

## HISTORIC RESOURCES PRESERVATION BOARD (HRPB) REPORT

**Ordinance 2022-09 (PZHP Main Project Number 22-00900001):** Consideration of a request for a Mixed Use Urban Planned Development, Major Site Plan, Development of Significant Impact, Conditional Use Permit, and Sustainable Bonus Incentive Program approval commonly referred to as the “Gulfstream Hotel Planned Development.”

**Note:** The data and analysis for the associated historic preservation applications is under a separate cover.

**Transmittal Date:** April 20, 2022

**Meeting Date:** April 27, 2022

**Property Owner:** HH Gulfstream Land Holdings, LLC

**Applicant:** Checkmate Design, LLC and Restoration St. Louis, Inc. on behalf of Gulfstream Owner, LLC

**Address:** 1 & 11 Lake Avenue, and 12, 14 ,20, 22 & 24 South Lakeside Drive (inclusive of vacated alleyways)

**General Location:** Subject site is generally located on south of Lake Avenue and north of 1<sup>st</sup> Avenue South, between South Lakeside Drive and South Golfview Road.

**Size:** +/- 1.82 ac Lot / +/- 59,100 sf. Existing Structures

**Existing Land Use:** vacant land, vacant historic hotel building since 2006, & private surface parking.

**Current Future Land Use Designation:** Downtown Mixed Use (DMU)

**Zoning District:** Downtown (DT)

**PCNs:** 38-43-44-21-15-033-0090, 38-43-44-21-15-033-0070, 38-43-44-21-15-033-0060, 38-43-44-21-15-033-0040, 38-43-44-21-15-033-0030, 38-43-44-21-15-033-0010 and 38-43-44-21-15-033-0050

**General Location Map:**



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) including the City's Major Thoroughfare Design Guidelines and Historic Preservation Design Guidelines and for consistency with the Comprehensive Plan and Strategic Plan. The proposed "Gulfstream Hotel Planned Development" is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the HRPB for Ordinance 2022-09. The conditions are located on beginning on page 11 of this report.

## PROJECT DESCRIPTION

The Applicant, Gulfstream Owner, LLC, is requesting approval of Ordinance 2022-09, which is inclusive of the following application types:

- Mixed Use Urban Planned Development to renovate existing 59,100 sf hotel building (90 hotel rooms), construct a rear addition of 4,700 sf, and construct a new mixed use (hotel & multi-family) building with +/- 164,985 sf, including maximum of 85 residential units, 50 new hotel rooms and a parking garage (283 spaces).
- Major Site Plan for the development of mixed use development in excess of 7,500 square feet.
- Development of Significant Impact to construct a mixed use development in excess of 100,000 sf.
- Conditional Use Permit to establish hotel and multi-family residential uses greater than 7,500 square feet.
- Sustainable Bonus Incentive Program for additional density, intensity and height.

## COMMUNITY OUTREACH

The City published a project webpage the first week of April 2022, where residents and members of the public are able to view the renderings of the proposal. In addition, the project has complied with all of the public notice requirements, including a 400-foot courtesy notice, sign posting and legal notice. At the time of the completion and dissemination of this staff report, the City had received a phone call and an email in support of the project from the public.

## BACKGROUND

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

**Construction/Approvals:** The historic Gulfstream Hotel (+/-59,100 sf) was permitted through the City's Building Department in May of 1923, constructed in 1925, and the first grand opening occurred on January 20, 1925. The subject building is a contributing resource within the South Palm Park Local Historic District. It was placed on the National Register of Historic Places in 1982 and is recorded on a Florida Master Site File as PBO0202. The National Register nomination form attributes the design to G. Lloyd Preacher & Company, Inc. and describes it as a "rare survivor of the resort hotels built along Florida's southeast coast during the 1920s Land Boom era." In 2016, an approval was granted to allow for the redevelopment of the property of a +/- 6,500 square foot addition to the historic Gulfstream Hotel, a new +/- 74,572 square foot hotel with eighty-seven (87) rooms and a two (2) story parking garage with rooftop parking containing a minimum of one hundred forty-five (145) parking spaces and +/- 2,590 square feet of ground floor retail for community use. However, construction of the project was never pursued by the applicant at the time, HH Gulfstream Land Holdings, LLC, the approved entitlement remains vested and is current.

**Use:** The property's use is vacant. The Gulfstream Hotel building is also vacant.

**Code Compliance:** There are no active code cases on the subject site. There have been 21 code cases previously initiated as far back as year 2000. The complaints included concerns related to:

- Garbage/Trash/Debris
- Fence falling down
- Illegal signage violations

- Overgrowth and landscape maintenance
- Noise complaints
- No business license and/or working beyond the scope of the business license
- Maintenance of the swimming pool
- No vacant property registry
- Deterioration by neglect
- Board & Secure
- Open and/or expired permits
- Graffiti
- Permit violations
- General requirements ensuring proper maintenance of the property

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). Per Policy 1.1.1.7, the DMU FLU is “intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area.” The proposal would allow for the redevelopment of an existing vacant historic hotel building with a rear addition, the construction of new mixed-use building connected to the historic hotel building, and the establishment of hotel and multi-family residential conditional uses along one of the City’s major thoroughfares, Lake Avenue, as consistent with the intent of the DMU FLU.

The proposal is supported by several Goals, Policies, and Objectives in the Comprehensive Plan, including:

- FLU Element - Objective 1.2.1: To promote the location of high-quality retail, office and mixed use projects in the Downtown Mixed Use (DMU) and Mixed Use East (MU-E) designations as the prime retail and commercial areas of the City.
- FLU Element - Goal 1.3: To preserve and enhance the City’s community character as a quality residential and business center within the Palm Beach County urban area.
- FLU Element - Objective 1.3.3: To adopt and utilize innovative land development regulations that implement the goal of preserving and enhancing the character of Lake Worth as an attractive residential community and business center.
- FLU Element - Goal 1.4: Encourage preservation and rehabilitation of historic and natural resources and where appropriate restrict development that would damage or destroy these resources.
- FLU Element - Objective 1.4.2: To provide for the protection, preservation or sensitive reuse of historic resources.
- FLU Element - Policy 11.1.2.2: The City shall attract industries and employers in cluster industries such as light manufacturing, green manufacturing, cultural arts, artisanal arts, research and development, tourism and associated ancillary businesses; and, other emerging industry clusters.
- Housing & Neighborhoods Element - Objective 3.4.1: To provide for the protection, preservation or sensitive reuse of Historic and Archeological Resources.
- Housing & Neighborhoods Element - Policy 3.4.2.1: Properties of special value for historic, architectural, cultural or aesthetic reasons will be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent feasible.
- Economic Development Element - Goal 11.1: The economic goal of the City of Lake Worth is to achieve a sustainable, balanced and diversified economy which is compatible with the City’s built environment and protects important cultural, historical and natural resources.
- Economic Development Element - Objective 11.1.1: The City of Lake Worth shall maintain and expand a diversified economy by encouraging growth in targeted cluster industries that provide employment and

complement changing economic conditions by supporting existing businesses, business attraction, renewable energy and by retaining and improving resource-based sectors, such as tourism, retirement, and recreation.

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. The proposed project seeks to implement several of the Strategic Plan's Pillars. Pillar II.C. focuses on preserving the character and protect historic resources of the City's community of neighborhoods. Pillar III.C. encourages tourism by increasing options for visitors to stay and experience the City. Pillar IV.A and Pillar IV.D state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs.

The proposed renovation of the vacant historic hotel building, addition to the historic building, and new mixed use building will allow for the re-establishment of a hotel business in the downtown core of the City that will contribute towards the City's tax base and sustain or increase jobs as recommended under Pillar III.C, Pillar IV.A and Pillar IV.D. The hotel mixed use development would support the downtown business center by bringing additional customers to shop and dine in the downtown. Hotel guests in the 140-room hotel would support tourism related businesses in the City. Further, the proposed project would rehabilitate a culturally and architecturally significant landmark as mentioned in Pillar II.C. and Pillar III.C. Use of the City's Sustainable Bonus Incentive Program would allow for the financially feasible rehabilitation of a character defining structure as supported by FLU Objective 1.3.3. Based on the analysis above, the proposed Gulfstream Hotel Planned Development (Ordinance 2022-09) request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

#### Consistency with the Land Development Regulations (LDRs):

**Mixed Use Urban Planned Development** - 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 below) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Analysis:** The proposed Mixed Use Urban Planned Development was reviewed for compliance with Section 23.3-25. No waivers or exceptions to the land development regulations are being requested. The applicant has demonstrated the required unity of control for the petition, and provided the required supporting information and development plans that comprise the master development plan. The proposal meets the minimum site area requirement of 0.5 acres. Outdoor storage is not proposed. The project planned development meets all land development requirements with no waivers, exceptions and/or variances.

**The Downtown (DT) zoning district** is designed for the commercial core of Lake Worth, primarily along Lake and Lucerne Avenues from Golfview to the Florida East Coast Railroad right-of-way. The DT zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area.

**The Hotel District Overlay** is designed to encourage and facilitate hotels or motels of at least fifty (50) rooms as individual projects or as part of an overall mixed use project. The area is bounded by Golfview Road to the east, Federal Highway to the west, First Avenue South to the south, and Second Avenue North to the north and includes only those lots with the underlying zoning classification of DT as depicted on the official zoning map on file in the office of the planning, zoning and preservation division.

**March 2020 Height City Charter Amendment Referendum** allowed for a maximum building height of 87' for the subject site and adjacent properties on the same block. The stated purpose of the charter amendment was to make the

renovation and reopening of the Gulfstream Hotel financially feasible, and it allowed for the proposed maximum building height for both the historic hotel property and the adjacent properties within the same block located south of Lake Avenue, east of South Lakeside Drive, west of South Golfview Road, and north of 1<sup>st</sup> Avenue South.

**Analysis:** The proposed hotel and multi-family uses are anticipated and encouraged uses in the Hotel District Overlay and in the DT zoning district. The uses have been reviewed for consistency with the required conditional use review criteria and that analysis is provided on page 10 of this report. Further, the use location and height of the structure was also anticipated in the Land Development Regulations and in the 2020 City Charter amendment, which allowed for a height of 87' on the subject site to facilitate the redevelopment of the historic Gulfstream hotel and associated new construction. The land development requirements of the DT zoning in the Hotel District Overlay are analyzed in the table below. The subject application is consistent with all LDR requirements; and, the applicant is not requesting any exceptions to these requirements.

The table below shows the proposed site features and its compliance with the LDRs, as applicable:

Development Standard		Land Development Requirements (LDR)			Provided by Applicant
		Base Zoning District Downtown (DT)	Hotel District with Sustainable Bonus Incentive Program (SBIP)	Mixed-Use Urban Planned Development (MUPD) in Hotel District with SBIP	
Lot Size (min) In square feet (sf)		6,500 sf	0.5 acres	0.5 acres	79,375 sf / +-1.82 acres
Lot Width (min)		25' - Lake Ave 50' in general	25' - Lake Ave 50' in general	25' - Lake Ave 50' in general	
Setbacks	Front (min build-to line) *	10', or 5' Build-to Building Setback Line on Lake <i>Note: Project has frontage on Lake, S Lakeside Drive &amp; 1st Ave S</i>			10'
	Rear (min)	10'	10'	10'	+/- 38'
	Street Side (min) *Alley	10'	10'	10'	10'
	Interior Side (min)	0'	0'	0'	N/A
Impermeable Surface Coverage (maximum)		80%	80%	90%	70,715 (89.1%)
Structure Coverage (max)		60%	60%	70%	68.9%
Density (max)		40 du/acre (72 units)	40 du/acre (72 units)	50 du/acre (91 units)	Up to 85 Residential Units
Building Height (max)		30' (max. 2 stories)	65' (max. 6 stories)	87' (Maximum height per Section 11 of City Charter)	87' (7 stories / 1 lower parking garage/ 1 amenity deck)
Maximum Wall Height at Side Setback		30'	65'	65'	30'

Floor Area Ratio (FAR) (max)	1.1	2.2	3.0625	2.89 (229,320 sf Total= 165,520 New Building + 59,100 sf Existing Building + Addition 4,700 sf)	
FEMA Base Flood Elevation for Finished Floor (NAVD) Note:	AE Flood Zone - Current FEMA BFE: 7' AE Flood Zone - Proposed FEMA BFE: 10'  <i>Note: Existing grade is 4.5' – 5.3' NAVD. The finished floor of historic hotel. is 5.95' to 6.95'. A Historic BFE Variance is required for existing hotel building and addition (under separate cover).</i>			New Building: 10 ' Existing/Addition: 5.94' – 7'	
Living Area (minimum)	Studio	400 sf	400 sf	400 sf	499 sf
	One- bedroom units	600 sf	600 sf	600 sf	730 sf
	Two- bedroom units	750 sf	750 s	750 s	1,070
	Three- bedroom units	900 sf	900 sf	900 sf	1,495
Parking	Parking Calculated per unit, room, and non- residential square footage. See page 7 for detailed parking analysis. *Note: The *25% shared parking credit for mixed use developments is not proposed to be utilized by applicant.		213 Required Spaces* / 283 spaces for 85 units w/o shared parking credit	283 + 1 Mobility Space* (271 garage + 12 on- street = 283 Spaces)	

**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 trash compactor location and service plan was reviewed by Public Works, who determined that the refuse management plan was feasible to service and is typically for urban hotel operations. No dumpster is proposed on the property. The applicant will coordinate with Public Works on the pick-up schedule of the trash compactors prior to opening the facility. The compactors are located in the rear of the connection between the historic and new building. The compactors will be rolled out by hotel/property management staff prior to collection.

**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. Further per Section 23.3-25.b)D)7, exterior lighting “shall not exceed one (1) foot candle at or beyond the boundaries of such development.”*

**Analysis:** A photometric plan was provided depicting the lighting within the parking garage structure. However, compliance with the City’s exterior lighting requirements is measured from the property line. No exterior light poles are proposed as part of the site plan. Therefore, a recommended condition of approval has been provided requiring an updated photometric plan at building permit demonstrating that the proposed exterior lighting shall not exceed a maximum of 1-foot candle/ 10.76 lumens at the property line. Further, the lighting fixtures shall comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000K or less. The proposed fixtures may be substituted with another architecturally compatible fully shielded light fixtures at

building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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

**Analysis:** The proposed parking would provide 283 parking spaces (270 garage spaces + 13 on-street parking spaces along S. Lakeside Drive) for the addition and new construction. Parking is calculated by use area, which include assembly, restaurant, personal services, office and lodging parking multipliers in Section 23.4-10. For mixed use projects, a shared parking credit of 25% is also applied to calculate the required parking of a proposed project. Therefore, the required parking for the property is (283 X .75 = 213 spaces). The applicant has selected to provide parking without utilizing the 25% parking reduction credit for a mixed use project. The applicant is also proposing an additional on-street mobility parking space to allow for a designated pick-up area for ride-share services. Additional parking is not required for change of use for existing structures, so parking is not required for the existing hotel. The applicant has also submitted an optional valet parking configuration on 2<sup>nd</sup> level of the parking garage to add an additional 37 spaces for peak operational periods and special events, which would allow for a total of +/-320 off-street garage spaces. Valet service would be provided for hotel guests, and there is an existing valet lane that is proposed to continue to be utilized by the applicant. The total required electric vehicle charging station spaces is 9 spaces, or 4% of the required parking 213 spaces. Staff has added a condition of approval requiring the final location of the EV charging stations to be depicted on the parking garage floor plan prior to the issuance of building permit.

**Section 23.4-9, Off-Street Loading Regulations:** Retail operations, wholesale operations and industrial operations, with gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space (not necessarily a full berth) so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, street or alley. Where site conditions allow, loading areas shall be screened and buffered from public view.

**Analysis:** A loading space is proposed in the rear of the property that provides screening from public streets and is located in a manner as to allow for the free movements of vehicles and pedestrians over the rear alley.

**Signage:** Signage is required to comply with the size and design requirements in the Land Development Regulations. Prior to the issuance of building permit for commercial signage, a Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.

**Section 23.6-1. - Landscape regulations:** The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the City. Per Section 23.6-1(c)(2), “on the site of a building or open lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping” consistent with this section including a landscape strip ten (10) feet in depth.

**Analysis:** The development proposal provides perimeter landscaping and shade trees and features a green roof deck over the parking garage. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Gumbo Limbo, Spanish Stopper, Live Oak and Wild Tamarind trees for the ground floor plantings along with multiple native and non-native shrubs, grasses and groundcovers. The green roof deck plantings also contain a mixture of native and non-native plants such as Silver Buttonwood trees, Thatch palms and Beauty Berry shrubs and native ferns. The proposed landscape complies with the City's requirement that 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Based on the tree survey, replacement trees are required to have an average DBH of 12.5 inches to qualify as replacement trees. As there is not sufficient space on site to successfully plant enough replacement trees with the required DBH, there is a mitigation short fall of 136 inches. Since the property cannot accommodate all of the required tree replacements on site, an in-lieu of fee may be paid into the Tree Canopy Restoration Fund as a substitute to replacement. Therefore, staff has proposed a condition requiring the payment of \$54,400 into the City’s Tree Canopy Restoration fund prior to the issuance of a building permit.

**Section 23.2-31 - Site Design Qualitative Standards review required for Major Site Plan (Attachment A)**

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

**Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines:** The proposed improvements to the site circulation, parking, landscaping and architecture are consistent with the Major Thoroughfare Design Guidelines and the City’s LDRs. The configuration of the existing sidewalks and roadways will not be impacted. The rear 10’ alleyway will be enlarged to a functional width of 20’ with the addition of a stabilized 10’ semi-pervious surface area, allowing for improved fire rescue access to the proposed and existing structures. Refuse compactors that roll out curbside for pick-up are proposed. The compactors are located inside the building and will be rolled out for pick-up. The location of the compactors was determined to be an appropriate location for pick-up services by Pubic Works. Improvements to the existing landscaping are also proposed and discussed in the landscape section of this report. The proposed parking garage and vehicular use areas will be effectively screened from the public view by both landscaping and buildings. The proposed parking garage access and layout does not create an unsafe situation and will conform to the requirements of the LDRs.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North Uses are located across Lake Ave	Downtown Mixed Use (DMU)	DT - Downtown	Commercial Retail (Dollar General) & Multi-family Residential (7 stories)
South Uses are located across 1 <sup>st</sup> Ave S	High Density Residential	MF-30 - Medium Density Multi-Family Residential 30	Multi-family Residential (1 -2 stories)
East	Downtown Mixed Use (DMU) & Public Recreation & Open Space (PROS)	MF-30 - Medium Density Multi-Family Residential 30 & Public Recreation & Open Space PROS	Multi-family Residential (2-7 stories) & Park (Bryant Park)
West Uses are located across S. Lakeside Dr.	Downtown Mixed Use (DMU)	DT – Downtown & MF-30 - Medium Density Multi-Family Residential 30	Multi-family (2-5 stories)



The proposed uses are anticipated, desired and compatible uses in the Hotel District Overlay. Additional use analysis is located in the Conditional Use Permit section located on page 9 of this report. The corresponding proposed site circulation and improvements are appropriate and will minimize negative impacts on existing surrounding properties.

The proposed architecture of the building will improve the aesthetics of the existing property, and be an asset to the neighborhood. Staff has proposed several urban design conditions requiring additional fenestration and modifications to window configurations that do not impact the hotel floor plan. These changes would bring the façade into a more cohesive relationship to the existing hotel and reduce the overall bulk of the plain wall. Further, staff is recommending that the middle section of the new building along Lakeside Drive should differentiate itself more from the north and south massing elements. Through the creative use of additional fenestration and material selection, the appearance of the overall mass and bulk of the façade would be reduced. As conditioned, the design of the buildings has a unity of character; and, the proposed texture and color of materials create a harmonious aesthetic appearance as a whole. The subject application design and scale do not detract from the character, value, and attractiveness of the surroundings due to the fact the applicant has taken care to set back portions of the building from 1<sup>st</sup> Avenue South and from the condominium buildings to the east. Staff has proposed a condition of approval related to the approval and installation of public art in the future.

**Community Appearance Criteria:**

The proposed renovation of the historic hotel, new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lot and vacant hotel building. The proposed architecture of the building is appropriate and in harmony with the surrounding mixed use area as conditioned. The maximum height of the structure is 87' per the City Charter as approved by referendum in 2020. The building height steps down on the southern and eastern property lines for compatibility with the height of the adjacent and proximate multi-family residential structures. Along the southern property line adjacent to 1<sup>st</sup> Avenue North, the building steps down to a height of +/- 30' for compatibility with the lower scale residential across the street to the south. The rear of the building fronting the alley on the eastern property line also steps down to a height of +/- 30' for compatibility with the adjacent condominium properties. The landscaping along the western and southern property lines softens the façade of the new construction with native and Florida-friendly landscaping and shade trees (Live Oak & Spanish Stopper) along the public sidewalks.

Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the city and the surrounding area as conditioned.

**Section 23.2-35 - 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 100,000 sf.

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 section below.

**Section 23.2-29 - Conditional Use Permit (CUP)**

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 to ensure the appropriateness and compatibility of the use at a particular location. The hotel and multi-family residential uses were reviewed for consistency with the required conditional use findings (Attachment B).

The proposed conditional uses are anticipated uses in the DT zoning district and in the Hotel District Overlay. The site and building are already served by municipal services, including water, sewer, refuse, fire and police. Improvements to both the City's water/sewer and electrical utilities that are included in the City's Five Year Capital Improvement Plan (CIP) will be implemented as part of the development of the project. The existing 10' alley will be widened to provide a 20' wide travel lane to ensure appropriate fire rescue accessibility to the rear of subject site and adjacent properties. The site circulation, parking garage access and valet service are designed to maximize the efficiency of hotel operations and minimize impacts on adjacent properties. The applicant has also provided a PBC Traffic Performance Standards approval letter. In summary, the hotel and multi-family uses are not anticipated to negatively impact the surrounding areas with traffic, noise, and air pollution more than if the proposed project were broken up into multiple individual uses that are permitted by right.

**Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)**

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

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a mixed use urban 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 87' as consistent with the City Charter, a density of +/-46.7 units per acre (13 bonus units), and a floor area ratio (FAR) of 2.89, which are less than the maximum allowances that can be permitted for height, density and intensity through a sustainable bonus incentive in a planned development in the DT zoning district and Hotel District Overlay. The total square footage of bonus area above the second floor is +/-139,385 square feet in total (106,270 sf bonus area in height only for floors 3 through 6 and 33,115 sf for floors 7 and penthouse in height, density and intensity incentives). Therefore, the value of required improvements for the SBIP bonus areas are \$797,025 (106,270 sf X \$7.50 per sf), plus an additional \$496,725 (33,115 sf X \$15 per square foot). The total combined value of required improvements both areas \$1,293,750. The project is proposing to renovate and restore a designated structure on the National Register of Historic Places, which entitles the project to 50 percent of the incentive award regardless of the number of additional stories of square feet above the initial two stories, which has an equivalent value of \$646,875. The applicant has requested that the City Commission waive the requirement that 50% of the sustainable bonus incentive fee be paid to the City per recent City Commission direction. The applicant is proposing that in lieu of paying 50% of the sustainable bonus incentive payment that the project be conditioned to require Florida Green Building certification (equal to 50% of the value of the sustainable bonus fee per the LDRs) and a public art component. The project does not include off-site improvements toward the SBIP credit. The proposed development meets the intent of the SBIP as conditioned. 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 that the Florida Green Building certification and public art component is required in lieu of that amount.

## CONCLUSION AND CONDITIONS

The DT zoning district is intended “to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use.” The Hotel District Overlay is designed to encourage hotel uses in the Overlay. The hotel and multi-family conditional uses are anticipated and encouraged uses in the zoning district and overlay. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design and site circulation are appropriate and consistent with the City’s Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations with no requested exceptions or waivers. The proposed site circulation, parking, refuse, delivery, and amenity locations anticipated to minimize and/or mitigate any impacts of the hotel uses on the adjacent and proximate multi-family residential uses. The applicant has also provided documentation that the proposed project will provide a substantial positive economic impact on the City’s downtown. Further, the proposal would allow for the renovation and reopening of a historically and culturally significant landmark hotel. **Therefore, a recommendation of approval is provided to the HRPB with the following conditions:**

### Planning & Zoning

1. The applicant shall be required to submit a preliminary plat application prior to the issuance of a building permit depicting all required dedications and easements and any necessary abandonments. Final plat approval is required prior to the issuance of a Certificate of Occupancy.
2. Public art, including murals, proposed in the future shall be reviewed by both the HRPB and the CRA's LULA program prior to installation.
3. Prior to the issuance of a building permit, revised photometric plans shall be required to updated as follows:
  - All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts. Lighting shall not exceed 1-foot candle/ 10.76 lumens when measured from the property line and shall comply with lighting code regulations in LDR Section 23.4-3.
  - If using LED lighting, a warm light tone is required. Lighting fixtures should comply with dark skies fixture recommendations, including a 3000K light tone or less, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
4. Prior to the issuance of building permit for commercial signage, a Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.
5. Prior to the issuance of building permit, the applicant shall provide a detailed striping and signage plan for the mobility space on S. Lakeside Drive as approved by the Public Works Department.
6. Prior to the issuance of a building permit, the applicant shall pay \$54,400 into the City’s Tree Canopy Restoration fund.
7. Prior to the issuance of a building permit, the site plan shall be updated to depict the location of 9 Electric Vehicle Charging Station spaces on a parking garage floor plan.
8. During peak business operational periods and special events, the hotel use shall utilize the alternative valet configuration to provide +/- 320 garage spaces.
9. Prior to the issuance of the first building permit, a school capacity fee of \$10,016 shall be contributed to the School District of Palm Beach County.
10. Fifty percent of the sustainable bonus fee (\$646,875) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first. Alternatively, the City Commission may approve the proposed Florida Green Building Certification and public art in lieu of the fee.

### Urban Design

1. The front facing façade of the new building along Lake Avenue requires additional fenestration on floors 3 through 7. Staff has provided a suggested change to add two vertical series of windows that do not affect the

- use or layout of the proposed hotel rooms. The change would bring the façade into a more harmonious relationship to the existing hotel and reduce the overall bulk of the plain wall.
2. The middle section of the new building along Lakeside Drive should differentiate itself more from the north and south massing elements. Through the creative use of additional fenestration and material selection, the change would reduce the overall mass and bulk of the façade.
  3. A more vibrant exterior color scheme more in keeping with the colorful diversity and charm of the City is suggested. Color palette should remain in the citrus tones and shades.

Utilities (Water, Sewer & Stormwater) Conditions approval shall be addressed prior to the issuance of a building permit unless otherwise indicated.

1. The gravity sewer relocation plan needs to include design elevations, including conflict crossing elevations, to verify the feasibility of the plan and identify conflict crossings. Show any proposed conflict structures and contact the PBC health department to determine if they will allow the use of conflict storm infrastructure.
2. Size and show the location of the grease trap/s associated with the restaurant. Grease traps shall be sized in accordance with 64E-6.013 of the F.A.C. This must be part of the site plan submittal and review.
3. The applicant provided a very high level-low detail drainage statement. Provide the drainage calculations that meet the City and the SFWMD storm design policy. The drainage calculations must be included in the site plan submittal and review to prove that drainage system can function as proposed.
4. The MEP drainage and pumping drawings with calculations were not included. Additional comment/s may be forthcoming following the submission of this information. This must be submitted with the site plan.
5. The City drainage policy states the property must retain on site, the runoff from a 3-year 1-hour storm event (2.6 inches of precipitation) before any discharge can occur. The drainage area evaluated is the total site area and this includes the hotel area. In addition, adjacent flows that enter the property must be evaluated or rerouted.
6. Will the storm manhole located in Lake Ave remain in service or be utilized? The storm main south of the structure is called out for abandonment and it appears that main was the only reason the manhole was installed. This structure may need to be removed if no longer in service.
7. Identify on the site plan that there will be an alleyway dedication to the City or not. However, if the right of way is not dedicated, provide a 15-foot-wide easement for the watermain extension that is proposed. One or the other should be shown on the site plan.
8. If the above grade meters and backflow devices serving the existing hotel located in front of roll up doors, then revise as necessary.
9. Request a sewer lateral/s locate for the existing hotel; the locates will be verified by the Utilities team with CCTV. This information is necessary to confirm the conceptual sewer plan in the alleyway south of Lake Ave.
10. The proposed sewer relocation plan will require a shutdown of both lanes on FDOT's Lake Ave. It is recommended that the sewer main in Lake Ave be place in the center of the travel lane since FDOT prefers single lane closures over a full closure.
11. Bold the callout "To be lined" over the sewer main between Lake Ave to 1st Ave S. Darken the dashed line work over the sewer main to bring attention to the proposed work
12. A laundry interceptor shall be designed to the same standard as the grease trap above, however the structure/s can be located within the building.
13. There is an active 1.25-inch gas main in the alleyway. Contact Matthew Ryan with Florida Public Utilities about a plan to address gas main. [mryan@chpk.com](mailto:mryan@chpk.com) or 561-838-1832. [Advisory]
14. Plan to provide the SFWMD ERP permit before issuance of the building permit. [Advisory]
15. Provide all standard details that are associated to the conceptual plans required is the site plan submittal. [Advisory]

16. There will be an FDOT utility permit for the work proposed in Lake Ave. Please plan to submit for this prior to building permit. [Advisory]
17. Please note that capacity fee must be paid prior to building permit issuance. See City’s website (under finance) for information regarding capacity fees listed in the “schedule of fee”. [Advisory]
18. The design engineering should visit the site and take note that the roof drain gutters from the buildings at 10, 15 & 31 South Golfview. These gutters pipe underground and it must be investigated where they bubble back up to/from. [Advisory]

#### Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual. (Condition of Approval)
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works. (Condition of Approval)
3. 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. (Condition of Approval)
4. 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. (Condition of Approval)
5. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP’s and NPDES compliance practices. (Condition of Approval)
6. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod. (Condition of Approval)
7. 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. (Condition of Approval)
8. Prior to performing work in the right of way, apply for and receive issuance of a “Right of Way/Utility Permit” application. (Condition of Approval)
9. 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 (Condition of Approval)
10. Prior to proposed road closures, submit a Maintenance of Traffic plan to be reviewed and approved by the City prior to implementation. Affected residents must be notified once the plan is approved. (Condition of Approval)
11. Prior to the issuance of a Certificate of Occupancy, coordinate with the Solid Waste and Recycling Division the collection schedule, frequency and logistics. (Condition of Approval)
12. Prior to the issuance of a Building Permit, please provide a detailed plan for the following:
13. Proposed parking plan for construction vehicles, equipment and materials for all phases of the project.
14. Proposed staging/usage plan for cranes, lifts, and other equipment that must utilize the right of way. Maintenance of Traffic plan including resident parking, access, pedestrian and boat ramp/tourist activity must be considered
15. Prior to the issuance of a Building Permit, provide to the City an evaluation of the feasibility and a proposed design for providing 2-way traffic flow along S. Lakeside Drive between 1st Ave South and Lake Avenue.

16. Prior to the issuance of a Certificate of Occupancy, construct alleyway improvements consisting of a 1" mill and 1" overlay from 1st Ave South to the north dead end. Special attention to be given for positive drainage.

Electric Utilities

1. At the time of application for a Building Permit, the applicant shall provide all applicable load calculation and the total conditioned space.
2. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Show the location of the Padmount Transformers, Automatic Transfer Switch (ATS), and the meter banks. The Padmount Transformer locations will need to be in an accessible location to our trucks and will need 8-ft (8 feet) of minimum clearance in the front and 3-ft (3 feet) of minimum clearance on the sides and rear. This clearance includes landscaping. None trees, plants, shrubs or vegetations are allowed within the clearance
  - b. Provide the electric riser diagrams for all buildings, the proposed electrical loads and the voltages required, including proposed Electrical Cable Schedules.
  - c. Provide the Amp Sizes and Voltages for any other services needed than the commercial units, such as lighting, irrigation, etc. If any meter is over 320 amps for Single Phase, and over 200 amps for 3-Phase, a CT Cabinet and CT Meter Can will need to be installed. All meters and CT Cabinets will need a minimum of 36" (36 in) of clearance in front of them.
  - d. Provide a 10-ft (10 feet) wide utility easement for the underground electric lines, Padmount Transformers & Switchgear that will serve this project. Starting on 1st Ave South running North along the alley and East along the South side of the existing building, and stop 15-ft (15 feet) West of the Generator. The Main Electric Line Routing from the Poles to the Padmount Transformers will be determined by the Lake Worth Beach design engineer.
  - e. Transformer & Electrical Equipment Box Pad Elevations shall be FEMA 100 yr. Flood-Plain Elevation + 1-ft (1 feet).
  - f. Provide details for Temporary Power during construction, Voltage & Amps and approximate Location of service point.
  - g. CLWB will remove All Electric Over Head (OH) Infrastructure from the Alley between S. Lakeside Dr. and S Golfview Rd. between Lake Ave. and 1st Ave. S.
  - h. Complete payment to Lake Worth Beach for electrical infrastructure costs for labor & materials to serve this project.
  - i. The customer will be responsible for installing any Secondary Conduit at a minimum of 24" (24 in) deep from the Secondary Winding of the Transformer of the property to the building.
  - j. The customer will be responsible for Any and All labor and material costs for providing electric service to this project.
  - k. The CLWB will procure one (1) Padmount Transformer and Box Pad to serve the facility, the owner/developer is responsible for the reimbursement costs to the City. The City will procure one (1) Spare Padmount Transformer at the City's expense.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. Provide copy of recorded Utility Easement.
  - b. Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.

**BOARD POTENTIAL MOTION:**

I move to recommend approval **with conditions** of Ordinance 2022-09, commonly referred to as the "Gulfstream Hotel Planned Development" based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **recommend denial** the subject request of Ordinance 2022-09, commonly referred to as the “Gulfstream Hotel Planned Development.” The project does not meet the review criteria [Board member state applicable review criteria] for the following reasons [Board member please state reasons.].

**Consequent Action:** *The Historic Preservation Review Board recommendation will be forwarded to the City Commission as part of the public hearing supporting documents and materials upon first reading of Ordinance 2022-09.*

#### ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan package, architectural plans & supporting documents). Attachments are numbered and apply to both the planning and zoning as well as the historic preservation applications.

**ATTACHMENT A – Qualitative Development Standards**

<b>Section 23.2-31(c) –Qualitative Development Standards</b>	<b>Analysis</b>
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**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. **In compliance**

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

**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. **In compliance**

**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. **In compliance**

**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. **In compliance**

**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. **In compliance**

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

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

**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 **In compliance**



existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

**10. Design of on-site public right-of-way (ROW).** On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**

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

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

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

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

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

<b>Section 23.2-31(d) - Qualitative Buildings, generally</b>	<b>Analysis</b>
<p>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</p>	<b>In compliance with conditions</b>
<p>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</p>	<b>In compliance with conditions</b>
<p>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</p>	<b>In compliance with conditions</b>

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance with conditions**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **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 board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **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 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.* **In compliance**
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**

<b>Section 23.2-31(h) – Criteria for parking lots and vehicular use areas</b>	<b>Analysis</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>

<b>Section 23.2-31(l) – Community Appearance Criteria</b>	<b>Analysis</b>
1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i>	<b>In compliance</b>
2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i>	<b>In compliance</b>
3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i>	<b>In compliance</b>
4. <i>The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i>	<b>In compliance</b>

**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:

<b>Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.</b>	<b>Analysis</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>

<b>Section 23.2-29(e) Specific findings for all conditional uses.</b>	<b>Analysis</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
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>	<b>In compliance</b>
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	<b>In compliance</b>

*demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.*

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**