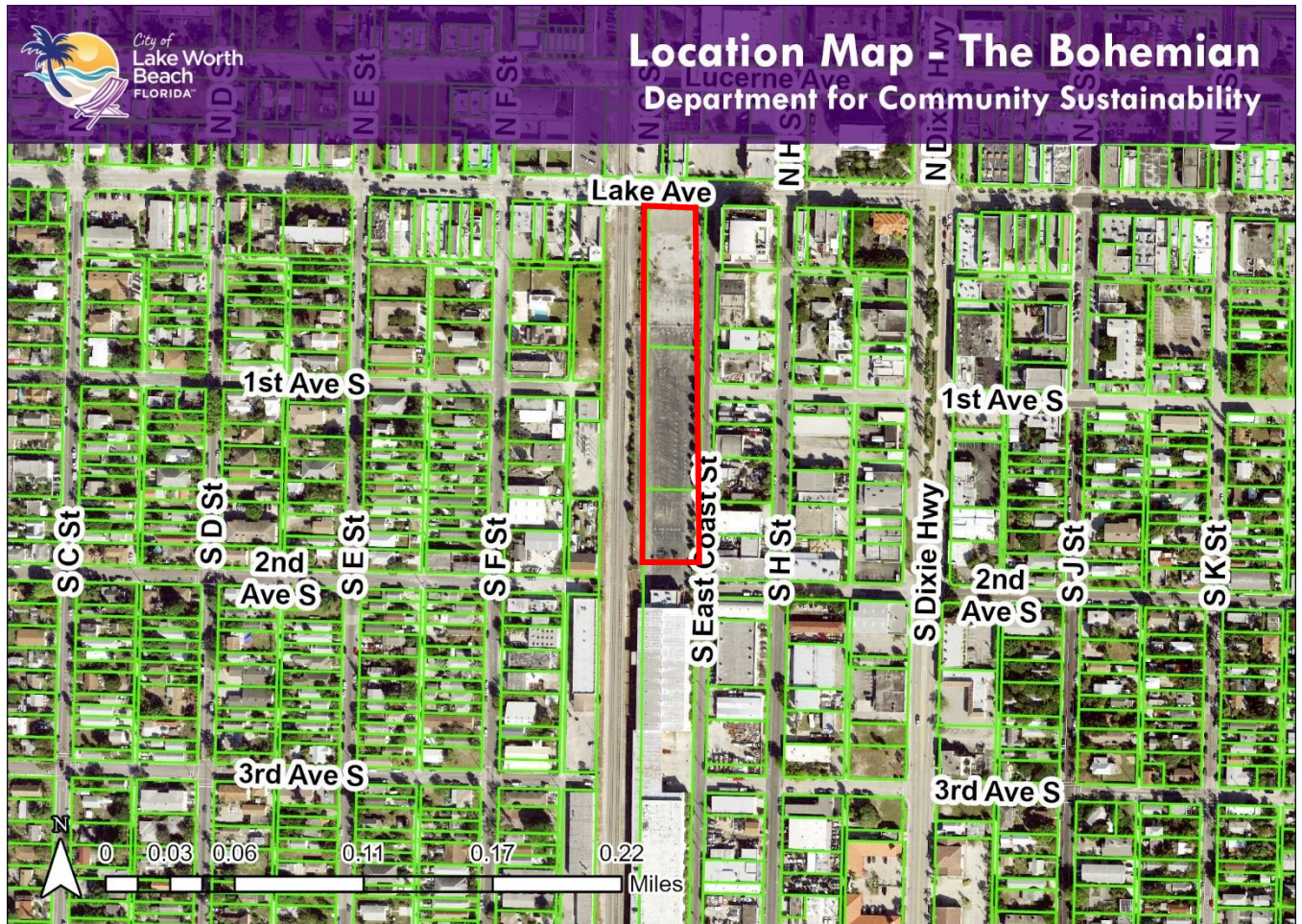






<b>Existing Land Use</b>	Vacant parking lot
<b>Zoning</b>	Transit Oriented Development – East (TOD-E) and Artisanal Industrial (AI)
<b>Future Land Use Designation</b>	Transit Oriented Development (TOD)

**LOCATION MAP:**















**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, including a mixture of residential and commercial uses. 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. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for a mixed use residential planned development district east of I-95 with the 50% density bonus shall be 2.0 acres.

**Staff Analysis:** This mixed-use planned development will be situated on a lot of 88,684 square feet, or approximately 2.0359 acres, which is over the required minimum area. **Meets Criterion.**

3. *Permitted uses.* Permitted uses within a mixed use residential planned development are shown in Article 3 of these LDRs. An mixed use residential planned development must be residential as well as two other uses including, 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:** The project will contain 3,619 square foot of commercial space, a public parking garage component, as well as 200 dwelling 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 as proposed does not meet the minimum required setbacks of the base zoning district, TOD-E. As part of the mixed-use planned development application, the Applicant is requesting setback reduction as part of their mixed use urban planned development request 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 in the 367-space parking garage proposed as part of the project, as well as in part with 12 parking spaces located on East Coast Street adjacent to the project. A rideshare pick-up/drop-off space is being proposed on East Coast Street as part of the project between the residential building and the parking garage. **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:** At this time, the Applicant has not provided a photometric plan. This project is conditioned that a photometric plan with architecturally appropriate fixtures be submitted to staff at least ten working days prior to the second reading at the City Commission.

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:** Provisions for sustainability features and design excellence have been provided as part of this requirement to participate in the Sustainable Bonus Incentive Program; staff analysis regarding these sustainable features can be found below. **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 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 has stated that the site plan has been organized in relation to the site and surrounding lots, and goes on to state that the Bohemian will be a catalyst in the community to bring in similar development. The commercial uses of the site are oriented to face Lake Avenue to continue the commercial corridor, and are at a height consistent with surrounding commercial buildings along the corridor. Residential

uses are buffered from Lake Avenue by the commercial building. The most intense use of the parking garage is oriented toward the rear of the site and away from the pedestrian circulation of Lake Avenue. **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 nearly completely paved, with no natural landscape and little vegetation. The applicant states that the proposed landscaping will be an environmental and aesthetic improvement 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:** An eight-foot wall is proposed along the west edge of the property, which will protect residents and users of the property from noise and impacts of the adjacent railroad. An 8-foot wall exceeds the allowed wall height by 2 feet. The Applicant is seeking a waiver from LDR Section 23.4-4(e)(1), and has provided justification for the waiver in Attachment C. The Applicant states that the wall is intended to reduce as much sound transmission as possible, as it is adjacent to the FEC Railway. The additional height will contribute to reducing the sound transmission and will also serve as a security feature by discourage people from jumping over the wall into the development. **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 applicant states that the development will include impact resistant windows that will reduce the transmissibility of noise and provide security and privacy. The commercial portion of the site as well as the amenity and leasing lobby for the development buffers the residential from the public space, and the open lawn and pool court is shielded from public space by using the main residential building as a buffer from the street and providing a wall along the west edge of the site. **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 will access the development by using the existing roadways that are adjacent to the site. Each of the three buildings on the site are oriented toward the street and have multiple points of access directly from the right of way. **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, all three buildings are oriented toward the street and have direct access to public streets and walkways. The vehicular access to the site is in the rear of the site and is far from the railroad crossing. In addition, two public plazas are proposed and each have direct access to public ways. **Meets Criterion.**

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

**Staff Analysis:** As stated above, all three buildings are oriented toward the street. Both the commercial and residential building have no vehicular access; pedestrian circulation is prioritized and encouraged. The parking garage is the only building with vehicular access, and is situated at the rear of the site so that vehicular traffic interference with pedestrian circulation between the site and Lake Avenue is minimized. **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:** Ingress and egress access points will be provided on South East Coast Street, in and out of the parking garage. As part of the project development and per the roadway improvement project, East Coast Street will be reconfigured as a one-way street going northbound, and South H Street will serve as the means to travel south. The vehicular ingress and egress are placed on the site to minimize any interaction of vehicles with pedestrian circulation. **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 pattern. Aside from the parking garage, 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:** As stated above, no on-site circulation will exist, 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:** The off-street parking will be entirely enclosed within the structured parking garage, resulting in parking and loading areas being screened from adjacent property. A ride-share loading area is provided along East Coast Street between the residential building and the parking garage. This ride-share loading area is in a location which is optimal for the residents of the site as well as having direct access to the plaza adjacent to the future train station. **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 applicant states that the refuse will be accessed from East Coast Street and will be located in the main building to eliminate the need for garbage trucks to circulate through the parking garage. This location is far from adjacent property lines, and will be screened due to being contained within the trash room located on the first floor, minimizing impacts to adjacent properties. **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 development will spur nearby development, thus improving property values. The project will provide residential units downtown which will increase the number of available customers for local businesses. 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 applicant states that this criterion is not applicable. The project is located in the TOD-E and AI zoning districts, both of which are commercial in nature. The parking garage is arranged closest to the AI zoning district, which has the potential for uses that contain an industrial element, however the intent of the AI zoning district is to create an industrial district more artisanal and commercial in nature in which more interaction with the public is encouraged. **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 development is consistent with Major Thoroughfare Design Guideline principles, including prioritization of compact and sustainable design, enhance the public realm, and create a healthy and safe community. The development places a priority on pedestrian circulation, and provides a public plaza which creates direct access to a future train station planned west of the site. A condition has been added which will require the applicant to work with staff to provide direct access to the train station from Lake Avenue. **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 development will incorporate tasteful design elements that will contribute to the positive image of the City. The buildings appear to use a mix of different materials and colors, and are designed with large windows and balconies for the residential units. **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 applicant states that, by providing commercial space facing Lake Avenue, the development will drive foot traffic and encourage additional commercial development along the Lake Avenue corridor. The project has been reviewed for harmony with site plan development standards, signage, landscaping, and the City's comprehensive plan, and staff's findings pertaining to such have been included in this staff report. **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, pending the adoption of a concurrent amendment to the City's Comprehensive Plan to increase density in the TOD future land use designation from a maximum of 50 dwelling units per acre to a maximum of 60 dwelling units per acre. The base density in the TOD-E zoning district is currently a maximum of 50 dwelling units per acre. Per Policy 1.2.3.4 of the City's Comprehensive Plan, a mixed use urban planned development west of Dixie Highway with three or more uses may obtain a 50% bonus on density, intensity (FAR), and height over the base line as outlined in Table

1 of the Comprehensive Plan. The LOI agreement states that the project is being provided the maximum density bonus, and is being provided an additional 20.359 units as a transfer development right bonus. That being said, the maximum allowed density for this project is 85.4 dwelling units per acre which equates to 173 units. If the concurrent amendment to increase the density for the TOD future land use designation by 10 units per acre is adopted, the maximum allowable density would be 203 units (100 du/acre). The subject application is for 200 total units.

Based on the calculation of the additional height and FAR proposed as part of the SBIP, the Applicant is asking for a bonus height of three stories, which includes the additional 15 feet requested as part of the SBIP and 15 feet granted as part of the transfer of development rights program, and an additional 0.45 in FAR. The total square footage of bonus area is 68,628 square feet (22,876 square feet per story). Therefore, the total value of required improvements is \$343,140 (\$5 per square foot). Below is the Applicant’s SBIP chart, which outlines the total value of improvements as part of the SBIP request which exceed the requirement.

<b>Improvement Detail</b>	<b>Valuation Amount</b>	<b>Calculation Details</b>
Florida Green Building Certification	\$57,190	\$114,380 x 0.5
Higher quality or additional landscaping beyond the requirements of the code.	\$30,000	Value of additional buffer material
Public amenity such as a law enforcement substation, cultural gallery, public, community meeting space, library, or garden. Uber Lounge, Fitness Area & - Pool Area	Uber Lounge: \$87,600 Fitness Area: \$275,265 Pool area: \$375,000	Uber Lounge: 150/sf *584 sf Fitness Area: \$135/sf * 2,039 sf Pool Area: \$200,000 pool, \$100,000 hardscape, \$75,000 Softscape
Other project components open to the public, or offering a direct community benefit meeting the intent of the comprehensive plan, which are similar to those listed as part of the USGBC's LEED for neighborhood development program, or which include elements of sustainable design such as: vii. Character and aesthetic excellence. - Public Art xii. Bicycle mobility systems. - Bike Racks xiii. Pedestrian mobility systems. - Lake Avenue Pedestrian Plaza	Public Art: \$20,000 Bike Racks: \$5,000 Pedestrian Plaza: \$75,000	Public Art: Allowance Bike Racks: Allowance Pedestrian Plaza: \$50,000 paver/brick hardscape, \$25,000 softscape
<b>Total Value of Improvements/Design Excellence Required: \$343,140</b>	<b>Total Value of Improvements/Design Excellence Provided: \$925,055</b>	

**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 square footage and height requested. The Applicant is asking for a bonus height of three stories, which includes the additional 15 feet requested as part of the SBIP and 15 feet granted as part of the transfer of development rights program, and an additional 0.45 in FAR. The total square footage of bonus area is 68,628 square feet (22,876 square feet per story). Therefore, the total value of required improvements is \$343,140 (\$5 per square foot). The Applicant will be providing community based improvements and design excellence equivalent to \$925,055. **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, additional landscaping that what is required by the Code, public amenities, and public art, and security features. **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. However, the Applicant will be performing right-of-way improvements to South East Coast Street. **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 sustainable features and activating the space for public usability. 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 establish a mixed-use master plan greater than 7,500 square feet inclusive of a five-story parking garage. Further the conditional use criteria were also analyzed for the project as it is a Development of Significant Impact.

**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 TOD-E and AI. Once replatted, the zoning district with the majority of land will become the base zoning district. In this case, the base zoning district will become TOD-E. The Applicant states that the site is surrounded by TOD-E and AI zoned properties. Based on the intent of the TOD-E zoning district, uses most likely to occur in this district are compact mixed-use development. The use this project, which is a mixed-use development and parking garage, is consistent with the types of uses anticipated to occur within the TOD-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 Lake Ave)	TOD	TOD-E	Office
South (adjacent)	TOD and Artisanal Mixed Use (AMU)	AI	Warehouse
East (across S East Coast St)	TOD	TOD-E and AI	Office and Warehouse
West (adjacent)	N/A	TOD-E	FEC Railway

Per the Palm Beach County Property Appraiser, the site is surrounded by a mixture of commercial, office, and light warehouse uses. The mixed-use development is in harmony with the existing mixture of uses in the immediate area. Additionally, the proposed parking garage will help remedy the parking deficit identified in the downtown 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 Applicant states that the approval of this conditional use will bring more residents and visitors to the City, and provide more parking to the downtown area. The increase of foot traffic will patronize local businesses and add to the vibrance of the community. Therefore, the public benefit is anticipated to increase from this development. **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, mixed-use planned development bonuses, and transfer of development rights program. 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 polices 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 the Palm Beach County Traffic Concurrency Letter, the Palm Beach County Traffic Division has determined that the residential component of the proposed development is within the Coastal Residential Exception Area. Therefore, the residential portion of the project is exempt from Traffic Performance Standards (TPS). The non-residential component of the project has been found to be insignificant to the roadway network and thus 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:** Per the Palm Beach County Traffic Concurrency Letter, the project is determined to be insignificant to the roadway network. Therefore, the traffic generated from the proposed development appears to be consistent with adjacent uses as well as the 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 Applicant has stated that the project is not anticipated to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed uses –commercial, residential, and a parking garage 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 Applicant states that 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 the existing City utility lines adjacent to the project with boosters to alleviate any unnecessary size increases. Additionally, utility impact fees will be paid to the City to add additional capacity to the treatment plants and offset any impacts by the proposed development. Drainage infrastructure will be designed to meet the City's Code and the requirements of the Florida Department of Environmental Protection (FDEP). 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 included public safety features in the form of mechanical surveillance, natural surveillance, lighting, and access control. A detailed CPTED Plan is included in Attachment X. **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 Applicant states that the proposed mixed-use project with the parking garage will not generate significant noise. 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 Applicant states that the proposed mixed-use project and parking garage will not generate light or glare that would negatively impact the surrounding properties. The Applicant also states that the site will remain in compliance with LDR Section 23.4-3 in regards to exterior lighting. **Meets Criterion.**

**Transfer of Development Rights (TDR) Incentive:**

The City's Transfer of Development Rights Incentives allow developers to buy development rights, such as height and density. The development rights are banked by transferring unused entitlement from City properties and allowing those rights to be purchased or used as an incentive for private development. The proposed project has gained an additional 15 feet of height and 20.359 units as part of the transfer of development rights bonus.

**Public Support/Opposition:**

Staff has not received any letters of support or opposition.

**CONCLUSION:**

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

**PB County Fire:**

1. Prior to the issuance of a building permit, ensure proper fire access is provided to all of the buildings.

**Electric Utilities:**

1. Prior to the issuance of a building permit, the following shall be completed:
  - a. Extend the 10-foot utility easement from the parking garage transformer to the power pole located at the northeast corner of South G Street and 1<sup>st</sup> Avenue South.
  - b. On the site plan, add notes to identify the easement width along the east side of the property and west side of the road on South G Street.
  - c. Provide a conduit and pull string.
  - d. Complete payment for the City's Electric Utilities Department to bury the overhead lines and furnish all transformers and pads.

**Planning:**

1. Prior to the issuance of a building permit, the following shall be completed:
  - a. Replat the project site in accordance with the procedures and regulations outlined in LDR Section 23.5-2. Per LDR Section 23.3-5(h)(4)(D), *"if a zoning change is involved, certification from the department for community sustainability shall be furnished to the city clerk indicating that the change requested has been approved and is in effect, and that the size of lots and other features shown on the plat conform to all zoning requirements. Signing of the final plat by the city clerk shall constitute such certification."*
  - b. Incorporate wayfinding signage to improve safety through accessibility, connectivity of spaces and functions and orientation (page 30 of the Major Thoroughfare Design Guidelines).
  - c. Relabel the "pool court" on page A-2.0 to "open lawn," as that is the correct label for this area per page SP-1.
2. The proposed density for this project of 98.2 dwelling units per acre will not be effective and cannot be constructed until the transmittal to DEO for review and the adoption by the City Commission of the proposed concurrent amendment to the City's Comprehensive Plan to raise the base density in the TOD-E zoning district from a maximum of 50 dwelling units per acre to a maximum of 60 dwelling units per acre.
3. The project shall continuously meet all of the requirements and stipulations outlined in the Letter of Intent, the Economic Investment Incentive Agreement and Parking Garage Master lease.
4. Once the future train station is developed on the project site, a pedestrian access path shall be constructed on the site to connect the train station to the public right of way (Lake Avenue and South East Coast Street)
5. Pavers or decorative concrete shall be used in the pedestrian plazas to enhance the aesthetic of the project.
6. Utilize permeable pavers where possible to decrease the total impermeable lot coverage by 5%-10 % prior to building permit. Note that permeable pavers may obtain a 50% lot coverage credit.
7. The parking garage shall have 120 parking spaces assigned for public parking.
8. A photometric plan shall be submitted to the City at least working ten days prior to the second reading at City Commission.
9. Rendering or scaled drawing depicting the proposed signage on each façade where signage is propose shall be submitted to the City at least five days prior to the first reading at City Commission.

10. A maximum of 20% of the final approved design of the painted wall sign design shall be allocated to commercial signage. The remaining 80% will be an artistic mural.

**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 Services Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
3. Prior to the issuance of a building permit, the following shall be completed:
  - a. 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. Submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
  - c. The applicant and the City shall agree on the required right of way improvements on East Coast Street to be designed and constructed by the developer. The City has agreed to contribute \$250,000 to the developer for the construction of related "Streets" improvements. The City is currently in the process of working with the Transportation Planning Authority on a grant to fund the full roadway improvements on East Coast St and South H Street. If awarded the grant, the funds will be available for construction in 2023. Improvements shall be inclusive of roadway reconstruction, on-street parking, sidewalks, street lighting, bulb outs, and site furniture.
  - d. Identify the trash and recycling area dimensions and provide a statement regarding the intended collection method (front load dumpster service, compactor service, rolloff box, etc.). City Solid Waste collection services via front load dumpster require the ability to access the site without having to exit the truck and maneuver dumpsters or containers.
4. Prior to the issuance of a certificate of occupancy (CO), the following shall be completed:
  - a. 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. Fine grade and sod all disturbed areas with bahia sod.
  - c. 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. 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.
5. 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. A minimum of 10 working days prior to the scheduled adoption hearing, the applicant shall submit revised engineering plans that shall be amended as follows:
  - a. Watermain tap sizes for the fire suppression systems need shall be called out (size identified) in the civil set. This will ensure that the site has the adequately sized mains on site for use.
2. Prior to building permit approval, The Engineering submittal shall include the following:

- a. The drainage calculations have an error in the exfiltration trench equation for volume. Also, please review the soil storage calculations. Identify the 100-year flood elevation. Submittal should include the geotech data required to support these drainage calculations.
  - b. Show existing Stormwater mains that cross the property east to west at 1<sup>st</sup> Ave S. Design of the foot bridge shall provide sufficient clearance between the support piles and these existing utilities. The easements over these utilities shall be shown on the plans, if not present then an easement must be recorded with this project.
  - c. The City will review the ability to abandon the existing utility easement and establish new. The survey may require revision based on the location of the stormwater mains and infrastructure.
  - d. Provide an Erosion Control plan and with the BMPs and NPDES compliance practices for the project site.
  - e. Applicant will need to clean and add an internal liner to the sewer main from MH 396 to MH 398 approximately 430 LF in East Coast Ave. Laterals not in use, that would be associated with this property, must be capped at the main. Sewer report attached.
  - f. At time of engineering submittal provide a full drawing set the proposed drainage, Calculations, and any permits or permitting information from SFWMD and LWDD.
  - g. Add all structure and conflict information on the plans.
  - h. Complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
  - i. Proposed watermains shall have a minimum depth of 36 inches.
  - j. Show potable and irrigation service line/s up the meter and backflow RPZ device/s.
  - k. Show water & sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
  - l. Fireflow calculations based on a recent hydrant test. Contact Pedro Segovia with Palm Beach County at [psegovia@pbcgov.com](mailto:psegovia@pbcgov.com)
  - m. On site Water and/or Sewer utilities will require a dedicated 15-foot utility easement.
  - n. Provide a copy of FDOT utility permit for any work within Lake Ave.
  - o. Signed and sealed Drainage Calculations including statement regarding floodplain management provisions for water quality and quantity shall be provided to the City.
  - p. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
  - q. An Erosion Control plan and with the BMPs and NPDES compliance practices shall be provided for the project site.
  - r. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3-year, 1-hour (2.6")) runoff being maintained on site.
  - s. Provide existing and proposed site grades.
  - t. Indicate vertical datum on all plan drawings with grades.
  - u. All applicable City of Lake Worth details.
3. Prior to the issuance of a building permit, capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.
  4. Prior to a Certificate of Occupancy (CO), a Bill of Sale for the pubic water and sewer mains shall be recorded.

**Board Actions:**

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 20-00900001 with staff recommended **conditions** for a Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional

Use Permit, Sustainable Bonus Program Incentive and a Transfer of Development Rights Incentive to construct a transit-oriented, mixed-use, 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 20-00900001 for a Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Program Incentive and a Transfer of Development Rights Incentive to construct a transit-oriented, mixed-use, 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 Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Program Incentive and a Transfer of Development Rights Incentive.

**ATTACHMENTS:**

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