



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, DECEMBER 14, 2022 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [November 16, 2022 Planning & Zoning Board Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Village Flats I](#)
[Village Flats II](#)
[The Perch](#)
[123 Wellesley Drive](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. PZB Project Number 22-01500006:** Request by Brian Gong for consideration of a variance to the maximum allowable fence height and a variance to allow a pool (accessory structure) within the front yard at 123 Wellesley Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).
- B. PZB Project Number 22-01400016:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Perch" located at 7 North B Street. The project proposes to construct 3, 3-story, 18-unit multifamily development consisting of a 9-unit apartment-style building and a 9-unit townhouse-style building. The sustainable bonus request is for additional height. The property is

zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

- C. PZB Project Number 22-01400030:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Village Flats I” located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue for the establishment of 11 townhouse style units 3 studios for the total of 14 units. The sustainable bonus incentive program is for additional height and third story on the buildings fronting Lucerne Avenue. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).
- D. PZB Project Number 22-01400040:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “Village Flats II” located at 1401 Lucerne Avenue. The project proposes to construct a 2-story, 10-unit multifamily development consisting of a 5-unit townhouse-style building and a 5-unit apartment-style building. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

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

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

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



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 16, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Daniel Walesky, Vice-Chair; Mark Humm; Edmond LeBlanc, Zade Shamsi-Basha; Alexander Cull; Evelyn Urcuyo (6:02 pm). Also present: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. PZB November 2, 2022 Regular Meeting Minutes

Motion: M. Humm moves to approve the November 2, 2022 minutes as presented; E. LeBlanc 2nd. **Vote:** Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION

- 1) 7 North B Street
Residences at Lake Worth Beach

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **PZB Project Number 22-01400004 (Ordinance 2022-17):** A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, and Sustainable Bonus for the project commonly referred to as "Residences of Lake Worth," to construct three (3) mid-rise residential structures that are 5-stories in height

with a total of 195 dwelling units. The sustainable bonus request is for an additional 3-stories in height.

Staff: E. Sita- The various applications submitted by the applicant include participation in the Workforce Housing Initiative. Thirty units are required, with a proposed additional 18 for a total of 48 (26 one-bedroom units, 22 two-bedroom deed restricted units). Of those only the 18 can be considered for the Sustainable Bonus. The Sustainable Bonus Incentive will include a 50% payment to the City (\$571,095.00) with an equivalent amount due in the event of non-performance. Amenities/features include a walkway around the lake and a dog park, fully gated and fenced with 298 parking spaces including alternate spaces of bike racks and compact spaces. There will be a recreational building with pool and leasing office on-site.

Applicant/Owner/Project Managers: Brian Terry- Insite Studios, Jesse Woeppel from the Richman Group. Simmons and White-Engineering, Behar Font-Architects. The communication tower will remain on the site. The site design involved bringing a presence to the streetscape by orienting two (2) of the buildings towards 2nd Ave N. Consistent with the south side of 2nd Ave, there will be some on-street parking spaces. The neighborhood informational meeting was conducted on November 1, 2022. There is also a link on the developer website.

Board: Are all the Workforce units aggregated in one building? Was there a traffic count or study? **Applicant:** Distribution of units are undecided at this time. Board suggests the addition of a few motorcycle parking spaces.

Applicant: There will be a left turn lane eastbound on 2nd Ave North.

Public comment: None

Board: E. Urcuyo questions if the noticing radius could be expanded?

Staff: E. Sita explains for Board meetings all sites have site signs posted a minimum of 10 days in advance of the meeting; a legal ad is placed in a local newspaper a minimum of 10 days in advance; the applicant mails courtesy notices to property owners within a 400 ft radius of the site a minimum of 10 days in advance of the meeting (a statutory requirement).

In addition to the newly required Neighborhood Meeting conducted by the applicant in advance of the Board meeting (which again requires sign posting and courtesy mailings), any project going to City Commission for consideration, follows the same noticing process for Board.

In totality, the property owners are notified by mail a minimum of three times, signs are posted for the duration, there are a minimum of three legal notices and an informational meeting. There is a limit to what the City can ask of the applicant and land owner.

Board: E. LeBlanc inquires about the impermeable surface percentage? Which certification is being sought? Lastly, what is proposed as far as workforce housing?

Project Manager: The lake is for retention with a tremendous amount of underground storage (beneath parking); National Green Building Standard.

Staff: E. Sita explains options are available to deed restrict through either the County program or City Program. If they choose to restrict through the county, it must be equal to or better than the City requirements. Must be equal to or better than our price point in the City. This would be something that would be worked out by the City Attorney Office.

Board Attorney: The County program is based upon a range and buy-in date; the City program is based upon type of unit and how many occupants and is adjusted annually.

Board: A. Cull asks for additional information to compare the County and City programs. Staff can send the City Ordinance. E. LeBlanc asks for fence detail.

Applicant: Five (5) foot black aluminum picket along 2nd Ave North., the balance of the perimeter will be black, vinyl coated chainlink set into the landscape.

Board: M. Humm asks what other developments are in Palm Beach County, and do they maintain the apartments? **Response** -Yes, and they do maintain the development after construction. Was a flood determination or risk analysis done on the property?

Staff: C-51 basin is one of the major east-west drainage canals in the County. This specific site has the compensation of the lake. Staff explains the BFE (base flood elevation) and the City participation in the FEMA program. This enables property owners to purchase flood insurance at a discounted rate. Civil Engineer from Simmons and White speaks regarding the site.

Motion: D. Walesky moves to approve PZB 22-01400004 (Ordinance 2022-17) with staff recommended conditions based upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous

B. PZB Project Number 22-01400016: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Perch” located at 7 North B Street. The project proposes to construct a 3-story, 18-unit multifamily development consisting of a 9-unit apartment-style building and a 9-unit townhouse-style building. The sustainable bonus request is for additional height.

This item is being continued to the December 14, 2022 PZB meeting.

Motion: D. Walesky moves to continue PZB 22-01400016 to the December 14, 2022 meeting; J. Contin 2nd. **Vote:** Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: *Reminder- The next PZB meeting will be held on December 14, 2022.*

BOARD MEMBER COMMENTS: E. Urcuyo expresses concern with regard to increasing social outreach to include more areas surrounding projects, one of her primary reasons for joining the Board. Doesn't like the term “workforce housing”.

Board Attorney reminds all that social media outreach cannot contain any messages that construe bias. The projects are quasi-judicial. A copy of any social communication should be provided to staff. It is possible one might be required to recuse themselves from the discussion and vote.

J. Contin states the project with the modern architecture is refreshing and adds diversity. Nearly every other municipality requires informational meetings. D. Walesky mention more opportunities exist for property owners to participate with Commission review; terminology regarding Workforce Housing and/or Affordable Housing and Market rate is standardized.

ADJOURNMENT: 6:57 PM

Public Notice

Legal Notice No. 41328

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, December 14, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 22-01400040: Consideration of a Major Site Plan and Conditional Use Permit (CUP) request for the project commonly referred to as "The Village Flats 2" located at 1401 Lucerne Avenue for the establishment of 5 townhouse style units and 5 studios for a total of 10 units. The subject site is zoned Mixed Use - East (MU-E) and has a future land use designation of Mixed Use - East (MU-E).

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.**

Publish: The Lake Worth Herald
December 1, 2022

Public Notice

Legal Notice No. 41325

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, December 14, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 22-01400016: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Perch" located at 7 North B Street. The project proposes the development of an 18-unit multifamily development consisting of three 3-story buildings each with 9 multi-family units. The sustainable bonus request is for additional height and the third story. The property is zoned Mixed Use - East (MU-E) and has a future land use designation of Mixed Use - East (MU-E).

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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Publish: The Lake Worth Herald
December 1, 2022

Legal Notice No. 41327

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, December 14, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 22-01400030: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) request for the project commonly referred to as "The Village Flats I" located at 1207/1209/1211/1213/1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue for the establishment of 11 townhouse style units 3 studios for the total of 14 units. The sustainable bonus incentive program is for additional height and third story on the buildings fronting Lucerne Avenue. The subject site is zoned Mixed Use - East (MU-E) and has a future land use designation of Mixed Use - East (MU-E).

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Publish: The Lake Worth Herald
December 1, 2022

Legal Notice No. 41326

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, December 14, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 22-01500006: Request for consideration of a variance to the maximum allowable fence height, and a variance to allow a pool (accessory structure) within the front yard at 123 Wellesley Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

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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Publish: The Lake Worth Herald
December 1, 2022

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01500006: Request by Brian Gong for consideration of a variance to the maximum allowable fence height and a variance to allow a pool (accessory structure) within the front yard at 123 Wellesley Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: December 14, 2022

Property Owner: Brian Gong & Gretchen Gong

Applicant: Brian Gong

Address: 123 Wellesley Drive

PCNs: 38-43-44-15-16-065-0070

Size: 0.12-acre lot / ±1,850 square feet of existing structure

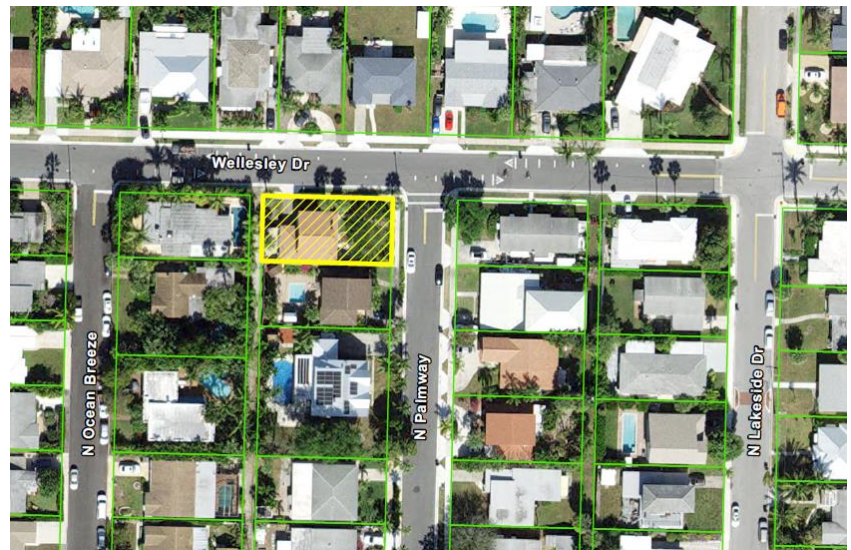
General Location: East 100 block of Wellesley Drive

Existing Land Use: Single-family Residential

Current Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)

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. As the proposed variance request for the pool are consistent with the variance criteria in the LDRs, staff is recommending approval of that variance. For the fence variance request, staff has made positive findings for only one out of the four criteria. Therefore, staff recommends that the PZB discuss the applicant's request of the fence height to determine if the request is consistent with the required variance criteria.

PROJECT DESCRIPTION

The applicant, Brian Gong, is requesting a **variance** to the maximum fence height to allow the proposed placement of a 6-foot fence and an **additional variance** to allow a pool (accessory structure) within the front yard at 123 Wellesley Drive. The site, 123 Wellesley Drive, is a single-family zoned property located in the east 100 block of Wellesley Drive. The lot currently has a 1,850 square foot residence. The subject site is surrounded by single-family zoned properties to the north, east, south, and west.

COMMUNITY OUTREACH

Staff has received four letters of support from adjacent and nearby neighbors of 123 Wellesley Drive. The letters of support are located in Attachment B. Staff has also received an affected party request the from neighboring property at 1827 N Palmway.

BACKGROUND

The subject site is a 5,040 square foot residential lot. Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

- February 4, 1985 – the 2-story single family residence was constructed.
- October 15, 2007 – the property received a building permit to reroof.
- April 29, 2016 – the property received a building permit for the installation of a 6 ft fence behind the building line and a 4 ft fence in front of building line. The following conditions of approval apply for permit 16-281:
 - The visibility triangle shall be 20 feet in each direction from the corner of Wellesley Drive and North Palmway.
 - Along the side rear property lines adjacent to the roadways, a fence shall not exceed 6 feet in height and be setback a minimum of 30 inches from the property line providing a landscape screen.
 - Fence shall be a wood board on board fence.
- September 29, 2022 – Applicant and staff held a pre-application meeting to discuss possible variance at 123 Wellesley Drive.
- October 28, 2022 – Applicant submitted a variance application for the maximum allowable fence height, and a variance to allow a pool (accessory structure) within the front yard.
- December 6, 2022 – a search of the City's database shows that there are no active code cases linked to this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes or modular units. There is currently one single family residence on the subject property. The variance being sought does not change the use of the property, which will remain single family. Therefore, the proposal is generally consistent with Policy 1.1.1.2 of the Comprehensive Plan. The subject variance is associated with the placement of a pool and a 6-foot fence within the front yard which, is a minor change to the property overall. As such, review of the strategic plan is not applicable to an improvement of this scale.

Based on the analysis above, the proposed variance is consistent with the goals, objectives, and polices of the City of Lake Worth Beach’s Comprehensive Plan and the Strategic Plan, should the PZB approve the subject variance requests.

Consistency with the City’s Land Development Regulations

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

Staff Analysis: The proposed fence and pool are generally consistent with the LDR requirements for fencing and accessory structures, with the exception of the total height of the fence and the location of the pool. The proposed 6-foot fence is in conflict with the fence height limitation in LDR Section 23.4-4. The proposed pool location, which is in the front yard between the principal structure and the public right-of-way, is in conflict with LDR Sections 23.3-7 and 23.1-12. The applicant has requested relief from these code limitations by applying for two (2) individual variances.

Variance Requests		
LDR Citation	Required	Proposed
Fence Height (Section 23.4-4)	On the front property line and on that portion of the side property line from the front property line to the front building setback line, a fence or wall shall have a maximum height of four (4) feet from the natural grade of the lot.	6’ fence along the front (east) property line.
Accessory Structure Location (Section 23.1-12)	May not be constructed between any principal structure and a public street right-of-way.	Pool to be constructed in the front yard, between the principal structure and a public street right-of-way.
Accessory Structure Location (Section 23.3-7)	Shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.	Pool to be constructed in the front yard, between the principal structure and a public street right-of-way.

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

Section 23.2-26(b) Regular findings of approval – Pool

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

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

Staff Analysis: Based on the siting of the structure, the rear (west) setback of the primary structure is 15 feet. The property owner contends that there is not space in the backyard for a pool. With the existing 15 feet of space and the required 5-foot rear setback for accessory uses, there is only 10 feet of space from the exterior wall of the house to the required setback to build a pool. There is not sufficient space in either of the side yards to build a pool, leaving the front yard as the only feasible pool location. Based on the existing siting of the structure, staff concurs that there are special circumstances or conditions that are peculiar to the land and building that do not apply generally to the nearby lands and buildings. **Meets Criterion.**

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

Staff Analysis: The subject property has accommodated a single-family use for over 30 years. Strict application of the LDRs would not deprive the applicant's continued use of the residence; however, a pool is a reasonable expectation for a single-family home in South Florida due to the context and climate. The applicant contends that a pool is a recreational amenity that is necessary for the reasonable use of the property. **Meets Criterion.**

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

Staff Analysis: The proposed variance of the accessory structure location is the minimum necessary to accommodate a new pool of this size and configuration in the front yard. **Meets Criterion.**

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

Staff Analysis: Although the character of the neighborhood does not include pools in the front yard, this request would not be unduly injurious or detrimental to the public welfare. The applicant's existing fencing and hedging that will screen the pool location in the front yard, and conditions of approval are in place that the proposed fencing (pending variance approval) will utilize landscaping to screen the yard. **Meets Criterion.**

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

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

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

Staff Analysis: The applicant contends that the 4-foot fencing permitted by the LDRs is not sufficient to preserve their privacy and security in the front yard, and instead proposes a 6-foot fence which will be placed behind the existing clusia hedges. Homes located on corner lots are a common condition throughout Lake Worth Beach, and a 4-foot fence along the front yard is a standard requirement for all homes, including those on corner lots. While the placement of a pool in the front yard would create conditions that do not apply generally to nearby lands, the request does not meet Criterion 1, as the pool placement is the result of the applicant's actions by requesting a variance for the placement of the pool within the front yard. **Does not meet criterion.**

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

Staff Analysis: The applicant contends that the strict application of the LDRs deprives the property owner of 123 Wellesley Drive reasonable use of the land as it relates to privacy and security. Strict application of the LDRs would require fencing along the front yard to have a maximum height of 4 feet, as was approved in the 2016 fence permit (16-281) for the property. This fence configuration is standard across the City and would not deprive the applicant of reasonable use of the land as a single-family structure. There is also an existing Clusia hedge providing privacy and screening along the property lines adjacent to North Palmway and Wellesley Drive. **Does not meet criterion.**

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

Staff Analysis: The variance is not required for reasonable use of the land. A landscape screen on either side of the fence, such as the existing 6-foot-high clusia hedge, can provide additional privacy which is a concern expressed in the applicant's justification statement. **Does not meet criterion.**

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

Staff Analysis: The granting of the variance, as conditioned, will not have a negative visual impact or be unduly injurious to nearby properties the surrounding neighborhood. If the Board approves the fence variance, staff has drafted conditions of approval, including that the 6-foot fence is setback 30 inches from the property lines providing a landscape screen maintained at a height that fully screens the fencing. This landscape screening would nullify the visual impact of the 6-foot fence, as the existing hedge is already over 4 feet high and would hide the additional fence height. **Meets criterion.**

CONCLUSION AND CONDITIONS

Based on staff analysis, the variance request for the pool complies with all the variance criteria outlined above. For the fence variance request, staff has only made positive findings for one out of the four criteria. Staff recommends that the PZB discuss the applicant's request for the location of the fence and pool to determine if the request is consistent with the required variance criteria. If the PZB approves the variance requests, staff is recommending staff is recommending conditions of approval, including conditions requiring screening, setbacks, and visibility triangles for the front yard fencing.

Conditions of Approval:

1. The fence shall be set back 30 inches from the front (east) property line.
2. The visibility triangle shall be 20 feet in each direction from the corner of Wellesley Drive and North Palmway.
3. Existing hedge or alternate landscape approved by the city horticulturist shall be maintained at a height that fully screens the front (east) fence.
4. A full zoning review will be completed at the time of building permit. Note that additional comments may arise.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-01500006 with staff recommended conditions for **variance** to the accessory structure location to allow the installation of a pool in the front yard for the property at 123 Wellesley Drive, as the application meets the variance criteria based on the data and analysis in the staff report. I ALSO MOVE TO DISAPPROVE the request for a **variance** to the maximum fence height to allow the proposed placement of the 6-foot fence in the front yard, as the project does not meet the variance criteria for the following reasons [Board member please state reasons.]

I MOVE TO APPROVE PZB PROJECT NUMBER 22-01500006 with staff recommended conditions for a **variance** to the maximum fence height to allow the proposed placement of the 6-foot fence in the front yard and a **variance** to the accessory structure location to allow the installation of a pool in the front yard, for the property at 123 Wellesley Drive. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-01500006 for a **variance** to the maximum fence height and a **variance** to the accessory structure location. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

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

ATTACHMENTS

- A. Letters of Support/ Affected Party
- B. Application Package (survey, landscape plan & supporting documents)



PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400016: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Perch” located at 7 North B Street. The project proposes to construct 3, 3-story, 18-unit multifamily development consisting of a 9-unit apartment-style building and two 9-unit townhouse-style buildings. The sustainable bonus request is for additional height. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: December 14, 2022

Property Owner: 7 North B, LLC., & City of Lake Worth Beach

Applicant: InHabit Property Group, LLC.

Project Manager: Tim Carey

Address: 7 North B Street

PCNs:

38-43-44-21-15-501-0030

38-43-44-21-15-501-0040

38-43-44-21-15-501-0060

Size: ±0.59 acres / 25,936 sf

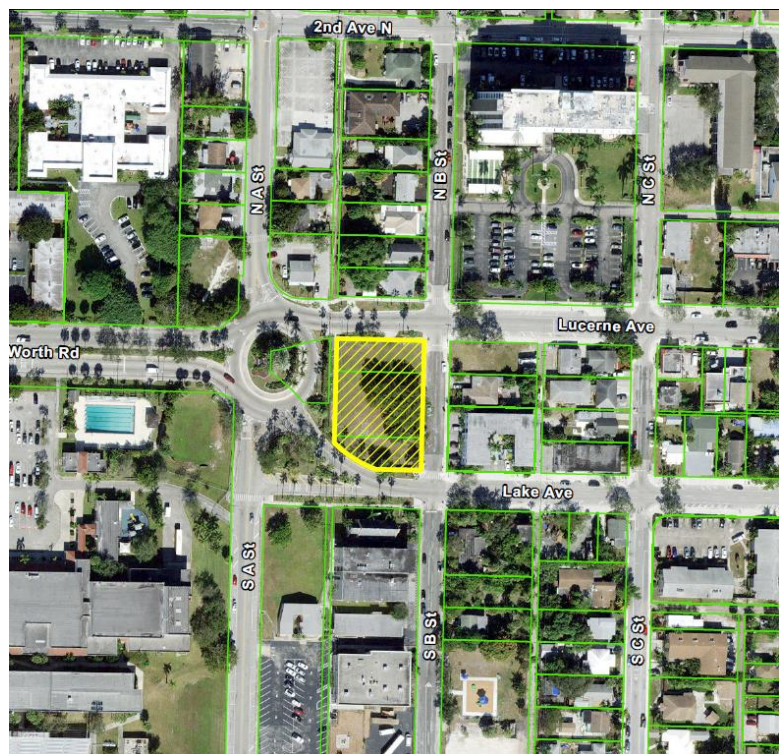
General Location: East of A Street between Lucerne Avenue and Lake Avenue

Existing Land Use: Vacant

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

Zoning District: Mixed Use – East (MU-E)

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, Conditional Use, and Sustainable Bonus requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8-11 of this report.

PROJECT DESCRIPTION

The applicant, InHabit Property Group, LLC., is requesting approval of the multifamily development known as The Perch located at 7 North B Street:

- **Major Site Plan** for the development of a three-story multifamily development in excess of 7,500 square feet and additional site improvements.
- A **Conditional Use Permit** request to develop a multifamily residential use structure greater than 7,500 square feet.
- A **Sustainable Bonus** request for additional height of one story for a total of three stories.

The Applicant is proposing a three-story, 18-unit multifamily development on a combined .59-acre lot with the purpose of improving the area while contributing to the commercial and residential uses surrounding the area. The proposed multifamily development includes two 9-unit townhouse-style buildings and a 9-unit apartment-style building, surface parking, and site amenities. The proposed townhouse-style multifamily units will be 3-bedroom models ranging from 1,545 square feet to 1,785 square feet. The apartment units will include 1 to 2-bedrooms ranging from 625 square feet to 948 square feet. In addition to the proposed surface parking, the townhome-style multifamily units will each have a two-car garage.

The proposed project is a collaboration between the City of Lake Worth Beach, the Lake Worth Beach CRA, and the applicant. The CRA sought development of the City-owned parcels listed above, which are at the edge of the burgeoning arts district, and in close proximity to the very successful Urban Arts Lofts, West Village and HATCH 1121. In early 2021, InHabit was awarded the RFP after a competitive submission and presentation process.

After working with the then newly elected Mayor on the best use of the site, brainstorming, designing and modeling art pieces to include in the project, and meeting with Neighborhood Associations to get their input, InHabit worked on units that met the community's needs. Of chief importance to the City and the residents was a diversity of housing options and an architecturally distinctive project that was a minimum of three stories. During the January 2022 CRA Board meeting, the CRA Board unanimously approved the plans for the Project.

The proposed multifamily development will ensure compatibility with the surrounding mixed uses that include a mix of some commercial, single and multi-family residential, and live/work units. The surrounding area is an eclectic mix of architectural styles, the most significant of which are Florida Vernacular, Anglo-Caribbean, Contemporary, and Modern. The buildings in the neighborhood vary in height from one (1) to three (3) stories, with the exception of Lake Worth Towers at ten (10) stories.

COMMUNITY OUTREACH

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

BACKGROUND

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

Construction: Currently, there are no existing structures on the site.

Use: The property's existing 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). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The 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.*

Analysis: The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve financial sustainability 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 polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), *the "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. 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 factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Use - East (MU-E)	MU-E w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,500 sf	.6 acres (25,933 sf)
Lot Width (min) South A Street and North B Street		25'	25'	+/- 199'
Setbacks	Front (min) (Lake Ave, Lucerne Ave & North B Street)	10'	10'	10'
	Rear (min)	10'	10'	N/A
	Street Side (min) – west (South A Street Roundabout)	10'	10'	10'
	Street Side (min)	0'	0'	N/A
Impermeable Surface Coverage (maximum)		65%	65%	58%
Structure Coverage (max)		55%	55%	38.4%
Density (max)		30 du/acre (18 units)	30 du/acre (18 units)	30 du/acre (18 units)
Building Height (max)		30' (max. 2 stories)	45' (max. 4 stories)	35'-6" Mean Roof Height of Gable Roof Building 3
Maximum Wall Height at Side Setback		30'	45'	+/- 34'8" Mean Roof Height of Gable Roof
Floor Area Ratio (FAR) (max)		0.9	1.4	1.1 (+/- 28,650 sf)
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One- bedroom units (apartments)	600 sf	600 sf	652 sf
	Two- bedroom units (apartments)	750 sf	750 sf	948 sf
	Three- bedroom units (townhome- style MF)	900 sf	900 sf	1,545-1,785 sf

Parking	34 spaces	NA	35 spaces
Flood plain / Wellfield Zone	Wellfield Zone 4		

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 enclosure is proposed to be within the site near the southwest corner of Building #1. The dumpster enclosure will be constructed with a 6' high concrete block-stucco material with high quality decorative vision-obscuring gates. Accommodations for recyclables will also be provided within the enclosure. Public works has also proposed a condition to review accessibility and demand on property and that the proposed dumpster is compatible with the requirements of the Department of Public Works.

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. 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 multi-family use proposal is 34 spaces. The parking spaces were calculated at the following:

- 1.5 spaces/unit for the multi-family one-bedroom unit proposal (5 spaces for 3 units)
- 1.75 spaces/unit for the multi-family two-bedroom unit proposal (11 spaces for 6 units)
- 2 spaces/unit for the multi-family three-bedroom unit proposal (18 spaces for 9 units)

Thirty-five parking spaces are proposed, which exceeds the required parking by one (1) space. Parking is a mix of garage parking for the townhome-style units (18 spaces), standard off-street parking (11 spaces), and on-street parking (6 spaces). To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, Public Works is proposing a condition to add a Type F curb along B Street. The proposed curbing will prevent vehicle encroachment onto the sidewalk areas. The Public Works Department has also requested the applicant provide a sidewalk along the west side of North B Street.

Per the applicant, FDOT will be adding sidewalks along the west and north sides of the site. This will provide pedestrian connectivity along west, north, and east sides of the subject site. The sidewalks internal to the site are insulated from the vehicular circulation system. Pedestrian connections are provided from the buildings to the sidewalks along the adjacent streets.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The signage proposed in the future 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 proposal provides perimeter landscaping and shade trees. The proposed landscaping is consistent with the City’s landscape regulations. Tree species include a mix of Pigeon Plum, Silver Buttonwood, Live Oak, and Magnolia trees for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City’s requirement that 75% of all required plants be Florida native. Staff has included conditions of approval to will be proposed to ensure that tree selections comply the Major Thoroughfare Design Guidelines for Thoroughfare A (Lake and Lucerne).

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

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) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting and sustainable features. With the proposed pocket park, located at the Lake Avenue frontage, the project invites community interaction. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways. The building is placed along the North B Street corridor, with surface parking within the site, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the north (Lucerne Avenue) and east side (North B Street) streets, minimizing vehicular interaction with the pedestrian circulation. The on-site parking is placed in between buildings 1 and 2, effectively screening it from Lake Avenue, Lucerne Avenue and North B Street. The western and southern perimeter of the property will be lined with high hedges to screen the Perch townhomes from the traffic of the round-about and Lake Avenue. Adequate interior and perimeter landscaping are also provided. Public Works has proposed conditions of approval requiring installation of a sidewalk and Type F curbing along the west side of North B Street. The improvements will enhance the pedestrian experience on North B Street. The solid waste dumpster will be located in an enclosure at the southeast of the property and will provide collection and storage of solid waste and recyclables. Site lighting will comply with the City’s lighting design and illumination standards, such that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings. The development will also feature a sculpture located in the proposed pocket park at the SW corner of the project along Lake Avenue.

The proposed improvements to the site 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	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lucerne Avenue ROW / Commercial & Single-family homes
South	Mixed Use – East (MU-E)	Single-Family Residential (SFR)	Lake Avenue ROW / Place of Worship
East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lake Avenue and B Street round-about
West	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	North B Street ROW/vacant parcel, Single-family home, apartment complex

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 area.

Community Appearance Criteria:

The proposed multifamily development project including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed architecture style (Angelo-Dutch or Dutch Colonial Revival) of the building is appropriate and in harmony with the surrounding residential and nonresidential area. The development proposal includes the placement of a potential large sculpture along Lake Avenue in the pocket park, which will activate the streetscape and reinforce the desired development pattern and public right-of-way improvements for this area of Lake Worth Beach. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

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. 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 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, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the second floor is +/- 7,571 square feet (3rd floor). Therefore, the value of required improvements for the SBIP bonus areas is \$60,517.60 (+/- 8,069 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$30,258.75, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value, the applicant is proposing the following qualified on-site improvements including Florida Green Building Certification (\$15,129.40), Public Art sculpture and a Pocket Park. The total value of the qualifying improvements based on the proposed improvements would exceed the value of the SBIP value. As the details of the pocket park and sculpture will need to be finalized with the Recreation Department and City Commission, the final values would be determined at permit. Should the costs of the improvements not exceed the remaining SBIP value due, the applicant has been conditioned to pay the difference.

CONCLUSION AND CONDITIONS

The MU-E zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel, and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multifamily proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to 50% of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. Public art (sculpture) proposed shall be reviewed by the CRA's LULA program prior to installation.
4. Prior to building permit application:
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
5. Prior to the issuance of a building permit, a minor site shall be required to address the following:
 - a. The faux clapboard siding shall be removed and replaced with a stucco finish to match the rest of the building. Also, the scoring detail on the east elevation needs to be removed. The architectural style chosen does not support this exterior façade application.

- b. A Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.
 - c. A photometric plan is required. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - d. The site plan data table shall be updated to remove errors, including the density of the property (30 du/acres or 18 units)
 - e. Final landscape plan shall be required that reflects the dumpster configuration. The landscape plan shall comply with all City requirements and the dumpster enclosure shall be screened by landscaping.
6. Prior to issuance of a building permit, 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.
 7. A video security system shall be required for the property.

Landscape Services

1. Prior to the issuance of a building permit for vertical construction:
 - a. Provide ISA Arborist condition rating reports for all trees with a condition rating 50% or less that are proposed to be removed.
 - b. Remove all references of the residential landscape point system from the plans. The landscape points are only applicable for single family and duplex properties. Use code section 23.6-1 (c) (2) for New and Existing Multiple-Family commercial and industrial development for the landscape requirements.
 - c. Provide table showing that the City's minimum native tree and plants requirement has been met.
 - d. Adjust tree selection to comply with the City's Major Thoroughfare Design guidelines.

Public Works

Standard Conditions of Approval:

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. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

Additional Conditions of Approval

1. Prior to issuance of a building permit:
 - a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
 - b. The applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - c. The applicant shall meet with a representative from Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.

2. Prior to the issuance of a certificate of occupancy:
 - a. The applicant shall construct a new 5-foot wide sidewalk along North B Street in compliance with the Public Works Department’s specifications and Policy and Procedure Manual.
 - b. Install new Type F curb along North B Street in compliance with the Public Works Department’s specifications.
 - c. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - d. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
 - e. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a “Right of Way/Utility Permit” application.

Utilities – Water & Sewer

1. Prior to issuance of building permit, provide the Mechanical, Electrical and Plumbing (MEP), and verify that a 2-inch water service is adequate to serve all the units of the proposed project.
2. . Prior to building permit issuance, reserved capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.

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. The electric utilities will be provided from the west side of the property. The location of the meter will need to be accessible by the provided electric utilities.
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.
6. The proposed setback of the building facade must maintain a minimum of 10 ft. from any overhead electric utility structures on the west side of property and building 2. This includes extensions of these structures such as utility pole cross-arms.

Prior to the issuance of a Certificate of Occupancy:

- a. Provide copy of recorded Utility Easement.
- b. Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for “The Perch” at 7 North B Street 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 Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for “The Perch” at 7 North B Street. 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 this request. The Applicant may appeal the Board’s decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (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>	In compliance
<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>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</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.* **Not Applicable**
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.* **Not Applicable**
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.* **Not Applicable**
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 demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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

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

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400030: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Village Flats I” located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue for the establishment of 11 townhouse style units 3 studios for the total of 14 units. The sustainable bonus incentive program is for additional height and third story on the buildings fronting Lucerne Avenue. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: December 14, 2022

Property Owner: City of Lake Worth Beach
 Community Redevelopment Agency

Applicant: InHabit Property Group, LLC.

Project Manager: Tim Carey

Addresses: 1207 Lucerne Avenue, 1209 Lucerne Avenue, 1211 Lucerne Avenue, 1213 Lucerne Avenue, 1215 Lucerne Avenue, 1401 Lucerne Avenue, 1216 Lake Avenue, 1220 Lake Avenue, 1230 Lake Avenue

PCNs:

38-43-44-21-15-505-0050, 38-43-44-21-15-505-0040,
 38-43-44-21-15-505-0030, 38-43-44-21-15-505-0020,
 38-43-44-21-15-505-0010, 38-43-44-21-15-503-0050,
 38-43-44-21-15-505-0120, 38-43-44-21-15-505-0130,
 38-43-44-21-15-505-0160

Size: ±0.643 acres / 28,000 square feet

General Location: East of E Street between
 Lucerne Avenue and Lake Avenue

Existing Land Use: Vacant

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

Zoning District: Mixed Use – East (MU-E)

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, Conditional Use, and Sustainable Bonus requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8-11 of this report.

PROJECT DESCRIPTION

The applicant, InHabit Property Group, LLC., is requesting approval of the multifamily development known as Village Flats I located at 1215 Lucerne Avenue:

- **Major Site Plan** for the development of two-story and three-story townhouse-style and studio-style multifamily development in excess of 7,500 square feet and additional site improvements.
- A **Conditional Use Permit** request to develop a multifamily residential use structures greater than 7,500 square feet.
- A **Sustainable Bonus** request for additional height of one story for a total of three stories for two of the four buildings.

The applicant is proposing four (4) separate buildings that will include townhouse-style and studio-style units located on a combined .643-acre site. The proposed multifamily development is looking to improve the area while contributing to the commercial and residential uses surrounding the area. The proposed 14-unit multifamily development includes 11 townhouse-style units and 3 studio-style units, surface parking, and site amenities. Building 1 is proposed to be a single townhouse-style unit totaling $\pm 1,337$ square feet. Buildings 2 & 3 are proposed to be seven (7) 3-story, townhouse-style multifamily units. The units will be comprised of 3-bedroom models ranging from $\pm 2,717$ square feet to $\pm 2,724$ square feet. Building 4 is proposed to be three (3) townhouse-style units with attached three (3) studio-style units. Total square footage for each unit is $\pm 1,375$. In addition to the proposed surface parking and on-street parking, the townhouse-style units will each have a two-car garage.

The proposed project is a collaboration between the City of Lake Worth Beach, the Lake Worth Beach CRA, Royal Poinciana and Tropical Ridge Neighborhood Associations, and the applicant. The CRA sought redevelopment of CRA-owned vacant lots between Lake and Lucerne Avenues. The intent is to create a unified vision with similar uses in the District that complement the existing landscape as well as each other. Projects were required to be at least two to three stories in height.

All interested parties began brainstorming, designing, and meeting with Neighborhood Associations to get their input, InHabit worked on units that met the community's needs. Of chief importance to the City and the residents was a diversity of housing options and an architecturally distinctive project that was a minimum of three stories. During the December 2021 CRA Board meeting, the CRA Board approved the amended plans for the Project.

The proposed multifamily development will ensure compatibility with the surrounding mixed uses that include a mix of some commercial, single and multi-family residential, and live/work units. The surrounding area is an eclectic mix of architectural styles, the most significant of which are Florida Vernacular, Anglo-Caribbean, Contemporary, and Modern. The buildings in the neighborhood vary in height from one (1) to three (3) stories, with the exception of Lake Worth Towers at ten (10) stories.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects

along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.

On November 30, 2022, the applicant held a meeting with neighborhood residents at the Hatch 1121 Art Gallery. Notices were mailed to all property owners within 400 ft of the project on November 15, 2022 and signs were placed on the property on November 15, 2022. There were 20 attendees at the meeting and no concerns were identified per the meeting minutes. The applicant also has a project Instagram with color renderings: <https://www.instagram.com/villageflats/>

BACKGROUND

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

Construction: Currently, there are no existing structures on the combined site.

Use: The combined property's existing 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). Per policy 1.1.1.5, The Mixed Use – East category is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The 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 multi-family use is an anticipated and desired use in the MU-E designation. The project would allow for the in the infill of vacant property in the downtown west of U.S. Highway 1 with architecturally appropriate building. The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve financial sustainability and stable tax base, and ensuring facility placement, construction and development that anticipates and embraces the future. The proposed multifamily buildings and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

Based on the analysis above, the proposed development 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

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), the "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of

residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. 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 factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Use - East (MU-E)	MU-E w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,500 sf	28,000 sf (.643 acres)
Lot Width (min) Lake Avenue and Lucerne Avenue		25'	25'	175'
Setbacks	Front – Lucerne Avenue (min)	Minimum of ten (10) feet not to exceed twenty-two (22) feet.	Minimum of ten (10) feet not to exceed twenty-two (22) feet.	16'
	Front – Lake Avenue (min)	10'	10'	10' (porch allowed 2' encroachment into setback)
	Street Side (min) – west (North E Street)	10'	10'	10'
	Side Interior (min) – east	0'	0'	0'
Impermeable Surface Coverage (maximum)		65%	65%	57%
Structure Coverage (max)		55%	55%	42%
Density (max)		30 du/acre (19 units)	30 du/acre (19 units)	14 units
Building Height (max)		30' (max. 2 stories)	45' (max. 4 stories)	Building 1 (2-story): 29.6' Buildings 2 & 3 (3-stories): 42.45' Building 4: (2-story): 16.75'
Maximum Wall Height at Side Setback		30'	45'	Building 1 (2-story): 22' Buildings 2 & 3 (3-stories): 33' Building 4: (2-story): 22'
Floor Area Ratio (FAR) (max)		1.4	1.55	1.15

Living Area (minimum)	Studio	400 sf	400 sf	406 sf
	One-bedroom units	600 sf	600 sf	NA
	Two-bedroom units	750 sf	750 sf	NA
	Three-bedroom units (townhome-style MF)	900 sf	900 sf	1,337-2,724 sf
Parking		26 spaces	NA	45
Flood plain / Wellfield Zone		Wellfield Zone 1		

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 applicant has indicated that refuse will be collected in City approved trash cans and stored away from any sightlines. Tenants will be responsible for enclosures to store refuse cans and recyclable cans through lease agreements. Trash and recyclables will be located, designed, and screened to minimize impacts of noise, glare, and odor from adjacent properties and tenants. Planning and Zoning staff is proposing a condition for the applicant to coordinate with Public Works on the location and screening of the refuse areas.

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 not provided depicting compliance with the exterior lighting requirements in Section 23.4-3. 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 multi-family use proposal is 26 spaces. The parking spaces were calculated at the following:

- 1.25 spaces/unit for the studio unit proposal (3.75 spaces for 3 units)
- 2 spaces/unit for the townhouse style three-bedroom unit proposal (22 spaces for 11 units)

Forty-five parking spaces are proposed, which exceeds the required parking by nineteen (19) spaces. Parking is a mix of garage parking for the townhome-style units (22 spaces), standard off-street parking (10), and on-street parking (13). The proposed off-street parking is including garage parking for the townhome-style units (11) and standard parking spaces for the studio units (3). The project is also proposing 13 on-street parking options along North E Street, Lucerne Avenue, and Lake Avenue. To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, Type F curbing/valley gutter is proposed along North E Street and Lucerne Avenue. The proposed curbing will prevent vehicle encroachment onto the sidewalk areas. Type F curbing is existing along Lake Avenue. The Public Works Department has also requested the applicant provide a sidewalk along the west side of North E Street. In addition, the

applicant will be adding an 8-foot sidewalk along the north side (Lucerne Avenue) of the site to meet Florida Department of Transportation (FDOT) specifications. A 10-foot sidewalk is existing along the south side of the site (Lake Avenue). This will provide pedestrian connectivity along west, north, and south sides of the subject site.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The 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 proposal provides minimum perimeter landscaping and shade trees. The proposed landscaping is consistent with the City’s landscape regulations. Tree species include a mix of Silver Buttonwood, Pink Tabebuia, Simpsons Stopper and Wax Myrtle for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City’s requirement that 75% of all required plants be Florida native. Staff has included conditions of approval to ensure adequate screening is provided for the refuse and recyclable areas, canopy trees are not located within any easements, and that tree selections comply the Major Thoroughfare Design Guidelines for Thoroughfare A (Lake and Lucerne).

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although one Mango tree with condition rating less than 50% is proposed to be removed, mitigation is not required due to on-site replacement in accordance with the City’s Landscape regulations. A condition will be proposed to provide ISA Arborist condition rating reports for all trees with a condition rating of 50% or less that are proposed to be removed.

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) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting and sustainable features. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways and the site. The building is placed along the North E Street, Lucerne Avenue, and Lake Avenue corridors, with surface and garage parking within the site, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the west side (North E Street) street, minimizing vehicular interaction with the pedestrian circulation. The on-site parking is placed in between buildings 1 & 4 and 2 & 3 effectively screening it from Lake Avenue, Lucerne Avenue and North E Street. The western, northern, and southern perimeter of the property will be lined with hedges, medium, and large trees to screen the townhouse-style and studio units from the traffic of North E Street, Lucerne

Avenue, and Lake Avenue corridors. Adequate interior and perimeter landscaping are also provided. Site lighting will comply with the City's lighting design and illumination standards, such that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings. The proposed improvements to the site 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	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lucerne Avenue ROW / Commercial & Single-family homes
South	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family homes / Lake Avenue ROW
East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	North E Street / Mixed-Use
West	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family home, multi-family

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 area.

Community Appearance Criteria:

The proposed multifamily development project including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lots. The proposed architecture style (Anglo-Dutch Caribbean) of the buildings is appropriate and in harmony with the surrounding residential and nonresidential area. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

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. 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 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, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the second floor is ±required is 6,693 square feet (3rd floor). Therefore, the value of required improvements for the SBIP bonus areas is \$50,197.50 (6,693 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$25,098.75, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$25,098.75), the applicant is proposing the Florida Green Building Certification as a qualified on-site improvement (\$12,549.38). The total value of the qualifying improvements is \$12,549.38.

The total remaining payment by the applicant to the City for the additional height is anticipated to be \$37,648.13.

CONCLUSION AND CONDITIONS

The MU-E zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel, and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multifamily proposal on the adjacent and proximate uses. The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$25,098.75) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall be required to pay the remaining 50% of the incentive value after qualifying improvements are deducted prior to the issuance of a certificate of occupancy.
3. Prior to building permit application,
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
4. Prior to issuance of a building permit, the applicant shall:
 - a. Submit the final School District Availability Determination from the Palm Beach County (PBC) School District and shall pay all applicable fees to PBC.
 - b. Coordinate with Public Works on the location and screening of refuse and recyclable areas.
 - c. A minor site plan amendment or modification shall be approved to address the following:

- i. The site plan data table shall be updated to remove errors, including revising the FAR maximums in accordance with MU-E regulations.
 - ii. Final landscape plan shall be required that reflects the removal/relocation of proposed canopy trees within the 10' utility easement, to provide the ISA Arborist condition rating report, adequate screening for the refuse areas, and adjustment of tree selection to comply with the City's Major Thoroughfare Design guidelines.
 - iii. On the elevation drawings, provide height measurements in accordance with LDR Section 23.1-12.
 - iv. A photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - v. The location and screening of proposed mailboxes.
5. The proposed multifamily project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
 6. A video security system shall be required for the property.

Landscape Services

1. Prior to the issuance of a building permit for vertical construction, provide ISA Arborist condition rating reports for all trees with a condition rating of 50% or less that are proposed to be removed.
2. Prior to the issuance of a building permit for vertical construction, adjust tree selection to comply with the City's Major Thoroughfare Design guidelines.

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. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to issuance of a certificate of occupancy, the applicant shall construct new Type F curb/Valley gutter and a new 5-foot wide sidewalk along the east side of North E Street from the south property line to the north property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
5. Prior to the issuance of a certificate of occupancy, the applicant shall construct a 1" mill and overlay for the entire lane on the east side of North E Street from Lake Avenue to Lucerne Avenue. Current proposed design has a partial lane mill and overlay.
6. Prior to the issuance of a building permit, 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 certificate of occupancy, ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.

8. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
9. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
10. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
11. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
12. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Utilities – Water & Sewer

1. Drainage sections lines for this proposed property should be provided to ensure the entire site drainage is collected in the proposed stormwater management system. Yard drains may be required to assist with routing and collection of the stormwater.
2. Landscape plan shall be revised so that no trees are proposed within the proposed utility easement.

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
5. project.
6. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.
7. City of Lake Worth Utility has electric poles on this property and a 10-foot surrounding easement. No rigid or permanent structures will be approved within this easement.

Fire

1. Three (3) story townhomes, apartments buildings, and non-fee simple townhomes will be required to be protected by an automatic sprinkler system.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Village Flats I" located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue 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 the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Village Flats I" located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

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

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (applicant's project narrative, 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>	In compliance
<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. **In compliance, as conditioned**

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>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.</p>	<p>In compliance</p>
<p>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.</p>	<p>In compliance</p>
<p>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.</p>	<p>In compliance</p>

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.* **Not Applicable**
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.* **Not Applicable**
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.* **Not Applicable**
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, as conditioned**

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, as conditioned

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 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, as conditioned**

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400040: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “Village Flats II” located at 1401 Lucerne Avenue. The project proposes to construct a 2-story, 10-unit multifamily development consisting of a 5-unit townhouse-style building and a 5-unit apartment-style building. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: December 14, 2022

Property Owner: City of Lake Worth Beach
Community Redevelopment Agency

Applicant: InHabit Property Group, LLC.

Project Manager: Tim Carey

Address: 1401 Lucerne Avenue

PCN:
38-43-44-21-15-503-0050

Size: ±0.305 acres / 13,300 sf

General Location: On the southwest corner of
Lucerne Avenue and North D Street

Existing Land Use: Vacant

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

Zoning District: Mixed Use – East (MU-E)

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, Conditional Use, and Sustainable Bonus Incentive Program (SBIP) requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8-10 of this report.

PROJECT DESCRIPTION

The applicant, InHabit Property Group, LLC., is requesting approval of the multifamily development known as Village Flats II located at 1401 Lucerne Avenue:

- A **Major Site Plan** for the development of a two-story multifamily development in excess of 7,500 square feet and additional site improvements.
- A **Conditional Use Permit** request to develop a multifamily residential use structure greater than 7,500 square feet.
- A **Sustainable Bonus** request for an additional Floor Area Ratio (FAR) of 0.14.

The Applicant is proposing a two-story, 10-unit multifamily development on a .305-acre lot with the purpose of improving the area while contributing to the residential uses surrounding the area. The proposed multifamily development includes a 5-unit townhouse-style building and 5-unit apartment-style building, garage parking, and site amenities. The proposed townhouse-style multifamily units will be 3-bedroom models with \pm 1,625 square feet. The apartment units will include studios with \pm 425 square feet. In addition to the proposed garage parking, on-street parking along the abutting rights-of-way (Lucerne Avenue and North D Street) is proposed.

The proposed project is a collaboration between the City of Lake Worth Beach, the Lake Worth Beach CRA, Royal Poinciana and Tropical Ridge Neighborhood Associations, and the applicant. The CRA sought redevelopment of CRA-owned vacant lots between Lake and Lucerne Avenues. The intent is to create a unified vision with similar uses in the District that complement the existing landscape as well as each other. Projects were required to be at least two to three stories in height.

All interested parties began brainstorming, designing, and meeting with Neighborhood Associations to get their input, InHabit worked on units that met the community's needs. Of chief importance to the City and the residents was a diversity of housing options and an architecturally distinctive project that was a minimum of three stories. During the December 2021 CRA Board meeting, the CRA Board approved the amended plans for the Project.

The proposed multifamily development will ensure compatibility with the surrounding mixed uses that include a mix of some commercial, single and multi-family residential, and live/work units. The surrounding area is an eclectic mix of architectural styles, the most significant of which are Florida Vernacular, Anglo-Caribbean, Contemporary, and Modern. The buildings in the neighborhood vary in height from one (1) to three (3) stories, with the exception of Lake Worth Towers at ten (10) stories.

COMMUNITY OUTREACH

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

On November 30, 2022, the applicant held a meeting with neighborhood residents at the Hatch1121 Art Gallery. Notices were mailed to all property owners within 400 ft of the project on November 15, 2022 and signs were placed on the property on November 15, 2022. There were twenty attendees at the meeting and no concerns were identified per the meeting minutes. The applicant also has a project Instagram with color renderings: <https://www.instagram.com/villageflats/>

BACKGROUND

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

Construction: Currently, there are no existing structures on the site.

Use: The property's existing 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). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The 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.*

Analysis: The proposed residential use is an appropriate and intended use in the MU-E FLU designation. The project would allow for the infill of vacant in properties in the City's downtown west of US Highway 1 with an architectural appropriate and attractive design. The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve financial sustainability 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 polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), *the "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some*

thoroughfares because they will be detrimental to the adjacent residential neighborhoods. 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 factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Use - East (MU-E)	MU-E w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,500 sf	.305 acres (13,300 sf)
Lot Width (min) Lake Avenue and Lucerne Avenue		25'	25'	140'
Setbacks	Front (min) – North Lucerne Avenue	10'	10'	10'- 1½"
	Rear (min) – South Alley	10'	10'	10'-1¼"
	Street Side (min) – East North D Street	10'	10'	12'-6"
	Side Interior (min) – West	0'	0'	13'-3"
Impermeable Surface Coverage (maximum)		80%	80%	72.98% ¹
Structure Coverage (max)		60%	60%	53.6%
Density (max)		30 du/acre (9 units)	30 du/acre (9 units)	32.8 du/acre (10 units) Workforce Deed Restricted Unit(s) Required: 1 unit Provided: 1 unit
Building Height (max)		30' (max. 2 stories)	45' (max. 4 stories)	29'-6" (2-stories total) Mean Roof Height of Gable Roof
Maximum Wall Height at Side Setback		30'	45'	29'-6" (2-stories total) Mean Roof Height of Gable Roof
Floor Area Ratio (FAR) (max)		0.90	1.4	1.04 (13,862 sf)
Living Area (minimum)	Studio	400 sf	400 sf	425 sf
	One-bedroom units (apartments)	600 sf	600 sf	NA
	Two-bedroom units (apartments)	750 sf	750 sf	NA
	Three-bedroom units (townhome-style MF)	900 sf	900 sf	1,625 sf
Parking		17 spaces	NA	18 spaces

Is property in flood plain or Wellfield Zone? Yes/No		Wellfield Zone 3
1. Staff has included a condition of approval that through a minor site plan amendment the impervious surface coverage shall be reduced to comply with the maximum by reducing the area and/or installing permeable pavers.		

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 applicant has indicated that refuse will be collected in City approved trash cans and stored away from any sightlines. Tenants will be responsible for enclosures to store refuse cans and recyclable cans through lease agreements. Trash and recyclables will be located, designed, and screened to minimize impacts of noise, glare, and odor from adjacent properties and tenants. Planning and Zoning staff is proposing a condition for the applicant to coordinate with Public Works on the location and screening of the refuse areas.

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: Staff has included a condition of approval that photometric plan shall be submitted in a Minor Site Plan amendment to demonstrate compliance with the exterior lighting requirements in Section 23.4-3. 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 3000K 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 multi-family use proposal is 17 spaces. The parking spaces were calculated at the following:

- 2 spaces/unit for the multi-family three-bedroom unit proposal (10 spaces for 5 units)
- 1.25 spaces/unit for the multi-family efficiency unit proposal (8 spaces for 5 units)

A total of 18 parking spaces are provided, which exceeds the required parking by one (1) space. Parking is a mix of garage parking for the townhome-style units (10 spaces) and standard on-street parking (8 spaces). The on-street parking for this project, as it is depicted in the site plan, is existing along Lucerne Avenue and North D Street. The Public Works Department has requested that the applicant provide a sidewalk extension along the east side of North D Street and a new Type D curb.

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The 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” consistent with this section including a landscape strip ten (10) feet in depth.

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Green Buttonwood, Pink Tabebuia, Simpsons Stopper and Wax Myrtle for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City's requirement that 75% of all required plants be Florida native.

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

Affordable/Workforce Housing Program Ordinance 2022-12: The proposed project was submitted to the City prior to Ordinance 2022-12 becoming effective. However, the applicant is selecting to opt-in to the workforce housing program. Tier One of the program allows for a 15% density bonus provided those units are deed restricted in accordance of the provision in this ordinance.

Analysis: The applicant is proposing 10 dwelling units of which 1 is required to be deed restricted as consistent with the income restrictions as provided for in this ordinance. Staff has included a condition of approval to ensure this requirement is satisfied.

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) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting and sustainable features. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways. The primary frontage of the building is placed along Lucerne Avenue, with garage parking within the site, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the south (alley), minimizing vehicular interaction with the pedestrian circulation. Additional on-street parking is placed along Lucerne Avenue and North D Street. A primary building is proposed with 5 units, a central courtyard separates the rear secondary structure that contains garage parking on the ground floor and studio apartments on the second floor. Adequate interior and perimeter landscaping are provided with a variety of trees and hedges. The landscaping of the perimeter buffers is designed to compliment the architectural style of the buildings. The proposed improvements to the site 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	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lucerne Avenue ROW / Stores
South	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Alley ROW / Restaurant and Multi-family residential
East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	North D Street ROW / Single-family residence
West	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Restaurant

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 area.

Community Appearance Criteria:

The proposed multifamily development project including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed architecture style (Anglo-Caribbean) of the building is appropriate and in harmony with the surrounding residential and nonresidential area. Consistent with the chosen architectural style, the exterior finishes include a smooth stucco, decorative shutters, eaves, and trim. In addition, awnings are incorporated in the design. Aluminum sliding windows are proposed with divided-light patterns that replicate the appearance of casement windows. Decorative parapets are designed to be compatible with Anglo-Caribbean architectural style of the buildings. However, Staff has concerns related to the lack of fenestration patterns on the east elevation (fronting North D Street). A condition of approval has been added to ensure additional fenestration is proposed in a Minor Site Plan amendment. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

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. 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 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, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the maximum FAR is +/- 1,892 square feet. Therefore, the value of required improvements for the SBIP bonus areas is \$14,190 (1,892 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$7,095, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$7,095), the applicant may propose qualified on-site improvements or provide additional payment to the City.

CONCLUSION AND CONDITIONS

The MU-E zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel, and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multifamily proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to 50% of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. One (1) unit shall be deed restricted for workforce housing prior to the issuance of a Certificate of Occupancy for the building.
4. The roofing material shall be concrete tile or metal, consistent with the proposed architectural style.
5. Prior to issuance of a building permit, 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.
6. The proposed multifamily project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
7. A video security system shall be required for the property.
8. Prior to building permit application, an address application shall be required to be submitted prior to application for building permit.
9. Prior to the issuance of building permit, a Minor Site Plan amendment to implement the following:
 - a. Coordinate with Electric Utilities regarding the location of the utility pole on the south side of the property and ensure permanent structures are not located within the easement.

- b. Reconfigure the rear secondary structure to ensure the parking provided off the alley provides a 20' back-out, including the width of the alley in accordance with LDR Section 23.4-10 (b)(1)(A).
- c. Reconfigure the front porch to ensure it does encroach more than 2' into the required front setback in accordance with LDR Section 23.3-13.
- d. The site table shall be revised to list the correct FAR maximums in accordance with MU-E regulations.
- e. The impervious surface coverage shall be reduced to comply with the maximum by reducing the area and/or installing permeable pavers with a percolation rate of at least fifty (50) percent relative to the ground percolation rate in accordance with LDR Section 23.1-12.
- f. The site data table shall be revised to indicate 10 units are proposed. Also, the workforce housing density bonus shall be noted.
- g. On the elevation drawings, provide height measurements in accordance with LDC Section 23.1-12.
- h. On the site plan, update the front and rear setbacks on the site data table to be consistent with site plan measurement.
- i. A photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
- j. Additional fenestration patterns shall be incorporated on the east elevation.

Landscape Services

1. Provide ISA Arborist condition rating reports for all trees with a condition rating of 50% or less that are proposed to be removed.

Public Works

Standard Conditions of Approval:

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. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

Additional Conditions of Approval

1. Prior to issuance of a building permit:
 - a. Contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - b. Submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a certificate of occupancy:
 - a. The applicant shall construct new a Type D curb and a new 5-foot wide sidewalk extension along the east side of North D Street in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
 - b. Ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.

- c. Fine grade and sod all disturbed areas with bahia sod.
 - d. Broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - e. 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.
3. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.

Utilities – Water & Sewer

1. Drainage sections lines for this proposed property should be provided to ensure the entire site drainage is collected in the proposed stormwater management system. Yard drains may be required to assist with routing and collection of the stormwater.
2. The survey states the Alley R/W recording information is unknown. If this alleyway has not been recorded the applicant shall dedicate the 5' width of the alleyway as R/W to the City.
3. Landscaping plan to be prepared so that no trees are proposed within the proposed R/W or utility easement.

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.
6. City of Lake Worth Utility has electric poles in the alley on the south side of the property and a 10-foot surrounding easement. No rigid or permanent structures will be approved within this easement.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for Village Flats II at 1401 Lucerne Avenue 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 the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for Village Flats II at 1401 Lucerne Avenue. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (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>	In compliance
<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. **In compliance**

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

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

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

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious 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>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</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.* **Not Applicable**
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.* **Not Applicable**
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, as conditioned**
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.* **Not Applicable**
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, as conditioned**

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, as conditioned

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 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**