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**ORDINANCE NO. 2021-02 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A RESIDENTIAL PLANNED DEVELOPMENT DISTRICT, LOCATED AT THE NORTHWEST CORNER OF 10<sup>TH</sup> AVENUE NORTH AND BOUTWELL ROAD CONSISTING OF APPROXIMATELY 6.39 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE MIXED USE – WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – WEST (MU-W) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THORUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 230-UNIT RESIDENTIAL PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to consider petitions relating to zoning and land development orders; and

WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth Beach’s Land Development Regulations allows for the creation of planned development districts to incentivize innovative development through the utilization of incentive programs and flexible dimensional and use requirements that are defined within and occur in conformity with an approved master development plan; and

WHEREAS, Prospect Real Estate Group, LLC (the applicant), has petitioned the City of Lake Worth Beach (the City) for creation of a Residential Planned Development District to allow for the approval of a 230-unit multi-family development on a site located at the northwest corner of 10<sup>th</sup> Avenue North and Boutwell Road (PCNs 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010) as further described in Exhibit A (the Property) within the MU-W Zoning District and the MU-W Future Land Use designation, and if approved, shall constitute an amendment to the City’s official zoning map; and

WHEREAS, the Applicant requests use of the City’s Sustainable Bonus Incentive Program to allow for additional height and density to be considered in conjunction with the Applicant’s request for approval for a major site plan for the construction of a

48 residential planned development currently known as “Golden Road Apartments” that will  
49 contain 230 dwelling units to be constructed on this site;

50  
51 WHEREAS, on March 3, 2021, the Lake Worth Beach Planning and Zoning Board  
52 (P&Z Board) considered the subject application for a Residential Planned Development  
53 District, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and  
54 Sustainable Bonus Incentive Program and recommended that the City Commission  
55 approve the creation of this residential planned development district; and

56  
57 WHEREAS, the City Commission has considered all of the testimony and evidence  
58 and has determined that the Residential Planned Development District, Development of  
59 Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus  
60 Incentive Program, including the development regulations and conditions, meets the  
61 requirements of the Land Development Regulations, Section 23.3.25.

62  
63 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
64 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

65  
66 Section 1. Recitals. The foregoing recitals are true and correct and are hereby  
67 affirmed and ratified.

68  
69 Section 2. The Residential Planned Development District located within the MU-W  
70 Zoning District with a future land use designation of MU-W, as described more particularly  
71 in **Exhibit A**, is hereby approved. This approval includes the approval of the following  
72 elements to be known as the Master Development Plan: (a) Residential Planned  
73 Development (b) Development of Significant Impact (c) Major Site Plan (d) Sustainable  
74 Bonus Incentive Program (e) Conditional Use Permit; (f) district development standards  
75 **(Exhibit B)** (g) conditions of approval **(Exhibit C)**; (h) required plans including the site  
76 plan, architectural plan, landscape plan, and civil & drainage plans dated 3/17/2021; (i)  
77 supplemental supporting documents, as well as all agreements, provisions and/or  
78 covenants which shall govern the use, maintenance, and continued protection of the  
79 residential planned development and any of its common areas or facilities. The applicant  
80 is bound to all elements and requirements of the Master Development Plan.

81  
82 Section 3. The City’s zoning maps shall be updated to reflect the changes to the  
83 property described in **Exhibit A**.

84  
85 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
86 herewith are hereby repealed to the extent of such conflict.

87  
88 Section 5. Severability. If any provision of this ordinance or the application thereof is  
89 held invalid by a court of competent jurisdiction, the invalidity shall not affect other  
90 provisions of the ordinance which can be given effect without the invalid provision or  
91 application, and to this end the provisions of this ordinance are declared severable.

92  
93 Section 6. Effective Date. This ordinance shall become effective ten (10) days after  
94 its final passage.

95  
96 The passage of this ordinance on first reading was moved by Commissioner  
97 Malega, seconded by Commissioner McVoy and upon being put to a vote, the vote was  
98 as follows:

- 99
- 100 Mayor Betty Resch AYE
- 101 Vice Mayor Herman Robinson AYE
- 102 Commissioner Sarah Malega AYE
- 103 Commissioner Christopher McVoy AYE
- 104 Commissioner Kimberly Stokes AYE

105  
106 The Mayor thereupon declared this ordinance duly passed on first reading on the  
107 20<sup>th</sup> day of April, 2021.

108  
109  
110 The passage of this ordinance on second reading was moved by  
111 \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to a vote,  
112 the vote was as follows:

- 113
- 114 Mayor Betty Resch
- 115 Vice Mayor Herman Robinson
- 116 Commissioner Sarah Malega
- 117 Commissioner Christopher McVoy
- 118 Commissioner Kimberly Stokes

119  
120 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
121 \_\_\_\_\_, 2021.

122  
123 LAKE WORTH BEACH CITY COMMISSION

124  
125  
126 By: \_\_\_\_\_  
127 Betty Resch, Mayor

128 ATTEST:

129  
130  
131 \_\_\_\_\_  
132 Deborah M. Andrea, CMC, City Clerk  
133

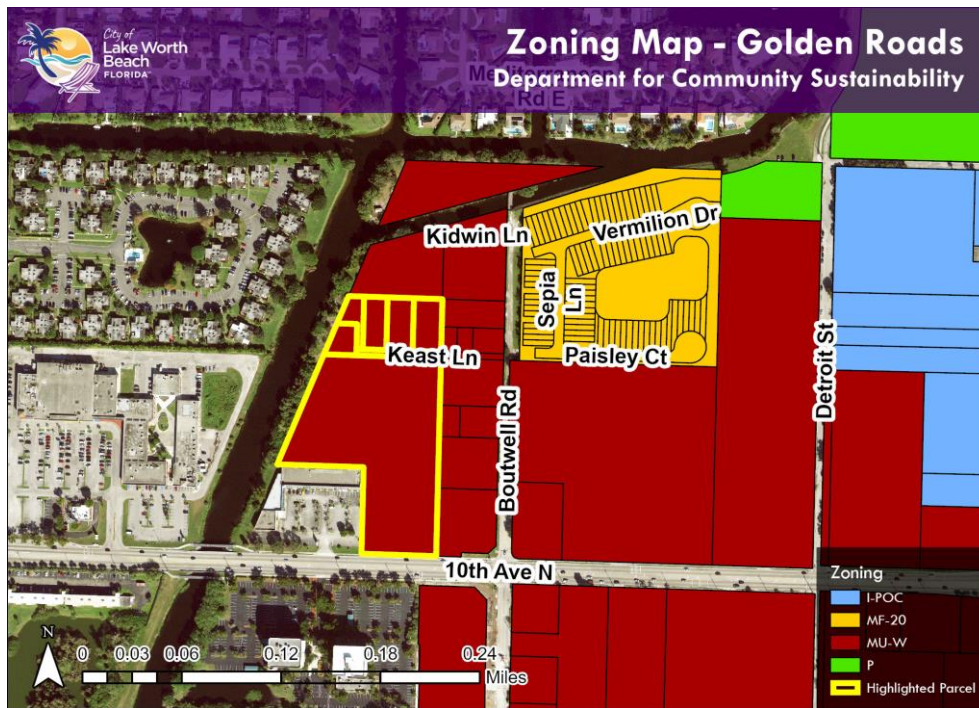
## Exhibit A

### DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 20-01400047

The subject site is comprised of seven parcels totaling 6.39 acres. The site is located west of the 10<sup>th</sup> Avenue North and Boutwell Road intersection and is currently vacant. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010. A zoning map of the subject site is provided below.

#### PROPERTY DESCRIPTION:

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



location

**Exhibit B****DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
DEVELOPMENT STANDARDS FOR PZB CASE No. 20-01400047**

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

## Exhibit C

### DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION CONDITIONS OF APPROVAL FOR PZB CASE No. 20-01400047

#### PB County Fire:

- 135 1. Fire department access shall be no less than 20 feet.  
136

#### Electric Utilities:

- 137 1. Prior to the issuance of a building permit, the following actions shall be completed:  
138  
139 a. Provide the voltage requirements of the existing six buildings proposed on the site and indicate  
140 whether they will be single-phase or three-phase. Buildings "A" and "C" must be three-phase  
141 since a single-phase transformer cannot handle the load of the proposed five-story buildings.  
142 b. Indicate whether other services will be needed for the project such as irrigation, lift station,  
143 lighting, gates, etc. and where these services will be.  
144 c. Identify the location for the padmount transformers and the meter centers for each building.  
145 The transformer locations must be accessible to our vehicles, and must have 8-ft minimum  
146 clearance in the front of them and three-foot minimum clearance on the sides and rear, including  
147 landscaping.  
148 d. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and  
149 the construction plans showing the water, sewer, drainage, paving, landscaping, and lighting for  
150 the project.  
151 2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:  
152 a. Provide a 10-foot wide utility easement for all of the electric lines, transformers and other  
153 equipment that will need to be installed to provide power to this project.  
154 b. The customer will be responsible for installing all schedule-40 gray conduit that will be needed by  
155 Lake Worth Beach for this project for its primary cable. This conduit must be installed at a 42"  
156 minimum depth. Pad specs will be given to the customer to show the proper orientation of  
157 conduit at the padmount transformers.  
158

#### Community Services Landscaping:

- 159 1. Prior to the issuance of a building permit, the following actions shall be completed:  
160  
161 a. The private lift station shall be screened by shrubs and/or opaque fencing or walls. Show the  
162 required screening on plans.  
163

#### Planning and Zoning:

- 164 1. Prior to the issuance of a building permit, the following actions shall be completed:  
165  
166 a. The light tone shall be changed from 4000 K to 3000 K. The photometric plan submitted with the  
167 building permit package shall reflect this change.  
168 b. All traffic requirements outlined in the Palm Beach County Traffic Division's TPS letter shall be  
169 completed.  
170 c. Per LDR Section 23.4-4(e)(3)(B), the required landscape screening shall be labeled on the site  
171 plan in front of the portion of chain link fencing that is visible from 10<sup>th</sup> Avenue North. Said  
172 landscaping shall be maintained at a minimum height of 24 inches. Chain link gates visible from  
173 the right of way are not permitted.  
174 d. Note on the landscape plans that shrubs planted in landscape areas between parking and  
175 vehicular use areas with chain link fencing shall have a minimum planting depth of 24 inches at  
176 installation and shall be maintained at no less than 4 feet in height to provide a continuous

- 177 landscape screen. This shall not apply to areas with an opaque fence that provides full  
 178 screening of the parking and vehicular use area.
- 179 2. Prior to a Certificate of Occupancy, the following actions shall be completed:
- 180 a. The project site shall be separately recorded if unified through a unity of title process. A  
 181 recorded unity of title form or plat shall be provided to the City.
- 182 b. Per LDR Section 23.4-4(e)(1)(C), the portion of fencing along the east property line that is  
 183 adjacent to Keast Lane shall be setback 30 inches with a landscape screen installed that is  
 184 maintained at a minimum height of 24 inches.
- 185 c. As depicted on the site plan, a wall not to exceed six feet in height shall be installed along the  
 186 north property line and along the portion of the east property line from the northeast corner of  
 187 the lot to the northern edge of Keast Lane.
- 188 3. All signage shall be applied for on a separate building permit and shall comply with LDR Section 23.5-1,  
 189 Signage.
- 190 4. All ground level mechanical equipment shall be continuously screened with shrub hedging or opaque  
 191 fencing or walls.
- 192 5. Per the site plan, the development proposes 61,675 square feet of semi-pervious surface to meet the  
 193 maximum impermeable surface requirement. Therefore, prior to the issuance of a building permit,  
 194 documentation shall be provided to staff showing the percolation rate of the semi-pervious paving  
 195 material to ensure that has a percolation rate that is at least 50% rate to the ground percolation rate.  
 196 Also include a paver maintenance plan to ensure that it will maintain its permeability over time.
- 197 a. Note that if the semi-pervious material is converted to impervious surface area at any time, the  
 198 project would exceed the code's maximum impermeable surface coverage allowance and thus,  
 199 the Applicant would need to apply for a Planned Development amendment.

200  
 201 **Urban Design:**

- 202 1. Prior to the issuance of a building permit, the applicant shall apply for a Minor Site Plan amendment to  
 203 update the fenestration on the south façade of Building Type III – Hybrid.
- 204 a. The western portion of the main front elevation along 10<sup>th</sup> Avenue North still resembles an end  
 205 of a building with too much solid versus fenestration. Work with staff through the Minor Site  
 206 Plan amendment process to improve the vertical mass of the building.
- 207 2. Prior to the issuance of a Certificate of Occupancy, the building elevation shall be updated to reflect the  
 208 changes approved under the Minor Site Plan amendment.

209  
 210 **Public Works:**

- 211 1. Prior to the issuance of a building permit, the following actions shall be completed:
- 212 a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department  
 213 and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a  
 214 building permit, the applicant shall contact the South Florida Water Management District's  
 215 (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
- 216 b. The applicant shall ensure that the dumpster enclosure meets the specifications of the Public  
 217 Services Department.
- 218 c. The applicant shall complete the right of way permit from Palm Beach County for the  
 219 construction of improvements on 10<sup>th</sup> Avenue North.
- 220 d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance  
 221 practices.
- 222 2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:

- 223 a. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway,  
224 sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping,  
225 striping, signage, and other improvements are in the same condition as prior to construction  
226 b. The applicant shall fine grade and sod all disturbed areas with bahia sod.  
227 c. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and  
228 debris collected as a result of construction activity.  
229 3. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all  
230 other applicable standards including but not limited to the Florida Department of Transportation (FDOT),  
231 Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction  
232 Standards and Policy and Procedure Manual.  
233

234 **Utilities Water & Sewer:**

- 235 1. Prior to the issuance of a building permit, the following actions shall be completed:  
236 a. Paving/Grading/Drainage:  
237 i. The master drainage plan (including phase II) shall address management of stormwater runoff  
238 in the green spaces surrounding the apartments as well as the secondary access road. This  
239 shall be supported with signed and sealed Drainage Calculations including statement  
240 regarding floodplain management provisions for water quality and quantity shall be provided  
241 to the City.  
242 ii. The City's drainage policy is that project site must contain the 3-yr 1-hour storm event on site,  
243 this equates to 2.6" of rainfall. Other regulating agency policy's still apply and the design  
244 must meet the most stringent of these requirements.  
245 iii. The final grading plan shall include cross sections from the paved area/buildings to the end of  
246 property boundary for each property line and each cross section change.  
247 b. Water and Sewer:  
248 i. The watermain & forcemain tie-in locations must be designed and coordinated with the  
249 future pipeline extensions planned in 10<sup>th</sup> Ave N.  
250 ii. Water Utilities must be centered or arrange in a dedicated utility easement. Minimum size of  
251 dedicated easements is 15-foot.  
252 iii. The utility plan and the proposed landscaping shall pair well with the underground utility  
253 infrastructure as well as underground storage. There are locations where gumbo limbo trees  
254 are proposed in a tree island that is shared with fire hydrant, due to the root structure of this  
255 tree it is not recommended. Fire lines and water service line shall be well planned to avoid  
256 interaction with growing root systems.  
257 c. Provide copies of the required SFWMD and LWDD permits  
258 d. Reserved capacity fees for water and sewer shall be paid in full per phase plan.

259 **Lake Worth Drainage District (LWDD):**

- 260 1. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:  
261 a. The property owner shall install rip-rap rubble along the entire length of the project along the  
262 LWDD's E-4 Canal.  
263

264 **Public Hearing Conditions:**

- 265 1. The Applicant shall install security cameras throughout the property to provide coverage for the  
266 development with video feed available to the property manager at all times.  
267 2. Each unit within the approved development shall include a video doorbell system, or other equivalent  
268 system allowing a resident to see outside their unit via video feed.



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3. The site plan and all other plans as applicable shall be administratively reviewed and amended to reflect the revised site plan (SP-1), color site plan (SP-1C), and two-story building elevation (A-3.1.1) presented to the City Commission on May 4, 2021, including but not limited to building D being two (2) stories in height and building B being five (5) stories in height, Building D shall be set back from the northern property line by twenty (20) feet and from the eastern property line by thirty eight (38) feet.
  4. The landscape plan shall be administratively amended to reflect revised site plan (SP-1), color site plan (SP-1C), and two-story building elevation (A-3.1.1) presented to the City Commission on May 4, 2021, including but not limited to the buffer to the north and east of Building D consisting of slash pine and sable palms. Additional shade trees shall also be provided in the parking area as consistent with the conceptual plan to reduce the overall heat island effect.
  5. The applicant shall not utilize Boutwell Road via Keast Lane for access to its development, including during construction.