



Planning Zoning Historic Preservation Division  
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**AGENDA  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
VIRTUAL MEETING  
WEDNESDAY, JUNE 17, 2020 -- 6:02 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

Present were: Greg Rice-Chairman; Anthony Marotta-Vice Chair; Mark Humm; Michael Glaser; and Daniel Tanner. Absent: Laura Starr; Brock Grill.

Also present were: A. Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Erin Sita, Asst. Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary; Brian Shields, Director for Water Utilities.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

A. Minutes from May 20, 2020 & May 27, 2020

Board Secretary states revised minutes for May 27 were forwarded to the Board after the packet was published and delivered. This was in response to comments from a Board member wanting certain information included in the record, in particular the projected amount of rent for a one-bedroom unit.

**Motion:** A. Marotta moves to approve the minutes from both meetings as presented; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS** Board Secretary administered oath to those wishing to give testimony.

**PROOF OF PUBLICATION** Provided in the meeting packet.

- Palm Beach Post Proof & Lake Worth Herald Proof

**WITHDRAWALS / POSTPONEMENTS:** None

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** There were no disclosures by any Board members.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. A request by Bryan Sherman, Sloan Consulting Inc on behalf of Arbor Square Realty Co., LLC for a Conditional Use Permit to allow a single destination retail use at 2507 North Dixie Highway, within the Mixed Use – Dixie Highway (MU-DH) zoning district.

**Staff:** A. Rosenberg presents case findings and analysis. The proposal is for a single destination retail use for Family Dollar. The space has been without tenancy for the last four (4) years. The tenant is proposing the outdoor storage of LP tanks and ice sales as well as alcohol and tobacco. The applicant currently has a separate application under review for a façade improvement for the entire plaza. The Conditions of Approval include, among other conditions, resolving all liens and code case violations prior to the issuance of a business license for Family Dollar. The deficient areas are: landscaping, maximum front setback, maximum impermeable surface coverage and Major Thoroughfare Design Guidelines.

**Applicant:** Robert Schweitzer

**Board:** M. Glaser questions if there is intent to sell alcohol and tobacco. Reminds Board members of the recent discussion of a similar situation where the sidewalks were impeded with the sales of seasonal items and LP tanks. Questions if that is the intent of applicant. **Applicant Response:** The need and criteria for a proximity waiver is understood. The Church facility will be vacating the premises within a few months; the pizza parlor does not sell package beer only on premises; Ken Rose Catering is a license holder but as a caterer, they serve off premises. The previous Dollar General store did sell those items. With regard to the outdoor displays, historically the LP tanks were outside and ice vending machine inside. The sidewalks are significantly wider than 36".

**Staff:** E. Sita - ADA compliance will be reviewed at time of permit, even so persons have been known to file civil suits. **Applicant response:** They previously incurred an ADA civil suit and improvements were made to bathrooms and parking lot. **Board:** G. Rice mentions the condition outdoor storage of LP and ice. **Applicant** is unsure of why the LP would be required to be inside. **Staff:** It is a code requirement, no outdoor storage, part of the Conditional Use and not permitted. Discussion about conditioning to be "inside permanently or after hours." **Applicant Response:** Will abide by the code and conditions although it will trigger the need for additional fire sprinklers.

Discussion shifts to code violations on the property. The **Applicant** stated that within one week 12 of the 15 violations were corrected. There are 1.5 million in improvements happening to the plaza and it did not make sense to paint, repair curbing, parking lot striping and landscape (addressing remaining violations) when a façade renovation is underway. Timeline of code violations, when they were addressed, request of the Special Magistrate for an extension. **Board attorney** recalls 3-6 months is normal for the improvements? **Applicant response:** In Oct a January deadline was given, they were granted an extension in January and were expecting the permit in April. The permit submittal initially indicated a Major Site Plan Amendment and was resolved to a Minor Site Plan Amendment including the façade improvement. It will take several weeks to address the review comments for the Minor Site Plan. **Board Attorney:** It would be a violation of code to allow a new tenant to move in prior to addressing all the violations. **Applicant response:** The curbs will be fixed within 2 weeks and close out the code case. **Board Attorney:** This is not a code hearing tonight.

**Staff:** E. Sita - the Board typically does not hear any project that has an active code case but through good faith efforts, the City being business friendly and the applicant being earnest in effort the project was brought to the Board despite a history of code issues.

Board Chairman states it will be a welcome improvement and with no surprises for the applicant when it is all in writing.

**Motion:** A. Marotta moves to approve PZB 20-00500008 a conditional use permit to allow a single destination retail use at 2507 North Dixie Highway with staff recommended conditions based upon the data and analysis in the staff report; M. Glaser 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- B. PZB/HRPB Project Number 20-00400002: Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.

**Staff:** B. Shields presents case findings and analysis. The text was prepared by Mock-Roos Engineering firm. Florida statutes requires a five (5) year reporting cycle to the 10 year water plan.

**Board:** M. Glaser- One needs to be an engineer to understand the report. The 90K is part of the CIP (Capital Improvement Plan), it does get amended. The monies are for new wells with the phasing out of old wells, galvanized water mains etc. G. Rice asks if it is part of the older bond monies. B. Shields states no those monies were spent in 2011-2012.

**Motion:** A. Marotta moves to recommend PZB/HRPB 20-00400002 to the City Commission to transmit to the State of Florida the 2020 10-year Water Supply Plan and including the adoption of related amendments to the Comprehensive Plan; M. Glaser 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

### **PLANNING ISSUES:**

Chairman asks if July 15 is a suitable date for the next Planning & Zoning Board meeting. A poll indicates the date is acceptable for the five members present.

E. Sita advises the proposed Comprehensive Plan Amendments recently reviewed by Board have been transmitted to the State with an expected return by July 8. There will be another round of LDR amendments coming to Board at the July 15 meeting.

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** M. Glaser asks if the Gulfstream has submitted for review.

E. Sita states to date no application has been received, Board Attorney mentions it is expected soon.

**Board Attorney:** Regarding the July meetings and whether the virtual meetings will continue, there is uncertainty about the Governor's actions. The meetings may be modified with a combination of live quorum and CMT for the public.

**ADJOURNMENT:** 6:57 PM