get an attorney. Now, coincidentally, this time his chosen attorney, Mr. Thomas Baird, informed Mr. Hiatt he could not represent him in January so this is the reason for this continuance request.

The purpose of the Ordinance was to allow affected parties time to retain representation not to run the clock out on a project. It is within the Board's discretion to grant another continuance if they see fit.

Board: A. Marotta- Please address Mr. Hiatt's statement of questionable notice.

Assistant Director for Community Sustainability - The noticing referred to by Mr. Hiatt as being questionable, met and exceeded all legal time requirements for courtesy notices. It was consistent with regulations. Notices were sent in November and Mr. Hiatt expressed concern the notice was sent over the Thanksgiving holiday period, that the USPS did not make deliveries until the following Monday. The courtesy notices, which are in fact courtesy notices not required notices, were postmarked 13 days prior to the meeting, exceeding the minimum required by 3 days. Site signs were simultaneously posted on the site and the project was noticed in the newspaper.

As the December meeting was not opened to vest (preserve) that notice, courtesy notices were again sent on December 10, 2020 (for this meeting), along with the placement of new site signage placed and re-noticing in the newspaper.

Seth Malamut requests proof the previous property owner, GSG investments, received notice.

Staff can confirm, with the certificate of mailing, that the notice was sent to the previous property owner.

Board: J. Contin -The due diligence period prior to the acquisition of the GSG Investments property would have revealed this action was in progress. Finds it to be surprising this information wouldn't have been found during that time period. He is familiar with and does quite a bit of due diligence work in the course of his own profession.

Seth Malamut states one can only get the benefit of the disclosure provided by the seller. The seller would be obligated to forward the notice if it were in their possession. It will not go unnoticed.

Presiding Vice-Chair queries Board members as to additional questions of the affected party, Mr. Daniel Hiatt.

L. Starr questions if Mr. Hiatt is objecting to the project or asking for the continuance?

Staff: The question of an additional continuance is being addressed at this time. Should that be denied, Mr. Hiatt will make a presentation.

Board: D. Tanner asks if the Board is obligated to continue the item or are they able to move forward?

Board Attorney: The Board is within its right to move forward if they so choose and are not obligated to continue the case. A motion to deny or grant a continuance should be made.

Board: J. Contin – questions for purposes of clarity, that December was considered a continuance.

Affected Party: Mr. Hiatt – does not consider it a continuance, states staff does not have any documentation of his commitment.

Board Attorney:

- No documentation of a commitment is required. Mr. Hiatt never responded to the Board Attorney's emails. The fact that he did not respond does not mean the emails were not sent.
- The email to Mr. Hiatt stated December 16 or January 6 were dates being considered for the subsequent meeting giving him time to hire legal counsel. A formal response is not required. Once the continuance was granted, staff did not pursue getting a live quorum for the meeting.

Affected Party: Mr. Hiatt, in questioning the email, asks if the email mentions failing to get a quorum? Believes it is time to quit talking. If the Board is not in favor of granting a continuance at this time, how can it be explained that Mr. George Garamy requested and was denied a continuance? Let's close this out and give everyone some time. You can't kick everyone out. This is why the Ordinance was put in place, so this kind of nonsense would not happen. Who said what, what did they say. I am not responsible for making everybody happy.

Board Attorney: Staff did not pursue getting a live quorum after Mr. Hiatt requested the continuance. Prior to that staff was trying to get a live quorum.

Board: A. Marotta- please clarify the granting of the continuance was through that email.

Board Attorney: Yes, it was.

Board: L. Starr - When?

Board Attorney: On the day of the meeting December 2, 2020 @ 4:47 pm, she was forwarded the email from staff which questioned how Mr. Hiatt did not have notice when clearly the notice was sent. Around 4:54 pm when the Board Secretary, in place, was having difficulty getting a quorum, instead of having her continue to call and pursue getting a live quorum (all Board members have been witness to the practice before), and as the continuance request was in hand, the continuance was granted over the applicant's request to continue. The applicant still wanted to move forward.

Affected Party: Mr. Hiatt- States the email sent involved not having a quorum.

Board Attorney: The email stated you were granted a continuance.

Affected Party: Mr. Hiatt- Let's just say I'm disqualified, George Garamy, who never asked for a continuance in December, has also been denied a continuance at this time. The reason he (Mr. Hiatt) asked for the continuance was in November the notices are purposefully mailed by the applicant before a major holiday knowing the Post Office is not open in the days after a holiday. Since everyone has complained about that, the courtesy notice deadline has been

changed by the Ordinance too. Let's move on to George Garamy, stop wasting time on who said what.

Staff: E. Sita offers to shares the email on the screen.

Presiding Vice-Chair: Questions if Mr. Garamy's requested continuance was for the December meeting, or this meeting?

Assistant Director for Community Sustainability- spoke with Mr. Garamy and advised there is only one affected party ordinance for **all** affected parties. Otherwise it would cause indefinite postponements. This possibility and implications were discussed at City Commission.

Seth Malamut: Asks how Ms. Sita can advise the Board of the intent of the Ordinance?

Assistant Director for Community Sustainability states she was a co-author of the Ordinance and present during the City Commission discussion.

Staff: There is one 30-day continuance for all affected parties.

Board Attorney: The continuances do not stack allowing any issue to go on indefinitely. There is a State Statute on how long a project can be held up, this is belaboring the issue at hand.

Affected Party: Mr. Hiatt indicates in the email that Christina Morrison is solely a real estate agent with whom he is associated and managing a different portion of the Marlin Industrial Park when on November 25 she requested the staff report.

Board: D. Tanner - All told there was an additional 30 days to do the due diligence and build the case. D. Tanner motions to move forward with hearing the case. A. Marotta suggests denying the request for continuance.

Motion: D. Tanner moves to deny the request for a continuance; J. Contin 2nd.

Vote: L. Starr-Nay Greg Rice-Nay Bob Lepa – Nay Ayes- J. Contin, M. Humm, A. Marotta, D. Tanner. Motion passes 4-3.

A. PZB Project Number 20-01400035: Consideration of a Major Site Plan with Sustainable Bonus and Conditional Use Permit to construct a +/-47,000 square foot distribution facility and repair and maintenance uses within the Industrial Park of Commerce (I-POC) zoning district commonly referred to as "Umdasch/Doka" and located at 2209 7th Avenue North, PCN # 38-43-44-20-01-066-0010.

Staff Presentation: A. Meyer provides an overview of the proposed request. The property is zoned Industrial Park of Commerce. From the 1950's-1970 there was a landfill near the southern boundary of the property. Currently it is a vacant lot and undeveloped. The City designated the area a brownfield on March 3, 2009 with the adoption of Resolution 03-2009. The applicant has begun remediation through Florida Dept. of Environmental Protection. Structures on the property would be comprised of three (3) buildings: an office of approximately 10,150 sq. feet, warehouse and maintenance shop of 26,617sq feet and an 11,160 sq. foot canopy totaling approximately 47,927 square feet. The nature of business would be a distribution facility with repair and maintenance for safety and protection systems, sale and rental of concrete form work and miscellaneous parts and materials to contractors throughout Florida. Inspection of returning rental equipment will occur under the canopy, while repair will occur inside the maintenance building. The storage of equipment will be stored east of the building. Employee parking would be to the west, truck circulation will be to the east of the buildings. The entrance would be secured with gates and not open to the public. A lake is proposed on the southern end for

buffering, as well as a six (6) foot concrete fence on the southern and western boundaries. The 200-foot canal to the west provides buffering in addition to a six (6) foot concrete wall.

The Sustainable Bonus request for one additional foot will be to screen the rooftop equipment in the office portion of the building. The project was found to be in compliance with the City Comprehensive Plan, Strategic Plan and Land Development Regulations. Conditions of Approval are reviewed including those from Lake Worth Drainage District requiring bank stabilization.

Applicant: Louis Goldberg-Senior Facilities Manager for Umdasch USA dba as DOKA USA. It is crucial to have a good relationship with the neighbors. Similar to Lake Worth Beach, the Chicago site also borders residential neighborhoods. They provide concrete form systems, safety and protection systems both leased and sold. They would be relocating from Broward County. The project would bring approximately 50 jobs to just over 9.79 acres. A video of the Chicago facility is shown.

Attorney Lisa Reves of Saul Ewing, Arnstein & Lehr, Co-Council for the applicant: Approval is recommended by staff. Will provide @ 50 well paying jobs on 9.79 acres. The north extent of the site will house the office, warehouse and maintenance shop; to the south side of the building an open canopy for returning equipment inspections. More intense uses are oriented toward the rear of the building. There will be three (3) access points from 7th Avenue North. The westernmost entrance is for passenger vehicles only. The architecture is generally Modern and faces 7th Avenue North. Buffering tools include a precast six (6) foot concrete wall to the south and west. The eastern boundary will have a chain link fence. Hedging is also included along the western edge of the property

In response, rebuttal to Mr. Hiatt's comments, she offers the following information as shown on an email:

- On October 19, 2020-When asked to meet, Mr. Hiatt mentioned there would be no point in meeting with the applicant as he would never approve. His interest would be in having a larger project that would increase the value of his property.
- December 4 – when questioned what the objections were;
- December 5 – she was informed that they don't want our type of mess on the western boundary.
- December 30- from Thomas Baird asking applicant to postpone this meeting. Ms. Reves has offered to meet with everyone up until the time of this meeting and has been rejected on each occasion.
- Displays a photo taken @ December 30 through the fence from Mr. Hiatt's southern property 3694 23rd Ave S toward the Eastern Metal property depicting the exact use he is complaining about. Mentions there is an upcoming magistrate hearing with Mr. Hiatt's property on the docket.
- Displays a copy of the certificate of mailing showing both of Mr. Hiatt's properties received notification.

Presiding Vice Chair: Affected parties presentations shall now be heard.

Affected Party Mr. Hiatt: Having owned the property for 30 years, states the proposed use is not fitting in this Light Industrial area. It is a recycling center with dirty trucks in a small area. Pressure cleaning, sand and cement. Investigated the Pompano Beach site. Asked staff if they had driven down and investigated the Pompano site The presentation does not accurately reflect the activity west of I-95 in Pompano Beach, it is a mud pit. This property needs someone to

come in de-muck and clean up the soil contaminates and build some industrial buildings to generate tax base. They will most likely erect a lean-to, never generate any tax base, not planning on de-mucking just building over the dumpsite not going to properly develop. It all boils down to a truck stop and a garage. Small buildings, nothing but a nuisance. Going to need all the space 254 feet between his building and to the west to store all their junk. A six (6) foot fence cannot obscure a thirty (30) foot building. Did staff look at the site in Pompano or google the site in New Jersey which looks like a cesspool? They will do what they want. Believes the 50 jobs it is bringing is proportionally too small, in comparison to the 50 jobs in his buildings on less acreage. It is the last piece of prime industrial land and will become a nuisance. Mentions the Boutwell Road improvements and general improvement of the area. States they are buying at a discount because de-mucking is costly. The lake allows them to build what they want. Cleaning steel forms is messy and usually done with petrol based cleaning agents which will happen outside. Regarding his magistrate hearing, the city has suspended all code inspections on the interior and haven't gotten their annual thing. How will the pallets be secured prior to a hurricane? It would be better placed in the western communities of Palm Beach County or St. Lucie or Indian River counties.

Mr. George Garamy - States the aerial view of other sites do not correlate to the video. Does not show how the forms are cleaned. The traffic impacts will be enormous in addition to the cement dust and discharge into the canal. Eastern Metal takes everything inside during a hurricane, has concerns this might be difficult for the applicant to do, will it be taken in, strapped down or become flying missiles? It is incumbent upon the City to get the most bang for the buck for tax purposes, this development proposal seems to be less than half the potential. Is the discharge stormwater or treated water? Mentions to the northeast of the property, along Boutwell Road, new apartments are approved and anticipated to be built.

Christina Morrison – Manages the Marlin Commerce Center Condominiums to the east of the site. How can an accessory use (outside storage) be bigger than the structure, twice the size of the building? She and her tenants work very hard to keep their building clean and neat. Outdoor storage of that size in proximity to their building is concerning. It has not been disclosed what is being stored there. Outdoor storage typically involves run-off and trash. What are the activities? Regarding the cleaning of construction equipment, the applicants stated only water will be used but other sites use chemicals to clean the concrete off the equipment so why is this site different in that it will not use chemicals? How can damage be precluded or avoided? Joins the other affected parties in their concerns regarding dirt, dust and noise. This project limits the ability of the city to generate substantial taxes with an underdeveloped site. Does not meet the criteria for a conditional use approval in the City since these issues have not be addressed. The surrounding businesses are all clean, quiet businesses. Please deny the application.

Public Comment: Comments were received from the following and read into the record.

Carolyn Zara- 626 Koogle Road Mansfield Ohio, (no property owned in that name in Palm Beach County) – Expresses concerns against the proposal.

One Real Estate Investment LLC – 888 Brickell Ave. Miami, FL -Owners of Oakwood Apartments to the south of the proposed project – against the proposal.

Elise Crohn -402 Elizabeth Road – west of the proposed project – unincorporated Palm Beach County – against the proposal.

Speaking on their own behalf:

Robert Pouncey - President of Marlin Commerce Center Condominium the proposed height at 31 feet is not conducive to maintaining property values. The six (6) foot chain link fence will not help with the unsightly view from their second-floor windows when they have clients present. The video is impressionable but it doesn't reflect the businesses around these areas. Has concerns about the waterways. Not conducive for the businesses in his building. Please deny the site plan at this time, there are far more lucrative projects that could go at this location.

Seth Malumut – Does not know that he would object to the project but is in need of additional information. The Board should consider asking for additional materials/information such as traffic studies and to address the concerns that have been raised.

Attorney Neil Schiller of Saul Ewing, Arnstein & Lehr- Co-Council for the applicant:

Questions to A. Meyer:

- Is the parcel zoned Industrial?

A. Meyer confirms the zoning is Industrial Park of Commerce and the future land use is Industrial.

- Did staff find, after reviewing the staff reports and studies, that the proposal meets or exceeds all city requirements?

A. Meyer confirms that it is consistent with the City Land Development Regulations.

Questions to Louis Goldberg:

- Please explain how the forms are cleaned. Mr. Goldberg defers to Jared Wright, Southeast Operations Director.

Jared Wright – Oversees the owned facility in Atlanta and leased property in Pompano Beach. At the Pompano site, adjacent (unpaved) properties cause dust and/or mud runoff onto the asphalt resulting in a constant battle. In the DOKA owned facilities, the forms are cleaned indoors with the water captured in the recyclerator or discharged per local code.

- What is the difference between Pompano Beach and this facility?

Night and day, everything is exposed in Pompano, unlike the enclosed Atlanta facility which is how they like to operate.

- Talk about the New Jersey facility.

It is not a DOKA owned facility, that is also a leased facility. It is difficult to find land to purchase and develop in that area.

- Speak to the hurricane plan for this site.

Several days prior, everything lightweight is moved inside, heavier items are stacked on top of things that aren't moved inside keeping in mind that most items are well in excess of 100 lbs.. With the four (4) hurricanes that have come through, there have been no problems or issues with things flying around.

Questions to George Balaban P.E. of Kimley-Horn

- Give your expert opinion about the drainage.

The facility will have over 2,000 linear feet of exfiltration trench all over the property prior to discharge into the canal. It is more than sufficient drainage. South Florida Water Management and Lake Worth Drainage District both require permits.

Questions to Jared Wright-

- Discuss the traffic in Pompano Beach and Atlanta and what will happen at this site.

It takes nearly 45 minutes to unload a truck, at 10 trucks per day, that equates to a full day. On average they process about 10 trucks per day (5-6 departing and 4 arriving), it could be as high as 15 but that would be extreme. That would be an entire full working day with two (2) crews.

- Since we've heard about serving as the hub for the entire state of Florida, is it still the same 15 trucks?

The site will serve primarily the areas from the Tampa/Orlando and south. The panhandle is served by Atlanta due to proximity, so the entire state will not be served by this site.

- How long have you been with DOKA?

Eighteen years.

Attorney Neil Schiller advised the Presiding Vice Chair that Jared Wright should be identified as an expert witness in the operations of DOKA.

Questions to Adam Kerr – Traffic Engineer of Kimley-Horn

Adam Kerr – Traffic study was prepared, utilizing the approved rates by Palm Beach County and City of Lake Worth it will not be a significant increase or impact. As the site is in the Industrial Park of Commerce, it is also a (TCEA)Traffic Concurrency Exception Area meaning impacts have already been taken into account.

For the record all the evidence presented tonight has been through competent substantial evidence, which is the standard in quasi-judicial hearings, expressed through the testimony of the witnesses and the staff report.

Questions to Mr. Hiatt-

- Is it not true we spoke on Monday? Response: Yes
- In the conversation to address your objections and concerns, is it not true we, along with the client, agreed to meet and speak before or after this meeting?

Mr. Hiatt: Don't lead me, here's what happened. I suggested a postponement.

Attorney Neil Schiller: Again, is it not true we agreed to meet and speak? Response: No

Attorney Neil Schiller: Respectfully, that's not true. I did offer to meet with you.

Cross examination is leading. You will have your opportunity for the same.

Is it not true you also previously objected to projects on this site? Response: Yes

Affected Parties Questions for applicant and staff:

Questions from Mr. Hiatt - Did anyone from City staff from William Waters all the way down, visit the Pompano Beach site?

Response: Staff did not travel to Pompano Beach, review was based on the submittal documents.

Did anyone do a Google earth search to view an aerial of the site?

Response: The application and materials including a traffic study, site plan, landscape plan and other technical requirements were the basis for the recommendation. It was based upon the technical analysis.

Does anyone know when the site was annexed into the City?

Director for Community Sustainability: It was annexed into the City about 2004-2006.

Mr. Hiatt: County zoning granted it light industrial park, original owners were told nothing would change and they would be protected from these types of uses. In looking at the Plat that was approved back in the late 80's, he understands now that it is annexed it may be different, but thought it would remain light industrial. Has carpet layers, electricians, antique restoration, service people who live and work in the city. States the Board members were present for the recycling center proposal and doesn't even know why they are considering approving this project.

Board: The Board hasn't taken any action yet.

Mr. Hiatt states he is referring to staff.

Director for Community Sustainability: Prior to 2013 the zoning was low traffic industrial with much more intrusive, and intense uses than what is now allowed. Following three (3) years of review, initiated in 2010, it was rezoned in August of 2013.

Mr. Hiatt to Attorney Lisa Reves of Saul Ewing, Arnstein & Lehr, Co-Council for the applicant-

- Regarding his code violations, states the city is not coming out for inspections.

Lisa Reves: asks if there is a question for her? It is credible to say she was merely bringing it to the Board's attention.

Mr. Hiatt questions the relevancy. L. Reves states it does have relevancy.

Mr. Hiatt to Attorney N. Schiller-

Received a call about Monday noon from Mr. Schiller.

Attorney N. Schiller in returning his call at @ 4:14 pm, apologizes if it was not as expedient as Mr. Hiatt had hoped. Everyone swore under oath, he'll take his word regarding who called who first and did not return calls. He did speak to the applicant (client) who stated they could not afford another thirty (30) day delay further informing Mr. Hiatt he would make himself and his clients available on Tuesday, Wednesday morning as well as after this January 6 meeting.

Mr. Hiatt acknowledges refusing the offer. The notice mailings and ordinance cause these problems. The Affected Party Ordinance took months to pass.

Attorney N. Schiller states the notice issue is an important issue however Mr. Hiatt was just shown he had knowledge in September and October when L. Reves reached out to him. She reached out twice before the hearing.

Director for Community Sustainability clarifies the process with regard to Compassionate Code – Use and Occupancy inspections have continued as usual, only the interior inspections are carried over to the next cycle. Exterior inspections remain the same.

Mr. Garamy questions to Jared Wright:

How large is the Lawrenceville Georgia site? Response: It is a six (6) acre lot with a similar size building without the canopy.

In observing the Georgia site, it does not have the amount of forms, but the New Jersey site has a lot of forms and framework. How can there be that many trucks with less forms?

Response: The Lawrenceville site stores overflow from the Atlanta site, the Pompano Beach site mirrors it in size and volume.

Are the procedures the same from facility to facility? Response: the procedures are the same, the environment is different.

Christina Morrison questions to applicant or staff-

- Will the Pompano Beach site be closing? Respons: Yes.
- Will the dust and dirt will be left in Pompano? Response: Yes, the difference being the buildings will not be open-air, they will be owning a fully enclosed property.
- Why is it not being proposed as outdoor storage when the building is less than a third of the size?

Attorney L. Reves- It is not the size of the outdoor storage that determines the primary use. The storage is secondary to the office, engineering, design, sales and management activities.

Ms. Morrison renews her concerns about the proximity to clean uses.

Mr. Pouncey would like to add/emphasize the unsightliness of the fence as well as traffic issues. All existing and additional traffic will be going to 7th Avenue North (without the benefit of a stoplight). The best would be to stay small, light industrial.

Board members questions to applicants, affected parties and staff.

J. Contin- With regard to the repeated issue of water quality, have there been any reports submitted?

Staff: LWDD is a reviewer as well as SFWMD both requiring permits for discharge into the local waterways. City staff/ engineers have reviewed the plans for drainage. The exfiltration trench, in funneling into the lake will act as a secondary treatment which will then discharge to the waterway. Regarding PPM (parts per million) those entities are under the jurisdiction of the Florida Dept of Environmental Protection.

J. Contin- Is there anything other than water utilized for concrete removal (in general) Jared Wright confirms only pressurized water is utilized.

Staff: Staff has been notified by the State the applicant has agreed to remediate the existing brownfield site. The previous landfill will be remediated.

J. Contin – Is pleased the applicant is willing. Neil Schiller- Some of the cleanup has begun.

D. Tanner- how is the primary use determined? Is it based upon square footage?

W. Waters- There isn't a principal use of outdoor storage. Any outdoor storage regardless of size would be accessory to the principal use. For example, the parking of vehicles, whether employee cars or service trucks, would support and discharge the activities of the business thus making it an accessory use. Outdoor storage, in and of itself, does not occur on its own without a principal use.

Attorney Lisa Reves clarifies any misunderstanding regarding the primary use which is: engineered formworks kept on-site and then shipped to the job. The forms themselves are of no use without the engineering and design and office support.

D. Tanner – The engineering and office work could be done offsite. There is no direct connection between the office and the storage.

Attorney Lisa Reves -There is a direct connection. The engineering is performed here, the formwork is accessory to the main use of design and engineering work.

D. Tanner-Regarding the clarification of using the chemicals to clean the forms. Mr. Wright states only water is used, all materials are galvanized or steel.

D. Tanner – would the applicant be averse to increasing the barrier to minimize the dust, noise or visual screening? A big concern is seeing what's taking place, not an opaque barrier but noticeably more buffer.

Neil Schiller inquires of Louis Goldberg, the applicant/client, if he would be willing to go above the minimum requirements?

Attorney Lisa Reves- The applicant has already gone above code with the six (6) foot concrete cast wall and landscaping in excess of code.

Staff- The Condition of Approval will require the chain link fence, as depicted on the site plan, be an opaque fence or wall 6-8 feet in height.

Staff- full shielding is not required per code.

D. Tanner-asks if the height of the stored materials will be six feet or less?

Mr. Wright states the allowed height is governed by the Fire Marshall. The height in Pompano is fifteen (15) feet and it is variable by county.

D. Tanner – What are the specific imposed requirements by LWDD and SFWMD?

George Balaban, P.E.- the total suspended solids and nutrients should be treated prior to discharge. Those activities occur throughout the exfiltration trench and lake.

D. Tanner – for concrete? George Balaban there is no specific mitigation for the concrete.

D. Tanner- is it similar to marble/granite cutting? Mr. Wright – It's captured in the inside trench it falls, dries and then is thrown away via roll off dumpsters.

L. Starr - Does the E-4 connect to LW Lagoon (Intracoastal)? – Response: Yes, they are interconnected.

George Balaban, P.E. – The trench is an 8x6 foot percolation trench, which also provides filtration prior to reaching the canal. There is triple the amount of filtration required.

L. Starr– Is it monitored? George Balaban: Yes, in addition to renewing permits every five 5 years, a report must be filed

L. Starr – would the applicant be willing to do it more often? George Balaban- This is standard practice.

L. Starr – What type of repair work is conducted? Mr. Wright- Forms are metal with wood face, dents are pulled/ removed as well as repair to any damaged forms.

L. Starr- Client is already remediating the site without owning? Response: Yes, with permissions of property owner

L. Starr- what is the projected time frame for the project?

Mr. Louis Goldberg - Environmental remediation- The plan is filed and proposed to the FDEP, realistically within 16-24 months. A lot of site work is required prior to construction, the property must be de-mucked, fill will be brought in and the canal banks will be stabilized with rip rap.

L. Starr – Has there been a lot of environmental analysis on the property?

Applicant Louis Goldberg- has spent a lot of money with testing and assessments.

George Balaban, P.E. – Groundwater modeling will be required to ensure compliance.

William Waters – Has received preliminary funding for Brownfield remediation. Was contacted by Chris Burroughs to set up an advisory committee including Ms. Christina Morrison and Mr. Daniel Hiatt. In which case they would have been advised as early as September of last year that the property was about to undergo changes.

Louis Goldberg wants to rehabilitate the site and for it to be as clean a site as possible and will take the steps to be in compliance. Based on what is found when clearing, that will determine how it is handled.

Board: L. Starr – Mr. Pouncey stated he had two (2) story units,

Mr. Pouncey - Marlin Commerce Center is condo type construction. In his unit the north building next to the property. Although the site is overgrown right now. Ms. Reves showed a six (6) foot concrete wall that did not come to the adjacent property line. With the windows in the second floor, the view could be impactful.

Neil Schiller states the Condition was already stated for an opaque fence of 6-8 feet per code with landscaping.

Mr. Pouncey- It does not cover even with 6-8 feet in height; does not want to look at the big open field, from his northside of the building it would be at most 12 feet of landscape and Marlin Commerce Center fence.

Lisa Reves states Laurel Live Oak Wax Myrtle and Cocoplum Hedge will compose the plantings in that area. There is a good bit of distance between that building and the storage.

Staff: Mr. Pouncey's building is situated roughly 100 foot east and 40 feet south of the property lines.

Board: A. Marotta – For the city attorney – should the Board factor in the claims for not being the best tax use? Response: No

The Sustainable Bonus is for just 1 foot in height to disguise the rooftop equipment.

Confirmed that this the same site seen by Board @ year ago.

Board: A. Marotta to the Applicant -Mr. Hiatt stated in testimony this is nothing but a recycling facility, please address the concern.

Neil Schiller-It is not a recycling facility, as he is attorney for Solid Waste Authority for PBC, he knows recycling. The dust and dirt are germane to the Pompano site due to the unique nature of the neighbors. It is a distortion of the truth to state it is a recycling center and an attempt to reflect negatively on the applicant and business.

Louis Goldberg- Heard it referred to as a trash dump/recycling center. They are an international organization. It is imperative to know where everything is, to have it neat and orderly, it becomes difficult to be a successful operation. To say otherwise is a fabrication of the truth.

Jonathan Haigh Landscape Architect for applicant- On the southeast property buffer there will be a hedge and smaller trees due to planting adjacent to power lines. Twelve feet in height at time of planting of Silver Buttonwood and Wax Myrtles. Please note the north wall of the building to the south is windowless and the sight cannot be seen from the building.

Board: A. Marotta asks about the noise. Mr. Wright responds- Forklift noise outside, the pressure washing and saw noise will be inside. The doors facing the storage yard will be open during hours. Louis Goldberg indicates the decibel levels will be well within City ordinance levels. Hours of operation will be 7-4:30 Monday to Friday occasionally on Saturday.

Presiding Vice-Chair: In 30 seconds or less from each of the affected parties, what type project on the site would they not object to?

D. Hiatt- supported Goodwill building; nice buildings everywhere up and down Boutwell;

G. Garamy – High-tech light industrial similar to what is in the Marlin Industrial Park. Increases tax base and protects his investment.

C. Morrison – more light industrial, small bay users. The highest demand at this time.

R. Pouncey – light industrial. This one takes up a lot of property and don't want to look at it.

Board: L. Starr -How many forklifts will be operating on the property? where will they be stored? Discuss the window view from Mr. Pouncey's building.

Mr. Wright- There will be eight to nine LP (not diesel) forklifts stored inside at night.

Jonathan Haigh, Landscape Architect – The adjacent building does not have windows on the north or west side of the building.

Board: L. Starr– Is that in reference to Mr. Pouncey's building? She thought she heard him say he could see from the second floor.

Mr. Pouncey – States he does not have a window in his unit. Other units face east and south. Cannot recall if there are windows on the northside. Perhaps Christina Morrison, Property Manager, can answer that question.

Board: G. Rice – Wishes the coconut telegraph would work better; although people are very passionate, there can be misinformation. The property does not belong to Lake Worth Beach, these are two (2) private entities. There is no CRA involvement so the tax dollars go to the city coffers. If the owner could get more money for he property he would certainly have done so. In the long run it will be for the betterment of Lake Worth Beach. They will certainly take care of their investment. Is confident the City will guard the wellbeing of the water as well as the Blueway Trail running the length of the county.

Board: R. Lepa – Regarding environmental follow up every five years. From the drainage standpoint it is 5 years. Environmental monitoring occurs every quarter for a minimum of one year after which as required by Palm Beach County thereafter. How many jobs will be created or will those jobs be moving north? The concrete that is washed off, is it recycled or trashed?

Mr. Wright- It will be trashed. They pay for removal (in roll off's) Warehouse and Office jobs will be locally sourced.

What will the tax base be once all is complete?

Lisa Reves – Total capital investment 16 million.

Board discussion: J. Contin -It is a positive move all things considered. Someone else would have already taken advantage of the site if there was interest. The brownfield cleanup is major plus as many do not have the means to do so.

M. Humm- A bird in the hand is worth a couple in the bush. It is not as dirty of an operation as it was originally seemed.

D. Tanner, L. Starr, G. Rice, B. Lepa ready to vote.

A. Marotta – To get a brownfield off the books is great. It is not within Board purview to dictate what goes there. As previously stated, someone else would have already taken advantage. It's not a skyscraper and might come down in 10-15 years and become something else.

Motion: D. Tanner moves to approve PZB 20-01400035 with staff recommended Conditions, with the project meeting the applicable criteria based upon the data and analysis in the staff report; G. Rice 2nd.

Vote: Ayes all, unanimous.

5 minute break 10:09 pm to reconvene.

B. PZHP 20-03100008 (Ordinance 2020-20): Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.

Staff: E. Sita presents an overview of the proposed changes to the Land Development Regulations. They include:

Access easements for zero lot lines, review standards and permit processes for Temporary Uses, modifications to the Use Table, Clarification of Standards, Home Occupations in Mixed Use zoning districts, and off-street parking for accessory dwellings and in lieu of fees.

Access easement for zero lot line lots allowing for a three (3) foot (Exhibit A & G)

Temporary Use is a new section (Exhibit B) permits and administration. (Exhibit B)

Use tables has been modified to include that section. (Exhibit C)

Clarification of size and construction standards for accessory dwelling units. (Exhibit D)

Home Occupations in Mixed Use districts only- additional flexibility; Type11 (Exhibit E)

Clarifies the parking requirements for accessory dwelling units and the parking in lieu of fee is available for the City core ((only downtown (Exhibit F)).

Board: J. Contin-asks for specifics on changes to Home Occupations? W. Waters states it was propelled by Covid-19 in finding more creative ways to accommodate working from home. The norm is no clients in the home. This would allow more flexibility within the Mixed-Use zoning district only at this time with possible future changes to other districts but not likely for Single-Family zoned districts. It would come with restrictions and limitations including the maximum percentage (square footage, no more than 50 % of the space) that could be utilized, would involve inspections. Examples: Accountant, Architect, Attorney, Media, Public Relations. Professional offices only, it is reflective of the current direction of the economy with regard to entrepreneurs who cannot afford a leased office. E. Sita adds that HOA’s and property management companies would continue to approve/disapprove the business types.

L. Starr – Restrictions on signage for business vehicles? Staff: Although silent in this section, it is governed in other areas of the code.

A. Marotta – regarding exhibit D- size of accessory dwelling unit and parking standards.

W. Waters - The smallest size for a studio dwelling is 400 square feet. Housing code continues to prescribe minimum area size for sleeping and living areas. Accessory dwelling units are allowed everywhere except Single-Family zoning districts.

Street parking is currently allowed to be counted towards parcel parking and would be allowed to count for the home occupations as well. William – it is in mixed use districts is due to already existing parking. The changes are not intended to supercede a HOA

Motion: D. Tanner moves to recommend adoption of PZB 20-03000008 to City Commission; J. Contin 2nd.

Vote: Ayes all, unanimously.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: Motion to adjourn J. Contin; D. Tanner 2nd. **10:36 pm**



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 27, 2021 -- 6:28 PM**

ROLL CALL and RECORDING OF ABSENCES: Board members present in City Commission Chambers: Mark Humm, Laura Starr, Daniel Tanner, Juan Contin. Virtual Board member attendance: Chairman, Greg Rice; Vice-Chair, Anthony Marotta and Robert Lepa. Also present were: Andrew Meyer, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by Daniel Tanner.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES: None

CASES:

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

PROOF OF PUBLICATION

- 1) 7-Eleven Proof of Publication- provided within the meeting packet.

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

Board Chairman: Requests all parties to be cognizant of not repeating the same information and concerns. This will assist in keeping the meeting as short as can be reasonably expected. Presentations could be kept to about 15 minutes.

Brian Seymour Attorney for the applicant and Joshua Long for 7-Eleven, Thomas Baird and Alfred Malefatto (the latter two are attorneys for affected parties) agree to limit their presentations to that time frame.

BOARD DISCLOSURE: M. Humm received emails but did not follow up/respond. D. Tanner received a phone call and spoke with persons representing the developer. R. Lepa received emails but did not respond. A. Marotta did not respond to emails that were received. L. Starr did not respond to the two emails that were received. G. Rice received a vm from one applicant.

Board Attorney, Pamala Ryan: Gives a brief overview/ synopsis of how the project came to be before the Board again. Originally heard on July 15, 2020 an Appeal was brought to the

City Commission on December 15, 2020. The City Commission with one vacated seat and the Mayor recusing herself due to a conflict, was left with 3 votes. The only motion to successfully pass was to remand both the Conditional Use and Major Site Plan back to the Board to be heard again. The Variance was appealed to Circuit Court and continues to be outstanding. Some of the concerns were for the safety of pedestrians at the school crossing. The Board has a slightly different composition from when it was originally heard.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 20-00500003:** Request by 1900 10th Ave, LLC, for consideration of a Major Site Plan and Conditional Use to construct a Vehicle Fueling/Charging Station, Single-Destination Retail, and Restaurant uses at 1900 10th Avenue North within the Mixed-Use West (MU-W) zoning district (7-Eleven). The subject project was heard on July 15, 2020, and appealed by an affected party to the City Commission which, after hearing, remanded the project back to the Planning and Zoning Board. The variance portion of the project was appealed directly to circuit court in accordance with the code.

Staff Presentation: A. Meyer gives a brief overview of the proposal and the intent of the Mixed-Use zoning district. Further it allows for some of the highest intensity uses, higher height limitations and commercial and vehicular uses outside of the City's Industrial zones. Although the preferred mix of uses is 75% residential 25% non-residential it is not a requirement that each site incorporate multiple uses.

The site will occupy an unused parking lot with minimal landscaping, activate a corner and increase the tax base for the City of Lake Worth Beach. This would include approvals for the 4,730 square foot retail and restaurant building, including Laredo Taco, as well as the 3,520 square foot canopy structure sheltering the seven (7) fuel pump islands. The interior restaurant of 234 square feet will be dine in and take out. Parking will be to the rear of the property in compliance with the Major Thoroughfare guidelines. The landscape plan provides for a buffer and trees along 10th Avenue North. The proposal is consistent with the City Comprehensive Plan and Strategic Plan by increasing the tax base and the supply of jobs. As traffic and safety were previously voiced concerns the applicant provided a TPS (Traffic Performance Standards) letter, dated July 22, 2020, which states the project meets the standards. Conditioned that a right turn lane (east approach-deceleration lane) on approach to the project entrance on 10th Ave North be constructed and the driveway on Barnett Drive should be restricted to a right-in/right-out only configuration with a mountable table feature to prevent left-in/left-out movement. The applicant's justification statement suggests the corridor is primarily a commercial corridor with some industrial uses.

Applicant Presentation

Brian Seymour, of Gunster, Yoakley & Stewart, P.A.; applicant's attorney- provides more background detail mentioning that two City Commissioners supported the project, one was against.

Joshua Long, AICP of Gunster, Yoakley & Stewart, P.A. – Slides showing surrounding properties and states the vacant lot is not contributing to the tax base nor in appeal. The surrounding buildings bring no architectural qualities to the area as 7-Eleven is proposing. The customers are everyone in the community. Hopes it will serve as a catalyst for re-development to the area.

7-Eleven participates in many neighborhood outreach programs such as food banks, partnering with schools and local law enforcement. They are a leader in security and provide eyes on the

street which will increase security in the area. There will be an increase in the city tax base, despite not being the highest intensity of use that could be going there. It brings enhanced architecture to the area and a new electric customer for Lake Worth Utilities.

Regarding traffic performance: there will be pedestrian connections, a painted island, the new entrance on 10th Ave North is moved further away from Barnett Drive. An aerial slide shows the westbound from I-95 deceleration lane which will direct the traffic off of 10th and a right-in right-out from Barnett Drive. The project complies with Policy 1.1.1.6. Regarding the concern that it doesn't include multiple type uses, it isn't required. Due to the small lot sizes in the area, it would be virtually impossible for new development or re-development to provide residential and non-residential uses on the lot and meet development standards. The zoning district allows for all 16 retail uses on the City's Use Table as well as 45 of 48 commercial uses on the Use Table.

Affected Party #1

Thomas Baird Attorney Representing Francisco Gil – His client and tenants have been contributing to the economic base of the City for many years. The tenants of Mr. Gil's building will be affected by additional unwanted traffic with the addition of a regional highway use. Particularly on Barnett Drive where they are currently faced with unreasonable delays. The level of service is unacceptable. Later testimony by Mr. Masoud Atefi will show the traffic at 10th Avenue North and Barnett Drive operates at a level "F" service. He will testify that according to Ms. Bernstein's report the traffic will be the worst.

Francisco Gil (Sworn in at this point in time by Board Secretary)- The proposal will have a significant impact on his tenants. He is the landowner of 12 acres with 40 different tenants. He has collected petitions of tenants ranging from small family businesses to larger, well-know tenants such as the Duffy's Restaurant headquarters.

Dr. Bill Whiteford-Former Director for PBC Zoning– The issue is not the size of the project but the mix of uses combined together on just over one acre of land. Not sure about the amount of time spent with the Design Guidelines resulting in only two-color choices. With a typical convenience store layout, it's a tight site and no amount of striping is going to prevent entry from Barnett. The proposal is not compatible with Comprehensive plan Policy 1.1.1.6 (Future Land Use Element) Policies 2.1.4.3 and 2.1.4.7 (Transportation Element) nor the zoning code Section 23.3-18 MU-W. Speaks to the "intent" of the policy being a mix of uses. Despite being referred to as preferred mix, the lack of mixed-uses undermines the entire premise of MU-W if interpreted or applied incorrectly. Gives an opinion on difference of multiple uses vs. mixed-uses.

Transportation Policy-The intersection of 10th Avenue North and Barnett Drive is not a major intersection. Barnett Drive provides direct access to Lake Worth Middle School. Mentions case law of Pinecrest Lake vs. Shidel (Martin County) resulting in a project being torn down due to not being in compliance with the City Comprehensive plan. The project will add to congestion in the area and so will not support the Conditional Use criteria.

Masoud Atefi, Masoud & Associates- The traffic review by the county, which was revised by the consultant and staff may not have received. Barnett Drive will continue to experience F level service with 170 seconds of delay. Even so the report continues to show that it does not meet County service levels.

- A crash analysis by PBC for a period of three years 1.1.2018-1.12.2021 indicates 69 accidents in the area with school children.

- The driveway operations are concerning with 30 cars per hour exiting to the east from the 10th Ave N entrance. Has concerns with the queue backing up to the west estimated to be at 580 feet per cycle near Detroit Street.
- The queue of traffic exiting from Barnett Drive onto 10th Ave North, can be as long as 750 feet. This makes it difficult in each cycle with 30 vehicles exiting and 30 entering. Thought the impact of coronavirus would lessen the traffic.
- Problematic is that there is no left-turn exclusive signal. When he was with the county he investigated a 15-foot row acquisition to add a left turn. Does not know what happened that it did not occur. Reviewed for the county for 15 years, would require improvements if he was with the county. Since 2011- Proportionate share has been in effect. County TPS put the ball in the court of the municipalities.

Board Attorney states the 30 minutes for presentation have been reached or exceeded.

Bill Whiteford requests additional time for more slides– granted.

Affected Party #2

Alfred Malefatto attorney representing Mr. Daniel Hiatt and Mr. Frederick Schmidt

The traffic at Barnett Dr and 10th Avenue N. will affect the value of the property and accessibility for the clients and tenants.

Frederick Schmidt- Resident of the city. Believes this is the trifecta of school, traffic and quagmire. Not surprised at the statistics revealed by the traffic review. Please deny.

Daniel Hiatt-most of these WaWa types of sites are on 2.5 acres. States his tenants in Marlin Commerce Park south off Boutwell Road have trouble getting to I-95. 10th Avenue North has been out of concurrency for 23 years. The large FedEx facility is there as well as American Ambulance. When school is back in session in eight months it will be chaos.

Alfred Malefatto wraps up stating this is not a mixed-use project, it is 100 % commercial retail. Believes the transportation policy was not properly reviewed, was overlooked or disregarded. Because the project is not consistent with the Comprehensive Plan it should be denied.

Public Comment: Manny Benitez – 1848 Aragon Avenue- American Fastners Project. Too much congestion to side street. (Read into the record).

Dr. Archie Kleopfer- veterinarian at this location for 31 years. Prostitution and drugs from Dixie Hwy have spread to the area. Mention is made that he has witnessed fights of school age children in front of his business. He loves the community and Aragon Avenue and cares for the pets of homeless people who are in the area. Would like look into the eyes of his 80-year old grandmother when she visits with her cat and ensure her safety. Believes the subject property will be an attractive nuisance, crime will follow. Against the proposed use.

Joe Basile– subject property owner. Questions when it became the right of local property owners to tell another property owner what they can and cannot do. The traffic problem cannot be solved. 7-Eleven has top-end security. He also spoke to the affected party Francisco Gil before the project became common knowledge. There are no well-kept, attractive buildings (maintained) in the area. They too are investors. The area needs new life and as developers do, they are investing in the City. Traffic could be much worse if they build the maximum allowed, it could be much worse than what 7-Eleven will produce.

Public Comment is closed.

Brian Seymour, Attorney for applicant

Questions for Masoud Atefi

- Has the traffic study been revised? **Response:** According to a call received from Quasi Bari, the study of record at the time the presentation was assembled was a revised study.
- Does the crash data area extend up to 1,000 feet from the location? **Response:** Yes.
- There are not 69 crashes at this site, 3 are southbound on Barnett Drive.

Questions for Dr. Whiteford

- Is your suggestion that a development at the maximum allowed for the site would produce less traffic/impact? **Response:** All things are not equal, smaller uses can generate more traffic as well as larger uses generating less.
- Regarding Transportation Policy, what is the objective to which the Policy relates? **Response:** unknown.

Question for Masoud Atefi

- Isn't an office use one of the highest generators of traffic? Would that not generate more traffic than 7-Eleven? **Response:** Office use has less pass-by traffic but would have more peak hour usage.
- With all things equal on a square footage basis, an office use with maximized peak hour traffic would be greater than now? **Response:** yes it would.

Mr. Thomas Baird has no questions for staff, applicants, affected parties or consultants at this time.

Mr. Alfred Malefatto allots his time to Masoud Atefi who asks if the City Engineer has reviewed the plans as the county puts the traffic burdens on the City?

Staff: E. Sita- The proposed plan has been reviewed by Mr. Brian Shields, the City Engineer. Conditional use approval criteria includes traffic review impacts to be equivalent to or less than permitted by right projects.

Mr. Malefatto questions **Lisa Bernstein, P.E.** to advise of the current Level of service at 10th Ave N. and Barnett Dr. **Response:** The PM peak without the proposed project would be Service Level D. It would be Service Level E with the project but only producing 3.6 seconds delay. The AM levels of service with and without the project would be Level E.

Brief discussion on order of testimony. Brian Seymour has rebuttal. Thomas Baird questions if it is time for closing arguments as he too has some.

Board member questions to staff, applicants, affected parties and consultants

R. Lepa to Applicants:

- Do you expect additional traffic will be generated or hoping the client base will come from existing traffic? **Response by Lisa Bernstein:** Pass by rate according to FDOT standards is 78 %; PBC has different standards which is 61 %. Well over half of the traffic going to 7-Eleven is already on the road so any increase in traffic is reduced by those percentages.
- Who will the clients be? Do you expect it to be school children or automobile traffic? **Response by property owner Nelson Garcia:** He met with school representatives earlier who are appreciative the project will keep the children on the same side of street rather than crossing to the south side of 10th Ave North.
- Regarding the westbound traffic turning right onto Barnett Drive and those accidents on Barnett Drive, how many happened during school hours? **Response by Masoud Atefi:**

He did not do an accident analysis meaning the time and cause. To clarify an earlier comment, 7-Eleven will generate 94 new AM peak hour trips and 94 new PM peak hour trips. States the existing condition analysis is meaningless with Covid impacts. Ms. Bernstein used 2018 volumes and grew it to 2022 which gives a failing level of service.

Brian Seymour objects as Mr. Atefi has already testified the report he is referring to is not the basis, that he does not have the updated report. The level of Service is E. **Response:** Mr. Atefi states he has the revised report in hand and which shows Level E, with a Level F on Barnett Drive.

- With regard the raised triangle at Barnett Drive, what can be done? **Response by Brian Seymour:** Various options were considered but ultimately the fuel truck needs to maneuver safely.

J. Contin to Dr. Whiteford:

- Regarding the Policy 1.1.1.6 discussing 75/25 split of mixed use residential/ non-residential, suggests that a “customary” use is different from a “preferred” use. The terminology would imply that the policy is not set in concrete. “Customary” is different from “preferred”. **Response:** He did not state *customary* but rather *preferred* as expressed in the staff report. Not saying that it isn’t set in stone. The intent at some point should be residential.

J. Contin: Finds it hard to imagine any residential construction on that corner. Understands there may be some further west; a hotel may be possible but not a residential component. **Response:** As with New Urbanist ideas, one can imagine a vertically integrated mixed use space with office on the lower level and residential above. Thinks this is the intended direction of the policy.

J. Contin: That may be so but no one has taken a bite of that.

J. Contin to Masoud Atefi:

- There were previous traffic issues with that street no one will deny. When looking at F Level service. From the testimony he has heard it is not significant enough to say it is backing up everything. **Response:** He has serious concerns at project driveways. Illustrated by service levels and queues backing up at signals. The 10th Avenue North queue eastbound will have vehicles wanting to left turn and merge. His primary concern is Barnett Drive during school hours, the queue extends 700 feet to the north towards the school.
- Were the issues from @ 12 years ago the same or exacerbated by the project? **Response:** Mr. Atefi recalls county discussion about adding a southbound turn at Barnett Drive. Has it been included or considered in the project?

Brian Seymour: It’s interesting that in Mr. Atefi’s years with the county it was never objected to. If the 15 feet were removed, it would make the site even smaller which is one of the objector’s objections. As the applicant would be open to signal timing solutions, suggests Ms. Bernstein provide more detail.

Lisa Bernstein, P.E.: Regarding the turn lanes at the Barnett intersection. Volumes without the project included are: Southbound from 10th Ave N onto Barnett Dr. there are 133 left turns; westbound from Barnett Drive onto 10th Ave N. there are 243 turns; South onto Barnett Dr from 10th Ave North there are 153 turns; and opposing through trips from north Barnett to south Barnett indicate 12 trips or vice versa (not at peak hour). This gives more time to the left

(eastbound) traffic coming off Barnett Drive. Realize that peak hour is 4-6 pm and school hour peak is at 2:00 pm.. The signals could be adjusted to give additional time.

J. Contin asks if it was something the applicant considered with that data? **Response:** states no due to Service level E so no adjustment to the timing was needed.

Brian Seymour states a signal timing analysis could be presented to Palm Beach County traffic to further look at the signal timing.

Mr. Atefi re-asserts his concern for the 700-foot queue lasting about ½ hour, the signal timing is flawed. The protected phasing is needed on the signal, then the intersection no longer operates at Level E.

M. Humm has no questions of staff, applicant, affected parties or consultants

A. Marotta to staff:

- In Mixed-Use zoning is it required to have residential?

Staff: W. Waters states prior to 2010 Mixed-Use in the City did not exist, the Future Land Use Element was requested to be updated. As he crafted it, wrote it and it was his vision, it appears he is being contradicted in the intent. Unique to Lake Worth Beach there are nine (9) use classifications within our own LDR's along with 3 categories of intensity. The City is culturally diverse and unique with a rich history. With three (3) different uses per the classifications in the LDR's, the project has met code. The statement about a residential use being optional was intentionally included as a possibility knowing the surrounding lots were small, and in that context are not conducive for residential. There is Artisanal Industrial and Industrial across the street. Residential has been encouraged further west, 1200 units will certainly change the mix in the area. Feels strongly about the project meeting the intent since he was the creator of the policy. He was charged with creating an elite vehicle for Lake Worth investment and that is what you are looking at now.

E. Sita mentions Policy 1.1.1.6 allows for 75/25 area wide.

- Does staff agree with the severity of the suggestion that a project be torn down if not in compliance with the Comprehensive Plan?

W. Waters in response to the case law incident and structure having to be torn down mentions that scenario would be unlikely, extremely remote. Unappreciated is the concierge service offered to all applicants that is unique to Lake Worth Beach to review challenges and constraints, development interests. Most projects are near what is required by code as well as right for any area prior to the initial submittal. This allows for the approval process to move along expediently once submitted, the quickest approval process in the region. This project has been around for nearly two years.

- The right to not be inundated with additional development was mentioned by an affected party? Is this a right enshrined in the law? P. Ryan: Does not believe Mr. Baird meant it that way, simply put Board responsibility is to follow the law.
- Future land use, as it is area wide not required - point understood.
- 75/25 % mix is area wide – point understood.
- Please clarify the distinct uses of the project. **Response:** It meets the vehicular use, retail use and commercial use all distinctly shown in the Use table.
- If it were a larger project permitted by right, would the traffic generated be much larger? **Response:** yes

A. Marotta to Ms. Bernstein:

- Can it be explained why Mr. Atefi is wrong? **Response:** The traffic is already on the road, would already be moving in that direction. Traffic finds its own way which is convenient to the driver. The applicant will look at the queues and signal timing. Sometimes a vehicle may wait one or two cycles but otherwise it is acceptable.

L. Starr questions to Lisa Bernstein, P.E.

- What is the posted speed on WB 10th Ave North? **Response:** 35 mph is the posted limit.
- Show the drawing depicting the deceleration lane and explain the logic of cars slowing as they crest the hill from I-95. **Response:** The artist's rendering shows a deceleration lane in front of the business, as the radius to enter the property is generous and one shouldn't have to come to a complete stop. The deceleration allows drivers to slow down prior to reaching the entrance.

L. Starr question for affected party Mr. Schmidt

- Are there Ambulances to the north of the subject property? **Response:** yes

Chairman G. Rice clarifies they are for transportation services only, not emergency services therefore they are able to wait at the light.

D. Tanner to Lisa Bernstein, P.E.

- With 94 peak hour trips am and 94 peak hour trips pm., how much of that count is attributed to Barnett or 10th Ave North as it leaves the property? **Response:** L. Bernstein states distribution is a combination of 47 inbound and 47 outbound trips which is low on Barnett, 2% on Southbound Barnett, the bulk of the traffic is on 10th Ave North.
- Is the applicant mitigating their contribution to the traffic? **Response:** No mitigation is required by the county as standards are not exceeded.

D. Tanner to Staff: Comment/clarify the responsibility of the City with regard to the traffic issues.

Staff: Palm Beach County controls 10th Avenue North and intersections, there is an overall plan to widen to six (6) lanes with a middle turn lane. It is already on the County Capital Improvement Plan. Additionally FDOT is planning another improvement extending west to Detroit Street. Much traffic passes through from western communities to access I-95.

- What, if anything, are the affected parties doing (petitioning) with the county to resolve this issue with traffic.

Thomas Baird: additional southbound left turn lane onto Barnett Drive. Suggests Board condition this project to address the safety issue. The Board is responsible for shaping this project.

Daniel Hiatt: For 27 years has been told the traffic would be corrected. With the last FDOT improvement, a ten (10) foot portion was taken on both the north and south sides of 10th Ave North supposedly for the purpose of an additional lane. As it turns out it is only for the children crossing I-95.

D. Tanner: Unfortunately the entirety of traffic issues cannot burden this project.

L. Starr: Is there even room for another lane on the south side?

D. Hiatt: Has always been told the taking would be on the north side.

J. Contin to Applicant

- Was there consideration given to having electric charging stations for the bonus? **Response:** No, there were no charging stations considered.

Chairman Greg Rice

If there is vacant or underdeveloped land around, one can be guaranteed it will be developed at some point and bring traffic. The only thing change you can depend upon is change itself.

Public Hearing closed at 9: 20 PM

Anthony Marotta: Although a gas station is not the first choice of business type to go there, Board is not here to decide what goes on a property. If staff erred in their assessment, the only issue is the traffic impact, which is not substantial considering the impact a larger project permitted by right could bring to the area.

The affected parties have failed to prove through substantial competent evidence or the requirements of the mixed-use district that the project should be denied.

Motion: A. Marotta moves to approve PZB 20-00500003 with staff recommended conditions based upon the competent substantial evidence presented in the staff report, including data and analysis and testimony presented at this hearing; J. Contin 2nd.

Vote: J. Contin, aye; D. Tanner, aye; R. Lepa, aye; A. Marotta, aye; G. Rice, aye; L. Starr, nay; M. Humm, nay. Motion passes 5/2.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 9:24 PM



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, FEBRUARY 03, 2021 -- 6:08 PM**

ROLL CALL and RECORDING OF ABSENCES: Board members present in City Commission Chambers were- Mark Humm; Laura Starr; Robert Lepa; Juan Contin. Board members in virtual attendance were-Chairman Greg Rice; Vice-Chair Anthony Marotta and Daniel Tanner. Also present were: Alexis Rosenberg, Senior Community Planner; Jordan Hodges, Senior Preservation Coordinator; Peter Ringle, Building Official; Erin Sita, Assistant Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE M. Humm led the pledge

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: Reorder agenda to postpone swearing in until just prior to New Business B.. Proceeding directly to the FEMA presentation. A. Marotta & R. Lepa 2nd; Ayes all, unanimous

APPROVAL OF MINUTES: None

CASES:

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

PROOF OF PUBLICATION

- 1) Arbor Square -20-00500019

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. FEMA Flood Maps Update

Staff: E Sita presents a brief overview of upcoming changes to the flood maps. National Flood Insurance Program is administered by FEMA. Flood mapping is a large part of the Flood Insurance Program. The city reviews new construction and renovations for compliance with the program requirements. The city also participates in the Community Rating System (CRS) to gain discounts for all affected by the mapping and insurance. Currently the rating is 7 which allows a

15% discount. The lower the number the bigger the discount. Approximately 1,500 communities nationwide participate in the voluntary CRS. Activities include: reducing the exposure to flood damage (mitigation), strengthen and support the NFI program and foster improvements in floodplain management. In January 2020 the new maps, published although not yet officially adopted, are required to be utilized. The presentation will provide information regarding the base flood elevation, questions regarding when is it necessary to elevate, what is considered a substantial improvement, historic district impacts and exemptions and coastal resiliency.

Peter Ringle, Building Official, City Flood Plain Administrator –A study between 2016 -2020 produced wave data with wave heights and penetration into the Florida coastline. The result being the base flood elevation has been raised along the entire coastline of Florida. Changes have been made to the 100-year flood plain and the 500-year flood plain which now extends to Federal Hwy. On the northside of the City the flood plain now extends west to Ocean Breeze. On the southside the flood zone crosses Federal Hwy in several places. LIMWA (Limited Moderate Wave Action) boundaries will now prohibit shallow foundations in those areas. Two flood zone categories are: AE -standard flood zone and VE flood zone (with a 1-3 foot wave crest built in and stillwater). The difference- AE heights are referring to the finished floor, in the VE zone the elevation is referring to lowest structural member. There are significant insurance differences between below elevation, at elevation or above elevation. Generally the City is between 5-7 feet of elevation along the intracoastal however even King tides can easily generate five (5) feet of water. **What is a substantial improvement and how is it determined?** FEMA states it is 50% of market value of the structure before the improvement. It will require the structure to be elevated when making improvements such as an addition; the primary structure will also be required to be elevated. Florida Building Code states it is anything exceeding 50 % of the building area. Appraisals can be obtained by an independent appraisal because the Property Appraiser is typically low. Market value before start of construction.

Board: R. Lepa – asks what the City intends to do about the Golf Course- **Response:** That would be a policy decision, this discussion is provided to help homeowners understand possible effects on their properties.

J. Contin – In the Keys, west coast (Sarasota) and Miami Beach people are choosing to self-insure due to high premiums. Who determines the freeboard? **Response:** Base flood elevation plus 1-foot freeboard is designated by the State of Florida; local municipalities can add more to help the CRS rating if they choose. Lake Worth Beach has not chosen to add any additional freeboard.

G. Rice: How does the City notify any newly affected persons? **Response:** Only those without a mortgage or a federally backed mortgage living east of Federal Highway do not have to purchase flood insurance. Those who live east of Federal with a federally backed mortgage without flood insurance should obtain it now (prior to Official adoption of the new maps) as a grandfathered rate will incrementally reach parity.

Staff: E. Sita - Typically mortgage companies are not lagging when it comes to new requirements for flood insurance, they are cognizant of covering assets/collateral. Only when you want to build on a vacant lot, add an addition, will one be required to elevate.

Board: G. Rice – recalls the “do you live East or West of I-95” question asked years ago for determining premiums.

Building Official states the Lidar overflights determined the average elevation which was then overlaid with the wave heights.

D. Tanner – As there has been no recent storm activity creating flooding how was it determined to be necessary to push the lines westward? **Response:** FEMA has 37 transects of wave modeling for Palm Beach County, of which 2 crossed the Lake Worth map. The wave action models combined with the overflight information, Lidar, produced the resultant maps.

Response: The 100- year flood designation means there is a 1% chance of flooding in any given year in an area. It does not mean there is a chance of getting flooded once every 100 years. Some areas of the City experienced flooding three (3) times this year. When does it go into effect? **Response:** The second or third quarter of 2021, however several municipalities have challenged the maps. It will be known 90 days in advance.

L. Starr: Did the Property Appraiser take the maps into account and consequently decrease appraised values? Is there a property value decrease in Lake Worth Beach by the Property Appraiser? Why is West Palm Beach contesting it? **Response:** They are contesting the Lidar data, that it was older than what was available. There hasn't been any significant elevation changes in the City of Lake Worth Beach to warrant a challenge. Near the southern boundary of the City, in the vicinity of 18th Ave South, King tides have caused storm drains to overflow.

A. Marotta: Since many frame homes are not slab on grade, will there be any grant program money available from FEMA for flood vents etc.? **Response:** Currently the City has not made any grant application for monies from FEMA. Grant monies need to be administered and monitored and there is no dedicated staff to do so.

Staff: Jordan Hodges-There are six (6) historic districts with approximately 2,700 parcels many located within flood zones. Within the districts structures are evaluated by criteria established by the National Park Service, Dept of the Interior. Structures can be designated as contributing (with local protections through ordinance to prevent adverse changes affecting historic significance) or non-contributing resources.

The most prevalent, but not sole criteria, to be considered contributing is to be a structure of more than 50 years in age. As most of the Districts were established in the late 1990's many of the homes surveyed at that time were not considered contributing. With recent State grant monies (@ \$200,000) funded surveys now show many more are eligible for contributing status. This is important as there are exemptions to the Florida Building Code for those contributing structures when making a substantial improvement or adding an addition. Structures outside of a district may seek individual designation if meeting eligibility requirements. Once a property becomes designated there are no mechanisms to remove that designation. Typical requests for the exterior are window and door, roof, additions. The Historic Board would determine if the request is architecturally appropriate or compatible based upon the Historic Guidelines (adopted in 2018), historic ordinances and review matrix. The Building Code allows for the exemption if the program that designated the structure as contributing determines it will continue to be contributing after the proposed work is completed. The City Land Development Regulations also allows for property owners of contributing structures to apply for a variance to be issued which can allow the historic structure and improvement to remain at the current elevation. Homeowners may elect to elevate or utilize the variance option to maintain the elevation. Either would be subject to Historic Board review.

E. Sita shares that the City participates in several local and regional partnerships and the Southeast Florida Climate Compact as well as developing and adopting strategies taken from other communities.

Board Secretary administers oath to those wishing to give testimony.

B. A request by Bryan Sherman of Sloan Consulting Inc. on behalf of Arbor Square Realty Co., LLC for a Blanket Conditional Use Permit at 2505 North Dixie Highway, within the Mixed Use – Dixie Highway (MU-DH) zoning district.

Staff: A. Rosenberg presents case findings and analysis. The request is for a blanket conditional use permit for select uses. On August 10, 2020 there was the approval of a minor site plan and implementation of those conditions outlined in that approval are nearing finalization. A single destination use recently came before the Board (Family Dollar June 17, 2020) and was approved. Staff strikes Condition 1.a. regarding when a business license can be issued as the applicant is working with the City Attorney.

Chairman asks when the most recent Board review of Blanket Uses occurred. **Response:** It has been a few years. It typically occurs when several individual uses within a plaza require conditional use permits.

R. Lepa – How long has applicant owned the property? **Response:** @ 30 years. R. Lepa questions the reason for removing Condition 1.a..

Board Attorney: The property had some significant code enforcement violations, most of which were addressed immediately. The dumpster location is the remaining violation, which if forced to place it now, would ultimately have to be moved in the near future. There are no liens at this time, only a violation. R. Lepa believes having owned the plaza for so many years it should never have happened. Can the impermeable surface requirements not be met with permeable pavers instead of asphalt? **Response:** He has an approved minor site plan in hand. R. Lepa: Are these requested blanket uses already there or what he is hoping to attract. **Response:** Applicant states there is a pending medical office and El Presidente grocery will be locating there.

L. Starr: Have the landscaping requirements been met? **Response:** It is 60-70% complete, will be meeting Friday with City horticulturist. There is still mulching and plant beds to be completed.

L. Starr: Have the mature trees on site ever been trimmed? **Response:** Yes. Are the uneven surfaces, potholes going to be repaired? **Response:** they were completed 4-5 months ago. At the northern entry is the dip being filled? **Response:** the paving and drainage was approved.

Response: It is an ingress only entrance. The dumpsters along the canal will be removed, a cocoplum hedge will extend along the canal, stucco banding added to the structure, Comcast wiring and low voltage line removed and cleaned up, the road re-milled and repaved. Regarding the graffiti, what is being done? **Response:** They paint over on a weekly, monthly basis and there was a recent arrest. What will be done to keep the shopping carts on site? **Response:** That is a question for the tenant El Presidente but they may have mechanisms that prevent the removal from the property. There will also be security cameras on the property.

Staff reminds Board of the shopping cart ordinance enacted a year ago and which should be given to the tenant.

M. Humm- Is the laundromat still there? **Response:** If it is there with a current business license it will stay, however if the license lapses for 6 months or more that use would have to come back in as a conditional use and not be included in this approval. **Staff:** As the majority of the spaces are under 2,500 square feet any conditional uses, despite being under 2,500 square feet are intense uses or larger uses such as the grocery. Why the difference in hours of operations? **Response:** Pharmacy and drugstores have longer hours than a medical office. Who approves the vignette displays? **Response:** Typically the CRA, it activates the area and not just a vacant front.

G. Rice – Could the pharmacy and other stores offering vaccinations be considered medical uses and have to close earlier? **Response:** Those uses are typically accessory to the primary use.

L. Starr – Asks about the lighting, as she has seen many blinking lights at various places in the City. **Response:** Blinking and moving lights are not allowed; the sign code will be under review

again this year. G. Rice – feather signs are everywhere. **Response:** Those are not permitted either. R. Lepa – What type of lighting will be at the Plaza and under the canopy; When will they be on and off? **Response:** The lumens will be upgraded to 5 candles, LED lighting will be used with sconces on the coral wrapped columns in addition to the parking lot upgrades. The mansard roof will be repainted. L. Starr – who is monitoring the cameras? Management company, tenants and PBSO. It will be offsite management. R. Lepa asks if there will be continued cross access to World Thrift next door? Yes.

Staff: To clarify, a money business service is under single-destination commercial, however it should be noted that business type would be excluded in this approval. Board: Please explain Business Service office. **Response:** It does not involve the sales of goods nor the dispensing of personal services.

Motion: D. Tanner moved to approve PZB 20-00500019 with staff recommended conditions, striking Condition #1.a., and excluding money service businesses from this Blanket Conditional Use approval to allow the requested uses. The application meets the conditional use criteria based on the data and analysis in the staff report; J. Contin 2nd.

Concern is expressed regarding the shopping carts.

Staff and Board Attorney: RE: Shopping Cart Ordinance should be provided to the tenant and he will in turn provide a compliance plan to the City. It is an Ordinance in effect. The onus is on the shopping cart owners or whomever furnishes the cart for use. Can the property owner be held equally responsible? **Board Attorney:** Not under this ordinance, legislature pre-empts local ordinance. He does not owe the City money for liens, there were code violations. Brief discussion regarding providing the copies of the ordinances to property owners and enforcement of existing Ordinances. M. Humm – the carts are not the issue but rather the people using them.

Vote: Roll call, ayes all, unanimous.

PLANNING ISSUES: E. Sita – Reports reveal the increase in percentage of applications received and reviewed by staff from the time period 2019-2020. Total application increase is up 13%. A 129% increase in Site Plans, and a 225% increase in Conditional Use requests

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:08 PM

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on March 3, 2021 at 6:00 pm or soon thereafter to consider the following:

PZB Project # 20-01400047: A request by Yoan Machado of WGI on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development, commonly known as "Golden Roads," at the northwest corner of 10th Avenue North and Boutwell Road, within the Mixed Use - West (MU-W) zoning district, PCN #s 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

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

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

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
February 18, 2021

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PZB Project # 20-01400086: A request by Cotleur & Hearing on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence commonly known as "Burckle Place III" at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use - Federal Highway (MU-FH) zoning district, PCN #s 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

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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
February 18, 2021

Legal Notice No. 38109

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Planning and Zoning Board will conduct a virtual meeting on **March 3, 2021 at 6:00 pm** or soon thereafter to consider the following:

PZB Project # 20-0140050: A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

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

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

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
February 18, 2021

Legal Notice No. 38063

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's **Planning and Zoning Board** will conduct a virtual meeting with an in-person quorum on **March 3, 2021 at 6:00 pm** or soon thereafter and the City of Lake Worth Beach's **Historic Preservation Board** will conduct a virtual meeting on **March 10, 2021** to consider the following ordinance.

Ordinance 2021-01 (PZHP 21-03100001) - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," DIVISION 2 "DEFINITIONS," SECTION 23.1.12 "DEFINITIONS" TO ADD AND CLARIFY USE DEFINITIONS; ARTICLE 2, "ADMINISTRATION", DIVISION 2 "PROCEDURES," SECTION 23.2-16 "QUASI-JUDICIAL PROCEDURES" TO UPDATE AND CLARIFY PROVISIONS RELATED TO AFFECTED PARTIES; AND AMENDING DIVISION 1 "GENERALLY," SECTION 23.3-6 "USE TABLES" TO ALLOW FOR TAKE OUT ESTABLISHMENTS BY ZONING DISTRICT AND TO MODIFY THE ZONING DISTRICT AND REVIEW PROCESS FOR SEVERAL USES; AND ADDING A NEW SECTION 23.4-23 - "TAKE OUT ESTABLISHMENTS" TO CREATE DEVELOPMENT REVIEW STANDARDS FOR TAKE OUT ESTABLISHMENT USES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meetings/>

Public comment will be accommodated prior to and during the meetings through the City's virtual meetings webpage. If you are unable to access the webpage during the meeting, please email pzoning@lakeworthbeachfl.gov. Written responses or comments can be sent to the PZB/HRPB at 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

For additional information, please contact City Staff at 561-586-1687 or email 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, 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 386.0105). 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 assistance is required.

Publish: The Lake Worth Herald
February 11, 2021



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

DATE: February 24, 2021
TO: Members of the Planning and Zoning Board
FROM: Alexis Rosenberg, Senior Community Planner
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability
MEETING: March 3, 2021

SUBJECT: **PZB Project Number 20-01400036**: A request by Coteleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district. The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

PROJECT DESCRIPTION:

The Applicant, Coteleur & Hearing on behalf of The Lord's Place, Inc., is requesting approval of the following:

- 1.) **Residential Urban Planned Development** to construct an eight-unit multifamily development.
- 2.) **Major Site Plan** for the development of a new multifamily building in excess of 7,500 square feet.
- 3.) **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.
- 4.) **Right of Way Abandonment** for the abandonment of the northern 20 feet of 9th Avenue South.

The subject site is made up of 825 South Federal Highway, 827 South Federal Highway, and the northern 20 feet of 9th Avenue South. Once combined, the subject site will be a large lot of approximately 22,950 square feet. Located at the northwest corner of South Federal Highway and 9th Avenue South, the site is currently vacant. The proposed development, Burckle Place III, consists of a 9,021 square foot, one-story residential building inclusive of eight multi-family units, an office associated with the multi-family development, a counseling room, and a common area with kitchen and dining facilities. Based on the floor plan, each unit will be three-bedroom/one-bathroom units, totaling 577 square feet per unit. The parking lot is located in the northeast corner of the site, sideloaded to the south portion of the building and in front of the north portion of the building providing a total of 13 spaces.

The multi-family complex will be owned and operated by The Lord's Place, Inc. Based on the Applicant's market analysis, The Lord's Place, Inc. is a non-profit business in Palm Beach County that aims towards helping the County's homeless population. The proposed Burckle Place III proposes a multi-family residential use with special programming to assist 24 women, who have experienced homelessness, and provide services to help aid their

transition to independent market-rate housing. The housing model prioritizes half of its units for women over the age of 55 and allow women under 55 in age to reside in the remaining units. Burckle Place III will be offering services as part of their housing program including but not limited to case management, basic needs assistance (food, clothing, hygiene items), benefits coordination, therapy, job training, financial literacy, tutoring, and health education. Other activities that will be offered to residents are on-site yoga sessions, meditation, art lessons, and self-defense workshops. Per the applicant, the facility is not a transient shelter, but rather a supportive housing option where individuals would be selected and placed in the multi-family units with access to supportive services.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code and Comprehensive Plan. The proposed development generally meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of the proposed Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment with the recommended conditions of approval. In the conditions of approval, staff has recommended modifications to the project as proposed, including increasing the dumpster enclosure size and providing a secure parking area for eight (8) bicycles. Further, staff is recommending that the PZB further discuss the proposed building massing and orientation.

PROPERTY DESCRIPTION:

Applicant	Cotleur & Hearing on behalf of The Lord's Place, Inc.
Owner	Lords Place Inc.
General Location	Northwest corner of South Federal Highway and 9 th Avenue South
Existing PCN Numbers	38-43-44-27-01-021-0140; 38-43-44-27-01-021-0160
Existing Land Use	Vacant
Zoning	Mixed Use – Federal Highway (MU-FH)
Future Land Use Designation	Mixed Use – East (MU-E)

LOCATION MAP:**BACKGROUND:**

The project site is located at 825 South Federal Highway, 827 South Federal Highway, and the north 20 feet of 9th Avenue South. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 825 South Federal Highway (vacant)
 - April 12, 2000 to September 30, 2001 – Front Row Rentals held a business license for the rental of nine residential units.
 - March 28, 2002 to September 30, 2003 – Front Row Rentals held a business license for a nine-unit motel.
 - September 4, 2003 to September 30, 2006 – G & P Real Estate LLC held a business license for the rental of nine residential units.
 - March 27, 2006 – a commercial demolition permit was issued to demolish the two residential complexes.
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.
- 827 South Federal Highway (vacant)
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.

ANALYSIS:

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is 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 central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The proposed residential development is a residential use proposed along one of the City’s Major Thoroughfares. Therefore, the proposal is consistent with the intent of the MU-E FLU.

The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II.A, and Pillar II.B of the Strategic Plan state that the City shall diversify housing options and continue crime reduction and prevention in achieving a safe, livable and friendly community. Burckle Place III proposes a multi-family residential use with special programming to assist women who have experienced homelessness and provide services to help aid their transition to independent living in market rate housing. The Applicant also proposes security perimeter fencing and two security gates on the site. Therefore, the project is consistent with Pillars II.A and II.B of the City’s Strategic Plan. Pillars II.C, II.D, II.E and II.F are not applicable to this project.

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

Consistency with the City’s Land Development Regulations

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked in the Code 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.

Mixed Use – Federal Highway (MU-FH): Per LDR Section 23.3-16(a), the MU-FH zoning district is intended to provide for limited retail, office, hotel/motel, and low-density multi-family residential development. The proposed residential development provides low-density multi-family housing. As such, the proposal is consistent with the intent of the MU-FH district.

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard	Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)	5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,950 sf (0.52 acres)
Lot Width (min)	50’	50’	170’
Setbacks Front (min)	10’	10’	10’

	Rear (min)	15'	15'	15'
	Street Side (min)	10'	10'	10'
	Interior Side (min)	10'	10'	17'
	Impermeable Surface Coverage (maximum)	55%	55%	54.4%
	Structure Coverage (max)	45%	45%	39%
	Pervious Landscaped Area in Front Yard (min)	900 sf	900sf	1,121 sf
	Living Area for Three-Bedroom Units (min)	900 sf	900 sf	577 sf per unit with 323 sf of indoor common space per unit
	Parking	16	16	13
	Density (max)	20 du/acre (10 units)	25 du/acre (13 units)	16 du/acre (8 units)
	Building Height (max)	30 feet	43.75 feet	14'3" to the average height between the eave and ridge 18'5 1/2" to the top of the ridge
	Floor Area Ratio (FAR) (max)	0.6	1.3	0.35

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The site proposes perimeter landscape buffering as well as landscape screening around the dumpster enclosure and the ground mechanical equipment. The landscape plan can be viewed in Attachment B.

Signage: This application is proposing one 17-square foot monument sign on the site. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.

Lighting and Security: In attempt to reduce the crime potential at this location, the Applicant has included public safety features in the form of lighting, and access control. The Applicant proposes security perimeter fencing and two security gates on the site. The gates are set back 25 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. It has also been noted that there will be overnight security personnel at the site.

Impermeable Surface Coverage: The project as proposed complies with the City's maximum impermeable surface allowance of 55%. The site plan proposes approximately 9,323 square feet of impervious surface area and 6,364 square feet of semi-pervious surface area. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 6,364 square feet of semi-pervious surface area, 3,182 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 12,505 square feet (54.4%).

Major Thoroughfare Design Guidelines: While the project is generally consistent with the City's Major Thoroughfare Design Guidelines, the proposed development does not provide best practices for all elements of the guidelines, including providing a larger building massing and placing the parking fully to the rear of the building. Regarding building massing, page 32 of the City's Major Thoroughfare Design Guidelines states that building massing shall reflect similar dimensions to surrounding buildings and landscape. Block 21 and 30 are comprised of 63.5% one-story buildings, 31.5% two-story buildings, and 5% three-story buildings. While a majority of the block is made up of one-story buildings, the buildings that are adjacent to the subject site are two-story buildings. Therefore, staff recommended the applicant revise the east façade of the building to have the appearance of a two-story building. The applicant responded stating that to the top of the ridge, the building is nearly 19 feet tall. The properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The applicant stated that the proposed building would not be disproportionate in massing to the surrounding properties. Further, the applicant stated that the code requires properties on the edge of zoning districts to be designed to provide a harmonious transition between districts. The subject site is on the edge of the MU-FH and Single Family Residential (SFR) zoning district and the proposed building massing provides a smooth transition between the two districts. The Applicant's complete justification is located in Attachment C.

Regarding the location of the parking area, page 26 of the City's Major Thoroughfare Design Guidelines states that on-site parking shall be placed either behind or on the side of the building, not in the front, whenever possible. Therefore, staff recommended that the applicant consider reconfiguring or flipping the building so that all the parking is located behind the building as feasible. The applicant responded stating that due to site limitations, it is not possible to facilitate parking in the rear of the property as such a design would take up unnecessary space by requiring either a two-way drive aisle or requiring circulation. Parking in the rear of the building would take away from the building and/or landscape area. The applicant emphasized that the site currently proposes a significant landscape buffer around the site especially along South Federal Highway which helps screen the parking from the right of way and adjacent properties. The applicant's complete justification is located in Attachment C. While shielding the parking fully to the rear of the building is preferred, the proposed project does locate a portion of the structure fronting South Federal Highway in lieu of parking located entirely along the frontage. Parking related site constraints include balancing fire rescue access and impermeable surface maximum requirements, a relatively narrow lot depth (133 feet) and the property's mid-block location.

Parking: As part of the residential urban planned development application, an applicant may request a relaxing or waiving of code requirements. For this project, the applicant is seeking to reduce the required parking for the planned development by three parking spaces and has provided justification for the waiver in Attachment C. Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. With the proposed eight three-bedroom units, a total of 16 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces which is three spaces less than what the code requires. Staff is recommending that the waiver request be reduced to a maximum of 1 space and that the project be conditioned to provide secure bicycle parking for eight bicycles on the property.

Minimum Living Area: As part of the residential urban planned development application, an applicant may request a relaxing or waiving of code requirements. As part of the mixed-use planned development application, the applicant is seeking to modify the minimum living area size for individual units and provide equivalent accessible indoor common space for residents. This requires a modification of the requirements in LDR Section 23.3-20(c)(4)(B)(4), which the applicant has provided justification for in Attachment C. Per LDR Section 23.3-20(c)(4)(B)(4), a three-bedroom unit shall have a minimum of 900 square feet. All eight three-bedroom units propose 577 square feet of living area which is 323 square feet less than the code's requirements. The applicant states that the residential building has several communal areas which offsets the need to increase the size of each individual unit. The applicant states that the facility anticipates residents to spend the majority of their time

outside of their units. Staff has analyzed the total space of the communal areas, excluding the office, and that number divided by the total number of units is equivalent to the 323 square feet additional square footage required by the code per unit.

Dumpster Enclosure: The applicant is requesting a waiver to the City's minimum size for a dumpster enclosure. The Public Works Department requires a minimum 12' x 10' dumpster enclosure. While the site plan does show a 12' x 10' dumpster enclosure that complies with the code, the Applicant is requesting a waiver to allow them to reduce the size of the enclosure to 10' x 9'. The Applicant states that based on the residents living on site, the trash generated will be significantly less than a standard multi-family complex. Therefore, the property intends on using a smaller dumpster than what is typically used. It is noted that the Public Works Department is not in support of this waiver request, and requires the dumpster enclosure to remain a 12' x 10' enclosure as reflected in the conditions of approval.

Residential Urban Planned Development:

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

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

The proposed project is a residential urban planned development, for the construction of eight multi-family units. The sections of the LDRs that the applicant is requesting to relax or waive as part of the residential urban planned development are outlined under the "Consistency with the City's LDR Requirements" analysis section above and includes requests to reduce the number of parking spaces, modify the minimum living space configuration and design and reduce the dumpster enclosure size. It is noted that per LDR Section 23.3-25(e)(3), a mixed use urban planned development can have a solely residential use. The criteria below lists the requirements of all residential/mixed use urban planned developments.

Section 23.3-25(e) – Mixed Use Urban Planned Development District

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

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

2. *Minimum area required.* The minimum area required for an urban planned development district shall be 0.5 acres.

Staff Analysis: This residential urban planned development will be situated on a lot of 22,950 square feet, or approximately 0.52 acres, which is over the required minimum area. **Meets Criterion.**

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

Staff Analysis: The project will be solely residential, containing eight three-bedroom multi-family units. **Meets Criterion.**

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

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

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

Staff Analysis: Parking is being provided in the 13-space parking lot located in the northeast corner of the site, sideloaded to the south portion of the building and in front of the north portion of the building. Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. Therefore, because the project proposes eight three-bedroom units, a total of 16 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces which is three spaces less than what the code requires. The Applicant has requested a waiver to the parking requirement as part of the residential urban planned development application. Their waiver justification is located in Attachment C. As mentioned, staff is recommending that the waiver request be reduced to a maximum of 1 space and that the project be conditioned to provide secure bicycle parking for eight bicycles on the property.

Meets Criterion as Conditioned.

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

Staff Analysis: The required landscaping and buffering is being provided along all sides of the project, and conforms to Section 23.6-1. **Meets Criterion.**

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

Staff Analysis: The project site is not located in a commercial or industrial planned development district; the project is located within a residential urban planned development district. Further, the Applicant's photometric plan complies with LDR Section 23.4-3, Exterior Lighting.

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

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

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

Staff Analysis: Staff has conditioned the project to be certified by the Florida Green Building Coalition prior to the issuance of a Certificate of Occupancy. **Meets Criterion.**

Master Development Plan (Major Site Plan):

A master site plan is required in conjunction with a residential urban planned development. The review criteria below is intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The Applicant states that the site is used efficiently to maximize the site's functionality. The properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The Applicant states that the proposed building will not be disproportionate to the surrounding properties and provides a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, [Article 6](#) of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, [Chapter 12](#), Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The Applicant states that aside from a few palms, the site is vacant and is devoid of natural conditions worth noting. Per the landscape plan, new landscaping will be installed to provide environmental and aesthetic improvements to the site. **Meets Criterion.**

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

Staff Analysis: A six-foot-high aluminum fence is proposed around the perimeter of the property in addition to landscape buffering. Landscaping is provided on both sides of fencing along the alley and along the south property line. Landscaping is provided in front of fencing along the north property line and along South Federal Highway. The Applicant states that the fence and landscape buffers intend to enhance site security, privacy, and soften the impact of the fence and the building. **Meets Criterion**

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

Staff Analysis: As mentioned in the criterion above, the site will have perimeter fencing and landscaping on all sides to provide privacy to the residents. Additionally, the site plan proposes two 25-foot wide security gates at the front of the property facing South Federal Highway. The gates are set back 25 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: The Applicant states that emergency vehicles may access the development through the northeast vehicular gate along South Federal Highway which provides emergency access through the front of the building. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: Vehicular access to the site is provided off of South Federal Highway. The north access gate is a one-way ingress while the south gate is a one-way egress point. The site plan labels a “do not enter” sign at the edge of the south gate facing South Federal Highway. **Meets Criterion.**

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

Staff Analysis: There are three entrances to the building, all of which have a walkway that connects the building entrance to the public sidewalk along South Federal Highway. The parking area has direct access to said walkways. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: As stated, vehicular access to the site is provided off of South Federal Highway. The north access gate is a one-way ingress while the south gate is a one-way egress point. The site plan labels a “do not enter” sign at the edge of the south gate facing South Federal Highway. The Applicant states that the site provides one-way onsite traffic circulation so vehicles can enter and exit the site efficiently. The Applicant also states that a majority of the onsite traffic will be limited to staff and van operators. **Meets Criterion.**

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

Staff Analysis: The applicant states that vehicular and pedestrian circulation will be coordinated with the existing street pattern as vehicles will access the site from South Federal Highway. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: There are no on-site public rights-of-way. The application includes a right of way abandonment for the north 20 feet of 9th Avenue South. All vehicular access will be from South Federal Highway. **Meets Criterion.**

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

Staff Analysis: Landscape buffers are provided along the front of the property to screen the parking area from South Federal Highway. Landscape buffers are also provided along the north property line to screen the parking from the adjacent property to the north. The building screens the parking from the south and west properties. The Applicant states that after review of the surrounding site characteristics, proposed building, and vehicular circulation, the ability to accommodate parking in the rear of the property is not possible. To accommodate parking in a different location, the vehicular use area would have to be increased since the driveway would have to be a two-way drive through and would need to wrap around the property. The Applicant states that the property provides lush landscape buffers around the site, specially between the proposed parking area and South Federal Highway. **Meets Criterion.**

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

Staff Analysis: The site plan proposes the dumpster on the north side of the property, enclosed by a concrete wall with stucco finish and opaque powder-coated aluminum gates. In addition to the concrete enclosure, there will be shrub hedging installed around three sides of the enclosure which will be installed at a height of 24 inches and be maintained at a minimum height of 4.5 feet. As noted on page six and seven, the Applicant is requesting a waiver to the City's minimum size for a dumpster enclosure. The Public Works Department requires a minimum 12' x 10' dumpster enclosure. While the site plan does show a 12' x 10' dumpster enclosure that complies with the code, the Applicant is requesting a waiver to allow them to reduce the size of the enclosure to 10' x 9'. The Applicant states that based on the residents living on site, the trash generated will be significantly less than a standard multi-family complex. Therefore, the property intends on using a smaller dumpster than what is typically used. However, the Public Works Department is **not in support** of the waiver request, and requires the dumpster enclosure to remain a 12' x 10' enclosure as stated in the conditions of approval. **Meets Criterion.**

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

Staff Analysis: The Applicant states that the proposal will revitalize the previously vacant site and add a meaningful building and landscaping to the area. The Market Analysis states that the owner and operator of the property, The Lord's Place, Inc., is committed to being good neighbors in the community, continuously maintaining the site and installing safety features that provide privacy and security to its residents. **Meets Criterion.**

The multi-family complex will be owned and operated by The Lord's Place, Inc. Based on the Applicant's market analysis, The Lord's Place, Inc. is a non-profit business in Palm Beach County that aims towards helping the County's homeless population. The Burckle programs at The Lord's Place are focused on providing safe and secure housing and full supportive services for women who are suffering homelessness. The proposed Burckle Place III is intended to be a supportive housing program serving 24 single women transitioning out of homelessness. The housing model prioritizes half of its units for women over the age of 55 and allow women under 55 in age to reside in the remaining units. Burckle Place III will be offering services as part of their housing program including, but not limited to, case management, basic needs assistance (food, clothing, hygiene items), benefits coordination, therapy, job training, financial literacy, tutoring, and health education. Other activities that will be offered to residents are on-site yoga sessions, meditation, art lessons, art lessons, and self-defense workshops.

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

Staff Analysis: The subject site is within the MU-FH zoning district and surrounded by MU-FH zoned properties to the north, east, and south. To the west are properties in the SFR zoning district comprised on single family and multi-family residences. The Applicant states that the massing of the building and the landscape buffering will provide a smooth transition from the MU-FH zoning district to the neighboring SFR zoning district. **Meets Criterion.**

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

Staff Analysis: The Applicant states that the surrounding properties are developed and primarily residential in nature. The proposal is consistent with the existing area and considers future development and redevelopment in the vicinity of the subject site. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Staff Analysis: The Applicant states that the proposal is architecturally tasteful. Through the City's preliminary review process and the site plan review process, the architecture has greatly improved from what was originally proposed. **Meets Criterion.**

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Staff Analysis: The Applicant states that the proposed facility will not be of inferior quality in regards to construction materials or appearance. The owner of the property, Lord's Place Inc., owns and operates other residential facilities in the City, and prides themselves on maintaining safe and clean sites. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, and generally consistent with the City's LDRs and Major Thoroughfare Design Guidelines with the exception of certain criteria itemized on page six. The Applicant states that the site has been carefully designed to be efficient, easily accessible, and provides landscaping material with consideration to each species selected and its location. **Meets Criterion.**

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

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

Conditional Use Permit:

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

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

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

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

Staff Analysis: The site contains a zoning designation of MU-FH. Based on the intent of the MU-FH zoning district, uses most likely to occur in the district are retail, office, hotel/motel, and low-density multi-family uses. The use of this project, which is multi-family residential, is consistent with the types of uses anticipated to occur in the MU-FH zoning district and the MU-E future land use area. Therefore, the proposed residential urban planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -E	MU-FH	Multi-family Residences
South (adjacent)	MU -E	MU-FH	New Sungate Motel
East (across S Federal Hwy)	MU -E	MU-FH	Multi-family Residences
West (across alleyway)	SFR	SFR	Mixture of Single-Family and Multi-Family Residences

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial and residential uses. The proposed use of multi-family residential is consistent with the surrounding commercial and residential uses. As it relates to the building massing, the properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The Applicant states that the proposed building will not be unproportionate to the surrounding properties and provides a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **Meets Criterion.**

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

Staff Analysis: The proposal is not anticipated to result in greater harm than a use permitted by right. The Applicant has expressed that the property owners, The Lord’s Place, Inc., intends on being a good neighbor in the community and has other sites in the City that can be looked at as an example for how they maintain their properties and run their program. **Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

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

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

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: Based on the Palm Beach County Traffic Concurrency Letter, the subject site is located within the Coastal Residential Exception Area. Therefore, the multi-family proposal is exempt from the Traffic Performance Standards of Palm Beach County. Additionally, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Based on the code, a maximum of eight 900 square foot units are

permitted by right on the site, as the total gross area of eight 900 square foot units is 7,200 square feet which does not require a Conditional Use Permit review. The Florida Department of Transportation's (FDOT) Trip Generation Table (8th Edition) shows that eight multi-family units are anticipated to generate 53 daily trips, five being PM peak trips. Because the trip generation analysis is based on the number of units and not the square footage of the residential building, the proposal will not generate higher traffic volumes than a use permitted by right at this site. The Applicant has provided a traffic study as part of the application which can be viewed in Attachment C. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: As stated, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Therefore, the project is not anticipated to produce a greater amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

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

Staff Analysis: Staff does not anticipate the proposed 8-unit multi-family development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential use does not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The proposal includes a 20-foot right of way abandonment of 9th Avenue South. However, the project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

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

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

Staff Analysis: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the Applicant has proposed perimeter security fencing with two electronic vehicular gates on the east side of the site facing South Federal Highway. The gates are set back 25 feet from the outer edge of the sidewalk

to prevent stacking of automobiles in the public right of way. It has also been noted that there will be overnight security personnel at the site. **Meets Criterion.**

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

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

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

The requested use is for an 8-unit multi-family residential project. The Applicant has stated that there will be outdoor activities, such as yoga, for the residents to partake in. However, such uses are not anticipated to cause unreasonable noise during the hours listed above. The listed outdoor activities are also similar in nature to other outdoor activities accessory to multi-family uses. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

Staff Analysis: The photometric plan provided complies with LDR Section 23.4-3, Exterior Lighting. If approved, the project shall continue to comply with the City's exterior lighting code. **Meets Criterion.**

Right of Way Abandonment

The proposal includes a right of way abandonment for the north 20 feet of 9th Avenue South. The City Commission will consider this request concurrently with the residential urban planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment and then will consider the ROW abandonment request. If approved, the northern portion of the ROW would be granted to the subject property owner and the southern portion would be granted to the property owner to the south, located 901 South Federal Highway. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer.

Public Support/Opposition:

Staff has received four letters of opposition from Mr. Patton, Mr. Efinger, Ms. Tobias, and Ms. Millman-Ide.

CONCLUSION:

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

Electric Utilities:

1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:

- a. Provide electrical plans and ensure the plans include the electrical riser diagram.
 - b. Indicate the voltage the project requires and whether a three-phase or single-phases is needed.
2. The electrical services for the proposed building will come from the rear alley.
3. If the customer is wanting the service to be fed by a padmount transformer, the City will need a 10-ft-wide utility easement for the padmount transformer location and the electrical line that will be run from the new pole to the padmount transformer. A padmount transformer will need 8-ft minimum clearance in front of it and 3-ft minimum clearance on the sides and rear of it, including any landscaping. The customer will be responsible for installing any electrical conduit needed by Lake Worth Beach and at the proper depths.
4. If the electric service will only need one meter, and if this service is larger than 320 amps, the electric service will need to be run through a CT Cabinet and be CT-metered.

Planning and Zoning:

1. Per LDR Section 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls, regardless whether it is visible from the street.
2. While the building and mechanical equipment may be located in the 20-foot abandoned ROW area, they shall not be located within utility easement. If an easement is required, an updated survey shall be submitted prior to the issuance of a building permit and reflect the easement and the right of way abandonment.
3. All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in [LDR Section 23.4-3](#). LED lighting shall have a warm tone of 3000K or less and light fixtures shall be shielded dark skies compliant and consistent with the architectural style of the building. A photometric plan shall be required fourteen (14) days prior to first reading of the City Commission, or shall be required to be processed as a minor site plan amendment.
4. Prior to the issuance of a building permit, submit the manufacturing details of the pervious parking pavers. The details shall include the pavers' percolation rate which shall be at least 50% relative to the ground percolation rate.
5. Per the site plan, the development proposes 6,364 square feet of semi-pervious surface to meet the maximum impermeable surface requirement. Therefore, prior to the issuance of a building permit, documentation shall be provided to staff showing the percolation rate of the semi-pervious paving material to ensure that has a percolation rate that is at least 50% rate to the ground percolation rate. Also include a paver maintenance plan to ensure that it will maintain its permeability over time.
 - a. Note that if the semi-pervious pavers are converted to impervious surface area at any time, the project would exceed the code's maximum impermeable surface coverage allowance and thus, the Applicant would need to apply for a Planned Development amendment.
6. All vehicular and pedestrian gates shall not swing into the ROW or adjacent property.
7. Install a "do not enter" sign at the north vehicular ingress point facing west to internal traffic.
8. Prior to the issuance of a Certificate of Occupancy, the building shall be certified by the Florida Green Building Coalition.
9. All proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.
10. The minimum living area requirement in Section 23.3-20(c)(4)(B)(4) shall be met through the provision of a minimum unit size of 577 sf per 3 bedroom unit and the equivalent indoor common space area that is accessible to residents for a total of 900 sf per each 3 bedroom unit.

Public Works:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - b. The applicant shall revise the dumpster enclosure to meet City standards for standard minimum dimensions (12'x10'). City standards and specifications shall be met.
 - c. The applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. The applicant shall 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.
 - b. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - c. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - d. The applicant shall 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.
 - e. All conditions of approval shall be satisfied under jurisdiction of the Department of Public Works.
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. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.

Utilities Water & Sewer:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Submit proof of approval from the Florida Department of Transportation (FDOT) on access management for driveway cuts.
 - b. Prepare a sketch and legal descriptions for the easement over the fire hydrant. There are two sketch and legal descriptions anticipated since the fire hydrant will be centered over what will now be the property lines.
 - c. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - d. Reserved capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-0140036 with staff recommended **conditions** for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to construct an eight-unit multifamily development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-0140036 for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to construct an eight-unit multifamily development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

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

ATTACHMENTS:

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



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

DATE: February 24, 2021
TO: Members of the Planning and Zoning Board
FROM: Alexis Rosenberg, Senior Community Planner and Andrew Meyer, Senior Community Planner
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability
MEETING: March 3, 2021

SUBJECT: **PZB Project Number 20-01400047:** A request by WGI, an engineering and land development firm, on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development at the northwest corner of 10th Avenue North and Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

PROJECT DESCRIPTION:

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

- 1.) **Residential Planned Development** to construct a 230-unit multifamily development.
- 2.) **Development of Significant Impact** to construct a residential development in excess of 100 units.
- 3.) **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
- 4.) **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.
- 5.) **Sustainable Bonus Incentive Program** for an additional density, intensity and height.

The subject site is comprised of seven parcels totaling 6.39 acres. The site is located west of the 10th Avenue North and Boutwell Road intersection and is currently vacant. The site was previously approved for a Major Site Plan and Sustainable Bonus Incentive Program, known as Golden Roads, which consisted 189 multi-family apartments. The new proposed development, also referred to as Golden Roads, consists of five residential buildings and clubhouse/mailroom building. The project proposes a total of 230 multi-family units. Of the 230 units, 104 units will be one-bedroom units, 117 units will be two-bedroom units, and nine units will be three-bedroom units.

There are 379 parking spaces provided on site with a portion of the parking side-loaded to the south building and the remaining parking spaces are located interior to the site. Of the 379 parking spaces, 280 spaces will be standard spaces, 82 spaces will be compact spaces, and 13 spaces will be provided in the form of bicycle racks. Additionally, the development proposes electric vehicle charging stations that will service 15 spaces.

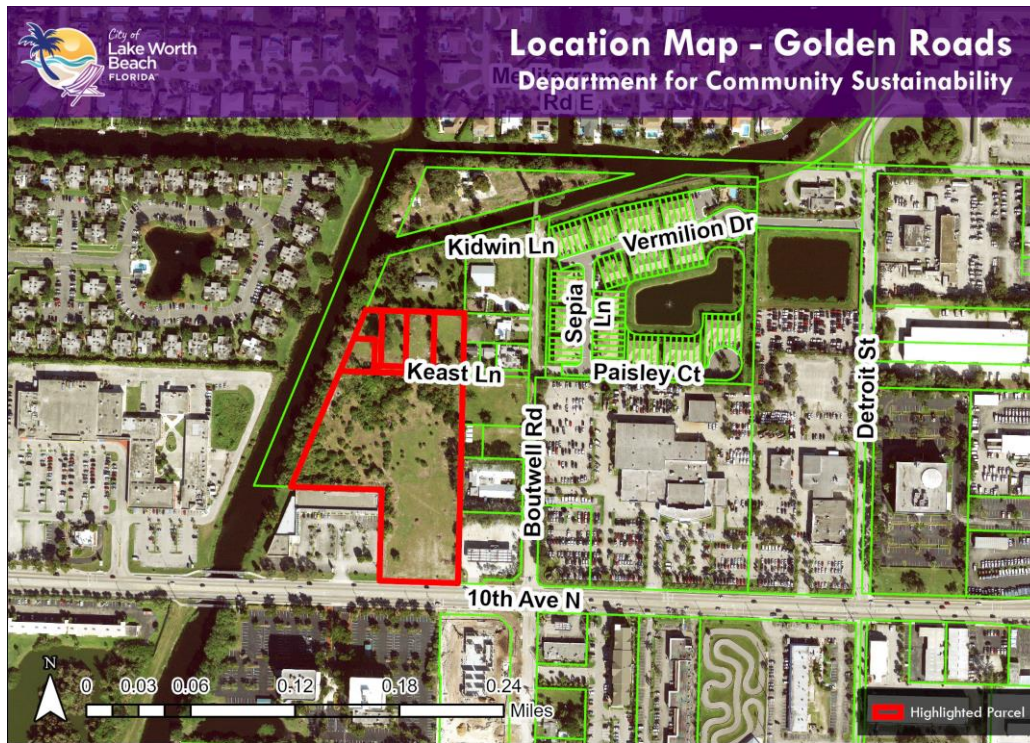
Staff Recommendation:

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

PROPERTY DESCRIPTION:

Applicant	Yoan Machado of WGI
Owner	Lake Worth Investment Group, LLC
General Location	West of the 10 th Avenue North and Boutwell Road intersection
Existing PCN Numbers	38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; 38-43-44-20-01-004-0010
Existing Land Use	Vacant
Zoning	Mixed Use – West (MU-W)
Future Land Use Designation	Mixed Use – West (MU-W)

LOCATION MAP:



BACKGROUND:

The project site is located west of the 10th Avenue North and Boutwell Road intersection. Based on Palm Beach Property Appraiser's records and City records, all seven parcels have remained vacant and do not have any active business licensees linked to the site. Additionally, a search performed on February 10, 2021 indicated that there are no open code compliance violations linked to the properties.

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

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The proposed residential development is a high-density residential use in this district where there is a significant amount of existing non-residential uses. The addition of these units and would further the policy objective of increasing residential development within the zoning district. Therefore, the proposal is consistent with the intent of the MU-W FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II.A, and Pillar II.B of the Strategic Plan state that the City shall diversify housing options and continue crime reduction and prevention in achieving a safe, livable and friendly community. Golden Roads proposes a multi-family residential development that is consistent with Pillar II.A and Pillar II.B. Further, the proposal is consistent with Pillar IV.A of the Strategic Plan which states that the City shall achieve economic and financial sustainability through a versatile and stable tax base.

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

Consistency with the City's Land Development Regulations

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

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

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard	Base Zoning District	Residential Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)	5,000 sf	Greater or equal to 217,800 sf (5 acres)	278,340 sf (6.39 acres)
Lot Width (min)	50'	50'	230'
Setbacks	Front (min)	20'	28'
	Rear (min)	15'	18'
	Side (min)	10'	20'
Impermeable Surface Coverage (maximum)	65%	65%	61%
Structure Coverage (max)	50%	50%	21%
Pervious Landscaped Area in Front Yard (min)	900 sf	900sf	3,216 sf
Living Area (min)	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 665 sf 2-bed: 881 sf 3-bed: 1,171 sf
Parking	379	379	379
Density (max)	30 du/acre (191 units)	37.5 du/acre (239 units)	36 du/acre (230 units)
Building Height (max)	30 feet	81.25 feet	Bldg I – 34'8" Bldg II – 34'8" Bldg III – 52' Bldg III Hybrid – 54' Clubhouse – 24'4"
Floor Area Ratio (FAR) (max)	1.30	2.25	0.74

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

Signage: This application is proposing one monument sign on the south end of the site facing 10th Avenue North. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.

Lighting: The applicant has not submitted a photometric plan. Therefore, staff has conditioned the applicant to provide a photometric plan at least 14 days prior to the first City Commission hearing showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon

neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant.

Density: The base zoning district allows a maximum density of 30 units per acre. Based on Policy 1.2.3.4(3) of the City's Comprehensive Plan, residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 units per acre plus 25% equals a maximum density of 37.5 units per acre (239 units). The proposed residential planned development proposes a density of 36 units per acre (230 units) which is less than the maximum density allowed on this property.

Height: The base zoning district allows a maximum building height of 30 feet. Per LDR Section 23.3-18(c)(2)(B), blocks fronting 10th Avenue North may obtain an additional 35 feet in height under the City's Sustainable Bonus Incentive Program. Additionally, Policy 1.2.3.4(3) of the City's Comprehensive Plan states that residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 feet plus 35 feet plus 25% equals a maximum height of 81.25 feet. The highest building height proposed for this project is 54 feet which is less than the maximum allowed building height for this property.

Floor Area Ratio (FAR): The base zoning district allows a maximum FAR of 1.30. Per LDR Section 23.3-18(c)(7)(D), an additional 0.5 of FAR shall be granted under the City's Sustainable Bonus Incentive Program. Additionally, Policy 1.2.3.4(3) of the City's Comprehensive Plan states that residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 1.30 plus 0.5 plus 25% equals a maximum allowed FAR of 2.25. The project proposes a total FAR of 0.74 which is less than the maximum allowed FAR for this property.

Impermeable Surface Coverage: The project as proposed complies with the City's maximum impermeable surface allowance of 65%. The site plan proposes approximately 137,293 square feet of impervious surface area and 61,675 square feet of semi-pervious surface area. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 61,675 square feet of semi-pervious surface area, 30,837 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 168,130 square feet (61%).

Major Thoroughfare Design Guidelines / Urban Design: The project generally complies with the City's Major Thoroughfare Design Guidelines. The Development Review Official has recommended the following action to further enhance the buildings' architecture, which has been include as a staff recommended condition of approval:

- Add glazing/fenestration to the front façade of the west side of Building Type III – Hybrid as the plans currently show the façade as a large expanse of blank wall above the second floor.

Waivers Requested:

The application is not requesting any deviations from the Code as part of this request.

Residential Urban Planned Development:

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

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

The proposed project is a residential planned development for the construction of 230 multi-family units. The criteria below lists the requirements of all residential planned developments.

Section 23.3-25(c) – Residential Planned Development District

1. *Location.* RPDs may be created in any residential district.

Staff Analysis: The proposed subject site is located within the MU-W zoning district. Per LDR Section 23.3-18(b), multi-family residential uses may be established subject to the provisions of LDR Section 23.3-11, Medium Density Multi-Family Residential (MF-30). Because the MF-30 zoning district is a residential district, the application complies with this criterion. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for a residential planned development district west of I-95 shall be 5 acres.

Staff Analysis: This residential planned development will be situated on a lot of 6.39 acres, which is over the required minimum area. **Meets Criterion.**

3. *Permitted uses.* Within any residential planned development, any use permitted in the underlying zoning district is permitted.

Staff Analysis: The project will be solely residential, containing 230 multi-family units. Per the City's Use Table, LDR Section 23.3-6, multi-family is permitted by right in the MU-W zoning district. **Meets Criterion.**

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

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

5. *Parking and loading space requirements.* Parking and loading spaces for all uses within a residential planned development district shall be provided as required. No off-street parking shall be located within a required setback area.

Staff Analysis: The proposed project has not requested to waive or reduce any of the requirements associated with parking. However, parking is located within the required side setback area of 10 feet. In lieu of the side setback of 10 feet, the applicant is proposing to provide a 6ft fence with a 5 ft landscape buffer with trees along the property line. Staff has proposed an additional landscape related condition of approval to ensure adequate screening of the parking areas.

6. *Landscaping.* Landscaping, tree protection, screening and buffering shall be provided as required by section 23.6-1. However, additional landscaping, screening, and buffering may be required to provide additional privacy and protection for residents within a planned development district and adjacent property owners.

Staff Analysis: Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along 10th Avenue North and a five-foot landscape buffer around the perimeter subject site. A meandering path is also provided along 10th Avenue North providing additional buffering along the public right of way. **Meets Criterion.**

7. *Signs.* Signs may be erected pursuant to the provisions in Section 23.5-1.

Staff Analysis: This application is proposing one monument sign on the south end of the site facing 10th Avenue North. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1. **Meets Criterion.**

Development of Significant Impact (DSI):

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

Per LDR Section 23.2-35, a proposed DSI and any amendments to an approved DSI shall be reviewed and approved in accordance with the procedures and requirements for a Conditional Use Permit except that the City Commission shall be the decision maker and not the Planning and Zoning Board or the Historic Resources Preservation Board. The Conditional Use Permit criteria is outlined in the conditional use analysis within this report on page 10.

Master Development Plan (Major Site Plan):

A master site plan is required in conjunction with a residential planned development. The review criteria below is intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The Applicant states that the site is designed harmoniously and provides a residential use along a corridor that is a majority non-residential, thus providing the residential mix that the MU-W district anticipates. The Applicant also states that the modern contemporary architecture style is harmonious with nearby modern style redevelopment such as the Woodsprings Suites Hotel and the Wyndham Hotel. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to

development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The Applicant states that the site will not be disturbed in such a manner as to significantly increase either wind or water erosion on or adjacent to the subject site. Further, the site will be managing drainage on-site. **Meets Criterion.**

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

Staff Analysis: Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along 10th Avenue North and a five-foot landscape buffer around the perimeter subject site. A meandering path is also provided along 10th Avenue North providing additional buffering along the public right of way. **Meets Criterion**

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

Staff Analysis: The proposed development staggers the building orientation of each building and locates a majority of the residential buildings in the center of the site to promote privacy for its residents. As mentioned above, the site also provides landscape buffering around the perimeter of the property. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: Emergency access is provided to all buildings. There is also secondary emergency access provided at the southeast portion of the site. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: Pedestrian pathways are provided on the site separate from the vehicular circulation to assist in safe and efficient circulation. Further, the site plan proposes a meandering path along 10th Avenue North that connects to the sidewalk along 10th Avenue North to the pedestrian pathways internal to the site. **Meets Criterion.**

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

Staff Analysis: As stated above, the site provides safe pedestrian circulation interior to the site. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property.

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

Staff Analysis: As stated, vehicular access to the site is provided off of 10th Avenue North. A security gate is located about 210 feet into the property. While the applicant attempted to gain an access point from Keast Lane to the northeast, Keast Lane is privately-owned right-of-way and the owner was not willing to allow an access point to the site from Keast Lane. **Meets Criterion.**

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

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

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: There are no on-site public rights-of-way. The application includes a 15 foot right-of-way dedication along 10th Avenue North for future road-widening projects. **Meets Criterion.**

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

Staff Analysis: Landscape buffers are provided along the front of the property to screen the parking area from 10th Avenue North. Additionally, landscape buffers are proposed around the perimeter of the property to provide screening from the parking areas that are not already screened by buildings. **Meets Criterion.**

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

Staff Analysis: The site plan proposes the dumpster on the west side of the property enclosed by an opaque wall. This application has been conditioned so that prior to the issuance of a building permit, the Applicant shall ensure that all dumpster and refuse areas are screened with opaque fencing or walls that comply with LDR Section 23.4-4 and provide an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24 inches at installation and shall be maintained at no less than $\frac{3}{4}$ of the total height of the enclosure. **Meets Criterion as Conditioned.**

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

Staff Analysis: The proposed project will revitalize the vacant site, constructing 230 multi-family units, and further add to the City's tax base. **Meets Criterion.**

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

Staff Analysis: The subject site is within the MU-W zoning district and surrounded by MU-W zoned properties to the north, east, and south. To the west is the E-4 Keller Canal and a commercial plaza located in Unincorporated Palm Beach County. The project proposes a development that is consistent with the MU-W zoning district and the development incentives in the City's Comprehensive Plan. **Meets Criterion.**

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

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

Section 23.2-31(l): Community Appearance Criteria

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

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

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

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

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, the City's LDRs and Major Thoroughfare Design Guidelines. The Applicant states that the site is designed harmoniously and provides a residential use along a corridor that is a majority non-residential, thus providing the residential mix that the MU-W district anticipates. The Applicant also states that the modern contemporary architecture style is harmonious with nearby modern style redevelopment such as the Woodsprings Suites Hotel and the Wyndham Hotel. **Meets Criterion.**

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

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

Conditional Use Permit:

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

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

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

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

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

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -W	MU -W	Single-family residence
South (across 10 th Ave N)	MU -W	MU -W	Under construction – Future Wyndham Hotel
East (adjacent)	MU -W	MU -W	Vacant lots, office, and gas station
West (adjacent)	N/A	General Commercial (GC) – Unincorporated PBC	E-4 Keller Canal and a commercial plaza

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial and residential uses. To the north of the site is a single-family residence, and to the east are a mixture of vacant lots, office space, and a gas station. To the south of the site, across 10th Avenue North, is the future site of the Wyndham Hotel which is currently under construction. To the west, is the E-4 Keller Canal and a commercial plaza that is

located in Unincorporated Palm Beach County. The proposed use of multi-family residential has been found to be consistent with the surrounding commercial and residential uses. **Meets Criterion.**

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

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

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

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

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

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: Based on the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach County. The conditions imposed by the Palm Beach County Traffic Division have been satisfied based on the site plan. Additionally, per the Florida Department of Transportation's Trip Generation Table, 8th Edition, a 230-unit apartment complex is anticipated to generate 143 PM peak trips. Multi-family residential has a lower trip generation rate than single-family residential, which is a by right use. A project with 150-single-family homes would generate 152 PM peak trips. Therefore, the proposal is anticipated to generate less trips than a use permitted by right. The Applicant's Traffic Study can be viewed in Attachment C. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: Per the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach County. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

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

Staff Analysis: Staff does not anticipate the proposed 230-unit multi-family development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential use does not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The proposal includes a 15-foot right of way dedication for future road-widening projects. However, the project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

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

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

Staff Analysis: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the Applicant has proposed perimeter security fencing with a vehicular gate placed about 210 feet into the property which will prevent the stacking of automobiles in the public right of way. **Meets Criterion.**

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

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

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

The requested use is for a 230-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

Staff Analysis: The Applicant has not submitted a photometric plan. Therefore, staff has conditioned the Applicant to provide a photometric plan at least 14 days prior to the first City Commission hearing showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be

compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

Sustainable Bonus Incentive Program

The proposal includes a Sustainable Bonus Incentive Program to obtain additional height and additional density from the base zoning district, MU-W. Per Policy 1.2.3.4(3) of the City's Comprehensive Plan, residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 units per acre plus 25% equals a maximum density of 37.5 units per acre (239 units). The proposed residential planned development proposes a density of 36 units per acre (230 units) which is 39 units greater than what the base zoning district allows. The Sustainable Bonus value is \$10 per square foot of additional density. Because the average unit size is 949.6 square feet, the total required Sustainable Bonus value for this project is \$494,750 (949.6 sf x 39 units x \$10). Based on the Applicant's Sustainable Bonus Spreadsheet in Attachment C, the Applicant will obtain Florida Green Building Certification for all proposed buildings prior to the issuance of a Certificate of Occupancy. Florida Green Building Certification counts towards 50% of the total Sustainable Bonus value (\$247.375). The remaining \$247.375 in sustainable features are being met through a 15-foot right of way dedication, a public sidewalk along 10th Avenue North, on-site amenities including a pool and deck area, fitness room, cabana, tot lot, and a dog park, and lastly, a school bus shelter is being provided on site along 10th Avenue North. As mentioned, a detailed break-down of the Sustainable Bonus features are outlined in the spreadsheet in Attachment C.

Public Support/Opposition:

Staff has not received any letters of support or opposition.

CONCLUSION:

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

PB County Fire:

1. Fire department access shall be no less than 20 feet.

Electric Utilities:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide the voltage requirements of the existing six buildings proposed on the site and indicate whether they will be single-phase or three-phase. Buildings "A" and "C" must be three-phase since a single-phase transformer cannot handle the load of the proposed five-story buildings.
 - b. Indicate whether other services will be needed for the project such as irrigation, lift station, lighting, gates, etc. and where these services will be.
 - c. Identify the location for the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum

- clearance in the front of them and three-foot minimum clearance on the sides and rear, including landscaping.
- d. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the construction plans showing the water, sewer, drainage, paving, landscaping, and lighting for the project.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. Provide a 10-foot wide utility easement for all of the electric lines, transformers and other equipment that will need to be installed to provide power to this project.
 - b. The customer will be responsible for installing all schedule-40 gray conduit that will be needed by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a 42" minimum depth. Pad specs will be given to the customer to show the proper orientation of conduit at the padmount transformers.

Community Services Landscaping:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. Show all ground level mechanical equipment such as A/C Condensers on landscape plans. All ground level mechanical equipment including private lift stations must be screened by shrubs and/or opaque fencing or walls. Show the required screening on plans.
 - b. Landscape is required at the base of the entrance sign. Show this on the landscape plan or provide a separate sign plan which shows the required landscape.
 - c. The dumpster enclosure shall be screened with landscaping in a manner consistent with the code requirements.
 - d. Shrubs located in landscape areas between parking and vehicular use areas and a chain link fence shall be maintained a minimum of height of no less than 4 ft to provide screening of parking and vehicle use areas from adjacent properties.

Planning and Zoning:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. A complete signed and sealed plan set shall be submitted to the City's Planning and Zoning Division at least 14 days prior to the first City Commission reading. Said plans shall be revised to depict the following:
 - i. Show the location and screening method of all mechanical equipment, including AC equipment, on the site plan. Per LDR Sec. 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or other similar type open fencing shall not be permitted. If the mechanical equipment will be located on the roof, provide a roof diagram with the mechanical equipment location labeled. Note that per LDR Section 23.4-21(1), all roof-mounted equipment visible. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment.
 - ii. Per LDR Section 23.4-4(e)(1)(C), along side and rear property lines adjacent to roadways, fencing shall be setback a minimum of 30 inches and require a landscape screen that shall be maintained at a minimum height of 24 inches. Therefore, the portion of fencing along the east property line that is adjacent to Keast Lane shall be setback 30 inches with

- the required landscape screening. Show the new fence placement and screening on the revised plan set.
- iii. Per LDR Section 23.4-4(e)(3)(B), chain link fencing visible from all rights of way shall have a landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of 24 inches at installation and shall be maintained at no less than 3/4 of the total height of the fence. Therefore, the portion of chain link fencing that is visible from 10th Avenue North shall have the required landscape screening. Show said landscaping on the revised plan set.
 - iv. Note on the landscape plans that shrubs planted in landscape areas between parking and vehicular use areas with chain link fencing shall have a minimum planting depth of 24 inches at installation and shall be maintained at no less than 4 feet in height to provide a continuous landscape screen. This shall not apply to areas with an opaque fence that provides full screening of the parking and vehicular use area.
 - v. Identify a designated ride share parking space or drop-off/pick-up area outside of the gate.
 - vi. The landscape plan shall be updated to address the landscape comments and the required screening of the dumpster and refuse. These areas are required to be screened with opaque fencing or walls with an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24 inches at installation and shall be maintained at no less than ¾ of the total height of the enclosure.
 - vii. Provide a photometric plan showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant.
- b. Provide a statement indicating how package and mail delivery will function on the property. Staff may require the parking area for package and mail delivery services to be identified on the site plan if needed for clarity. Currently, a clubhouse/mailroom is identified on the site plan within the gate. Another mail facility is identified on the first floor of the building outside gate on the architectural plans, but not the site plan.
2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. All traffic requirements outlined in the Palm Beach County Traffic Division's TPS letter shall be completed.
 3. Prior to a Certificate of Occupancy, the following actions shall be completed:
 - a. The project site shall be replatted in accordance with the procedures and regulations outlined in LDR Section 23.5-2. All platting shall be finalized prior to construction. Note that per LDR Section 23.3-5(h)(4)(D), *"if a zoning change is involved, certification from the department for community sustainability shall be furnished to the city clerk indicating that the change requested has been approved and is in effect, and that the size of lots and other features shown on the plat conform to all zoning requirements. Signing of the final plat by the city clerk shall constitute such certification."*
 - b. An application to replat the property is shall be submitted to the City's Planning and Zoning Division.

4. All signage shall be applied for on a separate building permit and shall comply with LDR Section 23.5-1, Signage.
5. Per the site plan, the development proposes 61,675 square feet of semi-pervious surface to meet the maximum impermeable surface requirement. Therefore, prior to the issuance of a building permit, documentation shall be provided to staff showing the percolation rate of the semi-pervious paving material to ensure that has a percolation rate that is at least 50% rate to the ground percolation rate. Also include a paver maintenance plan to ensure that it will maintain its permeability over time.
 - a. Note that if the semi-pervious material is converted to impervious surface area at any time, the project would exceed the code's maximum impermeable surface coverage allowance and thus, the Applicant would need to apply for a Planned Development amendment.

Urban Design:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. Front main building - Building Type III-H – the floor plans of the residential units on the west side of the structure do not match the colored elevations or the renderings. The colored elevations and renderings show a large slider and a smaller accent window. The floor plans only show what are likely two smaller accent windows. The plans should be updated for consistency and clarity.
 - b. The front façade on the west side of the Building Type III-H remains a large expanse of blank wall above the second floor, additional fenestration is required. Plans should be updated for consistency with this condition.

Public Works:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - b. The applicant shall ensure that the dumpster enclosure meets the specifications of the Public Services Department.
 - c. The applicant shall complete the right of way permit from Palm Beach County for the construction of improvements on 10th Avenue North.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. The applicant shall 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
 - b. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - c. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
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.

Utilities Water & Sewer:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission reading:
 - a. Paving/Grading/Drainage:
 - i. The drainage plan shall address management of stormwater runoff in the green spaces surrounding the apartments. This shall be supported with signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
 - ii. The City's drainage policy is that project site must contain the 3-yr 1-hour storm event on site, this equates to 2.6" of rainfall. Other regulating agency policy's still apply and the design must meet the most stringent of these requirements.
 - iii. The final grading plan shall include cross sections from the paved area/buildings to the end of property boundary for each property line and each cross section change.
 - b. Water and Sewer:
 - i. The watermain & forcemain tie-in locations must be designed and coordinated with the future pipeline extensions planned in 10th Ave N.
 - ii. Water Utilities must be centered or arrange in a dedicated utility easement. Minimum size of dedicated easements is 15-foot.
 - iii. The utility plan and the proposed landscaping shall pair well with the underground utility infrastructure as well as underground storage. There are locations where gumbo limbo trees are proposed in a tree island that is shared with fire hydrant, due to the root structure of this tree it is not recommended. Fire lines and water service line shall be well planned to avoid interaction with growing root systems.
2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide copies of the required SFWMD and LWDD permits
 - b. Reserved capacity fees for water and sewer shall be paid in full per phase plan.

Lake Worth Drainage District (LWDD):

1. Prior to submitting a LWDD permit, and prior to the issuance of a city building permit, the following actions shall be completed:
 - a. The outfall connection into the E-4 Canal shall be constructed and stabilized with rip-rap rubble for 25 feet on the center of the RCP outfall pipe. The depiction of the rip-rap rubble indicates 20 feet. Revise to 25 feet on the Civil Engineering Plans.
 - b. The canal bank shall be stabilized with rip-rap rubble for the length of the project. Show rip-rap rubble detail along the length of the project.
 - c. All other requirements from the LWDD shall be met.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-01400047 with staff recommended **conditions** for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to construct a 230-unit multifamily development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-01400047 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus

Incentive Program to construct a 230-unit multifamily development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

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

ATTACHMENTS:

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



DATE: February 24, 2021
 TO: Members of the Planning and Zoning Board
 FROM: Andrew Meyer, Senior Community Planner
 THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability
 MEETING: March 3, 2021

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

PROJECT DESCRIPTION:

The Applicant, Janet Rosa and Matt Fino, is requesting approval of the following:

- 1.) **Major Site Plan** for the development of a 7,835 square foot residential triplex (page 4).
- 2.) **Sustainable Bonus Incentive Program** for the addition of a third floor totaling 3,004 square feet (page 8)
- 3.) **Conditional Use Permit** to establish residential uses in excess of 7,500 square feet (page 9).

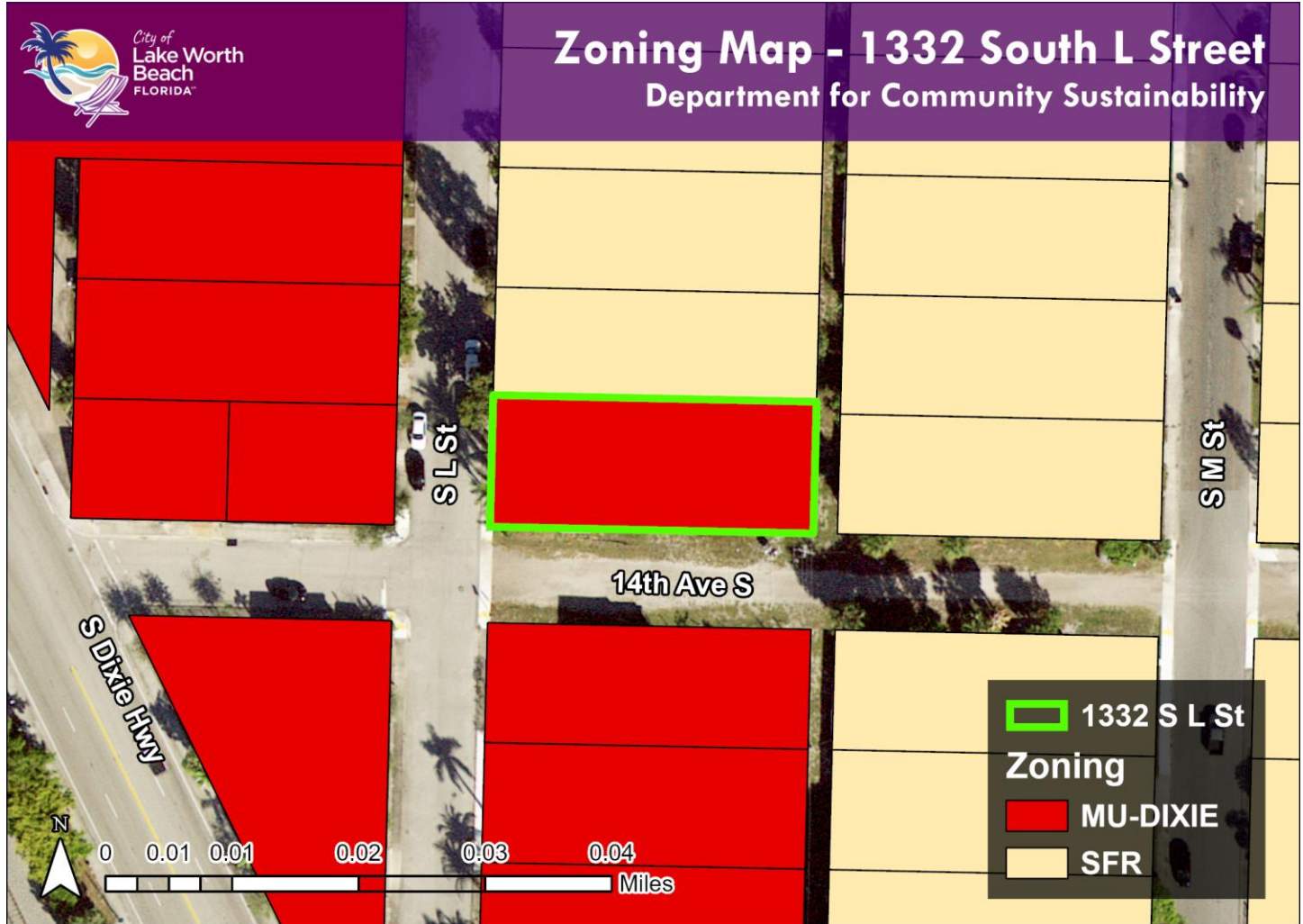
The subject site is 1332 South L Street, is located at the northeast corner of South L Street and 14th Avenue South, and has an area of 7,430 square feet. The PCN is 38-43-44-27-01-064-0010. The proposed development consists of a 3-unit multifamily residential building, with each unit containing 4 bedrooms, 3.5 bathrooms, and a garage.

Staff Recommendation:

Staff has reviewed the documentation and materials provided. In applying the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations and Comprehensive Plan, the proposed development meets the criteria and intent of the LDRs and Comprehensive Plan. Staff recommends that the Board approve the Major Site Plan with Sustainable Bonus and Conditional Use Permit as conditioned starting on page 11.

PROPERTY DESCRIPTION:

Applicant	Janet Rosa and Matt Fino
Owner	Janet Rosa
General Location	Northeast corner of South L Street and 14 th Avenue South
PCN Number	38-43-44-27-01-064-0010
Existing Land Use	Vacant Lot
Zoning	Mixed-Use Dixie Highway (MU-DH)
Future Land Use Designation	Mixed-Use East (MU-E)

ZONING MAP:**BACKGROUND:**

The project site is located at 1332 South L Street. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 1921 – Single-family residence built
- December 1975 to January 1979 – Property owned by Eric and Hilda Persson
- January 1979 to January 1980 – Property owned by Frank and Nancy Weathers
- January 1980 to February 1993 – Property owned by David and Kathleen Nelson
- February 1993 to October 2001 – Property owned by Jay and Hope Kimmel
- October 2001 to October 2008 – Property owned by Bolivar Davalos
- 2004 to 2008 – Bolivar Davalos has a business license for residential rental
- October 2008 to May 2009 – Property owned by Deutsche Bank National Trust Company
- May 2009 to June 2011 – Property owned by Matthew Fino
- June 2011 to March 2014 – Property owned by TBOneProperties LLC
- March 2014 to Present – Property owned by Janet Rosa-Ramos
- March 2020 – Single-family residence demolished

ANALYSIS:

Consistency with the Comprehensive Plan and Strategic Plan

The subject application is located within the Mixed-Use East (MU-E) Future Land Use (FLU) designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95. The project is a residential development located east of I-95, and aligns with the future land use’s intent of Mixed-Use East. The proposed triplex project will occupy a vacant lot east of South Dixie Highway and provides housing with large unit sizes of approximately 2,500 square feet with individual garages. Therefore, the proposed triplex is consistent with the following portions of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City’s Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Pillar II.A of the City’s Strategic Plan:** Diversity housing options

Consistency with the City’s Land Development Regulations

Per Section 23.2-29, 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. The Department of Community Sustainability is tasked in the code to review condition applications in accordance with the City’s LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Mixed-Use Dixie Highway (MU-DH): Per LDR Section 23.3-17(a), The Mixed-Use Dixie Highway district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed project provides a higher density residential-only development on the border between a mixed-use commercial and residential zoning districts, which is an appropriate type of transitional development for this location. Further, MU-DH allows for residential-only projects consistent with the maximum density permitted in the MF-20 District. As such, the proposal is consistent with the intent of the MU-DH district.

The table below shows the proposed site features and its compliance with the development regulation of the Mixed-Use Dixie Highway section of the Code:

Development Standard		Codified Regulation	Provided
Lot Size (min) In square feet (sf)		6,500 sf	7,425 sf
Lot Width (min)		50’	55’
Height (max)		30 ft / 2 stories, 35 ft / 3 stories w/ Sustainable Bonus	33.58’ Sustainable Bonus provided
Setbacks	Front (min)	Min 10’, Max 22’	22’
	Rear (min)	15’	16.25’
	Street Side (min)	10’	10’
	Interior Side (min)	0’	5’
Living Area – 4 BR (min)		1,350 sf	2,423 – 2,663 sf
Impermeable Surface Coverage (max)		65%	63.1%
Structure Coverage (max)		50%	44.2%
Parking		6	6
Floor Area Ratio (FAR) (max)		0.95, 1.45 w/ Sustainable Bonus	1.06 Sustainable Bonus provided

Height: The proposed building height for the development is 33.58 feet, or 3.58 feet greater than the maximum building height permitted by right. The city's Land Development Regulations allow for a maximum building height of up to 35 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

Floor Area Ratio (FAR): The proposed building height for the development is 1.06, or .11 greater than the maximum FAR permitted by right. The city's Land Development Regulations allows for a FAR of up to 1.45 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

Parking: The proposed development meets the minimum parking requirements in the City's LDRs. Two spaces are required for each dwelling unit, for a total of 6 parking spaces, and the project provides 6 spaces, one within each unit's garage, and one within each unit's respective driveway.

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The project proposes Eagleston Holly, Pigeon Plum, Adonidia Palm, and Cabbage Palm Trees. There are also several shrubs, including Green Buttonwood which helps buffer the site from the single-family residence to the north.

Impermeable Surface Coverage: The project as proposed has a total impermeable surface coverage of 63.1% and meets the allowed impermeable surface coverage of 65% outlined in the MU-DH development regulations. The project is providing 2 of the 3 driveways to be paved with pervious pavement, which for lot coverage purposes is calculated at 50% of the actual area.

Structure Coverage: The project as proposed has a total building coverage of 44.2%, which meets the allowed maximum building coverage of 50%

Setbacks: The project has been reviewed against the setback regulations for properties zoned Mixed-Use Dixie Highway and was found to meet all setback regulations.

Urban Design / Architecture: The proposed project features a minimalist modern architectural style. Staff provided several urban design comments during the review process, including that the middle unit have stacked windows that are centered over the garage. It was also noted that the proposed elevations depicted only textured stucco, which the rendering shows extensive tile work. Staff has included conditions of approval that address the middle unit window and has required the tile as depicted in the rendering.

Major Site Plan:

The review criteria below is intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The project is a higher density residential project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two

zoning districts. In addition, the lot is a corner lot with an alley in the rear, and each unit is oriented toward a different side of the lot, allowing for a sense of privacy and exclusivity among each unit. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The lot as it exists today has little landscaping and is not proposed to disturb terrain or vegetation. The project proposes additional landscaping which exceeds the landscaping already present on-site. The proposed landscaping has been reviewed and meets the requirements of the landscape code. **Meets Criterion.**

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

Staff Analysis: The project provides adequate landscape screening with Eagleston Holly, Green Buttonwood, and Golden Dewdrop on the north side of the property where it is adjacent to residential. **Meets Criterion**

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

Staff Analysis: The project orients the entrances and exits of the units away from adjacent residentially-owned properties, and each entrance and exit to the individual units on-site are arranged to be separate from each other, enhancing the privacy of the occupants. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: Each unit has direct, dedicated access to vehicular right-of-way, allowing for emergency vehicle access to all sides of the building. In addition, the project was reviewed by the Palm Beach County Fire Department and was found to be acceptable. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: The units are each designed with wide driveways to accommodate pedestrian traffic in addition to vehicular traffic. Each driveway directly connects to public right-of-way, providing access to areas dedicated to common use. The project is not nearby any railroads. **Meets Criterion.**

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

Staff Analysis: There is a public sidewalk along the western property line on South L Street, which the Public Works Department has conditioned the project to require the applicant to reconstruct. The proposed project has also been conditioned to require right-of-way improvements along the southern property line for the north half of 14th Avenue South; therefore, the pedestrian circulation system is insulated as consistent with the surrounding development pattern from the vehicular circulation system. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: Ingress and egress access points in the form of driveways will be provided South L Street, 14th Avenue South, and the alley in the rear. These ingress and egress points are onto public ways which do not experience much vehicular traffic, and are anticipated to have very little impact on public ways. **Meets Criterion.**

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

Staff Analysis: The project coordinates with the pattern of existing or planned streets. The project also proposes improving 14th Avenue South and the rear alleyway, which currently exist as unimproved rights-of-way. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: No on-site public right-of-way is being proposed. As mentioned in the above criterion, the applicant is improving 14th Avenue South and the rear alleyway by paving these rights-of-way. These improvements are being designed to the hierarchy that currently exists with these streets. **Meets Criterion.**

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

Staff Analysis: The off-street parking is located as wide driveways and garages accessible from public rights-of-way. These amenities allow for the parking as well as the loading and unloading of vehicles. **Meets Criterion.**

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

Staff Analysis: Each unit will have a garbage bin that will be stored in an area screened with a fence, and will have a paved surface to roll the bin to the street for refuse pickup. The proposed screening will minimize the impact of noise, glare, and odor on adjacent property. **Meets Criterion.**

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

Staff Analysis: The proposed design of the site plan meets or exceeds the current standard of adjacent properties. The project is occupying a vacant lot, and will provide a greater level of landscaping than what currently exists. **Meets Criterion.**

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

Staff Analysis: As stated earlier, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **Meets Criterion.**

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

Staff Analysis: No additional development beyond the scope of this application has been proposed at this time. Should any modification or future development of the site plan occur, they would be required to go through the appropriate site plan review process and meet all requirements of the Comprehensive Plan, Strategic Plan, and Land Development Regulations. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Staff Analysis: The application was reviewed and was found to be in conformity with good taste, good design, and contributing to the image of the city. **Meets Criterion.**

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Staff Analysis: The property currently exists as a vacant lot. The proposed project improves the vegetation and landscaping of the site. In addition, the proposed structure is of higher quality than what had previously existed on the site. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: As stated above, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **Meets Criterion.**

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

Staff Analysis: The project has been reviewed against the Conditional Use criteria as outlined on Page 9. **Meets Criterion.**

Sustainable Bonus Incentive Program:

The City of Lake Worth Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City’s Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Based on the calculation of the additional building area as part of the SBIP, the Applicant is seeking an additional 3.58 feet in height above the 30 feet of total building height allowed. The total square footage of bonus area under Sustainable Bonus is 3,004 square feet which results in a value of required improvements for the Sustainable Bonus allowance of \$15,020 (\$5 per square foot bonus).

Section 23.2-33(e) provides an applicant the option to pay a fee in lieu of on or off-site features and improvements to be held in a sustainability bonus incentive trust account to be expended on capital projects that enhance community sustainability. The Applicant’s schedule of fees to meet the requirements of the Sustainable Bonus is as follows:

Improvement Detail (type of amenity)	Valuation Amount	Calculation Details
Fee in lieu of features or improvements, to be held in Sustainability Bonus Incentive Trust Account	\$15,020	Bonus Area of 3,004 square feet x \$5 per square foot
Total Value of Improvements/Design Excellence Required: <u>\$15,020</u>		Total Value Provided: <u>\$15,020</u>

Section 23.2-33(c)(2): Review/decision

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal?

Staff Analysis: The proposed expansion of building area is consistent with the requirements of the Sustainable Bonus. The total square footage of bonus area which exceeds the maximum building height is 3,004 square feet. Therefore, the total value of required improvements is \$15,020 (\$5 per square foot). The Applicant will be providing a fee in-lieu of on and off-site improvements totaling \$15,020, which meets the requirements of the Sustainable Bonus program. **Meets Criterion.**

(b) Do the proposed on-site features or improvements adequately provide sustainable project enhancements beyond those otherwise required by these LDRs for the development proposal that are attainable and reasonable in the context of the proposed project?

Staff Analysis: The project is not proposing on-site improvements toward the SBIP credit. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

Staff Analysis: The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

Staff Analysis: The proposed fee in-lieu provided meets the intent of the SBIP as it contributes to a trust account to further capital projects which enhance sustainability within the City. As such, the proposed development meets the intent of the SBIP. **Meets Criterion.**

Conditional Use Permit:

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

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

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

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

Staff Analysis: The site contains a zoning designation of Mixed-Use West (MU-DH). The LDRs put forth that the MU-DH zoning designation allows for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed triplex use is a higher density residential use appropriate in the MU-DH zoning district. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	SFR	SFR	Single-Family Residence
South (across 14 th Ave S)	MU-E	MU-DH	Vacant Commercial
East (across alley)	SFR	SFR	Single-Family Residence
West (across S L St)	MU-E	MU-DH	Single-Family Residence

Per the Palm Beach County Property Appraiser and City Business License records, the site is surrounded by vacant commercial and single-family residence uses. The proposed project is in harmony with the existing mixture of uses in the immediate area. **Meets Criterion.**

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

Staff Analysis: The project provides a higher intensity, yet small residential development which is appropriate for the immediate area, and will not result in less public benefit or greater harm than would result from a permitted-by-right or conditional use permitted on the site. For instance, a Special Interest Automobile Dealership under 7,500 square feet is an Administrative Use at this location and has the potential to provide a higher impact to the neighborhood than would the proposed triplex. **Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

Staff Analysis: The Land Development Regulations anticipate residential uses in this zoning district. The project is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and will not result in a more intensive development than what the Plan anticipates. **Meets Criterion.**

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

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: The three proposed dwelling units total a square footage in excess of 7,500 square feet, which require a Conditional Use review. By contrast, three units totaling less than 7,500 square feet are permitted by right and would not be subject to a conditional use review. Traffic generation is linked to number of units and not unit size. Therefore, the proposed use is not anticipated to create any additional trips compared to 3 units with a smaller dwelling unit size. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: The proposed triplex use is a residential use adjacent to a residential area. It is located on local streets along with other residential uses located on the same street and is appropriately located with respect to collector and arterial streets. The proposed use is not anticipated to generate a greater amount of through traffic on local streets than a development permitted by right. **Meets Criterion.**

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

Staff Analysis: The proposed triplex is not anticipated to produce significant air pollution emissions. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The proposed residential use will be improving 14th Avenue South and the adjacent alley rights-of-way at the applicant's expense, and will not result in a higher or earlier net public cost than from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The proposed triplex is located adjacent to existing water, sanitary sewer, storm, and surface drainage systems, and would not result in a higher net public cost than a development permitted by right. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

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

Staff Analysis: The proposed residential development is located in an area that already receives police and fire protection services, and the addition of 3 dwelling units to this location will not generate demand beyond the capacity of municipal emergency services. **Meets Criterion.**

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

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

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

Based on the uses being proposed, the project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

Staff Analysis: The project concentrates exterior lighting to the south and west sides of the site, adjacent to the main entrances to the dwelling units, and away from adjacent residential property. **Meets Criterion.**

Public Support/Opposition:

No public support or opposition has been received prior to February 23, 2021. On February 22, a resident contacted the city requesting additional information about the project, but provided no indication of support or opposition.

CONCLUSION:

The proposed request for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend **approval of the proposed request with the conditions** below:

Electric Utilities:

1. Prior to issuance of a Building Permit:
 - a. Show the meters' location on the plans. The meters will need to be located close to either the northeast or southeast corner of the building.
 - b. Provide load calculations and electrical riser diagrams.
2. Prior to issuance of a Certificate of Occupancy:
 - a. Should the electrical service be underground, the customer shall install the gray schedule-40 conduit a minimum of 24-inches deep and at least 12" away from any other utility from the meter location to the designated pole location. Should the electric service be overhead, the service drop must be clear of any trees or obstructions.
3. The applicant may be responsible for any costs that may arise from the upgrade in electrical infrastructure as a result of this project.

Planning:

1. No bedrooms may be rented out individually as either long-term or short-term rentals, and must be occupied by the tenant of the unit.
2. Exterior lighting shall be consistent with Section 23.4-3 and align with International Dark Sky Communities program guidelines. If LED lighting is used, then the color temperature shall be a warm color and not be in excess of 3000 K.

3. Fixtures shall be compatible with the architectural style of the project. The addition of pole fixtures shall require a minor site plan approval.
4. Changes in architecture outside of the scope of this approval and associated conditions shall require a Minor Site Plan amendment.
5. Prior to the issuance of a building permit:
 - a. Provide a pedestrian path from the east unit to the 14th Avenue South roadway. The path may be in the form of architecturally-compatible pavers or large-scale concrete stepping stones.
 - b. Provide data showing that the percolation rate of the permeable pavers are at least half that of natural ground cover.
 - c. The middle unit shall be designed to have stacked windows that are centered over the garage.
 - d. Reflect on the architectural elevations the tile work illustrated on the rendering.
6. Prior to the issuance of a certificate of occupancy:
 - a. Apply for and obtain new addresses for the units in accordance with the City's addressing policy.
 - b. Provide the fee-in-lieu Sustainable Bonus Incentive Program payment of \$15,020 to the sustainability bonus incentive trust account.

Public Works:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
4. Prior to issuance of a certificate of occupancy,
 - a. the applicant shall construct a new 5-foot wide sidewalk along S L St from the north property line to the south property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
 - b. the applicant shall reconstruct the unimproved roadway on 14th Ave South per the limits depicted in the plan design in compliance with the Public Works Department's specifications. The plans depict a note stating "The street to be paved by the City", however this is in reference to the southern 10' of roadway and is dependent on funding and budget constraints. The applicant will construct the north 10' of roadway.
 - c. alleyway improvements consisting of a paved 10' alleyway per the limits depicted on the plans shall be constructed.
 - d. the applicant shall enter into a "Right of Way Maintenance Agreement" for the landscaping, irrigation, trees, and 10' paved roadway and alley. The improvements that are permitted in the right of way shall be the responsibility of the owner to maintain in perpetuity to a standard acceptable to the City. The Agreement will memorialize these responsibilities.
 - e. the Applicant shall 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.
 - f. the applicant shall fine grade and sod all disturbed areas with bahia sod.
 - g. the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - h. Prior to the issuance of a Certificate of Occupancy, the applicant shall 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

Utilities Water & Sewer:

1. Prior to the issuance of a building permit:
 - a. Provide a signed and sealed drainage statement from a registered professional engineer.
 - b. Site Drainage and Drainage Calculations shall meet City policy that the 3-year 1-hour storm event (2.6 inches) over the entire site area is contained on property and include the typical sections along each property line.

Board Actions:

Based upon the competent substantial evidence presented in the staff report, including the data and analysis, and the testimony presented at the hearing, I MOVE TO APPROVE PZB PROJECT NUMBER 20-01400050 with staff recommended **conditions** for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street.

I MOVE TO DENY PZB PROJECT NUMBER 20-01400050 Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street as the Applicant has not proven by competent substantial evidence that the project meets the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board's decision will be final for the Major Site Plan, Sustainable Bonus Incentive Program, and Conditional Use Permit. The decision may be appealed to the City Commission.

ATTACHMENTS:

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



DATE: February 22, 2021

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

FROM: William Waters, Director Community Sustainability

MEETING: March 3, 2021 & March 10, 2021

SUBJECT: **PZB/HRPB 21-03100001 (Ordinance 2021-01)**: Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

BACKGROUND/ PROPOSAL:

The subject amendments to the City’s Land Development Regulations (LDR) were drafted to respond to changing market conditions related to an increased demand for take-out services during the Covid-19 emergency and to address several minor amendments to definitions and use review processes. The amendments also include changes related to a new continuance for affected parties that was adopted in 2020 to allow an affected party time to hire legal counsel or a professional services consultant, and as related to neighborhood concerns and new evidence. Per Florida Statute 166.033, local governments have 180 days to actively process applications for development. Therefore, the subject amendments clarify that the intent of Ordinance 2020-14 was to allow only one (1) continuance for all affected parties as consistent with time limitations set forth in Florida law and not one (1) continuance per each affected party.

A summary of each component in the draft ordinance is also provided.

The proposed amendments for and the following sections of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 1, Section 23.1-12 - Definitions
- Article 2, Section 23.2-16 Quasi-judicial Procedures
- Article 3, Section 23-3.6 – Use Tables
- Article 4, [NEW SECTION] Section 23.4-23 – Take Out Establishments

Take-out Establishment Use: The proposed amendments will create new definitions and development standards related to take-out uses and to identify where such uses are allowed by zoning district in the use table.

Quasi-judicial Procedures (Continuances): The proposed amendments will provide clarity on the maximum number of continuances for affected parties as consistent with time limitations set forth in Florida law.

Minor Amendments: The proposed amendment are related to the modification and addition of new and existing definitions for heavy equipment rental, truck rental and medical office uses for clarity, and to update review processes for uses in the use table related to museums, art schools, and art and photography galleries, and to clarify in the use table that residential uses over 7,500 sf are conditional uses.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt PZB/HRPB 21-03100001 (Ordinance 2021-01).

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB/HRPB 21-03100001 (Ordinance 2021-01)

Attachments

- A. Draft Ordinance 2021-01

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3 **ORDINANCE 2021-01 - AN ORDINANCE OF THE CITY OF LAKE**
4 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
5 **DEVELOPMENT REGULATIONS,” ARTICLE 1, “GENERAL**
6 **PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1.12**
7 **“DEFINITIONS” TO ADD AND CLARIFY USE DEFINITIONS; ARTICLE**
8 **2, “ADMINISTRATION”, DIVISION 2 “PROCEDURES,” SECTION 23.2-**
9 **16 “QUASI-JUDICIAL PROCEDURES” TO UPDATE AND CLARIFY**
10 **PROVISIONS RELATED TO AFFECTED PARTIES; AND AMENDING**
11 **DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE TABLES” TO**
12 **ALLOW FOR TAKE OUT ESTABLISHMENTS BY ZONING DISTRICT**
13 **AND TO MODIFY THE ZONING DISTRICT AND REVIEW PROCESS FOR**
14 **SEVERAL USES; AND ADDING A NEW SECTION 23.4-23 – “TAKE OUT**
15 **ESTABLISHMENTS” TO CREATE DEVELOPMENT REVIEW**
16 **STANDARDS FOR TAKE OUT ESTABLISHMENT USES; AND**
17 **PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN**
18 **CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.**
19

20 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
21 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
22 “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct
23 municipal government, perform municipal functions, and render municipal services, and
24 may exercise any power for municipal purposes, except as expressly prohibited by law;
25 and
26

27 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
28 body of each municipality in the state has the power to enact legislation concerning any
29 subject matter upon which the state legislature may act, except when expressly prohibited
30 by law; and
31

32 **WHEREAS**, the City wishes to amend Chapter 23 Land Development
33 Regulations,” Article 2 “Administration,” Division 2 “Procedures,” Section 23.2-16 Quasi-
34 judicial Procedures, to clarify that only one continuance is permitted for all affected parties
35 to ensure that the City does not run afoul of development review time limitations for local
36 governments as set forth in Florida law; and
37

38 **WHEREAS**, the City wishes to amend Chapter 23, Article 3 “Zoning Districts,”
39 Division 1 “Generally,” Section 23.3-6 Use Tables to allow for take-out by zoning district;
40 and
41

42 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development
43 Standards,” to establish a new section, Section 23.4-23 – Take-out Establishments to
44 establish supplementary development standards for these uses; and
45

46 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
47 agency, considered the proposed amendments at a duly advertised public hearing; and
48

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

52
53 **WHEREAS**, the City Commission has reviewed the proposed amendments and
54 has determined that it is in the best interest of the public health, safety, and general
55 welfare of the City to adopt this ordinance.

56
57 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
58 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

59
60 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
61 being true and correct and are made a specific part of this Ordinance as if set forth herein.

62
63 **Section 2:** Chapter 23 Land Development Regulations,” Article 2
64 “Administration,” Division 2 “Procedures,” Section 23.2-16 Quasi-judicial Procedures
65 related to affected parties, is hereby amended by adding the words shown in underlined
66 type and deleting the words ~~struck through~~ as indicated in **Exhibit A**.

67
68 **Section 4:** Chapter 23 Land Development Regulations,” Article 3 “Zoning
69 Districts,” Division 1 “Generally,” Section 23.3-6 Use Tables related to allowing for Take
70 Out Establishments in the Downtown Zoning District; is hereby amended by adding the
71 words shown in underlined type and deleting the words ~~struck through~~ as indicated in
72 **Exhibit C**.

73
74 **Section 8:** Chapter 23 “Land Development Regulations,” Article 4
75 “Development Standards,” related to the establishment of a new section, Section 23.4-23
76 – Take Out Establishments, is hereby amended by adding the words shown in underlined
77 type and deleting the words ~~struck through~~ as indicated in **Exhibit G**.

78
79 **Section 10:** Severability. If any section, subsection, sentence, clause, phrase or
80 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
81 competent jurisdiction, such portion shall be deemed a separate, distinct, and
82 independent provision, and such holding shall not affect the validity of the remaining
83 portions thereof.

84
85 **Section 11:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in
86 conflict herewith are hereby repealed to the extent of such conflict.

87
88 **Section 12:** Codification. The sections of the ordinance may be made a part of
89 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
90 accomplish such, and the word “ordinance” may be changed to “section”, “division”, or
91 any other appropriate word.

92
93 **Section 13:** Effective Date. This ordinance shall become effective 10 days after
94 passage.

95
96

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

- 100 Mayor Pam Triolo
- 101 Vice Mayor Andy Amoroso
- 102 Commissioner Scott Maxwell
- 103 Commissioner Carla Blockson
- 104 Commissioner Herman Robinson

105
106
107 The Mayor thereupon declared this ordinance duly passed on first reading on the
108 _____ day of _____, 2021.

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110
111 The passage of this ordinance on second reading was moved by
112 _____, seconded by _____, and upon being put to a vote,
113 the vote was as follows:

- 114 Mayor Pam Triolo
- 115 Vice Mayor Andy Amoroso
- 116 Commissioner Scott Maxwell
- 117 Commissioner Carla Blockson
- 118 Commissioner Herman Robinson

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122 The Mayor thereupon declared this ordinance duly passed on the _____ day of
123 _____, 2021.

124
125 LAKE WORTH BEACH CITY COMMISSION

126
127
128 By: _____
129 Pam Triolo, Mayor

130
131 ATTEST:

132
133
134 _____
135 Deborah Andrea, CMC, City Clerk
136

EXHIBIT A

Chapter 23

CODE OF ORDINANCES ARTICLE 1 "GENERAL PROVISIONS"

Division 2 - Definitions

Sec. 23.1-12. - Definitions.

Equipment Rental and Leasing: A business that involves the leasing and rental of medium and heavy duty equipment, medium and heavy duty construction equipment, and medium and heavy duty commercial and construction vehicles.

Medical office: A facility operated by one or more licensed practitioners that provides a single category of services including but not limited to general and specialty medical care, dental care, chiropractic care, and vision care, psychotherapy or related care, and medical care related to the treatment of disabilities under the Americans with Disabilities Act (ADA), and shall not include bed patient care or overnight accommodations.

Restaurants – Take-out: A full service restaurant with indoor dining where both the “take-out” or “pick-up” use area is greater than 25% and less than 50% of the use area accessible to customers, and where the waiting area is located indoors only. Take-out restaurants with a “take-out” or pick-up” use area greater than 50% shall be classified as a take-out establishment.

Take-out establishments: A food service or retail business with a dedicated “take-out” or “pick-up” use area that is greater than 25% of the total use area accessible to customers, and/or where the designate waiting area is located outdoors.

Truck/Van Rentals: A vehicle rental/leasing business that includes the rental of moving vans and trucks, or commercial trucks or vans considered commercial business or service vehicles less than 8,000 lbs to consumers. Rental stock of trucks and van rentals shall be not be considered to be the parking, storing or keeping commercial vehicles.

EXHIBIT B

Chapter 18

CODE OF ORDINANCES ARTICLE 2 "ADMINISTRATION"

Division 2 - Procedures

Sec. 23.2-16. - Quasi-judicial procedures.

- e) *Affected parties.* Affected parties, as defined in section 23.1-12 (Definitions), (1) shall be allowed to present evidence, to produced witnesses, and to cross-examine witnesses produced by others; (2) may appeal final decisions of staff, HRPB, planning and zoning board, or city commission; and (3) may file suit to enforce the provisions of this article should the city fail or decline to do so. Notwithstanding the foregoing; however, in any suit brought by an affected party, the applicable circuit court shall determine whether the affected party has the requisite standing to bring suit. An affected party who wishes to participate as a party in the quasi-judicial hearing must fill out a city form and deliver it to the Department of Community Sustainability at least five (5) days before the hearing. Failure to follow the process shall be deemed a waiver and the affected party will not be allowed to participate in the quasi-judicial hearing.
- f) *Deliberation.* After the presentations, and at the conclusion of any continuances, the decisionmaking body shall deliberate on the application. Once the decisionmaking body begins its deliberations no further presentations or testimony shall be permitted except at the sole discretion of the decisionmaking body. The decisionmaking body's decisions must be based upon competent substantial evidence in the record.
- g) *Continuance.* The decisionmaking body may, on its own motion continue the hearing to a fixed date, time and place. Also, the applicant ~~or affected party~~ shall have the right to one (1) continuance. Affected parties, whether individually or collectively, shall have the right to request one continuance and irrespective of the number of affected parties, only one (1) continuance may be granted. The continuance can be for no longer than thirty-one (31) days, provided the request is to address neighborhood concerns or new evidence, to hire legal counsel or a professional services consultant, or the applicant or affected party is unable to be represented at the hearing. No more than one (1) continuance may be granted for all affected parties. If the continuance is granted, t The decisionmaking body will continue the hearing to a fixed date, time and place. However, all subsequent continuances shall be granted at the sole discretion of the decisionmaking body. Notwithstanding the foregoing, a continuance shall not be granted if to do so would delay a decision on an appeal from the HRPB regarding a certificate of appropriateness beyond the ninety-day requirement specified in section 23.2-17.

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EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Division 1 "Generally"

Sec. 23-3.6 – Use Tables.

Under separate cover

EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 “DEVELOPMENT STANDARDS”

[New Section] Sec. 23.4-23. -Take Out Establishments

a) The following development standards shall apply to take-out establishments, take-out restaurants or establishments with a “take-out” or “pick-up” window or outdoor waiting area. “Take-out” establishments located in the Downtown (DT) zoning district are not permitted to be located in the portion of buildings with frontage or access (window or door) onto Lake Avenue or Lucerne Avenue. The location requirement in the DT zoning district shall not apply to full service restaurants with indoor dining provided that both the “take-out” or “pick-up” use area is less than 25% of the total use area accessible to customer and the designated waiting area is located inside.

b) Take-out establishments shall not be movable such as a mobile stand, food truck or kiosk.

c) “Take-out” or “pick-up” windows or service openings to the exterior, excluding entrance doors into the business, shall not be located on a building facade that faces a public right-of-way, unless they are designed in a manner consistent with the building’s architectural style and to be an aesthetic asset to the building and neighborhood.

d) Designated customer waiting areas, located outside of a take-out establishment and within a public right-of-way, shall require a right-of-way permit from the appropriate authority and shall not impact ADA accessibility. Waiting areas shall not extend beyond the façade width of the take-out establishment in the public right-of-way as permitted or shall not extend beyond the site’s property lines.

e) Exterior covered/lidded refuse bin/s shall be provided in a designated location/s that is screened from the public right-of-way and adjacent properties in so far as feasible. The refuse bins shall be available outside of the take-out establishment during hours of operation and shall be removed when the business is closed unless otherwise approved by the Development Review Official.

Section 23.3-6 Use tables. Note: amended text is shown below as underlined for new text and stricken text for delete text. Uses or sections with modified text are also highlighted.

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
----------	------	----------	------	-------	-------	-------	---------------------	----------------------	------------------	-----------------	----	-------	-------	------------------	-------	-------	----	-----	----	-------	---	------	-----

Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review). All residential uses except for single family and two-family greater than 7,500 sf shall require a conditional use approval.

RESIDENTIAL

TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Note: P is Permitted by Right, A is Administrative Use Permit (staff level review), and C is Conditional Use Permit (board level review).

Commercial

Medium Intensity Specialty Uses - Use less than 7,500 sq. ft and/or medium intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Take-out Establishments																								
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Truck/Van Rentals																								
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Low Intensity Specialty Uses - Use area less than 2,500 sq. ft and low intensity impact uses.	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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Take-out Establishments																								
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TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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INSTITUTIONAL

High Intensity Institutional Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.

Museums																								
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School of the Arts																								
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TYPE/USE	SF-R	SF-TF 14	MH-7	MF-20	MF-30	MF-40	MU-E Lake & Lucerne	MU-E 1st & 2nd Edges	MU-E Federal Hwy	MU-E 10th & 6th	DT	MU-FH	MU-DH	MU-W Lake & 10th	TOD-E	TOD-W	NC	BAC	AI	I-POC	P	PROS	CON
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CULTURAL & ARTISANAL ARTS

High Intensity Artisanal Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses.

Art or Photography Gallery																								
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