



DATE: April 29, 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: May 5, 2021

SUBJECT: **PZB Project Number 21-01400039**: A request by Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Ave North LLC for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Right of Way Abandonment to allow the construction of a two-building residential project consisting of 24 multi-family units on 10th Avenue North, between North E Street and North F Street, within the Mixed Use – East (MU-E) zoning district, PCN #s 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0160.

PROJECT DESCRIPTION:

The applicant, Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Avenue North LLC, is requesting approval of the following:

1. **Residential Urban Planned Development** to construct a two-building, 24-unit multifamily development.
2. **Major Site Plan** for the development of a new multifamily development in excess of 7,500 square feet.
3. **Conditional Use Permit** to establish residential uses greater than 7,500 square feet.
4. **Sustainable Bonus Incentive Program** for additional density of 3 units.
5. **Right-Of-Way Abandonment** for the city to abandon the alley bisecting the project location.

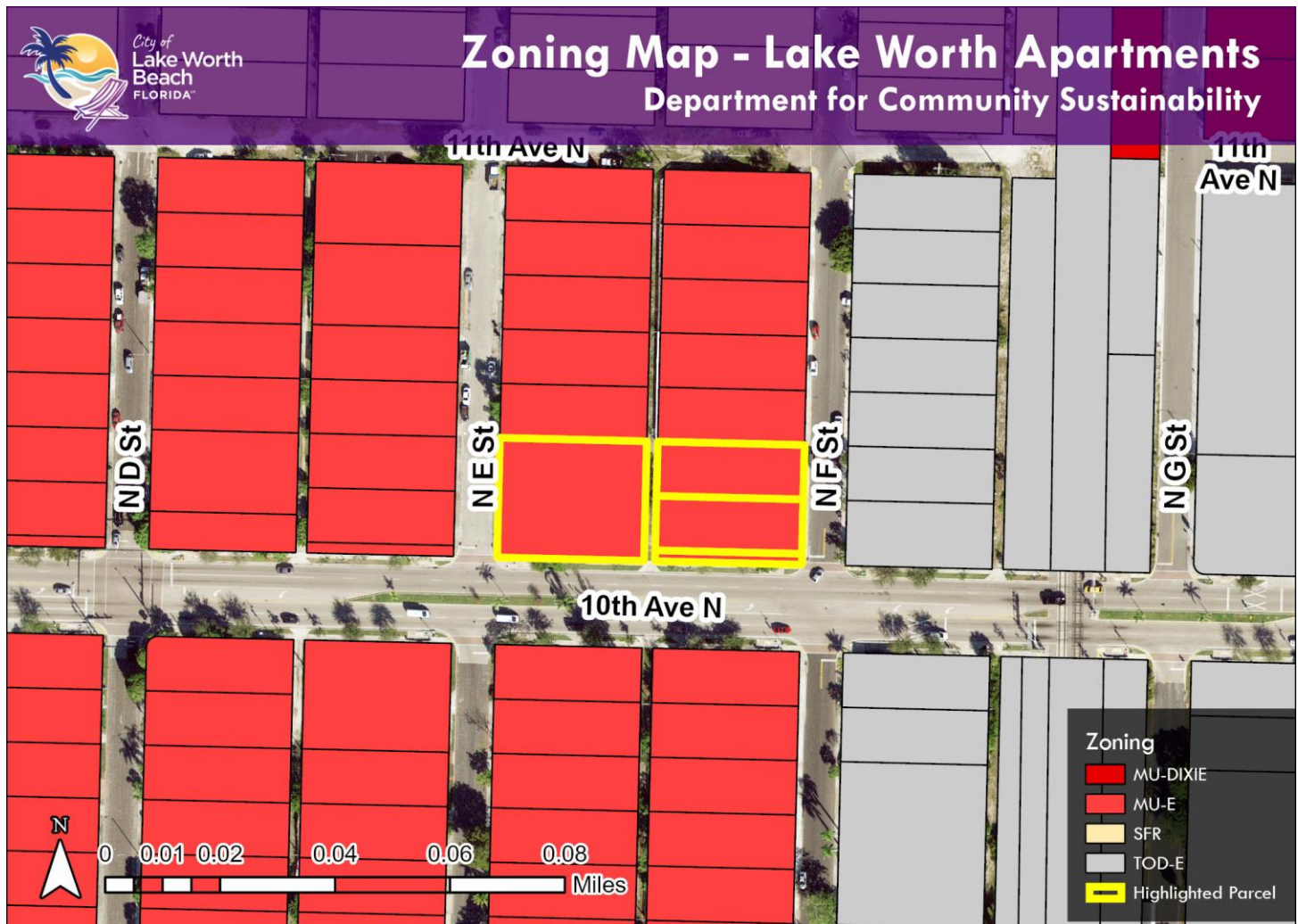
The 0.71-acre subject site is currently vacant, and is located on the north side of 10th Avenue North, between North E and F Streets. Prior to 2011, the site contained residential buildings, however the parcels are now currently vacant. The proposed project will be comprised of two, 2-story buildings, each with 12 dwelling units.

Staff Recommendation:

Staff has reviewed the documentation and materials provided by the applicant for consistency with applicable guidelines and standards found in the City of Lake Worth Beach Zoning Code and Comprehensive Plan. The proposed development meets the criteria of the Comprehensive Plan and LDRs. Therefore, staff recommends that the Board approve the Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment with conditions of approval to the City Commission.

PROPERTY DESCRIPTION:

Applicant	Mark Hunley of Charette International Architecture
Owner(s)	1212 Tenth Avenue North LLC (Lots 0010, 0140, & 0150) Lake Worth Beach CRA (Lot 0160 / 1,307 sf)
General Location	North side of 10 th Ave N between N E and F Sts
Existing PCN Numbers	38-43-44-21-15-318-0010; 38-43-44-21-15-318-0140; 38-43-44-21-15-318-0150; 38-43-44-21-15-318-0160
Existing Land Use	Vacant
Zoning	Mixed Use – East (MU-E)
Future Land Use Designation	Mixed Use – East (MU-E)

ZONING MAP:

BACKGROUND:

The project site is located on the north side of 10th Avenue North, between North E and F Streets. Based on Palm Beach Property Appraiser's records and City records, the site previously contained a mixture of residential buildings along North E and F Streets, however these structures were demolished between 2009 and 2011, resulting in vacant land which remains vacant to this day, with no currently existing structures and no active business licenses issued. Additionally, a search performed on April 26, 2021 indicated that there are no open code compliance violations at the project site. The Lake Worth Beach CRA currently owns lot 0160, which is a narrow rectangular parcel that is 0.03 acres or 1,306 sf in size. The property will be transferred to the applicant around June 2021 with a condition of approval to complete the development of the project within four hundred and twenty-five (425) days from closing.

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 MU-E FLU is established to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed development provides multi-family dwelling units along one of the major thoroughfares of the city. Therefore, the proposal is consistent with the intent of the MU-E FLU. Furthermore, Objective 1.2.2 states that the City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed-use development areas. The proposed development is a residential urban planned development that utilizes the City's Sustainable Bonus Incentive Program, which grants the development additional density over what is permitted by right. Thus, this project is consistent with Objective 1.2.2.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillars II.A of the Strategic Plan state that the City shall diversify housing options. In addition, Pillars I.A and I.B of the City's Strategic Plan represent a commitment to economic development, of which this project brings. Therefore, the project is consistent with Pillars I.A, I.B, and II.A of the City's Strategic Plan.

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

Consistency with the City's Land Development Regulations

Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied. The subject planned development is proposing to waive or relax base zoning district requirements in one (1) area of the LDRs, LDR Section 23.3-10, the parking requirements, which is analyzed by topic area and in the table below in this section of the report.

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), the MU-DH zoning district is intended to provide for a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. The proposed development provides higher-density residential uses and is consistent with the intent of the MU-E district. The table below shows the proposed site features and its compliance with the Code, factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District	Mixed-Use Urban Planned Development w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	Greater or equal to 21,780 sf (0.5 acres)	30,807 sf (0.71 acres)
Lot Width (min)		100'	100'	280'
Setbacks	Front (min) (10 th Ave N)	10' min. 22' max	10' min 22' max	10'
	Rear (min)	15' or 10%	15' or 10%	51.8'
	Side (min) (N E & F Sts)	10'	10'	10' (both)
Impermeable Surface Coverage (maximum)		65%	75%	74.9%
Structure Coverage (max)		55%	65%	32.5%
Living Area (min)		Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 400 sf 1-bed: 600 sf 2-bed: 750 sf	Efficiency: 607 sf (Qty. 8) 1-bed: 686 sf (Qty. 8) 2-bed: 777 sf (Qty. 8)
Parking		36	36	Off-Street: 21 Off-Street Compact: 7 On-Street: 6 (On-Street Safety Recommendation: 4) 8 Bike Spaces: 2 Total: 34* as conditioned
Density (max)		30 du/acre (21 units)	37.5 du/acre (26 units)	34 du/acre (24 units)
Building Height (max)		30'	56.25'	29.5'
Floor Area Ratio (FAR) (max)		.90	1.94	0.65

**A relaxing or waiving of base zoning district requirements is requested.*

Density & Floor Area Ratio (FAR): The base zoning district allows a maximum density of 30 units per acre. Based on Section 23.3-25(b)(2)(C) of the City's Land Development Regulations, planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. Table 1 of the City's Comprehensive Plan allows a density of 30 units an acre. Therefore, 30 units per acre plus 25% equals a density of 37.5 units per acre. The proposed residential planned development proposes a density of 34 units per acre (24 units) which does not exceed the maximum density allowed on this property. The FAR permitted by right at this location is .90, and a Planned Development at this location allows for a FAR of 1.94. The project proposes a building which is .64, well below the maximum FAR for this location.

Height: The maximum building height permitted by right at this location is 30 feet and 2 stories. Planned Development at this location allows for buildings in height of up to 56.25 feet and 5 stories in height. The project proposes a building which is 29.5 feet and 2 stories in height, well below the allowed height for this location.

Major Thoroughfare Design Guidelines / Urban Design: The project generally complies with the City's Major Thoroughfare Design Guidelines. The project orients the structures and massing toward 10th Avenue North which is a Major Thoroughfare within the city, and places parking and vehicular areas toward the rear of the site, promoting walkability along 10th Avenue North.

Parking: The project proposes a total of 36 parking spaces, met in part by supplying 6 on-street parking spaces, which meets the Land Development Regulations for parking. The plans were reviewed by the city engineering staff, who subsequently determined that the on-street parking directly adjacent to the ingress and egress points posed a visibility and safety issue. As such, staff is recommending a relaxation of Section 23.4-10 of two parking spaces in order to provide a safer condition along North E and F Streets.

Landscaping: The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. Verawood, Live Oak, and Green Buttonwood trees are proposed along 10th Avenue North, lined with a Cocoplum hedge. Staff has conditioned that all ground-level mechanical equipment be properly screened with landscaping and all monument signs be landscaped at the base of the sign.

Lighting: Staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant.

Signage: This application is proposing two small monument signs at the southeast and southwest corners of the site along 10th Avenue North. The project has been conditioned to provide the location of the proposed monument signs on the site plan, and include their dimensions and height.

Residential Urban Planned Development:

The intent of this section is to encourage, through incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the City. Incentives include but are not limited to:

1. Relaxing or waiving of height, setback, lot dimensions, and lot area requirements;
2. Allowing an increase in density or a decrease in minimum living area per dwelling unit; and
3. Permitting uses or a mixture of uses not normally permitted in the underlying zoning district.

The proposed planned development will require the relaxing of a section of the LDRs related to a staff recommended reduction in required parking by two (2) on-street parking spaces to improve safety. The analysis of this recommendation is outlined under the "Consistency with the City's LDR Requirements" analysis section above. The criteria below list the requirements of all residential urban planned developments.

Section 23.3-25(e) – Mixed-Use Urban Planned Development District

1. *Location.* Urban planned developments may be located in any mixed-use district, such as Mixed Use — East, Mixed Use — West, Mixed Use — Dixie Highway, Mixed Use — Federal Highway, Transit Oriented Development — East, Transit Oriented Development — West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

Staff Analysis: The proposed subject site is located within the Mixed-Use — East zoning district. **Meets Criterion.**

2. *Minimum area required.* The minimum area required for an urban planned development district shall be one-half (0.5) acres.

Staff Analysis: This residential urban planned development will be situated on a lot of .71 acres, which is over the required minimum area. **Meets Criterion.**

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

Staff Analysis: The project will contain exclusively multi-family units, which is permitted under this criterion. **Meets Criterion.**

4. *Required setbacks.* Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

Staff Analysis: The project complies with the base minimum required setbacks of the base zoning district, MU-E. **Meets Criterion.**

5. *Parking and loading space requirements.* Parking and loading spaces shall be provided pursuant to article 4 of these LDRs.

Staff Analysis: The proposed project has not requested to waive or reduce any of the requirements associated with parking, and exceeds the minimum parking requirements. Furthermore, Section 23.4-10 permits up to 25% of required parking to be in the form of alternative parking, including compact spaces and bicycle racks. The project provides these parking alternatives, and does not exceed 25% of the required parking at the site.

6. *Landscaping/buffering.* Landscaping and buffering shall be provided as required by section 23.6-1.

Staff Analysis: The development proposal has been reviewed for landscaping and complies with the City's landscape regulations in LDR Section 23.6-1. The site provides perimeter landscaping and as well as landscaping internal to the site. **Meets Criterion.**

7. *Illumination.* Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

Staff Analysis: The applicant has provided a photometric plan of the site. The project has been conditioned to ensure lighting does not exceed 12.57 lumens when measured from the property line. Furthermore, the project has also been conditioned to use fixtures which are architecturally appropriate and have a warm color temperature in alignment with Dark Sky guidelines. **Meets Criterion.**

8. *Outdoor storage.* All outdoor storage facilities are prohibited in any mixed use urban planned development district.

Staff Analysis: No outdoor storage facilities are proposed as part of this request. **Meets Criterion.**

9. *Sustainability.* All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in section 23.2-33, City of Lake Worth Sustainable Bonus Incentive Program.

Staff Analysis: The project has applied for the Sustainable Bonus Incentive Program and is providing a fee in-lieu of features to meet the intent and standards of the Sustainable Bonus Incentive Program. **Meets Criterion.**

Master Development Plan (Major Site Plan):

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

Section 23.2-31(c): Qualitative Development Standards

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

Staff Analysis: The site design is consistent with the Major Thoroughfare Design Guidelines. The proposal locates the parking toward the rear of the site away from Dixie Highway, and locates the residential building closer to 10th Avenue North, focusing activity along the Major Thoroughfare. The project is designed harmoniously and efficiently with the project site and does not impede the development or improvement of surrounding properties. **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 proposal is a redevelopment of the site which was developed prior, therefore the disturbance of the natural conditions had already taken place. The proposal incorporates landscaping and features which improve upon the conditions that had existed prior. **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: Landscape screening and buffering are provided along the perimeter of the site to meet the landscape buffering requirements. **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 proposed development provides landscape buffering to enhance the residential privacy of the occupants, and provides the entrance to the units from the rear of the site to provide enhanced privacy of the occupants from view of 10th Avenue North. **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: Emergency access is provided to all buildings through means of 10th Avenue North and North E and F Streets, and an interior private drive-aisle permits access around the rear of the site. **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 site has vehicular access to both North E and F Streets, which are public streets. Furthermore, internal pedestrian circulation systems bring pedestrians from all surrounding public streets to all points of access to both buildings. **Meets Criterion.**

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

Staff Analysis: The vehicular access is located towards the rear of the site, and direct pedestrian access is provided from the buildings to 10th Avenue North so that all pedestrian traffic have a direct access to the Major Thoroughfares with no interaction with vehicular circulation. Furthermore, the site locates the drive aisles toward the rear of the site in order to limit vehicular congestion from occurring closer to 10th Avenue North, which would otherwise create hazardous conditions for pedestrians. **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: As stated, vehicular access to the site is provided off of North E and F Streets. These are located as far away as possible from 10th Avenue in order to promote pedestrian circulation and connectivity, as well as isolate traffic movements from nearby intersections. **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 site plan shows that the site's vehicular and pedestrian circulation connects to the existing street pattern and pedestrian walkways. **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: There are no on-site public rights-of-way. **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: Landscape buffers are proposed around the perimeter of the property to provide screening for the parking areas and buildings on the site. **Meets Criterion.**

12. *Refuse and service areas.* Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

Staff Analysis: The site plan proposes the refuse area within the parking area behind the western building. The dumpster is screened by a wall as well as landscaping to minimize the impact of noise, glare, and odor on adjacent property insofar as feasible. Locating the dumpster elsewhere on the site would either cause traffic to be blocked during trash pickup or not be in alignment with the major thoroughfare design guidelines. **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 project will revitalize the vacant site, constructing 24 multi-family units and further add to the City's tax base. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

Staff Analysis: The subject site is within the MU-E zoning district, is next to Transit-Oriented Development - East (TOD-E) property to the east, and is next to MU-E zoned properties on the other sides. The project proposes a development that is consistent with the MU-E zoning district and the development incentives in the City's Comprehensive Plan, and provides an appropriate transition to higher density residential uses allowed under the TOD-E zoning district. **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: With future development in mind, the proposed development meets the intent of the MU-E zoning district and is consistent with intent of the MU-E future land use designation. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

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

Staff Analysis: The application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined that the proposal complies with the Major Thoroughfare Design Guidelines and that the architecture is in conformity with good taste, good design, and contributes 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 application has been reviewed by the City's Site Plan Review Team (SPRT) and has been determined to not be of inferior quality that would cause harm to the nature of the local environment or materially depreciate in appearance and value. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: The proposal is consistent with the City's Comprehensive Plan and Strategic Plan, the City's LDRs and Major Thoroughfare Design Guidelines. **Meets Criterion.**

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

Staff Analysis: The project's compliance with the community appearance and conditional use criteria is detailed below. **Meets Criterion.**

Conditional Use Permit:

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish a residential master plan 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 MU-E. Based on the intent of the MU-E zoning district, uses most likely to occur in the district are a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development. The proposed residential development is consistent with the intent of the MU-E district. Therefore, the proposed residential planned development is compatible and harmonious with the existing and anticipated surrounding uses. **Meets Criterion.**

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

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

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	MU-E	MU-E	Multi-Family and Single-Family Residential
South (across 10 th Ave N)	MU-E	MU-E	Multi-Family and Single-Family Residential
East (across N F St)	TOD	TOD-E	Multi-Family and Single-Family Residential
West (across N E St)	MU-E	MU-E	Single-Family Residential

Per the Palm Beach County Property Appraiser and City Business License Records, the site is surrounded by a mixture of quadplex and triplex multi-family and single-family residential uses. The proposed multi-family residential uses have been found to be consistent with the surrounding residential uses. **Meets Criterion.**

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

Staff Analysis: The approval of this conditional use will bring more residents to the City and contribute to the City's tax base. The proposed development is also at an intensity less than what would be permitted by right if developed with non-residential uses. Therefore, the development is not anticipated to result in less public benefit than a use permitted by right. **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: Based on the table on pages four, the project proposes a height and floor area ratio (FAR) that is less than the maximum development potential the code allows on this lot. In addition, the project proposes an intensity which is less than what the Comprehensive Plan anticipates. Therefore, the project is not anticipated to be a more intensive development than what is approved by the future land use element of the Comprehensive Plan. **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: Residential development east of I-95 in coastal Palm Beach County is exempt from County-wide concurrency requirements to promote urban infill in coastal communities. The applicant has submitted a traffic impact statement, which showed minimal impact to adjacent local roads at peak with only two (2) additional trips and a total trip generation of 176 trips per day. If the subject property were developed as a mixed use property or with two or more non-residential uses less than 2,500 square feet and a residential use less than 7,500 square feet, then it is likely that the cumulative volumes on the site would be greater than the proposed residential-only use. Therefore, the proposal is not anticipated result in a significantly lower level of service than if developed with uses permitted by right. The applicant's Traffic Study can be viewed in Attachment B. **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: Residential development east of I-95 in coastal Palm Beach County is exempt from County-wide concurrency requirements to promote urban infill in coastal communities. The applicant has submitted a traffic impact statement, which showed minimal impact to traffic on local roads (North E & F Streets) with only two (2) additional trips at peak hour. The project has been conditioned to provide a Traffic Performance Standards (TPS) review letter from Palm Beach County's Traffic Engineering to confirm the property's exemption from TPS review. The residential urban planned development is a conditional use because of its size (> 7,500 sf). Subdivision of the property and/or the development of the property with multiple non-residential uses less than 7,500 sf would not mitigate the reliance of future development on the adjacent local roads to access 10th Avenue North. Therefore, the traffic generated from the proposed development is not anticipated to generate a significant amount of through traffic on local streets than would result from 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: Staff does not anticipate the proposed 24-unit residential development to produce significant air pollution emissions that are greater than that of a development permitted by right. The proposed residential uses do not pose a pollution hazard to the nearby properties. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The project is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The applicant will be utilizing existing City utility lines. Should any additional infrastructure be constructed to connect the development to the city's utilities, the applicant shall be responsible for the expense. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: The proposed development is not anticipated to place a demand on municipal police or fire protection service beyond the capacity of those services. The site is designed to allow for emergency vehicle and service access to all sides of the site. **Meets Criterion.**

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

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

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

The requested use is for a 24-unit multi-family residential project. The use is not anticipated to cause unreasonable noise during the hours listed above. Therefore, the multi-family residential project is anticipated to generate noise levels that are compliant with Section 15.24. **Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The applicant has submitted a photometric plan which does not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3. Nonetheless, staff has conditioned the project to provide lighting fixtures which shall be compatible with the architectural style of the building and be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line. Further, all lighting shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting,

a warm light tone not to exceed 2700 K is required and all fixtures shall be dark skies compliant. **Meets Criterion as Conditioned.**

Sustainable Bonus Incentive Program

The proposal includes a Sustainable Bonus Incentive Program as part of the Planned Development to obtain additional density from the base zoning district, MU-E. Section 23.3-25(b)(2)(B) states that mixed-use urban planned developments may obtain a 25% bonus on density, intensity and height over the base outlined in Table 1 of the City's Comprehensive Plan. The site proposes a density of 34 units/acre, which is a 13% increase on the base density under the maximum established under the subject section. 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 increase in density result in an additional 3 units above the density permitted by right. With an average unit size of 720 square feet, a total of 2,160 square feet of residential units are being added above Table 1 in the Comprehensive Plan. Any increase in density above the allowances under Table 1 in the Comprehensive Plan are at a bonus cost of 10 dollars per square foot. The total Sustainable Bonus value is calculated as \$21,600, which the applicant will provide through the payment to the City's Sustainability Bonus Incentive Trust account.

Right of Way Abandonment

The proposal includes a right of way abandonment for the south 110 feet of the alley bisecting the project site. The City Commission will consider this request concurrently with the residential urban planned development. At first reading, the City Commission will consider permission to advertise the proposed ROW abandonment and then will consider the ROW abandonment request. If approved, the portion of the alleyway within the project site would be granted to the property owner. There are no objections to the ROW abandonment from the Public Services Department or the City Engineer. The utilities department has requested that a utility easement of 15 feet in width be provided, and that the site maintain open access to the alleyway from the site's parking lot. These requests have been addressed and provided with the applicant's proposal.

Public Support/Opposition:

Staff has received a phone call and email with concerns about the noise on the property from the adjacent property owner. Staff encouraged the applicant to reach out to the property owner to mitigate their concerns.

CONCLUSION:

The proposed request for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment 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 application for building permit, the applicant shall meet with Lake Worth Beach Electric Utilities to confirm that either one or two single-phase padmount transformers will be required between the two buildings, depending on the size and amount of private service cable being run from the multi-meter banks to the padmount transformers. Lake Worth Beach will need at least 20-feet of width between the two apartment buildings to install two single-phase padmount transformers and also allow for the appropriate spacing between the buildings and each transformer. Lake Worth Beach Electric also requests that no landscaping be installed within 8-feet of the front of the padmount transformers and 3-feet of the sides and rear of the padmount transformers. No landscaping is currently proposed between the two buildings.

2. Prior to issuance of a Certificate of Occupancy,
 - a. Lake Worth Beach Electric will need a 10-ft wide utility easement for the underground primary line and the padmount transformers.
 - b. The developer and/or property owner shall be responsible for the cost of the new underground electric lines and padmount transformers for the proposed project. There will be another charge separate from the overhead relocation charge for the underground lines and transformers that will need to be installed for the project.
 - c. The developer and/or property owner shall be responsible for installing the 2-2" schedule-40 conduits down a minimum of 36" deep from the designated overhead pole to the padmount transformers.
3. Prior to the issuance of a Building Permit, Lake Worth Beach Electric has an existing overhead electric line and pole that looks to be in conflict with the parking lot. The property owner is responsible for the cost of removing this line and the other electric work that will be needed to prepare the overhead electric lines for the new underground service.

Planning and Zoning:

1. All lighting shall be shielded so as to not trespass upon neighboring residential properties or districts in excess of 12.57 lumens when measured from the property line and shall comply with lighting code regulations in LDR Section 23.4-3. If using LED lighting, a warm light tone not to exceed 2700 K is required. Lighting fixtures should comply with dark skies fixture recommendation and be consistent with the architectural style of the project.
2. Twenty days prior to first site plan approval reading at the City Commission, the applicant shall provide a sign plan showing the dimensions and size of the monument signage proposed at the southwest and southeast corners of the site and indicate the location of such on the site plan.
3. Prior to the issuance of a certificate of occupancy, the property shall be platted. The plat shall depict all utility easements and showing the revised boundaries of the property, including the required right-of-way abandonment and unity of title.
4. Prior to the issuance of a certificate of occupancy, the developer shall pay \$21,600 toward the City's sustainability incentive trust account.

Public Works:

1. Twenty days prior to first reading at City Commission:
 - a. 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.
 - b.
2. Prior to the issuance of a building permit:
 - a. 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.
 - b. Provide evidence of any required permit(s) from the Lake Worth Drainage (LWDD) District's Engineering Department and South Florida Water Management District's (SFWMD) Engineering Department, as required. Provide evidence of discussions and outreach to the LWDD and SFWMD, including required permits.
 - c. Provide an Erosion Control plan and indicate the BMP's and NPDES compliance practices.

3. Prior to the issuance of a certificate of occupancy:
 - a. All conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
 - b. A new driveway curb cut on North F Street and North E Street shall be constructed that complies with the Public Works Department's specifications and Policy and Procedure Manual.
 - c. 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 shall be restored to the same condition prior to construction or better.
 - d. All disturbed areas shall be fine graded and sod all disturbed areas with bahia sod.
 - e. The property shall be broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - f. A "Right of Way/Utility Permit" is required.
 - g. All rights of way shall be restored 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. Twenty days prior to the City Commission's first reading:
 - a. Eliminate one (1) on-street parking on North E and F streets closest to the northern property line for traffic egress visibility and safety purposes from the site plan package.
 - b. Provide drainage calculations and/or drainage statement that meet the City's stormwater policy of containing the 3-year 1-hour storm event or 2.6 inches of precipitation over the entire site. If a connection to the City storm system is proposed, the calculations must meet attenuation time and pre/post discharges. Provide the elevation cross sections at each property line to confirm the site contains the 3-year 1-hour storm.
2. Prior to the issuance of building permit:
 - a. If the platted alleyway be will be abandoned a Utility Easement will need to be established. Utility easements are a minimum of 15 feet wide and should be centered over the existing to provide a minimum of 7 feet east of the Sanitary Sewer.
 - b. Detailed drainage calculations that meet the City's stormwater policy of containing the 3-year 1-hour storm event or 2.6 inches of precipitation over the entire site. If a connection to the City storm system is proposed, the calculations must meet attenuation time and pre/post discharges. Provide the elevation cross sections at each property line to confirm the site contains the 3-year 1-hour storm.
 - c. Provide the geotechnical analysis for the percolation rate (K).
 - d. Provide an Erosion Control plan with BMPs and NPDES compliance.
 - e. Pay in full all reserved capacity fees for water and sewer must be in accordance with the current City Ordinance.

Lake Worth Beach Community Redevelopment Agency:

1. A portion of this project requires the transfer of parcel #38-43-44-21-15-318-0160 from the Lake Worth Community Redevelopment Agency (CRA) to '1212 Tenth Avenue North, LLC', a Florida limited liability company.
2. The owner of the project, '1212 Tenth Avenue North LLC', shall have four hundred twenty five (425) days following the Closing Date as provided in the CRA's Purchase and Sale Agreement to obtain a certificate of occupancy for the development on the Property. Such failure to obtain the certificate of occupancy, subject, however, to extensions for delays attributable to Force Majeure which extensions must be approved by the CRA Board of Commissioners. Closing date between '1212 Tenth Avenue North LLC' and the Lake Worth Beach Community Redevelopment Agency (CRA) is expected to take place no later than the end of June 2021.

Board Actions:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 21-01400039 with staff recommended **conditions** for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment to construct a 24-unit residential development at the subject site. The project meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO RECOMMEND DENIAL OF PZB PROJECT NUMBER 21-01400039 for a Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment to construct a 24-unit residential development at the subject site. The project does not meet the applicable criteria for the following reasons [Board member please state reasons.]

Consequent Action:

The Planning & Zoning Board will be making a recommendation to the City Commission on the Residential Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Right-of-Way Abandonment.

ATTACHMENTS:

- A. Site Plan Package
- B. Supplemental Supporting Documents