



DATE: February 24, 2021  
TO: Members of the Planning and Zoning Board  
FROM: Andrew Meyer, Senior Community Planner  
THRU: William Waters, AIA, NCARB, LEED, AP BD+C, ID, SEED, Director for Community Sustainability  
MEETING: March 3, 2021

SUBJECT: **PZB Project Number 20-01400050:** A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

**PROJECT DESCRIPTION:**

The Applicant, Janet Rosa and Matt Fino, is requesting approval of the following:

- 1.) **Major Site Plan** for the development of a 7,835 square foot residential triplex (page 4).
- 2.) **Sustainable Bonus Incentive Program** for the addition of a third floor totaling 3,004 square feet (page 8)
- 3.) **Conditional Use Permit** to establish residential uses in excess of 7,500 square feet (page 9).

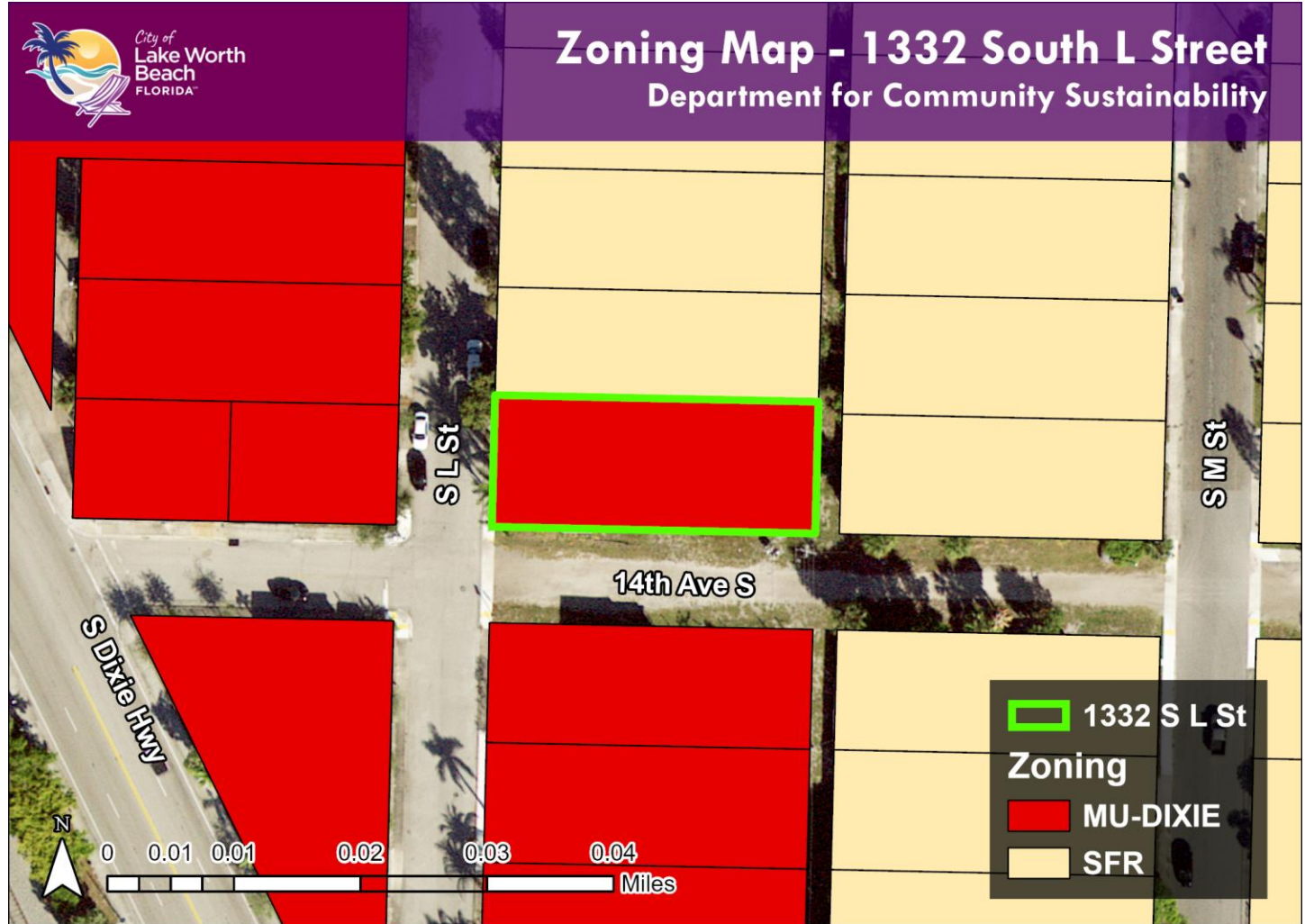
The subject site is 1332 South L Street, is located at the northeast corner of South L Street and 14<sup>th</sup> Avenue South, and has an area of 7,430 square feet. The PCN is 38-43-44-27-01-064-0010. The proposed development consists of a 3-unit multifamily residential building, with each unit containing 4 bedrooms, 3.5 bathrooms, and a garage.

**Staff Recommendation:**

Staff has reviewed the documentation and materials provided. In applying the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations and Comprehensive Plan, the proposed development meets the criteria and intent of the LDRs and Comprehensive Plan. Staff recommends that the Board approve the Major Site Plan with Sustainable Bonus and Conditional Use Permit as conditioned starting on page 11.

**PROPERTY DESCRIPTION:**

<b>Applicant</b>	Janet Rosa and Matt Fino
<b>Owner</b>	Janet Rosa
<b>General Location</b>	Northeast corner of South L Street and 14 <sup>th</sup> Avenue South
<b>PCN Number</b>	38-43-44-27-01-064-0010
<b>Existing Land Use</b>	Vacant Lot
<b>Zoning</b>	Mixed-Use Dixie Highway (MU-DH)
<b>Future Land Use Designation</b>	Mixed-Use East (MU-E)

**ZONING MAP:****BACKGROUND:**

The project site is located at 1332 South L Street. Below is a timeline summary of the properties' histories based on Palm Beach Property Appraiser's records and City records:

- 1921 – Single-family residence built
- December 1975 to January 1979 – Property owned by Eric and Hilda Persson
- January 1979 to January 1980 – Property owned by Frank and Nancy Weathers
- January 1980 to February 1993 – Property owned by David and Kathleen Nelson
- February 1993 to October 2001 – Property owned by Jay and Hope Kimmel
- October 2001 to October 2008 – Property owned by Bolivar Davalos
- 2004 to 2008 – Bolivar Davalos has a business license for residential rental
- October 2008 to May 2009 – Property owned by Deutsche Bank National Trust Company
- May 2009 to June 2011 – Property owned by Matthew Fino
- June 2011 to March 2014 – Property owned by TBOneProperties LLC
- March 2014 to Present – Property owned by Janet Rosa-Ramos
- March 2020 – Single-family residence demolished

**ANALYSIS:**

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

The subject application is located within the Mixed-Use East (MU-E) Future Land Use (FLU) designation (Policy 1.1.1.5), which provides for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95. The project is a residential development located east of I-95, and aligns with the future land use’s intent of Mixed-Use East. The proposed triplex project will occupy a vacant lot east of South Dixie Highway and provides housing with large unit sizes of approximately 2,500 square feet with individual garages. Therefore, the proposed triplex is consistent with the following portions of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan:

- **Policy 1.1.1.5 of the City’s Comprehensive Plan, Future Land Use Element:** Mixed-Use East
- **Pillar II.A of the City’s Strategic Plan:** Diversity housing options

**Consistency with the City’s Land Development Regulations**

Per Section 23.2-29, conditional uses are defined as 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 pertinent conditions 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 Department of Community Sustainability is tasked in the code to review condition applications in accordance with the City’s LDRs, for compliance with the findings for granting conditional uses (analyzed in the next section) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

**Mixed-Use Dixie Highway (MU-DH):** Per LDR Section 23.3-17(a), The Mixed-Use Dixie Highway district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed project provides a higher density residential-only development on the border between a mixed-use commercial and residential zoning districts, which is an appropriate type of transitional development for this location. Further, MU-DH allows for residential-only projects consistent with the maximum density permitted in the MF-20 District. As such, the proposal is consistent with the intent of the MU-DH district.

The table below shows the proposed site features and its compliance with the development regulation of the Mixed-Use Dixie Highway section of the Code:

Development Standard		Codified Regulation	Provided
Lot Size (min) In square feet (sf)		6,500 sf	7,425 sf
Lot Width (min)		50’	55’
Height (max)		30 ft / 2 stories, 35 ft / 3 stories w/ Sustainable Bonus	33.58’ Sustainable Bonus provided
Setbacks	Front (min)	Min 10’, Max 22’	22’
	Rear (min)	15’	16.25’
	Street Side (min)	10’	10’
	Interior Side (min)	0’	5’
Living Area – 4 BR (min)		1,350 sf	2,423 – 2,663 sf
Impermeable Surface Coverage (max)		65%	63.1%
Structure Coverage (max)		50%	44.2%
Parking		6	6
Floor Area Ratio (FAR) (max)		0.95, 1.45 w/ Sustainable Bonus	1.06 Sustainable Bonus provided

**Height:** The proposed building height for the development is 33.58 feet, or 3.58 feet greater than the maximum building height permitted by right. The city's Land Development Regulations allow for a maximum building height of up to 35 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

**Floor Area Ratio (FAR):** The proposed building height for the development is 1.06, or .11 greater than the maximum FAR permitted by right. The city's Land Development Regulations allows for a FAR of up to 1.45 feet with the submission of a Sustainable Bonus Incentive Program application. The applicant has provided a Sustainable Bonus Incentive Program application for the project, and staff found it to be consistent with the Sustainable Bonus criteria. Staff's complete analysis of the application can be found on page 8.

**Parking:** The proposed development meets the minimum parking requirements in the City's LDRs. Two spaces are required for each dwelling unit, for a total of 6 parking spaces, and the project provides 6 spaces, one within each unit's garage, and one within each unit's respective driveway.

**Landscaping:** Overall, the development proposal complies with the City's landscape regulations. The project proposes Eagleston Holly, Pigeon Plum, Adonidia Palm, and Cabbage Palm Trees. There are also several shrubs, including Green Buttonwood which helps buffer the site from the single-family residence to the north.

**Impermeable Surface Coverage:** The project as proposed has a total impermeable surface coverage of 63.1% and meets the allowed impermeable surface coverage of 65% outlined in the MU-DH development regulations. The project is providing 2 of the 3 driveways to be paved with pervious pavement, which for lot coverage purposes is calculated at 50% of the actual area.

**Structure Coverage:** The project as proposed has a total building coverage of 44.2%, which meets the allowed maximum building coverage of 50%

**Setbacks:** The project has been reviewed against the setback regulations for properties zoned Mixed-Use Dixie Highway and was found to meet all setback regulations.

**Urban Design / Architecture:** The proposed project features a minimalist modern architectural style. Staff provided several urban design comments during the review process, including that the middle unit have stacked windows that are centered over the garage. It was also noted that the proposed elevations depicted only textured stucco, which the rendering shows extensive tile work. Staff has included conditions of approval that address the middle unit window and has required the tile as depicted in the rendering.

#### **Major Site Plan:**

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 project is a higher density residential project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two

zoning districts. In addition, the lot is a corner lot with an alley in the rear, and each unit is oriented toward a different side of the lot, allowing for a sense of privacy and exclusivity among each unit. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

**Staff Analysis:** The lot as it exists today has little landscaping and is not proposed to disturb terrain or vegetation. The project proposes additional landscaping which exceeds the landscaping already present on-site. The proposed landscaping has been reviewed and meets the requirements of the landscape code. **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:** The project provides adequate landscape screening with Eagleston Holly, Green Buttonwood, and Golden Dewdrop on the north side of the property where it is adjacent to residential. **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 project orients the entrances and exits of the units away from adjacent residentially-owned properties, and each entrance and exit to the individual units on-site are arranged to be separate from each other, enhancing the privacy of the occupants. **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:** Each unit has direct, dedicated access to vehicular right-of-way, allowing for emergency vehicle access to all sides of the building. In addition, the project was reviewed by the Palm Beach County Fire Department and was found to be acceptable. **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:** The units are each designed with wide driveways to accommodate pedestrian traffic in addition to vehicular traffic. Each driveway directly connects to public right-of-way, providing access to areas dedicated to common use. The project is not nearby any railroads. **Meets Criterion.**

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

**Staff Analysis:** There is a public sidewalk along the western property line on South L Street, which the Public Works Department has conditioned the project to require the applicant to reconstruct. The proposed project has also been conditioned to require right-of-way improvements along the southern property line for the north half of 14<sup>th</sup> Avenue South; therefore, the pedestrian circulation system is insulated as consistent with the surrounding development pattern from the vehicular circulation system. **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 in the form of driveways will be provided South L Street, 14<sup>th</sup> Avenue South, and the alley in the rear. These ingress and egress points are onto public ways which do not experience much vehicular traffic, and are anticipated to have very little impact on public ways. **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 project coordinates with the pattern of existing or planned streets. The project also proposes improving 14<sup>th</sup> Avenue South and the rear alleyway, which currently exist as unimproved rights-of-way. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

**Staff Analysis:** No on-site public right-of-way is being proposed. As mentioned in the above criterion, the applicant is improving 14<sup>th</sup> Avenue South and the rear alleyway by paving these rights-of-way. These improvements are being designed to the hierarchy that currently exists with these streets. **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 is located as wide driveways and garages accessible from public rights-of-way. These amenities allow for the parking as well as the loading and unloading of vehicles. **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:** Each unit will have a garbage bin that will be stored in an area screened with a fence, and will have a paved surface to roll the bin to the street for refuse pickup. The proposed screening will minimize the impact of noise, glare, and odor on adjacent property. **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 proposed design of the site plan meets or exceeds the current standard of adjacent properties. The project is occupying a vacant lot, and will provide a greater level of landscaping than what currently exists. **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:** As stated earlier, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **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:** No additional development beyond the scope of this application has been proposed at this time. Should any modification or future development of the site plan occur, they would be required to go through the appropriate site plan review process and meet all requirements of the Comprehensive Plan, Strategic Plan, and Land Development Regulations. **Meets Criterion.**

**Section 23.2-31(I): Community Appearance Criteria**

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

**Staff Analysis:** The application was reviewed and was found to be in conformity with good taste, good design, and contributing to the image of the city. **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 property currently exists as a vacant lot. The proposed project improves the vegetation and landscaping of the site. In addition, the proposed structure is of higher quality than what had previously existed on the site. **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:** As stated above, the project is a higher density residential-only project located on the edge of Mixed-Use Dixie Highway adjacent to Single-Family Residential. The project provides an appropriate transitional style of development between the two zoning districts, providing a harmonious transition so that the change in zoning districts is not accentuated. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

**Staff Analysis:** The project has been reviewed against the Conditional Use criteria as outlined on Page 9. **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.

Based on the calculation of the additional building area as part of the SBIP, the Applicant is seeking an additional 3.58 feet in height above the 30 feet of total building height allowed. The total square footage of bonus area under Sustainable Bonus is 3,004 square feet which results in a value of required improvements for the Sustainable Bonus allowance of \$15,020 (\$5 per square foot bonus).

Section 23.2-33(e) provides an applicant the option to pay a fee in lieu of on or off-site features and improvements to be held in a sustainability bonus incentive trust account to be expended on capital projects that enhance community sustainability. The Applicant’s schedule of fees to meet the requirements of the Sustainable Bonus is as follows:

Improvement Detail (type of amenity)	Valuation Amount	Calculation Details
Fee in lieu of features or improvements, to be held in Sustainability Bonus Incentive Trust Account	\$15,020	Bonus Area of 3,004 square feet x \$5 per square foot
<b>Total Value of Improvements/Design Excellence Required: <u>\$15,020</u></b>		<b>Total Value Provided: <u>\$15,020</u></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 proposed expansion of building area is consistent with the requirements of the Sustainable Bonus. The total square footage of bonus area which exceeds the maximum building height is 3,004 square feet. Therefore, the total value of required improvements is \$15,020 (\$5 per square foot). The Applicant will be providing a fee in-lieu of on and off-site improvements totaling \$15,020, which meets the requirements of the Sustainable Bonus program. **Meets Criterion.**

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

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

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

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

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

**Staff Analysis:** The proposed fee in-lieu provided meets the intent of the SBIP as it contributes to a trust account to further capital projects which enhance sustainability within the City. As such, 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 residential uses greater than 7,500 square feet.

**Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The proposed project is consistent with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

**Staff Analysis:** The site contains a zoning designation of Mixed-Use West (MU-DH). The LDRs put forth that the MU-DH zoning designation allows for the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. The proposed triplex use is a higher density residential use appropriate in the MU-DH zoning district. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	SFR	SFR	Single-Family Residence
South (across 14 <sup>th</sup> Ave S)	MU-E	MU-DH	Vacant Commercial
East (across alley)	SFR	SFR	Single-Family Residence
West (across S L St)	MU-E	MU-DH	Single-Family Residence

Per the Palm Beach County Property Appraiser and City Business License records, the site is surrounded by vacant commercial and single-family residence uses. The proposed project is in harmony with the existing mixture of uses in the immediate area. **Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Analysis:** The project provides a higher intensity, yet small residential development which is appropriate for the immediate area, and will not result in less public benefit or greater harm than would result from a permitted-by-right or conditional use permitted on the site. For instance, a Special Interest Automobile Dealership under 7,500 square feet is an Administrative Use at this location and has the potential to provide a higher impact to the neighborhood than would the proposed triplex. **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 Land Development Regulations anticipate residential uses in this zoning district. 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:** The three proposed dwelling units total a square footage in excess of 7,500 square feet, which require a Conditional Use review. By contrast, three units totaling less than 7,500 square feet are permitted by right and would not be subject to a conditional use review. Traffic generation is linked to number of units and not unit size. Therefore, the proposed use is not anticipated to create any additional trips compared to 3 units with a smaller dwelling unit size. **Meets Criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

**Staff Analysis:** The proposed triplex use is a residential use adjacent to a residential area. It is located on local streets along with other residential uses located on the same street and is appropriately located with respect to collector and arterial streets. The proposed use is not anticipated to generate a greater amount of through traffic on local streets than a development permitted by right. **Meets Criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Analysis:** The proposed triplex is not anticipated to produce significant air pollution emissions. **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 proposed residential use will be improving 14<sup>th</sup> Avenue South and the adjacent alley rights-of-way at the applicant's expense, and will not result in a higher or earlier net public cost than 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 proposed triplex is located adjacent to existing water, sanitary sewer, storm, and surface drainage systems, and would not result in a higher net public cost than a development permitted by right. 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 residential development is located in an area that already receives police and fire protection services, and the addition of 3 dwelling units to this location will not generate demand beyond the capacity of municipal emergency services. **Meets Criterion.**

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

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

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

Based on the uses being proposed, the 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 project concentrates exterior lighting to the south and west sides of the site, adjacent to the main entrances to the dwelling units, and away from adjacent residential property. **Meets Criterion.**

**Public Support/Opposition:**

No public support or opposition has been received prior to February 23, 2021. On February 22, a resident contacted the city requesting additional information about the project, but provided no indication of support or opposition.

**CONCLUSION:**

The proposed request for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street 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:

**Electric Utilities:**

1. Prior to issuance of a Building Permit:
  - a. Show the meters' location on the plans. The meters will need to be located close to either the northeast or southeast corner of the building.
  - b. Provide load calculations and electrical riser diagrams.
2. Prior to issuance of a Certificate of Occupancy:
  - a. Should the electrical service be underground, the customer shall install the gray schedule-40 conduit a minimum of 24-inches deep and at least 12" away from any other utility from the meter location to the designated pole location. Should the electric service be overhead, the service drop must be clear of any trees or obstructions.
3. The applicant may be responsible for any costs that may arise from the upgrade in electrical infrastructure as a result of this project.

**Planning:**

1. No bedrooms may be rented out individually as either long-term or short-term rentals, and must be occupied by the tenant of the unit.
2. Exterior lighting shall be consistent with Section 23.4-3 and align with International Dark Sky Communities program guidelines. If LED lighting is used, then the color temperature shall be a warm color and not be in excess of 3000 K.

3. Fixtures shall be compatible with the architectural style of the project. The addition of pole fixtures shall require a minor site plan approval.
4. Changes in architecture outside of the scope of this approval and associated conditions shall require a Minor Site Plan amendment.
5. Prior to the issuance of a building permit:
  - a. Provide a pedestrian path from the east unit to the 14<sup>th</sup> Avenue South roadway. The path may be in the form of architecturally-compatible pavers or large-scale concrete stepping stones.
  - b. Provide data showing that the percolation rate of the permeable pavers are at least half that of natural ground cover.
  - c. The middle unit shall be designed to have stacked windows that are centered over the garage.
  - d. Reflect on the architectural elevations the tile work illustrated on the rendering.
6. Prior to the issuance of a certificate of occupancy:
  - a. Apply for and obtain new addresses for the units in accordance with the City's addressing policy.
  - b. Provide the fee-in-lieu Sustainable Bonus Incentive Program payment of \$15,020 to the sustainability bonus incentive trust account.

**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. 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.
4. Prior to issuance of a certificate of occupancy,
  - a. the applicant shall construct a new 5-foot wide sidewalk along S L St from the north property line to the south property line in compliance with the Public Works Department's specifications and Policy and Procedure Manual.
  - b. the applicant shall reconstruct the unimproved roadway on 14th Ave South per the limits depicted in the plan design in compliance with the Public Works Department's specifications. The plans depict a note stating "The street to be paved by the City", however this is in reference to the southern 10' of roadway and is dependent on funding and budget constraints. The applicant will construct the north 10' of roadway.
  - c. alleyway improvements consisting of a paved 10' alleyway per the limits depicted on the plans shall be constructed.
  - d. the applicant shall enter into a "Right of Way Maintenance Agreement" for the landscaping, irrigation, trees, and 10' paved roadway and alley. The improvements that are permitted in the right of way shall be the responsibility of the owner to maintain in perpetuity to a standard acceptable to the City. The Agreement will memorialize these responsibilities.
  - e. the Applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction.
  - f. the applicant shall fine grade and sod all disturbed areas with bahia sod.
  - g. the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
  - h. Prior to the issuance of a Certificate of Occupancy, the applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind

**Utilities Water & Sewer:**

1. Prior to the issuance of a building permit:
  - a. Provide a signed and sealed drainage statement from a registered professional engineer.
  - b. Site Drainage and Drainage Calculations shall meet City policy that the 3-year 1-hour storm event (2.6 inches) over the entire site area is contained on property and include the typical sections along each property line.

**Board Actions:**

Based upon the competent substantial evidence presented in the staff report, including the data and analysis, and the testimony presented at the hearing, I MOVE TO APPROVE PZB PROJECT NUMBER 20-01400050 with staff recommended **conditions** for a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street.

I MOVE TO DENY PZB PROJECT NUMBER 20-01400050 Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street as the Applicant has not proven by competent substantial evidence that the project meets the applicable criteria for the following reasons [Board member please state reasons.]

**Consequent Action:**

The Planning & Zoning Board's decision will be final for the Major Site Plan, Sustainable Bonus Incentive Program, and Conditional Use Permit. The decision may be appealed to the City Commission.

**ATTACHMENTS:**

- A. Site Plan Package
- B. Supplemental Supporting Documents
- C. Memorandum
- D. Updated Renderings