

**ORDINANCE NO. 2021-03 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 URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 3300 BOUTWELL ROAD CONSISTING OF APPROXIMATELY 4.746 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE – WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – WEST (MU-W) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS TO OBTAIN AN ADDITIONAL 4.7 UNITS PER ACRE; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 200-UNIT RESIDENTIAL URBAN 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, MA Investment Boca, LLC (the applicant), has petitioned the City of Lake Worth Beach (the City) for creation of a Residential Urban Planned Development District to allow for the approval of a 200-unit multi-family development on a site located at 3300 Boutwell Road (PCN 38-43-44-20-01-034-0040) as further described in Exhibit A (the Property) within the MU-W Zoning District and the MU-W Future Land Use designation, which, 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

residential urban planned development currently known as “The Bexly at Boutwell” that will contain 200 dwelling units to be constructed on this site;

WHEREAS, the applicant requests use of the City’s Transfer Development Rights Program to allow for additional density to be considered in conjunction with the applicant’s request for approval for a major site plan for the construction of a residential urban planned development currently known as “The Bexly at Boutwell” that will contain 200 dwelling units to be constructed on this site;

WHEREAS, on May 5, 2021, the Lake Worth Beach Planning and Zoning Board (P&Z Board) considered the subject application for a Residential Urban Planned Development District, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, and Transfer of Development Rights and recommended that the City Commission approve the creation of this residential planned development district subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on June 1, 2021, the City Commission approved the subject application on first reading.

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

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

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

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

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

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

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

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

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

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	AYE
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kim Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 1<sup>st</sup> day of June 2021.

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

Mayor Betty Resch
Vice Mayor Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Kim Stokes

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

LAKE WORTH BEACH CITY COMMISSION

By: \_\_\_\_\_  
Betty Resch, Mayor

ATTEST:

\_\_\_\_\_  
Deborah M. Andrea, City Clerk  
Deborah M. Andrea, City Clerk

\_\_\_\_\_

## Exhibit A

### DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION PROPERTY DESCRIPTION FOR PZB CASE No. 21-01400002

The subject site is a vacant 4.746 acre parcel. The site is located at 3300 Boutwell Road in the southwest corner of the 10<sup>th</sup> Avenue North and Boutwell Road intersection. The subject property's PCN # is 38-43-44-20-01-034-0040. A zoning map of the subject site is provided below.

#### PROPERTY DESCRIPTION:

<b>Applicant</b>	WGI on behalf of MA Investment Boca, LLC
<b>Owner</b>	Boynton Holdings, LLC
<b>General Location</b>	Southwest of the 10 <sup>th</sup> Avenue North and Boutwell Road intersection
<b>Existing PCN Numbers</b>	38-43-44-20-01-034-0040
<b>Existing Land Use</b>	Vacant
<b>Zoning</b>	Mixed Use – West (MU-W)
<b>Future Land Use Designation</b>	Mixed Use – West (MU-W)



**Exhibit B****DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION  
DEVELOPMENT STANDARDS FOR PZB CASE No. 21-01400002**

Development Standard		Base Zoning District	Residential Urban Planned Development with Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		5,000 sf	Greater or equal to 21,780 sf (0.5 acres)	206, 735 sf (4.746 acres)
Lot Width (min)		50'	50'	200.3'
Setbacks	Front (min)	20'	20'	32'
	Rear (min)	15'	15'	253'
	Side (min)	20'	20'	11'3" to the building, 7' to the outer edge of the balconies*
Impermeable Surface Coverage (maximum)		65%	65%	64.3%* (includes 22,780 sf of semi-pervious pavers which receive a 50% lot coverage credit)
Structure Coverage (max)		50%	50%	19.9%
Pervious Landscaped Area in Front Yard (min)		900 sf	900 sf	4,712 sf
Living Area (min)		1-bed: 600 sf 2-bed: 750 sf	1-bed: 600 sf 2-bed: 750 sf	1-bed: between 720 sf and 1,080 sf 2-bed: between 944 sf and 1,075 sf
Parking		320	320	293*
Density (max)		30 du/acre (142 units)	37.5 du/acre + 10 du/acre for Transfer Development Rights Program = 47.5 du/acre (225 units)	42.2 du/acre (200 units)
Building Height (max)		30 feet	81.25 feet	Bldg I – 56'2" Bldg II – 56'2"
Floor Area Ratio (FAR) (max)		1.30	3.75	0.96 (198,465 sf)

\* Relaxing or waiving of base zoning district requirement is requested

## **Exhibit C**

### **DEPARTMENT FOR COMMUNITY SUSTAINABILITY, PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION CONDITIONS OF APPROVAL FOR PZB CASE No. 21-01400002**

#### **Building:**

1. Prior to the issuance of a building permit, specify the finished floor elevations as the proposed buildings will be in a flood zone.

#### **Electric Utilities:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Provide the voltage requirements for the entire project. The multi-unit buildings are too large to be served by a single-phase transformer so the voltage will need to be 120/208v. We will need to know if any other services or transformers will be needed besides the two multi-unit buildings, such as the lift station, irrigation, lighting, etc.
  - b. Provide the location of the padmount transformers and the meter centers for each building. The transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in the front of them and 3-ft minimum clearance on the sides and rear, including landscaping.
  - c. Provide the load calculations for all buildings, the electrical riser diagrams for all buildings, and the constructions plans showing the water, sewer, drainage, paving, landscaping and lighting for the project.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. Provide a 10-ft-wide utility easement for all of the electric lines, transformers and other equipment that will need to be installed to provide power to this project. We will also need in addition to this easement a 10-ft-wide utility easement that runs the entire length of the east side of the property adjacent to Boutwell Rd.
  - b. Install all schedule-40 gray conduit that will be needed by Lake Worth Beach for this project for its primary cable. This conduit must be installed at a minimum of 42" deep. Pad specs will be given to the customer to show the proper orientation of conduit at the padmount transformers.
  - c. Install all lighting consistent with the approved photometric plan.
  - d. Complete the payment for the cost of Lake Worth Beach's materials and labor for this project.

#### **Landscaping:**

- a. Prior to the issuance of a building permit, the landscape plan along the east property line shall be revised to incorporate landscape design elements and plant materials from the adjacent right of way. Specifically, the landscape plan shall be revised in the area between the back of the curb and the front of the sidewalk from the north property line to the south property line.

#### **Planning and Zoning:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Elevations shall be submitted showing the screening method of the proposed roof-mounted AC units. Per LDR Section 23.4-21(1), all roof-mounted equipment visible from adjacent property or an adjacent street shall be screened from view. Materials used for screening purposes shall be compatible with the architectural style, color, and materials of the principal building from adjacent property or an adjacent street shall be screened from view. The minimum height of such screening shall be equal to the highest point of the systems/equipment but shall not exceed the maximum height proposed for this project which is 56'2".
  - b. All traffic requirements outlined in the Palm Beach County Traffic Division's TPS letter shall be completed. Note that the letter states a right of way dedication may be required.

- c. The light tone shall be changed from 4000 K to 2700 K. The photometric plan submitted with the building permit package shall reflect this change. Note that all lighting shall comply with lighting code regulations in [LDR Section 23.4-3](#). Lighting fixtures should comply with dark skies recommendations for fixtures.
    - d. All code cases shall be remedied and closed out. Specifically, the illegal fill that is being stored/dumped on the property shall be removed from the site.
  2. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain Florida Green Building Certification.
  3. All signage shall be applied for on a separate building permit and shall comply with LDR Section 23.5-1, Signage.
  4. All landscape hedging around the dumpster enclosure shall be planted at a minimum height of 24 inches and be maintained at no less than  $\frac{3}{4}$  of the total height of the enclosure (4.5 feet).
  5. There is a total of 22,780 square feet of semi-pervious material proposed which allows the project to meet the maximum 65% impermeable surface requirement. Note that semi pervious surface is defined as a surface covered by materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate. Semi-pervious surface may include but are not limited to permeable paving material and other semi-pervious materials such as gravel, small stone, and other substantially similar materials. For semi-pervious surfaces, two (2) square feet of semi-pervious surface shall be equivalent to one (1) square foot of impervious surface for the purpose of calculating development regulations. The semi-pervious surface credit shall not reduce the required open space and landscape area requirements. Therefore, the following shall be submitted prior to the issuance of a building permit:
    - a. The manufacturing details of the pervious pavers. The details shall include the pavers' percolation rate which shall be at least 50% relative to the ground percolation rate.
    - b. A maintenance plan for the semi-pervious material to ensure that it is maintained as semi-pervious.
    - c. Note that if the semi-pervious material is converted to impervious surface area at any time, the project would exceed the code's maximum impermeable surface coverage allowance and thus, the applicant would need to apply for a Planned Development amendment.

**Public Works:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Lake Worth Drainage (LWDD) District and South Florida Water Management District (SFWMD) permits shall be provided to the City.
  - b. An Erosion Control plan shall be provided that demonstrates compliance with NPDES requirements, including best management practices.
2. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. The right of way shall be restored to a like or better condition. Any damage to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
  - b. All disturbed areas shall be fine graded and sodded with bahia sod.
  - c. The property shall be broom swept all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
  - d. 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.
  - e. All conditions of approval shall be satisfied under the jurisdiction of the Public Works Department.
3. 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.



**Utilities Water & Sewer:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Site Plan
    - i. Provide the SFWMD letter for determination how the wetland impacts are managed or mitigated.
  - b. Paving/Grading/Drainage:
    - i. Provide drainage permits through both the LWDD and SFWMD. Note that connections to the canal for outfall and irrigation will be managed through the LWDD.
    - ii. The SPP plan shall address stormwater pollution prevention in Boutwell Road stormwater collection system. Show the extension of the silt fence and include a wash drive at Boutwell.
  - c. Water and Sewer:
    - i. Show the required water and sewer easements on the plans. Water and Sewer utilities will require a dedicated 15-foot utility easement. Note that easements will not be necessary over the sanitary sewer main as this collection system shall remain private. This includes the lift station.
    - ii. Fire hydrants shall be covered by utility easements.
    - iii. Water & Sewer separation shall be designed to a 10-foot horizontal separation for this new construction project.
    - iv. Applicant shall verify there is adequate spacing for the meter and associated back flow device. This distance shall account for the meter manufactures recommended spool lengths up and downstream of the meter.
2. At time of engineering submittal, provide a full drawing set the proposed drainage, calculations, and any permits or permitting information from SFWMD and LWDD.
  - a. Add all structure and conflict information on the plans.
  - b. Provide complete water, sewer and drainage plans showing proposed pipe sizes, materials, structure sizes, utility crossing elevations, hydrants, manholes, as well as all pertinent site elevations.
  - c. Provide the PBC Department of Health Water & Sewer permits.
  - d. Show irrigation service line/s up the meter and backflow RPZ device/s.
  - e. Show water and sewer services, drainage structures, and stormmains on landscape plan. Confirm minimum spacing between landscape and services per Public Services Detail 23, Typical Tree with Root Barrier.
  - f. Show the fireflow calculations based on a recent hydrant test. Contact Wesley Jolin with Palm Beach County at 561-233-5229.
  - g. Provide signed and sealed Drainage Calculations including a statement regarding floodplain management provisions for water quality and quantity.
  - h. Provide geotechnical information for the determination of the hydraulic conductivity of the soil, and groundwater elevation.
  - i. Provide an Erosion Control plan and with the BMPs and NPDES compliance practices.
  - j. Engineering plans shall include cross-sections along each property line and with grading showing the design storm (3 yr, 1 hour (2.6")) runoff being maintained on site.
  - k. Provide existing and proposed site grades.
  - l. Indicate vertical datum on all plan drawings with grades.
  - m. Identify all applicable City of Lake Worth details.
  - n. Capacity fees for water and sewer shall be paid in full in accordance with the current City Ordinance.
3. Prior to the issuance of a Certificate of Occupancy, the following actions shall be completed:
  - a. A copy of the recorded access easement shall be provided.
  - b. A Bill of Sale for the pubic watermains shall be recorded.

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

1. Prior to submitting a LWDD permit, and prior to the issuance of a City building permit, the following actions shall be completed,
  - a. Convey the required 20 foot LWDD easement on the site plan.
  - b. Remove the catch basin from the proposed easement area on the site plan.

**Public Hearing Conditions:**

1. Prior to the issuance of a building permit, the following actions shall be completed:
  - a. Provide lighting around the proposed bus shelter/ride share covered area. All lighting shall be shielded and dark skies compliant with a warm tone not to exceed 2700 K. Site lighting shall not exceed 12.57 lumens when measured from the property line except as necessary to accommodate security lighting around the bus / ride-share shelter area. Such bus / ride-share shelter area lighting shall not exceed 12.57 lumens generated from bus/ride share shelter when measured from the center line of Boutwell Road.
  - b. Replace the Clusia rosea with alternative native tree material.
  - c. Install a second elevator in Building A and Building B.
  - d. Increase native landscaping, including littoral zone and shoreline terrestrial plantings, around the edge of the retention pond to enhance wildlife habitat.
2. The proposed dog park in the southeast corner of the lot shall be accessible for public use, not limited to the residents at The Bexly on Boutwell.
3. The public art component shall require a mini jury review by LULA or the Cultural Council.
4. Provide a minimum of one unit with a pro-rated abated rent for a police officer to reside on the property.
5. Prior to Certificate of Occupancy, the developer shall reach out to the PBC Planning Division to determine the feasibility of utilizing the Palm Beach County Workforce Housing Program for this development and provide a memo summarizing their outreach efforts in pursuing this option