

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400030: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Village Flats I” located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue for the establishment of 11 townhouse style units 3 studios for the total of 14 units. The sustainable bonus incentive program is for additional height and third story on the buildings fronting Lucerne Avenue. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: December 14, 2022

Property Owner: City of Lake Worth Beach
 Community Redevelopment Agency

Applicant: InHabit Property Group, LLC.

Project Manager: Tim Carey

Addresses: 1207 Lucerne Avenue, 1209 Lucerne Avenue, 1211 Lucerne Avenue, 1213 Lucerne Avenue, 1215 Lucerne Avenue, 1401 Lucerne Avenue, 1216 Lake Avenue, 1220 Lake Avenue, 1230 Lake Avenue

PCNs:

38-43-44-21-15-505-0050, 38-43-44-21-15-505-0040,
 38-43-44-21-15-505-0030, 38-43-44-21-15-505-0020,
 38-43-44-21-15-505-0010, 38-43-44-21-15-503-0050,
 38-43-44-21-15-505-0120, 38-43-44-21-15-505-0130,
 38-43-44-21-15-505-0160

Size: ±0.643 acres / 28,000 square feet

General Location: East of E Street between
 Lucerne Avenue and Lake Avenue

Existing Land Use: Vacant

Current Future Land Use Designation: Mixed Use
 – East (MU-E)

Zoning District: Mixed Use – East (MU-E)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Major Site Plan, Conditional Use, and Sustainable Bonus requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8-11 of this report.

PROJECT DESCRIPTION

The applicant, InHabit Property Group, LLC., is requesting approval of the multifamily development known as Village Flats I located at 1215 Lucerne Avenue:

- **Major Site Plan** for the development of two-story and three-story townhouse-style and studio-style multifamily development in excess of 7,500 square feet and additional site improvements.
- A **Conditional Use Permit** request to develop a multifamily residential use structures greater than 7,500 square feet.
- A **Sustainable Bonus** request for additional height of one story for a total of three stories for two of the four buildings.

The applicant is proposing four (4) separate buildings that will include townhouse-style and studio-style units located on a combined .643-acre site. The proposed multifamily development is looking to improve the area while contributing to the commercial and residential uses surrounding the area. The proposed 14-unit multifamily development includes 11 townhouse-style units and 3 studio-style units, surface parking, and site amenities. Building 1 is proposed to be a single townhouse-style unit totaling $\pm 1,337$ square feet. Buildings 2 & 3 are proposed to be seven (7) 3-story, townhouse-style multifamily units. The units will be comprised of 3-bedroom models ranging from $\pm 2,717$ square feet to $\pm 2,724$ square feet. Building 4 is proposed to be three (3) townhouse-style units with attached three (3) studio-style units. Total square footage for each unit is $\pm 1,375$. In addition to the proposed surface parking and on-street parking, the townhouse-style units will each have a two-car garage.

The proposed project is a collaboration between the City of Lake Worth Beach, the Lake Worth Beach CRA, Royal Poinciana and Tropical Ridge Neighborhood Associations, and the applicant. The CRA sought redevelopment of CRA-owned vacant lots between Lake and Lucerne Avenues. The intent is to create a unified vision with similar uses in the District that complement the existing landscape as well as each other. Projects were required to be at least two to three stories in height.

All interested parties began brainstorming, designing, and meeting with Neighborhood Associations to get their input, InHabit worked on units that met the community's needs. Of chief importance to the City and the residents was a diversity of housing options and an architecturally distinctive project that was a minimum of three stories. During the December 2021 CRA Board meeting, the CRA Board approved the amended plans for the Project.

The proposed multifamily development will ensure compatibility with the surrounding mixed uses that include a mix of some commercial, single and multi-family residential, and live/work units. The surrounding area is an eclectic mix of architectural styles, the most significant of which are Florida Vernacular, Anglo-Caribbean, Contemporary, and Modern. The buildings in the neighborhood vary in height from one (1) to three (3) stories, with the exception of Lake Worth Towers at ten (10) stories.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects

along the City's major thoroughfares as well as those utilizing the City's Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.

On November 30, 2022, the applicant held a meeting with neighborhood residents at the Hatch 1121 Art Gallery. Notices were mailed to all property owners within 400 ft of the project on November 15, 2022 and signs were placed on the property on November 15, 2022. There were 20 attendees at the meeting and no concerns were identified per the meeting minutes. The applicant also has a project Instagram with color renderings: <https://www.instagram.com/villageflats/>

BACKGROUND

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

Construction: Currently, there are no existing structures on the combined site.

Use: The combined property's existing use is vacant.

Code Compliance: There are no active code cases on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East category is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed Use – East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts.

The proposed multi-family use is an anticipated and desired use in the MU-E designation. The project would allow for the in the infill of vacant property in the downtown west of U.S. Highway 1 with architecturally appropriate building. The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pilar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.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, achieve financial sustainability and stable tax base, and ensuring facility placement, construction and development that anticipates and embraces the future. The proposed multifamily buildings and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

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

Consistency with the Land Development Regulations

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), the "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage 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. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code, including factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Use - East (MU-E)	MU-E w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,500 sf	28,000 sf (.643 acres)
Lot Width (min) Lake Avenue and Lucerne Avenue		25'	25'	175'
Setbacks	Front – Lucerne Avenue (min)	Minimum of ten (10) feet not to exceed twenty-two (22) feet.	Minimum of ten (10) feet not to exceed twenty-two (22) feet.	16'
	Front – Lake Avenue (min)	10'	10'	10' (porch allowed 2' encroachment into setback)
	Street Side (min) – west (North E Street)	10'	10'	10'
	Side Interior (min) – east	0'	0'	0'
Impermeable Surface Coverage (maximum)		65%	65%	57%
Structure Coverage (max)		55%	55%	42%
Density (max)		30 du/acre (19 units)	30 du/acre (19 units)	14 units
Building Height (max)		30' (max. 2 stories)	45' (max. 4 stories)	Building 1 (2-story): 29.6' Buildings 2 & 3 (3-stories): 42.45' Building 4: (2-story): 16.75'
Maximum Wall Height at Side Setback		30'	45'	Building 1 (2-story): 22' Buildings 2 & 3 (3-stories): 33' Building 4: (2-story): 22'
Floor Area Ratio (FAR) (max)		1.4	1.55	1.15

Living Area (minimum)	Studio	400 sf	400 sf	406 sf
	One-bedroom units	600 sf	600 sf	NA
	Two-bedroom units	750 sf	750 sf	NA
	Three-bedroom units (townhome-style MF)	900 sf	900 sf	1,337-2,724 sf
Parking		26 spaces	NA	45
Flood plain / Wellfield Zone		Wellfield Zone 1		

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The applicant has indicated that refuse will be collected in City approved trash cans and stored away from any sightlines. Tenants will be responsible for enclosures to store refuse cans and recyclable cans through lease agreements. Trash and recyclables will be located, designed, and screened to minimize impacts of noise, glare, and odor from adjacent properties and tenants. Planning and Zoning staff is proposing a condition for the applicant to coordinate with Public Works on the location and screening of the refuse areas.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was not provided depicting compliance with the exterior lighting requirements in Section 23.4-3. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”*

Analysis: The required parking for the multi-family use proposal is 26 spaces. The parking spaces were calculated at the following:

- 1.25 spaces/unit for the studio unit proposal (3.75 spaces for 3 units)
- 2 spaces/unit for the townhouse style three-bedroom unit proposal (22 spaces for 11 units)

Forty-five parking spaces are proposed, which exceeds the required parking by nineteen (19) spaces. Parking is a mix of garage parking for the townhome-style units (22 spaces), standard off-street parking (10), and on-street parking (13). The proposed off-street parking is including garage parking for the townhome-style units (11) and standard parking spaces for the studio units (3). The project is also proposing 13 on-street parking options along North E Street, Lucerne Avenue, and Lake Avenue. To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, Type F curbing/valley gutter is proposed along North E Street and Lucerne Avenue. The proposed curbing will prevent vehicle encroachment onto the sidewalk areas. Type F curbing is existing along Lake Avenue. The Public Works Department has also requested the applicant provide a sidewalk along the west side of North E Street. In addition, the

applicant will be adding an 8-foot sidewalk along the north side (Lucerne Avenue) of the site to meet Florida Department of Transportation (FDOT) specifications. A 10-foot sidewalk is existing along the south side of the site (Lake Avenue). This will provide pedestrian connectivity along west, north, and south sides of the subject site.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley”, shall require landscaping.*

Analysis: The development proposal provides minimum perimeter landscaping and shade trees. The proposed landscaping is consistent with the City’s landscape regulations. Tree species include a mix of Silver Buttonwood, Pink Tabebuia, Simpsons Stopper and Wax Myrtle for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses and groundcovers. The proposed landscape complies with the City’s requirement that 75% of all required plants be Florida native. Staff has included conditions of approval to ensure adequate screening is provided for the refuse and recyclable areas, canopy trees are not located within any easements, and that tree selections comply the Major Thoroughfare Design Guidelines for Thoroughfare A (Lake and Lucerne).

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. Although one Mango tree with condition rating less than 50% is proposed to be removed, mitigation is not required due to on-site replacement in accordance with the City’s Landscape regulations. A condition will be proposed to provide ISA Arborist condition rating reports for all trees with a condition rating of 50% or less that are proposed to be removed.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards 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. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards.” These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting and sustainable features. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways and the site. The building is placed along the North E Street, Lucerne Avenue, and Lake Avenue corridors, with surface and garage parking within the site, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the west side (North E Street) street, minimizing vehicular interaction with the pedestrian circulation. The on-site parking is placed in between buildings 1 & 4 and 2 & 3 effectively screening it from Lake Avenue, Lucerne Avenue and North E Street. The western, northern, and southern perimeter of the property will be lined with hedges, medium, and large trees to screen the townhouse-style and studio units from the traffic of North E Street, Lucerne

Avenue, and Lake Avenue corridors. Adequate interior and perimeter landscaping are also provided. Site lighting will comply with the City's lighting design and illumination standards, such that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings. The proposed improvements to the site are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lucerne Avenue ROW / Commercial & Single-family homes
South	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family homes / Lake Avenue ROW
East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	North E Street / Mixed-Use
West	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Single-family home, multi-family

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing mixed-use area.

Community Appearance Criteria:

The proposed multifamily development project including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lots. The proposed architecture style (Anglo-Dutch Caribbean) of the buildings is appropriate and in harmony with the surrounding residential and nonresidential area. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

Conditional Use Findings (Attachment B)

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

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The site is currently vacant and is proposing multifamily buildings that does not utilize the maximum development potential. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. The proposed associated site improvements would provide new screening and site circulation.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach 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 in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the second floor is ±required is 6,693 square feet (3rd floor). Therefore, the value of required improvements for the SBIP bonus areas is \$50,197.50 (6,693 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$25,098.75, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$25,098.75), the applicant is proposing the Florida Green Building Certification as a qualified on-site improvement (\$12,549.38). The total value of the qualifying improvements is \$12,549.38.

The total remaining payment by the applicant to the City for the additional height is anticipated to be \$37,648.13.

CONCLUSION AND CONDITIONS

The MU-E zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage 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. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multifamily proposal on the adjacent and proximate uses. The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$25,098.75) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall be required to pay the remaining 50% of the incentive value after qualifying improvements are deducted prior to the issuance of a certificate of occupancy.
3. Prior to building permit application,
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
4. Prior to issuance of a building permit, the applicant shall:
 - a. Submit the final School District Availability Determination from the Palm Beach County (PBC) School District and shall pay all applicable fees to PBC.
 - b. Coordinate with Public Works on the location and screening of refuse and recyclable areas.
 - c. A minor site plan amendment or modification shall be approved to address the following:

- i. The site plan data table shall be updated to remove errors, including revising the FAR maximums in accordance with MU-E regulations.
 - ii. Final landscape plan shall be required that reflects the removal/relocation of proposed canopy trees within the 10' utility easement, to provide the ISA Arborist condition rating report, adequate screening for the refuse areas, and adjustment of tree selection to comply with the City's Major Thoroughfare Design guidelines.
 - iii. On the elevation drawings, provide height measurements in accordance with LDR Section 23.1-12.
 - iv. A photometric plan shall be submitted. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - v. The location and screening of proposed mailboxes.
5. The proposed multifamily project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
 6. A video security system shall be required for the property.

Landscape Services

1. Prior to the issuance of a building permit for vertical construction, provide ISA Arborist condition rating reports for all trees with a condition rating of 50% or less that are proposed to be removed.
2. Prior to the issuance of a building permit for vertical construction, adjust tree selection to comply with the City's Major Thoroughfare Design guidelines.

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. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.
4. Prior to issuance of a certificate of occupancy, 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.
5. Prior to the issuance of a certificate of occupancy, the applicant shall construct a 1" mill and overlay for the entire lane on the east side of North E Street from Lake Avenue to Lucerne Avenue. Current proposed design has a partial lane mill and overlay.
6. Prior to the issuance of a building permit, contact and meet with a representative from the Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
7. Prior to the issuance of a certificate of occupancy, 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. A pre-construction video of the entire perimeter shall be performed and submitted to the City.

8. Prior to the issuance of a building permit, submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
9. Prior to the issuance of a Certificate of Occupancy, fine grade and sod all disturbed areas with bahia sod.
10. Prior to the issuance of a Certificate of Occupancy, broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
11. Prior to performing work in the right of way, apply for and receive issuance of a "Right of Way/Utility Permit" application.
12. Prior to the issuance of a Certificate of Occupancy, 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. Drainage sections lines for this proposed property should be provided to ensure the entire site drainage is collected in the proposed stormwater management system. Yard drains may be required to assist with routing and collection of the stormwater.
2. Landscape plan shall be revised so that no trees are proposed within the proposed utility easement.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer to show the location of the meter center on the site plan.
3. Developer will be responsible for installing their own lightning for the parking areas.
4. Developer will be responsible for the cost of Lake Worth Beach's materials and labor for this
5. project.
6. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.
7. City of Lake Worth Utility has electric poles on this property and a 10-foot surrounding easement. No rigid or permanent structures will be approved within this easement.

Fire

1. Three (3) story townhomes, apartments buildings, and non-fee simple townhomes will be required to be protected by an automatic sprinkler system.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Village Flats I" located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Village Flats I" located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Major Site Plan and Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (applicant's project narrative, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>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.</p>	In Compliance
<p>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. 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 feet or more.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>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.</p>	In compliance
<p>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</p>	In compliance

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.

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed to 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 access to parcels. **In compliance, as conditioned**

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. **In compliance**

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. **In compliance**

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. **In compliance**

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. **In compliance**

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. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</p>	In compliance
<p>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</p>	In compliance
<p>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</p>	In compliance

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **Not Applicable**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not Applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **Not Applicable**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance, as conditioned**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance, as conditioned

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>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.</i></p>	In compliance
<p>2. <i>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.</i></p>	In compliance
<p>3. <i>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.</i></p>	In compliance
<p>4. <i>The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>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.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>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.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

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.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance, as conditioned**