



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

DATE: June 30, 2021

TO: Members of the Planning and Zoning Board

FROM: Andrew Meyer, Senior Community Planner

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

MEETING: June 2, 2021

SUBJECT: **PZB Project # 20-00900002**: A request by Giorgio Antoniazzi, AIA of Antoniazzi Architecture on behalf of Richard Cruz of Creative Financing, LLC for consideration of a Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Program Incentives to construct an 18-unit, mixed use multifamily development within the Mixed Use – West (MU-W) zoning district, PCN # 38-43-44-20-01-033-0060.

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#### **PROJECT DESCRIPTION:**

The applicant, Giorgio Antoniazzi, AIA of Antoniazzi Architecture on behalf of Richard Cruz of Creative Financing, LLC, is requesting approval of the following:

1. **Mixed-Use Urban Planned Development** to construct an 18-unit mixed-use multifamily development.
2. **Major Site Plan** for the development of a new mixed-use development in excess of 7,500 square feet.
3. **Conditional Use** for the establishment of residential uses in excess of 7,500 square feet.
4. **Sustainable Bonus Incentive Program** for additional density of 3 units.

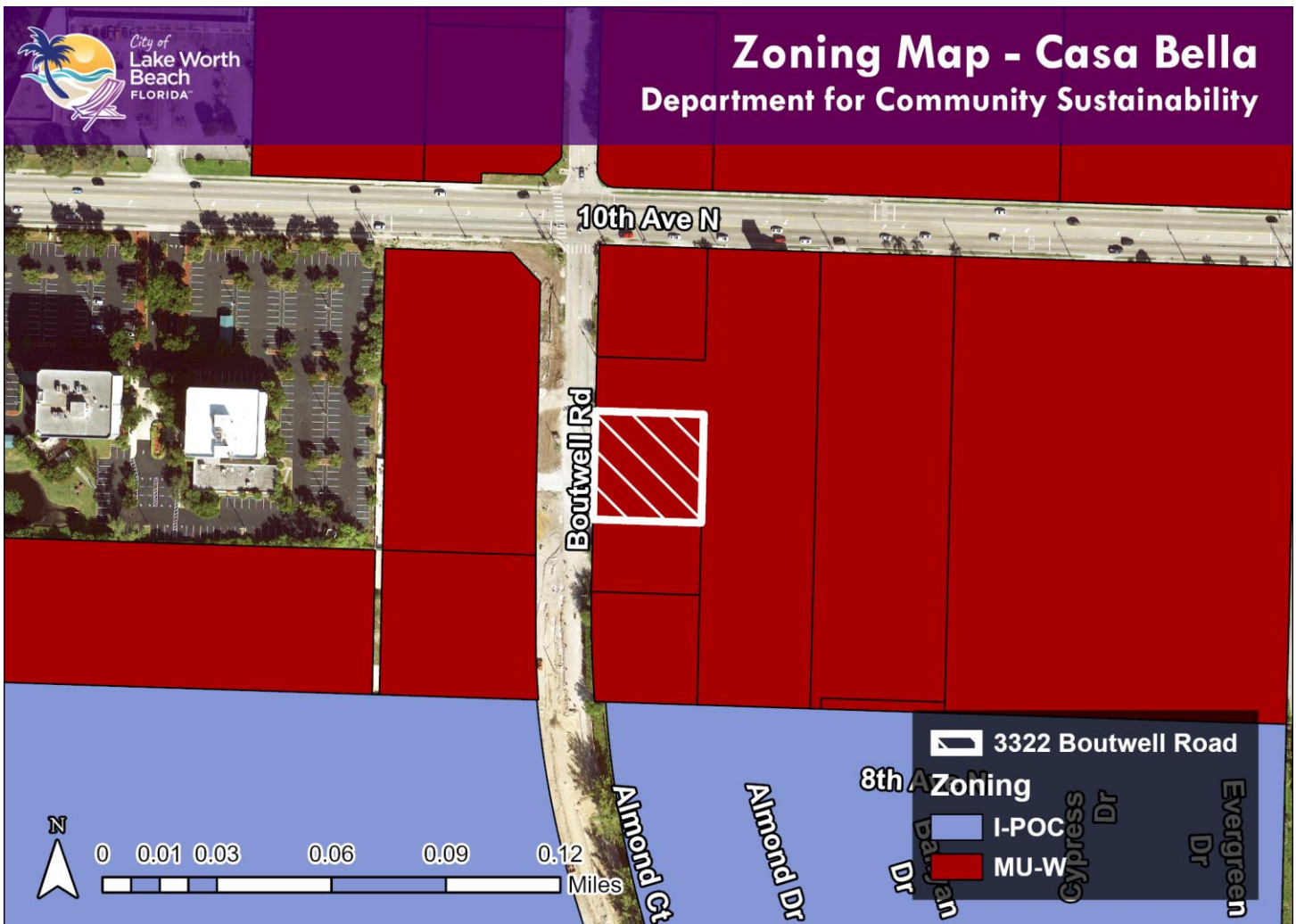
The 0.52-acre subject site is currently vacant, and is located on the east side of Boutwell Road approximately 230 feet south of 10<sup>th</sup> Avenue North. The site currently contains a single-family residence as well as a vacant lot. The existing single-family residence is proposed to be demolished prior to the project's construction if approved. The proposed project consists of a 2-story building with 18 dwelling units and 417 square feet of office space.

#### **Staff Recommendation:**

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Beach Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program with conditions of approval to the City Commission, including that 50% of the requested sustainable bonus be paid into the City's Sustainable Bonus Trust.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Giorgio Antoniazzi, AIA of Antoniazzi Architecture
<b>Owner(s)</b>	Richard Cruz of Creative Financing, LLC
<b>General Location</b>	East side of Boutwell Rd approx. 230 feet south of 10 <sup>th</sup> Ave N
<b>Existing PCN Numbers</b>	38-43-44-20-01-033-0060
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – West (MU-W)
<b>Future Land Use Designation</b>	Mixed Use – West (MU-W)

**ZONING MAP:**

**BACKGROUND:**

The project site is located on the east side of Boutwell Road approximately 230 feet south of 10<sup>th</sup> Avenue North. Based on Palm Beach Property Appraiser's records and City records, the site currently contains a single-family residence as well as a vacant lot. Should the project be approved, the existing single-family residence would be demolished prior to the project's construction. Additionally, a search performed on May 20, 2021 indicated that there was one open code compliance violation at the project site for storage and accumulation of refuse containers and trash. The project has been conditioned so that the subject code violation shall be completed prior to the issuance of a business license.

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

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

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

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

**Consistency with the City's Land Development Regulations**

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is requesting to waive or relax base zoning district requirements in two (2) areas of the LDRs, including:

- LDR Section 23.3-18(c)(4)(B)(1) regarding the minimum front setback
- LDR Section 23.3-18(c)(5)(C)(3) regarding the maximum impermeable surface

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

The table below shows the proposed site features and its compliance with the Code, including requests to waiver or relax base zoning district requirements as permitted in planned developments and factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,500 sf (0.52 acres)
Lot Width (min)		100'	100'	150'
Setbacks	Front (min) (Boutwell Rd)	20' min. 32' max	20' min. 32' max	16.5'*
	Rear (min)	15' or 10%	15' or 10%	15'
	Side (min)	10'	10'	11'
Impermeable Surface Coverage (maximum)		65%	65%	69.8%*
Structure Coverage (max)		50%	50%	33%
Living Area (min)		Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: +/-557 sf (Qty. 4) 1-bed: +/-650 sf (Qty. 6) 2-bed: +/-815 sf (Qty. 8)
Parking		22	22	23
Density (max)		30 du/acre (15 units)	37.5 du/acre (19 units)	34.6 du/acre (18 units)
Building Height (max)		30'	81.25'	24'
Floor Area Ratio (FAR) (max)		1.3	3.75	0.60

\*A relaxing or waiving of base zoning district requirements is requested.

**Density & Floor Area Ratio (FAR):** The base zoning district allows a maximum density of 30 units per acre. Based on Section 23.3-25(b)(2)(C) of the City's Land Development Regulations, planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows a density of 30 units an acre. Therefore, 30 units per acre plus 25% equals a maximum density of 37.5 units per acre. The proposed residential planned development proposes a density of 34.6 units per acre (18 units) which does not exceed the maximum density allowed on this property. The FAR permitted by right at this location is 1.3, and a Planned Development at this location allows for a FAR of 3.75. The project proposes one building with an FAR of .60, well below the maximum FAR for this location.

**Height:** The maximum building height permitted by right at this location is 30 feet not to exceed 2 stories. A Planned Development at this location allows for a building height of up to 81.25 feet (5 stories in height). The project proposes a building that is 24 feet and 2 stories in height, well below the allowed height for this location.

**Landscaping:** The development proposal has been reviewed for landscaping and exceeds the City's landscape regulations in LDR Section 23.6-1. The excess landscaping is being used as credit toward the project's Sustainable Bonus application. Gumbo Limbo, Pigeon Plum, Silver Buttonwood, and Simpsons Stopper are proposed for the site, as well as Bahama Coffee and Spanish Stopper, among others.

**Lighting:** No photometric plan has been submitted, however the applicant has stated that the project will utilize motion-sensing lighting for the site's exterior to fulfill part of the project's Sustainable Bonus application. Staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant.

**Signage:** This application is proposing two small monument signs at the southeast and southwest corners of the site along Boutwell Road. The project has been conditioned to provide the location of the proposed monument signs on the site plan, and ensure that they are landscaped in conformance with the code prior to first reading before the City Commission. Further, a minimum of 50% of the face of one of the monument signs shall be dedicated to the proposed office and internal directional signage approximately 2 sf in size shall be provided and depicted on a signage plan prior to the issuance of a building permit.

**Mixed-Use Urban Planned Development:**

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

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

The proposed planned development will require the relaxing of a section of the LDRs related to a staff recommended reduction in required parking by two (2) on-street parking spaces to improve safety. The analysis of this recommendation is outlined under the “Consistency with the City’s LDR Requirements” analysis section above. The criteria below list the requirements of all mixed-use urban planned developments.

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

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

**Staff Analysis:** The proposed subject site is located within the Mixed-Use – West zoning district. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

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

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

**Staff Analysis:** The project will contain a mix of multi-family units and a 417 square foot office space. **Meets Criterion.**

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

**Staff Analysis:** Planned Developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The subject planned development is requesting to relax LDR Section 23.3-18(c)(4)(B)(1) regarding the minimum front setback of 20 feet. The project proposes a front setback of 16.5 feet. Staff finds the proposed front setback acceptable and meets the general intent of this code section. **Meets Criterion.**



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

**Staff Analysis:** The proposed project has not requested to waive or reduce any of the requirements associated with parking, and meets the minimum parking requirements. By being a mixed-use project, the project obtains a 25% reduction in required parking as per Section 23.4-10.

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

**Staff Analysis:** The development proposal has been reviewed for landscaping and exceeds the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site, and provides extra landscaping to meet a portion of the Sustainable Bonus Incentive Program. **Meets Criterion.**

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

**Staff Analysis:** The project has proposed to use motion-activated exterior lighting to limit the amount of light present during the dark hours. The project has been conditioned to provide a photometric plan and ensure lighting does not exceed 12.57 lumens when measured from the property line. Furthermore, the project has also been conditioned to use fixtures which are architecturally appropriate and have a warm color temperature in alignment with Dark Sky guidelines. **Meets Criterion as Conditioned.**

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

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

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

**Staff Analysis:** The project has applied for the Sustainable Bonus Incentive Program and is providing sustainable features to partially meet the standards of the Sustainable Bonus Incentive Program. The project has been conditioned to either provide additional sustainable features or use the payment in-lieu to meet the calculated bonus value. The breakdown of the sustainable bonus and features being provided can be found on Page 12. **Meets Criterion.**

#### **Master Development Plan (Major Site Plan):**

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

#### **Section 23.2-31(c): Qualitative Development Standards**

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

**Staff Analysis:** While the project is not located along a major thoroughfare, the project still meets the general intent of the Major Thoroughfare Design Guidelines. The proposal locates the parking to one side of the site to minimize its impact

on Boutwell Road, allowing the residential building to have frontage along Boutwell Road. The project is designed harmoniously and efficiently with the project site and does not impede the development or improvement of surrounding properties. **Meets Criterion.**

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

**Staff Analysis:** The applicant is proposing to redevelop a previously developed site. As such, the disturbance of the natural conditions had already taken place. The proposal incorporates landscaping which greatly improves upon the natural conditions that had existed prior. **Meets Criterion.**

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

**Staff Analysis:** Landscape screening and buffering are provided along the perimeter of the site to meet and exceed the landscape buffering requirements. **Meets Criterion**

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

**Staff Analysis:** The proposed development provides landscape buffering to enhance the residential privacy of the occupants. The entrance to the units and commercial space is from a courtyard which is oriented away from Boutwell Road which provides enhanced privacy of the occupants from view of the right-of-way. **Meets Criterion.**

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

**Staff Analysis:** Emergency access is provided to the site through means of Boutwell Road, and an interior private drive-aisle permits access towards the rear of the site. **Meets Criterion.**

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

**Staff Analysis:** The site has vehicular access to Boutwell Road, which are public streets. Furthermore, an internal pedestrian circulation system bring pedestrians from Boutwell Road to all points of access to the building. **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 residential building has frontage along Boutwell Road, which allows the pedestrian circulation network to have direct access to the right-of-way and be completely insulated from the on-site vehicular circulation system. **Meets Criterion.**

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

**Staff Analysis:** Only one vehicular access point is provided to and from the on-site parking. No turnout or merging lanes are proposed are part of this application. **Meets Criterion.**

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

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

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

**Staff Analysis:** There are no on-site public rights-of-way. **Meets Criterion.**

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

**Staff Analysis:** Landscape buffers are proposed around the perimeter of the property to provide screening for the parking areas and buildings on the site. **Meets Criterion.**

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

**Staff Analysis:** The site plan proposes the refuse area within the parking area along Boutwell Road. The dumpster is screened by a wall and landscaped to minimize the impact of noise, glare, and odor on adjacent property insofar as feasible. Locating the dumpster elsewhere on the site would either cause unsafe conditions in the parking lot during trash pickup or greater impact on additional adjacent properties. **Meets Criterion.**

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

**Staff Analysis:** The proposed project will revitalize the vacant site, constructing 18 multi-family units with office space. The building to situated towards the north of the site as far away as possible from the residence located on the property to the south, and the enhanced landscape buffer will provide a lesser impact on property values of adjoining properties than the standard landscaping required by code. **Meets Criterion.**



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

**Staff Analysis:** The subject site is located within the MU-W zoning district and is surrounded by properties zoned MU-W, therefore the project is not located on the edge of a zoning district. **Criterion Does Not Apply.**

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

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

#### **Section 23.2-31(l): Community Appearance Criteria**

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

**Staff Analysis:** The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined that the proposal complies with the Land Development Regulations and that the architecture is in conformity with good taste, good design, and contributes to the image of the City. **Meets Criterion.**

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

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

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

**Staff Analysis:** The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, and the City's Land Development Regulations. **Meets Criterion.**

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

**Staff Analysis:** The project proposes uses which are permitted by right, therefore 23.2-29 does not apply. **Meets Criterion.**

#### **Conditional Use Permit:**

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

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

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

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

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

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

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

Direction	Future Land Use	Zoning District	Current Use
North & East (adjacent)	MU-W	MU-W	Woodspring Suites Hotel
South (adjacent)	MU-W	MU-W	Single-Family Residence
West (across Boutwell Rd)	MU-W	MU-W	Hotel/Vacant (Multi-Family Residential approved)

Per the Palm Beach County Property Appraiser and City Business License Records, the site is surrounded by a mixture of hotel and residential uses. The proposed office and multi-family residential uses have been found to be consistent with the surrounding residential and hotel uses. **Meets Criterion.**

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

**Staff Analysis:** The approval of this conditional use will bring more residents to the City and contribute to the City's tax base. The proposed development is also at an intensity less than what would be permitted by right if developed with non-residential uses. Therefore, the development is not anticipated to result in less public benefit than a use permitted by right. **Meets Criterion.**

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

**Staff Analysis:** Based on the table on pages four, the project proposes a height and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. In addition, the project proposes an intensity which is less than what the Comprehensive Plan anticipates. Therefore, the project is not anticipated to be a more intensive development than what is approved by the future land use element of the Comprehensive Plan. **Meets Criterion.**

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

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

**Staff Analysis:** The applicant has submitted a traffic impact statement which showed minimal impact to adjacent local roads at peak with only 13 trips in the AM peak hour and 11 trips in the PM peak hour, with a total trip generation of 132 trips per day. If the subject property were developed with two or more non-residential uses less than 2,500 square feet and a residential use less than 7,500 square feet, then it is likely that the cumulative volumes on the site would be greater than the proposed office with residential uses. Therefore, the proposal is not anticipated result in a lower level of service than if developed with uses permitted by right. The applicant's Traffic Study can be viewed in Attachment B. **Meets Criterion.**

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

**Staff Analysis:** The applicant has submitted a traffic impact statement, which showed minimal impact to traffic on Boutwell Road with only 13 additional trips at AM peak hour and 11 additional trips at PM peak hour. The mixed-use urban planned development is a conditional use because of its size (> 7,500 sf). Subdivision of the property and/or the development of the property with multiple non-residential uses less than 7,500 sf would not mitigate the reliance of future development on Boutwell Road. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

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

**Staff Analysis:** Staff does not anticipate the proposed 18-unit residential development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential uses do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

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

**Staff Analysis:** The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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

**Staff Analysis:** The applicant will be utilizing existing City utility lines. Should any additional infrastructure be constructed to connect the development to the city's utilities, the applicant shall be responsible for the expense. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

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

**Staff Analysis:** The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. The site is designed to allow for emergency vehicle and service access to all sides of the site. **Meets Criterion.**

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

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

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

The requested use is for an 18-unit mixed-use project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the mixed-use project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

**Staff Analysis:** Staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

#### **Sustainable Bonus Incentive Program**

The proposal includes a Sustainable Bonus Incentive Program as part of the Planned Development to obtain additional density from the base zoning district, MU-W. Section 23.3-25(b)(2)(B) states that mixed-use urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The site proposes a density of 34.6 units/acre, which is a 15.3% increase on the base density under the maximum established under the subject section. Section 23.2-33(e) provides an applicant the option to pay a fee in lieu of on or off-site features and improvements to be held in a sustainability bonus incentive trust account to be expended on capital projects that enhance community sustainability. The increase in density result in an additional 3 units above the density permitted by right. With an average unit size of 720 square feet, a total of 2,160 square feet of residential units are being added above Table 1 in the Comprehensive Plan. Any increase in density above the allowances under Table 1 in the Comprehensive Plan are at a bonus cost of 10 dollars per square foot.

Incentive	On-Site or Off-Site	Bonus Value Provided
Site Furniture	On-site	\$3,500.00
Additional Landscaping	On-site	\$11,960.00
Lighting Mitigation	On-site	\$6,140.00
<b>TOTAL INCENTIVES PROVIDED</b>		<b>\$21,600.00</b>

The total Sustainable Bonus value is calculated as \$21,600, which the applicant has proposed to provide through a combination of on-site features and payment to the City's Sustainability Bonus Incentive Trust account. Features being included to meet the Sustainable Bonus include 8 additional trees and 745 additional shrubs above the requirement of the code, as well as motion-sensing light fixtures to reduce energy consumption. Staff has concerns about the nature of

several proposed improvements, and, in addition to therefore staff is recommending payment of 50% of the sustainable bonus fee in lieu of improvements.

### **Public Support/Opposition**

As of June 30, 2021, Staff has not received any letter or comments of support for or opposition against the project.

### **CONCLUSION:**

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

#### **Electric Utilities:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Provide the voltage requirements on the site plan.
  - b. Provide the electrical riser diagram and load calculations.
  - c. Provide 3-foot clearance of the padmount transformer from the nearby parking space, or provide a bollard.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. Provide and record a 10-foot utility easement at the padmount transformer location.
  - b. Pay all fees associated with the new service (materials and construction fees).
  - c. Complete a final electrical inspection.

#### **Planning:**

1. Prior to the issuance of a building, submit the unity of title documentation from when the lots were combined. If unity of title documentation cannot be submitted, a new unity of title form shall be filled out with the City (see attached form). The lot does not show record of being platting. Instead, it appears the lots were joined by unity of title or by parcel combination for tax deed purposes.
2. No less than 30 days prior to the anticipated first reading date before the City Commission, the plans shall be amended and resubmitted to staff addressing the following:
  - a. Provide a photometric plan that shows the location, dimensions, and intensity of all outdoor illumination. Note that per LDR Section 23.4-3(c)(4), lighting shall be shielded and located to not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. The photometric plan should reflect adequate security lighting for area with public access. Also refer to page 52 of the City's Major Thoroughfare Design Guidelines to view the City's design criteria for lighting. LED lighting should have a warm tone (2700K) with fixtures that are dark skies compliant.
  - b. The proposed monument signs shall be depicted the site plan and landscape plan. Landscaping shall be provided as consistent per Section 23.6-1.
  - c. Revise the Sustainable Bonus Incentive proposal to provide half of the required value as fee-in lieu.
3. Prior to the issuance of a building permit, a sign plan shall be submitted that depicts a minimum of 50% of the face of one of the monument signs shall be dedicated to the proposed office and small internal directional signage approximately 2 sf in size shall be provided
4. The office shall have a separate business license from the multi-family complex in order for the project to qualify as mixed-use.



5. Prior to the issuance of a business license, all code violations shall be remediated.

#### **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. Thirty days prior to first reading at the City Commission, 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.
3. Prior to the issuance of a Certificate of Occupancy:
  - a. All conditions of approval shall be satisfied under jurisdiction of the Department of Public Works.
  - 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.
  - 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. The right of way shall be restored to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
4. Prior to the issuance of a building permit, contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
5. Prior to the issuance of a building permit, the contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.

#### **Utilities Water & Sewer:**

The building department Engineering Submittal shall include the following:

- a. At time of engineering submittal, provide a full drawing set of the proposed drainage calculations and any permits or permitting information from SFWMD and LWDD.
- b. The irrigation service and the lift station service shall use an RPZ device/s instead of a pressure vacuum breaker.
- c. Provide PBC county right of way permit for utility work and driveway cut.
- d. Provide the PBC department of Health permit for the sewer transmission system and water distribution system.
- e. Show water & sewer services, drainage structures, and storm mains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
- f. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at psegovia@pbcgov.com
- g. Water will require a dedicated 15-foot utility easement.
- h. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
- i. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
- j. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
- k. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
- l. Provide existing and proposed site grades.
- m. Indicate vertical datum on all plan drawings with grades.

- n. All applicable City of Lake Worth details.
  - o. capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
2. Prior to Certificate of Occupancy, a Bill of Sale for the public utilities and easements must be dedicated for recording.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-00900002 with staff recommended **conditions** for a Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct an 18-unit residential development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-00900002 with staff recommended **conditions** for a Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct an 18-unit residential development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board will be making a recommendation to the City Commission on the Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program.

**ATTACHMENTS:**

- A. Architecture and Site Plans
- B. Landscape Plan
- C. Civil Plans
- D. Supplemental Supporting Documents