



PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01400016: Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Perch” located at 7 North B Street. The project proposes to construct 3, 3-story, 18-unit multifamily development consisting of a 9-unit apartment-style building and two 9-unit townhouse-style buildings. The sustainable bonus request is for additional height. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: December 14, 2022

Property Owner: 7 North B, LLC., & City of Lake Worth Beach

Applicant: InHabit Property Group, LLC.

Project Manager: Tim Carey

Address: 7 North B Street

PCNs:

38-43-44-21-15-501-0030

38-43-44-21-15-501-0040

38-43-44-21-15-501-0060

Size: ±0.59 acres / 25,936 sf

General Location: East of A Street between Lucerne Avenue and Lake Avenue

Existing Land Use: Vacant

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – East (MU-E)

Location Map



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 Major Site Plan, Conditional Use, and Sustainable Bonus requests are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 8-11 of this report.

PROJECT DESCRIPTION

The applicant, InHabit Property Group, LLC., is requesting approval of the multifamily development known as The Perch located at 7 North B Street:

- **Major Site Plan** for the development of a three-story multifamily development in excess of 7,500 square feet and additional site improvements.
- A **Conditional Use Permit** request to develop a multifamily residential use structure greater than 7,500 square feet.
- A **Sustainable Bonus** request for additional height of one story for a total of three stories.

The Applicant is proposing a three-story, 18-unit multifamily development on a combined .59-acre lot with the purpose of improving the area while contributing to the commercial and residential uses surrounding the area. The proposed multifamily development includes two 9-unit townhouse-style buildings and a 9-unit apartment-style building, surface parking, and site amenities. The proposed townhouse-style multifamily units will be 3-bedroom models ranging from 1,545 square feet to 1,785 square feet. The apartment units will include 1 to 2-bedrooms ranging from 625 square feet to 948 square feet. In addition to the proposed surface parking, the townhome-style multifamily units will each have a two-car garage.

The proposed project is a collaboration between the City of Lake Worth Beach, the Lake Worth Beach CRA, and the applicant. The CRA sought development of the City-owned parcels listed above, which are at the edge of the burgeoning arts district, and in close proximity to the very successful Urban Arts Lofts, West Village and HATCH 1121. In early 2021, InHabit was awarded the RFP after a competitive submission and presentation process.

After working with the then newly elected Mayor on the best use of the site, brainstorming, designing and modeling art pieces to include in the project, and meeting with Neighborhood Associations to get their input, InHabit worked on units that met the community's needs. Of chief importance to the City and the residents was a diversity of housing options and an architecturally distinctive project that was a minimum of three stories. During the January 2022 CRA Board meeting, the CRA Board unanimously approved the plans for the Project.

The proposed multifamily development will ensure compatibility with the surrounding mixed uses that include a mix of some commercial, single and multi-family residential, and live/work units. The surrounding area is an eclectic mix of architectural styles, the most significant of which are Florida Vernacular, Anglo-Caribbean, Contemporary, and Modern. The buildings in the neighborhood vary in height from one (1) to three (3) stories, with the exception of Lake Worth Towers at ten (10) stories.

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.

BACKGROUND

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

Construction: Currently, there are no existing structures on the site.

Use: The property's existing use is vacant.

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 – East (MU-E). Per policy 1.1.1.5, The Mixed Use – East category is *intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. 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 – East 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 impact of the MU-E sites adjacent to residential zoning districts.*

Analysis: 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 Pilar 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 financial sustainability and stable tax base, and ensuring 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.

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

Consistency with the Land Development Regulations

Mixed Use – East (MU-E): Per LDR Section 23.3-13(a), *the "MU-E mixed use east district" is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment. Certain commercial uses are not permitted along some thoroughfares because they will be detrimental to the adjacent residential neighborhoods. 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, including factoring in the Sustainable Bonus incentives and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Mixed Use - East (MU-E)	MU-E w/ Sustainable Bonus Incentive Program (SBIP)	Provided
Lot Size (min) In square feet (sf)		6,500 sf	6,500 sf	.6 acres (25,933 sf)
Lot Width (min) South A Street and North B Street		25'	25'	+/- 199'
Setbacks	Front (min) (Lake Ave, Lucerne Ave & North B Street)	10'	10'	10'
	Rear (min)	10'	10'	N/A
	Street Side (min) – west (South A Street Roundabout)	10'	10'	10'
	Street Side (min)	0'	0'	N/A
Impermeable Surface Coverage (maximum)		65%	65%	58%
Structure Coverage (max)		55%	55%	38.4%
Density (max)		30 du/acre (18 units)	30 du/acre (18 units)	30 du/acre (18 units)
Building Height (max)		30' (max. 2 stories)	45' (max. 4 stories)	35'-6" Mean Roof Height of Gable Roof Building 3
Maximum Wall Height at Side Setback		30'	45'	+/- 34'8" Mean Roof Height of Gable Roof
Floor Area Ratio (FAR) (max)		0.9	1.4	1.1 (+/- 28,650 sf)
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One- bedroom units (apartments)	600 sf	600 sf	652 sf
	Two- bedroom units (apartments)	750 sf	750 sf	948 sf
	Three- bedroom units (townhome- style MF)	900 sf	900 sf	1,545-1,785 sf

Parking	34 spaces	NA	35 spaces
Flood plain / Wellfield Zone	Wellfield Zone 4		

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 was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster enclosure is proposed to be within the site near the southwest corner of Building #1. The dumpster enclosure will be constructed with a 6' high concrete block-stucco material with high quality decorative vision-obscuring gates. Accommodations for recyclables will also be provided within the enclosure. Public works has also proposed a condition to review accessibility and demand on property and that the proposed dumpster is compatible with the requirements of the Department of Public Works.

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. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

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 required parking for the multi-family use proposal is 34 spaces. The parking spaces were calculated at the following:

- 1.5 spaces/unit for the multi-family one-bedroom unit proposal (5 spaces for 3 units)
- 1.75 spaces/unit for the multi-family two-bedroom unit proposal (11 spaces for 6 units)
- 2 spaces/unit for the multi-family three-bedroom unit proposal (18 spaces for 9 units)

Thirty-five parking spaces are proposed, which exceeds the required parking by one (1) space. Parking is a mix of garage parking for the townhome-style units (18 spaces), standard off-street parking (11 spaces), and on-street parking (6 spaces). To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, Public Works is proposing a condition to add a Type F curb along B Street. The proposed curbing will prevent vehicle encroachment onto the sidewalk areas. The Public Works Department has also requested the applicant provide a sidewalk along the west side of North B Street.

Per the applicant, FDOT will be adding sidewalks along the west and north sides of the site. This will provide pedestrian connectivity along west, north, and east sides of the subject site. The sidewalks internal to the site are insulated from the vehicular circulation system. Pedestrian connections are provided from the buildings to the sidewalks along the adjacent streets.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The signage proposed in the future will be reviewed at building permit for consistency with these requirements.

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 Pigeon Plum, Silver Buttonwood, Live Oak, and Magnolia trees 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. Staff has included conditions of approval to will be proposed to ensure that tree selections comply the Major Thoroughfare Design Guidelines for Thoroughfare A (Lake and Lucerne).

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. Although multiple trees such as Mahogany, Sea Grape, and Royal Poinciana with condition ratings of less than 50% are proposed to be removed mitigation is not required due to on-site replacement in accordance with the City’s Landscape regulations.

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. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City’s major thoroughfares inclusive of the subject site. 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 and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture, are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the vision for the Major Thoroughfare Design Guidelines, providing for vibrant, diverse, safe, inviting and sustainable features. With the proposed pocket park, located at the Lake Avenue frontage, the project invites community interaction. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways. The building is placed along the North B Street corridor, with surface parking within the site, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the north (Lucerne Avenue) and east side (North B Street) streets, minimizing vehicular interaction with the pedestrian circulation. The on-site parking is placed in between buildings 1 and 2, effectively screening it from Lake Avenue, Lucerne Avenue and North B Street. The western and southern perimeter of the property will be lined with high hedges to screen the Perch townhomes from the traffic of the round-about and Lake Avenue. Adequate interior and perimeter landscaping are also provided. Public Works has proposed conditions of approval requiring installation of a sidewalk and Type F curbing along the west side of North B Street. The improvements will enhance the pedestrian experience on North B Street. The solid waste dumpster will be located in an enclosure at the southeast of the property and will provide collection and storage of solid waste and recyclables. Site lighting will comply with the City’s lighting design and illumination standards, such that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings. The development will also feature a sculpture located in the proposed pocket park at the SW corner of the project along Lake Avenue.

The proposed improvements to the site 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 – East (MU-E)	Mixed Use – East (MU-E)	Lucerne Avenue ROW / Commercial & Single-family homes
South	Mixed Use – East (MU-E)	Single-Family Residential (SFR)	Lake Avenue ROW / Place of Worship
East	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	Lake Avenue and B Street round-about
West	Mixed Use – East (MU-E)	Mixed Use – East (MU-E)	North B Street ROW/vacant parcel, Single-family home, apartment complex

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

Community Appearance Criteria:

The proposed multifamily development project including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed architecture style (Angelo-Dutch or Dutch Colonial Revival) of the building is appropriate and in harmony with the surrounding residential and nonresidential area. The development proposal includes the placement of a potential large sculpture along Lake Avenue in the pocket park, which will activate the streetscape and reinforce the desired development pattern and public right-of-way improvements for this area of Lake Worth Beach. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines, and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the City and the surrounding area as conditioned.

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 master plan greater than 7,500 square feet.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The site is currently vacant and is proposing multifamily buildings that does not utilize the maximum development potential. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. The proposed associated site improvements would provide new screening and site circulation.

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 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, *"incorporation of Sustainable features is required for developments over two stories, which allows for increases in density, height and intensity over base line maximums. Annually, the City Commission shall establish base line sustainable bonus values required to participate in the program."* The applicant is asking for a bonus height which is less than the maximum allowances that can be permitted for height through a sustainable bonus incentive in a MU-E zoning district.

The total square footage of the bonus area above the second floor is +/- 7,571 square feet (3rd floor). Therefore, the value of required improvements for the SBIP bonus areas is \$60,517.60 (+/- 8,069 square feet x \$7.50 per sf). Fifty percent (50%) of the incentive award value is \$30,258.75, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value, the applicant is proposing the following qualified on-site improvements including Florida Green Building Certification (\$15,129.40), Public Art sculpture and a Pocket Park. The total value of the qualifying improvements based on the proposed improvements would exceed the value of the SBIP value. As the details of the pocket park and sculpture will need to be finalized with the Recreation Department and City Commission, the final values would be determined at permit. Should the costs of the improvements not exceed the remaining SBIP value due, the applicant has been conditioned to pay the difference.

CONCLUSION AND CONDITIONS

The MU-E zoning district is geared toward the commercial gateways and thoroughfares that are adjacent to the central commercial core of the city. The intent of MU-E district is to encourage the establishment and expansion of a broad range of office, commercial, hotel/motel, and medium-density multiple-family residential development as well as to facilitate redevelopment within these areas that achieves a mix of residential and professional office land uses. It also strives to create a place of common vision and physical predictability for all new construction, renovations, and redevelopment.

Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations. The proposed site circulation, parking, and refuse are anticipated to minimize and/or mitigate any impacts of the multifamily proposal on the adjacent and proximate uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent of the sustainable bonus fee shall be paid to the City within one year 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 50% of the sustainable bonus fee, or shall be required to pay the remaining incentive value in its entirety prior to the issuance of a certificate of occupancy.
3. Public art (sculpture) proposed shall be reviewed by the CRA's LULA program prior to installation.
4. Prior to building permit application:
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
5. Prior to the issuance of a building permit, a minor site shall be required to address the following:
 - a. The faux clapboard siding shall be removed and replaced with a stucco finish to match the rest of the building. Also, the scoring detail on the east elevation needs to be removed. The architectural style chosen does not support this exterior façade application.

- b. A Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.
 - c. A photometric plan is required. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
 - d. The site plan data table shall be updated to remove errors, including the density of the property (30 du/acres or 18 units)
 - e. Final landscape plan shall be required that reflects the dumpster configuration. The landscape plan shall comply with all City requirements and the dumpster enclosure shall be screened by landscaping.
6. Prior to issuance of a building permit, the applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
 7. A video security system shall be required for the property.

Landscape Services

1. Prior to the issuance of a building permit for vertical construction:
 - a. Provide ISA Arborist condition rating reports for all trees with a condition rating 50% or less that are proposed to be removed.
 - b. Remove all references of the residential landscape point system from the plans. The landscape points are only applicable for single family and duplex properties. Use code section 23.6-1 (c) (2) for New and Existing Multiple-Family commercial and industrial development for the landscape requirements.
 - c. Provide table showing that the City's minimum native tree and plants requirement has been met.
 - d. Adjust tree selection to comply with the City's Major Thoroughfare Design guidelines.

Public Works

Standard Conditions of Approval:

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 Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

Additional Conditions of Approval

1. Prior to issuance of a building permit:
 - a. 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.
 - b. The applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - c. The applicant shall meet with a representative from Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.

2. Prior to the issuance of a certificate of occupancy:
 - a. The applicant shall construct a new 5-foot wide sidewalk along North B Street in compliance with the Public Works Department’s specifications and Policy and Procedure Manual.
 - b. Install new Type F curb along North B Street in compliance with the Public Works Department’s specifications.
 - c. 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.
 - d. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
 - e. 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.

Utilities – Water & Sewer

1. Prior to issuance of building permit, provide the Mechanical, Electrical and Plumbing (MEP), and verify that a 2-inch water service is adequate to serve all the units of the proposed project.
2. . Prior to building permit issuance, reserved capacity fees for water and sewer must be paid in full in accordance with the current City Ordinance.

Electric Utilities

1. Before or at the time of application for a Building Permit, Developer must provide the load calculation, voltage requirements and riser diagram.
2. Developer to show the location of the meter center on the site plan. The electric utilities will be provided from the west side of the property. The location of the meter will need to be accessible by the provided electric utilities.
3. Developer will be responsible for installing their own lightning for the parking areas.
4. Developer will be responsible for the cost of Lake Worth Beach’s materials and labor for this project.
5. Before the issuance of a Certificate of Occupancy (CO) a final electrical inspection must be done.
6. The proposed setback of the building facade must maintain a minimum of 10 ft. from any overhead electric utility structures on the west side of property and building 2. This includes extensions of these structures such as utility pole cross-arms.

Prior to the issuance of a Certificate of Occupancy:

- a. Provide copy of recorded Utility Easement.
- b. Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for “The Perch” at 7 North B Street 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** the request for Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for “The Perch” at 7 North B Street. 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 this request. The Applicant may appeal the Board’s decision to the City Commission.*

ATTACHMENTS

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

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>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.</p>	In Compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>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.</p>	In compliance
<p>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</p>	In compliance

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.

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>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.</p>	In compliance
<p>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.</p>	In compliance
<p>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.</p>	In compliance

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.* **In compliance**
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 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.* **Not Applicable**
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.* **Not Applicable**
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.* **Not Applicable**
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
<p>1. <i>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.</i></p>	In compliance
<p>2. <i>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.</i></p>	In compliance
<p>3. <i>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.</i></p>	In compliance
<p>4. <i>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.</i></p>	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 is in compliance 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
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. *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.* **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**