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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

104
105 The Mayor thereupon declared this ordinance duly passed on first reading on the
106 6th day of April, 2021.
107

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

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

118
119
120 The Mayor thereupon declared this ordinance duly passed on the _____ day of
121 _____, 2021.
122

123 LAKE WORTH BEACH CITY COMMISSION

124
125
126 By: _____
127 Betty Resch, Mayor

128 ATTEST:

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

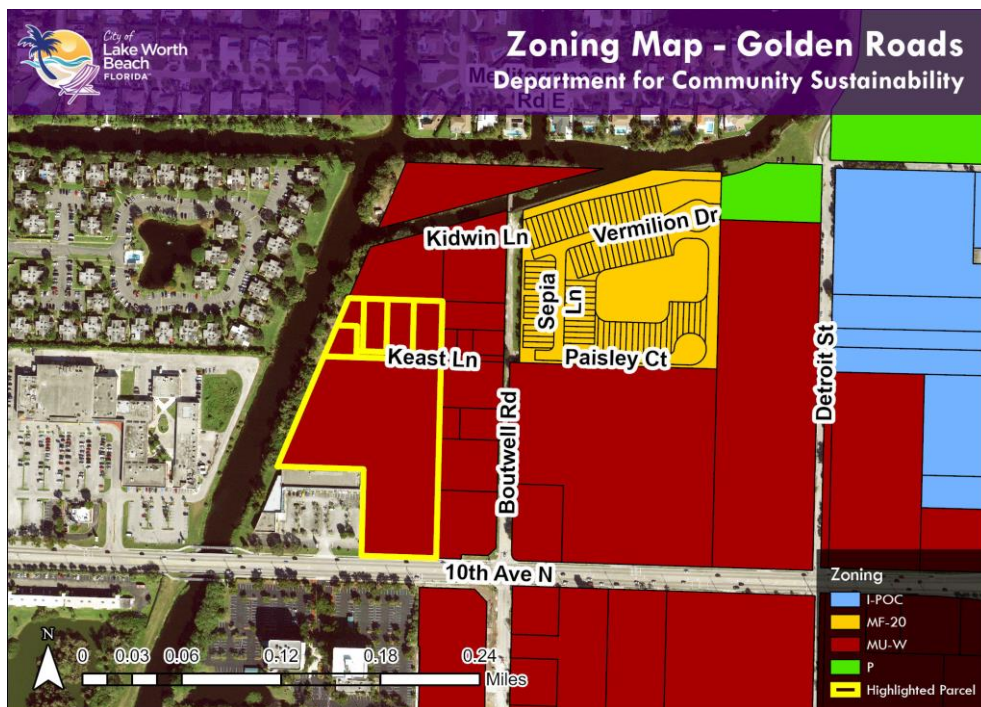
Exhibit A

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

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

PROPERTY DESCRIPTION:

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



location

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

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

Exhibit C

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

PB County Fire:

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

Electric Utilities:

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

Community Services Landscaping:

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

Planning and Zoning:

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

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

200 **Urban Design:**

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

209 **Public Works:**

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

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

234 **Utilities Water & Sewer:**

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

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

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