



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 06, 2021 -- 6:07 PM**

ROLL CALL and RECORDING OF ABSENCES: **Present** were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm, Laura Starr, Edmond LeBlanc, Zade Shamsi-Basha; Juan Contin. Also present were: Debora Slaski, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: None

APPROVAL OF MINUTES:

A. September 1, 2021 Regular Meeting Minutes

Motion: M. Humm moves to approve the minutes as presented; J. Contin 2nd.

Vote: Ayes all with exception of Vice-Chair not voting.

CASES:

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

PROOF OF PUBLICATION

1) 706 & 710 South H Street; Appeals Ordinance; PB Modern Auction; S. F. Podiatry

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. **PZB 21-01300002:** City-initiated small-scale Future Land Use Map (FLUM) amendment (Ordinance 2021-18) and Zoning Map amendment (Ordinance 2021-19) on behalf of Dixie Capital Partners LLC in coordination with the City of Lake Worth Beach's Electric Utility requesting a FLUM amendment from the Mixed Use - East (MU-E) FLU to the Public (P) FLU, and a rezoning from the Mixed Use – Dixie Highway (MU-Dixie) zoning

district to the Public (P) zoning district on properties located at 706 South H Street and 710 South H Street.

Staff: E. Sita presents case findings and analysis. Both parcels will transition to Public Zoning and Public Future Land Use designation. This is to facilitate a new substation on these properties.

Motion: A. Marotta moves to recommend approval of Ordinance 2021-18 (a future land use map amendment) to the City Commission based on the data and analysis in the staff report and testimony at the public hearing; L. Starr 2nd.

Vote: Ayes all, unanimous

Motion: A. Marotta moves to recommend approval of Ordinance 2021-19 (a zoning map amendment) to the City Commission based on the data and analysis in the staff report and testimony at the public hearing, to the City Commission; M. Humm 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 21-140022: Consideration of a Major Site Plan request for the renovation and expansion of existing structures to accommodate a retail establishment and an approved auction house at 1209, 1215, and 1217 North Dixie Highway. The proposed building addition is to increase the area of the existing building located 1215 and 1217 North Dixie Highway from 5,341 square feet to 7,337 square feet (a 1,996 square foot- building addition).

Architect: James Paine **Applicants:** Rico Baca, Wade Terwilliger and Carrie Rose. Planning additional square footage to the existing building for the auction house. Intention is to remove pavement in the front and north and replacing with landscaping. Redo of the façade with a modern architectural style and increase the fenestration by more than 25%.

Staff: D. Slaski presents case findings and analysis. The allowance for an Auction House was approved through the Conditional Use process during the July Planning & Zoning meeting. The site will have 14 parking spaces and bike racks. The proposal is consistent with the Land Development Regulations, the Comprehensive and Strategic Plan. Existing non-conformities are being addressed to improve or maintain as is allowed by right.

Board: A. Marotta requests confirmation the maximum impermeable surface will be brought into compliance. **Response:** Yes, agree with the condition and will give up some paved area or provide a semi-impervious material. L. Starr questions the spacing of trees along the frontage and the color of the building. **Response:** There are a few curb cuts to work around, and the sight triangles as well but other areas will have trees spaced closer than the 25 feet. Discussion of preferred tree species versus the installation of seagrapes. The building will be white. J. Contin questions the 7% over the impermeable surface allowance. **Staff:** The condition will maintain at 70%. As it is a non-conforming site, the condition cannot be exacerbated. J. Contin states the semi-pervious does not maintain itself over time. **Staff:** Board may further condition, if they so choose, to not allow the use of semi-pervious material and remove paving to meet the standard for the district. E. LeBlanc inquires about the front and rear non-conforming setbacks as the plan was unclear. Staff explains the addition to the auction house will not have non-conforming setbacks.

Public Comment: None

Motion: J. Contin moves to approve PZB 21-0140022 based upon competent substantial evidence provided in the staff report and in the testimony provided at the public hearing with the

condition that eco-block or equal be used for any impervious area (5%) over 65% up to the non-conforming conditioned 70%. M. Humm 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 21-02500001: Consideration of the installation of exterior accent lighting on the west and south façade of the building located at 620 South Dixie Highway in the Mixed-Use Dixie Highway (MU-Dixie) District. The requested accent lighting is in the form of a single green neon tube attached by tube supports to the building immediately below the cornice/roofline.

Staff: D. Slaski provides background of request.

Applicant: Not present.

Board: L. Starr asks why it is being requested. **Staff:** It is permitted, allowed on Art Deco and Art Moderne, there is an already permitted blue neon sign on the building. **Board:** Z. Shamsi-Basha asks whether the colors will change? **Staff:** Because it is requested as an accent color, green is the what is being approved. Board discussion regarding neon versus LED strip that changes color with the flip of a switch. Does the accent light count toward signage? **Staff:** No, as there is no commercial message it is accent light.

Public Comment: None

Motion: E. LeBlanc moves to approve PZB 21-02500001 for the installation of accent lighting on the west and south façade based upon competent substantial evidence in the staff report and testimony at the public hearing based upon only green neon lighting being approved. Should there be any change, a new color would require a new proposal come before the Board.

Vote: Motion carries 5/2 in favor; L. Starr and G. Rice dissenting.

D. PZB Project Number 21-00500006: Consideration of a Conditional Use Permit request to allow a 1,040 square feet Medical Office at the property located at 220 South Dixie Highway, Unit 4.

Staff: D. Slaski presents case findings and analysis for the request. In the past there was a dental office. Parking appears to be shared between this site and the site to the south. E. Sita states this request is for the bay only however if Board so chooses to allow the use at any of the bays at the address they could approve that.

The practice has been on South Federal Hwy for over 20 years. There are 20 spaces available for parking. Most recent uses: travel agency, T-Mobile store and interest from a dental group

Board: A. Marotta- anyone making a motion should/could include the request for a blanket conditional use. Written motion in the staff report contains a project # error.

Public Comment: None

Motion: E. LeBlanc moves to approve PZB 21-00500006 with staff recommended Conditions of Approval for a Blanket Conditional Use permit for the property at 220 S Dixie based upon the competent substantial evidence in the staff report and testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

E. PZB/HRPB 21-00400001 (Ordinance 2021-09): Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to the development appeal process.

Staff: More efficient way for a project applicant and appellant to proceed directly to the Circuit Court. Administrative decisions will still be appealed to the Board. In cases where there is a quasi-judicial decision to be made, it is a quicker more efficient way. J. Contin- is in favor as the Circuit Court has no interest in any project as opposed to the City Commission. Z. Shamsi-Basha asks if it applies to all quasi-judicial proceedings. **Staff:** SP amendments and conditional uses, also applies to Historic Preservation as well.

Motion: M. Humm moves to recommend approval of Ordinance 2021-09 to the City Commission; E. LeBlanc 2nd.

Vote: Ayes all, unanimous

F. PZB/HRPB Project Number 20-01100001: A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of ‘Hammon Park’ to the development known as ‘Aviara on the Ave’, which is the subject property. The property is located within the Northeast Lucerne Local Historic District and is located within the Mixed Use - Dixie Highway (MU-DIXIE) zoning district with a Future Land Use of Mixed Use East (MU-E).

Staff: The Site Plan was approved in 2015. The property is bisected in half by a Historic District hence the review and recommendation by both Boards to City Commission. The final portion is being built out now. The original approval had the condition to be re-platted. The Plat is reviewed by an Engineering firm and Survey consultant. This plat eliminates the townhome design and is now a multi-family.

Board: How does one deny a plat? **Staff:** Need to find the engineering or survey is wrong.

Public Comment: Fred Romaine - 308 North J. Street- will the replat have an effect on the site plan. Has concerns with the emergency access and Knox box.

Staff: They have not yet received the final Certificate of Occupancy; upon completion all Conditions would have to be met.

Motion: Z. Shamsi-Basha moves to recommend approval of PZHP 20-01100001 to the City Commission. The proposal meets the applicable criteria based on the data and analysis in the staff report; J. Contin 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Historic planners have left the employ of the City for new opportunities. Jordan Hodges in Palm Beach; Abraham Fogel accepted a position in North Miami Beach. Planning and Zoning has now added Debora Slaski as Principal Planner, Kizzi Alexandre Community Planner and Karina Campos as Planning Technician.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:38 PM