

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01000001 (Ordinance 2023-16): A request for a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace,” to construct two (2) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units.
Note: The data and analysis for the associated FLUM and rezoning of 821 South Dixie Highway is under a separate cover.

PZB Meeting Date: August 2, 2023

Property Owner: Buyer’s Choice Auto Sales, LLC

Applicant: Madison Terrace, LLC

Address: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

Size: 1.8134 acres (1.6186 acres of private property and 0.1274 of abandoned right-of-way)

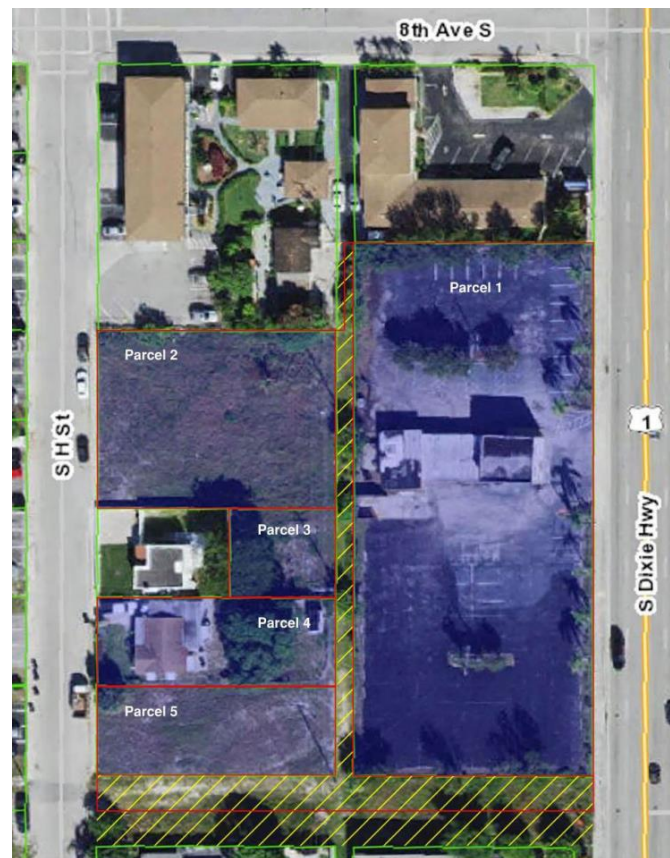
General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

Existing Land Use: Auto sales and single-family residential

Current Future Land Use Designation: Transit Oriented Development (TOD) & Mixed Use – East (MU-E)

Zoning District: Transit Oriented Development East (TOD-E) & Mixed Use – Dixie Highway (MU-DH)

Location Map



Map Legend

Vacated Rights of Way

Outline of Property

Included in Project

RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 11 to 15 of this report. However, staff is seeking guidance from the City Commission with regard to the parking reduction request by the applicant.

PROJECT DESCRIPTION

The applicant, Madison Terrace, LLC, is requesting approval of the following for the project commonly referred to as "Madison Terrace":

- **Mixed Use Urban Planned Development (Residential Only)** to construct two (2), six (6)-story buildings with 176 dwelling units total.
- **Development of Significant Impact** to construct a residential development with more than 100 dwelling units.
- **Major Site Plan** to construct a residential development with more than 7,500 square feet.
- **Conditional Use** to establish a multi-family residential use greater than 7,500 square feet.
- **Right-Of-Way Abandonment** to vacate the 20-foot wide north half of 9th Avenue South and the abutting north-south alleyway bisecting the project location.
- **Sustainable Bonus Program Incentive Program** for additional density, intensity and height.
- **Affordable/Workforce Housing Program** for additional density, reduction in the gross area of dwelling units, and reduction of the required parking.
- **Transfer of Development Rights** for additional density and height.

The applicant is proposing a multi-family development on a 1.8134-acre site with the purpose of providing affordable age-restricted apartments for senior-aged residents. The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings with vehicular ingress and egress from South H Street.

The proposed building design is contemporary with art deco inspired detailing. The exterior finishes include corrugated metal panels, smooth and scored stucco, vertically-oriented windows, and art deco decorative parapet elements. Both buildings feature a flat roof and identical building designs. Overall, the building design is contemporary while honoring the art deco design which is one of Lake Worth Beach's prevailing architectural styles.

COMMUNITY OUTREACH

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

On June 28, 2023, the applicant held a meeting with neighborhood residents at 1121 Lucerne Avenue. Notices were mailed to all property owners within 400 ft of the project on June 9, 2023, and signs were placed on the property on June 9, 2023. There were twelve (12) attendees at the meeting. Residents asked questions about the project's security features, site design, parking, the sustainable features of the project, and general questions about the units and how the property will be managed. The applicant also created a project webpage: <http://www.madisonterraceseniors.com/>

BACKGROUND

The project area includes five (5) properties: 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street. Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

821 South Dixie Highway: The subject site is a 40,500 square foot commercial lot. The existing ±780 square foot building was constructed in 1946 and the existing ±600 square foot building was constructed in 1947. The existing use of the lot and structures is classified as Vehicle/Motorcycle/Moped/Motorscooter/Golfcart/Boat rentals and sales. The use is non-conforming as the property does not meet the minimum site area (2.50 acres) required for this use. However, as the subject property has had an active business tax receipt (BTR) for an Auto Dealer Over 20 Vehicles since 2002 and has been in continuous use based on the business license history, the non-conforming use may continue subject to the provisions in Section 23.5-3 Nonconformities. This property has an active code case (22-594). The violations are associated with the existing business "Happy Car Sales". Staff has added conditions of approval to require resolution of the code case and payment of any associated fees prior to submitting building permits for the subject project.

818 South H Street: The subject site is a 13,500 square foot vacant lot.

824 South H Street: The subject site is a 3,000 square foot vacant lot.

826 South H Street: The subject site is a 6,750 square foot residential lot. The existing ±1,210 square foot residence was constructed in 1950.

832 South H Street: The subject site is a 6,750 square foot vacant lot.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

If the concurrent small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the property located at 821 South Dixie Highway is approved, the entire project area will have a Future Land Use (FLU) designation of Transit Oriented Development (TOD).

Per Policy 1.1.1.6, 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. The maximum density of permitted residential development is 60 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH, MF-20, MU-W, P, PROS, and AI.

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

The proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan as it provides affordable age-restricted units in a multi-family project with amenities.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City’s Land Development Regulations (LDR), including the district and planned development requirements. 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 several zoning district requirements including landscaping (a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, and a reduction of the landscape buffer width), setbacks (built-to line from South H Street) and a parking reduction. Through the Affordable/Workforce Housing Program the applicant is requesting to reduce the 1-bedroom unit size from 600 square feet to 576 square feet which is within the program’s allowable area reduction. The program also allows a parking reduction of up to 25%, provided that at least 1 parking space is provided per unit. The project requires 262 parking spaces, whereas a total of 123 spaces are proposed. The Affordable/Workforce Housing Program would only allow a reduction to 197 spaces. The applicant is requesting a further reduction through the waiver provisions of the proposed residential planned development.

Transit Oriented Development – East (TOD-E): Per LDR Section 23.3-19(a), The TOD-E transit oriented development east district is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city.

The table and topic area analysis below evaluate the proposed site features and the project’s compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, Affordable/Workforce Housing Program, Transfer of Development Rights and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Transit Oriented Development - East (TOD-E)	Residential Planned Development in TOD-E w/ SBIP, A/WHP, and TDR	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 ac	1.8134 ac
Lot Width (min)		100’	100’	320’ (including half of abandoned 9 th Ave S)
Setbacks	Front (min build-to line)	10’	10’ Front façade for third story and above must have front setback of eight (8) to twelve (12) feet in addition to minimum.	18’ South Dixie Highway 143* South H Street
	Rear (min)	N/A	N/A	N/A
	Street Side (min)	N/A	N/A	N/A

	Interior Side (min)	0'	0'	9'-0" North 10'-0" South
Development Standard		Base Zoning District Transit Oriented Development - East (TOD-E)	Residential Planned Development in TOD-E w/ SBIP, A/WHP, and TDR	Provided
Impermeable Surface Coverage (maximum)		65%	65%	65.78% (51,868 sf)**
Structure Coverage (max)		50%	50%	30.72% (24,220 sf)
Density (max)		40 du/acre (72 units)	97.75 du/acre (177 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1	97.05 du/acre (176 units) Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1
Building Height (max)		30' (max. 2 stories)	71.25' (6 stories)	66'-4" (6 stories)
Maximum Wall Height at Side Setback		30'	71.25'	67'
Floor Area Ratio (FAR) (max)		1.1	3.6437 Read Section 23.3-25.b) and FLUE Table 1 & Policy 1.1.1.1	1.7 (134,268 sf)
Living Area (minimum)	Studio	400 sf	400 sf	430 sf
	One-bedroom units	600 sf	600 sf	576 sf
Parking		8 Studios 168 1-Bedroom Total: 262 spaces	8 Studios 168 1-Bedroom Total: 197 spaces	123 Spaces
Workforce/Affordable Housing		100% of Units		
Is site in floodplain (Flood Zone / BFE), or in Wellfield Zone? Yes/No		Wellfield Zone 4		

* Per LDR Section 23.3-19(d)(4)(A)(3): A build-to line of 10' is required from rights-of-way, which can be increased to 18'. A waiver is being requested to allow a greater setback. Landscaping and fencing are being proposed along South H Street to help mitigate the property's appearance along the streetscape.

** Staff has added conditions of approval to decrease the total impervious surface total. This can be achieved by increasing pervious areas and/or proposing additional semi-pervious surfaces on the property.

Affordable/Workforce Housing Program: The applicant has elected to opt into the program to utilize the unit size and parking reduction incentive. Tier Two requires that 15% of the total number of units for projects utilizing any City incentives or bonus programs be income restricted in accordance with the provisions in this ordinance.

Analysis: The applicant is proposing 176 dwelling units of which 100% will be income restricted. According to the applicant's justification statement, the project will be financed with low-income housing tax credits provided by the federal government. The project will be required to remain affordable housing for a period of at least 50 years. The rental rates are based on 80% of the Area Median Income (AMI). At least 10% of the units have "Extremely Low Income" ELI rental rates based on a maximum of 30% of the AMI. The average rental rate for all apartment units cannot exceed 60% of AMI. Staff has included conditions of approval that will require a restricted covenant that will maintain the project's level of affordability.

The Affordable/Workforce Housing Program allows a reduction of unit size area of up to 15%. One-bedroom units are proposed with 576 square feet which represents a 4% reduction from the required 600 square feet. The program allows a parking reduction of up to 25%, provided that at least 1 parking space is provided per unit. The project requires 262 parking spaces, whereas a total of 123 spaces are proposed. The Affordable/Workforce Housing Program would only allow a reduction to 197 spaces. The applicant is requesting a further reduction through the waiver provisions of the proposed residential planned development.

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

Analysis: The parking for the dwelling units was calculated as follows:

- 8 Studios (1.25 spaces per unit = 10 spaces)
- 168 1-Bedroom (1.5 spaces per unit = 252)

A total of 197 parking spaces are required with the 25% reduction from the Affordable/Workforce Housing Program. However, the applicant is requesting to reduce the total parking spaces to 123 parking spaces:

- 8 ADA off-street spaces
- 79 standard off-street spaces
- 26 compact off-street spaces
- 12 bicycle spaces (equal 3 off-street parking spaces)
- 8 motorcycle/scooter spaces (equal 4 off-street parking spaces)
- 3 on-street parking spaces

The applicant is proposing to utilize alternate spaces to fulfill their minimum parking requirement as permitted by LDR Section 23.4-10(l), which states that "alternate parking spaces including compact spaces shall count towards no more than twenty-five (25) percent of the overall site parking requirement." The maximum alternate spaces that can be applied to meet required parking for this development is 48 alternate spaces. The applicant is proposing 33 alternate parking spaces as outlined above.

The applicant has submitted examples of similar projects that were constructed in other Florida municipalities with reduced parking (included as an attachment). Staff has proposed a condition of approval requiring additional parking alternates to be provided, or that the City Commission should provide direction if the required parking is to be waived to the extent requested by the applicant.

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

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Green Buttonwood, Dahoon Holly, Slash Pine and Live Oak trees with multiple native shrubs, grasses and groundcovers for the perimeter and interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey that was reviewed by staff who found the following deficiencies.

- Existing Royal Palms are misidentified a Queen Palms.
- Existing Green Buttonwood trees are misidentified as Oak trees and Bottle Brush Trees.
- Two existing trees that are in the northern parking lot island are not on the survey.

The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although multiple trees are proposed to be removed from the site to facilitate the construction no mitigation is required due to onsite replacement. Since the two mango trees that are proposed to be removed are greater than 18 inches in diameter they must be replaced with trees that are at least 6 inches in diameter.

The Residential Planned Development includes three (3) landscape waivers: a reduction in terminal landscape island width, elimination of required landscape strips between rows of parking, and a reduction of the landscape buffer width.

- Landscape Islands: Per LDR Section 23.6-1(c)(3)(d): Each row of parking spaces shall be terminated by landscape islands with dimension of eight (8) feet in width, exclusive of curbs. The applicant is proposing terminal landscape islands with a reduced width of five (5) feet.
- Landscape Strips: Per LDR Section 23.6-1(c)(3)(e): Whenever parking tiers abut, they shall be separated by a minimum five-foot wide landscape strip. The applicant is proposing to eliminate these landscape strips where the external parking rows abut internal parking rows on the ground floor of the buildings. Staff has included a condition of approval to require wheel stops in these locations to prevent conflicts with parked cars.
- Landscape Buffers: Per LDR Section 23.6-1(c)(2)(c)(1): This landscape screen shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five (5) feet in width that is free of any vehicular encroachment, including car overhang. The applicant is proposing a reduced three (3) foot landscape buffer on an area that is approximately twenty (20) feet long, north of the property located at 822 South H Street.

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage are required to be depicted on both the site and landscape plans, and are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: Two (2) freestanding monument signs are proposed. Per LDR Section 23.5-1(E)(5), a lot with frontage between 301-400 feet is permitted 150 square feet of signage. A maximum sign height of 8' is permitted with a minimum setback of 3'. Each sign has a height a height of 4', an area of 48 square feet, and is setback 5'. Therefore, the two (2) proposed monument signs are code compliant. No waivers are being requested for the signage.

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

Analysis: The proposed dumpster location in the west side of the project (fronting South H Street) was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster will be fully screened with fencing and landscaping. The dumpster enclosure material shall be further reviewed to ensure architectural consistency with the project.

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

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. A condition of approval has been provided requiring further review to ensure compliance with Dark Skies lighting recommendations and for consistency with the architecture of the buildings. Further, proposed fixtures shall be required to have a warm tone setting of 3000 K or less.

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

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

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

The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings. Vehicular ingress and egress is proposed from South H Street. The site will include abandoned portions of abutting alleys and the north half of 9th Avenue South. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. Adequate landscaping is proposed to screen the perimeter of the site and provide internal vegetation, these improvements are further discussed in the landscape section of this report.

The subject site is designated as Sub-Area 5 in the City’s Major Thoroughfare Design Guidelines. A contemporary industrial aesthetic is recommended in this area with aluminum, steel, masonry, and concrete exterior finishes. The proposed building design is contemporary with art deco inspired detailing. The exterior finishes include corrugated metal panels, smooth and scored stucco, vertically-oriented windows, and art deco decorative parapet elements. Both buildings feature a flat roof and identical building designs. Staff has concerns regarding the long expanses of blank façade along the rear elevation. A condition of approval was added to propose murals that will be reviewed by both the Planning and Zoning Board and the CRA’s LULA program. This public art will create visual interest on the rear elevation that will help mitigate the lack of architectural features. Overall, the building design is contemporary while honoring the art deco design which is one of Lake Worth Beach’s prevailing architectural styles.

New Standards: On October 6, 2022, the City adopted new site design qualitative standards through Ordinance Number 2022-14. Madison Terrace is the first project to be reviewed against these standards since their adoption. According to the project narrative (included as an attachment) the project will satisfy the performance standards listed in LDR Section 23.2-31(c)(16) by acquiring a National Green Building Standard (NGSB) silver certification. The amenity requirement will be satisfied with a grand parlor, game room, activity room that will display artwork from local artists to encourage community pride and social interaction.

The applicant submitted a separate statement (included as an attachment) that explains how the planned development achieves sustainable qualities, values, and principles as listed in LDR Section 23.2-31(c)(17). The complete compliance analysis is provided in Attachment A.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use - East	Mixed Use – Dixie Highway	Motel
South Across 9 th Ave S	Mixed Use - East	Mixed Use – Dixie Highway	Auto Sales
East Across S Dixie Hwy	Mixed Use - East	Mixed Use – Dixie Highway	Motel, office, and store
West Across alleyway	Transit Oriented Development	Transit Oriented Development - East	Vacant and single-family residential

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

Community Appearance Criteria:

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

Development of Significant Impact (DSI)

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

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

Conditional Use Findings (Attachment B)

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

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The applicant is proposing multi-family buildings that do not utilize the maximum development potential. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition of the parcels while providing new attainable housing options.

Sustainable Bonus Incentive Program

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The Applicant is asking for a bonus height up to 41.25', a density of +/-75 units per acre (64 bonus units), and a floor area ratio (FAR) of 1.7. The floor area ratio requested is less than the maximum allowance permitted through a sustainable bonus incentive in a planned development in the TOD-E zoning district. The total SBIP square footage of bonus area above the second floor is +/- 86,846.14 of which 36,014.55 has a bonus for both density and height. Therefore, the value of required improvements for the SBIP bonus areas are \$381,236.96 (50,831.59 sf X \$7.50 per sf), plus an additional \$540,218.18 (36,014.55 sf X \$15 per square foot). The total combined value of required improvements both areas \$921,455.14. The applicant has requested that the City Commission waive the requirement that 50% of the sustainable bonus incentive fee be paid to the City.

The project will pursue Florida Green Building Certificate which will reduced the required improvements by 50% per LDR Section 23.2-33(D)(1)(b). A public amenity in the form of public open space is proposed fronting South Dixie Highway which counts towards the qualifying features of improvements. Also, 100% of the project will be affordable housing which exceeds the 15% minimum required by the Affordable/Workforce Housing Program which can count towards the SBIP incentive award.

The applicant is requesting that the 50% of the sustainable bonus incentive payment of \$460,727.57 be waived by the City Commission. Staff has proposed a condition of approval requiring 50% of the sustainable bonus incentive fee be paid to the City, or that the City Commission should provide direction regarding waiving the fee.

Transfer of Development Rights (TDR):

Section 23.3-25(g) establishes the city's Transfer of Development Rights program. Projects which utilize the Transfer of Development Rights program may obtain one additional story of no more than fifteen feet in height, an increase in overall density of ten units per acre, and an increase in overall floor area ratio (FAR) of ten percent. The rights are valued at a cost of \$15 per square foot, and are paid to the city in exchange for development rights on city-owned properties with a future land use designation of Public.

The proposed project has gained an additional 10 units per acre (18 units) as part of the transfer of development rights bonus. The total development rights cost for the additional 18 units with an average unit size of 562.77 sf. Therefore, the total TDR cost is \$151,947.90 (18 units X 562.77 X \$15 per square foot). The applicant is requesting that this fee is waived by the City Commission. Staff has proposed a condition of approval requiring the fee be paid to the City, or that the City Commission should provide direction if the fee is to be waived.

Below are the criteria projects must meet to qualify for the program.

1. Projects incorporating transfer development rights must be a mixed use urban planned development, planned development, mixed use planned development or residential planned development.

Staff Analysis: The proposed project is a residential planned development which is a type of planned development.
Meets Criterion.

2. Projects must have incorporated all of the density, height and intensity bonuses available under the sustainable bonus program prior to being eligible for the transfer development rights program.

Staff Analysis: The proposed project has incorporated all of the density, height, and intensity bonuses available under the sustainable bonus program, and the receipt of the development rights will result in development beyond the sustainable bonuses as permitted by code. **Meets Criterion.**

Right of Way Abandonment

The proposal includes a right-of-way abandonment for the north-south 300 feet of the alley bisecting the project site (approximately 3,000 square feet). The north half of 9th Avenue South (running east-west 280 feet) is also proposed to be abandoned (approximately 5,600 square feet). The City Commission will consider this request concurrently with the residential planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment and then will consider the ROW abandonment request. If approved, the portion of the alleyway and 9th Avenue South within the project site would be granted to the property owner. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer. The utilities department added conditions of approval to require utility easements in the abandoned rights-of-way. These easements shall be reflected in the re-plat of the property.

Project Phasing and Re-Plat

As depicted on the master development plan, the project will have two (2) phases. The phase lines will also match a subsequent re-plat of the project site into (2) parcels. Staff has added several conditions of approval to address concerns related to the phasing of the proposed. Conditions of approval have been proposed to extend phase one (1) improvements to include the fencing and landscaping on the northeast corner of the site fronting South H Street ensure the streetscape's beautification at the beginning of the project. A subsequent re-plat to create the two (2) parcels will be required prior to a certificate of occupancy for phase one (1). The re-plat will contain utility easements for the abandoned rights-of-way and cross-access easements to ensure both phases have accessed the project's parking, site features, and amenities. Staff has also included conditions that establish requirements should phase two (2) not be constructed. This includes provisions for finalizing the parking lot and providing additional landscaping.

CONCLUSION AND CONDITIONS

The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed residential planned development will be complimentary to the adjacent residential and commercial properties. The project will provide affordable units with access to public transportation. Further, the proposed improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

Incentive Programs Conditions of Approval

1. Fifty percent of the sustainable bonus fee shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first. Alternatively, the City Commission may approve to waive the fee.
2. The applicant shall provide qualifying sustainable bonus features equal to fifty percent of the sustainable bonus fee, or shall be required to pay the remaining portion of the fifty percent of the incentive value prior to the issuance of a certificate of occupancy.
3. The transfer of development rights fee shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first. Alternatively, the City Commission may approve to waive the fee.
4. Increase parking spaces on the project site. This may be achieved with parking alternates such as bicycle racks as outlined in LDR Section 23.4-10. Alternatively, the City Commission may approve to waive this condition and allow a total of 123 parking spaces, as requested.
5. All units shall be restricted for affordable/workforce housing in accordance with the City's Affordable/Workforce Housing Program (or an alternative program as restrictive or more) prior to the issuance of a Certificate of Occupancy for the building.

Project Phasing Conditions of Approval

6. Phase one (1) improvements shall include all of the fencing and landscaping fronting South H Street. Additionally, fencing along side property lines may also be required during building permit review.
7. The temporary driveway for phase one (1) shall be constructed of compacted shellrock or another material approvable by the Palm Beach County Fire Rescue Department. Should Phase two (2) not begin construction within one (1) year of the certificate of occupancy being issued for Phase one (1), interim landscaping and a permanent driveway shall be required. These improvements shall be requested through a minor site plan to be reviewed by staff, and the work shall be completed within one (1) year.
8. Final plat approval is required prior to the issuance of a Certificate of Occupancy.

Site Conditions of Approval

1. The building facades fronting South H Street shall include murals to create visual interest. This public art shall be reviewed by both the Planning and Zoning Board and the CRA's LULA program prior to installation. The murals shall be approved and installed prior to the certificate of occupancy being issued for each phase.
2. Prior to the issuance of any building permits, a minor site plan shall be required to address the following:
 - a. Decrease the total impervious surface total to not exceed 65%. This can be achieved by increasing pervious areas and/or prosing additional semi-pervious surfaces.
 - b. Provide an updated tree survey that correctly identifies all existing trees including the diameter at breast height.
 - c. Provide a tree disposition plan.
 - d. Provide an updated landscape plan that provides the required six-inch replacement trees and the required five-foot buffer adjacent to the existing single-family residence including the required trees.
 - e. Submit an updated photometric plan demonstrating that the exterior lighting complies with dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
 - f. A designated delivery and/or ride share space shall be provided.
 - g. The dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements at building permit.
 - h. Wheel stops shall be provided when the parking spaces would encroach on landscape areas, walkways, accessible routes, and other rows of parking.
 - i. Updating site data table errors.
3. Temporary fencing: Per LDR Section 23.4-4(j), 1. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than eighty-five (85) percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of section 23.5-1, signs, of the zoning and land development regulations of this Code; 2. Temporary construction fencing must be associated with an active building permit unless approved by the development review official in lieu of a permit. The development review official may require the removal of a temporary fence in absence of an active permit or for safety issues; and 3. Acceptable materials include screened chain link and any other permitted materials identified in section 23.4-4(c).
4. Prior to the issuance of a certificate of occupancy, documentation shall be submitted to the Department of Community Sustainability that the project qualifies at a minimum as a National Green Building Standard (NGSB) silver certification or equivalent certification to fulfill the City's project performance standards listed in LDR Section 23.2-31.

General Conditions of Approval

5. A restrictive covenant shall be recorded for the age-restricted units prior to the issuance of a Certificate of Occupancy for the buildings, or the developer shall pay to the PBC school district any required school concurrency fees.
6. At building permit, documentation shall be submitted to demonstrate that the material utilized for the semi-pervious parking areas has a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
7. Any code cases associated with the subject properties shall be resolved and any fines shall be paid prior to the issuance of building permits.
8. An address application shall be required to be submitted prior to application for building permit.
9. A video security system shall be required for the property.

Utilities (Water, Sewer & Stormwater)

1. A Utility Easement will need to be established for the abandoned alleyway. Utility easements are a minimum of 15 feet wide and should be centered over the existing water or sewer infrastructure to provide a minimum of 7 feet east of the Sanitary Sewer.
2. Drainage calculations for sizing of the exfiltration trench and hydraulic conductivity number must be provided with building permit application.
3. Eastern gates cannot swing outward into the public right-of-way and must either swing inward or slide.
4. Please be advised that since there is currently no existing driveway access to the site from S Dixie Hwy, the applicant would need to apply for an FDOT driveway permit to establish a construction entrance on that roadway.
5. General utilities site plan comments:
6. Location of the property line, right-of-way, proposed/existing easements, water courses and other essential features.
7. Provide a sedimentation and erosion control plan, including but not limited to: silt fence, inlet protection, filter socks, and truck wash driveways. Provide the public works details in the plan submittal.
8. NPDES compliance practices shall be provided for the project site.
9. Location of existing and proposed fire hydrants (or operational equivalents) within 250 feet of the proposed structure or structures.
10. Locate all underground piping
11. Site and Location of the conceptual sanitary sewer connections and air conditioning units. If there are appurtenances such as grease traps, these must be sized and shown in the site plan.
12. Water and sewer horizontal offset distances must be provided per the FDEP requirements.
13. All meter boxes, risers to DDCA & meter, and fire hydrants should be situated as close to the property line as possible in order to minimize the amount of easement dedication necessary.
14. Utility easements are a minimum of 15 feet wide. Combined Water and Sewer easement size will be determined by the department but not less than 23 feet wide.
15. Show asphalt restoration limits required for the utility work. Reference City standard details for trench repair.
16. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
17. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
18. Drainage Plan, prepared by a Registered Professional Engineer. The policy of the City is a property must retain the 3-year 1-hour storm event on site based on the runoff of the entire site area. This is equivalent to 2.6 inches of precipitation. Engineer shall provide calculations validating the retention and calculate the pre/post runoff rates to ensure there are no adverse effects to surrounding properties. The 100-year flood elevation shall be calculated and proposed structures finished floor shall be above the 100-year flood and/or 12-inches above the average crown of the adjacent roadway/s whichever is greater.

19. IF APPLICABLE: At time of engineering submittal provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
20. Provide a cross section of the grading at each property line.
21. Indicate vertical datum on all plan drawings with grades.
22. Provide all applicable City of Lake Worth Beach details.
23. Show water & sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
24. Applicant to provide concurrence from FDOT on Access Management
25. Provide final concurrence from Palm Beach County Traffic Engineering Division based on the traffic statement/analysis.
26. Prior to building permit issuance, capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.
27. Prior to Certificate of Occupancy, a Bill of Sale for the public utilities and easements must be dedicated for recording.

Public Works

1. SWPPP plan needs to be amended to include inlet protection for three locations. A copy of the original SWPPP is attached indicating locations. Specification for inlet protection need to be included in SWPPP.
2. The existing entrance to the property via Dixie Highway will need to be removed and new sidewalk installed to FDOT specifications. Plans will need to reflect this change and an FDOT ROW permit secured before issuance of a City permit. The location has been indicated on the attached survey.
3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
4. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
5. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
6. 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. Prior to the issuance of a building permit, contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
7. Prior to the issuance of a certificate of occupancy, ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
8. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
9. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
10. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
11. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
12. Prior to the issuance of a Certificate of Occupancy, restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram. If a pad mount transformer will be requested, we will need to know the location of the pad-mount transformers for the building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping. They also must not be under or inside any structure.
2. Before the issuance of a Building permit, if pad-mount transformer will be requested, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
3. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
4. Developer to show the location of the meter center on the site plan.
5. Developer will be responsible for installing their own lightning for the parking areas.
6. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this project.
7. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of Ordinance 2023-16 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights to construct a 176 dwelling-unit multi-family residential development at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** Ordinance 2023-16 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights to construct a 176 dwelling-unit multi-family residential development at the subject site. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

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

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
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<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In compliance
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<p>2. Preservation of natural conditions. The natural (refer to landscape code, article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in chapter 12, health and sanitation, article V, 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.</p>	Not Applicable
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<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
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<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
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<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
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<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
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<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
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<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on</p>	In compliance
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adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

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

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

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

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

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

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

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

<u>Section 23.2-31(d) - Qualitative Buildings, generally</u>	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character, style, integrity and design. Their architectural style(s) shall be clearly expressed and detailed appropriately to vocabulary of the style(s) and be of high quality in terms of materials, craftsmanship and articulation. The relationship of building forms through the use, texture and color of material(s) shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale, height, setback, massing and location on the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony and compatibility with the surroundings as is possible under the circumstances. The overall building fenestration, orientation,</i></p>	In compliance

rhythm, height, setback, mass and bulk of an existing streetscape shall be respected. If a building is built in an undeveloped area, nine (9) primary requirements shall be met, including honest design construction, proper design concepts, appropriate use of high-quality materials, compatibility with the overall character of the city, appreciation of location, respectful transition, activation of the streetscape, building form(s) following proposed function(s) and overall sustainability.

3. *All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building. Facades shall have visual breaks every 75 feet at a minimum. The breaks shall be setbacks of either eight (8) inches or twelve (12) inches or more to create reveal lines or step backs on the façade and to add rhythm. Buildings in Lake Worth Beach typically have facades arranged in twenty-five-foot or fifty-foot increments. Breaks in facades also may be achieved through the use of differing but complementary and harmonious architectural styles. The massing elements of each façade shall have a height to width ratio approximating the golden ratio of 1.618, either vertically or horizontally.* **In compliance**

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setback, floor to floor height, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.* **In compliance**

5. *Look-alike buildings shall not be allowed unless, in the opinion of the reviewing entity, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the reviewing entity, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **In compliance**

6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the reviewing entity. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **In compliance**

7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**

8. *Building surfaces, walls, fenestration and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**

9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not applicable**

10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**

11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **In compliance**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**
15. *All buildings shall address both the public right-of-way and improve the overall pedestrian experience through the inclusion of the following components:* **In compliance**
- a. *Clearly articulated entrances,*
 - b. *Expanses of fenestration at the ground level,*
 - c. *Provision of shade through porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s),*
 - d. *Integrated signage,*
 - e. *Pedestrian scaled lighting,*
 - f. *Buildings that define at least fifty (50) percent of the street frontage, and*
 - g. *Openings that approximate a golden ratio of 1.618.*
16. *All new buildings of seven thousand five hundred (7,500) gross square feet or larger shall incorporate design principles, practices and performance standards to achieve the following through a project proforma description and analysis prepared by the developer and verified by an independent third party:* **In compliance as conditioned**
- a. *Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,*
 - b. *Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,*
 - c. *Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,*
 - d. *Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,*
 - e. *Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,*
 - f. *Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,*
 - g. *Incorporation of design features and uses that support multi-modal transportation options,*
 - h. *Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors,*
 - i. *Incorporation of amenities that are conducive to enhancing community pride and social interaction, and*

17. *In addition to the items enumerated above, all new planned developments shall strive to incorporate design elements, performance standards and/or specifications to enhance the public's awareness and appreciation of the community's commitment to the preservation and enhancement of the following sustainability qualities, values and principles:*
- a. *Cultural resources,*
 - b. *Historical resources,*
 - c. *Ecological/natural resources,*
 - d. *Diversity and inclusion,*
 - e. *Social justice,*
 - f. *Economic investment,*
 - g. *Neighborhood vitality,*
 - h. *Sense of place,*
 - i. *Education, and*
 - j. *Recreation.*
- In compliance**

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

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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.* **In compliance**

 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.* **In compliance**

 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.* **In compliance**

 4. *The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.* **In compliance**

ATTACHMENT B - Findings for Granting Conditional Uses

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

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**