

JUSTIFICATION STATEMENT

REZONING, MAJOR SITE PLAN, SUSTAINABLE BONUS INCENTIVE PROGRAM (SBIP) & TRANSFER DEVELOPMENT RIGHTS (TDR)

INTRODUCTION

Understanding the City's need and desire for affordable housing, we are requesting entitlements that allow us to maximize the density and building height that are consistent with the current comprehensive plan and land development regulations.

REQUESTED ENTITLEMENTS, WAIVERS & VARIANCES

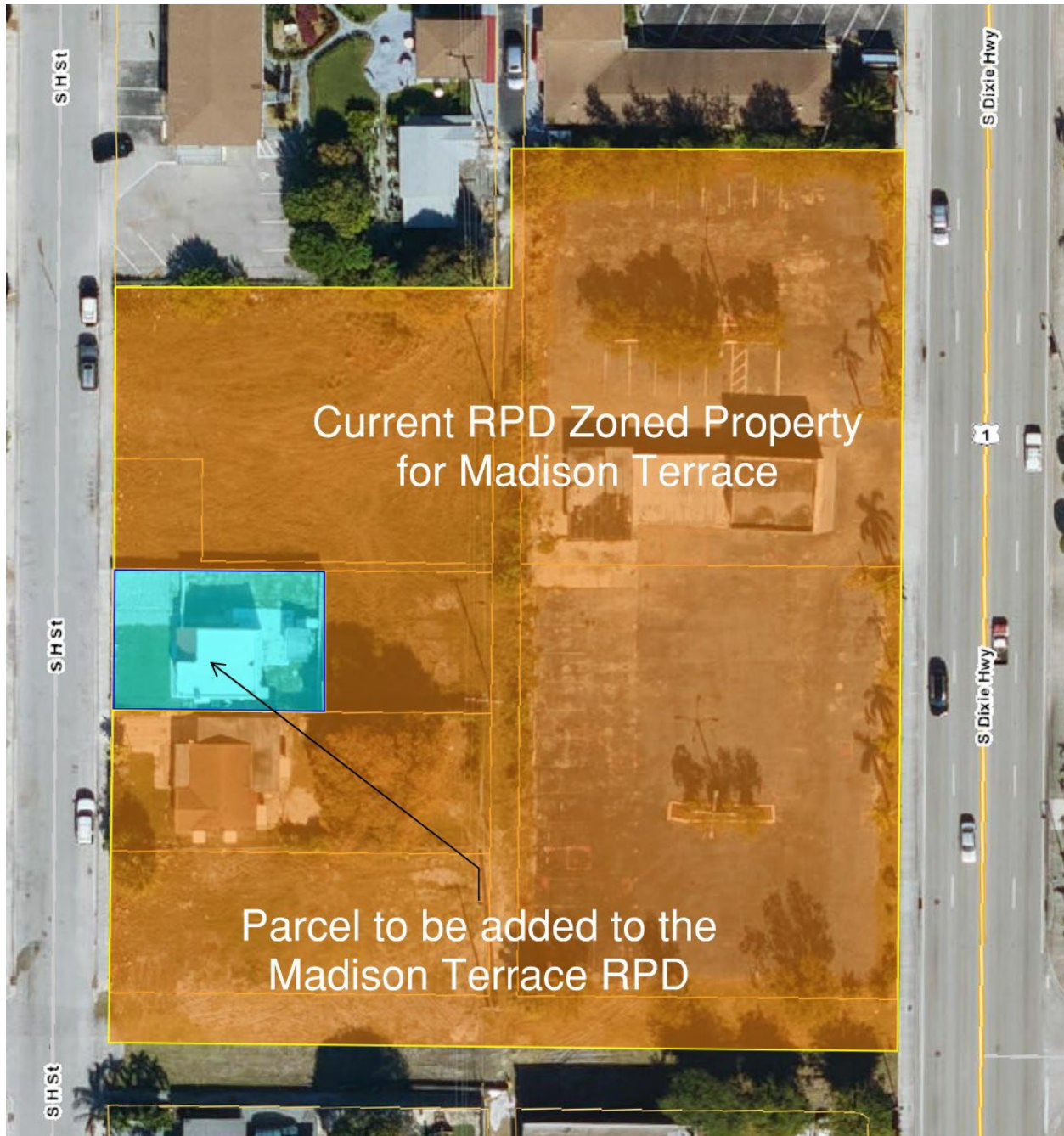
- **Land Use Amendment & Rezoning, Planned Development, and Major Site Plan**
- **Sustainable Bonus Incentive Program, Transfer Development Rights & Affordable/Workforce housing density bonus**
- **Waivers & Variances:**
 - **Continue TDR Waiver that was approved in Ordinance 2023-16**
 - **Continue Parking Waiver that was approved in Ordinance 2023-16 allowing 0.7 Parking Spaces per Unit**
 - **Request an increase in building height from 66'4" to top of Parapet to 68' top of parapet**
 - **Reduce north side setback on phase II building from 9 ft. to 7.5 ft.**

LAND USE AMENDMENT & REZONING

General Description of Property

When the Madison Terrace project was originally approved by the City Commission under Ordinance 2023-16, there were five parcels of land (the development site) totaling 1.81 acres. Since that ordinance was approved, an additional parcel was acquired. This additional parcel is located at 822 South H St. is .09 acres in size and brings the total development site acreage to 1.88.

Parcel	Address	Parcel ID	Area (ac)	Existing		Proposed	
				Land Use	Zoning	Land Use	Zoning
1	821 S Dixie Hwy	38-43-44-21-15-253-0110	0.466	TOD-E	RPD		
2	821 S Dixie Hwy	38-43-44-21-15-253-0131	0.547	TOD-E	RPD		
3	818 South H St	38-43-44-21-15-253-0041	0.29	TOD-E	RPD		
4	818 South H St	38-43-44-21-15-253-0042	0.0314	TOD-E	RPD		
5	824 South H St	38-43-44-21-15-253-0032	0.074	TOD-E	RPD		
6	826 South H St	38-43-44-21-15-253-0020	0.17	TOD-E	RPD		
7	832 South H St	38-43-44-21-15-253-0010	0.215	TOD-E	RPD		
8	822 South H St	38-43-44-21-15-253-0031	0.09	TOD-E	TOD		RPD



Seven of the eight parcels of the development site currently have a future land use of Transit Oriented Development (TOD) and zoning of RPD with underlying zoning of TOD-E. Our request does not include any changes to those existing entitlements. We do request that the eighth parcel, 822 South H Street, be rezoned to RPD (Ordinance 2023-16). 822 South H Street currently has a land use of Transit Oriented Development (TOD) and an underlying zoning of TOD-E so no changes are requested for those existing entitlements.

Surrounding Properties

The subject properties are located west of South Dixie Highway, between 8th Avenue South and 9th Avenue South. This section of South Dixie is primarily comprised of used car sales lots, automotive repair shops, motels, and various other service-oriented businesses. The properties west of the project site are a mix of multifamily and single family residential. This table describes the attributes of the properties directly adjacent to the project site.

	FLU Designation	Zoning District	Existing Use
North	MU-E	MU-DH (Mixed Use-Dixie Hwy)	Hotel
South	MU-E	MU-DH (Mixed Use-Dixie Hwy)	Automotive
	TOD	TOD-E (Transit-Oriented Development East)	Residential
East	MU-E	MU-DH (Mixed Use-Dixie Hwy)	Retail
	MU-E	MU-DH (Mixed Use-Dixie Hwy)	Medical
	MU-E	MU-DH (Mixed Use-Dixie Hwy)	Hotel
West	TOD	TOD-E (Transit-Oriented Development East)	Residential
	TOD	TOD-E (Transit-Oriented Development East)	Automotive

North

Directly north of project site is a Travel Inn Motel with a FLU designation of MU-E (Mixed Use-East) and zoning designation of MU-DH (Mixed Use-Dixie Hwy).

South

Directly south of the project site is an automotive mechanic with a FLU designation of MU-E (Mixed Use-East) and zoning designation of MU-DH (Mixed Use-Dixie Hwy) and a single-family residence.

East

Directly East of the project site is Budget Inn motel and various offices with a FLU designation of MU-E (Mixed Use-East) and zoning designation of MU-DH (Mixed Use-Dixie Hwy).

West

Directly West of the project site are various multifamily residential units with a FLU designation of MU-E (Mixed Use-East) and zoning designation of MU-DH (Mixed Use-Dixie Hwy).

Development Details

- The development will consist of a two-phase low-income housing apartment for seniors that is age restricted to individuals with a minimum age of 55 years providing a maximum of 182 residential units.
 - Phase one (currently under construction) will provide 91 units with a unit mix of 83 one-bedroom units and 8 studio units
 - For Phase two, we are requesting to build the identical building mirroring phase one with 91 units, an increase of six units, with a unit mix of 83 one-bedroom units and 8 studio units.
- Each phase will consist of one six-story building, structured parking and surface parking, resident common areas and amenities, pedestrian connectivity to the surrounding neighborhood and the South Dixie Highway public transportation corridor.
- The approved Ordinance 2023-16 required two amenity rooms on the first floor of the phase I building and six amenity rooms on the first floor of the phase II building. We have reconfigured the buildings to provide two amenity rooms on the first floor and two amenity rooms on the second floor. The project, as a whole, was approved with eight amenity rooms, and this reconfiguration provides the same number of amenity rooms.
- Building security - Key FOB access for residents, cameras that monitor vehicular ingress and egress, and cameras on each floor monitoring elevator ingress and egress
- Amenities and common areas within each building.
 - Activity room for social gatherings
 - Game room for Board and Card games
 - Arts and Crafts Room
 - Billiards Room

The original PD (Ordinance 2023-16) was approved with a total of eight amenity rooms across both buildings. Building 1 had two amenity rooms and building 2 had six amenity rooms. This PD amendment maintains a total of eight amenity rooms however each building will now have four amenity rooms.

As we add more senior communities to our portfolio, our property managers determine which amenities are most utilized and provide the greatest benefit to our residents. They have determined that the health services and the fitness rooms are not being utilized therefore we have removed them from this development.

Resident Benefits

- Developer paid water and sewer service
- Developer paid utility allowance for electricity
- Developer provided washers and dryers in each residential unit at no charge to residents

Ingress/Egress

- Vehicular access to the site will be achieved by two driveways connected to South H Street on the west side of the project. South H Street provides our elderly residents with a more manageable low traffic point of entry to offsite traffic as opposed to South Dixie Highway.
- For drivers heading south, South H Street can be utilized to access S Dixie at 10th Avenue South where they can make a right onto S Dixie Hwy.
- For Drivers heading north, South H Street can be utilized to access 6th Avenue South where drivers can turn right and access the signalized intersection at South Dixie Highway.

CONSTRUCTION SCHEDULE

Phase I

- Soil remediation completed in January 2025
- Demolition of existing structures was completed in February 2025.
- Site work initiated March 2025
- Vertical construction to begin in April 2025.
- Completion of construction is anticipated to be summer 2026.

Phase II

- Construction to begin Fall 2025 with completion in Winter of 2026

FLORIDA HOUSING FINANCE CORPORATION (FHFC)

- The project will be financed with low-income housing tax credits provided by the federal government and allocated by the FHFC.
- Each phase is required to remain affordable housing for a period of at least 50 years.
- Rental rates are established by the Department of Housing and Urban Development (HUD)
- The maximum rental rates are based on 60% of the Area Median Income (AMI).
- At least 10% of the units must have “Extremely Low Income” ELI rental rates based on a maximum of 33% of the AMI.
- The average rental rate for all apartment units cannot exceed 60% of AMI.

For perspective most market rate apartments in Lake Worth Beach have rental rates equivalent to 120% AMI.

HUD Rental Rates (Per HUD’s most recent values)

Type	SF	AMI	Gross Rent	Utility Allowances	Net Rent
Studio	430	33%	\$675.00	\$94.00	\$581.00
Studio	430	60%	\$1,228.00	\$94.00	\$1,134.00
1 Bdrm\1 Bath	576	33%	\$723.00	\$111.00	\$612.00
1 Bdrm\1 Bath	576	60%	\$1,316.00	\$111.00	\$1,205.00

REZONING CRITERIA & PLANNED DEVELOPMENT DISTRICT STANDARDS

Section 23.2-26, Rezoning of Land and Future Land Use Map (FLUM) Amendments of the City’s Code of Ordinance requires the Applicant to address the Findings in accordance with Section 23.2-26(3). The Applicant is providing a Justification Statement, Site Plan, and other relevant documents as part of this Rezoning, and has demonstrated this proposal meets the requirements set forth in the applicable City’s Code of Ordinances.

A. Consistency

The proposed Rezoning to have a RPD with an underlying land use of TOD on the subject site is consistent with the purpose and intent of the applicable comprehensive plan and land development regulations. Pursuant to Section 23.3-25(a) of the City’s Code of Ordinances, Planned Development is allowed in any mixed-use district, in which the site is compliant. In addition, the change to a RPD zoning district with an underlying TOD is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan.

The request to Rezone to an RPD promotes Objectives 1.2.2, 1.2.3, and 1.2.4 of the City of Lake Worth Beach’s Comprehensive Plan by using the land in a more efficient manner and reducing the dependence on automobiles, as well as, utilizing the Sustainable Bonus Incentive Program and the Transfer Development Rights to increase density and building height. The density increase will allow for 182 units

of senior affordable housing on 1.88 acres of land. Also, the senior demographic that meets the area median income requirements are more likely to utilize public transportation over personal use of an automobile.

The request to Rezone to an RPD promotes Objectives 1.6, 1.6.1, and 1.6.7 of the City of Lake Worth Beach's Comprehensive Plan to support the CRA's infill and redevelopment initiatives, to support the redevelopment of older urban areas and to encourage infill development and renewal of blighted areas. The proposed site will be considered an infill development and is located within the CRA. The 1.88 acres will be used to redevelop the blighted vacant land as well as the used car lot that currently operates on the proposed site.

B. Land Use Pattern

The proposed rezoning amendment of, 822 S H Street, from Transit Oriented Development East (TOD-E) to RPD zoning will provide a consistent uniform zoning category across the six parcels that comprise the project site. Consolidating the six parcels into one uniform land use and zoning category promotes the opportunity to achieve a more desirable and sustainable development.

C. Sustainability

The proposed rezoning and development will act as a catalyst to break this long-standing unproductive cycle of stagnation. This stretch of South Dixie Highway is in dire need of new vibrant development to complement the current land uses and motivate future land uses such as retail and commercial. The proposed high-density residential development will help support the current public transportation system and spawn new mass transit initiatives.

Availability of Public Services/Infrastructure

Essential water, sewer, and electric service is currently available directly to the site and is easily accessible with the proposed redevelopment as demonstrated in our preliminary engineering plans. Other necessary public services and basic social needs such as public transportation, food sources, access to medical facilities and pharmacies, recreational facilities, are all in close proximity to the site. Many of our residents do not have vehicles and rely on public transportation or walking to their destinations.

- Bravo Supermarket 1,900'
- Bus Stops 500'
- Walgreens Pharmacy 1,200'
- Doctors Offices 1,300'
- Recreational Facilities 2,900'
- And Parks

D. Compatibility

The proposed rezoning of the subject site is compatible with adjacent zoning districts. In this area of the city South Dixie Highway acts as the spine of development providing the community with commercial uses, retail uses, and service-oriented office space. Moving east and west from this corridor rapidly transitions to low density residential and then to single family residential. Introducing a high-density residential use on South Dixie Highway will provide a residential critical mass that is critical to attract future redevelopment of retail and commercial space.

E. Direct Community Sustainability and Economic Development Benefits

1. Further implementation of the city's economic development (CED) program

Response: The Rezoning of the 1.88-acre subject site to an RPD zoning district would further implement the City's CED program by using the SBIP approval process. The proposed development will also be 100% income restricted affordable housing. This will allow for many of Lake Worth Beach's residents the ability to afford stable secure apartments that they can call home.

2. Contribute to the enhancement and diversification of the city's tax base

Response: The proposed 182 multifamily unit residential development on a 1.88-acre subject site would contribute to the enhancement and diversification of the City's tax base. The future residents of the proposed development will provide business to the existing commercial uses along the South Dixie Highway commercial corridor. Typically, our projects will increase the tax base by at least 10 times.

3. Respond to the current market demand or community needs or provide services or retail choices not locally available

Response: By adding 182 units of income restricted housing for the seniors (ages 55+) of Lake Worth Beach, we will be responding directly to the housing emergency that was declared by the City Commission back in August of 2022. The newest multifamily developments in Lake Worth Beach have been market rate communities that are focused more on the younger, higher income earning demographic through their design and rental rates.

4. Create new employment opportunities for the residents, with pay at or above the county average hourly wage

Response: Although our two-phase development will provide a handful of employment opportunities, it is a residential development which will provide 182 new homes for the seniors of Lake Worth Beach.

5. Represent innovative methods/technologies, especially those promoting sustainability

Response: The development will include sustainable elements that meet the Florida Green Building Certification standards. There will be an open space between the two buildings that the public can use. The development will also provide additional landscaping, including a beautifully landscaped space to complement the sidewalk area between the buildings and South Dixie Highway.

Additional landscaping will be used to not only buffer the parking area behind the buildings but to also provide more green space within the parking area.

6. Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare

Response: The RPD rezoning would allow for 182 new affordable housing residential units for seniors. Many of our senior residents rely on public transportation and according to the Institute of Traffic Engineers our projects produce less than half of the daily traffic trips that a typical apartment generates. Therefore, this project will have a much smaller impact on public infrastructure and services than a typical apartment. Because this project is restricted from housing school aged children it will not impact local schools. There are not many sites in Lake Worth Beach that can provide this level of community benefit while maintaining the general welfare of Lake Worth Beach residents, and with such little impact to public services.

7. Be complimentary to existing uses, thus fostering synergy effects

Response: The development will add 182 residential units to the city's housing base. Many of our future residents will vacate their existing homes, which will in turn provide housing for new residents in the Lake Worth Beach area. The effect will cultivate synergy for nearby Lake Work Beach commercial, retail, and service-oriented businesses throughout the city and especially along South Dixie Highway. In particular, the senior demographic that occupies our project will bolster health care related businesses.

8. Alleviate blight/economic obsolescence of the subject area

Response: The 1.88-acre project site is predominantly vacant land which presents an infill development opportunity amongst the older existing buildings that dominate the area. Rezoning the site to an RPD will allow for two new and modern buildings that provide 182 affordable residential units. This new concentration of residents will provide a stimulus for local businesses, encourage more redevelopment, and attract new business ventures. These are the ingredients necessary to alleviate blight and eradicate economic obsolescence.

SITE DESIGN QUALITATIVE STANDARDS**Section 23.2-31 (c)****1. Harmonious and Efficient Organization**

Requirement: The site plan is designed to 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.

Response: The development site consists of two distinct areas, one located along South Dixie Highway, the East property, and one located along South H Street, the West property. The surrounding properties adjacent to the East property are more intensive uses and the properties adjacent to the West property are less intensive uses. The site plan is organized by placing our most intensive element, the residential buildings, adjacent to the intense commercial and service-oriented uses along South Dixie Highway and the less intensive element, the parking and stormwater retention area, adjacent to the less intense single family and multifamily uses along South H Street.

2. Preservation of Natural Conditions

Requirement: 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 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.

Response: There are no remaining natural floral habitats to preserve and the proposed landscaping will deter wind and water erosion within or adjacent to the development site. The multifamily project being proposed for this site will address the drainage element by using exfiltration and a stormwater pond.

3. Screening and Buffering

Requirement: 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.

Response: The required screening and buffering elements are provided on the proposed site plan which meets the LDR requirements. The proposed development provides a five-foot landscape buffer along South Dixie Highway, a five-foot buffer along the northern and southern boundaries, a five-foot buffer along the western boundary of the project site that runs along South H Street and a 10 ft buffer along 808 South H Street property.

4. Enhancement of Residential Privacy

Requirement: The site plan shall provide reasonable, visual and acoustic privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

Response: The multifamily buildings will be placed along the eastern portion of the project site to avoid any privacy concerns with the multifamily buildings to the west of South H Street. The privacy for the ground floors of both building one and building two will be enhanced by landscape buffers along South Dixie Highway.

5. Emergency Access

Requirement: 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.

Response: Emergency access is provided to both proposed buildings with appropriate site circulation.

6. Access to Public Ways

Requirement: 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.

Response: Safe and convenient vehicular access is provided via South H St. The buildings provide multiple entry and exit points that lead to pedestrian safe walkways providing safe and convenient access to the parking area and public streets.

7. Pedestrian Circulation

Requirement: There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

Response: A pedestrian circulation system is provided that is separate from the vehicular circulation system. This will provide safe and efficient circulation for all residents. The pedestrian circulation system connects residents to both buildings within the development.

8. Design of Ingress and Egress Drives

Requirement: 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.

Response: The proposed ingress and egress drives are located on South H Street and will not create any negative impacts to the flow and safety of vehicles along South Dixie Highway, a major thoroughfare. There will be no gated access resulting in queues of traffic which would negatively affect South H Street traffic.

9. Coordination of On-site Circulation with Off-site Circulation

Requirement: 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.

Response: The vehicular circulation of the site uses South H Street for ingress and egress eliminating the need to directly access South Dixie Highway. South H Street provides the project with safe and convenient access to the existing major streets in the area.

10. Design of On-site Public Right-of-Way

Requirement: 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.

Response: The project will not provide any on-site public streets or rights-of-way.

11. Off Street Parking, Loading and Vehicular Circulation Areas

Requirement: 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.

Response: The site design includes vegetative buffering that will screen adjacent properties from the adverse effects of vehicular traffic.

12. Refuse and Service Areas

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

Response: The dumpster enclosure has been designed to screen adjacent properties and minimize the impact of noise, glare and odor on adjacent properties. Additionally, the project includes landscape buffering around the dumpster enclosure.

13. Protection of Property Values

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

Response: The site plan for the development is arranged to have a minimum negative impact on the property values of adjoining properties by placing both buildings along South Dixie Highway, a major thoroughfare.

14. Transitional Development

Requirement: 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.

Response: The building design is consistent with other recently approved multifamily buildings in Lake Worth Beach. This project will set the standard for future redevelopment of adjacent properties and other properties in the vicinity.

15. Consideration of Future Development

Requirement: In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.

Response: The properties to the north, south, and east have the Zoning of MU-Dixie and FLU of MU-E. The properties to the west maintain the Zoning of TOD-E and FLU of TOD. Both MU-Dixie and TOD offer the ability to build a similar development as the proposed project.

Section 23.2-31 (d)

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.

Response: The multifamily buildings use contemporary industrial architectural features to create a minimalistic aesthetic and unique architectural expression such as clean lines, simplicity, and minimal ornamentation. The focus is on functionality, efficiency, and creating a visually uncluttered environment. Contemporary industrial architecture contributes to the

evolution of the built environment while still being sensitive to its surroundings. The design is both distinctive and harmonious and celebrates the unique character of the area.

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, 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.

Response: The multifamily buildings incorporate materials that are commonly used in the area to establish a visual connection with the existing structures. We have incorporated a color palette that harmonizes with the surroundings, considers the regional color schemes and local architectural traditions. The outdoor spaces integrate landscaping elements that soften the visual impact while creating pedestrian-friendly areas and a public open space that encourages social interaction.

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.

Response: Corresponding to the width of the residential units, the facades are distinctly partitioned vertically in 25' increments through depth, color, and material type. The setbacks are 16 inches which provide distinct reveal lines. At each corner of the building horizontal features provide visual breaks at every floor.

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.

Response: The multifamily building designs achieve architectural harmony by providing the right balance and integration of contemporary industrial features with other design elements. The proportions and scale between the different architectural components provide a cohesive and unified design that seamlessly blends contemporary industrial features with the overall architectural concept.

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.

Response: The multifamily buildings consist of duplicate design; however, they are aesthetically pleasing and complement each other.

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.

Response: The Madison Terrace development is residential in nature therefore no advertising or symbolic designs will be incorporated into the design.

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.

Response: Our lighting is solely for the purpose of function and safety. All fixtures used in our exterior lighting are to be selected for functional and add aesthetic value.

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

Response: The multifamily buildings will incorporate materials that are commonly used in the area to establish a visual connection with the existing structures.

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.

Response: Does not apply.

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.

Response: The forms attached to the building are consistent with the elements of contemporary industrial architecture and enhance the visual experience.

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.

Response: Does not apply.

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.

Response: Does not apply.

13. No advertising will be allowed on any exposed amenities or facility such as benches and trash containers.

Response: Does not apply. No advertising will be permitted.

14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.

Response: The lighting elements of our project will be designed to focus light where necessary for public safety and will prevent light spillage to other properties.

15. All Buildings shall address both the public ROW and improve the overall pedestrian experience through the inclusion of the following components:
 - a) Clearly articulated entrances – *The Madison Terrace project will have clearly articulated entrance signage that will employ lettering with high contrasting colors for easy detection in the daytime and lighting at nighttime.*
 - b) Expanses of fenestration at the ground level – *Multiple doorways and ground level windows will be included in the building design.*
 - c) Provision of shade porches, awnings, galleries, arcades and/or loggias as well as other appropriate forms to the chosen architectural style(s) – *Shade awnings will be provided so residents can walk between buildings while under cover from the sun.*
 - d) Integrated Signage – *Monument signs will be placed perpendicular to each building that will identify each phase of the Madison Terrace community.*
 - e) Pedestrian Scaled Lighting – *All pedestrian walkways throughout the Madison Terrace community will be provided adequate illumination for the safety and comfort of our residents and their guests.*
 - f) Buildings that define at least fifty (50) percent of the street frontage – *A pedestrian walkway will run parallel between the Madison Terrace property and South Dixie Hwy. This walkway will be beautifully landscaped to enhance the pedestrian experience.*
 - g) Openings that approximate a golden ratio of 1.618 – *Openings such as windows and doors will adhere to the golden ratio of 1.618 as to increase the aesthetics of the overall design.*
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:

Design Principles, Practices & Performance Standards

Florida Housing Finance Corporation requires that all common areas in the development include the following features where applicable:

- Low or No-VOC paint for all interior walls (Low-VOC means 50 grams per liter or less for flat; 150 grams per liter or less for non-flat paint);
- Low-flow water fixtures in bathrooms—WaterSense labeled products or the following specifications:
 - o Toilets: 1.28 gallons/flush or less,
 - o Urinals: 0.5 gallons/flush,
 - o Lavatory Faucets: 1.5 gallons/minute or less at 60 psi flow rate,
 - o Showerheads: 2.0 gallons/minute or less at 80 psi flow rate;
- Energy Star certified refrigerator;
- Energy Star certified dishwasher;
- Energy Star certified ventilation fan in all bathrooms;
- Water heater minimum efficiency specifications:
 - o Residential Electric:
 - Up to 55 gallons = 0.95 EF or 0.92 UEF; or
 - More than 55 gallons = Energy Star certified; or
 - Tankless = 0.97 EF and Max GPM of ≥ 2.5 over a 77° rise or 0.87 UEF and GPM of ≥ 2.9 over a 67° rise;
 - o Residential Gas (storage or tankless/instantaneous): Energy Star certified,
 - o Commercial Gas Water Heater: Energy Star certified;
- Energy Star certified ceiling fans with lighting fixtures in bedrooms and living rooms;
- Air Conditioning (in-unit or commercial):
 - o Air-Source Heat Pumps – Energy Star certified:
 - ≥ 7.8 HSPF2/ ≥ 15.2 SEER2/ ≥ 11.7 EER2 for split systems
 - ≥ 7.2 HSPF2 ≥ 15.2 SEER2/ ≥ 10.6 EER2 for single package equipment including gas/electric package units
 - o Central Air Conditioners – Energy Star certified:
 - ≥ 15.2 SEER2/ ≥ 12.0 EER2 for split systems
 - ≥ 15.2 SEER2/ ≥ 11.5 EER2* for single package equipment including gas/electric package units.

In addition to those features, we acquire the National Green Building Standard (NGSB) silver certification. We provided our NGBS consultant, TwoTrails, with the requirements that are listed in the City code and they provided a letter (next page) stating that the NGBS silver certification would satisfy the below requirements.

- Overall, ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards,
- Overall, ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards,
- Overall, twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards,
- Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable,
- Overall, twenty (20) percent reduction in water usage during operation of the building as compared to industry standards,
- Efficient use of natural resources through use reduction, reuse, reclamation, and recycling,
- Incorporation of design features and uses that support multi-modal transportation options,
- Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors



To whom it may concern,

The proposed project, Madison Terrace, if designed and constructed in accordance with the National Green Building Standard's (NGBS) Silver Level Certification, would meet the following requirements.

- Overall ten (10) percent reduction in greenhouse emissions over the life of the building as compared to industry standards.
- Overall ten (10) percent reduction in carbon footprint during construction and operation of the building as compared to industry standards.
- Overall twenty (20) percent reduction in refuse stream during construction and operation of the building as compared to industry standards.
- Overall utilization of at least twenty (20) percent recycled materials and/or materials that are recyclable.
- Overall twenty (20) percent reduction in water usage during operation of the building as compared to industry standards.
- Efficient use of natural resources through use reduction, reuse, reclamation, and recycling.
- Incorporation of design features and uses that support multi-modal transportation options.
- Incorporation of appropriate safety features to ensure the security and comfort of both occupants and visitors.

If you have any questions regarding the NGBS certification, please feel free to contact our office.

Thank you,

A handwritten signature in black ink, appearing to read "Josh Kane".

Josh Kane

Vice President | LEED AP BD&C & Homes, CxA

Home Innovation Research Labs (NGBS) Accredited Verifier
RESNET HERS & ENERGY STAR Rater

Josh@twotrails.com

941.776.8680

941.238.6382

www.twotrails.com

The only item not satisfied by the NGBS silver certification is the incorporation of amenities that are conducive to enhancing community pride and social interaction. The public art, that will be installed on the exterior of the buildings, will be designed in a manner to emit a sense of pride for both the residents and the surrounding community. The developer has also designed the following common areas to encourage social interaction:

- Arts & Crafts Room – A common area where residents can socialize in a comfortable and relaxing atmosphere while expressing their creative side through arts and crafts.
- Game Room – The game room is a common area that encourages residents to socialize while playing board games.
- Activity Room – The most versatile and largest common area is the activity room. Here residents can enjoy arts and crafts, watch tv, or partake in group activities like birthdays and holidays.
- Billiards Room – Residents can play a friendly game of pool with each other.

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

Invariably a vast majority of our residents come from the community and keep the local culture in place. Incorporating the work of local artists to enhance our interior décor is another way to preserve the heritage of the community. In some of our past developments, residents and management have organized activities such as group clubs and we expect this development to be no different but will depend on the residents' interests.

b. Historical resources

Based on recommendations from the city staff and as referenced in the comprehensive plan the Madison Terrace architecture is based on a style known as "contemporary industrial" mimicking some of the features reminiscent of the existing architecture found in the neighborhoods and historic buildings in the area. Even one or two architectural design elements can help to define a building and hint at the community's past. The sense of history can contribute to community pride, and to a better understanding of the community's present.

c. Ecological/natural resources

We incorporate sustainable elements that meet the Florida Green Building Certification standards such as energy-efficient lighting fixtures, such as LED bulbs, throughout the development, ENERGY STAR-certified appliances for common areas and individual units, including refrigerators, dishwashers, and washing machines, which consume less energy. We implement water-efficient fixtures, such as low-flow toilets, faucets, and showerheads, throughout the development and encourage residents to adopt water-saving habits.

d. Diversity and inclusion

We offer housing options that cater to all individuals of different low-income levels creating a diverse community. Our residents are comprised of an ethnically diverse population setting an example of how people of different backgrounds can live and prosper together. With the support of our management team, we believe this project will create a positive example for the entire community.

e. Social justice

We diligently administer fair housing practices and anti-discrimination policies so everyone from all different backgrounds can expect fair treatment.

f. Economic investment

The city, CRA, Federal government and the developer all contribute a significant investment for one common goal, to provide affordable housing. The overall investment for this development will be approximately \$22 million. We have consulted with our General Contractor that builds our projects and they expect that this project will produce approximately 180-220 short-term jobs. In addition, typically our developments generate three full-time jobs.

g. Neighborhood vitality

The current use of the site is a used car lot that does not add much vitality to the area and most the existing structures in this part of South Dixie Highway were built in the 1950s and 60s. These structures have become obsolete and are at the end of their useful life cycle. Our proposed

development will generate neighborhood vitality through attractive architecture and green public space. We provide safety for our residents via secured access to the buildings. The core of our building is constructed using post tension concrete ensuring longevity for multi-generational use.

h. Sense of place

Our communities are designed so residents feel at home. The art and other interior décor make the building feel warm and inviting. The common areas provide opportunities for residents to socialize with each other providing a sense of community. The contemporary industrial architectural style adds a sense of place as it identifies with the overall fabric of the city.

i. Education

Management promotes group activities such as arts and crafts and encourages residents to participate in social gatherings around the holidays. Our common areas include a game room with pool table and an activity room. In some of our other developments, residents and management organize group activities such as gardening clubs and we expect this development to be no different but will depend on the resident's interests.

j. Recreation.

Management promotes group activities such as arts and crafts and encourages residents to participate in social gatherings around the holidays. Our common areas include a game room with pool table and an activity room.

DEVELOPMENT REGULATIONS

Site Data for both Phase I & II

SITE DATA COMBINED			
TYPE	ORDINANCE 2023-16 w/ Minor Site Plan Amendment		AMENDMENT
Project Area	1.81		1.88
Density	Max density 97.75 dwelling units per gross acre or 176.92 units		Max density 97.75 dwelling units per gross acre or 183.77 units
Lot Width	320 ft.		
Maximum Bldg Height (To top of Parapets)	66 ft. 4 inches		68 ft.
Setback	<i>Front</i>	15.5 ft. min.	
	<i>Rear</i>	15 ft. min.	
	<i>North Side</i>	9 ft.	*7.5 ft.
	<i>South Side</i>	9.5 ft.	
Total Impermeable	<i>Large Lot</i>	65%	
Maximum Wall Heights	<i>Height with SBIP</i>	68 ft.	
Building Lot Coverage	31.28%		30.64%

*Waiver Requested

SITE DATA Phase I				
TYPE	ORDINANCE 2023-16 w/ Minor Site Plan Amendment			AMENDMENT
Project Area	1.03 acres			1.042 acres
Max Density	97.75 DU per Gross Acre or 100.6 units			97.75 DU Per Acre or 101.8 Units
Lot Width	174 ft.			
Maximum Bldg Height (To top of Parapets)	66 ft. 4 inches			68 ft.
Setback	Front	15.5 ft.		
	Rear	15 ft.		
	North Side	24.43 ft.		
	South Side	9.5 ft.		
Living Area	Multi-Family (Min.)	Efficiency	430 SF	
		1 Bdrm	576 SF	
Impermeable Surface Total	Large Lot		61%	59.37%
Maximum Wall Heights	Height with SBIP		68 ft.	
Building Lot Coverage	27.72%			27.69%

SITE DATA Phase II				
TYPE	ORDINANCE 2023-16 w/ Minor Site Plan Amendment			AMENDMENT
Project Area	0.78 Acres			0.84
Max Density	97.75 DU per gross acre or 76 Units			97.75 DU per gross acre or 82 Units
Lot Width	146 ft.			
Maximum Bldg Height (To top of Parapets)	66 ft. 4 inches			68 ft.
Setback	Front	15.5 ft.		
	Rear	15 ft. min.		
	North Side	9 ft.		*7.5 ft.
	South Side	6.95 ft.		
Living Area	Multi-Family (Min.)	Efficiency	430 SF	
		1 Bdrm	576 SF	
Impermeable	Large Lot		65%	71.80%
Maximum Wall Heights	Height with SBIP		68 ft.	
Building Lot Coverage	36.08%			34.31%

*Waiver Requested

Section 23.3-25(b)(2) – Density

Per the TOD-E zoning with a residential planned development, the proposed site is allowed a density of 60 dwelling units per acre. In accordance with the Sustainable Bonus Incentive Program, an additional 25% density bonus is permitted bringing the total dwelling units per acre to 75. Additional density is being requested through the City of Lake Worth Beach's Transfer Development Rights (TDR) program, which would add ten additional dwelling units per acre for a total of 85. Finally, the proposed project qualifies as affordable housing, so an additional 15% density bonus is factored in to bring the total dwelling units per acre to 97.75 or a maximum of 183.77 for the proposed site based on 1.88 acres. The applicant is requesting 182 residential units.

Dedication of Public Facilities

As part of our initial PD zoning approval the City Commission also approved the abandonment of the 10' alley right of way running north-south through the site and the north 20' of 9th Avenue South. To account for the existing water, sewer, storm, and electric facilities that exist in those rights of way the city required us to record an easement to provide for access and maintenance of those city facilities. The site plan delineates a 23' easement running north-south through the site, a 12' easement on the southwest portion of the site, and an 8' easement on the southeast portion of the site. A copy of the resolution of the right of way abandonment (Resolution 51-2023) and the recorded utility easement are attached.

Utilities

All site-related primary facilities are installed underground as required by code. All other above ground accessory and primary facilities will be screened with landscaping or other acceptable means.

Visibility Triangle

The points of egress onto H Street have been designed to provide adequate visibility per section 23.4-4. See attached diagram.

Open Space

The site, as a whole, provides 35% open space which is consistent with the PD requirements. At completion of Phase 1 the site will provide much more open since phase 2 will not be constructed yet.

Unified Control

See the Unified Control section of the application relating to Section 23.3-25. B) 10. UNIFIED CONTROL.

Section 23.3-19(c) – Setbacks

Pursuant to the setback regulations for developments permitted by right within the TOD-E zoning district, minimum setback requirements are increased for those projects that are utilizing the SBIP to increase building height above the two-story height limit.

As part of this development proposal, SBIP approval is requested to increase the building height above two stories; therefore, the site design is subject to the increased front façade and rear façade minimum setback requirements. Both setbacks require an additional distance of eight to twelve feet to the minimum requirement. The development proposes a side setback of 9.5ft from the southern property line where building one will be located and a 7.5ft side setback from the northern property line where building two will be located. The setback from South Dixie Highway will be 15.5' to account for the increase in building height. The rear setback of the property will be 15' along South H Street and 14.5' along the 808 South H Street property.

To accommodate the 6 additional residential units in phase II, the building will be modified to match the phase I building. This creates an encroachment into the previously approved 15' setback at the northwest corner of the phase II building. For this reason, we are requesting the below waiver:

- **Waiver Request** – The building footprint in phase II extends into the original 15' setback at the northwest corner of the building. The applicant is requesting that the 15' setback be reduced to 14.5' in this location.

Section 23.6-1 – Landscape Regulations

Per the landscape regulations for new multi-family developments (Sec. 23.6-1 (c).2), the proposed site will provide the required five-foot perimeter buffer along 9th Avenue South and H Street South. In addition, a five-foot landscape buffer strip is provided on the northern boundary of the subject site, and an eight-foot landscape buffer along the western dry detention area. The proposed landscape will meet the required minimum standards as provided within this section.

Section 23.4-10 – Off-Street Parking

Pursuant to Section 23.4-10, the parking requirements for the proposed development is detailed below:

PD ORDINANCE 2023-16			AMENDMENT TO PD		
Category	Qty		Category	Qty	
Standard	79		Standard	110	
Handicapped	8		Handicapped	8	
Compact	26		Compact	2	
Street	3		Street	5	
Total	116		Total	125	
Parking Alternates	Qty	Parking Spaces	Parking Alternates	Qty	Parking Spaces
Bicycle	12	3	Bicycle*	16	4
Motorcycle*	8	4	Motorcycle*	0	0
Total		7	Total		4
Total Parking Spaces Provided		123	Total Parking Spaces Provided		129
Percentage of Compact & Equivalents		26.8%	Percentage of Compact & Equivalents		4.7%
* Four bicycle rack spaces count as one (1) parking space			* Four bicycle rack spaces count as one (1) parking space		
* Two motorcycle or scooter spaces count as one (1) parking space			* Two motorcycle or scooter spaces count as one (1) parking space		

Under Ordinance 2023-16, the Madison Terrace project provided 24 compact parking spaces, 8 motorcycle and 12 bicycle rack spaces to achieve the required parking of 123 spaces. With the addition of the 822 South H St parcel, the compact spaces are reduced to just 2, the motorcycle spaces have been completely removed, and the bicycle equivalent spaces are reduced to 4. This amounts to a total of 110 standard parking spaces, 8 handicapped, 2 compact and 5 on-street parking spaces for a total of 129 parking spaces.

The applicant requests that the waiver provided in Ordinance 2023-16 of .70 parking spaces per unit be continued in this PD amendment.

SUSTAINABLE BONUS INCENTIVE PROGRAM (SBIP)

The proposed development requests SBIP approval to increase building height by 25% from the standard maximum of two stories to five stories and to allow for a 25% increase in density. The SBIP offers the opportunity for the Applicant to increase building height within certain zoning districts in exchange for the incorporation of sustainable design features, community-based improvements, and overall design excellence as part of the development proposal. The SBIP can be applied to developments in the TOD-E zoning district.

See next page for SBIP & TDR Benefit Calculations

Madison Terrace**Sustainable Bonus Incentive (SBI) & Transfer Development Rights (TDR) Adjustment for Increased Area**

Floor Location	Total SF
3rd Floor	455
4th Floor	455
5th Floor	431
6th Floor	431
<i>Bonus Area (SF)</i>	<i>1,772</i>

Phase 2

Floor Location	Total SF
3rd Floor	455
4th Floor	455
5th Floor	431
6th Floor	431
<i>Bonus Area (SF)</i>	<i>1,772</i>
<i>Total Bonus Area (SF)</i>	<i>3,544</i>

Sustainable Bonus Incentive**Community Benefit Requirement Calculation**

Item	Calculation	Amount
Value of Project Improvements Required for Base Line	\$7.50 per SF for 3rd & 4th floor square footage	\$13,650.00
Value of Project Improvements Required for Density, Intensity and Height Incentives	\$15 per SF for 5th floor square footage	\$12,930.00
Total SBIP Fee		\$26,580.00

Transfer Development Rights (TDR) Requirement Calculation**Under Ordinance 2023-16, City Commission voted to waive the TDR fee of \$151,947.90**

TDR Program Cost	\$15 per SF for 6th floor square footage	\$12,930.00
Total TDR Fee	<i>*Continue Waiver Granted in 2023-16</i>	\$12,930.00

Total Incentive Value of SBIP and TDR	\$39,510.00
50% of SBIP Due to City	\$13,290.00
50% of SBIP in Qualifying Features - Affordable Housing Units in excess of 15% Minimum	\$13,290.00

Qualifying Features

Item	Calculation	Amount
Financial Incentives for Affordable Housing:		
6 Additional One Bedroom Units	One-time payment of \$60,000 or 75% of area median income(AMI) per unit. AMI per US Census is \$60,978. \$60,978 * 75% = \$45,733.50	\$274,401
Total Qualifying Features Provided		\$274,401
Qualifying Feature Surplus		\$261,111

Section 23.2-33 (c).2. – Review/Decision

- (a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal;

Response: The development proposal is consistent with the square footage and density requested. A table is included with this submittal demonstrating the incentives being requested and the community benefit being provided.

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

Response: The proposed development will utilize urban form and design to meet the Florida Green Building Certification standard which will reduce the required improvements by 50% per Section 23.2-33(d)(1)(b). A public open space is provided between the buildings along South Dixie Highway for the enjoyment and use of the public. In addition, the proposed project will be 100% affordable housing, which will result in 182 units of affordable housing for the seniors of Lake Worth Beach.

- (c) Do the proposed off-site improvements meet the priorities of the city for community sustainability; and

Response: No off-site improvements are provided.

- (d) Do the proposed features, improvements or fees-in-lieu meet the intent of the Sustainable Bonus Incentive Program?

Response: Per Sec. 23.2-33(a), the intent of the SBIP is to provide increased height, intensity and/or density for developments in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

To meet the intent of the SBIP's qualifying sustainability features, the proposed project will:

- *Qualify for the Florida Green Building Certification*
- *Utilize Urban Form and Density*
- *Provide a quantity of Affordable Housing Units that significantly exceeds the requirement amount of 15%*

23.2-29 Conditional Use Permits

(d) General findings relating to harmony with LDRs and protection of public interest. Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that:

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.

Madison Terrace site harmonizes with the LDRs because it will provide for a compact, high-density development that the TOD future land use is intended to provide.

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.

The uses in the immediate area include multiple hotels/motels to the north and west which consist of densely populated buildings in compact areas.

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 site for some use permitted by right or some other conditional use permitted on the site.

The Madison Terrace project is 100% affordable housing for seniors which will provide a significant public benefit.

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.

The Madison Terrace project is proposing multi-family buildings that do not utilize the maximum development potential. The senior demographic puts significantly less demand on public services and generates much less traffic than a conventional multifamily project.

(e) Specific findings for all conditional uses. Prior to approving any conditional use, the decision-making authority shall find that:

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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. Traffic volumes or movements will not be significantly impacted by adding 6 additional units and .09 acres of the 822 South H St parcel to the Madison Terrace project.

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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. The through traffic on local streets will not be significantly greater by adding 6 additional units and .09 acres of the 822 South H St parcel to the Madison Terrace project.

3. 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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. Air pollution emissions will not be significantly increased by adding 6 additional units and .09 acres of the 822 South H St parcel to the Madison Terrace project.

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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. The senior demographic generates much less traffic than a conventional multifamily project therefore, the expansion of the thoroughfare system will not result in higher net public costs.

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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. Higher net public costs related to utility systems will not be incurred by adding 6 additional units and .09 acres of the 822 South H St parcel to the Madison Terrace project.

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.

The previously-approved use for 1.79 acres of the Madison Terrace project is a residential development greater than 7,500 square feet. Demand on municipal police or fire protection services will not be increased by adding 6 additional units and .09 acres of the 822 South H St parcel to the Madison Terrace project.

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.

The senior demographic is less active, which results in significantly less noise than in a typical multifamily development.

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.

The Madison Terrace project has provided a photometric plan that complies with section 23.4-10 of the city code.

Return to:
City Clerk
City of Lake Worth Beach
7 North Dixie Hwy.
Lake Worth Beach, FL 33460

UTILITY EASEMENT

THIS UTILITY EASEMENT is made, granted and entered into this 29TH day of OCTOBER, 2024, by **Buyers Choice Auto Sales, LLC.**, a Florida limited liability company, with a mailing address of 2693 Starwood Ct., West Palm Beach, FL 33406 ("Grantor"), in favor of the **CITY OF LAKE WORTH BEACH**, a municipal corporation, having its place of business at 7 North Dixie Hwy., Lake Worth Beach, FL 34460 ("City").

WHEREAS, Grantor is the fee simple owner of certain real property located within the City of Lake Worth Beach, Florida, as listed in Exhibit "A", and more particularly described in Exhibit "B", attached hereto and incorporated herein (the "Property"); and

WHEREAS, the City desires an unrestricted and nonexclusive easement for public utility purposes through the Property as more particularly depicted in Exhibit "C" attached hereto and incorporated herein (the "Easement Area"); and

WHEREAS, the public utilities to be placed in the Easement Area may provide services to and from the Property and other properties which may or may not abut and be contiguous to the Easement Area; and

WHEREAS, the Grantor is willing to grant such easement.

NOW, THEREFORE, the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has and by these presents does hereby grant and convey to the City, its licensees, agents, successors and assigns, the following:

A perpetual, unrestricted and nonexclusive easement in, over, under, through, to, upon, and across the Easement Area for the purposes of constructing, operating, expanding, and maintaining public utilities and providing utility services to and from properties or lands which may include the Property, to provide utility service to properties which may not be contiguous to the Easement Area, including the right to lay, or cause to be laid, and to maintain, repair, expand, rebuild, remove, operate and control utility pipes, poles, wires, mains, transmission lines, appurtenances and devices; the right to clear said Easement Area and keep it clear of brush, trees, and permanent structures and fire hazards; together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the Easement Area hereby granted, and all rights and privileges incident thereto; and, the permanent, full and free right and authority to own, construct, operate, expand, maintain, repair, install, remove, rebuild and replace utility facilities within the Easement Area.

By accepting this Easement, the City agrees: (a) to perform all work undertaken by the City within the Easement Area in a good and workmanlike manner and to promptly complete all work within the Easement Area; (b) to restore any of the Property disturbed by work undertaken by the City for purposes of construction, removal, demolition and/or maintenance to its condition that existed prior to the commencement of such work; (c) to not unreasonably interfere with the use of the Property by Grantor or any of Grantor's owners, members, tenants, invitees or guests; and (d) to be responsible for all costs associated with the City's construction, removal, demolition and/or maintenance pursuant to this Easement, except as otherwise specifically provided herein.

The Grantor reserves the right to request from the City the relocation of the Easement Area to a different location on the Property, which relocation shall not be unreasonably denied, conditioned or delayed by the City. Any request for relocation must include a letter of no objection from each provider that has or may have utilities in the Easement Area. The Grantor shall be solely responsible for the costs and expenses of relocating the easement area and any and all City utilities located within the Easement Area. The Grantor shall be solely responsible for coordinating the relocation of any and all non-City utilities located within the Easement Area.

The Grantor, its successors and assigns, further agree not plant any vegetation (other than grass) or build any structure in the Easement Area unless approved in writing by the City which approval shall not be unreasonably withheld, conditioned or delayed. The Grantor, its successors, and assigns shall be responsible for maintaining the grass and all other permitted vegetation together with any approved structures at the Grantor's sole cost and expense.

The Grantor does hereby fully warrant the title to said Property and will defend the same against the lawful claims of all persons whomsoever claimed by, through, or under it, that it has good right and lawful authority to grant the above-described easement, and that the same is unencumbered or if encumbered, the Grantor shall obtain the joinder of any mortgagee to this easement. Where the context of this Easement allows or permits, the same shall include the successors or assigns of the parties.

This Easement shall run with the land and shall be binding upon and shall inure to the benefit of the respective parties, their successors or assigns and grantees. This Easement shall continue unless or until the City terminates its rights herein provided by written notice to the Grantor, its successors or assigns.

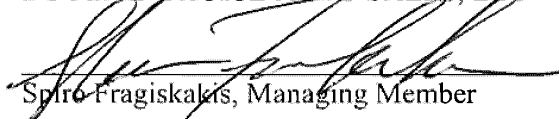
IN WITNESS WHEREOF, the undersigned has signed and sealed this Easement on the day and year first above written.

Signed, sealed and delivered in the presence of:

Witnesses:


Signature – Witness 1
DIANE R. ARFI
Print Name – Witness 1

BUYER'S CHOICE AUTO SALES, LLC


Spiro Fragiskakis, Managing Member

345 Southampton
West Palm Beach FL 33417

Address

Signature - Witness 2

Danielle Griffiths

Print Name - Witness 2

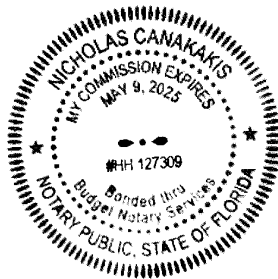
1910 Presidential Way
Address WPB, FL, 33401

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, the foregoing Utility Easement was acknowledged before me by Spiro Frangiskakis as Managing Member of Buyer's Choice Auto Sales, LLC, a Florida limited liability company, as Grantor herein ☒ who is personally known to me or ☐ who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal this 23rd day of OCTOBER, 2024.



Nicholas Canakakis N. Canakakis
Notary Public
My Commission Expires: 5/9/2025

CITY ACCEPTANCE:

ATTESTS:

CITY OF LAKE WORTH BEACH

By: [Signature]
FOR Melissa Ann Coyne, MMC, City Clerk

By: [Signature]
Betty Resch, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Christy J. Goddeau, City Attorney

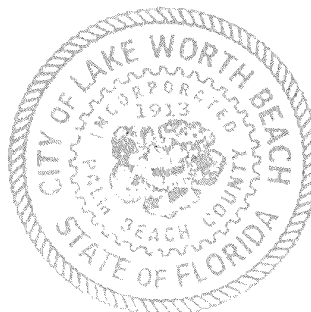


Exhibit "A"

Parcel List, Description of Property

Address	Parcel No.
818 S H St.	38-43-44-21-15-253-0040
824 S H St.	38-43-44-21-15-253-0032
826 S H St.	38-43-44-21-15-253-0020
832 S H St.	38-43-44-21-15-253-0010
821 S Dixie Hwy	38-43-44-21-15-253-0110

NOT A CERTIFIED COPY

Exhibit "B"

Description of Property

NOT A CERTIFIED COPY

DESCRIPTION

BEING ALL OF LOTS 1 THROUGH 2, A PORTION OF LOT 3, ALL OF LOTS 4 THROUGH 5, A PORTION OF LOTS 11 THROUGH 16, ALSO BEING A PORTION OF A 10 FOOT ALLEY WAY AND A PORTION OF 3RD AVENUE, BLOCK 253, THE PALM BEACH FARMS CO. PLAT NO. 2, THE TOWNSITE OF LUCERNE, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 43 EAST, CITY OF LAKE WORTH BEACH, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 11, BLOCK 253, THE PALM BEACH FARMS COMPANY, PLAT NO. 2, LUCERNE TOWNSITE, PALM BEACH CO., FLORIDA (NOW KNOWN AS LAKE WORTH BEACH), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.88°38'11"E. ALONG THE NORTH LOT LINE OF SAID LOT 11, A DISTANCE OF 2.30 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 805, SECTION 93050-2513, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE BY THE FOLLOWING THIRTEEN (13) COURSES BEING ALONG SAID WESTERLY RIGHT-OF-WAY OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY); 1) THENCE S.01°21'49"W., DEPARTING SAID NORTH LINE, A DISTANCE OF 50.00 FEET; 2) THENCE S.88°38'11"E., A DISTANCE OF 0.30 FEET; 3) THENCE S.01°21'49"W., A DISTANCE OF 50.00 FEET; 4) THENCE N.88°38'11"W., A DISTANCE OF 0.20 FEET; 5) THENCE S.01°21'49"W., A DISTANCE OF 52.84 FEET; 6) THENCE S.28°05'37"E., A DISTANCE OF 3.46 FEET; 7) THENCE S.01°21'49"W., A DISTANCE OF 27.16 FEET; 8) THENCE S.28°28'25"W., A DISTANCE OF 3.29 FEET; 9) THENCE S.01°21'49"W., A DISTANCE OF 64.06 FEET; 10) THENCE N.88°38'11"W., A DISTANCE OF 0.20 FEET; 11) THENCE S.01°21'49"W., A DISTANCE OF 50.00 FEET; 12) THENCE S.88°38'11"E., A DISTANCE OF 2.20 FEET; 13) THENCE S.01°21'49"W., A DISTANCE OF 20.00 FEET; THENCE N.88°38'11"W., DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 280.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH H STREET, OF SAID PLAT; THENCE N.01°21'49"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF LOT 3, OF SAID PLAT; THENCE S.88°38'11"E., DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 75.00 FEET; THENCE N.01°21'49"E., DEPARTING SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE N.88°38'11"W. ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH H STREET, OF SAID PLAT; THENCE N.01°21'49"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00

FEET TO THE NORTHWEST CORNER OF LOT 5, OF SAID PLAT; THENCE S.88°38'11"E., DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID LOT 5 AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 140.00 FEET; THENCE N.01°21'49"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE S.88°38'11"E., ALONG SAID NORTH LINE, A DISTANCE OF 137.70 FEET TO THE **POINT OF BEGINNING**.

TOTAL CONTAINING: 78,259 SQUARE FEET OR 1.797 ACRES, MORE OR LESS.

NOT A CERTIFIED COPY

Exhibit "C"

Description and Survey of Easement Area

NOT A CERTIFIED COPY

Description Sketch

(Not A Survey)

DESCRIPTION:

A PARCEL OF LAND, BEING A REPLAT OF LOTS 1 THROUGH 2, A PORTION OF LOT 3, ALL OF LOTS 4 THROUGH 5, A PORTION OF LOTS 11 THROUGH 16, ALSO BEING A PORTION OF A 10 FOOT ALLEY WAY AND A PORTION OF 3RD AVENUE, BLOCK 253, THE PALM BEACH FARMS CO. PLAT NO. 2, THE TOWNSITE OF LUCERNE, PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALL LYING WITHIN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 43 EAST, CITY OF LAKE WORTH BEACH, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 11, BLOCK 253, THE PALM BEACH FARMS COMPANY, PLAT NO. 2, LUCERNE TOWNSITE, PALM BEACH CO., FLORIDA (NOW KNOWN AS LAKE WORTH BEACH), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 29 THROUGH 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.88°38'11"W. ALONG THE NORTH LOT LINE OF SAID LOT 11, A DISTANCE OF 2.30 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 805, SECTION 93050-2513, OF SAID PUBLIC RECORDS; THENCE CONTINUE N.88°38'11"W. ALONG SAID NORTH LOT LINE OF LOT 11, A DISTANCE OF 127.70 FEET TO THE **POINT OF BEGINNING**; THENCE S.01°21'49"W., DEPARTING SAID NORTH LINE OF LOT 11, A DISTANCE OF 312.00 FEET; THENCE S.88°38'11"E., A DISTANCE OF 130.00 FEET TO A POINT ON THE SAID WESTERLY RIGHT-OF-WAY LINE OF I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY) ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR STATE ROAD 805, SECTION 93050-2513; THENCE S.01°21'49"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTH I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY), A DISTANCE OF 8.00 FEET; THENCE N.88°38'11"W., DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTH I STREET (NOW KNOWN AS SOUTH DIXIE HIGHWAY), A DISTANCE OF 280.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH H STREET; THENCE N.01°21'49"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH H STREET, A DISTANCE OF 12.00 FEET; THENCE S.88°38'11"E., DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH H STREET, A DISTANCE OF 127.00 FEET; THENCE N.01°21'49"E., A DISTANCE OF 258.00 FEET TO A POINT ON THE NORTH LINE OF LOT 5, OF SAID PLAT; THENCE S.88°38'11"E., ALONG SAID NORTH LINE OF LOT 5 AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 13.00 FEET; THENCE N.01°21'49"E., A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE S.88°38'11"E., A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**.

TOTAL CONTAINING: 9,274 SQUARE FEET OR 0.213 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE NORTH HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, HAVING A GRID BEARING OF S01°21'49"W. THE GRID BEARINGS AS SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN HORIZONTAL DATUM OF 1983 (NAD 83-2011 ADJUSTMENT) FOR THE EAST ZONE OF FLORIDA.
- 2) ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE SURVEY DIMENSIONS.
- 3) THIS DESCRIPTION SKETCH IS INTENDED TO BE DISPLAYED AT 1" = 60' OR SMALLER.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY, OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND EASEMENT OF RECORD.

THIS SURVEY IS VALID ONLY WITH A SIGNATURE & ORIGINAL SEAL, IN HARD COPY FORM, OR A DIGITAL SEAL IN ELECTRONIC FORM, PURSUANT TO RULES SJ-17 060 AND SJ-17 062, SECTION 472.027 OF THE FLORIDA STATUTES.

Surveyor's Certification

I do hereby certify that this Sketch and Description was made under my supervision and meets the "Standards of Practice" set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17.051, 5J-17.052, and 5J-17.053, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

Luis J. Ortiz

LS7006

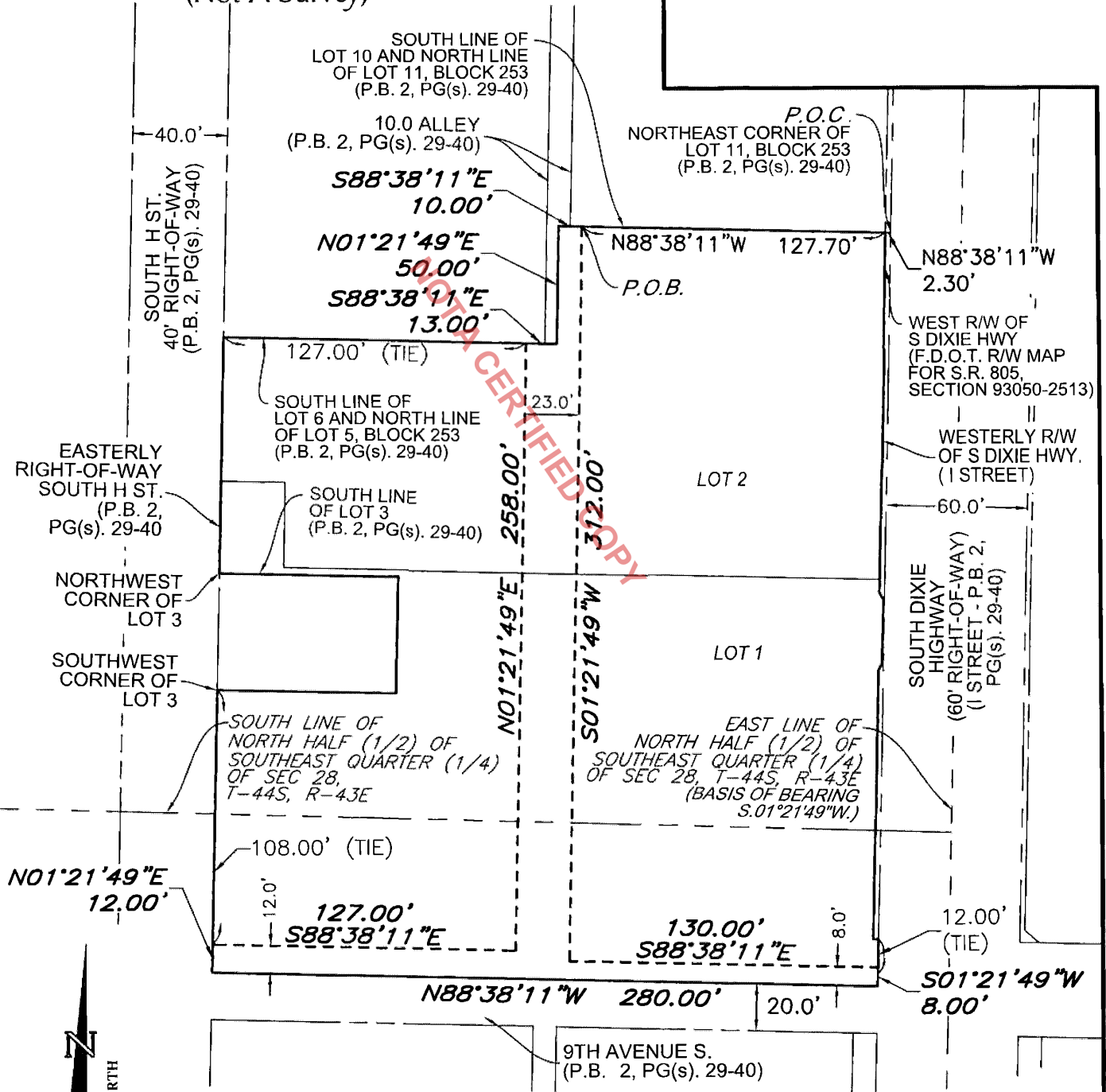
JOB #: **UTILITY EASEMENT**
DRAWN: SWM DATE: 10/14/24 CHECKED: LJO
Prepared For: MADISON TERRACE

East Florida
4152 West Blue Heron Boulevard
Suite 106
Riviera Beach, Florida 33404
Phone: (561) 444-2720
www.geopointsurvey.com
Licensed Business No.: LB 7768

GeoPoint
Surveying, Inc.

Description Sketch

(Not A Survey)



See Sheet 1 for Signature & Revisions

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GeoPoint
Surveying, Inc.

51-2023

RESOLUTION NO 51-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DECLARING THE ABANDONMENT OF THE NORTH 20- FEET OF THE 9TH AVENUE SOUTH PUBLIC RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 821 S DIXIE HIGHWAY, 901 S DIXIE HIGHWAY AND 832 SOUTH H STREET AND ABANDONMENT OF THE 10-FOOT ALLEY RIGHT-OF-WAY LOCATED BETWEEN THE PROPERTIES AT 821 S DIXIE HIGHWAY AND 808, 818, 824, 826 AND 832 SOUTH H STREET, SUBJECT TO CONDITIONS, AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach ("City") owns a forty (40) foot wide strip of right-of way running between and adjacent to the south side of the property located at 821 S Dixie Highway and 832 South H Street in the City of Lake Worth Beach, as depicted on the sketch in Exhibit "A," and more fully described in Exhibit "C" attached hereto and incorporated herein by reference ("the right-of-way"), and

WHEREAS, the City of Lake Worth Beach ("City") owns a ten (10) foot wide strip of alley right-of way running between and adjacent to the east side of the properties located at 808, 818, 824, 826, and 832 South H Street and the west side of the property located at 821 South Dixie Highway in the City of Lake Worth Beach, as depicted on the sketch in Exhibit "B," and more fully described in Exhibit "D" attached hereto and incorporated herein by reference ("the alley right-of-way"), and

WHEREAS, Madison Terrace LLC on behalf of BUYERS CHOICE AUTO SALES, has requested abandonment of the right-of-way and the alley right-of-way to allow for the construction of a 176-unit multi-family project proposed on the north side of 9th Avenue South utilizing the parcels located at 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street (PCN 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) This project is commonly referred to as "Madison Terrace", and

WHEREAS, this abandonment does not include the south 20 feet of the right-of-way adjacent to the north side of 902 South H Street and 901 South Dixie Highway as the City will continue to utilize this portion of the right-of-way to access utilities in the alley to the south, and

WHEREAS, the City has not utilized the remainder of the right-of-way or the alley right-of-way for right-of-way purposes or for any other public purpose except for utilities, and

WHEREAS, the property owners of 821 S Dixie Highway and 808, 818, 824, 826

and 832 South H Street have agreed to grant easements to the City for utility purposes in the area of the right-of-way and alley right-of-way to be abandoned, and

WHEREAS, the City Commission adopted a resolution on September 5, 2023 to declare the City's intention to abandon said right-of-way and alley right-of-way, and

WHEREAS, the City Commission finds that the right-of-way and alley right-of-way under consideration is not needed by the public as right-of-way and the same should therefore be returned to private ownership,

WHEREAS, the abandoned right-of-way will be divided along the shared property line between the current owners of the two adjoining properties at 821 S Dixie Highway and 832 South H Street, and

WHEREAS, the abandoned alley right-of-way will be divided along its center line between the current owners of the adjoining properties at 821 S Dixie Highway and 808, 818, 824, 826, and 832 South H Street, and

WHEREAS, the City has determined that abandoning the right-of-way serves a valid public purpose

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

Section 1 The foregoing recitals are incorporated into this Resolution as true statements

Section 2 The City Commission of the City of Lake Worth Beach, Florida, hereby declares the right-of-way described in Exhibits "C" as abandoned for all legal purposes, and the same shall revert back to the current property owners of the adjoining properties at 821 S Dixie Highway and 832 South H Street in the City of Lake Worth Beach

Section 3 The City Commission of the City of Lake Worth Beach, Florida, hereby declares the alley right-of-way described in Exhibit "D" as abandoned for all legal purposes, and the same shall revert back to the current property owners of the adjoining properties at 821 S Dixie Highway and 808, 818, 824, 826, and 832 South H Street in the City of Lake Worth Beach

Section 4 The City Commission has approved the abandonment subject to the condition that the utility easements along the right-of-way and alley right-of-way being abandoned shall be recorded by property owners, at no cost to the City, within one (1) year of the passage of this resolution

Section 5 The City Clerk is hereby directed to cause this Resolution to be recorded upon its passage in the Official Records in and for the County of Palm Beach,

Florida, to evidence this abandonment

Section 6 This resolution shall become effective immediately upon recordation of the required easements described in Section 4

The passage of this resolution was moved by Commissioner Malega, seconded by Vice Mayor McVoy, and upon being put to a vote, the vote was as follows

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

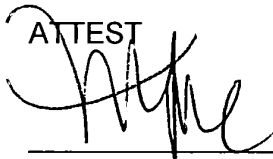
The Mayor thereupon declared this resolution duly passed and adopted this 5th day of December, 2023

LAKE WORTH BEACH CITY COMMISSION

By. 

Betty Resch, Mayor

ATTEST



Melissa Ann Coyne, MMC, City Clerk

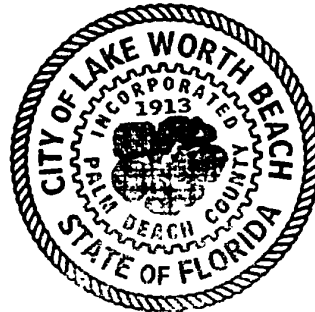


EXHIBIT "A"

Sketch of 9th Avenue South Abandonment

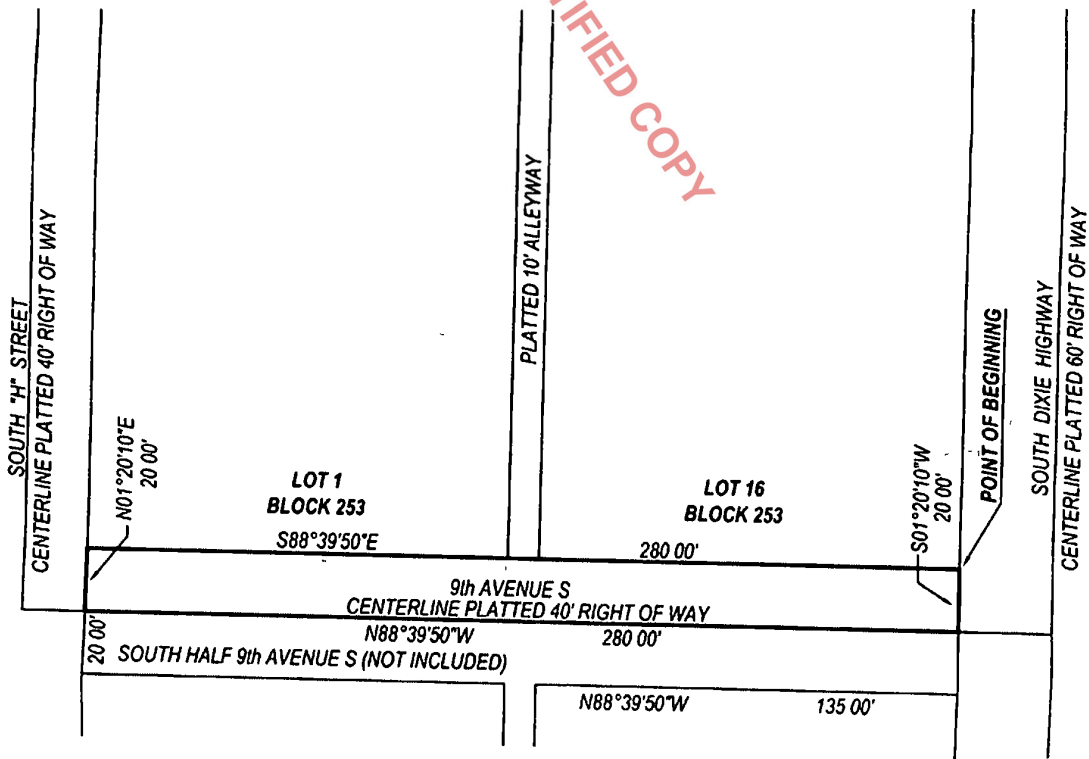


EXHIBIT "B"

Sketch of Alley Abandonment

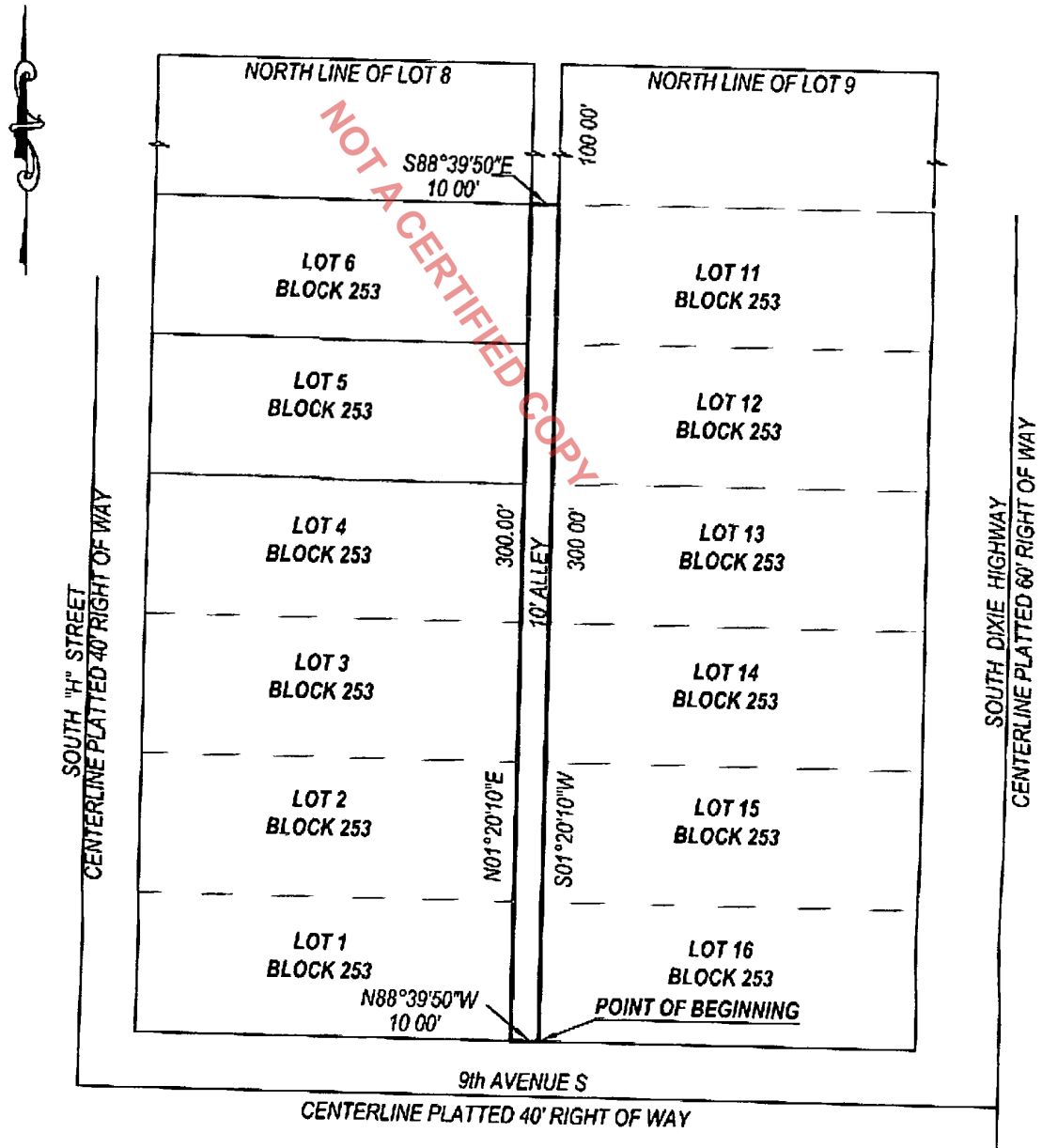


EXHIBIT "C"

Legal Description of 9th Avenue South Abandonment

THE NORTH HALF OF THE 40 FOOT WIDE RIGHT OF WAY FOR 9TH AVENUE SOUTH AS SHOWN LYING SOUTH OF AND IMMEDIATELY ADJACENT TO LOTS 1 AND 16, BLOCK 253, PALM BEACH FARMS CO , PLAT NO 2, TOWNS/TE OF LUCERNE (NIKIA LAKE WORTH), ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 29 TO 40, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF 9TH AVENUE SOUTH, THENCE DEPARTING SAID RIGHT OF WAY LINE, PROCEED S01°20'10"W ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY OF S DIXIE HIGHWAY (ALSO BEING THE EAST BOUNDARY LINE OF SAID LOT 16) A DISTANCE OF 20 00 FEET TO A POINT ON THE CENTERLINE OF SAID 9TH AVENUE, THENCE PROCEED N88°39'50"W ALONG SAID CENTERLINE LINE A DISTANCE OF 280 00 FEET TO THE INTERSECT/ON POINT WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT WAY LINE OF SOUTH 'H' STREET, THENCE PROCEED N01°20'10"E A DISTANCE OF 20 00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID 9TH AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK 253, THENCE PROCEED S88°39'50"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 280 00 FEET TO THE POINT OF BEGINNING
CONTAINING 5600 0 SQUARE FEET±