



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 15, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Detroit St 21-0100001](#)
[Solimar 21-00500010](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 21-0100001 \(Ordinance 2022-08\)](#): A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 1-story in height and approximately 6 ft in height. The property is zoned Mixed-Use West (MU-W).**

[*Application continued from June 1, 2022.](#)

- B. [PZB Project Number 21-00500010](#): A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) on platted lots of record at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.**

[*Application continued from June 1, 2022.](#)

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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

Public Notice

Public Notice

Legal Notice No. 40407

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 15, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project # 21-01000001: Consideration of a Planned Development, with Major Site Plan, Conditional Use Permit and participation in the Sustainable Bonus Incentive Program to allow for the development of a 60-unit multi-family structure within the Mixed-Use West (MU-W) zoning district on the property located at 7 Detroit Street and 26 Buffalo Street, PCN #s 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390.

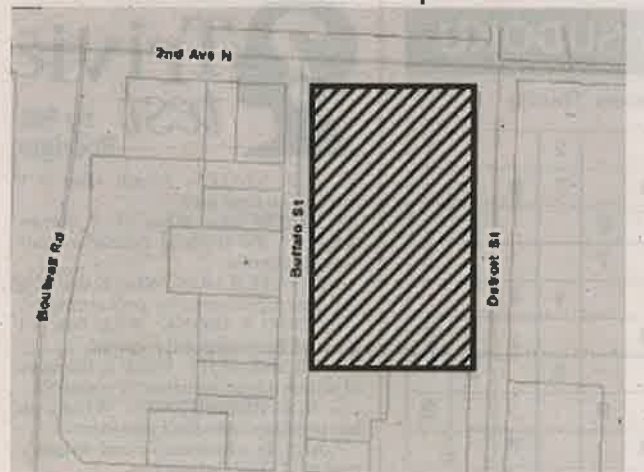
The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>.

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

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the 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.**

Location Map:



Publish: The Lake Worth Herald
May 26, 2022

Legal Notice No. 40345

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, June 1, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) at 1719-1737 North Federal Highway within the Mixed Use - Federal Highway (MU-FH) zoning district (PCN #s 38-43-44-15-39-001-0000, 38-43-44-15-39-000-0010, 38-43-44-15-39-000-0020, 38-43-44-15-39-000-0030, 38-43-44-15-39-000-0040, 38-43-44-15-39-000-0050, 38-43-44-15-39-000-0060, 38-43-44-15-39-000-0070 & 38-43-44-15-39-000-0080).

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

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PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-0100001 (Ordinance 2022-08): A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 1- story in height and approximately 6 ft in height. The property is zoned Mixed-Use West (MU-W).

Meeting Date: June 15, 2022

Property Owner: Brie Lemmerman – Pacific Land Holdings, LLC

Applicant: Brie Lemmerman – Pacific Land Holdings, LLC

Project Manager: JMorton Planning & Landscape Architecture

Address: 7 Detroit Street & 26 Buffalo Street

PCNs: 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390

Size: 2.414 acres (two parcels combined)

General Location: South of 2nd Avenue North between Buffalo Street and Detroit Street

Existing Land Use: Vacant

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

Zoning District: Mixed Used – West (MU-W)

Location Map



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Brie Lemmerman of Pacific Land Holdings, LLC, is requesting approval of the following for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street:

- A **planned development** and **major site plan** request to construct an approximately 3-story, 60-unit multi-family mid-rise residential structures (two buildings).
- A **conditional use permit** request to develop a multi-family residential structure with sixteen 3-bedroom units and forty-four 2-bedroom units.
- A **Sustainable Bonus** request for an additional 1- story (approximately 6') of bonus height. Project is approximately 36' high and is 43' 10.5" to top of the roof peak.

The Applicant is proposing a multi-family development on a 2.414-acre vacant lot with the purpose of improving the area while contributing to the commercial, residential, and recreational uses surrounding the area as well as the surrounding mixed uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian, and other modes of transportation.

The proposed project will also implement the Sustainable Bonus Incentive Program to attain an increase in height (+/- 6 feet) and an additional story which in exchange will contribute to the purpose of the comprehensive plan to incorporate sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

COMMUNITY OUTREACH

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

BACKGROUND

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

Use/Construction: Currently, the property is vacant with no existing structures on the site.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use - 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 east of I-95. The distinguishing characteristic of the Mixed-Use West land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use West category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are

required to provide transitional buffering and design features to mitigate impact of the MU-W sites adjacent to residential zoning districts.

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

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

Consistency with the Land Development Regulations

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is requesting to waive or relax base zoning district requirements in three (3) areas of the LDRs, which are analyzed by topic area in this section of the report, including the following:

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 a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

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

Development Standard		Base Zoning District Mixed Used – West (MU-W)	Residential Planned Development in MU-W with SBIP	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres	104,980 sf (2.414 acres)
Lot Width (min)		100'	100'	251.02'
Setbacks	Front (min build-to line)	20'	20'	20'
	Rear (min)	10'	10'	42'

	Street Side – 2 nd Avenue (min)	20'	20'	20'
	Side (min)	20'	20'	20'
Impermeable Surface Coverage (maximum)		65%	65%	62.7%
Structure Coverage (max)		50%	50%	30%
Density (max)		30 du/acre (72 units)	37.5 du/acre (90 units)	24.9 du/acre (60 units)
Building Height (max)		30' (max. 2 stories)	65' (Max. 6 stories)	Approximately 36' (3 stories) 43' 10.5" to top of the roof peak
Maximum Wall Height at Side Setback		30'	65'	30'
Floor Area Ratio (FAR) (max)		1.3	3.75	.76
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One- bedroom units	600 sf	600 sf	NA
	Two- bedroom units	750 sf	750 s	942 sf
	Three- bedroom units	900 sf	900 sf	1,070 sf
Parking		Parking Calculated per unit, room, and non-residential square footage. See page 7 for detailed parking analysis.	109 Required Spaces/ 77 spaces for 44 units 32 spaces for 16 units	90 spaces * (Requested waiver from parking requirement)

***Condition of approval has been proposed by staff to require on-street parking along either or both 2nd Ave North and Detroit Street as determined to be feasible by the City Engineer, Public Services and Community Sustainability.**

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

Analysis: The proposed dumpster location was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster is located in the SW corner of the property fronting on Buffalo Street and is fully screened with fencing and landscaping. The dumpster enclosure material shall be reviewed in a subsequent minor site plan amendment for architectural consistency with the project.

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

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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

Analysis: The required parking for the multifamily development is 109 spaces. The parking was calculated at 1.75 spaces/unit for the 2-bedroom unit proposal (77 spaces for 44 units) and 2 spaces/unit for the 3-bedroom unit proposal (32 spaces for 16 units). The applicant requested a planned development waiver to relax the parking requirement from 109 spaces to 90 spaces. The proposed multifamily development is anticipating residents utilizing public transit as the primary mode of transportation.

Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage shall be depicted on the landscape plan at minor site plan amendment. The signage shall be reviewed at building permit for consistency with the sign requirements.

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

Analysis: The applicant submitted a conceptual landscape plan. The conceptual plan was reviewed and is generally in compliance with the City’s landscape regulations in LDR Section 23.6-1. Staff is proposing conditions to address all landscape requirements at the time of landscape permit, including the minimum native species requirement.

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

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

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

The proposed improvements to the site circulations, landscaping and architecture are generally consistent with the Site Design Qualitative Standards. The street side elevations of the two three story buildings were not provided. Staff has drafted conditions of approval related to on-street parking on 2nd Ave N and Detroit Street if determined to be feasible by the City Engineer, Public Services and Community Sustainability at a subsequent minor site plan amendment to reduce the parking waiver request. A new dumpster enclosure is proposed on the rear; this improvement is properly screened as required, and location is deemed appropriate for pick-up services by Public Works. Improvements to the existing landscaping are also proposed and discussed in the landscape section of this report.

The proposed changes to the parking lot and vehicular use areas will effectively be screened from the public view with shade trees, palm trees and shrubs within the landscape areas. The proposed curb cuts and parking lot layout does not create an unsafe situation and are typical for the form of the development. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Industrial (I)	Industrial Park of Commerce (I-POC)	2 nd Avenue ROW/ Mobile Home Park
South	Commercial High/ underlying 8 units per acre (CH/8)	Neighborhood Commercial (CN)	Residential/ Used Car Dealership
East	Mixed Use - East (MU-W)	Transit Oriented Development (TOD)	Detroit Street ROW/ Shopping Center
West	Commercial High/ underlying 8 units per acre (CH/8)	Neighborhood Commercial (CN)	North Buffalo Street/ Single-Family Homes

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

Community Appearance Criteria:

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

Conditional Use Findings (Attachment B)

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

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the previous funeral home and crematorium use on the property. The site is currently vacant and is proposing multifamily buildings that does not utilize the maximum development potential. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. The proposed associated site improvements would provide new screening and site circulation.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach 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.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a residential planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The Applicant is asking for a bonus height, which are less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a planned development in the MU-W zoning district. The total square footage of bonus area above the second floor is +/-21,320 square feet in total for both buildings. Therefore, the value of required improvements for the SBIP bonus areas are \$159,900 (21,320 sf X \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$79,950, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$79,950), the applicant is proposing a tot lot (\$16,369) and a Florida Green Building certification (\$39,975). The total value of the qualifying improvements is \$56,344. The total payment by the applicant to the City for the additional height and 1 - story is \$103,556 (\$103,556 = \$79,950 + \$23,606).

CONCLUSION AND CONDITIONS

The MU-W district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property or have a negative impact on the commercial viability of neighboring commercial businesses. Further, the proposed site improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$79,950) and the remaining incentive value after qualifying improvements were deducted (\$23,606) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first for a total of \$103,556 (\$103,556 = \$79,950 + \$23,606)
2. The applicant shall provide qualifying sustainable bonus features equal to \$56,344, or shall be required to pay the remaining 50% of the incentive value in its entirety (\$79,950).
3. On-street parking shall be provided along 2nd Ave North and/or Detroit street subject to approval by the City Engineer, Public Services and the Department of Community Sustainability to reduce the parking waiver request.
4. A unity of title shall be required to applied for prior to subsequent minor site plan amendment and shall be recorded prior to the issuance of a building permit.
5. An address application shall be required to be submitted prior to application for building permit.
6. A video security system shall be required for the property.
7. The applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
8. Minor site plan amendment shall be required prior to the issuance of a building permit to address the following modifications:
9. Two (2) Bike racks will be required and appropriately placed on site to alleviate parking requirements. Site and landscape plans to reflect the location of the bike racks.
10. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org
11. A detailed landscape plan with plant counts and symbols shall be required to address the following:
 - a. Add notes to the Landscape Notes identifying that the irrigation system will meet LDR requirements, jurisdictional requirements, and source of water.

- b. Landscaped areas shall be protected from vehicular encroachments, appropriate curbing or wheel stops shall be provided as approved by staff.
 - c. Revise the Plant Material List to include in table format on the landscape plan (Sheet L1.01), the species, height, drought tolerant, native versus nonnative, etc.
 - d. Identify all vegetation on the landscape plan. Please identify the symbols or add symbols to the Plant Material List Table.
 - e. An additional site plan sheet depicting the location of all impermeable, semi-permeable and permeable surfaces shall be required.
 - f. All mechanical equipment shall be fully screened. The screening shall be depicted on the landscape plan.
12. On-street parking shall be depicted on the site plan to reduce the parking waiver request in so far as feasible.
 13. A designated delivery and/or ride share space shall be provided in the on-street parking area
 14. Dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements.
 15. Finalized street side architectural elevations are required for both Detroit Street and Buffalo Street. Architecture should engage the street along both rights-of-way and be complimentary to the architectural elevations provided.

Utilities (Water, Sewer & Stormwater)

1. Prior to building permit issuance, the Applicant shall provide the following:
 - a. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.
 - b. Utility easements are a minimum of 15 feet wide.
 - c. Provide the SFWMD ERP.
 - d. Include an erosion control and BMP plan.
 - e. Provide the irrigation service line and meter size on the water and sewer plan sheet.
 - f. Capacity fees are due prior to permit issuance. The fee schedule can be referenced from the City website, under the finance division – Schedule of fees and charges.
2. Prior to Certificate of occupancy the easement dedication must be executed and recorded.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, 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.
4. 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.
5. Prior to the issuance of a certificate of occupancy, 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
6. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.

8. Prior to the issuance of a Certificate of Occupancy, 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.
9. 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.
10. 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.
11. ` of a Building permit, we will need to know the location of the pad-mount transformers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
12. Before the issuance of a Building permit, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
13. Before the issuance of a CO, the utility easement must be recorded.
14. Before the issuance of a Building permit, we will need to know if any other services will be needed for the project such as irrigation, lift station, lighting, gates, etc., and where these services will be.
15. The customer will be responsible for installing all schedule -40 gray conduit that will be needed by Lake Worth Beach for this project for the primary cable. This conduit must be installed at a 42” minimum dept. Pad specs will be given to the customer to show the proper orientation of conduit at the pad mount transformers.

Building Division

1. Finished floor must be 12 inches above the crown of the road.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of PZB Project #21-0100001 for a Residential Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a 60-unit multifamily residential development at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project #21-0100001 for a Residential Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a 60-unit multifamily residential development at the subject site. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In Compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. 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 feet or more.</p>	Not Applicable
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance
<p>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</p>	In compliance

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.

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed to 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 access to parcels. **Not applicable**

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

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

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

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious 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. **In compliance**

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

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	In compliance
<p><i>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</i></p>	In compliance

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **Not applicable**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

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

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

ATTACHMENT B - Findings for Granting Conditional Uses

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

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

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

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

ORDINANCE NO. 2022-08 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, LOCATED AT 7 DETROIT STREET AND 26 BUFFALO STREET TO CONSTRUCT AN APPROXIMATELY 3-STORY, 60-UNIT MULTI-FAMILY MID-RISE RESIDENTIAL DEVELOPMENT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE-WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL USE PERMIT; APPROVING HEIGHT BONUS INCENTIVE THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to consider petitions relating to zoning and land development orders; and

WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth Beach's Land Development Regulations allows for the creation of planned development districts to incentivize innovative development through the utilization of incentive programs and flexible dimensional and use requirements that are defined within and occur in conformity with an approved master development plan; and

WHEREAS, Pacific Land Holdings, LLC (the applicant) has petitioned the City of Lake Worth Beach (the City) for creation of a Residential Planned Development District to allow for the construction of an approximately 3-story, 60-unit multi-family mid-rise residential development (2 buildings) on a site located at 7 Detroit Street and 26 Buffalo Street (PCNs 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390) as further described in Exhibit A (the Property) within the MU-W Zoning District and the TOD Future Land Use designation, which, if approved, shall constitute an amendment to the City's official zoning map; and

WHEREAS, the applicant requests use of the City's Sustainable Bonus Incentive Program to allow for additional height to be considered in conjunction with the applicant's request for approval for a major site plan for the construction of a residential development currently known as containing approximately 60 residential units to be constructed on this site;

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WHEREAS, on June 15, 2022, the Lake Worth Beach Planning and Zoning Board (PZB) considered the subject application for a Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program and recommended that the City Commission approve the creation of this residential planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on June 21, 2022, the City Commission voted to approve on first reading the subject application for a Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program subject to specific district development standards and enumerated conditions herein; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program including the development regulations and conditions, meets the requirements of the Land Development Regulations, Section 23.3-25.

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

Section 1. Recitals. The foregoing recitals are true and correct and are hereby affirmed and ratified.

Section 2. The Residential Planned Development District located within the MU-W Zoning District with a future land use designation of TOD, as described more particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the following elements to be known as the Master Development Plan: (a) Residential Planned Development; (b) Major Site Plan; (c) Sustainable Bonus Incentive Program; (d) Conditional Use Permit; (e) district development standards (**Exhibit B**); (f) conditions of approval (**Exhibit C**); (g) required plans including the site plan, landscape plan, and civil & drainage plans; (h) supplemental supporting documents, as well as all agreements, provisions and/or covenants which shall govern the use, maintenance, and continued protection of the residential planned development and any of its common areas or facilities. The applicant is bound to all elements and requirements of the Master Development Plan.

Section 3. The City's zoning maps shall be updated to reflect the changes to the property described in **Exhibit A**.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Severability. If any provision of this ordinance or the application thereof is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

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Section 6. Effective Date. This ordinance shall become effective ten (10) days after its final passage.

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

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

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2022.

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

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

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

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Exhibit A

DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
PROPERTY DESCRIPTION & LOCATION MAP

Address: 7 Detroit Street & 26 Buffalo Street

PCNs: 38-43-44-20-14-002-0010 and 38-43-44-20-14-002-0390

Size: approx. 2.414 acres

General Location: South of 2nd Avenue North between Buffalo Street and Detroit Street.

Legal Description: Parcel 1: Lots One (1) through twenty-two (22), inclusive of Lots forty-seven (47) through fifty (5), inclusive of Block 2 of Buffalo Heights, according to the plat thereof recorded in Plat Book 4, Page 8 of the Public Records of Palm Beach County, Florida.

Parcel 2: Lots thirty-nine (39) through forty-six (46), inclusive of Block 2 of Buffalo Heights, according to the plat thereof recorded in Plat Book 4, Page 8 of the Public Records of Palm Beach County, Florida.



DRAFT**Exhibit B**

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS**

Development Standard		Base Zoning District Mixed Used – West (MU-W)	Residential Planned Development in MU-W with SBIP	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres	104,980 sf (2.414 acres)
Lot Width (min)		100'	100'	251.02'
Setbacks	Front (min build-to line)	20'	20'	20'
	Rear (min)	10'	10'	42'
	Street Side – 2 nd Avenue (min)	20'	20'	20'
	Side (min)	20'	20'	20'
Impermeable Surface Coverage (maximum)		65%	65%	62.7%
Structure Coverage (max)		50%	50%	30%
Density (max)		30 du/acre (72 units)	37.5 du/acre (90 units)	24.9 du/acre (60 units)
Building Height (max)		30' (max. 2 stories)	65' (Max. 6 stories)	Approximately 36' (3 stories) 43' 10.5" to top of the roof peak

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Maximum Wall Height at Side Setback		30'	65'	30'
Floor Area Ratio (FAR) (max)		1.3	3.75	.76
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One-bedroom units	600 sf	600 sf	NA
	Two-bedroom units	750 sf	750 s	942 sf
	Three-bedroom units	900 sf	900 sf	1,070 sf
Parking		Parking Calculated per unit, room, and non-residential square footage. See page 7 for detailed parking analysis.	109 Required Spaces/ 77 spaces for 44 units 32 spaces for 16 units	90 spaces * (Requested waiver from parking requirement)

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PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**

CONDITIONS OF APPROVAL

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$79,950) and the remaining incentive value after qualifying improvements were deducted (\$23,606) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first for a total of \$103,556 (\$103,556 = \$79,950 + \$23,606)
2. The applicant shall provide qualifying sustainable bonus features equal to \$56,344, or shall be required to pay the remaining 50% of the incentive value in its entirety (\$79,950).
3. On-street parking shall be provided along 2nd Ave North and/or Detroit street subject to approval by the City Engineer, Public Services and the Department of Community Sustainability to reduce the parking waiver request.
4. A unity of title shall be required to applied for prior to subsequent minor site plan amendment and shall be recorded prior to the issuance of a building permit.
5. An address application shall be required to be submitted prior to application for building permit.
6. A video security system shall be required for the property.
7. The applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
8. Minor site plan amendment shall be required prior to the issuance of a building permit to address the following modifications:
9. Two (2) Bike racks will be required and appropriately placed on site to alleviate parking requirements. Site and landscape plans to reflect the location of the bike racks.
10. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org
11. A detailed landscape plan with plant counts and symbols shall be required to address the following:
 - a. Add notes to the Landscape Notes identifying that the irrigation system will meet LDR requirements, jurisdictional requirements, and source of water.
 - b. Landscaped areas shall be protected from vehicular encroachments, appropriate curbing or wheel stops shall be provided as approved by staff.
 - c. Revise the Plant Material List to include in table format on the landscape plan (Sheet L1.01), the species, height, drought tolerant, native versus nonnative, etc.
 - d. Identify all vegetation on the landscape plan. Please identify the symbols or add symbols to the Plant Material List Table.
 - e. An additional site plan sheet depicting the location of all impermeable, semi-permeable and permeable surfaces shall be required.
 - f. All mechanical equipment shall be fully screened. The screening shall be depicted on the landscape plan.
12. On-street parking shall be depicted on the site plan to reduce the parking waiver request in so far as feasible.
13. A designated delivery and/or ride share space shall be provided in the on-street parking area

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14. Dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements.
15. Finalized street side architectural elevations are required for both Detroit Street and Buffalo Street. Architecture should engage the street along both rights-of-way and be complimentary to the architectural elevations provided.

Utilities (Water, Sewer & Stormwater)

1. Prior to building permit issuance, the Applicant shall provide the following:
 - a. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.
 - b. Utility easements are a minimum of 15 feet wide.
 - c. Provide the SFWMD ERP.
 - d. Include an erosion control and BMP plan.
 - e. Provide the irrigation service line and meter size on the water and sewer plan sheet.
 - f. Capacity fees are due prior to permit issuance. The fee schedule can be referenced from the City website, under the finance division – Schedule of fees and charges.
2. Prior to Certificate of occupancy the easement dedication must be executed and recorded.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. Prior to the issuance of a building permit, 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.
4. 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.
5. Prior to the issuance of a certificate of occupancy, 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
6. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
8. Prior to the issuance of a Certificate of Occupancy, 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.
9. 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.

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10. 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.
11. ` of a Building permit, we will need to know the location of the pad-mount transformers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
12. Before the issuance of a Building permit, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
13. Before the issuance of a CO, the utility easement must be recorded.
14. Before the issuance of a Building permit, we will need to know if any other services will be needed for the project such as irrigation, lift station, lighting, gates, etc., and where these services will be.
15. The customer will be responsible for installing all schedule -40 gray conduit that will be needed by Lake Worth Beach for this project for the primary cable. This conduit must be installed at a 42" minimum dept. Pad specs will be given to the customer to show the proper orientation of conduit at the pad mount transformers.

Building Division

1. Finished floor must be 12 inches above the crown of the road.

PLANNING AND ZONING BOARD REPORT

PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) on platted lots of record at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.

Meeting Date: June 1, 2022

Property Owner: Lake Worth Federal, LLC

Applicant: Lake Worth Federal, LLC

Project Manager: David F. Milledge – Coteleur & Hearing

Address: 1719-1737 North Federal Highway

PCNs:

38-43-44-15-39-001-0000 | 38-43-44-15-39-000-0010
 38-43-44-15-39-000-0020 | 38-43-44-15-39-000-0030
 38-43-44-15-39-000-0040 | 38-43-44-15-39-000-0050
 38-43-44-15-39-000-0060 | 38-43-44-15-39-000-0070
 38-43-44-15-39-000-0080

Size: 0.44 acre in total for the 8 townhouse platted lots of record and 1 platted lot of record for the common rear parking area.

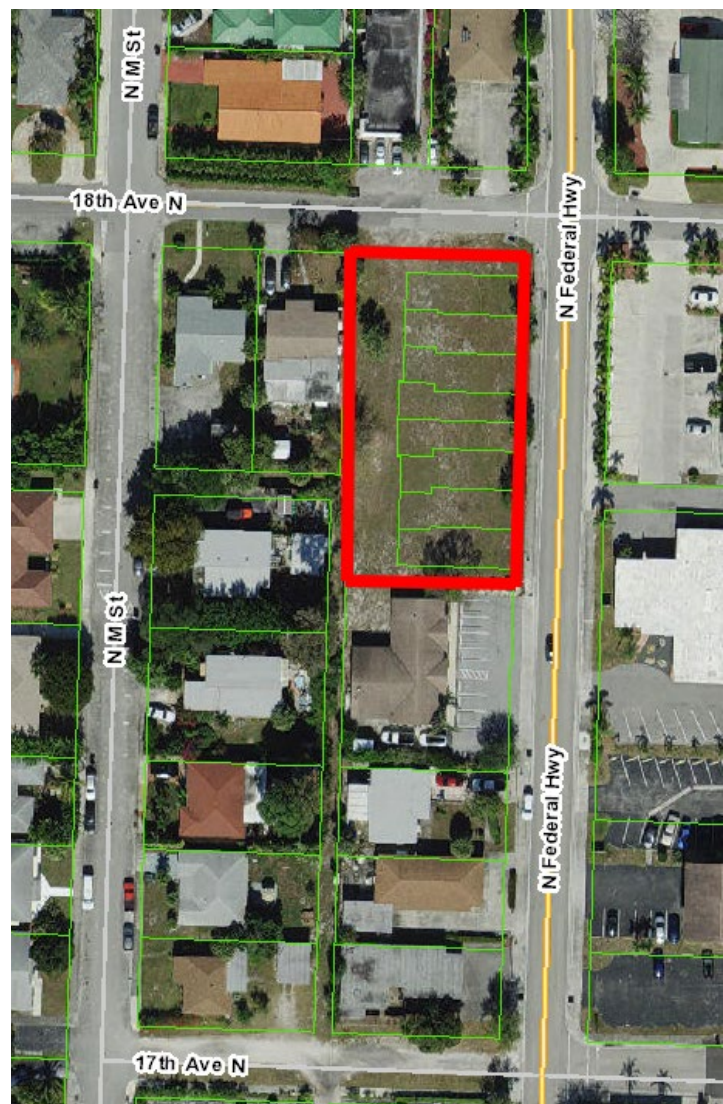
General Location: Northeast corner of 18th Avenue North and North Federal Highway

Existing Land Use: Vacant

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

Zoning District: Mixed Use – Federal Highway (MU-FH)

Location Map



RECOMMENDATION

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

PROJECT DESCRIPTION

The applicant, Lake Worth Federal, LLC., seeks approval for the construction of an eight-unit townhouse complex including additional site improvements.

The original townhouse project on this site was approved by the PZB in 2004 for eight (8) townhouse units, and subsequently platted. Since that time, the development standards for townhouses have been amended. The previous development approval has expired. The current proposal is requesting a major site plan and conditional use to allow the proposed project to be constructed. The proposed major site plan would amend the previously approved townhouse complex, while remaining consistent with the approved plat with each townhouse unit located on a platted lot of record. The site is platted into 8 townhouse lots of record with a rear common area lot of record. The project as proposed would not be consistent with the supplementary standards for townhouses under the current code as set forth in Article 4 Sec 23.3-13 Development Standards. However, as the project is modifying a previous approval where the existing townhouse lots were platted prior to the current requirements for townhouses, compliance with these supplementary standards is not required.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: Palm Beach County Property Appraiser's records indicate that the subject site is vacant.

Use: The property's use is vacant.

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

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). The MU-E FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed project is seeking to develop an eight-unit townhouse complex.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillars

II.A & II.D and Pillar IV.E of the Strategic Plan state that the City shall diversify housing options while preserving the character of existing neighborhoods and ensure that the development anticipates and embraces the future. The proposed townhouse complex and site improvements will add to the housing stock within the city, which will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar II.A & II.D and Pillar IV.E.

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

Consistency with the Land Development Regulations

The **Mixed Use-Federal Highway (MU-FH) zoning district** is intended to provide for limited retail, office, hotel/motel and low-density multiple-family residential development. Provision is also made for the establishment of low-density multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "low-density multiple-family residential district, 20 du/net acre." The "mixed use - Federal Highway" district implements in part the "mixed use" land use category of the Lake Worth Comprehensive Plan.

Analysis: Townhouses are permitted as conditional uses in the MU-FH district, subject to the regulations and standards as set forth in Article 4 Sec 23.3-13 Development Standards.

The proposed townhouse complex requested in the conditional use permit is consistent with the intent of the MU-FH zoning district as conditioned. The analysis for both the major site plan and the conditional use permit is provided in this section below and as consistent with the review criteria located in Attachments A & B.

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

Mixed Use – Federal Highway (MU-FH)/ West side of Federal Highway (LDR Section 23.3-16)			
Development Standard		Base Zoning District & Townhouses Standards (Sec. 23.4-13.(c)11.)	Proposed
Min. Lot Size in square feet (sf)		6,500	19,125 SF
Min. Lot Width		50'	185'
Setbacks	Front (East)	10 feet, with an open porch permitted in a minimum of 5 feet of setback	10'
	Rear (West)	20 feet with ten (10) feet for accessory structures	32' – 35.38' (Setback to rear deck structure)
	Street Side (North)	10'	10'
	Side (South)	10'	10'
Max. Impermeable Surface Coverage		55%	54.8% ¹
Max. Structure Coverage		45%	43% with rear deck structure
Parking Spaces		Single-family attached three (3) or more units - 1.25 spaces per unit. 10 spaces	23 spaces
Max. Building Height		30'	27.23' <i>Decorative architecture is at 30'-8" less than 10% of roof</i>

Development Standard	Base Zoning District & Townhouses Standards (Sec. 23.4-13.(c)11.)	Proposed
Density	20 units per acre	8 units
Floor Area Ratio (FAR) Limitations	.6	0.56 (0.561= 10,742 gsf/19,125 sf)
¹ Conditions of approval proposed for semi-pervious surfaces, including parking and driveway areas		

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

Analysis: The proposed dumpster location was reviewed by Public Works. Public works is proposing conditions to ensure prior to building permit issuance compliance with the size, location, and screening requirements per LDR Section 12-7, *Dumpster requirements*. Planning and Zoning staff will also propose a supporting condition to ensure that the site plan and landscape plans will show the size, location, and screening requirements.

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

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3, including that light does not trespass upon neighboring residential properties in excess of 12.57. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Sky lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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

Analysis: A residential use per Sec. 23.4-10.f)1.A - Off-street parking, Residential uses [Single-family attached three (3) or more units] requires *One and twenty-five hundredths (1.25) spaces per unit.*. The required parking is 10 parking spaces. The proposed site plan depicts 23 total parking spaces being proposed. Staff has proposed a condition that guest parking spaces shall be located on semi-pervious surface like grasscrete, or pervious asphalt or concrete.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

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

Analysis: The development proposes adequate perimeter landscaping on all sides. The proposed landscape plan provides acceptable screening from the adjacent residential zoning districts on the west and south sides of the subject site. The landscape plan will provide adequate screening on the north and east side adjacent to 18th Avenue North and North Federal Highway ROWs respectively. Perimeter landscaping will include shade trees, palm trees, and hedges/shrubs. Interior landscaping and vegetation will also be provided. The proposed landscape plan is consistent with City landscape code requirements.

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

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

Site Design Qualitative Standards Analysis (including vehicular use areas) & Major Thoroughfare Design Guidelines:

The proposed project will develop the parking lot and vehicular use areas to the rear of the townhome units in a manner that will be adequately screened from the public view with buildings, shade trees and shrubs within the landscape areas. The proposed curb cuts and parking lot layout does not create an unsafe situation and will provide and support internal vehicle circulation consistent with the LDRs. The proposed building architecture is in a modern vernacular style that is harmonious as a whole and will improve the aesthetics of the site. The building architecture, project siting, and parking are consistent with both the site design qualitative standards and the Major Thoroughfare Design Guidelines. The City Engineer and the Public Works Department have required that a sidewalk be installed per condition of approval along 18th Ave N. from the west property line to the east property line connecting to the existing sidewalk on Federal Hwy as in conformance with City requirements and the Major Thoroughfare Design Guidelines. As a result, the site civil plans will need to be amended prior to application for building permit to reflect the addition of the sidewalk.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)/ 18 th Avenue North ROW	Multi-family residential
South	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)	Commercial Office
East	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH) /Federal Highway	Multi-family residential & commercial
West	Mixed Use – East (MU-E)	Mixed Use – Federal Highway (MU-FH)/ North Federal Highway ROW	Single-family residential

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

Community Appearance Criteria:

The proposed project is suitable and compatible with the surrounding zoning districts and land uses. The townhouse complex will contribute to the surrounding character of the area and is an anticipated form of development in the Federal Highway corridor. The current site is vacant. The proposed townhouses and concurrent site improvements will provide new construction in an architecturally appropriate style with landscape screening around the perimeter

of the property, and ensuring that on-site and off-site site circulation is adequate. The proposed architecture of the building is appropriate and in harmony with the surrounding residential and mixed-use area.

Conditional Use Findings (Attachment B)

Based on the data and analysis provided by the applicant, the proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right and are generally compatible with the surrounding uses. The townhouse complex will be served by municipal services, including water, sewer, refuse, fire and police. The proposed concurrent site improvements would provide improved screening and site circulation over the site development. A traffic study was submitted. However, it should be noted that the proposed project is located on existing platted lots of records and residential development is exempt from PBC traffic concurrency.

CONCLUSION AND CONDITIONS

The Mixed Use-Federal Highway (MU-FH) zoning district is intended to provide for limited retail, office, hotel/motel and low-density multiple-family residential development. Provision is also made for the establishment of low-density multiple-family residential uses and single-family and two-family residential uses in accordance with the provisions of the "low-density multiple-family residential district, 20 du/net acre." The "mixed use - Federal Highway" district implements in part the "mixed use" land use category of the Lake Worth Comprehensive Plan. Development in the mixed-use land use category should be guided to minimize negative impacts on nearby mixed-use areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed townhouse complex, site improvements, landscaping, and lighting will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning - Site

1. The rear guest parking area and driveway shall be a semi-pervious/permeable material such as grasscrete or similar product.
2. The rear deck shall be constructed to allow water to flow to the semi-pervious surface below subject to approval by the City engineer and staff at building permit, or shall be calculated as impermeable surface area. This includes requiring a ¼" of space between deck boards.
3. The front porch shall be setback five (5) feet from the front property line for each unit.
4. A PBC Traffic Performance Standards (TPS) approval letter for the 8 townhome units is required prior to the issuance of a building permit. The proposed development is east of I-95 and is located in a concurrency exception area for new residential.
5. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations. If ground signage is desired at a later date, a minor site plan amendment shall be required to amend both the site plan and landscape plans.
6. All lighting fixtures shall be fully shielded, have a warm LED light tone of 3000K or less, and be Dark Sky compliant.
7. The applicant shall submit the final School District Availability Determination (SCAD) from the PBC School District upon at building permit and shall pay all applicable fees to the PBC School District prior to the issuance of a building permit.
8. Prior to application and the issuance of a building permit, the site plan and landscape plans will be required to show the size, location, and screening requirements for the dumpster enclosure.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works
3. Prior to the issuance of a building permit, 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.
4. 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.
5. Prior to issuance of a certificate of occupancy, the applicant shall construct a new 5-foot wide sidewalk along the south side of 18th Ave North from the west property line to the east property line connecting to the existing sidewalk on Federal Hwy in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
6. Prior to the issuance of a building permit, 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.
7. Prior to the issuance of a Building Permit, the dumpster enclosure dimensions shall be increased to 12'Wx10D' to meet the standards and details as proposed on Plan Sheet 6 and Public Works standards.
8. Prior to the issuance of a certificate of occupancy, 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.
9. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
10. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
11. Prior to the issuance of a Certificate of Occupancy, 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.
12. 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.
13. 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 & Stormwater)

1. At building permit submittal and prior to the issuance of a building permit, the final engineering plans shall include the following:
 - a. Provide the geotechnical report that includes the k – Hydraulic Conductivity factor.
 - b. Move the exfiltration trench south off the 18th Ave N right of way.
 - c. Provide a sidewalk from access drive at 18th Ave N and connect to the sidewalk at Federal Hwy.
 - d. Provide a small catch drain located in the dumpster pad area that will collect this runoff. This will be piped into a mechanical oil and grease interceptor structure that will then be tied into the proposed stormwater collection system.
 - e. Provide an erosion and sedimentation control plan with the BMPs and NPDES compliance practices for the project site.
 - f. Move sewer lateral connection from the manhole to the main with the use of a wye, this will match the water utility standards. Add a cleanout at the property line just before the alleyway.

- g. Include these standard details, which can be found online, in the plan set.
 - h. Move the meter boxes to edge of the alleyway so they can be accessed from the alleyway. The irrigation meter must have an RPZ backflow device. Include these standard details.
2. Prior to building permit issuance:
- a. Provide a section detail at each property line from back to of building/curb to property line. Please ensure that these open spaces are meeting the City's policy of containing the 3 year – 1 hour storm event or applicable storm event.
 - b. At time of engineering submittal provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
 - c. Add all structure and conflict information on the plans.
 - d. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations. o Show irrigation service line/s up the meter and backflow RPZ devices.
 - e. Show water & sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
 - f. Fireflow calculations based on a recent hydrant test. Contact Wesley Jolin with Palm Beach County at 561-233-5229.
 - g. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
 - h. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
 - i. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - j. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
 - k. Provide existing and proposed site grades.
 - l. Indicate vertical datum on all plan drawings with grades. o All applicable City of Lake Worth details.
3. Prior to building permit issuance, capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
4. Prior to Certificate of Occupancy, a Bill of Sale for the public watermains must be recorded.

Electric Utilities

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

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 21-00500010 Conditional Use Permit and Major Site Plan based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 21-00500010 Conditional Use Permit and Major Site Plan. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In Compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. 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 feet or more.</p>	Not Applicable
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance

- 9. Coordination of on-site circulation with off-site circulation.** *The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed to 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 access to parcels.* **Not applicable**
- 11. Off-street parking, loading and vehicular circulation areas.** *Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance**
- 12. Refuse and service areas.** *Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.* **In compliance 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.* **In compliance**
- 14. Transitional development.** *Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious 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.* **In compliance**
- 15. Consideration of future development.** *In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.* **In compliance**

<u>Section 23.2-31(d) - Qualitative Buildings, generally</u>	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	In compliance
<p><i>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</i></p>	In compliance

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

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

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

ATTACHMENT B - Findings for Granting Conditional Uses

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

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

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

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Sec. 23.4-13.(c)11. - Administrative uses and conditional uses/Standards/Townhouses	Analysis
1. <i>Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback;</i>	In compliance
2. <i>Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet;</i>	In compliance
3. <i>Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures;</i>	In compliance
4. <i>Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units;</i>	Not Applicable Platted Lots of Record
5. <i>The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four (4) units, unless a planned development district is approved; and.</i>	Not Applicable Platted Lots of Record
6. <i>No front door access from alleys when abutting single family residential use or district.</i>	In compliance
7. <i>For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.</i>	In compliance