



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

DATE: February 24, 2021
TO: Members of the Planning and Zoning Board
FROM: Alexis Rosenberg, Senior Community Planner and Andrew Meyer, Senior Community Planner
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability
MEETING: March 3, 2021

SUBJECT: **PZB Project Number 20-01400047:** A request by WGI, an engineering and land development firm, on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development at the northwest corner of 10th Avenue North and Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

PROJECT DESCRIPTION:

The Applicant, WGI on behalf of Prospect Real Estate Group, LLC., is requesting approval of the following:

- 1.) **Residential Planned Development** to construct a 230-unit multifamily development.
- 2.) **Development of Significant Impact** to construct a residential development in excess of 100 units.
- 3.) **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
- 4.) **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.
- 5.) **Sustainable Bonus Incentive Program** for an additional density, intensity and height.

The subject site is comprised of seven parcels totaling 6.39 acres. The site is located west of the 10th Avenue North and Boutwell Road intersection and is currently vacant. The site was previously approved for a Major Site Plan and Sustainable Bonus Incentive Program, known as Golden Roads, which consisted 189 multi-family apartments. The new proposed development, also referred to as Golden Roads, consists of five residential buildings and clubhouse/mailroom building. The project proposes a total of 230 multi-family units. Of the 230 units, 104 units will be one-bedroom units, 117 units will be two-bedroom units, and nine units will be three-bedroom units.

There are 379 parking spaces provided on site with a portion of the parking side-loaded to the south building and the remaining parking spaces are located interior to the site. Of the 379 parking spaces, 280 spaces will be standard spaces, 82 spaces will be compact spaces, and 13 spaces will be provided in the form of bicycle racks. Additionally, the development proposes electric vehicle charging stations that will service 15 spaces.

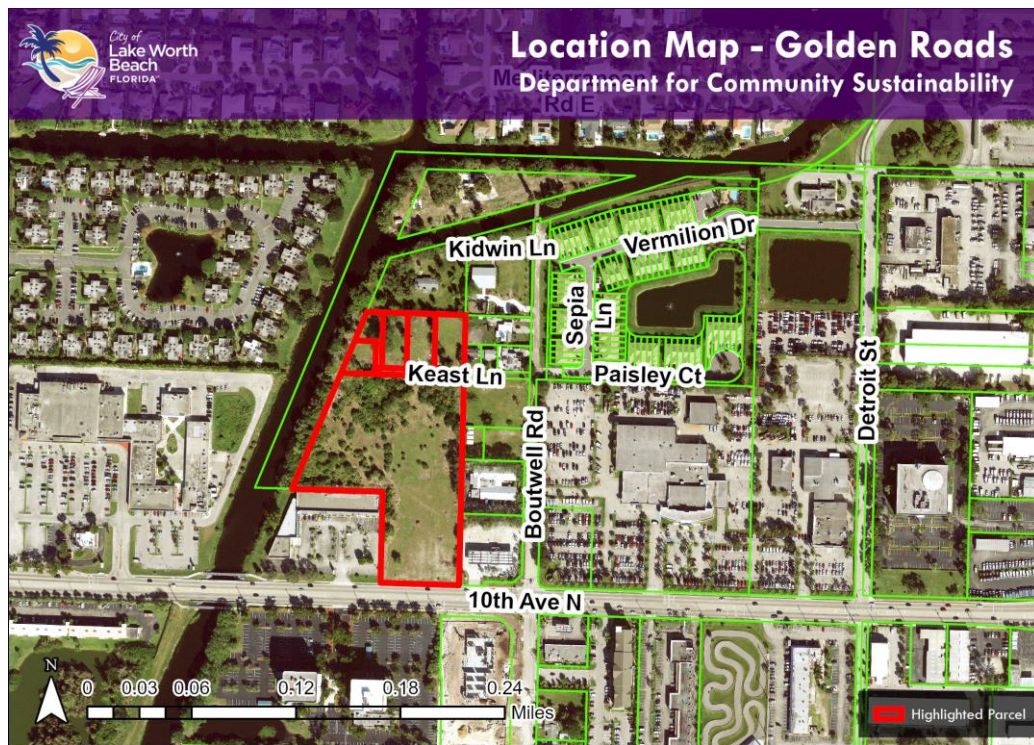
Staff Recommendation:

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program with conditions of approval to the City Commission.

PROPERTY DESCRIPTION:

Applicant	Yoan Machado of WGI
Owner	Lake Worth Investment Group, LLC
General Location	West of the 10 th Avenue North and Boutwell Road intersection
Existing PCN Numbers	38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; 38-43-44-20-01-004-0010
Existing Land Use	Vacant
Zoning	Mixed Use – West (MU-W)
Future Land Use Designation	Mixed Use – West (MU-W)

LOCATION MAP:



BACKGROUND:

The project site is located west of the 10th Avenue North and Boutwell Road intersection. Based on Palm Beach Property Appraiser's records and City records, all seven parcels have remained vacant and do not have any active business licensees linked to the site. Additionally, a search performed on February 10, 2021 indicated that there are no open code compliance violations linked to the properties.

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

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

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

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

Consistency with the City's Land Development Regulations

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

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

The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard	Base Zoning District	Residential Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)	5,000 sf	Greater or equal to 217,800 sf (5 acres)	278,340 sf (6.39 acres)
Lot Width (min)	50'	50'	230'
Setbacks	Front (min)	20'	28'
	Rear (min)	15'	18'
	Side (min)	10'	20'
Impermeable Surface Coverage (maximum)	65%	65%	61%
Structure Coverage (max)	50%	50%	21%
Pervious Landscaped Area in Front Yard (min)	900 sf	900sf	3,216 sf
Living Area (min)	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 600 sf 2-bed: 750 sf 3-bed: 900 sf	1-bed: 665 sf 2-bed: 881 sf 3-bed: 1,171 sf
Parking	379	379	379
Density (max)	30 du/acre (191 units)	37.5 du/acre (239 units)	36 du/acre (230 units)
Building Height (max)	30 feet	81.25 feet	Bldg I – 34'8" Bldg II – 34'8" Bldg III – 52' Bldg III Hybrid – 54' Clubhouse – 24'4"
Floor Area Ratio (FAR) (max)	1.30	2.25	0.74

Landscaping: The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. Staff has conditioned that all ground-level mechanical equipment be properly screened with landscaping and all monument signs be landscaped at the base of the sign. The landscape plan can be viewed in Attachment B.

Signage: This application is proposing one monument sign on the south end of the site facing 10th Avenue North. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.

Lighting: The applicant has not submitted a photometric plan. Therefore, staff has conditioned the applicant to provide a photometric plan at least 14 days prior to the first City Commission hearing showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon

neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant.

Density: The base zoning district allows a maximum density of 30 units per acre. Based on Policy 1.2.3.4(3) of the City's Comprehensive Plan, residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 units per acre plus 25% equals a maximum density of 37.5 units per acre (239 units). The proposed residential planned development proposes a density of 36 units per acre (230 units) which is less than the maximum density allowed on this property.

Height: The base zoning district allows a maximum building height of 30 feet. Per LDR Section 23.3-18(c)(2)(B), blocks fronting 10th Avenue North may obtain an additional 35 feet in height under the City's Sustainable Bonus Incentive Program. Additionally, Policy 1.2.3.4(3) of the City's Comprehensive Plan states that residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 feet plus 35 feet plus 25% equals a maximum height of 81.25 feet. The highest building height proposed for this project is 54 feet which is less than the maximum allowed building height for this property.

Floor Area Ratio (FAR): The base zoning district allows a maximum FAR of 1.30. Per LDR Section 23.3-18(c)(7)(D), an additional 0.5 of FAR shall be granted under the City's Sustainable Bonus Incentive Program. Additionally, Policy 1.2.3.4(3) of the City's Comprehensive Plan states that residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 1.30 plus 0.5 plus 25% equals a maximum allowed FAR of 2.25. The project proposes a total FAR of 0.74 which is less than the maximum allowed FAR for this property.

Impermeable Surface Coverage: The project as proposed complies with the City's maximum impermeable surface allowance of 65%. The site plan proposes approximately 137,293 square feet of impervious surface area and 61,675 square feet of semi-pervious surface area. Per LDR Section 23.1-12, two square feet of semi-pervious surface shall be equivalent to one square foot of impervious surface for the purpose of calculating development regulations. Therefore, of the 61,675 square feet of semi-pervious surface area, 30,837 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 168,130 square feet (61%).

Major Thoroughfare Design Guidelines / Urban Design: The project generally complies with the City's Major Thoroughfare Design Guidelines. The Development Review Official has recommended the following action to further enhance the buildings' architecture, which has been include as a staff recommended condition of approval:

- Add glazing/fenestration to the front façade of the west side of Building Type III – Hybrid as the plans currently show the façade as a large expanse of blank wall above the second floor.

Waivers Requested:

The application is not requesting any deviations from the Code as part of this request.

Residential Urban Planned Development:

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

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

The proposed project is a residential planned development for the construction of 230 multi-family units. The criteria below lists the requirements of all residential planned developments.

Section 23.3-25(c) – Residential Planned Development District

1. *Location.* RPDs may be created in any residential district.

Staff Analysis: The proposed subject site is located within the MU-W zoning district. Per LDR Section 23.3-18(b), multi-family residential uses may be established subject to the provisions of LDR Section 23.3-11, Medium Density Multi-Family Residential (MF-30). Because the MF-30 zoning district is a residential district, the application complies with this criterion. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for a residential planned development district west of I-95 shall be 5 acres.

Staff Analysis: This residential planned development will be situated on a lot of 6.39 acres, which is over the required minimum area. **Meets Criterion.**

3. *Permitted uses.* Within any residential planned development, any use permitted in the underlying zoning district is permitted.

Staff Analysis: The project will be solely residential, containing 230 multi-family units. Per the City's Use Table, LDR Section 23.3-6, multi-family is permitted by right in the MU-W zoning district. **Meets Criterion.**

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

Staff Analysis: The project complies with the minimum required setbacks of the base zoning district, MU-W. **Meets Criterion.**

5. *Parking and loading space requirements.* Parking and loading spaces for all uses within a residential planned development district shall be provided as required. No off-street parking shall be located within a required setback area.

Staff Analysis: The proposed project has not requested to waive or reduce any of the requirements associated with parking. However, parking is located within the required side setback area of 10 feet. In lieu of the side setback of 10 feet, the applicant is proposing to provide a 6ft fence with a 5 ft landscape buffer with trees along the property line. Staff has proposed an additional landscape related condition of approval to ensure adequate screening of the parking areas.

6. *Landscaping.* Landscaping, tree protection, screening and buffering shall be provided as required by section 23.6-1. However, additional landscaping, screening, and buffering may be required to provide additional privacy and protection for residents within a planned development district and adjacent property owners.

Staff Analysis: Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along 10th Avenue North and a five-foot landscape buffer around the perimeter subject site. A meandering path is also provided along 10th Avenue North providing additional buffering along the public right of way. **Meets Criterion.**

7. *Signs.* Signs may be erected pursuant to the provisions in Section 23.5-1.

Staff Analysis: This application is proposing one monument sign on the south end of the site facing 10th Avenue North. A condition of approval has been created stating that all proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1. **Meets Criterion.**

Development of Significant Impact (DSI):

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

Per LDR Section 23.2-35, a proposed DSI and any amendments to an approved DSI shall be reviewed and approved in accordance with the procedures and requirements for a Conditional Use Permit except that the City Commission shall be the decision maker and not the Planning and Zoning Board or the Historic Resources Preservation Board. The Conditional Use Permit criteria is outlined in the conditional use analysis within this report on page 10.

Master Development Plan (Major Site Plan):

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

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The Applicant states that the site is designed harmoniously and provides a residential use along a corridor that is a majority non-residential, thus providing the residential mix that the MU-W district anticipates. The Applicant also states that the modern contemporary architecture style is harmonious with nearby modern style redevelopment such as the Woodsprings Suites Hotel and the Wyndham Hotel. **Meets Criterion.**

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

development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: The Applicant states that the site will not be disturbed in such a manner as to significantly increase either wind or water erosion on or adjacent to the subject site. Further, the site will be managing drainage on-site. **Meets Criterion.**

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

Staff Analysis: Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. The project proposes a 10-foot landscape buffer along 10th Avenue North and a five-foot landscape buffer around the perimeter subject site. A meandering path is also provided along 10th Avenue North providing additional buffering along the public right of way. **Meets Criterion**

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

Staff Analysis: The proposed development staggers the building orientation of each building and locates a majority of the residential buildings in the center of the site to promote privacy for its residents. As mentioned above, the site also provides landscape buffering around the perimeter of the property. **Meets Criterion.**

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

Staff Analysis: Emergency access is provided to all buildings. There is also secondary emergency access provided at the southeast portion of the site. **Meets Criterion.**

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

Staff Analysis: Pedestrian pathways are provided on the site separate from the vehicular circulation to assist in safe and efficient circulation. Further, the site plan proposes a meandering path along 10th Avenue North that connects to the sidewalk along 10th Avenue North to the pedestrian pathways internal to the site. **Meets Criterion.**

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

Staff Analysis: As stated above, the site provides safe pedestrian circulation interior to the site. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property.

Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: As stated, vehicular access to the site is provided off of 10th Avenue North. A security gate is located about 210 feet into the property. While the applicant attempted to gain an access point from Keast Lane to the northeast, Keast Lane is privately-owned right-of-way and the owner was not willing to allow an access point to the site from Keast Lane. **Meets Criterion.**

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

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

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

Staff Analysis: There are no on-site public rights-of-way. The application includes a 15 foot right-of-way dedication along 10th Avenue North for future road-widening projects. **Meets Criterion.**

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

Staff Analysis: Landscape buffers are provided along the front of the property to screen the parking area from 10th Avenue North. Additionally, landscape buffers are proposed around the perimeter of the property to provide screening from the parking areas that are not already screened by buildings. **Meets Criterion.**

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

Staff Analysis: The site plan proposes the dumpster on the west side of the property enclosed by an opaque wall. This application has been conditioned so that prior to the issuance of a building permit, the Applicant shall ensure that all dumpster and refuse areas are screened with opaque fencing or walls that comply with LDR Section 23.4-4 and provide an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24 inches at installation and shall be maintained at no less than $\frac{3}{4}$ of the total height of the enclosure. **Meets Criterion as Conditioned.**

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

Staff Analysis: The proposed project will revitalize the vacant site, constructing 230 multi-family units, and further add to the City's tax base. **Meets Criterion.**

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

Staff Analysis: The subject site is within the MU-W zoning district and surrounded by MU-W zoned properties to the north, east, and south. To the west is the E-4 Keller Canal and a commercial plaza located in Unincorporated Palm Beach County. The project proposes a development that is consistent with the MU-W zoning district and the development incentives in the City's Comprehensive Plan. **Meets Criterion.**

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

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

Section 23.2-31(l): Community Appearance Criteria

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

Staff Analysis: Staff has reviewed the application and determined that the proposal complies with the Major Thoroughfare Design Guidelines and is in conformity with good taste, good design, and contributes to the image of the City. **Meets Criterion.**

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

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

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

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, the City's LDRs and Major Thoroughfare Design Guidelines. The Applicant states that the site is designed harmoniously and provides a residential use along a corridor that is a majority non-residential, thus providing the residential mix that the MU-W district anticipates. The Applicant also states that the modern contemporary architecture style is harmonious with nearby modern style redevelopment such as the Woodsprings Suites Hotel and the Wyndham Hotel. **Meets Criterion.**

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

Staff Analysis: The project’s compliance with the community appearance and conditional use criteria is detailed below. **Meets Criterion.**

Conditional Use Permit:

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

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

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

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

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

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -W	MU -W	Single-family residence
South (across 10 th Ave N)	MU -W	MU -W	Under construction – Future Wyndham Hotel
East (adjacent)	MU -W	MU -W	Vacant lots, office, and gas station
West (adjacent)	N/A	General Commercial (GC) – Unincorporated PBC	E-4 Keller Canal and a commercial plaza

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial and residential uses. To the north of the site is a single-family residence, and to the east are a mixture of vacant lots, office space, and a gas station. To the south of the site, across 10th Avenue North, is the future site of the Wyndham Hotel which is currently under construction. To the west, is the E-4 Keller Canal and a commercial plaza that is

located in Unincorporated Palm Beach County. The proposed use of multi-family residential has been found to be consistent with the surrounding commercial and residential uses. **Meets Criterion.**

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

Staff Analysis: The approval of this conditional use will bring more residents to the City and contribute to the City's tax base. Therefore, the development is not anticipated to result in less public benefit than a use permitted by right. **Meets Criterion.**

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

Staff Analysis: Based on the table on pages four, the project proposes a density, height, and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. Therefore, the project is not anticipated to be a more intensive development than what the Comprehensive Plan anticipates. **Meets Criterion.**

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

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

Staff Analysis: Based on the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach County. The conditions imposed by the Palm Beach County Traffic Division have been satisfied based on the site plan. Additionally, per the Florida Department of Transportation's Trip Generation Table, 8th Edition, a 230-unit apartment complex is anticipated to generate 143 PM peak trips. Multi-family residential has a lower trip generation rate than single-family residential, which is a by right use. A project with 150-single-family homes would generate 152 PM peak trips. Therefore, the proposal is anticipated to generate less trips than a use permitted by right. The Applicant's Traffic Study can be viewed in Attachment C. **Meets Criterion.**

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

Staff Analysis: Per the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the proposal meets the Traffic Performance Standards of Palm Beach County. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from a development permitted by right. **Meets Criterion.**

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

Staff Analysis: Staff does not anticipate the proposed 230-unit multi-family development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential use does not pose a pollution hazard to the nearby properties. **Meets Criterion.**

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

Staff Analysis: The proposal includes a 15-foot right of way dedication for future road-widening projects. However, the project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

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

Staff Analysis: The applicant will be utilizing existing City utility lines. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

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

Staff Analysis: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. In attempt to reduce the crime potential at this location, the Applicant has proposed perimeter security fencing with a vehicular gate placed about 210 feet into the property which will prevent the stacking of automobiles in the public right of way. **Meets Criterion.**

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

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

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

The requested use is for a 230-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

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

Staff Analysis: The Applicant has not submitted a photometric plan. Therefore, staff has conditioned the Applicant to provide a photometric plan at least 14 days prior to the first City Commission hearing showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be

compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

Sustainable Bonus Incentive Program

The proposal includes a Sustainable Bonus Incentive Program to obtain additional height and additional density from the base zoning district, MU-W. Per Policy 1.2.3.4(3) of the City's Comprehensive Plan, residential planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Therefore, 30 units per acre plus 25% equals a maximum density of 37.5 units per acre (239 units). The proposed residential planned development proposes a density of 36 units per acre (230 units) which is 39 units greater than what the base zoning district allows. The Sustainable Bonus value is \$10 per square foot of additional density. Because the average unit size is 949.6 square feet, the total required Sustainable Bonus value for this project is \$494,750 (949.6 sf x 39 units x \$10). Based on the Applicant's Sustainable Bonus Spreadsheet in Attachment C, the Applicant will obtain Florida Green Building Certification for all proposed buildings prior to the issuance of a Certificate of Occupancy. Florida Green Building Certification counts towards 50% of the total Sustainable Bonus value (\$247.375). The remaining \$247.375 in sustainable features are being met through a 15-foot right of way dedication, a public sidewalk along 10th Avenue North, on-site amenities including a pool and deck area, fitness room, cabana, tot lot, and a dog park, and lastly, a school bus shelter is being provided on site along 10th Avenue North. As mentioned, a detailed break-down of the Sustainable Bonus features are outlined in the spreadsheet in Attachment C.

Public Support/Opposition:

Staff has not received any letters of support or opposition.

CONCLUSION:

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

PB County Fire:

1. Fire department access shall be no less than 20 feet.

Electric Utilities:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide the voltage requirements of the existing six buildings proposed on the site and indicate whether they will be single-phase or three-phase. Buildings "A" and "C" must be three-phase since a single-phase transformer cannot handle the load of the proposed five-story buildings.
 - b. Indicate whether other services will be needed for the project such as irrigation, lift station, lighting, gates, etc. and where these services will be.
 - c. Identify the location for the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum

clearance in the front of them and three-foot minimum clearance on the sides and rear, including landscaping.

- d. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the construction plans showing the water, sewer, drainage, paving, landscaping, and lighting for the project.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. Provide a 10-foot wide utility easement for all of the electric lines, transformers and other equipment that will need to be installed to provide power to this project.
 - b. The customer will be responsible for installing all schedule-40 gray conduit that will be needed by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a 42" minimum depth. Pad specs will be given to the customer to show the proper orientation of conduit at the padmount transformers.

Community Services Landscaping:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. Show all ground level mechanical equipment such as A/C Condensers on landscape plans. All ground level mechanical equipment including private lift stations must be screened by shrubs and/or opaque fencing or walls. Show the required screening on plans.
 - b. Landscape is required at the base of the entrance sign. Show this on the landscape plan or provide a separate sign plan which shows the required landscape.
 - c. The dumpster enclosure shall be screened with landscaping in a manner consistent with the code requirements.
 - d. Shrubs located in landscape areas between parking and vehicular use areas and a chain link fence shall be maintained a minimum of height of no less than 4 ft to provide screening of parking and vehicle use areas from adjacent properties.

Planning and Zoning:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. A complete signed and sealed plan set shall be submitted to the City's Planning and Zoning Division at least 14 days prior to the first City Commission reading. Said plans shall be revised to depict the following:
 - i. Show the location and screening method of all mechanical equipment, including AC equipment, on the site plan. Per LDR Sec. 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls. Chain link or other similar type open fencing shall not be permitted. If the mechanical equipment will be located on the roof, provide a roof diagram with the mechanical equipment location labeled. Note that per LDR Section 23.4-21(1), all roof-mounted equipment visible. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment.
 - ii. Per LDR Section 23.4-4(e)(1)(C), along side and rear property lines adjacent to roadways, fencing shall be setback a minimum of 30 inches and require a landscape screen that shall be maintained at a minimum height of 24 inches. Therefore, the portion of fencing along the east property line that is adjacent to Keast Lane shall be setback 30 inches with

- the required landscape screening. Show the new fence placement and screening on the revised plan set.
- iii. Per LDR Section 23.4-4(e)(3)(B), chain link fencing visible from all rights of way shall have a landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of 24 inches at installation and shall be maintained at no less than 3/4 of the total height of the fence. Therefore, the portion of chain link fencing that is visible from 10th Avenue North shall have the required landscape screening. Show said landscaping on the revised plan set.
 - iv. Note on the landscape plans that shrubs planted in landscape areas between parking and vehicular use areas with chain link fencing shall have a minimum planting depth of 24 inches at installation and shall be maintained at no less than 4 feet in height to provide a continuous landscape screen. This shall not apply to areas with an opaque fence that provides full screening of the parking and vehicular use area.
 - v. Identify a designated ride share parking space or drop-off/pick-up area outside of the gate.
 - vi. The landscape plan shall be updated to address the landscape comments and the required screening of the dumpster and refuse. These areas are required to be screened with opaque fencing or walls with an exterior landscape screen of shrub hedging or other continuous decorative landscaping that is a minimum height of 24 inches at installation and shall be maintained at no less than ¾ of the total height of the enclosure.
 - vii. Provide a photometric plan showing the location and dimensions of all exterior lighting to be installed on the site. Note that all lighting fixtures shall be compatible with the architectural style of the building and all lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 3000 K is required and all fixtures shall be dark skies compliant.
- b. Provide a statement indicating how package and mail delivery will function on the property. Staff may require the parking area for package and mail delivery services to be identified on the site plan if needed for clarity. Currently, a clubhouse/mailroom is identified on the site plan within the gate. Another mail facility is identified on the first floor of the building outside gate on the architectural plans, but not the site plan.
2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. All traffic requirements outlined in the Palm Beach County Traffic Division's TPS letter shall be completed.
 3. Prior to a Certificate of Occupancy, the following actions shall be completed:
 - a. The project site shall be replatted in accordance with the procedures and regulations outlined in LDR Section 23.5-2. All platting shall be finalized prior to construction. Note that per LDR Section 23.3-5(h)(4)(D), *"if a zoning change is involved, certification from the department for community sustainability shall be furnished to the city clerk indicating that the change requested has been approved and is in effect, and that the size of lots and other features shown on the plat conform to all zoning requirements. Signing of the final plat by the city clerk shall constitute such certification."*
 - b. An application to replat the property is shall be submitted to the City's Planning and Zoning Division.

4. All signage shall be applied for on a separate building permit and shall comply with LDR Section 23.5-1, Signage.
5. Per the site plan, the development proposes 61,675 square feet of semi-pervious surface to meet the maximum impermeable surface requirement. Therefore, prior to the issuance of a building permit, documentation shall be provided to staff showing the percolation rate of the semi-pervious paving material to ensure that has a percolation rate that is at least 50% rate to the ground percolation rate. Also include a paver maintenance plan to ensure that it will maintain its permeability over time.
 - a. Note that if the semi-pervious material is converted to impervious surface area at any time, the project would exceed the code's maximum impermeable surface coverage allowance and thus, the Applicant would need to apply for a Planned Development amendment.

Urban Design:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission hearing:
 - a. Front main building - Building Type III-H – the floor plans of the residential units on the west side of the structure do not match the colored elevations or the renderings. The colored elevations and renderings show a large slider and a smaller accent window. The floor plans only show what are likely two smaller accent windows. The plans should be updated for consistency and clarity.
 - b. The front façade on the west side of the Building Type III-H remains a large expanse of blank wall above the second floor, additional fenestration is required. Plans should be updated for consistency with this condition.

Public Works:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. The applicant shall 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, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - b. The applicant shall ensure that the dumpster enclosure meets the specifications of the Public Services Department.
 - c. The applicant shall complete the right of way permit from Palm Beach County for the construction of improvements on 10th Avenue North.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
 - a. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction
 - b. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - c. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

Utilities Water & Sewer:

1. Conditions of approval that must be met at least 14 days prior to the first City Commission reading:
 - a. Paving/Grading/Drainage:
 - i. The drainage plan shall address management of stormwater runoff in the green spaces surrounding the apartments. This shall be supported with signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
 - ii. The City's drainage policy is that project site must contain the 3-yr 1-hour storm event on site, this equates to 2.6" of rainfall. Other regulating agency policy's still apply and the design must meet the most stringent of these requirements.
 - iii. The final grading plan shall include cross sections from the paved area/buildings to the end of property boundary for each property line and each cross section change.
 - b. Water and Sewer:
 - i. The watermain & forcemain tie-in locations must be designed and coordinated with the future pipeline extensions planned in 10th Ave N.
 - ii. Water Utilities must be centered or arrange in a dedicated utility easement. Minimum size of dedicated easements is 15-foot.
 - iii. The utility plan and the proposed landscaping shall pair well with the underground utility infrastructure as well as underground storage. There are locations where gumbo limbo trees are proposed in a tree island that is shared with fire hydrant, due to the root structure of this tree it is not recommended. Fire lines and water service line shall be well planned to avoid interaction with growing root systems.
2. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Provide copies of the required SFWMD and LWDD permits
 - b. Reserved capacity fees for water and sewer shall be paid in full per phase plan.

Lake Worth Drainage District (LWDD):

1. Prior to submitting a LWDD permit, and prior to the issuance of a city building permit, the following actions shall be completed:
 - a. The outfall connection into the E-4 Canal shall be constructed and stabilized with rip-rap rubble for 25 feet on the center of the RCP outfall pipe. The depiction of the rip-rap rubble indicates 20 feet. Revise to 25 feet on the Civil Engineering Plans.
 - b. The canal bank shall be stabilized with rip-rap rubble for the length of the project. Show rip-rap rubble detail along the length of the project.
 - c. All other requirements from the LWDD shall be met.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-01400047 with staff recommended **conditions** for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to construct a 230-unit multifamily development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 20-01400047 for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus

Incentive Program to construct a 230-unit multifamily development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board will be making a recommendation to the City Commission on the Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program.

ATTACHMENTS:

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