



DATE: October 1, 2020
TO: Members of the Planning and Zoning Board
FROM: Andrew Meyer, Senior Community Planner
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability
MEETING: October 7, 2020

SUBJECT: **PZB Project Number 20-01000001**: Consideration of a mixed-use urban planned development, major site plan with sustainable bonus, and conditional use permit to construct a two-phase multi-family development with live-work units, generally known as “Village Flats”, and located at 1216, 1220, 1230, & 1310 Lake Avenue, and 1207, 1209, 1211, 1213, 1215, & 1401 Lucerne Avenue pursuant to the City of Lake Worth Beach Land Development Regulations (LDR’s). The subject properties are located in the Mixed-Use – East (MU-E) zoning district. PCN #s 38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050.

PROJECT DESCRIPTION:

The Applicant, Corey O’Gorman and Jeff Costello of PLACE Planning & Design on behalf of Timothy Carey of InHabit Property Group, is requesting approval of Village Flats, a project consisting of the following:

- 1.) **Mixed Use Urban Planned Development** to construct a two-phased live/work and multifamily residential development. (page 8)
- 2.) **Major Site Plan** for the development of new live/work and multifamily residential buildings in excess of 7,500 square feet. (page 10)
- 3.) **Sustainable Bonus Program Incentive** to meet the requirements of a Mixed Use Urban Planned Development and gain an increase in overall density to 37.5 units per acre, and an increase in height to four stories and 48.67 ft. (page 14)
- 4.) **Conditional Use Permit** to establish a mixed-use master plan greater than 7,500 square feet inclusive of townhomes and live/work units. (page 15)

Village Flats is proposed as a response for a Request for Proposal (RFP) issued by the Lake Worth Beach CRA, and is currently sponsored by the CRA. Village Flats consists of two phases; Phase 1 will be located across the properties located at 1216, 1220, & 1230 Lake Avenue, and 1207, 1209, 1211, 1213, & 1215 Lucerne Avenue, while Phase 2 will be located across the properties located at 1310 Lake Avenue and 1401 Lucerne Avenue. Phases 1 and 2 together is classified as a large lot of approximately 47,950 square feet, or 1.1 acres.

Phase 1 is located between Lake and Lucerne Avenues, on the west side of North E Street, and is currently a collection of vacant lots. Phase 1 consists of two buildings – a four-story, 24-unit (of which five are live-work) multi-family residential building (Building 1) and a three-story, six-unit multi-family building (Building 2). Building 1 is located along the entire north side of Phase 1, facing Lucerne Avenue. Building 2 is located to the south west of Building 1, facing North E Street.

Phase 2 is located at 1310 Lake Avenue and 1401 Lucerne Avenue; both sites are currently vacant lots. 1310 Lake Avenue is proposed to contain a three-story, six-unit multifamily residential building (Building 3), and 1401 Lucerne Avenue is proposed to contain five, two-story live-work townhouses (Building 4). The design of Phase 2 has not yet been finalized. The recommendation of approval has been conditioned to require staff review and approval of a site plan amendment prior to the issuance of a building permit.

Based on the site plan package, the following unit types will be proposed:

- Phase 1:
 - Building 1:
 - Unit 1 (5 units) – live/work, one bed, one bath, totaling at 715-723 square feet per unit
 - Unit 2 (7 units) – two bed, two bath, totaling at 982-1041 square feet per unit
 - Unit 3 (12 units) – one bed, one bath, totaling at 686 square feet per unit
 - Building 2:
 - Unit 4 (6 units) – one bed, one bath, totaling at 710 square feet per unit
- Phase 2:
 - Building 3:
 - 6 Units – one bed, one bath, totaling 700 square feet per unit
 - Building 4:
 - 5 Units – live/work, three bed, one or two baths, totaling 1,550 square feet per unit

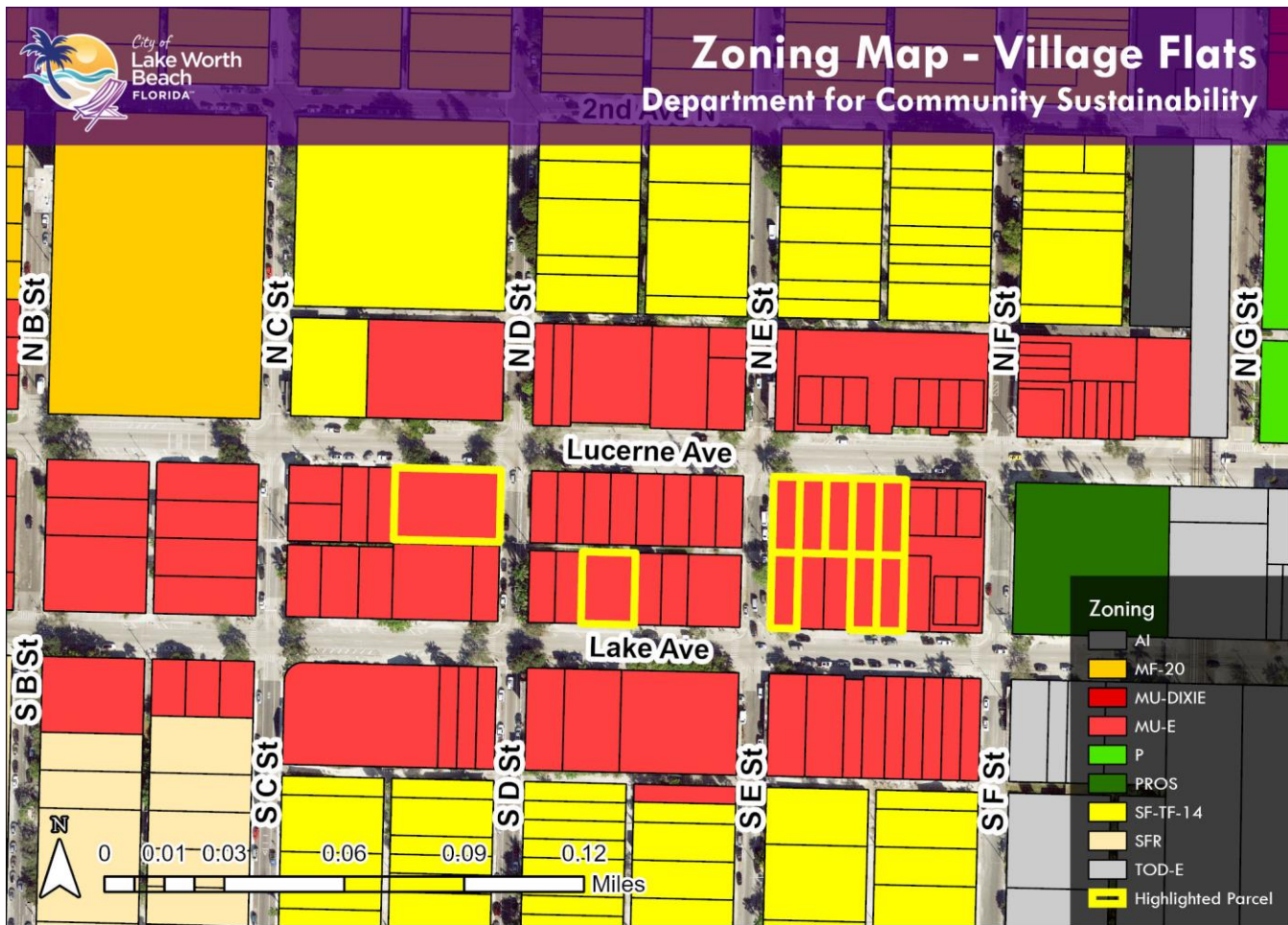
All units in Buildings 1 and 2 above the first floor are accompanied with a +/- 55 square foot balcony. The Applicant states that the development will include additional features such as a pocket park, which includes a trellis, dog walk, benches, and a landscaped seating area in the southeast corner of Phase 1.

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, Comprehensive Plan, and Strategic Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Staff recommends that the Board recommend approval of the Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive as conditioned on pages 19-20 to the City Commission.

PROPERTY DESCRIPTION:

Applicant	Corey O’Gorman and Jeff Costello of PLACE Planning & Design on behalf of Timothy Carey of InHabit Property Group
Owner	Lake Worth Beach Community Redevelopment Agency (CRA)
General Location	Multiple sites located between Lake & Lucerne Avenues, between North C & North F Streets.
Existing PCN Numbers	38-43-44-21-15-505-0120; 38-43-44-21-15-505-0130; 38-43-44-21-15-505-0160; 38-43-44-21-15-504-0130; 38-43-44-21-15-503-0050; 38-43-44-21-15-505-0010; 38-43-44-21-15-505-0020; 38-43-44-21-15-505-0030; 38-43-44-21-15-505-0040; 38-43-44-21-15-505-0050
Existing Land Use	Vacant Lots
Zoning	Mixed-Use East (MU-E)
Future Land Use Designation	Mixed-Use East (MU-E)

ZONING MAP:**BACKGROUND:**

The project site is comprised of 10 vacant parcels generally located between Lake and Lucerne Avenue, between North C and North F Street. The collection of lots were purchased and assembled by the Lake Worth Beach Community Redevelopment Agency over several years. Collectively, they were offered through a competitive Request for Proposal process to private developers for redevelopment.

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

- 1216 Lake Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1939 – A single-family residence was constructed on the property
 - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1220 Lake Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1939 – A single-family residence was constructed on the property
 - November 21, 2006 – The single-family residence was demolished.

- October 18, 2012 – A building permit was issued to construct a new single-family residence.
- November 2012- September 2020 – All existing buildings were demolished. The site is currently vacant.
- September 24, 2020 – There are no active business licenses at this site
- September 24, 2020 – There are no active code cases at this site
- 1230 Lake Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1939 – A single-family residence was constructed on the property
 - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1310 Lake Avenue
 - Existing 7,000 square foot (70' x 100') lot
 - 1952 – A multi-family residence was constructed on the property
 - November 4, 2013 – The multi-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1207 Lucerne Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1956 – A single-family residence was constructed on the property
 - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1209 Lucerne Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1956 – A multi-family residence was constructed on the property
 - August 27, 2012 – The multi-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1211 Lucerne Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1956 – A multi-family residence was constructed on the property
 - July 30, 2018 – The multi-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1213 Lucerne Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1950 – A single-family residence was constructed on the property
 - July 30, 2018 – The single-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1215 Lucerne Avenue
 - Existing 3,500 square foot (35' x 100') lot
 - 1956 – A multi-family residence was constructed on the property
 - July 27, 2012 – The multi-family residence was demolished. The site is currently vacant.
 - September 24, 2020 – There are no active business licenses at this site
 - September 24, 2020 – There are no active code cases at this site
- 1401 Lucerne Avenue

- Existing 14,000 square foot (140' x 100') lot
- 1956 – A mixed use, multi-family building was constructed on the property
- 2004 – Plato Loco held a business license at the location for a take-out restaurant
- 2000 – 2015 – Lois Vanderwoude Trust held a business license at the location to rent out multi-family units
- July 2, 2014 – The mixed use, multi-family building was demolished. The site is currently vacant.
- September 24, 2020 – There are no active business licenses at this site
- September 24, 2020 – There are no active code cases at this site

ANALYSIS:

Consistency with the Comprehensive Plan and Strategic Plan

Both Phase 1 and Phase 2 have a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E FLU is established to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed development provides multi-family and live-work units within one of the central commercial cores of the city. Therefore, it is consistent with the intent of the MU-E FLU. Furthermore, Objective 1.2.2 states that the City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed-use development areas. The proposed development is a mixed use urban planned development that utilizes the City's Sustainable Bonus Incentive Program, which grants the development additional height, density, and floor area ratio over what is permitted by right. Thus, this project is consistent with Objective 1.2.2.

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. Pillars II.A, II.B, and II.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, and deliver sustainable indoor-outdoor leisure opportunities. The Applicant also is providing a pocket park which includes a trellis, dog walk, benches, and a landscaped seating area in the southeast corner of Phase 1. In addition, Pillars I.A and I.B of the City's Strategic Plan represent a commitment to economic development, of which this project brings. Therefore, the project inclusive of Phases 1 and 2 is consistent with Pillars I.A, I.B, II.A, II.B, and II.E of the City's Strategic Plan. Pillars II.C, II.D, and II.F are not applicable to this project.

Based on the analysis above, the proposed development is 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 East (MU-E): Per LDR Section 23.3-13(a), the MU-E zoning district is intended to promote the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. The MU-E district is also intended to create a place of common vision and physical predictability for all

new construction, renovations, and redevelopment. The proposed mixed use urban planned development provides a mixture of residential and live/work uses. As such, the proposal is consistent with the intent of the MU-E 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	Mixed Use Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Phase 1 Provided	Phase 2 Provided (approximate)
Lot Size (min) In square feet (sf)		6,500 sf	0.5 acres	47,950 sf (1.1 acres)	
Lot Width (min)		25'	100'	175'	70' + 140'
Setbacks	Front (min)	10'	10'	10'	10' & 20'
	Rear (min)	10'	10'	10'	41' & 43'
	Street Side (min)	10'	10'	10'	N/A
	Interior Side (min)	0'	0'	0'	11.5' & 5'/10'
Impermeable Surface Coverage (maximum)		75%	75%	72.4%	62.4%
Structure Coverage (max)		65%	65%	29.7%	27.9%
Living Area (minimum)	One bedroom units	600 sf	600 sf	Unit 1 (5): 715-723 sf Unit 3 (12): 686 sf Unit 4 (6): 710 sf	Building 3 Unit (6): 700 sf
	Two bedroom units	750 sf	750 sf	Unit 2 (7): 982-1041 sf	None
	Three bedroom units	900 sf	900 sf	None	Building 4 Unit (5): 1,550 sf
Parking		Phase 1: 47 / Phase 2: 24 / Office: 3 Total: 56 (74 – 25% mixed-use credit)		49 (36 spaces on-site, 13 on street)	29
Density (max)		30 du/acre (33 units)	37.5 du/acre (41.25 units)	37.27 du/acre (41 units)	
Building Height (max)		30 feet (2 stories)	56.25 feet (5 stories)	Building 1: 48.67' Building 2: 35.5'	Buildings 3 & 4: Not to exceed LDRs
Floor Area Ratio (FAR) (max)		1.5	1.94	.82	.64

Density: The proposed development complies with the City's LDRs and Comprehensive Plan. The project proposes a total of 41 units between Phases 1 & 2. As shown in the table above, the base density in the MU-E zoning district is currently a maximum of 30 dwelling units per acre. Per Policy 1.2.3.4 of the City's Comprehensive Plan, a mixed use urban planned development may obtain bonus density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. Therefore, the maximum allowed density for this project is 37.5 dwelling units per acre which equates to 41.25 units.

Impermeable Surface Coverage: Because this project is a planned development, the maximum impermeable surface requirement for a small lot is applicable in lieu of the large lot maximum. Therefore, the maximum impermeable surface is 75%. Phase 1 proposes a total structure coverage of 72.4%, and Phase 2 is estimated to have a lot coverage of approximately 62%, with both Phases 1 and 2 having a combined lot coverage of approximately 68.3%. Therefore, the project is compliant with the maximum impermeable surface criterion.

Structure Coverage: Phase 1 proposes a total structure coverage of 29.7%, and Phase 2 proposes a total structure coverage of approximately 27.9%, with Both Phases 1 & 2 having a combined total structure coverage of 28.9%. The maximum permitted coverage for all structures is 55%; as such, the project is compliant with the maximum structure coverage criterion.

Setbacks: The project as proposed does not meet the minimum required setbacks for all stories above the second story, and does not meet the minimum required setbacks for balconies of the base zoning district, MU-E. As part of the mixed-use planned development application, the Applicant is seeking to modify the required minimum setbacks for all stories above the second story and the minimum required setbacks for balconies, and has provided a justification for the waivers in Attachment C. Planned developments may establish alternate site land development requirements as per Section 23.3-25(a)(1).

Per LDR Section 23.3-13(d)(3)(D)&(E), the minimum setback for all stories above the second story is between 8 to 12 feet. The Applicant states that due to site constraints of the lots, the building cannot be setback the additional distance on the 2nd and 3rd floors without impacting the number and size of the dwelling units and the project in general.

In addition, per LDR Sections 23.3-13(d)(3)(A)(1), 23.3-13(d)(3)(B), and 23.3-13(d)(3)(c)(2), the minimum setback from all property lines adjacent to streets is 10'. The land development regulations do not make provisions for balconies extending into the setback, therefore balconies are typically held to the 10' setback regulation. As such, the applicant is also requesting that the City Commission waive Sections 23.3-13(d)(3)(A)(1), 23.3-13(d)(3)(B), and 23.3-13(d)(3)(c)(2) to permit balconies to extend into the front setback by 3 feet. The applicant states that balconies are typically permitted to encroach into required setbacks, and that the inclusion of balconies on the façade creates visual interest provides coverage and weather protection for the units below, and promotes neighborhood safety by providing the ability to have additional eyes on the street.

In summary, the Applicant is requesting the following setback waivers:

Phase 1:

- Building 1
 - to allow the third and fourth stories to be setback 10' from the north property line, adjacent to Lucerne Avenue, the west property line, adjacent to North E Street, and the east property line, adjacent to 1205 Lucerne Avenue.
 - to allow the balconies to extend 3' into the setback located along the north property line, adjacent to Lucerne Avenue.
- Building 2
 - to allow the third story to be setback 10' from the west property line, adjacent to North E Street, and south property line, adjacent to Lake Avenue.
 - to allow the balconies to extend 3' into the setback located along the west property line, adjacent to North E Street

Phase 2:

- Building 3

- to allow the third story to be setback no less than 10 feet from the south property line, adjacent to Lake Avenue.

Parking: The proposed development exceeds the minimum parking requirements in the City's LDRs. In total, after receiving a mixed-use credit of 25% of 74 parking spaces, 56 parking spaces are required for a project of this size, and the applicant is proposing 78 parking spaces. In addition, each phase by itself meets the minimum parking requirements in the City's LDRs. Forty-eight (48) parking spaces are required of Phase 1, while Phase 1 contains a total of 49 spaces, met through a combination of 36 on-site spaces, 12 on-street spaces, and 4 bicycle spaces (which count as 1 vehicular space). Twenty-six (26) spaces are required by Phase 2, and the applicant is proposing 29 spaces.

Section 23.4-10(g) requires mixed-use projects exceeding 25 parking spaces to designate 4% of the total minimum required off-street parking spaces as electric vehicle charging spaces. As such, the project as proposed will be required to provide a total of 3 electric vehicle charging spaces, each with operable Level 2 charging equipment. A condition of approval has been added to reflect this requirement.

Landscaping: Overall, the development proposal complies with the City's landscape regulations. The project proposes Dahoon Holly and Cabbage Palmetto along Lake and Lucerne Avenues, and North E Street. In addition, the project proposes Southern Live Oak, Orange Geiger Tree, Silver Buttonwood, and Wax Myrtle within the proposed pocket park.

Signage: This application does not include a master sign program. The applicant has stated that any proposed signage during the building permitting phase will comply with LDR Section 23.5-1. The submittal of a signage plan that provides consistent signage theme, sizing and materials prior to the issuance of a building permit for signage is a staff recommended condition of approval.

Walls/Fences: The site plan proposes a 3.5' high wood fence along Lucerne Avenue to provide separation of space, yet still allow permeability and visibility between the live/work units and the street. This fence, as well as the remainder of the walls and fences on the site are in accordance with LDR Section 23.4-4.

Lighting and Security: The application's photometric plan complies with the City's exterior lighting code, Section 23.4-3, Exterior Lighting. In attempt to reduce the crime potential at this location, the applicant is proposing to install a security gate that will provide limited access to the buildings. Additionally, the application states that the project will be consistent with Crime Prevention Through Environmental Design Principles (CPTED) to reinforce the privacy and safety of the residents.

Major Thoroughfare Design Guidelines: The project has been reviewed and found to be compliant with the City's Major Thoroughfare Design Guidelines. The aforementioned presence of the 3.5 foot high fence, along with the presence of trees, large windows, and balconies help create a sense of place and create a space of high visibility. The orientation of the buildings toward the major thoroughfares, and the siting of parking in the interior of the site, isolates the vehicular circulation from pedestrian circulation, enhancing walkability and safety of the major thoroughfares.

Townhomes: Per Section 23.4-13(3)(c)(11), townhomes are required be reviewed against specific use criteria (Page 18). One specific use criterion requires townhome structures to be no longer than 120' in length. Currently, the application proposes a townhome structure as part of Phase 2, Building 4 which is 125' in length, or 5' longer than what the criteria allows. Staff is recommending support of a waiver to allow for the proposed configuration. With the proposed waiver, the townhomes are consistent with the specific use criteria for townhomes.

Mixed Use 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 mixed use urban planned development, comprised of a majority of residential units, with ground floor units that provide for a live/work dwelling that help activate the adjacent thoroughfares and contribute to a range of diverse housing options. The sections of the Code the Applicant is requesting a waiver from as part of the mixed use urban planned development are outlined under the “Consistency with the City’s LDR Requirements” analysis section above. The criteria below are requirements of all 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 subject site is located in the Mixed Use – East zoning district. **Meets Criterion.**

2. Minimum area required. The minimum area required for an urban planned development district shall be one-half (.5) acres.

Staff Analysis: Phases 1 & 2 combined are 47,950 square feet in total, or approximately or 1.1 acres, which is over the required minimum area. **Meets Criterion.**

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

Staff Analysis: Phases 1 & 2 will consist of a total of 41 units, of which 10 are live/work. Phase 1 will consist two buildings containing 30 units total, with five units designated as live/work, while Phase 2 will consist of two buildings containing 11 units, with five units also designated as live/work. This combination of strictly residential and live/work units is consistent with this criterion. **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 as proposed does not meet the minimum required setbacks for all stories above the second story, and does not meet the minimum required setbacks for balconies of the base zoning district, MU-E. As part of the mixed-use planned development application, the Applicant is seeking to modify these setback regulations and has provided justification for the waiver in Attachment C.

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 within Phases 1 & 2 in accordance with Section 23.4-10 of these land development regulations, with the exception of 23.4-10(g) outlined under the “Consistency with the City’s LDR Requirements” analysis section above. **Meets Criterion.**

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 applicant has provided a photometric plan for Phase 1 only. This project is conditioned that no lighting measurement shall exceed 1 foot candle at or beyond the boundaries of such development for both Phases 1 & 2, and that shielded and architecturally appropriate fixtures be submitted to staff prior to the issuance of a building permit.

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 urban 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: The applicant has provided a schedule of sustainability features to be counted toward its Sustainable Bonus Incentive Program. The schedule has been reviewed against the Sustainable Bonus Incentive Program and meets the criteria. Staff analysis of the Sustainable Bonus application can be found on page 14. **Meets Criterion.**

Master Development Plan (Major Site Plan):

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

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 application states that the site plan will be harmonious and complementary to the surrounding area and has been designed to promote safety and designed to promote walkability and enhance the major thoroughfares. The live/work units have been located on the ground floor of the residential buildings, and the buildings are pushed toward the street in accordance with the Major Thoroughfare Design Guidelines. The most intense use of the parking is located in the center of the site and away from the pedestrian circulation of Lake and Lucerne Avenues. **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: This section is not applicable. The lots as they exist today are completely vacant, with only sodded ground cover in Phase 1, and a few trees in Phase 2. The applicant states that the proposed landscaping will be an environmental and aesthetic improvement to the site. Staff has reviewed the landscape plan and finds the landscaping proposed meets the landscape code and exceeds the landscaping and natural conditions currently present on the site.

Criterion Not Applicable.

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

Staff Analysis: The application states that on-site parking has been placed in the center of the site, screening it from Lake Avenue, Lucerne Avenue, and E Street. The applicant also proposes a 3.5' high decorative wood fence along the perimeter of the site, providing semi-private spaces for residents while also maintaining permeability for visitors to the live/work spaces. Staff finds that the screening for Phase 1 is sufficient, and any screening as part of Phase 2 will meet the requirements of the city's LDRs. **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 application states that the parking will be secured with an automatic gate. Staff finds that the 3.5' high fence separating the ground floor residences from the right-of-way enhances residential privacy while maintaining visibility of live/work units from the space as well as conforming to the Major Thoroughfare Design Guidelines. **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 application states that emergency vehicles will access the development by using the existing roadways that are adjacent to the site as well as the interior parking lot. Both buildings on the Phase 1 site are oriented toward the street and have multiple points of access directly from the right of way. Preliminary plans for Phase 2 show similar access to the site for emergency vehicles. **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: As stated above, both buildings are oriented toward the street and have direct access to public streets and walkways. The live/work units front Lucerne Avenue and each have their own access to the right-of-way. The vehicular access to the site is in the rear of the site and is shielded from the major thoroughfares by the buildings. In addition, the proposed pocket park has direct access to Lake Avenue. Phase 2 will also have access to public ways through the major thoroughfares as well as alleys. **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: The application states that the pedestrian circulation system is appropriate for this urban infill site with sidewalks along the streets. Staff finds that the location of the vehicular parking area at the center of the site allows for the separation from the pedestrian circulation internally on the site and shields the vehicular portion from the pedestrian-oriented major thoroughfares. Phase 2 will be required to be designed to allow for protected pedestrian circulation to and from the sites from the major thoroughfares. **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: Phase 1 will have one ingress and egress off of North E Street. The location of this ingress/egress point minimizes conflict with pedestrian circulation along Lake and Lucerne Avenues, and is located furthest away from adjacent properties. Phase 2 currently proposes ingress and egress off of the alleyways, which also minimizes conflict with pedestrian circulation along Lake and Lucerne Avenues. **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 application states that vehicular and pedestrian circulation will be coordinated with the existing pattern. Aside from the interior parking lot, no on-site circulation will exist, and therefore this criterion does not apply. **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: No on-site right-of-way is being proposed, therefore this criterion does not apply. **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: As stated earlier in this staff report, the parking area for Phase 1 is located at the interior of the site. The location of parking in this area results in the surrounding buildings screening the parking area from rights of way and a proposed fence will minimize impacts on adjacent properties. Phase 2 appears to propose parking in the rear of the sites, also screening the parking through the use of buildings fronting the major thoroughfares. **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 application states that the refuse will be accessed from North E Street to eliminate the need for garbage trucks to circulate through the parking lot. This location is far from adjacent property lines, and is screened through the use of opaque fences/gates and landscaping. Phase 2 refuse areas will be reviewed by staff for consistency and compliance with the city's LDRs. **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 application states that the development will have a positive impact on the property values of adjoining properties and the surrounding area. The project sites currently exist as vacant lots. The project will provide residential and live/work units downtown which will increase the number of available customers for local businesses, and increase the diversity of housing options within the city. This increase of customers can increase the desirability of downtown properties, which has the potential to increase property values. **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 application states that this criterion is not applicable as the site is not located in a transitional area at the edge of a zoning district. However, the project was designed to be complementary to and harmonious with the surrounding area. The project is located within the middle of the Mixed-Use East zoning district. As such, this criterion does not apply. **Criterion Not Applicable.**

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: Phase 2 of the project, located immediately west of Phase 1, will be finalized at a later date. The project has been conditioned to require Phase 2 to receive administrative site plan approval prior to the issuance of a building permit. Overall, the project meets the intent of the Land Development Regulations and Comprehensive Plan. **Meets Criterion.**

Section 23.2-31(I): 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 design of the project reflects modern architectural styles generally associated with good taste and design. The units have balconies and large windows, and the pocket park provides an area of leisure for residents. The project currently provides a saturated color scheme that is atypical for Lake Worth Beach. The project has been conditioned to provide a less garish color palette more complementary to the aesthetic of Lake Worth Beach and South Florida. **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 project provides for a mix of materials that are neutral and generally compatible with the local environment. The applicant states that the project will be Florida Green Building Certified, and that the project will cause an appreciation in terms of 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 project uses a modern design aesthetic which is appropriate with other projects which have been approved in the surrounding area. **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.**

Sustainable Bonus Incentive Program:

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

As mentioned, the proposed development complies with the City’s LDRs and Comprehensive Plan. The base density in the MU-E zoning district is currently a maximum of 30 dwelling units per acre. Per Policy 1.2.3.4 of the City’s Comprehensive Plan, a mixed use urban planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. Therefore, the maximum allowed density for this project is 37.5 dwelling units per acre which equates to 41.25 total units and the maximum allowed height is 56.25’ with bonus. The subject application is for 41 total units and 48.67’ in height.

Based on the calculation of the additional height and density proposed as part of the SBIP with a Planned Development, the Applicant is asking for a total bonus height of 18.67 ft, two bonus stories, and 8 additional units. The total square footage of bonus area under Sustainable Bonus is 14,396 square feet (two stories in Building 1, one story in Building 2, and one story in Building 3), which results in a value of required improvements for the Sustainable Bonus allowance of \$71,980 (\$5 per square foot). In addition, a Planned Development utilizing the Sustainable Bonus Program is allowed a 25% increase in height and density. Eight (8) units, for a total of 41 units, are proposed above the calculated base density of 33 units, and an additional 3.66 feet are proposed above the maximum building height (45ft) for a total height of 48.67 ft. The total square footage of bonus height and density under Planned Development is 5,248, and results in a value of required improvements for the Planned Development allowance of \$26,240 (\$10 per square foot, calculated as an additional \$5 per square foot on top of that portion of square footage already calculated under Sustainable Bonus above).

As such, the combined total value of required improvements to meet the requirements of the Sustainable Bonus and Planned Development is \$98,220. Below is the Applicant’s schedule of improvements to meet and exceed the requirements of the Sustainable Bonus and Planned Development.

Improvement Detail (type of amenity)	Valuation Amount	Calculation Details
Florida Green Building Certification	\$49,110	50% of \$98,220
Courtyard Garden/Pocket Park (Building Amenity)	\$40,000	Includes sod, large trees, pavers, plants, pergola, benches, and tables.
Building 2 West Façade Mural (Public Art/Character and Aesthetic Excellence)	\$20,000	
Bike Racks (Bicycle Mobility Systems)	\$5,000	
Total Value of Improvements/Design Excellence Required: \$98,220	Total Value of Improvements/Design Excellence Provided: \$114,110	

Section 23.2-33(c)(2): Review/decision

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

Staff Analysis: The development proposal is consistent with the increase in height and density requested. The Applicant is asking for a total bonus height of two stories or 18.67 feet, which includes the additional 15 feet requested as part of the SBIP and 3.67 feet granted under the Planned Development program. The total square footage of bonus area is 14,396 square feet. Therefore, the total value of required improvements is \$98,220 (\$5 per square foot for bonus height of 14,396 square feet, and \$10 (\$5 extra on top of \$5 already applied) for bonus density of eight units. The Applicant will be providing community-based improvements and design excellence equivalent to \$114,110, which exceeds the requirements of the Sustainable Bonus and Planned Development program. **Meets Criterion.**

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

Staff Analysis: The proposed on-site features and improvements provide enhancements that exceed the base requirements of the LDRs. The project will have Florida Green Building certification, a courtyard garden/pocket park, public art, and bicycle racks. **Meets Criterion.**

(c) Do the proposed off-site improvements meet the priorities of the City for community sustainability?

Staff Analysis: The project is not including off-site improvements toward the SBIP credit. **Meets Criterion**

(d) Do the proposed features, improvements or fees-in-lieu meet the intent of the SBIP?

Staff Analysis: As identified by the criteria above, the proposed features and improvements incorporated into the development proposal are beyond the base requirements of the LDRs, providing additional building amenities and an increase in character and aesthetic improvement beyond what is required by the LDRs. Thus, the proposed development meets the intent of the SBIP. **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 construct a mixed-use master plan consisting of 36 multi-family units and five townhouse units, 10 of which are live/work units. Conditional uses are required to be reviewed against the criteria in Section 23.2-29(d) and Section 23.2-29(e). The required analysis is provided below.

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 base zoning designation of MU-E and is surrounded by MU-E zoned property to the north, east, south, and west. Based on the intent of the MU-E zoning district, uses most likely to occur in this district are

office, commercial, hotel/motel, and medium-density multiple-family residential development. The subject proposal is consistent with the types of uses anticipated to occur within the MU-E district. Therefore, the proposed mixed-use 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 (across Lucerne Ave)	MU-E	MU-E	Mixture of multi-family residences (Urban Arts Lofts), commercial, and vacant property
South (adjacent and across Lake Ave)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property
East (adjacent and across South D St)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property
West (adjacent and across South E St)	MU-E	MU-E	Mixture of single-family residences, multi-family residences, and commercial, property

Per the Palm Beach County Property Appraiser, the subject site is surrounded by a mixture of single-family residences, multi-family residences, commercial, and vacant property. The mixed-use development is in harmony with the existing mixture of uses in the immediate area. **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 provide urban infill development that is consistent with the intent of the MU-E zoning district and future land use category. As such, the proposal is not anticipated to result in less public benefit than other permitted or conditional uses. **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: The proposed mixed use urban planned development is utilizing the City's SBIP and mixed-use planned development bonuses. These programs are intended to promote a compact, urban development that facilitates a live, work, play environment. The project is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and will not result in a more intensive development than what the 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 Palm Beach County's 8th Edition Trip Generation Table, the construction of 36 mid-rise apartments and five townhomes is anticipated to generate approximately 17 peak PM trips. While staff finds that the

proposed conditional use will not generate traffic volumes that will result in adverse impacts, a Traffic Performance Standards (TPS) Letter from the Palm Beach County Traffic Division is required prior to the issuance of a building permit to ensure that the proposed development meets the TPS of Palm Beach County. **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: The MU-E zoning district allows for a variety of multi-family, commercial, and office uses that have the potential to produce an equal or greater amount of through traffic than the proposed use. Therefore, the traffic generated from the proposed mixed-use development will not be significantly greater than that of adjacent uses and other anticipated uses in this area. **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: The mixed-use project is not anticipated to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed use of townhomes and the nonresidential space associated with the 10 live/work units do 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 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 multi-family apartments and townhomes will be utilizing the 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 application proposes a security gate that will restrict access to the buildings. Additionally, the application states that the project will be consistent with Crime Prevention Through Environmental Design Principles (CPTED) to reinforce the privacy and safety of the residents. **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

Based on the uses being proposed, the mixed-use 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 proposed mixed-use project will not generate light or glare that would negatively impact the surrounding properties. Based on the photometric plan submitted, the proposed development complies with LDR Section 23.4-3, Exterior Lighting. **Meets Criterion.**

Section 23.4-13(3)(c)(11): Specific use criteria for townhomes

The Code requires all townhomes to comply with the specific use criteria for all townhomes outlined in Section 23.4-13(3)(c)(11). The required analysis for the five townhouse units in Phase 2 of the proposed mixed use urban planned development is detailed below:

1. Front setback shall be ten (10) feet, with an open porch permitted in a minimum of five (5) feet of setback.

Staff Analysis: The proposed townhomes are located 20 feet from the front property line along Lucerne Avenue and include a porch/patio area about 13 feet from the front property line. **Meets Criterion.**

2. Distance between townhouse structures shall be twenty (20) feet; however, distance between double-stacked townhouse structures shall be thirty (30) feet.

Staff Analysis: The application proposes one five-unit townhouse structure at 1401 Lucerne Avenue. Therefore, the distance requirement between townhouse structures is not applicable to this application. **Criterion Not Applicable.**

3. Rear setback shall be twenty (20) feet with ten (10) feet for accessory structures.

Staff Analysis: The proposed five-unit townhouse structure at 1401 Lucerne Avenue is set back approximately 43 feet from the rear property line. **Meets Criterion.**

4. Townhouse structures shall not exceed one hundred twenty (120) feet in overall length or six (6) units.

Staff Analysis: The proposed five-unit townhouse structure is approximately 125 linear feet and does not exceed six units. Staff recommends a waiver from this requirement as the townhouse structure is proposed to stand alone and the addition of 5 feet would not materially go against the intent of the regulation. **Meets Criterion.**

5. The maximum number of attached townhouse units within a townhouse building fronting on Federal Highway shall be four units, unless a planned development district is approved.

Staff Analysis: This criterion is not applicable as the proposed project does not front Federal Highway. **Criterion Not Applicable.**

6. No front door access from alleys when abutting single family residential use or district.

Staff Analysis: The subject property proposing the five townhouse units, 1401 Lucerne Avenue, does not abut single family residential uses. Further, the site plan does not propose front door access from the alleyway. **Meets Criterion.**

7. For all stories above the second story, both the front façade and rear façade must be setback an additional distance beyond the minimum, except three-story townhouses not higher than thirty-five (35) feet shall meet the minimum front and rear setback requirements.

Staff Analysis: The proposed townhouse structure is not currently proposed to exceed two stories. Therefore, this criterion does not apply. **Criterion not applicable.**

Public Support/Opposition:

Staff has not received any letters of support or opposition.

CONCLUSION:

The proposed request for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive 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:

Planning:

1. Phase 1 & 2 Conditions:
 - a. Prior to the issuance of a building permit for Phase 1, provide a TPS Letter from the Palm Beach County Traffic Division. The TPS letter may be for only Phase 1 or both Phase 1 & 2. Should the TPS Letter only be for Phase 1, a second TPS letter shall be applied for prior to Site Plan approval for Phase 2, and said letter shall be submitted prior to the issuance of a building permit.
 - b. Prior to the issuance of a building permit, designate 3 parking spaces as electric vehicle parking and outfit each parking space with electric vehicle charging equipment as outlined in LDR Section 23.4-10.
 - c. Exterior lighting shall be shielded and in conformance with the Major Thoroughfare Design Guidelines. Exterior LED lighting shall have a warm color temperature (<3000K).
 - d. Prior to the issuance of a building permit, a color scheme more characteristic with the aesthetic of Lake Worth Beach shall be approved by the Development Review Official.
 - e. Prior to the issuance of a certificate of occupancy, all fences shall comply with Section 23.4-4.
2. Phase 1 Conditions:
 - a. Prior to the issuance of a building permit, push back the north wall of Building 2 so that it lies 5' south of the existing gravity sewer running east/west through the site.
 - b. Prior to the issuance of a building permit, screen the recycling area from all rights-of-way.
 - c. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.
3. Phase 2 Conditions:
 - a. Phase 2 shall obtain final site plan approval through a Site Plan amendment process to be approved administratively by staff or by the Planning & Zoning Board as applicable.
 - b. Phase 2 shall be restricted to 11 units total. Should additional units be sought through the city's Transfer of Development Rights program, the site plan shall be amended through a Major Site Plan amendment process.
 - c. Aside from waivers granted through the Planned Development, Phase 2 shall be designed in accordance and comply with Chapter 23 of the city's Land Development Regulations.

- d. Prior to the issuance of a building permit, submit a signage plan that provides consistent signage theme, sizing and materials.

Public Works:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual
2. 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
3. Prior to the issuance of a building permit, the following 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.
 - b. the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary,
 - c. the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
4. Prior to the issuance of a certificate of occupancy, the following shall be completed:
 - a. all conditions of approval shall have been satisfied under jurisdiction of the Department of Public Works,
 - b. the applicant shall construct new Type F curb/Valley gutter and a new 5-foot wide sidewalk along the east side of North E Street from the south property line to the north property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual,
 - c. the applicant shall construct a 1" mill and overlay for the entire lane on the east side of North E Street from Lake Ave to Lucerne Ave; current proposed design has a partial lane mill and overlay,
 - d. 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,
 - e. the applicant shall fine grade and sod all disturbed areas with bahia sod,
 - f. 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,
 - g. 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.

Utilities Water & Sewer:

1. Provide the Utilities Department unimpeded access to utilities within the easement.
2. Prior to the issuance of a building permit, the following shall be completed:
 - a. adjust and expand the east/west utility easement such that there is an easement that exists 4 feet north of the existing watermain (and encompasses the electric) and continues to 5 feet south of the existing gravity sewer.
 - b. the MEP shall verify the 2-inch service size for 24 residential units, and 1-inch service size for 16 residential units, is adequate to meet the demand.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-01000001 with staff recommended **conditions** for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a two-phase multi-family development with live-work units generally known as "Village Flats" located 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 20-01000001 for a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive to construct a two-phase multi-family development with live-work units generally known as “Village Flats” located 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 Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Program Incentive.

ATTACHMENTS:

- A. Site Plan Package
- B. Supplemental Supporting Documents
- C. Waiver Requests