

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400004 (Ordinance 2022-17): A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, and Sustainable Bonus for the project commonly referred to as “Residences at Lake Worth,” to construct three (3) mid-rise residential structures that are 5-stories in height with a total of 195 dwelling units. The sustainable bonus request is for an additional 3-stories in height.

PZB Meeting Date: November 16, 2022

Property Owner: Richman Lake Worth Apartments LLC

Applicant: Brian Terry – Insite Studio, Inc

Address: 2559, 2441, and 2431 2nd Ave N

PCNs: 38-43-44-20-01-097-0020
 38-43-44-20-01-097-0010
 38-43-44-20-01-096-0020

Size: 7.40 acres

General Location: North of 2nd Ave N, and east of the LWDD E-4 Canal.

Existing Land Use: Vacant

Current Future Land Use Designation: Mixed Use-West (MU-W)

Zoning District: Mixed Use-West (MU-W)

Location Map



Note: Report updated on 1/23/2023 to reflect additional information and clarifications regarding workforce housing.

RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, and Sustainable Bonus request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8 to 10 of this report.

PROJECT DESCRIPTION

The applicant, Brian Terry of Insite Studio, Inc, is requesting approval of the following for the project commonly referred to as “Residences at Lake Worth:”

- A **planned development, development of significant impact and major site plan** request to construct a 195-unit multi-family development with three (3) mid-rise residential multi-family buildings and one (1) amenity building/clubhouse. Each of the multi-family buildings will have 65 residential units.
- A **conditional use permit** request to develop a multi-family residential development with a total of 195 multi-family units, of which 14 one-bedroom units and 16 two-bedroom units will be restricted as workforce housing. The proposed multi-family buildings will be divided between a total of 105 one-bedroom units and 90 two-bedroom units.
- A **Sustainable Bonus** request for an additional 3-stories of bonus height.

The Applicant is proposing a multi-family development on a 7.40 -acre vacant lot with the purpose to provide attainable apartments, including income restricted units, and amenities, including a pedestrian path around the lake. Per the applicant’s justification statement, “residents will have access to multiple amenities on the property including a +/- 4,980 square foot 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.”

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application. Per LDR Section 23.2-20, Public Neighborhood Meeting, *a public neighborhood meeting shall be required for all Planned Developments, Developments of Significant Impact, and Lake Worth Beach Community Redevelopment Agency sponsored new construction projects along the City’s major thoroughfares as well as those utilizing the City’s Sustainable Bonus Incentive Program, Transfer of Development Rights Program and/or Economic Investment Incentives.*

On November 1, 2022, the applicant held a meeting with neighborhood residents at Mathews Brewing Company. Notices were mailed to all property owners within 400 ft of the project on October 15, 2022, and signs were placed on the property on October 17, 2022. There were two attendees at the meeting and no concerns were identified per the meeting minutes. The applicant also has a project webpage: <https://www.insitestudio.com/residencesatlakeworth>

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser’s records and City records:

Use/Construction: Currently, the property is vacant with no existing structures on the site. A mixed-use development was previously approved on the property in 2014 with 3, four-story buildings and 104 dwelling units. There is also an existing cell tower in the NE corner of the property.

Code Compliance: There are no active code cases on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use - West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service, and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the Mixed-Use West land use area is that it allows higher-intensity uses as well as higher height limits along the City's western thoroughfares. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use West category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide transitional buffering and design features to mitigate the impact of the MU-W sites adjacent to residential zoning districts.

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. Pillar II and Pillar IV of the Strategic Plan state that the City shall strengthen Lake Worth Beach as a community of neighborhoods and navigate towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensure facility placement, construction and development that anticipates and embraces the future. The proposed multifamily building and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

The proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan as it provides both market rate and income restricted workforce units in a multi-family project with substantial amenities, including an outdoor recreation path and dog park.

Consistency with the Land Development Regulations

The proposed application was reviewed for consistency with all applicable requirements in the City's Land Development Regulations (LDR), including the district and planned development requirements. 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 not requesting to waive or relax base zoning district requirements. However, the applicant is opting into the workforce housing program to utilize the parking reduction incentive allowed for income restricted workforce housing units.

Mixed Use – West (MU-W): Per LDR Section 23.3-18(a), the MU-W zoning district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code, and factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Used – West (MU-W)	Residential Planned Development in MU-W with SBIP	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres	7.3985 acres (322,278.64 sf)
Lot Width (min)		100'	100'	401.62'
Setbacks	Front (min build-to line)	20'	20'	20'
	Rear (min)	10'	10'	178'
	Street Side (min)	20'	20'	N/A
	Side (min)	20'	20'	20' – west side 41' – east side
Impermeable Surface Coverage (maximum)		65%	65%	49% (157,900 SF)
Structure Coverage (max)		50%	50%	13.4% (43,293 SF) – Buildings 1.15% (3,722 SF) – Communication Tower
Density (max)		30 du/acre (221 units)	37.5 du/acre (277 units)	26.36 du/acre (195 units)
Building Height (max)		30' (max. 2 stories)	65' (Max. 6 stories)	59'-4" – top of parapet (5 stories)
Maximum Wall Height at Side Setback		30'	65'	+/- 59'
Floor Area Ratio (FAR) (max)		1.3	3.75	.6
Living Area (minimum)	Studio	400 sf	400 sf	N/A
	One- bedroom units	600 sf	600 sf	+/- 716 sf- 729 sf
	Two- bedroom units	750 sf	750 s	+/- 1013 sf
	Three- bedroom units	900 sf	900 sf	N/A
Parking See page 5 for detailed analysis.		Parking Calculated per unit, room, and non- residential square footage.	237 spaces* w/ 30 workforce housing units Max alternate spaces = 59 spaces	279 spaces w/ 12 alternate (compact) spaces Additional parking that exceeds parking requirements: 42 compact parking spaces & 39 bicycle spaces = 9 parking spaces

Workforce/Affordable Housing	15% of Total Project	30 Income Restricted Units	30 Income Restricted Units (14 one-bedroom units and 16 two-bedroom units)
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***Applicant is choosing to opt-in to the recently adopted workforce housing program ordinance (Ordinance 2022-12), which allows for a 25% parking requirement reduction for income restricted units.**

Affordable/Workforce Housing Program Ordinance 2022-12: The proposed project was submitted to the City prior to Ordinance 2022-12 becoming effective. The applicant has elected to opt into the program to utilize the parking reduction incentive. Tier Two requires that 15% of the total number of units for projects utilizing any City incentives or bonus programs be income restricted in accordance with the provisions in this ordinance.

Analysis: The applicant is proposing 195 dwelling units of which 30 units (15%) are required to be income restricted as consistent with the requirements in Ordinance 2022-12. The applicant is proposing to income restrict 30 units as required to utilize the parking reduction incentive. This is being implemented through the PBC Workforce Housing Program.

Section 23.4-10. - Off-street parking: This section provides general provisions for off-street parking. The standards “*apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.*”

Analysis: The parking for the dwelling units was calculated as follows: 1.5 spaces per 1-bedroom unit (1.5 X 105 units = 158 spaces) and 1.75 spaces for each 2-bedroom unit (1.75 X 90 units = 158 spaces). The applicant is choosing to opt into the City’s recently adopted Workforce Housing program (Ordinance 2022-12). This program provides a 25% reduction in required parking. Therefore, a total of two-hundred thirty-seven (237) spaces are required (316 spaces minus 25% reduction). Two-hundred and seventy-nine (279) parking spaces are proposed, which exceed the required parking by forty-two (42) spaces.

The applicant is proposing to utilize alternate spaces to fulfill their minimum parking requirement as permitted by LDR Section 23.4-10.1), which states that “alternate parking spaces including compact spaces shall count towards no more than twenty-five (25) percent of the overall site parking requirement.” The maximum alternate spaces that can be applied to meet required parking for this development is 59 alternate spaces. The applicant is proposing 225 standard spaces, and 12 compact spaces as alternate spaces to meet the required parking of 237 total spaces. In addition to the required parking, the applicant is also proposing 42 more compact spaces (total 54 compact spaces), and 39 bicycle spaces (four bicycle spaces count as one parking space).

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), “on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping”.*

Analysis: The development proposal provides perimeter landscaping and shade trees. The proposed landscaping is consistent with the City’s landscape regulations. Tree species include a mix of Gumbo Limbo, Pigeon Plum, Silver and Green Buttonwood, and Live Oak for the perimeter and interior plantings along with multiple native and non-native shrubs, grasses, and groundcovers. The proposed landscape complies with the City’s requirement that 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. The development proposes to retain all existing trees on site, therefore replacement trees and/or mitigation is not required.

Section 23.5-1- Signage: Signage is required to comply with the size and design requirements of LDR Section 23.5-1, *Signs*. Ground or monument signage are required to be depicted on both the site and landscape plans, and are reviewed for consistency with the sign code requirements and planned development at building permit.

Analysis: The proposed entrance sign has a maximum sign area of 200 sf and a maximum height of 12'. A planned development can exceed the sign code maximums in size and total area, provided the signage is requested as part of the planned development. The proposed sign is consistent with the City's sign code except for the maximum height. The increased height is an appropriate request as signage massing is tied in the code to linear frontage. The additional 4' feet in height allows for landscaping to be maintained with a taller height and the massing of the sign is appropriate along the large road frontage (+/- 635 linear feet).

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location in the NE corner of the project was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster is located in the NE corner of the property adjacent to the communication/cell tower and is fully screened with fencing and landscaping. The dumpster enclosure material shall be reviewed in a subsequent minor site plan amendment for architectural consistency with the project.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3 and does not allow light trespass upon neighboring residential properties or districts in excess of 12.57 lumens. However, lighting fixtures were not included as part of the applicant's submittal. A recommended condition of approval has been provided requiring that the lighting fixture be reviewed at building permit to comply with Dark Skies lighting recommendations and for consistency with the architecture of the buildings. Further, proposed fixtures shall be required to have a warm tone setting of 3000 K or less.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are 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. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A.**

Site Design Qualitative Standards Analysis (including vehicular use areas):

The proposed improvements to the site circulations, landscaping and architecture are consistent with the Site Design Qualitative Standards. The architecture for the project is generally appropriate and compatible to the surrounding area. The pedestrian and vehicular site circulation safely connects to the existing public right-of-way. Further, the site pedestrian circulation system is appropriately insulated from vehicular circulation. A new dumpster enclosure is proposed in the rear of the property; this improvement is properly screened as required, and the location is deemed appropriate for pick-up services by Public Works. Improvements to the existing landscaping are also proposed and discussed in the landscape section of this report.

The proposed configuration and landscape buffering of the parking lot and vehicular use areas will be effectively screened from the public view with shade trees, palm trees and shrubs within the landscape areas. The proposed curb cuts and parking lot layout does not create an unsafe situation and are typical for the form of the development. The proposed architectural modifications are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Mixed Use - West (MU-W)	Mixed Use - West (MU-W)	Multi-family Residential (Oakwood Townhomes)
South	Mixed Use - West (MU-W)	Mixed Use - West (MU-W)	Multi-family Residential (Village at Lake Osbourne & Riverview House)
East	Mixed Use - West (MU-W)	Mixed Use - West (MU-W)	Multi-family Residential (Oakwood Townhomes)
West	N/A	N/A	LWDD E-4 Canal ROW

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. They are harmonious and compatible with the existing mixed-use and residential area.

Community Appearance Criteria:

The proposed building and associated site improvements represent a substantial improvement in the general appearance of the property by providing new landscape around the perimeter of the property, and new architecturally compatible buildings. The proposed architecture of the building is appropriate and in harmony with the surrounding residential and nonresidential area. Overall, the development proposal represents a substantial improvement in the visual appearance of the vacant property.

Development of Significant Impact (DSI)

A development of significant impact (DSI) is a commercial, office, or industrial development of 100,000 or more gross square feet of enclosed building area, including renovations of existing structures when a change to a more intensive use is anticipated, or a residential development of 100 or more dwelling units, including renovations of existing structures when a change to a more intensive use is anticipated. The project proposed qualifies as a DSI because it exceeds 100 dwelling units.

Per LDR Section 23.2-35, a proposed DSI and any amendments to an approved DSI shall be reviewed and approved in accordance with the procedures and requirements for a Conditional Use Permit except that the City Commission shall be the decision maker and not the Planning and Zoning Board or the Historic Resources Preservation Board. The Conditional Use Permit criteria is outlined in the conditional use analysis in the subsequent section.

Conditional Use Findings (Attachment B)

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 development greater than 7,500 square feet.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right or greater than the previously approved mixed use on the property. The site is currently vacant. The applicant is proposing

multifamily buildings that do not utilize the maximum development potential. The buildings will be served by existing municipal services, including water, sewer, refuse, fire and police. The proposed associated site improvements would provide new landscaping and an improved condition over the current vacant parcel while providing new attainable housing options.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City's Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a residential planned development may obtain a 25% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The Applicant is asking for bonus height that is less than the maximum allowance permitted via the SBIP in a planned development in the MU-W zoning district. 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 per Resolution 23-2021 & LDR Section 23.2-33, which include a Florida Green Building certification (\$214,160.63) and six (6) EV charging stations and conduits (\$50,000). The total value of the qualifying improvements is \$264,160.63. The total payment by the applicant to the City for the additional height includes the 50% required to be paid to the City (\$428,321.25), plus the remaining value not mitigated by qualifying improvements (\$164,160.62). Conditions of approval have been proposed to address the required schedule to pay the SBIP fees. The applicant may propose qualified on-site improvements or provide additional payment to the City.

CONCLUSION AND CONDITIONS

The MU-W district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the use is not anticipated to negatively impact adjacent residential property or have a negative impact on the commercial viability of neighboring commercial businesses. Further, the proposed site improvements are consistent with the City's LDR requirements. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee (\$428,321.25) shall be paid to the City within two years of approval, or prior to the issuance of the building permit, whichever comes first.
2. The applicant shall provide qualifying sustainable bonus features equal to \$428,321.25, or shall be required to pay the remaining portion of the 50% of the incentive value (\$428,321.25) prior to the issuance of a certificate of occupancy.
3. Thirty (30) units shall be restricted for workforce housing in accordance with the City's Affordable/Workforce Housing Program prior to the issuance of a Certificate of Occupancy for the buildings

4. A unity of title shall be required to applied for and shall be recorded prior to the issuance of a building permit.
5. An address application shall be required to be submitted prior to application for building permit.
6. A video security system shall be required for the property.
7. Exterior lighting shall be required to comply dark sky lighting guidelines, including using fully shielded fixtures and led lighting that has a color temperature of no more than 3000 Kelvins. www.darksky.org Specifically, the lighting fixtures shall be reviewed at building permit for consistency with the dark sky guidelines and the architecture of the buildings.
8. A designated delivery and/or ride share space shall be provided.
9. Dumpster enclosure material shall be reviewed for architectural consistency and for compliance with all applicable City requirements at building permit.
10. Prior to the issuance of a building permit, a minor site plan amendment or modification shall be approved to update the site plan data table to remove errors.

Utilities (Water, Sewer & Stormwater)

1. There are several locations where proposed storm chamber overlaps with the water/storm utility easements. The easement shall be free of obstructions.
2. Provide inlet protection on the storm collection structures in 2nd Avenue North and show the erosion control and sedimentation plan.
3. Capacity fees are due prior to building permit issuance.
4. The title block of all plans shall be updated to say Lake Worth Beach instead of Lake Worth.

Public Works

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Services Construction Standards and Policy and Procedure Manual. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Services.
2. Prior to the issuance of a building permit, the applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City. Prior to the issuance of a building permit, the applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
3. Prior to the issuance of a building permit, the Applicant shall 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 Division contact number is 561-533-7344.
4. Prior to the issuance of a certificate of occupancy, the Applicant shall ensure the entire surrounding offsite 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.
5. Prior to the issuance of a building permit, the applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
6. Prior to the issuance of a Certificate of Occupancy, the applicant shall fine grade and sod all disturbed areas with bahia sod.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
8. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.

Electric Utility

1. Before or at the time of application for a Building Permit, Developer must provide the Load Calculation, Voltage requirements and Riser diagram. We will need to know the location of the Pad-Mount Transformers for the building. The Transformer locations must be accessible to our vehicles, and must have 8-ft minimum clearance in front of them and 3-ft clearance to the side or rear, including landscaping (None trees, plants, shrubs or vegetations are allowed within the clearance). The Transformers also must not be under or inside any structure.
2. Before the issuance of a Building permit, we will need a 10-ft wide utility easement for the underground electric, transformers and other equipment that will need to be installed to provide power to this project.
3. The customer will be responsible for installing All Schedule 40 PVC Conduit that will be needed by Lake Worth Beach for this project for the primary cable. This conduit must be installed at a 24” minimum depth. Pad specs will be given to the customer to show the proper orientation of conduit at the pad mount transformers.
4. Before the issuance of a Building permit, we will need to know if any other services will be needed for the project such as irrigation, lift station, lighting, gates, etc., and where these services will be.
5. Developer to show the location of the meter center on the site plan.
6. Developer will be responsible for installing their own lightning for the parking areas.
7. Developer will be responsible for the cost of Lake Worth Beach’s materials and labor for this project.
8. Before the issuance of a Certificate of Occupancy, the utility easement must be recorded.
9. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.

Building Division

1. Pedestrian connections to the club house will require enhanced striping.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** of Ordinance 2022-17 for a Residential Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a 195-unit multifamily residential development at the subject site based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** Ordinance 2022-17 for a Residential Planned Development, Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a 195-unit multifamily residential development at the subject site. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board’s decision will be final decision for the Conditional Use Permit and Major Site Plan. The Applicant may appeal the Board’s decision to the City Commission.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) –Qualitative Development Standards	Analysis
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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* **In Compliance**

normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

- 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. 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.* **Not Applicable**
- 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.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**
- 7. Pedestrian circulation.** *There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**
- 10. Design of on-site public right-of-way (ROW).** *On-site public street and rights-of-way shall be designed to 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 access to parcels.* **Not applicable**

- 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.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**
- 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.* **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	In compliance
<p><i>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</i></p>	In compliance
<p><i>4. The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.</i></p>	In compliance
<p><i>5. Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned</i></p>	In compliance

development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.

6. Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood. **In compliance**

7. Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value. **In compliance**

8. Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood. **In compliance**

9. "Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood. **Not applicable**

10. All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood. **In compliance**

11. All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises. **Not applicable**

12. Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved. **In compliance**

13. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers. **In compliance**

14. Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized. **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
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1. Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly. **In compliance**

2. *Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.* **In compliance**

3. *The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.* **In compliance**

4. *Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.* **In compliance**

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>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.</i></p>	In compliance
<p>2. <i>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.</i></p>	In compliance
<p>3. <i>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.</i></p>	In compliance
<p>4. <i>The proposed structure or project complies with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
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| 1. <i>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.</i> | In compliance |
| 2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i> | In compliance |
| 3. <i>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.</i> | In compliance |
| 4. <i>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.</i> | In compliance |

Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>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.</i>	In compliance
2. <i>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</i>	In compliance
3. <i>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.</i>	In compliance
4. <i>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.</i>	In compliance
5. <i>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.</i>	In compliance
6. <i>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.</i>	In compliance
7. <i>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.</i>	In compliance

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.* **In compliance**