

March 13, 2023

City of Lake Worth Beach
Planning & Zoning
1900 2nd Avenue North
Lake Worth Beach, FL 33461

Re: Residences at Lake Worth
Justification Statement
Original Intake: March 1, 2022

Property Location

The property is located approximately ½ mile east of the intersection of 2nd Ave N and S Congress Ave, on the north side of 2nd Ave N. The 7.40 acres site is located within the City of Lake Worth Beach and is identified by the following Property Control Numbers:

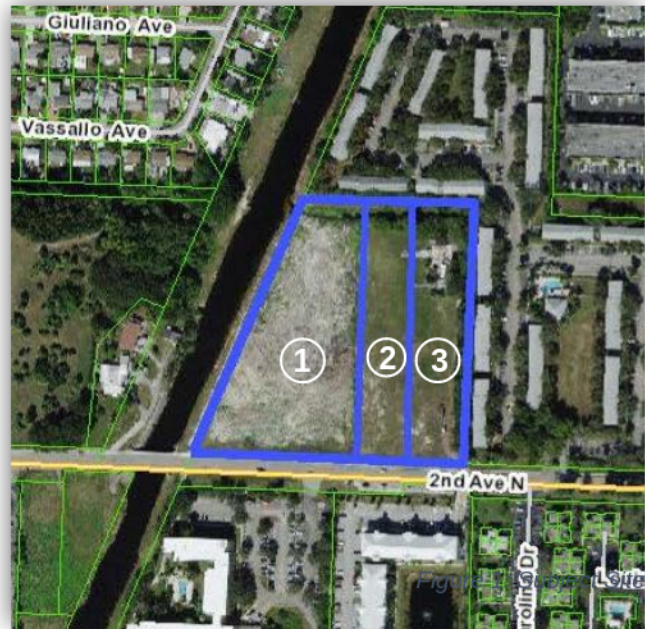
Parcel 1: 38-43-44-20-01-097-0020

Parcel 2: 38-43-44-20-01-097-0010

Parcel 3: 38-43-44-20-01-096-0020

Property History

In 2014, the City of Lake Worth Beach approved a Mixed-Use development called Village of Valor, which consisted of 3 four-story buildings and 104 units. However, the development was never constructed and has remained vacant, cleared of vegetation, since approval.



Notably, there is an existing cell tower located in the northeast corner of the property. The cell tower will remain in its existing location and accessed from the recorded easement ORB 10659 PG 1697 and ORB 12273 PG 1143 which is located on the far east side of the property.

Application Request

The applicant has submitted this application to request Major Site Plan approval of a multi-family residential development, consisting of 195 units. In addition, a Conditional Use has been requested to allow the proposed density of 26.35 du/ac across the 7.40 acres property. The proposed development is considered a Development of Significant Impact, this request is also included in the application.

The proposed development is a gated community that includes three, five-story multi-family buildings that will accommodate 195 units which will be equally distributed between the three buildings, 65 units per building. The proposed units will be divided between 105 one-bedroom units, 85 two-bedroom units and 5 three-bedroom units.

Residents will have access to multiple amenities on the property including a 4,980 sf clubhouse with a management office, club room, fitness facility, yoga room and mail center. These amenities are located in the center of the property and will be the focal point entering into the community. Exterior to the clubhouse is a covered terrace and expansive pool deck with a central bar and grill area covered by an architectural pergola structure. Other site amenities include a fully connected sidewalk system that extends completely around the retention pond on the north and provides for access to a fenced dog park on the west side of the property.

In order to achieve the proposed five-story building, the applicant has requested to participate in the Sustainable Bonus Incentive. As discussed with staff, this application will occur closer to the time of building permit.

The applicant is using the City's affordable/workforce housing program and commits to cap rents for 30 units (15% of the total) in categories consistent with the Palm Beach County's Workforce Housing Program and 1 unit with the City's program; in order to ensure affordable / workforce housing opportunities within the City. The workforce housing units will be comprised of the following:

- Low income (60-80% AMI)
 - o 3 – 1 bedroom
 - o 4 – 2 bedroom
- Moderate 1 (80 – 100% AMI)
 - o 3 – 1 bedroom
 - o 4 – 2 bedroom
- Moderate 2 (100 – 120% AMI)
 - o 4 – 1 bedroom
 - o 4 – 2 bedroom
- Middle (120 – 140% AMI)
 - o 4 – 1 bedroom
 - o 4 – 2 bedroom
- City Program (105% max AMI)

- 1 – 3 bedroom*

* Optional Buydown: Pending direction by City Commission.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Identified by PCN 38-43-44-20-01-081-0010 and is located within the City of Lake Worth Beach. The property directly north of subject site consists of a multi-family residential development. The property has a Mixed-Used-West (MU-W) FLU designation within the Mixed-Used-West (MU-W) Zoning District.

South: Identified by PCN 00-43-44-20-25-000-0010 and 38-43-44-20-01-110-0010, located within Unincorporated Palm Beach County and the City of Lake Worth Beach. Both properties are existing multi-family residential development. The properties have PBC High Residential, 12 units per acre (HR-12) and Mixed-Used-West (MU-W) FLU designations and are within PBC High Residential (RH) and Mixed-Used-West (MU-W) Zoning Districts.

East: Identified by PCN 38-43-44-20-01-081-0010 and is located within the City of Lake Worth Beach. The property directly east of subject site consists of a multi-family residential development. The property has a Mixed-Used-West (MU-W) FLU designation within the Mixed-Used-West (MU-W) Zoning District.

West: Identified by PCN 00-43-44-20-00-000-1010 and is located within Unincorporated Palm Beach County. The property directly west of the subject site is the Lake Worth Drainage District E-4 Canal. The property has a High Residential, 8 units per acre (HR-8) FLU and is within the Medium Residential (RM) Zoning District.

Site Design Qualitative Standards

Land Development Regulations Section 23.2-31.

Pursuant to Section 23.2-31, the applicant shall demonstrate that the requested site plan approval of a multi-family residential development is consistent with the City of Lake Worth Beach 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.

The proposed plan adheres property development regulations with the Mixed Use - West (MU-W) Zoning District and is consistent in character to the area which includes a variety of multi-family residential development along the 2nd Avenue North corridor. The building height as proposed as

five stories is also compatible with the transforming character of the surrounding community. This site is unique with natural barrier of LWDD canals on the north and west along with the cellular tower and access easements along the east which create separation from existing developments. The plan has been organized to center the buildings internal to the site and along the 2nd Avenue N to the help create an activated and integrated streetscape.

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 pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.

The site has minimal topography and the site has very limited vegetation. There is a line of various trees and shrubs along the Northeast and East boundary of the subject parcel adjacent to the communication tower that will be supplemented within the proposed development plans. The development area has been focused to the middle and south side of the property to limit any concern or impact to the adjacent LWDD canals on the west and north sides of the property. Additionally, the retention area has been located on the north side of the site which creates a natural transition from the development to the canal and waterway.

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.

The site is located in the Mixed Use-West Zoning District and is surrounded by high density, residential uses. Specifically, multi-family residential developments are located directly north, east and to the south of the subject site. A LWDD canal runs adjacent to the west property boundary and further west is a residential lot with multiple units. The proposed development will comply with all screening and buffering requirements outlined in Section 23.6-1 of the City's Land Development Regulations. Specifically, a 5' landscape buffer has been provided along the north, east and west property boundaries. A 20' landscape buffer has been provided along the south property boundary, along 2nd Ave N. In addition to the landscape buffering methods provided by the proposed development we are proposing a 5' tall fence around the entire perimeter of the property and there are existing buffers for the neighboring developments along the north and east

parcel boundaries. The combination of landscape buffer material will create sufficient screening for future and neighboring residents.

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.

As mentioned above, the proposed development shall comply with all screening and buffering requirements outlined in the City's Land Development Regulations. A 5' buffer is provided along the property boundaries and lush landscape buffers currently exist on the neighboring properties. The combination of both buffers will provide adequate security and privacy for residents. In addition, the proposed development will be a gated community and security access will be provided for all residents and guests with a 5' tall fence around the entire perimeter of the property.

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 the buildings.

The proposed development has been designed to allow efficient and maneuverable access for emergency vehicles through the primary entrance from 2nd Avenue N and through the proposed ingress and egress gates. A secondary access point has also been provided on the east side of the property by way of the existing communication tower access easement which also connects to 2nd Avenue N. All gated access points have been designed at 20' width and will have a Knox box will be provided to ensure prompt access to the site. The applicant has been working with PBC Fire directly on plan review and approval.

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.

The proposed development has been designed to provide vehicular access from 2nd Ave N with a logical internal circulation of driveways and pedestrian sidewalks that lead to the public right-of-way. With this development, improvements will be made to 2nd Ave N by providing twenty new parallel parking spaces and a new six-foot wide sidewalk. The accessibility and character of the public roadway will be significantly improved.

7. Pedestrian circulation;

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

As mentioned, an internal walkway and sidewalk system has been provided to provide pedestrian circulation within the development, as well as provide access to the existing sidewalk along 2nd Ave N. All buildings are connected to the central clubhouse in a logical and direct manner and access to the walking path that circulates around the retention pond.

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.

The proposed development will provide a single entrance driveway along 2nd Ave N which has been coordinated with the City's staff. The development will be providing a roadway improvement that includes a left turn lane at the development entrance to ensure east bound traffic is not impacted. Additionally, the gated access points have been pushed well north of the property line to maximize resident / guest stacking.

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.

As mentioned above, the proposed development will provide vehicular access from the existing right-of-way 2nd Ave N and pedestrian connection will be provided from the sidewalk along this street via an internal walkway system.

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 be 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.

The development will have access from the existing right-of-way 2nd Ave North, there are no internal public rights-of-way.

- 11. Off-street parking, loading and vehicular circulation areas;**
Off-street parking, loading and vehicle circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

The main parking areas will not be visible from the public right-of-way as they are located behind the residential buildings that front on 2nd Avenue N. Perimeter landscape buffering has been provided on both the east and west boundaries to screen any impacts to adjacent properties. All lighting within the parking area will be “night sky” compliant and have been located to assure there are no offsite impacts. There are twenty proposed parallel parking spaces that will be provided along 2nd Avenue N that will help to activate the roadway and create a more urban feel to the roadway.

The development utilizes the Affordable / Workforce Housing Program’s parking reduction incentive and provides 15% of the total units within appropriate workforce housing income categories. Therefore, the parking requirement for the 195 units has been reduced by 25%. Parking calculations are shown in the site plan data table.

- 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.

The proposed plan includes a dumpster and recycling area in the northeast corner of the parking lot, and adjacent to the communication tower minimizing visibility to resident on-site and off-site. Landscape buffering is also being provided to screen the structures on both side elevations.

- 13. Protection of property values;**
The elements of the site plan shall be arranged so as to have minimum negative impacts on the property values of adjoining property.

The proposed development will not have a negative impact on adjacent property values. The property is currently cleared and vacant, the proposed development will provide added value and community tax revenue on an underutilized property within the City. The investment will beautify the public right-of-way and property and will be a positive influence on surrounding property values within the area.

- 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 of 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.

The subject site is not located on the edge of the zoning district. The subject site is compatible and consistent with the adjacent properties in the area.

- 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.

According to the 2020 US Census, Palm Beach County is the third largest county in the state, with a 13% growth since 2010. However, this data does not accommodate for the influx of residents that the state and county have experienced during the Covid-19 pandemic and currently. A report from the state's Office of Economic and Demographic Research, revealed that the state gained approximately 330,000 new residents between April 2020 and April 2021. In addition, multiple reports utilizing internal metrics and U.S. Census Bureau data, discovered that Florida was the third most popular place to move in the past year. Specifically, Palm Beach County saw an influx of more than 13,000 new residents. As the County's population continues to grow, the housing demand has drastically risen, causing a need for more residential development.

With the current housing demand in Palm Beach County, this project supplies needed housing. In the future, additional housing will be needed to meet growing population demand.

Compliance with Community Appearance Criteria Section 23.2-31(I)

Land Development Regulations Section 23.2-31.

Pursuant to Section 23.2-31, the applicant shall demonstrate that the requested site plan approval of a Multi-Family development consisting of 195 units is consistent with the City of Lake Worth Beach's standards.

- 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.**

The proposed development is in conformity with the surrounding area and other sites within the area, which consist of other multi-family developments. In fact, currently the existing site is vacant and underutilized. The proposed plan will enhance the property, as well provide an architectural

aesthetic that is consistent with a more modern style while maintaining a character that is unique to the City of Lake Worth Beach.

- 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.**

The proposed project will enhance the existing conditions of the site and provide a more appealing exterior design and appearance for the area.

- 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.**

The proposed project is in harmony with the development regulations of the zoning district, as demonstrated by the criteria above.

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

The proposed project is in compliance with this section and the development regulations, as demonstrated above.

Conditional Use Criteria Section 23.2-29(d) & Section 23.2-29(e)

Land Development Regulations Section 23.2-31.

General findings relating to harmony with LDRs and protection of public interest. Prior to approving any Conditional Use permit, the decision making authority shall find based on competent and substantial evidence that:

- 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.**

The proposed multi-family development is permitted within the existing Zoning District and Future Land Use designation. The subject property is also surrounded by similar multi-family residential communities, which is compatible with the proposed use. As demonstrated by the proposed site plan and supporting documents, the proposed development complies with required development regulations including setbacks, parking and landscape requirements.

- 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.

The proposed multi-family development is consistent with the projected use characteristics of the area and is surrounded by other residential communities. The proposed density and height further promote the intention of the zoning district to provide for new residential development and will be supplying a demand for housing opportunities within the City of Lake Worth Beach.

- 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 site for some use permitted by right or some other conditional use permitted on the site.**

The proposed multi-family development will not result in less public benefit or harm. The proposed use offers more housing to an area experiencing tremendous growth while maintaining compatibility with the surrounding area. With the proposed improvements to 2nd Avenue N, the public will benefit greatly from the roadway improvements, parking and site beautification.

- 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.**

The proposed multi-family development is the most efficient use of the site and will not result in more intensive development in advance.

Specific findings for all conditional uses. Prior to approving any Conditional Use, the decision making authority shall find that:

- 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.**

The proposed multi-family development will not produce a significantly greater amount of traffic trips or have a negative impact on the roadway. A traffic impact analysis has also been provided and reviewed by the City and Palm Beach County and found to be in compliance with the required levels of service. Roadway improvement are being provided on 2nd Avenue N, including and new east bound left turn-lane which will minimize any impacts to the current functionality of the roadway.

- 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.**

As mentioned above, the proposed multi-family development will not produce a significantly greater amount of traffic trips or have a negative impact on the roadway than what would be allowed by right within the zoning district. The surrounding roadway network has been analyzed in the traffic report provided by our traffic engineer Simmons & White.

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

The proposed multi-family development will not produce significant air pollution emissions as a residential development consistent with the surrounding community.

- 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.**

The proposed multi-family development provides access from the existing right-of-way, 2nd Ave N and expansion of the roadway network is not required.

- 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 than would result from development permitted by right.**

A conceptual water and sewer plan has been provided with the development and is utilizing existing infrastructure and will not result in any increased public cost to serve this community.

- 6. The proposed Conditional Use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.**

The proposed multi-family development will not place a demand on municipal police or fire protection. Security measures and fire safety accessibility will be provided to ensure safe maneuverability within the site. The site is already in the service area for both police and fire protection and this does not create an expansion or burden on those services.

- 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.

The proposed multi-family development will not generate significant noise or disturbances.

8. The proposed Conditional Use will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10 – Exterior Lighting

The proposed multi-family development consisting of 195 units shall ensure that there will not be light or glare generated that disturbs the surrounding developments. A Photometrics plan has been included in this application to ensure compliance.

Prior to approving any Conditional Use Permit, the decision making authority shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the City.

There are no outstanding code enforcement violations on the property.

2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless request for amendment of conditions is part of the current Conditional Use Permit application.

Although, no previous conditions of approval exist currently for the property, the proposed development shall comply with the standard above.

Sustainable Bonus Incentive Program Criteria

Land Development Regulations Section 23.2-33(2)

The proposed multi-family development is comprised of 5-stories buildings, in order to achieve the additional stories and building height, the applicant is requesting to participate in the Sustainable Bonus Incentive Program. The proposed building square foot bonus is approximately 38,073 SF for floors 3-5 of each building.

The approved value of the required improvements for the SBIP is \$7.50 per square for the bonus area. The square footage of the bonus area above the second floor (3rd, 4th, and 5th floors) is +/-12,691 square feet per floor for all three buildings. The SBIP incentive value for all three buildings (Tier One - LDR) is \$856,642.50 (12,691 sf X 3 Floors X 3 Buildings X \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$428,321.25, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$428,321.25), the applicant is proposing qualified improvements listed below.

\$214,160.63	Florida Green Building Silver Certification
\$50,000	6 EV Charging Stations and conduits
\$112,875	1 three-bedroom Affordable Housing – City Program
\$64,000	Littoral plantings

\$441,035.63 Total provided

Prior to approving any application, the decision-making authority shall find based on competent and substantial evidence that:

(a) Is the award calculated correctly, consistent with the square footage and height requested and the value of the features and improvements included in the development proposal; and

The applicant believes the award is calculated correctly and consistent with square footage for the three residential buildings and height requested as outlined in the narrative above. This has been reviewed with the City staff and we have received verbal feedback that the plans met the requirements for the bonus building heights.

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

The proposed on-site features or improvements well exceed the value of the sustainable project enhancements required by this code section. As outlined above the total value of sustainable project enhancements is approximately \$441,000 and touches on a variety of focus areas that are recommended within the code including FGBC certification of the buildings.

(c) Do the proposed off-site improvements meet the priorities of the city for community sustainability; and

The proposed off-site improvements will meet the priorities of the city for community sustainability as the proposal exceeds the requirements of this code by utilizing a variety of improvements both architecturally, site development and through the provision of workforce housing.

(d) Do the proposed features, improvements or fees in-lieu meet the intent of the Sustainable Bonus Incentive Program?

This application would require a total value of \$428,321.25 (50% of 856,642.50 (12,691 sf X 3 Floors X 3 Buildings X \$7.50 per sf)) based on the amount of bonus building SF area proposed

above two-stories. The applicant is proposing approximately \$441,000 of sustainable bonus value that meet the intent of the SBIP.

Thank you for your consideration of this application. If you have any questions, please don't hesitate to contact me at 561-249-0940.

Sincerely,

A handwritten signature in blue ink that reads "Brian Terry". The signature is stylized, with the first name "Brian" and the last name "Terry" written in a cursive-like font. The "T" in "Terry" is particularly large and loops around.

Brian Terry, PLA

Principal

Insite Studio, Inc.