



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
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DATE: February 24, 2021
TO: Members of the Planning and Zoning Board
FROM: Alexis Rosenberg, 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 20-01400036**: A request by Coteleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district. The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

PROJECT DESCRIPTION:

The Applicant, Coteleur & Hearing on behalf of The Lord's Place, Inc., is requesting approval of the following:

- 1.) **Residential Urban Planned Development** to construct an eight-unit multifamily development.
- 2.) **Major Site Plan** for the development of a new multifamily building in excess of 7,500 square feet.
- 3.) **Conditional Use Permit** to establish a residential master plan greater than 7,500 square feet.
- 4.) **Right of Way Abandonment** for the abandonment of the northern 20 feet of 9th Avenue South.

The subject site is made up of 825 South Federal Highway, 827 South Federal Highway, and the northern 20 feet of 9th Avenue South. Once combined, the subject site will be a large lot of approximately 22,950 square feet. Located at the northwest corner of South Federal Highway and 9th Avenue South, the site is currently vacant. The proposed development, Burckle Place III, consists of a 9,021 square foot, one-story residential building inclusive of eight multi-family units, an office associated with the multi-family development, a counseling room, and a common area with kitchen and dining facilities. Based on the floor plan, each unit will be three-bedroom/one-bathroom units, totaling 577 square feet per unit. The parking lot is located in the northeast corner of the site, sideloaded to the south portion of the building and in front of the north portion of the building providing a total of 13 spaces.

The multi-family complex will be owned and operated by The Lord's Place, Inc. Based on the Applicant's market analysis, The Lord's Place, Inc. is a non-profit business in Palm Beach County that aims towards helping the County's homeless population. The proposed Burckle Place III proposes a multi-family residential use with special programming to assist 24 women, who have experienced homelessness, and provide services to help aid their

transition to independent market-rate housing. The housing model prioritizes half of its units for women over the age of 55 and allow women under 55 in age to reside in the remaining units. Burckle Place III will be offering services as part of their housing program including but not limited to case management, basic needs assistance (food, clothing, hygiene items), benefits coordination, therapy, job training, financial literacy, tutoring, and health education. Other activities that will be offered to residents are on-site yoga sessions, meditation, art lessons, and self-defense workshops. Per the applicant, the facility is not a transient shelter, but rather a supportive housing option where individuals would be selected and placed in the multi-family units with access to supportive services.

Staff Recommendation:

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code and Comprehensive Plan. The proposed development generally meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board recommend approval to the City Commission of the proposed Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment with the recommended conditions of approval. In the conditions of approval, staff has recommended modifications to the project as proposed, including increasing the dumpster enclosure size and providing a secure parking area for eight (8) bicycles. Further, staff is recommending that the PZB further discuss the proposed building massing and orientation.

PROPERTY DESCRIPTION:

Applicant	Cotleur & Hearing on behalf of The Lord's Place, Inc.
Owner	Lords Place Inc.
General Location	Northwest corner of South Federal Highway and 9 th Avenue South
Existing PCN Numbers	38-43-44-27-01-021-0140; 38-43-44-27-01-021-0160
Existing Land Use	Vacant
Zoning	Mixed Use – Federal Highway (MU-FH)
Future Land Use Designation	Mixed Use – East (MU-E)

LOCATION MAP:**BACKGROUND:**

The project site is located at 825 South Federal Highway, 827 South Federal Highway, and the north 20 feet of 9th Avenue South. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 825 South Federal Highway (vacant)
 - April 12, 2000 to September 30, 2001 – Front Row Rentals held a business license for the rental of nine residential units.
 - March 28, 2002 to September 30, 2003 – Front Row Rentals held a business license for a nine-unit motel.
 - September 4, 2003 to September 30, 2006 – G & P Real Estate LLC held a business license for the rental of nine residential units.
 - March 27, 2006 – a commercial demolition permit was issued to demolish the two residential complexes.
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.
- 827 South Federal Highway (vacant)
 - February 2, 2021 – there are no active business licenses linked to this site.
 - February 2, 2021 – there are no open code compliance violations linked to this site.

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

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to central commercial core and major thoroughfares of the City. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The proposed residential development is a residential use proposed along one of the City’s Major Thoroughfares. Therefore, the proposal is consistent with the intent of the MU-E 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. Burckle Place III proposes a multi-family residential use with special programming to assist women who have experienced homelessness and provide services to help aid their transition to independent living in market rate housing. The Applicant also proposes security perimeter fencing and two security gates on the site. Therefore, the project is consistent with Pillars II.A and II.B of the City’s Strategic Plan. Pillars II.C, II.D, II.E and II.F are not applicable to this project.

Based on the analysis above, the proposed development is generally consistent with the goals, objectives, and polices 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 in the Code 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 – Federal Highway (MU-FH): Per LDR Section 23.3-16(a), the MU-FH zoning district is intended to provide for limited retail, office, hotel/motel, and low-density multi-family residential development. The proposed residential development provides low-density multi-family housing. As such, the proposal is consistent with the intent of the MU-FH 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 Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)	5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	22,950 sf (0.52 acres)
Lot Width (min)	50’	50’	170’
Setbacks Front (min)	10’	10’	10’

	Rear (min)	15'	15'	15'
	Street Side (min)	10'	10'	10'
	Interior Side (min)	10'	10'	17'
	Impermeable Surface Coverage (maximum)	55%	55%	54.4%
	Structure Coverage (max)	45%	45%	39%
	Pervious Landscaped Area in Front Yard (min)	900 sf	900sf	1,121 sf
	Living Area for Three-Bedroom Units (min)	900 sf	900 sf	577 sf per unit with 323 sf of indoor common space per unit
	Parking	16	16	13
	Density (max)	20 du/acre (10 units)	25 du/acre (13 units)	16 du/acre (8 units)
	Building Height (max)	30 feet	43.75 feet	14'3" to the average height between the eave and ridge 18'5 1/2" to the top of the ridge
	Floor Area Ratio (FAR) (max)	0.6	1.3	0.35

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The site proposes perimeter landscape buffering as well as landscape screening around the dumpster enclosure and the ground mechanical equipment. The landscape plan can be viewed in Attachment B.

Signage: This application is proposing one 17-square foot monument sign on the site. 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 and Security: In attempt to reduce the crime potential at this location, the Applicant has included public safety features in the form of lighting, and access control. The Applicant proposes security perimeter fencing and two security gates on the site. The gates are set back 25 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. It has also been noted that there will be overnight security personnel at the site.

Impermeable Surface Coverage: The project as proposed complies with the City's maximum impermeable surface allowance of 55%. The site plan proposes approximately 9,323 square feet of impervious surface area and 6,364 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 6,364 square feet of semi-pervious surface area, 3,182 square feet counts towards impermeable surface coverage resulting in a total impermeable surface area of 12,505 square feet (54.4%).

Major Thoroughfare Design Guidelines: While the project is generally consistent with the City's Major Thoroughfare Design Guidelines, the proposed development does not provide best practices for all elements of the guidelines, including providing a larger building massing and placing the parking fully to the rear of the building. Regarding building massing, page 32 of the City's Major Thoroughfare Design Guidelines states that building massing shall reflect similar dimensions to surrounding buildings and landscape. Block 21 and 30 are comprised of 63.5% one-story buildings, 31.5% two-story buildings, and 5% three-story buildings. While a majority of the block is made up of one-story buildings, the buildings that are adjacent to the subject site are two-story buildings. Therefore, staff recommended the applicant revise the east façade of the building to have the appearance of a two-story building. The applicant responded stating that to the top of the ridge, the building is nearly 19 feet tall. The properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The applicant stated that the proposed building would not be disproportionate in massing to the surrounding properties. Further, the applicant stated that the code requires properties on the edge of zoning districts to be designed to provide a harmonious transition between districts. The subject site is on the edge of the MU-FH and Single Family Residential (SFR) zoning district and the proposed building massing provides a smooth transition between the two districts. The Applicant's complete justification is located in Attachment C.

Regarding the location of the parking area, page 26 of the City's Major Thoroughfare Design Guidelines states that on-site parking shall be placed either behind or on the side of the building, not in the front, whenever possible. Therefore, staff recommended that the applicant consider reconfiguring or flipping the building so that all the parking is located behind the building as feasible. The applicant responded stating that due to site limitations, it is not possible to facilitate parking in the rear of the property as such a design would take up unnecessary space by requiring either a two-way drive aisle or requiring circulation. Parking in the rear of the building would take away from the building and/or landscape area. The applicant emphasized that the site currently proposes a significant landscape buffer around the site especially along South Federal Highway which helps screen the parking from the right of way and adjacent properties. The applicant's complete justification is located in Attachment C. While shielding the parking fully to the rear of the building is preferred, the proposed project does locate a portion of the structure fronting South Federal Highway in lieu of parking located entirely along the frontage. Parking related site constraints include balancing fire rescue access and impermeable surface maximum requirements, a relatively narrow lot depth (133 feet) and the property's mid-block location.

Parking: As part of the residential urban planned development application, an applicant may request a relaxing or waiving of code requirements. For this project, the applicant is seeking to reduce the required parking for the planned development by three parking spaces and has provided justification for the waiver in Attachment C. Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. With the proposed eight three-bedroom units, a total of 16 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces which is three spaces less than what the code requires. Staff is recommending that the waiver request be reduced to a maximum of 1 space and that the project be conditioned to provide secure bicycle parking for eight bicycles on the property.

Minimum Living Area: As part of the residential urban planned development application, an applicant may request a relaxing or waiving of code requirements. As part of the mixed-use planned development application, the applicant is seeking to modify the minimum living area size for individual units and provide equivalent accessible indoor common space for residents. This requires a modification of the requirements in LDR Section 23.3-20(c)(4)(B)(4), which the applicant has provided justification for in Attachment C. Per LDR Section 23.3-20(c)(4)(B)(4), a three-bedroom unit shall have a minimum of 900 square feet. All eight three-bedroom units propose 577 square feet of living area which is 323 square feet less than the code's requirements. The applicant states that the residential building has several communal areas which offsets the need to increase the size of each individual unit. The applicant states that the facility anticipates residents to spend the majority of their time

outside of their units. Staff has analyzed the total space of the communal areas, excluding the office, and that number divided by the total number of units is equivalent to the 323 square feet additional square footage required by the code per unit.

Dumpster Enclosure: The applicant is requesting a waiver to the City's minimum size for a dumpster enclosure. The Public Works Department requires a minimum 12' x 10' dumpster enclosure. While the site plan does show a 12' x 10' dumpster enclosure that complies with the code, the Applicant is requesting a waiver to allow them to reduce the size of the enclosure to 10' x 9'. The Applicant states that based on the residents living on site, the trash generated will be significantly less than a standard multi-family complex. Therefore, the property intends on using a smaller dumpster than what is typically used. It is noted that the Public Works Department is not in support of this waiver request, and requires the dumpster enclosure to remain a 12' x 10' enclosure as reflected in the conditions of approval.

Residential Urban Planned Development:

The intent of this section of the City's Land Development Regulations (LDRs) 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 urban planned development, for the construction of eight multi-family units. The sections of the LDRs that the applicant is requesting to relax or waive as part of the residential urban planned development are outlined under the "Consistency with the City's LDR Requirements" analysis section above and includes requests to reduce the number of parking spaces, modify the minimum living space configuration and design and reduce the dumpster enclosure size. It is noted that per LDR Section 23.3-25(e)(3), a mixed use urban planned development can have a solely residential use. The criteria below lists the requirements of all residential/mixed use urban planned developments.

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

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

Staff Analysis: The proposed subject site is located within the MU-FH zoning district. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for an urban planned development district shall be 0.5 acres.

Staff Analysis: This residential urban planned development will be situated on a lot of 22,950 square feet, or approximately 0.52 acres, which is over the required minimum area. **Meets Criterion.**

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

Staff Analysis: The project will be solely residential, containing eight three-bedroom multi-family units. **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-FH. **Meets Criterion.**

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

Staff Analysis: Parking is being provided in the 13-space parking lot located in the northeast corner of the site, sideloaded to the south portion of the building and in front of the north portion of the building. Per LDR Section 23.4-10(f)(1)(A), multi-family units with more than two bedrooms require two off-street parking spaces per unit. Therefore, because the project proposes eight three-bedroom units, a total of 16 off-street parking spaces are required on the site. The project proposes a total of 13 off-street parking spaces which is three spaces less than what the code requires. The Applicant has requested a waiver to the parking requirement as part of the residential urban planned development application. Their waiver justification is located in Attachment C. As mentioned, staff is recommending that the waiver request be reduced to a maximum of 1 space and that the project be conditioned to provide secure bicycle parking for eight bicycles on the property.

Meets Criterion as Conditioned.

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

Staff Analysis: The required landscaping and buffering is being provided along all sides of the project, and conforms to Section 23.6-1. **Meets Criterion.**

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

Staff Analysis: The project site is not located in a commercial or industrial planned development district; the project is located within a residential urban planned development district. Further, the Applicant's photometric plan complies with LDR Section 23.4-3, Exterior Lighting.

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

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

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

Staff Analysis: Staff has conditioned the project to be certified by the Florida Green Building Coalition prior to the issuance of a Certificate of Occupancy. **Meets Criterion.**

Master Development Plan (Major Site Plan):

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

Section 23.2-31(c): Qualitative Development Standards

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

Staff Analysis: The Applicant states that the site is used efficiently to maximize the site's functionality. The properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The Applicant states that the proposed building will not be disproportionate to the surrounding properties and provides a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **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 aside from a few palms, the site is vacant and is devoid of natural conditions worth noting. Per the landscape plan, new landscaping will be installed to provide environmental and aesthetic improvements to the 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: A six-foot-high aluminum fence is proposed around the perimeter of the property in addition to landscape buffering. Landscaping is provided on both sides of fencing along the alley and along the south property line. Landscaping is provided in front of fencing along the north property line and along South Federal Highway. The Applicant states that the fence and landscape buffers intend to enhance site security, privacy, and soften the impact of the fence and the building. **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: As mentioned in the criterion above, the site will have perimeter fencing and landscaping on all sides to provide privacy to the residents. Additionally, the site plan proposes two 25-foot wide security gates at the front of the property facing South Federal Highway. The gates are set back 25 feet from the outer edge of the sidewalk to prevent stacking of automobiles in the public right of way. **Meets Criterion.**

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

Staff Analysis: The Applicant states that emergency vehicles may access the development through the northeast vehicular gate along South Federal Highway which provides emergency access through the front of the building. **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: Vehicular access to the site is provided off of South Federal Highway. The north access gate is a one-way ingress while the south gate is a one-way egress point. The site plan labels a “do not enter” sign at the edge of the south gate facing South Federal Highway. **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: There are three entrances to the building, all of which have a walkway that connects the building entrance to the public sidewalk along South Federal Highway. The parking area has direct access to said walkways. **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 South Federal Highway. The north access gate is a one-way ingress while the south gate is a one-way egress point. The site plan labels a “do not enter” sign at the edge of the south gate facing South Federal Highway. The Applicant states that the site provides one-way onsite traffic circulation so vehicles can enter and exit the site efficiently. The Applicant also states that a majority of the onsite traffic will be limited to staff and van operators. **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 applicant states that vehicular and pedestrian circulation will be coordinated with the existing street pattern as vehicles will access the site from South Federal Highway. **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 right of way abandonment for the north 20 feet of 9th Avenue South. All vehicular access will be from South Federal Highway. **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 South Federal Highway. Landscape buffers are also provided along the north property line to screen the parking from the adjacent property to the north. The building screens the parking from the south and west properties. The Applicant states that after review of the surrounding site characteristics, proposed building, and vehicular circulation, the ability to accommodate parking in the rear of the property is not possible. To accommodate parking in a different location, the vehicular use area would have to be increased since the driveway would have to be a two-way drive through and would need to wrap around the property. The Applicant states that the property provides lush landscape buffers around the site, specially between the proposed parking area and South Federal Highway. **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 north side of the property, enclosed by a concrete wall with stucco finish and opaque powder-coated aluminum gates. In addition to the concrete enclosure, there will be shrub hedging installed around three sides of the enclosure which will be installed at a height of 24 inches and be maintained at a minimum height of 4.5 feet. As noted on page six and seven, the Applicant is requesting a waiver to the City's minimum size for a dumpster enclosure. The Public Works Department requires a minimum 12' x 10' dumpster enclosure. While the site plan does show a 12' x 10' dumpster enclosure that complies with the code, the Applicant is requesting a waiver to allow them to reduce the size of the enclosure to 10' x 9'. The Applicant states that based on the residents living on site, the trash generated will be significantly less than a standard multi-family complex. Therefore, the property intends on using a smaller dumpster than what is typically used. However, the Public Works Department is **not in support** of the waiver request, and requires the dumpster enclosure to remain a 12' x 10' enclosure as stated in the conditions of approval. **Meets Criterion.**

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

Staff Analysis: The Applicant states that the proposal will revitalize the previously vacant site and add a meaningful building and landscaping to the area. The Market Analysis states that the owner and operator of the property, The Lord's Place, Inc., is committed to being good neighbors in the community, continuously maintaining the site and installing safety features that provide privacy and security to its residents. **Meets Criterion.**

The multi-family complex will be owned and operated by The Lord's Place, Inc. Based on the Applicant's market analysis, The Lord's Place, Inc. is a non-profit business in Palm Beach County that aims towards helping the County's homeless population. The Burckle programs at The Lord's Place are focused on providing safe and secure housing and full supportive services for women who are suffering homelessness. The proposed Burckle Place III is intended to be a supportive housing program serving 24 single women transitioning out of homelessness. The housing model prioritizes half of its units for women over the age of 55 and allow women under 55 in age to reside in the remaining units. Burckle Place III will be offering services as part of their housing program including, but not limited to, case management, basic needs assistance (food, clothing, hygiene items), benefits coordination, therapy, job training, financial literacy, tutoring, and health education. Other activities that will be offered to residents are on-site yoga sessions, meditation, art lessons, art lessons, and self-defense workshops.

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-FH zoning district and surrounded by MU-FH zoned properties to the north, east, and south. To the west are properties in the SFR zoning district comprised on single family and multi-family residences. The Applicant states that the massing of the building and the landscape buffering will provide a smooth transition from the MU-FH zoning district to the neighboring SFR zoning district. **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: The Applicant states that the surrounding properties are developed and primarily residential in nature. The proposal is consistent with the existing area and considers future development and redevelopment in the vicinity of the subject site. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

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

Staff Analysis: The Applicant states that the proposal is architecturally tasteful. Through the City's preliminary review process and the site plan review process, the architecture has greatly improved from what was originally proposed. **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 Applicant states that the proposed facility will not be of inferior quality in regards to construction materials or appearance. The owner of the property, Lord's Place Inc., owns and operates other residential facilities in the City, and prides themselves on maintaining safe and clean sites. **Meets Criterion.**

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

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, and generally consistent with the City's LDRs and Major Thoroughfare Design Guidelines with the exception of certain criteria itemized on page six. The Applicant states that the site has been carefully designed to be efficient, easily accessible, and provides landscaping material with consideration to each species selected and its location. **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 within this staff report. **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-FH. Based on the intent of the MU-FH zoning district, uses most likely to occur in the district are retail, office, hotel/motel, and low-density multi-family uses. The use of this project, which is multi-family residential, is consistent with the types of uses anticipated to occur in the MU-FH zoning district and the MU-E future land use area. Therefore, the proposed residential urban planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU -E	MU-FH	Multi-family Residences
South (adjacent)	MU -E	MU-FH	New Sungate Motel
East (across S Federal Hwy)	MU -E	MU-FH	Multi-family Residences
West (across alleyway)	SFR	SFR	Mixture of Single-Family and Multi-Family Residences

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial and residential uses. The proposed use of multi-family residential is consistent with the surrounding commercial and residential uses. As it relates to the building massing, the properties immediately to the south, north, and east have heights between 20 feet and 25 feet. The Applicant states that the proposed building will not be unproportionate to the surrounding properties and provides a smooth transition between the Single Family Residential and Mixed Use – Federal Highway zoning districts. **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 proposal is not anticipated to result in greater harm than a use permitted by right. The Applicant has expressed that the property owners, The Lord’s Place, Inc., intends on being a good neighbor in the community and has other sites in the City that can be looked at as an example for how they maintain their properties and run their program. **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 and five, 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 subject site is located within the Coastal Residential Exception Area. Therefore, the multi-family proposal is exempt from the Traffic Performance Standards of Palm Beach County. Additionally, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Based on the code, a maximum of eight 900 square foot units are

permitted by right on the site, as the total gross area of eight 900 square foot units is 7,200 square feet which does not require a Conditional Use Permit review. The Florida Department of Transportation's (FDOT) Trip Generation Table (8th Edition) shows that eight multi-family units are anticipated to generate 53 daily trips, five being PM peak trips. Because the trip generation analysis is based on the number of units and not the square footage of the residential building, the proposal will not generate higher traffic volumes than a use permitted by right at this site. The Applicant has provided a traffic study as part of the application which 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: As stated, the proposed conditional use will not generate traffic volumes greater than a use permitted by right. Therefore, the project is not anticipated to produce a greater 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 8-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 20-foot right of way abandonment of 9th Avenue South. 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 two electronic vehicular gates on the east side of the site facing South Federal Highway. The gates are set back 25 feet from the outer edge of the sidewalk

to prevent stacking of automobiles in the public right of way. It has also been noted that there will be overnight security personnel at the site. **Meets Criterion.**

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

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

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

The requested use is for an 8-unit multi-family residential project. The Applicant has stated that there will be outdoor activities, such as yoga, for the residents to partake in. However, such uses are not anticipated to cause unreasonable noise during the hours listed above. The listed outdoor activities are also similar in nature to other outdoor activities accessory to multi-family uses. 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 photometric plan provided complies with LDR Section 23.4-3, Exterior Lighting. If approved, the project shall continue to comply with the City's exterior lighting code. **Meets Criterion.**

Right of Way Abandonment

The proposal includes a right of way abandonment for the north 20 feet of 9th Avenue South. The City Commission will consider this request concurrently with the residential urban planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment and then will consider the ROW abandonment request. If approved, the northern portion of the ROW would be granted to the subject property owner and the southern portion would be granted to the property owner to the south, located 901 South Federal Highway. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer.

Public Support/Opposition:

Staff has received four letters of opposition from Mr. Patton, Mr. Efinger, Ms. Tobias, and Ms. Millman-Ide.

CONCLUSION:

The proposed request for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment is generally consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, as subject to compliance with staff's proposed conditions of approval. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

Electric Utilities:

1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:

- a. Provide electrical plans and ensure the plans include the electrical riser diagram.
 - b. Indicate the voltage the project requires and whether a three-phase or single-phases is needed.
2. The electrical services for the proposed building will come from the rear alley.
3. If the customer is wanting the service to be fed by a padmount transformer, the City will need a 10-ft-wide utility easement for the padmount transformer location and the electrical line that will be run from the new pole to the padmount transformer. A padmount transformer will need 8-ft minimum clearance in front of it and 3-ft minimum clearance on the sides and rear of it, including any landscaping. The customer will be responsible for installing any electrical conduit needed by Lake Worth Beach and at the proper depths.
4. If the electric service will only need one meter, and if this service is larger than 320 amps, the electric service will need to be run through a CT Cabinet and be CT-metered.

Planning and Zoning:

1. Per LDR Section 23.6-1(c)(3)(h), all ground level mechanical equipment shall be screened with shrub hedging or opaque fencing or walls, regardless whether it is visible from the street.
2. While the building and mechanical equipment may be located in the 20-foot abandoned ROW area, they shall not be located within utility easement. If an easement is required, an updated survey shall be submitted prior to the issuance of a building permit and reflect the easement and the right of way abandonment.
3. 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 and shall comply with lighting code regulations in [LDR Section 23.4-3](#). LED lighting shall have a warm tone of 3000K or less and light fixtures shall be shielded dark skies compliant and consistent with the architectural style of the building. A photometric plan shall be required fourteen (14) days prior to first reading of the City Commission, or shall be required to be processed as a minor site plan amendment.
4. Prior to the issuance of a building permit, submit the manufacturing details of the pervious parking pavers. The details shall include the pavers' percolation rate which shall be at least 50% relative to the ground percolation rate.
5. Per the site plan, the development proposes 6,364 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 pavers are 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.
6. All vehicular and pedestrian gates shall not swing into the ROW or adjacent property.
7. Install a "do not enter" sign at the north vehicular ingress point facing west to internal traffic.
8. Prior to the issuance of a Certificate of Occupancy, the building shall be certified by the Florida Green Building Coalition.
9. All proposed signage shall be applied for on a city building permit and shall comply with the sign code, LDR Section 23.5-1.
10. The minimum living area requirement in Section 23.3-20(c)(4)(B)(4) shall be met through the provision of a minimum unit size of 577 sf per 3 bedroom unit and the equivalent indoor common space area that is accessible to residents for a total of 900 sf per each 3 bedroom unit.

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 revise the dumpster enclosure to meet City standards for standard minimum dimensions (12'x10'). City standards and specifications shall be met.
 - c. The applicant shall contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - 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.
 - d. The applicant shall 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.
 - e. All conditions of approval shall be satisfied under jurisdiction of the Department of Public Works.
3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
4. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.

Utilities Water & Sewer:

1. Prior to the issuance of a building permit, the following actions shall be completed:
 - a. Submit proof of approval from the Florida Department of Transportation (FDOT) on access management for driveway cuts.
 - b. Prepare a sketch and legal descriptions for the easement over the fire hydrant. There are two sketch and legal descriptions anticipated since the fire hydrant will be centered over what will now be the property lines.
 - c. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
 - d. Reserved capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-0140036 with staff recommended **conditions** for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to construct an eight-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 20-0140036 for a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to construct an eight-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 Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment.

ATTACHMENTS:

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