



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 05, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [July 15, 2020 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [A request by Carlos Marcet, AIA of Studio+ LLC on behalf of Julie Seaver \(Compass\) and Bill Shevlin \(CAN\) of Compass, Inc. and CAN Community Health for consideration of a Conditional Use Permit to allow a health clinic at 202 North H Street, within the Public \(P\) zoning district.](#)
- B. [PZB Project Number 20-01400003: Request by Juan Contin of Contin Architecture on behalf of Jin Yu Jin for consideration of a Major Site Plan and Sustainable Bonus to construct a +/- 7,038 square foot mixed use building at 1303 & 1305 Lucerne Avenue, including 4 dwelling units and +/-1,900 square feet of retail space within the Downtown \(DT\) zoning district.](#)

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.



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
BY TELECONFERENCE
WEDNESDAY, JULY 15, 2020 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were- Greg Rice, Chairman; Anthony Marotta, Vice Chairman; Mark Humm; Daniel Tanner; Laura Starr, Michael Glaser. Also present were – Alexis Rosenberg and Andrew Meyer – Senior Community Planners; Erin Sita, Asst. Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. June 17, 2020 Meeting Minutes

Motion: A. Marotta moves to approve the June 17, 2020 minutes as presented; M. Humm 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS – Board Secretary swore in those wishing to give testimony.

PROOF OF PUBLICATION: Included in the meeting packet.

- 1) Palm Beach Post Proof of Publication
- 2) LW Herald Proof of Publication

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: M. Glaser spoke to property owner Fred Schmidt regarding PZB 20-00500003.

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. PZB Project Number 20-00500003:** Request by Anne-Christine Carrie of KEITH on behalf of 1900 10th Ave, LLC for consideration of a Major Site Plan, Conditional Use and Variance to construct Vehicle Fueling/Charging Station, Single-Destination Retail, and Restaurant

uses at 1900 10th Avenue North within the Mixed-Use West (MU-W) zoning district. The subject property PCN is 38-43-44-21-02-005-0030.

Board Attorney: States there are two affected property owners, one abutting and one adjacent. One of the two (abutting) requested this meeting to be postponed. Board members received copy of communications between the Board Attorney and said owner of abutting property.

Staff: A. Meyer presented case findings and analysis and provided an explanation of Mixed-Use West non-residential uses. Explained the existing conditions include a vacant parking lot with virtually no landscaping. The proposed project includes 14 fuel pumps (7 piers), restaurant with seating (Laredo Taco) as well as retail. Based on analysis it is compatible with the surrounding properties and consistent with the Comprehensive Plan and Strategic Plans. Further, it is consistent with LDR Section 23.2-31 (c) qualitative development standards for a Major Site Plan; community appearance criteria LDR Section 23.2-31(l), variance criteria LDR Section 23.2-26(b) and Major Thoroughfare Design Guidelines. The Conditional use is consistent with design and performance standards for vehicle filling station. Staff suggests a TPS letter from PBC Traffic Division. Water and Sewer condition 2.b modified. Planning condition added prohibiting outdoor display of merchandise.

W. Waters clarifies the project does not go to City Commission for approval. This is a decision not a recommendation.

Applicant's representative: Brian Seymour-Gunster Law Firm, representing 7-Eleven- the applicant is the property owner, 7-11 is the tenant. In response to a comment in the previously mentioned letter, that a good business owner always reaches out to neighbors. Had the client reached out, they would have gladly reached out to Mr. Baird's client. It is not an opportunity to ask on the day of the meeting to postpone. Noticing was in sufficient time (properly noticed according to statute), this is not a circumstance where they are not willing, just not given the opportunity. It is not a residential area where they would have initiated any reach out. Stand willing to answer and be cross-examined.

Tenant representative: Josh Long, AICP planner with the law firm -7-Eleven is a leader and this is a new model store, unique and different from the past. Powerpoint shows 85 truck parking spots and essentially no landscaping, increases the city heat island effect. Property does not have a right angle at corner of Barnett and 10th. This is nothing but a parking lot. It is a commercial area typical of 80's and 90's when constructed. The proposed landscaping will dramatically increase the permeability of the site with reduction in lot coverage. Adding a deceleration lane to the westbound (right in) entrance off of 10th Ave N. Barnett Drive will be right in (southbound) right out(southbound) only. Dramatic increase to landscaping (43 trees of which 23 will be canopy trees) along 10th Ave N. and along Barnett Drive. Presents 2 revisions to color schemes in response to the City request to provide other options, mechanical is shielded. They comply with Major Thoroughfare Design Guidelines and Community Appearance Guidelines are met. In agreement with the revised Conditions as presented in addition to the conditions attached.

Board attorney: Gives option to affected parties if they wish to give a presentation at this time. Party 1 decided to wait until after Board questions. Party 2, having requested additional time but not received, has not had time for preparation of a presentation, present to express concerns.

Board: M. Glaser states the other side of 10th there is a problem with traffic. Would like to hear about traffic impact and how it relates to the school. Questions eastbound and westbound traffic egress and ingress.

Traffic Engineer- Lisa Bernstein-The traffic will still come in on Barnett (southbound direction only) but not farther to the north. 3 trips, the volumes taken were based on PBC data which were more current. The counts at the intersection showed no change in level of service due to the project. Intent is most traffic will be off of 10th, with sufficient stacking west of the Barnett light. Net new trips are 47 entering and 47 exiting at peak periods 7-9 am and 4-6 pm.. Northbound on Barnett will be a painted island prohibiting left in with the exception of the fuel truck any other movements would be a ticketable offense. Sufficient stacking eastbound on 10th Avenue North in a middle lane.

Board: G. Rice: -How will the businesses on the east side of Barnett access 7-Eleven?

Traffic Engineer: Hopefully they walk, the peak periods of usage for the retail are typically late afternoon rather than morning.

Staff: E. Sita states the right in right out of Barnett, was a result of the initial condition by PBC and to take pressure off Barnett; if Board choses they could ask that PBC give full access off of Barnett. Josh Long states the monument sign will be on SE corner, directional signage will be near egress/ingress points. M. Humm wonders if consideration been given to the fact that a Dunkin Donut exists on the south side? L. Starr- asks if consideration has been given to how many other 7-Elevens are within the area?

Traffic Engineer: Defines/pinpoints the peak hour as being the hour within the am and pm windows of highest traffic counts.

Tenant Representative: Brandon Wolf – 7-Eleven corporate- Various marketing studies show traveler habits, local residents, pedestrian traffic and how to capture a different customer. Do not want to cannibalize the business of nearby existing 7-Eleven's. All real estate transactions occur prior to selection of franchisee. This is a corporate location and for the first four (4) years not available for franchising for at least that four years. Doing well in Texas. Maintenance is by the tenant.

Board: G. Rice asks if the corporate would continue to own the property? Yes, lease is 15-year initial term with three- or four-year options. L. Starr- all eating inside? Yes, a few tables and lean bars in approximately 800 square feet. A. Marotta- asks of the City Attorney to explain the ability of Board to hold a quasi-judicial hearing. Pamala Ryan-surprised that Mr. Baird isn't having some quasi-judicial hearings in cities that he represents. Courts, Governor and State has been clear this is acceptable provided the right to be heard is offered. Mr. Baird's client's claim of insufficient notice is another issue. The court system, which is completely judicial non-jury trial has held virtual meetings. The Board Secretary visually verifies those taking oath. If he chooses to appeal, proceed. Does not believe the issue has merit. Comfortable with the Board moving forward. A. Marotta clarifies whether the affected party has been deprived of opportunity to speak, present or cross-examine due to being virtual. P. Ryan- They did not call or contact the city, we were solid on our notice. The letter was received in the late afternoon this day of the hearing, they have the opportunity to speak/testify and cross examine. Being unprepared is not an indicator of insufficient notice. A. Marotta- is the shape of the land and traffic flow sufficient criteria to necessitate the variance? W. Waters - the eight (8) foot variance is the minimum required to meet facilitate the two (2) way traffic flow. A. Marotta- questions if either color scheme would be satisfactory to staff? W. Waters would like to work with the applicant to meet Design Guidelines. as is in the Conditions to which the applicant agrees. A. Marotta- the TPS has to come back as acceptable. G. Rice says we should finally get to choose some colors other than mural colors.

Staff: E. Sita: staff advocated for the abundance of landscaping. Mixed-Use allows the most intense commercial uses; east of I-95 is a different zoning district. W. Waters- a great deal of the traffic will come from local residents and school children.

Public Comment: None

Affected Party- Fred Schmidt: Co-owners of buildings facing Aragon Avenue and Barnett Drive- even though there was compliance with the letter of the notice but shocked that the notice was received after the July 4 weekend. Other projects have gone to City Commission and thought this would too. Traffic is difficult. Conditional use is conditional provided nearby businesses aren't disturbed. Doesn't show well during rush hours so they show to potential tenants during off hours. Seems to be too big for the site. Worried about school children when school re-opens. D. Hiatt- no traffic signal, this is nothing but a giant WAWA on a smaller property. Comparisons to the 7-Eleven at Lantana and Dixie. The FedEx property is busy as is Action Mobility. Believes the parcel (truck rental facility) was accessory to Wayne Akers. Asks if the street is concurrent with PBC standards? Objects to the project. Are alcoholic beverages being sold. **Response:** Brandon Wolf- yes beer and wine.

Applicant's Representative: Brian Seymour asks what prompts the comparison to the Lantana/ Federal Highway station. D. Hiatt lives there. There are 6 pumps at Lantana Road with 50% less traffic than 10th Avenue and is congested. G. Rice to Mr. Hiatt if there is a school crossing guard? Response- no however parents park/wait on their property for students. D. Tanner questions if a reduction in pumps would significantly reduce the trips?

Traffic Engineer: Lisa Bernstein- would have to calculate if there would be a difference. Square footage and numbers of pumps. Josh- 7 pumps=14 fueling stations. Brandon Wolf- 6 pumps in Lantana vs. 7 pumps at this location.

Staff: William Waters: Comparison 6 story with 140K square feet, the proposed project is a 4% (proposed design) of what could go there. E. Sita - regardless of who/what goes here, it will be an intensive use encourages the Board to look at compatibility, is it an appropriate use, does staff want to see tax dollars.

Board: M. Glaser- regarding the right turn north onto I-95 from 10th Avenue North. Has the light been changed? **Response:** The county would be the reviewing party, not FDOT.

Affected Party- Paco Gil: owns several properties in the area. Site signs were small and recent. Re-iterates the school children about why they are hanging around. Cars cut through their property, this will only add significant problems, doesn't see it to be a good for the area. D. Hiatt- unhappy with the postmark date of July 2, claiming it wasn't received until 5 days later and if it was a strategic maneuver. In the real world, one can't secure an attorney within that time period.

Applicant's Representative: Brian Seymour- Friday mail was delivered, no one reached out to them and they would have spoken with them. The process was met and there was no "strategy" to the noticing.

W. Waters indicates notice was provided 12 days in advance of the required 10 days.

Board Attorney: The debate about the noticing is off track. Regardless it would not have been sufficient notice for the affected parties.

Board: D. Tanner likes the landscape, no issue with the setback, and although there are traffic concerns, it is not the most intense use of this site. Laura Starr – this is a new model planned for Florida? **Response:** Yes with 500-800 square feet for restaurant with 16 seats. And number of parking spaces? = 32 M. Glaser believes more time should be given for review by neighbors, let

them retain attorneys and postpone. G. Rice: who would bear the cost of re-advertising (it could be postponed) A. Marotta- likes the landscaping, and the proposed project is not even the most intense use but a project by right which has met noticing requirements regardless of whether we like it or not. G. Rice: knows what it's like to enjoy a vacant next-door property then suddenly the highest and best use comes in. That's the unfortunate part of living with familiar comfortable things when they suddenly disappear. We are not use to walking, traffic is South Florida. Has concerns about why there is no school crossing guard at that location. Even though giving more time would be nice and could be done, what would change in a month when its permitted by right, and the maximum buildout could be a six (6) story building. M. Glaser

Applicant's Representative: Brian Seymour willing to agree to a condition to work with county and city staff to install school signage as appropriate. M. Glaser asks if flashers would be part of that?

Traffic Engineer: Lisa Bernstein- there is a flasher at the beginning of the school zone. The zone has to be determined, the zone is farther north on Barnett not at the intersection of 10th Avenue North and Barnett Drive.

Board: D. Tanner: Is there any improvement plan for Barnett Drive. 7-Eleven shouldn't be held responsible for a 20-year traffic concurrency deficiency.

Board Attorney: Don't go back to bring in additional questions; move forward with evidence presented and deliberate.

Motion: A. Marotta moves to approve 20-00500003 with staff recommended conditions, the condition added during staff presentation, the added condition to work with staff and county for additional school signage; D. Tanner 2nd.

Vote: 4/2 Michael Glazer and Mark Humm dissenting.

B. PZB / HRPB Project Number 20-03100003: Consideration of an ordinance to amend Chapter 2 regarding application fees and Chapter 23 "Land Development Regulations" regarding changes to adopt a digital zoning and future land use map, site plan review, pervious and impervious surfaces, outdoor storage, and modifications to development standards and requirements for fence, walls and gates.

Staff: E. Sita presents and further defines the proposed changes to the Chapter 2 and 23 of City Code of Ordinances.

Board: No questions.

Motion: A. Marotta moves to recommend approval of 20-03100003 to City Commission; M. Humm 2nd.

Vote: Ayes all, unanimous.

C. PZB / HRPB Project Number 20-00400003: Consideration of an ordinance to amend Chapter 23 "Land Development Regulations" that includes changes to add new uses and to consolidate and clarify existing uses, including modifications to definitions, use tables, and development standards.

Staff: E. Sita- This amendment clarifies existing use definitions; new uses are added brewery, distilleries, money business services and storage-specialty. and use table clean-up of old uses. Deletion of columns because they are regulated in other underlying zoning districts. Planned Developments; FEC overlay; Hotel overlay.

William Waters: There are some projects are awaiting this change in use tables.

Board: G. Rice-How was the calculation made regarding what type of use or impact where breweries/distilleries being proposed? **Response:** More stringent regulations would be in the Downtown corridor and relaxed when moving into a more industrial area; Capacity and how many deliveries were criteria/ performance standards used as to when it would become a nuisance. The most intense proposals would be located in IPOC. G. Rice: If the square footages were too tight or too loose it would not be profitability. W. Waters: Followed the state definition of brewery and distillery, the distillery is exactly ½ the size of a brewery. Spirits under Specialty, Beer and Ale under Microbrewery. State does not allow the two (2) types to be combined. Currently a distillery allows tasting on premises, consumption off premises. W. Waters mentions the open container law in effect in Palm Beach County.

M. Glaser states planners have conquered all. Once upon a time a person could walk into a Building Department and get a permit. It is complicated now.

Motion: A. Marotta moves to recommend approval to City Commission PZB / HRPB 20-00400003 ; M. Glaser, 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: W. Waters July 28, 1st or 2nd meeting in August. Board will be busy in the fall. Zoom will continue through the month of August. Planning & Zoning Board meetings will be going back to the first Wednesday in August. Brock Grill is leaving the area for a new job.

PUBLIC COMMENTS (3-minute limit) None

DEPARTMENT REPORTS: W. Waters Comp Plan changes received by State and will be heard on July 28 by City Commission; the Bohemian will also be heard by City Commission. May receive an invitation for the topping out for the Mid.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:53 PM



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

DATE: July 29, 2020

TO: Members of the Planning and Zoning Board

FROM: Alexis Rosenberg, Senior Community Planner

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

MEETING: August 5, 2020

SUBJECT: **PZB Project Number 20-00500005**: Request by Carlos Marcet, AIA of Studio+ LLC on behalf of Julie Seaver (Compass) and Bill Shevlin (CAN) of Compass, Inc. and CAN Community Health for consideration of a Conditional Use Permit to allow a health clinic at 202 North H Street, within in the Public (P) zoning district. The subject property PCN is 38-43-44-21-15-054-0010.

PROJECT DESCRIPTION:

The Applicant, Carlos Marcet, AIA of Studio+ LLC on behalf of Julie Seaver (Compass) and Bill Shevlin (CAN) of Compass, Inc. and CAN Community Health is requesting approval of a Conditional Use Permit for a health clinic within the existing Community Center. The site, 202 North H Street, is located on the northeast corner of North H Street and 2nd Avenue North. The site includes an +/- 11,949 square foot building and 19 parking spaces and is able to utilize the City-owned parking lot to the east, 201 North Dixie Highway (21 spaces).

Compass Inc. currently holds a business license at this location for a non-profit organization that provides community services to Palm Beach County residents. Based on the agreement between Compass, Inc. and the City of Lake Worth Beach, Compass' use of the property includes the operation of Compass' programs which provide community outreach services, health and social services, youth and family services, education, recreation, counseling, and family support programs for Lake Worth Beach and the surrounding areas. The property is also used for City-sponsored meetings and recreational activities, and used as a distribution point for City residents during times of declared emergencies within the City. The proposed +/-830 square foot health clinic will be an expansion of health services that Compass provides. Currently, Compass performs HIV testing at 202 North H Street within a 170 square foot testing room. Including the testing room, a total of +/- 1,000 square feet of the +/- 11,949 square foot community center will be dedicated to health clinic services.

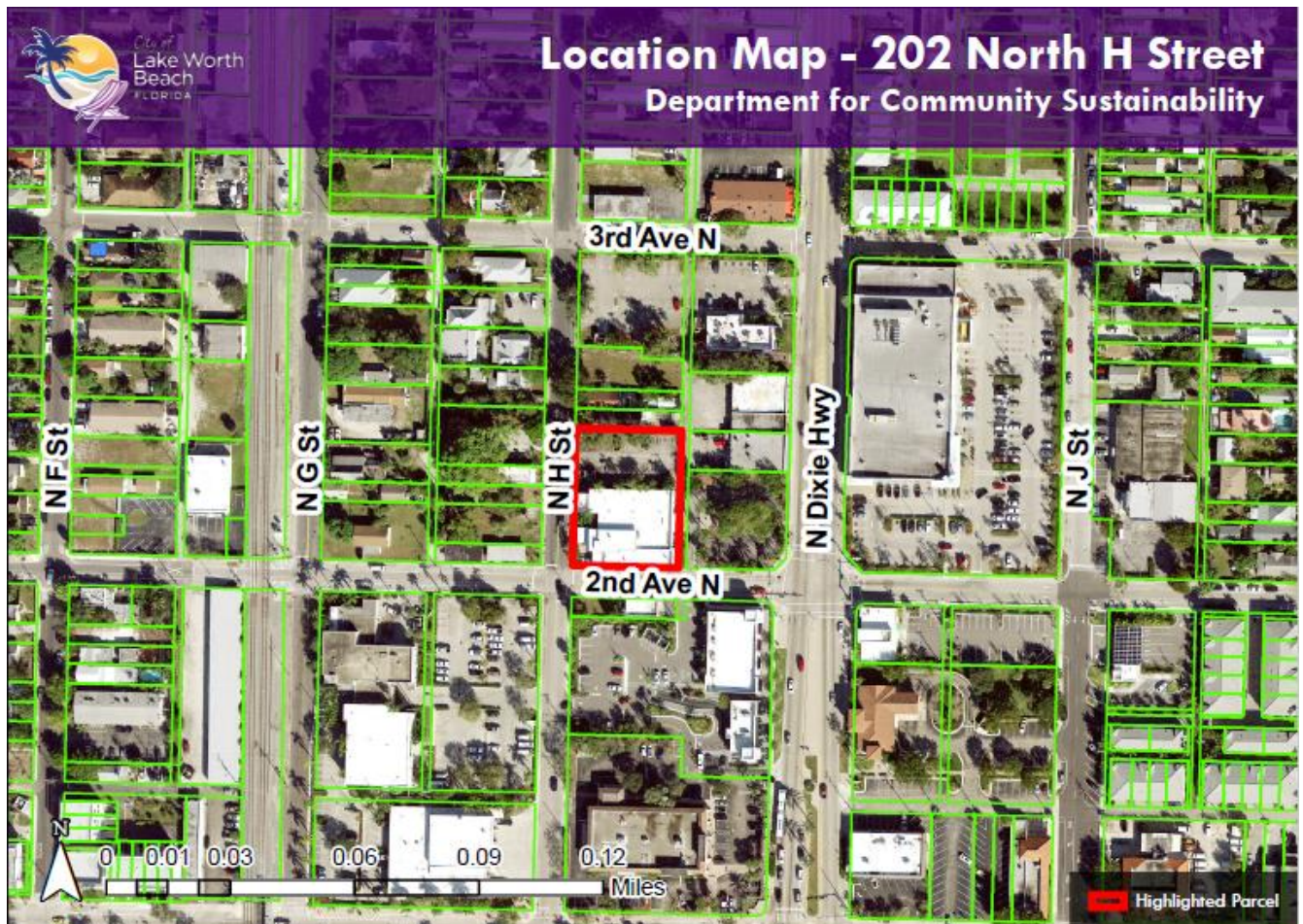
Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. The proposed use meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff is recommending approval with conditions outlined in the Conclusion.

PROPERTY DESCRIPTION:

Applicant	Carlos Marcet, AIA of Studio+ LLC on behalf of Julie Seaver (Compass) and Bill Shevlin (CAN) of Compass, Inc. and CAN Community Health
Owner	Lake Worth Beach
General Location	Northwest corner of North Dixie Highway and 2 nd Avenue North
Existing PCN Numbers	38-43-44-21-15-054-0010
Existing Land Use	Compass Community Center – office, assembly space, community services
Zoning	Public (P)
Future Land Use Designation	Transit Oriented Development (TOD)

LOCATION MAP:



BACKGROUND:

The subject site currently has an +/- 11,949 square foot building and 19 parking spaces. As stated, the site is used in conjunction with the property to the east, 201 North Dixie Highway, which is a City-owned parking lot that has 21 parking spaces. Below is a timeline summary of the subject lot, 202 North H Street, based on Palm Beach Property Appraiser's records and City records:

- 1927 – The +/-11,949 building was constructed at 202 North H Street.
- August 3, 1999 – September 30, 2008 – Mid County Senior Citizen Center held a business license at 202 North H Street for a senior center.
- August 3, 1999 – September 30, 2008 – New Church of Nazarene of L W held a business license at 202 North H Street for a church.
- April 17, 2007 – Compass Inc. enters into a lease agreement with the City of Lake Worth Beach for a period of 19 years and 11 months.
- November 5, 2008 – present – Compass Inc. currently holds a business license at 202 North H Street for a non-profit social service agency.
- April 20, 2010 – The lease agreement between Compass Inc. and the City of Lake Worth Beach was amended to alter the means of loaning money to Compass Inc.
- November 7, 2018 – the Planning and Zoning Board approved a mural on the south façade of the building.
- May 28, 2020 – There are no active code cases for the site; however, the property 202 North H Street has an overdue Use and Occupancy inspection from 2018. A condition of approval has been made so that the Use and Occupancy inspection is completed prior to the issuance of a business license for the health clinic.

ANALYSIS:**Public Support/Opposition**

Staff has not received any letters of support or opposition.

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit Oriented Development (TOD). Per Policy 1.1.1.8, the TOD FLU is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The proposed health clinic is a result of Compass' growing partnership with CAN Community Health and aims to serve the local community. The Community Center provides a mixture of services such as health and social services, youth and family services, education, recreation, counseling, family support programs, and serves as an assembly space for City-sponsored meetings and events. Therefore, the proposed health clinic is consistent with the intent of the TOD FLUM. Furthermore, Policy 1.2.2.3 aims to investigate additional uses and opportunities to promote a more sustainable and resilient community. The proposed health clinic expands the array of uses already being provided at the Compass Community Center and provides a needed service to the community. Thus, the proposal is consistent with Policy 1.2.2.3.

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 I.E. state that the City shall provide superior public amenities and services to retain existing and entice new residents and businesses. The proposed health clinic is a one of the many social services that Compass offers. Allowing the establishment of the health clinic will prove consistent with Pillar I.E. Pillar I.A, Pillar I.B, Pillar I.C, and

Pillar I.D are not applicable to this application. Furthermore, Pillar IV.D of the Strategic Plan state that the City shall influence the supply and expansion of jobs. Because the proposed health clinic will sustain or increase job supply, the use is consistent with Pillar IV.D. Pillar IV.A, Pillar IV.B, Pillar IV.C, Pillar IV.E, and Pillar IV.F are not applicable to this application.

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

Consistency with the City's Land Development Regulations

Per Section 23.2-29, conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The Department of Community Sustainability is tasked in the Code to review conditional use applications for consistency with the City's LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Staff Analysis: The subject site is located on the northwest corner of North Dixie Highway and 2nd Avenue North. The existing +/- 11,949 square foot building was constructed in 1927 with 19 on-site parking spaces. As stated, the site is used in conjunction with the property to the east, 201 North Dixie Highway, which is a City-owned parking lot that has 21 parking spaces. Compass Inc. currently holds a business license at this location for a non-profit organization that provides community services to Palm Beach County residents. There are no active code cases for the site; however, the property 202 North H Street has an overdue Use and Occupancy inspection from 2018. A condition of approval has been made so that the Use and Occupancy inspection is completed prior to the issuance of a business license for the health clinic. Additionally, the building currently does not conform to the current land development regulations, which subjects the site to the nonconformities section, LDR Section 23.5-3, of the land development regulations.

Based on Staff analysis, the site is not consistent with the City's LDRs in the following areas:

- Landscaping
- Minimum front setback
- Minimum side street setback
- Maximum impermeable surface for all structures
- Maximum impermeable surface coverage
- Major Thoroughfare Design Guidelines

These items are detailed in the paragraphs below. Staff has prepared conditions of approval requiring the site to be brought into compliance with the City's Code in so far as feasible prior to the issuance of a business license for the use. The proposed use would not expand any existing non-conformities. Further, the site would be required to remedy any outstanding code compliance issues prior to the issuance of a business license as stated in the Staff recommended conditions of approval. Thus, the proposed application is consistent with the City's LDRs with conditions based on the following data and analysis:

Public Zoning District: Per LDR Section 23.3-26(a), the P zoning district designates locations for public schools and municipal facilities including City Hall, City Hall Annex, Lake Worth Beach Public Library, Pine Crest Cemetery and the reclaimed landfill site at the southern city limits. It also provides for publicly owned utility facilities. Because

of the diverse variety of uses permitted in the “public district” and the mapping of the district throughout the City, all uses are permitted as conditional uses. The proposed health clinic is a personal service-office use that is anticipated in the P zoning district. Based on the information provided by the Applicant, staff does not anticipate negative impacts on surrounding properties and complies with the conditional use criteria outlined in LDR Section 23.2.29.

Setbacks: The placement of the existing building exceeds the minimum required front setback of 20 feet and the minimum required side street setback of 20 feet. Based on the survey provided, the principal building sits on the front property line, and therefore, has a zero front setback. Additionally, the building is 8.2 feet from the west side property line which runs along North H Street, and is four feet from the east property line which is adjacent to an alley. As noted, the building was constructed in 1927 prior to the current setback requirements and the building’s setback non-conformity is not easily remedied. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time as the building is a legal non-conforming structure. Should the building be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

Impermeable Surface Coverage for all Structures: The existing building on the site exceeds the maximum allowed structure coverage of 45%. While there appears to be no maximum structure coverage listed in the P zoning district regulations, LDR Section 23.3-26(d) requires sites that are not adjacent to residential districts to follow the development regulations in adjacent zoning district which is Mixed Use – Dixie Highway (MU-DH). Based on the MU-DH development regulations, the maximum allowable coverage for all structures is 45% (10,631 square feet). The existing building footprint takes up 46% of the lot (10,909 square feet). As noted, the building was constructed in 1927 prior to the current structure coverage requirements and the building’s structure coverage non-conformity is not easily remedied. Therefore, no change is proposed or recommended to bring the structure into conformance with the current code requirements at this time. Should the building be altered beyond 50% of the assessed value, then the entire site must come into conformity with the land development regulations.

Impermeable Surface Coverage: The site does not conform to the maximum allowed impermeable surface coverage. Based on the survey provided, the lot appears to have a total impermeable surface coverage of 87%, which is 22% over the maximum coverage allowance. However, the site is consistent with the approved development plan which was adopted prior to the current impermeable surface coverage requirements. Further, the impermeable surface coverage non-conformity is not easily remedied without substantial redevelopment of the parking area. Therefore, at this time, no change is proposed or recommended to reduce the existing impermeable surface area.

Parking: Based on the floor plan provided by the applicant, there is about 5,079 square feet of office area, 4,489 square feet of assembly area, and 1,830 square feet of medical office (this includes the 830 square foot proposed health clinic). Per LDR Section 23.4-10(h)(1), sites with two or more uses shall be given a 25% parking reduction. Therefore, the minimum required off-street parking would be 60 spaces if newly constructed per LDR Section 23.4-10(f)(1)(B). The parking provided is 40 spaces, which includes the parking lot on 202 North H Street and 201 North Dixie Highway. As the City allows Compass to utilize the City-owned parking lot to the east, 201 North Dixie Highway, these spaces are included in the provided parking calculation.

Per the City’s Parking Code, assembly space requires a minimum of one parking space per 75 square feet of gross square feet of space while medical offices are required to provide a minimum of one parking space per 250 gross square feet of space. The 1,830 square feet of medical office, which includes the existing 1,000 square foot testing room and the proposed 830 square foot health clinic, requires a minimum of eight parking spaces on the site. While

the site is currently nonconforming in regards to parking, the establishment of a +/-830 square foot medical office will reduce the required parking count by six spaces and thus minimize the existing nonconformity.

Landscaping: The shopping plaza's existing landscape does not comply with the City's Landscape Code requirements. To minimize the property's landscape nonconformities, Staff has included a recommended condition of approval that the property owner bring the landscaping up to conformance as much as feasibly possible prior to the issuance of a business license.

Required improvements include the following:

- Provide a landscape screen utilizing native shrubs on the north side of the north (rear) parking lot on 202 North H Street.
- Provide a landscape screen utilizing native shrubs along the east property line adjacent to North Dixie Highway on 201 North Dixie Highway.
- Mulch all trees and landscape beds.

Signage: The site appears to have one existing wall sign, approximately 30 square feet, on the west façade of the building which conforms to the City's Sign Code. There is also a mural on the south façade of the building that was approved by the Planning and Zoning Board on November 7, 2018 as part of the CRA's FOCUS mural project. No signage plan was required for concurrent review with the conditional use request. Moving forward, the Applicant will be required to permit all new signage in accordance with the regulations outlined in LDR Section 23.5-1, Signs.

Major Thoroughfare Design Guidelines: The site is not compliant with the following sections of the City's Major Thoroughfare Design Guidelines. Therefore, staff has proposed a condition of approval that the applicant shall work with Staff to reduce non-conformities with the following requirements:

- Page 27 – parking lots are to be effectively screened from the public view and from adjacent properties in a manner that is attractive and compatible with safety, the neighborhood, and the facility served.
- Page 31 – no more than 25% of the area between the building and a street or 50% of the remaining area shall be constructed with stone, concrete, asphalt, or mulch except necessary walks and vehicular use area.

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

The land development regulations require all conditional uses to be analyzed for consistency with Section 23.2-29(d). Staff has reviewed the application against this section and has determined that the proposed application is in compliance with the following general findings relating to harmony with the LDRs and protection of public interest:

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

Staff Analysis: The site contains a zoning designation of P. The applicant states that the proposed +/-830 square foot health clinic will be an expansion of health services that Compass provides. The use is consistent with other types of public and community service-based uses anticipated to occur in the P district. Therefore, the proposed health clinic is found to be compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	Transit Oriented Development	Mixed Use – Dixie Highway	Single Family Residences and Commercial
South (across 2 nd Ave N)	Downtown Mixed Use	Downtown	Commercial and Retail
East (across N Dixie Hwy)	Mixed Use - East	Planned Development/Mixed Use - East	Publix Grocery Store
West (across N H St)	Transit Oriented Development	Mixed Use – Dixie Highway and Public	Single-family residences, multi-family residences, and Tropical Ridge Fitness Park

To the north of the subject site are a mix of single-family residences and commercial buildings. To the south of the site are commercial and retail shops located within the City’s Downtown zoning district. To the east is a Publix grocery store which is part of a planned development district, and to the west are a mix of single-family residences and multi-family residences. Tropical Ridge Fitness Park is also located to the west of the site. Staff finds that the use of a health clinic within the existing Compass Community Center is in harmony with the existing uses in the immediate area. Further, health services are currently being provided on-site **Meets Criterion.**

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

Staff Analysis: The Conditional Use request will not negatively affect the public benefit or cause greater harm than that of a use permitted by right in the P zoning district. The use is similar in nature and function to permitted uses as conditioned. The Applicant states that the health clinic will increase the public benefit by providing significant medial resources to the community. Overall, while the property is not conforming to the current Code, if approved, improvements will be made to decrease the nonconformities as much as feasibly possible. **Meets Criterion.**

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

Staff Analysis: The Conditional Use request to allow a health clinic in the subject space will not result in a more intensive development in advance of the Future Land Use Element of the City’s Comprehensive Plan. As mentioned, the TOD land use designation is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. Further, no expansion of the building is proposed. The proposed health clinic is a result of Compass’ growing partnership with CAN Community Health and aims to increase services to the local community. Additionally, the application does not propose to expand the size of the existing building. **Meets Criterion.**

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

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

Staff Analysis: As stated, the proposal of the health clinic will not result in an increase of building size. Based on the floor plan provided by the Applicant, the +/-830 square foot clinic will be located on the first floor in a portion of the community ballroom and gallery area. The health clinic will be an expansion of health services already provided at the Community Center. Therefore, for trip generation purposes, the health clinic is considered part of the Community Center. Based on the Florida Department of Transportation's (FDOT) 8th Edition of the Trip Generation Table, a 11,949 square foot Community Center is project to generate 273 daily trips. The proposed use is not anticipated to generate higher traffic volumes than the prior use due to both uses being classified as the same use in the Table. Additionally, the Applicant also states that approximately half of CAN Community Health's patients utilize public transportation. **Meets Criterion.**

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

Staff Analysis: This use is not anticipated to significantly affect the volumes of traffic expected on the City's roadway network. The square footage of Community Center has not expanded from its original approved area, +/- 10,909 square feet. Therefore, the traffic generated from the proposed business is consistent with adjacent commercial uses as well as the anticipated uses in this area. **Meets Criterion.**

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

Staff Analysis: The Applicant states that the health clinic is not projected to produce significant levels of air pollution emissions. The Applicant states that all regulated medical waste will be handled by a contracted vendor specializing in the disposal of sharps, medical waste, and pharmaceutical waste. **Meets Criterion.**

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

Staff Analysis: Being an anticipated use in the P zoning district, the proposed health clinic at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. The Applicant states that the existing infrastructure is sufficient to accommodate the proposed use. **Meets Criterion.**

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

Staff Analysis: The Applicant will be tapping into existing plumbing systems for domestic water and sanitary sewer. An initial engineering analysis has determined that the existing building has sufficient capacity to serve one new patient toilet room and one new handwashing station associated with the two proposed exam rooms and one new office associated with the health clinic. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

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

Staff Analysis: Being an anticipated use in the P zoning district, this use should not place a demand on municipal police or fire protection services beyond capacity. **Meets Criterion.**

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

Staff Analysis: The proposed health clinic is not anticipated to generate noise levels greater than that of a use permitted by right. The Applicant states that in order to maintain privacy concerns and ensure a comprehensive level of treatment is provided, patient volumes are kept very low and all waiting areas are located inside the facility. Per the City's Noise Ordinance, unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

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

Based on the nature of the use, the health clinic will generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

Staff Analysis: The Applicant has not proposed additional lighting on the site as part of this application and states that the Conditional Use will not generate light or glare onto any residential properties. **Meets Criterion.**

Section 23.4-13(c)(15): Medical related uses

1. All such uses shall front a major thoroughfare.

Staff Analysis: As stated, the City has allowed Compass to utilize the City-owned parking lot to the east, 201 North Dixie Highway. Therefore, Staff interprets that Compass, Inc. is responsible for maintaining 202 North H Street and 201 North Dixie Highway. Because 202 North H Street fronts a City-owned parking lot that fronts Dixie Highway, Staff has made the interpretation that 202 North H Street has frontage along a major thoroughfare. **Meets Criterion.**

2. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.

Staff Analysis: The Applicant states that the health clinic will operate between the hours of 8:00 a.m. and 8:00 p.m. **Meets Criterion.**

3. Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use.

Staff Analysis: The Compass Community Center utilizes parking from 202 North H Street and 201 North Dixie Highway which has a combined 40 parking spaces. Per LDR Section 23.4-10(f)(1)(B), medical offices are required to provide a minimum of one parking space per 250 gross square feet of space. Therefore, the 1,830 square feet of space used for medical office, which includes the existing 1,000 square foot testing room and the proposed 830 square foot health clinic, requires a minimum of eight parking spaces on the site. While the site is currently nonconforming in regards to their parking, the establishment of a +/-830 square foot medical office will reduce the required parking count by six spaces which in turn, minimizes the existing parking nonconformity. **Meets Criterion.**

4. In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement.

Staff Analysis: The Applicant states that while the Compass Community Center is located at 202 North H Street, the mailing address is 201 North Dixie Highway. Additionally, because 202 North H Street fronts a City-owned parking lot that fronts North Dixie Highway, Staff has made the interpretation that 202 North H Street has frontage along North Dixie Highway. **Meets Criterion.**

5. Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement.

Staff Analysis: The site does not have frontage on Lake Avenue or Lucerne Avenue. **Meets Criterion.**

6. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.

Staff Analysis: A conditional of approval has been added stating that any expansion of the health clinic shall require the approval of a separate Conditional Use Permit application. **Meets Criterion.**

7. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.

Staff Analysis: The Applicant states that prior to the opening of the health clinic, Compass will secure a business license with the City. A condition has been added to ensure that all services being provided are listed on the

business license. Additionally, as noted, expansion in services or expansion of the health clinic space will require the approval of a separate Conditional Use Permit application. **Meets Criterion.**

CONCLUSION:

The analysis has shown that the required findings can be made with respect to the Conditional Use Permit request. The use as proposed is in harmony with the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff is recommending approval of the conditional use permit with conditions below:

Community Services Landscaping:

1. Prior to the issuance of a business license, the landscaping shall conform in so much as feasible with current code requirements. The landscape improvements shall be submitted with the anticipated Minor Site Plan Amendment application. Improvements include but are not limited to:
 - a. Provide a landscape screen utilizing native shrubs on the north side of the north (rear) parking lot on 202 North H Street.
 - b. Provide a landscape screen utilizing native shrubs along the east property line adjacent to North Dixie Highway on 201 North Dixie Highway.
 - c. Mulch all trees and landscape beds.

Planning/Urban Design:

1. Prior to the approval of a Lake Worth Beach business license for the proposed health clinic, the building shall complete a Use and Occupancy inspection.
2. Once established, any expansion of the +/- 830 square foot health clinic shall require the approval of a separate Conditional Use Permit application.
3. Once established, any expansion in types of services related to the health clinic shall require the approval of a separate Conditional Use Permit application.
4. All medical services provided at 202 North H Street must be included on the business license application and updated annually should the array of services change or expand.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 20-00500005 with staff recommended conditions for a **Conditional Use Permit** to allow a health clinic use at 202 North H Street. The project meets the conditional use criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 20-00500005 for a **Conditional Use Permit** to allow a health clinic use at 202 North H 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 for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.

ATTACHMENTS:

- A. Zoning Map
- B. Application Package
- C. Site Photos



DATE: July 30, 2020

TO: Members of the Planning and Zoning Board

FROM: Andrew Meyer, Senior Community Planner

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

MEETING: August 5, 2020

SUBJECT: **PZB Project Number 20-01400003**: Request by Juan Contin of Contin Architecture on behalf of Jin Yu Jin for consideration of a Major Site Plan and Sustainable Bonus to construct a +/- 7,038 square foot mixed use building at 1303 & 1305 Lucerne Avenue, including 4 dwelling units and +/-1,900 square feet of retail space within the Downtown (DT) zoning district.

PROJECT DESCRIPTION:

The Applicant, Juan Contin of Contin Architecture on behalf of Jin Yu Jin, is requesting approval of the following:

- 1.) **Major Site Plan** for the development of a 7,038 square foot mixed-use building consisting of approximately 1,900 square feet of retail space and 4 dwelling units. (Staff Analysis on Page 5)
- 2.) **Sustainable Bonus** for an additional floor above the maximum building height and additional FAR of +/- 703 square feet. (Staff Analysis on Page 9)

The subject site, 1303 & 1305 Lucerne Avenue, is located along Lucerne Avenue between North E & D Streets. The 6,650 square foot parcel is a combination of two 3,325 square foot lots, one of which had a single-family residence. The single-family structure was demolished in July 2020 under an approved demolition permit. The proposed three-story mixed-use development consists of approximately 1,900 square feet of ground-floor retail/commercial space and four dwelling units on the 2nd & 3rd floors. The application includes a Sustainable Bonus request, which would allow for a maximum building height of 35 feet and a third floor.

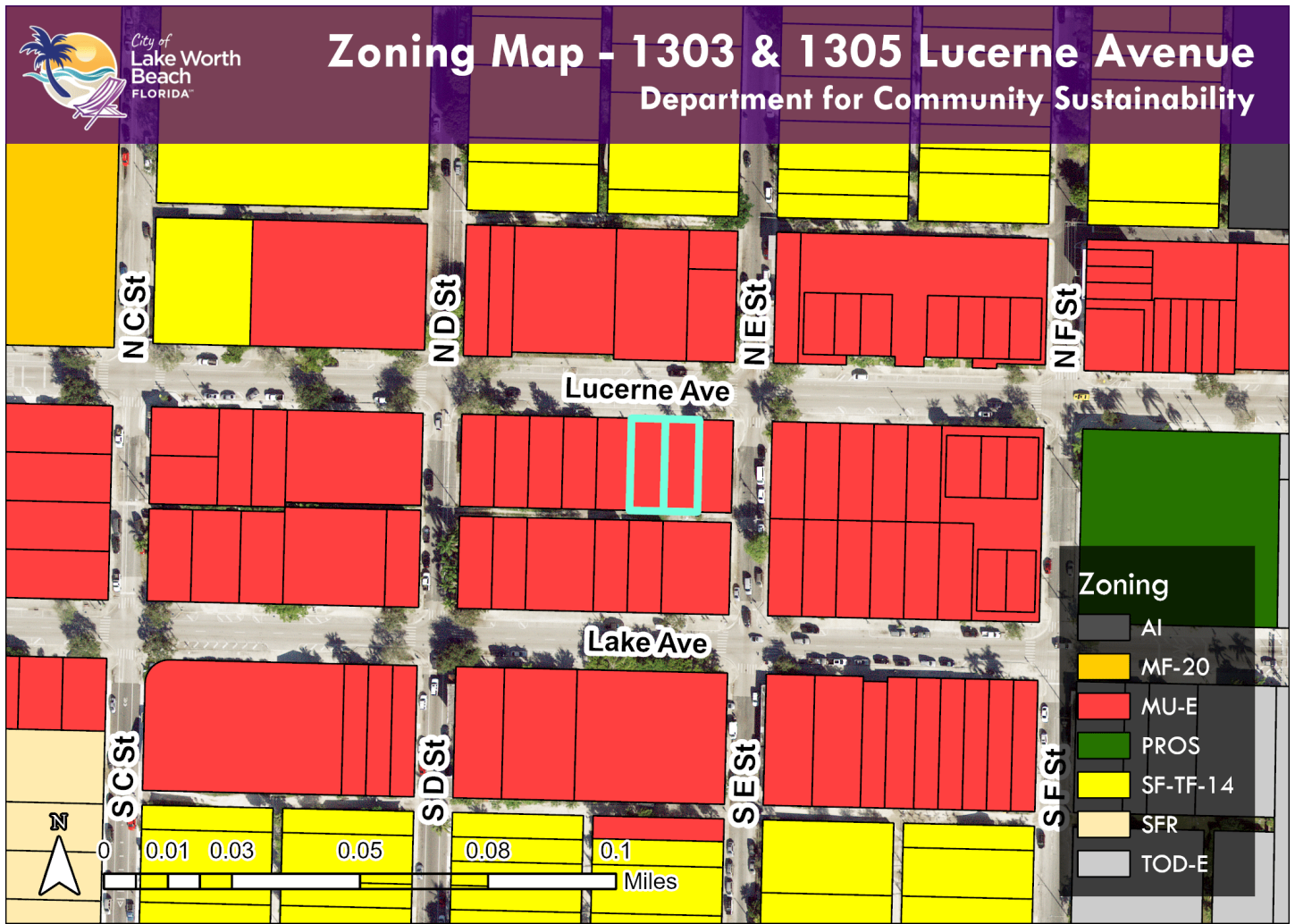
Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Land Development Regulations (LDRs) and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Major Site Plan and Sustainable Bonus as conditioned (See Conditions starting on Page 10).

PROPERTY DESCRIPTION:

Applicant	Juan Contin of Contin Architecture
Owner	Jin Yu Jin
General Location	Lucerne Avenue between North D & E Streets
PCN Numbers	38-43-44-21-15-504-0070 & 38-43-44-21-15-504-0060
Existing Land Use	Single-Family Residence
Zoning	Mixed-Use East (MU-E)
Future Land Use Designation	Mixed-Use East (MU-E)

ZONING MAP:



BACKGROUND:

The project site is located at 1303 and 1305 Lucerne Avenue. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 1303 Lucerne Avenue
 - April 26, 1994 to January 31, 2017 – Property owned by Darcy Rydlun
 - February 1, 2017 to Today – Property owned by Jin Yu Jin
 - June 16, 2020 - Demolition approved of single-family structure (Permit #20-1491)
 - The property has one active code case for trash and debris (Case #20-1359).
- 1305 Lucerne Avenue
 - April 27, 1994 to September 25, 2016 – Property owned by Darcy Rydlun
 - September 26, 2016 to Today – Property owned by Jin Yu Jin
 - Property has existed as a vacant lot
 - The property has no active cases.

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

The subject application is located within the Mixed-Use East (MU-E) Future Land Use (FLU) designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed mixed-use structure with residential and retail uses is appropriate for this location.

This project provides for a mixed-use structure along the main Lake and Lucerne Avenue corridor that will increase the supply of housing and provide for local commercial and retail options within walking distance of the Tropical Ridge and Royal Poinciana residential neighborhoods. The construction of this multi-use project will increase the taxable value of the lot as well as having the potential to provide multiple jobs of diverse skill sets. The project's location is also located in an existing mixed-use area, and the proposed mixed-use project can help support the development and enhancement of this area. Therefore, the proposed mixed-use project is consistent with the following portions of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City's Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Pillar II.A of the City's Strategic Plan:** Diversify housing options
- **Pillar IV.A of the City's Strategic Plan:** Achieve economic and financial stability through a versatile and stable tax base.
- **Pillar IV.D of the City's Strategic Plan:** Influence the supply and expansion of jobs.
- **Pillar IV.E of the City's Strategic Plan:** Ensure development that anticipates and embraces the future.

Consistency with the City's Land Development Regulations (LDRs)

The subject application includes a request for a Sustainability Bonus Incentive (Section 23.2-33), which is analyzed on page 9 of the staff report. This bonus would provide an additional 703 square feet of floor area and 5 feet of height above the base LDRs outlined in Section 23.3-13 for the proposed project. Per Section 23.2-30, a site plan review and approval is required for this application because of the proposed construction of new structures. The Department of Community Sustainability is tasked in the code to review site plan and Sustainable Bonus applications in accordance with the City's Land Development Regulations, for compliance with qualitative design standards and community appearance criteria, and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. Staff has analyzed the proposed applications for consistency with the City's LDRs below:

Mixed-Use East (MU-E): Per LDR Section 23.3-13(a), The Mixed-Use East zoning district is intended 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. The proposed project provides a mixed-use structure with multiple-family residential and commercial retail space within the Lake and Lucerne subarea west of Dixie Highway and East of I-95, and is consistent with the intent of the MU-E zoning district.

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

Development Standard		Codified Regulation	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,650 sf
Lot Width (min)		25'	70'
Setbacks	Front (min)	Min 10', Max 22'	10'
	Rear (min)	10'	10'
	Street Side (min)	10'	N/A
	Interior Side (min)	0'	10.5'
Impermeable Surface Coverage (maximum)		70%	69.5%
Structure Coverage (max)		60%	50.7%
Parking		9	9 (see below)
Building Height (max)		30' or 35' with Sustainable Bonus	35'
Floor Area Ratio (FAR) (max)		0.95 or 1.45 with Sustainable Bonus	1.06

Parking: The proposed development meets the minimum parking requirements in the City's LDRs. The required parking for the following uses are as follows:

- Retail: 4 (1 per 500 gross square feet, 1900 square feet of gross floor area)
- Residential: 7 (1.75 per 1 two-bedroom unit, 4 two-bedroom units proposed)
- 25% Mixed-Use Credit (per LDR Section 23.4-10(h)): -2.75 spaces
- **Total Spaces Required: 9 (8.25 rounded up)**

LDR Section 23.4-10 provides for parking alternatives in order to promote multimodal transportation within the City. Per subsection j, compact vehicle parking spaces may be allowed in lieu of a standard parking space, and per subsection l(1), the provision of 4 bicycle rack spaces shall count as (1) standard parking space. Per Subsection l(2), the total number of parking alternatives used to satisfy minimum parking requirements shall not exceed 25% of the total parking requirements.

The project has proposed providing at least 4 bicycle spaces and 1 compact space in lieu of 2 standard parking spaces. The 4 bicycle spaces will be part of a 9-space vertical bicycle rack system which will be mounted on the eastern exterior wall of the building. The provision of 4 bicycle spaces and 1 compact space equates to 22% of the minimum parking requirement of 9 parking spaces, which meets the regulations outlined in LDR Section 23.4-10(l)(2).

As such, the proposed project provides a total of 9 parking spaces, allocated as follows:

- 3 standard off-street vehicular spaces
- 3 on-street vehicular spaces
- 1 compact vehicular space

- 9 bicycle spaces (4 to be counted as 1 parking space, 5 beyond code requirements)
- 1 ADA vehicular space

The provided parking outlined above complies with the minimum parking requirement and meets all applicable provisions of the code.

Landscaping: The development proposal complies with the City's landscape regulations. The project proposes Live Oak and Clusia Rosea along Lucerne Avenue, and Cabbage Palms along the side property lines. The perimeter of the site and building will be lined with a Cocoplum hedge, providing landscape buffering from the right of way and adjacent properties. The parking at the rear of the site is buffered with a required 5-foot landscape buffer.

Floor Area: The proposed project has a floor area ratio of 1.06, which is in conformance with the allowed maximum floor area ratio of 1.45 under Sustainable Bonus.

Building Height: The proposed 3-story project has a maximum building height of 33.5 feet, which meets the maximum building height of 35 feet under Sustainable Bonus. The third floor of the building was calculated at 2,475 square feet, and since this is the greatest incentive being requested through Sustainable Bonus, the applicant is providing at least \$12,375 in sustainable improvements to the site to meet the requirements of Section 23.2-33. The applicant has provided more than the equivalent value in the form of a roof deck and other features as outlined on Page 9.

Impermeable Surface Coverage: The project as proposed has a total impermeable surface coverage of 69.5% and meets the allowed impermeable surface coverage of 70% outlined in the MU-E development regulations.

Structure Coverage: The project as proposed has a total building coverage of 50.7%, which is in conformance with the allowed maximum building coverage of 60%.

Traffic: The proposed project includes approximately 1,900 square feet of retail space. As currently no retail space exists at the site, this represents a net addition of 1,900 square feet of retail space. As such, a condition has been included to require the applicant to provide a TPS Letter from the Palm Beach County Traffic Division. The residential portion of the project is exempt from review as it is located in a traffic concurrency exemption area for residential uses.

Major Thoroughfare Design Guidelines: The project provides many design features in support of the Major Thoroughfare Design Guidelines, such as having the retail entrances oriented toward Lucerne Avenue to promote walkability, providing large fenestration exceeding the 25% requirement to promote visibility between the street and interior, providing awnings/overhangs to shelter pedestrians as they approach the entrance to the retail space, and staggering the architectural façade to create visual interest and break up the mass. As such, this project meets the Major Thoroughfare Design Guidelines.

Major Site Plan:

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

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The site is oriented toward Lucerne Avenue, and provides buildings which are similar in style and character to other buildings along the corridor. The parking is located toward the rear of the site and underneath the building, promoting pedestrian accessibility and walkability along Lucerne Avenue. **Meets Criterion.**

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

Staff Analysis: This section is not applicable. The lots as they exist today are mostly vacant, with only cabbage palms. The project proposes increased landscaping with Live Oaks and Clusia Rosea, and maintains the number of cabbage palms on-site. **Meets Criterion.**

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

Staff Analysis: The project proposes a landscape buffer between the building and parking areas and adjacent properties. The landscape buffer includes several trees and a Cocoplum hedge around the edges of the building as well as the property. The applicant states that their plan meets this section. **Meets Criterion**

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

Staff Analysis: As stated above, the property provides a landscape buffer, as well as a 10-foot side setback, which is greater than the 0-foot setback minimum allowed in the Mixed-Use East zoning district. These features and design considerations buffer the property from adjacent residential properties. **Meets Criterion.**

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

Staff Analysis: The building is setback 10 feet from all property lines, which allows for emergency access on all sides of the building. The building also provides pedestrian ingress and egress from both the front and rear of the building, providing multiple points of entry for emergency access into the structure. **Meets Criterion.**

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

Staff Analysis: As stated above, the building provides access to both the front and rear of the site, with pedestrian access to and from Lucerne Avenue and vehicular access to and from the alley. The site is not located adjacent to a railroad crossing. **Meets Criterion.**

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

Staff Analysis: The site provides pedestrian circulation to and from Lucerne Avenue, a major pedestrian corridor, and provides means of pedestrian access between the front and rear of the site through a pathway along the east side of the building. The pedestrian circulation is completely insulated from vehicular circulation. **Meets Criterion.**

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

Staff Analysis: Vehicular ingress and egress is from the alleyway at the rear of the site. The ingress and egress provided allows for direct access into parking spaces located at the rear of the site. These parking spaces are set back 10 feet from the 10-foot alley as required by code in order to minimize impacts on the alleyway. The applicant states that the entrance through the alley via North E Street will allow minimum traffic impact for both the residents and the public right-of-way. **Meets Criterion.**

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

Staff Analysis: On-site and off-site circulation is coordinated to align with existing street and circulation patterns. Lucerne Avenue is a significant pedestrian corridor; therefore, all pedestrian circulation is oriented toward Lucerne Avenue. In order to avoid pedestrian circulation conflicting with vehicular circulation, the parking is located at the rear of the site off of the alley, which eliminates the need for a drive aisle to connect with Lucerne, maintaining the pedestrian-oriented experience along Lucerne Avenue. **Meets Criterion.**

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

Staff Analysis: This section is not applicable. No public right-of-way is being proposed as part of this project, the site will be accessed from existing rights-of-way. **Meets Criterion.**

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

Staff Analysis: Vehicular circulation on the site is minimal and is limited only to the access for the parking spaces located at the rear of the site. The applicant states that the on-street parking will provide opportunities for those interfacing with the retail component to park their vehicle, while the parking in the rear of the site will be used for loading. **Meets Criterion.**

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

Staff Analysis: The refuse and service areas will be located in enclosed service rooms adjacent to the parking areas facing the alley, and are screened from Lucerne Avenue by the entire building. The site will use typical roll-out garbage bins which will be stored in the refuse area. **Meets Criterion.**

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

Staff Analysis: The plan will activate the street along Lucerne Avenue by orienting activity toward the corridor and away from adjacent properties and the alley. The improved structure will have the potential to increase property values of adjoining properties. **Meets Criterion.**

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

Staff Analysis: The property is not located on the edge of a zoning district, therefore this section does not apply. **Meets Criterion.**

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

Staff Analysis: The applicant states that no additional development beyond the scope of this application has been proposed at this time. As this application takes advantage of the Sustainable Bonus Incentive Program which provides incentives for additional floor area and height, staff finds that the proposed development meets the intent and vision of the underlying zoning district and future land use. **Meets Criterion.**

Section 23.2-31(I): Community Appearance Criteria

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

Staff Analysis: The structure provides a modern aesthetic with large floor-to-ceiling windows to provide the residents with broad vistas, as well as providing pedestrians the ability to view activity within the retail component of the ground floor, connecting the exterior with the interior. The design is of good taste and reflects trends in mixed-use development design. **Meets Criterion.**

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

Staff Analysis: The property currently exists as vacant lots. The proposed project improves the vegetation and landscaping of the site, and will activate the street where currently no activation exists. The project will also contribute to a mix of housing types in the area and enhance housing options on the western section of Lake and Lucerne. Staff finds these aspects will contribute to the nature of the local environment. **Meets Criterion.**

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

Staff Analysis: Staff finds that the project proposed matches the scale and intensity of the surrounding area, and is in conformance with the land development regulations and comprehensive plan as mentioned earlier in this report. **Meets Criterion.**

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

Staff Analysis: The proposed structure proposes 1,900 square feet of retail use, which is a use permitted by right in the Mixed-Use East zoning district under 2,500 square feet. As the proposed use is not a conditional use, this section does not apply. **Meets Criterion.**

Sustainable Bonus Incentive Program:

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

Based on the calculation of the additional height and FAR proposed as part of the SBIP, the Applicant is asking for a bonus height of one additional story for a total of three stories, which includes the additional 5 feet requested as part of the SBIP and an additional 0.11 in FAR. The total square footage of bonus area is 2,475 square feet, therefore; the total value of required improvements is \$12,375 (\$5 per square foot). Below is the Applicant’s SBIP chart, which outlines the total value of improvements as part of the SBIP request which exceed the requirement.

Improvement Detail	Valuation Amount	Calculation Details
Higher quality or additional landscaping beyond the requirements of the code.	\$1,487.75	Value of landscape provided (\$13,747.75) minus minimum landscape to meet LDR Section 23.6-1 (\$12,260.00)
Public amenity such as a law enforcement substation, cultural gallery, public, community meeting space, library, or garden.	\$110,014.65	Rooftop Deck: \$98,680.00 Rooftop Furniture: \$6,654.65 Rooftop Planters: \$4,680.00
Other project components open to the public, or offering a direct community benefit meeting the intent of the comprehensive plan, which include elements of sustainable design such as: xii. Bicycle mobility systems. - Bike Racks	\$1,042.00	Value of entire bicycle rack (\$1,875.17) minus portion of bicycle rack needed to meet LDR Section 23.4-10 (\$833.60)
Total Value of Improvements/Design Excellence Required: \$12,375	Total Value of Improvements/Design Excellence Provided: \$112,544.40	

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

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

Staff Analysis: The development proposal is consistent with the additional square footage and height requested. The Applicant is requesting a bonus height of one story, which includes the additional 5 feet requested as part of the SBIP and an additional 0.11 in FAR. The total square footage of bonus area is 2,475 square feet. Therefore, the total value of required improvements is \$12,375 (\$5 per square foot). The Applicant will be providing community-based improvements and design excellence equivalent to \$112,544.40. **Meets Criterion.**

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

Staff Analysis: The proposed on-site features and improvements provide enhancements that exceed the base requirements of the LDRs. The project provides for a roof deck system, which provides a public space available to users of the site and is above the minimum requirements of the code, and provides additional bicycle parking beyond what is required to meet the regulations of the off-street parking section outlined in Section 23.4-10. **Meets Criterion.**

3. Do the proposed off-site improvements meet the priorities of the City for community sustainability?

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

4. Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

Staff Analysis: As identified by the criteria above, the proposed features and improvements incorporated into the development proposal are beyond the base requirements of the LDRs, providing sustainable features and activating the space for public usability. Thus, the proposed development meets the intent of the SBIP. **Meets Criterion.**

Public Support/Opposition:

Staff has not received any emails, phone calls, or letters of opposition.

CONCLUSION:

The proposed request for a Major Site Plan and Sustainable Bonus to construct a mixed use building at 1303 & 1305 Lucerne Avenue is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board **approve the request with the conditions** below:

Electric Utilities:

1. Prior to the issuance of a building permit, the applicant shall provide load calculations and voltage requirements for the site.
2. Prior to the issuance of a Certificate of Occupancy (CO), a final electrical inspection must be completed.
3. Single phase 120/240 Volt is the only service type available at the job site.

Planning:

1. Prior to the issuance of a building permit, the following shall be completed:
 - a. The two parcels must be unified under a unity of title in accordance with Section 23.2-14. The building permit shall be accompanied by evidence of recording a unity of title or unity of control declaration with the clerk of the circuit court of Palm Beach County. The evidence shall consist of a copy of the recorded unity of title or unity of control declaration, and such recording shall be a prerequisite to final approval of the application and issuance of a building permit.
 - b. The applicant shall provide a TPS Letter from the Palm Beach County Traffic Division for the non-residential portion of the project. Should any improvements outlined in the TPS Letter require the applicant to modify the site plan, the applicant shall amend the site plan according to Section 23.2-30.

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 Services Construction Standards and Policy and Procedure Manual.
2. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a “Right of Way/Utility Permit” application
3. Prior to the issuance of a building permit, the following shall be completed:
 - a. The applicant shall submit an Erosion Control plan and indicate the BMP’s and NPDES compliance practices.
 - b. The applicant shall receive a Right of Way Permit from FDOT for all work in the FDOT right of way on Lucerne Avenue. A copy of the permit shall be on file with the City.
4. Prior to the issuance of a Certificate of Occupancy, the following shall be completed:
 - a. All conditions of approval shall be satisfied under jurisdiction of the Department of Public Services.
 - b. The alleyway shall be fully improved from the west property line to the east property line in accordance with the City’s standards for alleyway construction.
 - c. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
 - d. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - e. The applicant shall broom sweep all areas of the affected right of way and remove all silt and debris collected as a result of construction activity.
 - f. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Utilities Water & Sewer:

1. Prior to building permit issuance, reserved capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
2. Prior to the issuance of a Certificate of Occupancy, the following shall be completed:
 - a. The property is specified to have a full fire sprinkler system with a minimum size of 4-inch diameter. The existing water main in alleyway adjacent to the property is 4-inch diameter. If the property requires a fire protection system larger than 4-inch diameter, the property owner will need to extend the watermain to the property from a main that meets the design.
 - b. The stormwater management system shall be constructed to conform to the City stormwater policy. This will be required even if conflicts exist with the proposed utility extensions.

Board Actions:

I MOVE TO APPROVE PZB PROJECT NUMBER 20-01400003 with staff recommended **conditions** for a Major Site Plan with a Sustainable Bonus of one additional story to construct a mixed use building, including 4 dwelling units and +/1,900 square feet of retail space, at 1303 & 1305 Lucerne Avenue. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-00900001 for a Major Site Plan with a Sustainable Bonus of one additional story to construct a mixed use building, including 4 dwelling units and +/1,900 square feet of retail space, at 1303 & 1305 Lucerne Avenue. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board’s decision will be final for the Major Site Plan and Sustainable Bonus. The Applicant may appeal the Board’s decision to the City Commission.

ATTACHMENTS:

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