



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 02, 2023 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Edmond Leblanc; Daniel Walesky; Zade Shamsi-Basha; Evelin Urcuyo. Absent: Mark Humm. Also present: Abraham Fogel, Senior Community Planner; Scott Rodriguez, 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

Motion: D. Walesky; 2nd by E. Urcuyo to accept the agenda as presented. Vote: Ayes all, unanimous.

APPROVAL OF MINUTES: None

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.

- 1) 701 Boutwell Rd - Gateway Classic Cars
1939 7th Avenue North
821 S Dixie Highway - Madison Terrace

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE: D. Walesky states that he will recuse himself from Item C as in the course of his business he will be entering a bid for financing that is in direct competition with the applicant of that project also entering a competitive bid. Believes it to be a conflict.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Numbers 23-00500011 & 23-01400016:** A Major Site Plan Amendment and Conditional Use Permit request for a ±83,383 square foot distribution facility (±33,100 square foot outdoor use area and ±50,283 interior use area) designated as a Wholesale and Distribution Facilities use by LDR Section 23.3-6. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial.

Staff: S. Rodriguez provides an overview of the previously approved project as well as this amendment to allow outdoor storage of building materials and a distribution center greater than 50,000 square feet in size. Knox box entry for emergency vehicles as the opaque fence will close at night.

Agent for the Applicant: Bradley Miller- The site is under construction with paint on the structure today. Foundation Building Materials is the first tenant, relocating from Boynton Beach. One of the components is a 33,100 square foot outdoor storage area. Materials are stored on racks attached to the wall. They prefer to keep as much inside but not always possible. An eight (8) foot high opaque fence will obscure the view of the outdoor storage. Staff had concerns with total circulation on the site, however that was resolved with the gate being open during regular hours.

Staff: The dumpster should be moved forward of the outdoor storage area as Public Works may pick-up during off-hours from tenant operation. It is the only dumpster for the property. It is concurrent with the permit.

Board: Is there a change to the permeable area? Is it retail? No, wholesale operation.

Public Comment: None

Motion: D. Walesky moves to approve PZB 23-00500011 & 23-01400016 with staff recommended conditions based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous.

- B. PZB Project Number 23-00500012:** A conditional use permit request for a ±31,500 square foot facility containing Vehicle Broker and Indoor Storage uses located at 701 Boutwell Road Suite A. The subject site is located within the Industrial Park of Commerce (I-POC) zoning district and has a future land use designation of Industrial (I).

Staff: S. Rodriguez- Open to the public to view the cars. Condition of approval #2 has been modified to read “ Should the volume of in-person sales be greater than five (5)% to total sales volume, a new Conditional Use shall be required to review the use as vehicle sales”.

Agent for applicant: John Cohen-Showroom Manager – Classic cars on consignment, there are no repairs or vehicles operated indoors.

Board: Will there be more of the facility utilized in the future? **Response:** Possibly, if a large shipment were to arrive. There is a line of demarcation showing the amount of contracted space. It will be closed off. There isn't a tenant separation within the building.

Staff: If the tenant had applied for the balance of the space, or more of the space than 31, 500 square feet, they would not have to return for another Condition Use in the future.

Motion: E. Leblanc moves to approve PZB 23-00500012 with staff recommended Conditions based upon competent substantial evidence in the staff report and in the testimony at the public hearing Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

- C. PZB 23-01000001 (Ordinance Numbers 2023-17 and 2023-18):** Privately-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) for the project known as “Madison Terrace” located at 821 South Dixie Highway requesting: a FLUM amendment from the Mixed Use – East (MU-E) future land use to Transit Oriented Development (TOD) future land use; and a Rezoning from the Mixed Use – Dixie Highway (MU-DH) zoning district to the Transit Oriented Development – East (TOD-E) zoning district.

- D. PZB Project Number 23-01000001 (Ordinance 2023-16):** A request for a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing

Program, and Transfer of Development Rights for the project commonly referred to as “Madison Terrace,” to construct two (2) mid-rise residential structures that are 6-stories in height with a total of 176 dwelling units.

Staff: A. Fogel -This two-part presentation includes both the Land Use and Zoning District change in addition to the Planned Development.

The Future Land Use would go from Mixed-Use East (MU-East) to Transit Oriented Development. The Zoning District would change from Mixed-Use Dixie Highway (MU-DH) to Transit Oriented Development East (TOD-E) This would continue the zoning district in the area. This is a corrective action to bring one parcel into alignment with the other parcels as well as allowing the owners to seek specific financing options. Overall there are 5 parcels under one ownership including one with a current auto sales use.

The Mixed-Use Urban Planned Development (residential only) is a Development of Significant Impact as the request is for 176 age restricted units in two (2) six-story buildings. Also requested are approvals of a Major Site Plan, Conditional Use Permit, Right of Way Abandonment and participation in the Sustainable Bonus Incentive Program, Affordable Workforce Housing Program and Transfer of Development Rights. Through the Federal government low income tax credit program, the property will remain as affordable housing for fifty (50) years with a restrictive covenant.

Ground floor parking is proposed as well as surface parking. Of the 262 required spaces, 123 are provided. The Affordable Housing provision would allow the count to be reduced to 197 and the applicant is requesting a waiver of the balance available through the Residential Planned Development process. Proposed alternate spaces would increase the number of spaces however it would continue to be below the required amount. The City Commission may provide direction should the required number of spaces be waived per the applicant request.

Contemporary and Art Deco elements can be found in the architecture; staff has suggested murals on the blank facades which would require Board approval in the future. The project is to be phased with the landscaping along H Street be included in Phase I.

The applicant is also requesting three landscape waivers. 1. Reduction in width of the buffer north of 822 South H Street 2. Elimination of some landscape strips within the surface parking 3. Reduction in size of terminal landscape islands.

Affordable Housing – the one-bedroom units are proposed to be reduced by 4% in size to 576 square feet.

The Sustainable Bonus – The total value of sustainable bonus improvements equal \$921,455.14 of which the applicant is requesting the City to waive the half to be paid to the City. Features include public open space, Florida Green Building Certification and Affordable Housing.

The Transfer of Development Rights – The total value is \$151,947.90 and the applicant is requesting the City waive the fee. An additional story is being requested with a total height of 66.5 feet.

The advertisement for the Right of Way Abandonment will be considered at the first reading of the Planned Development with potential 1st and 2nd readings at a later date.

Board Attorney: E. Lenihan reads the Ordinances by title; Ordinance 2023-18 for a FLUM Amendment and 2023-17 Rezoning. Ordinance 2023-16 for the Mixed-Use Urban Planned Development (Residential).

Applicant: Mike Oliver of New South Residential -Thanks staff and the CRA for their assistance. He and his partners are currently constructing their 9th community in St. Cloud. In November 2022 the CRA approved a 640K forgivable loan for the project. It is not a market rate development, there is a competitive allocation process. They are hoping to win an allocation in the first year but these entitlements need to first be secured. September 12, 2023 the finance application is due. They have a three (3) year hold on the property with the property owner. A required demographic must be chosen, they are pursuing age-restricted to 55+ years of age rather than a family demographic; the housing must remain as affordable

for 50 years and occupancy is by tiered income levels. Consideration was given to proximity to needed services including grocery, bus stops, pharmacy, and doctor offices. Financed through low income housing tax credits. Through Florida Housing Finance Corporation. Palm Beach County gets one allocation per year, and extremely competitive.

Egress and ingress will be from South H Street; an open-public space will be fronting on Dixie Hwy. Power will go underground. Phase I will contain 91 units; Phase II 85 units; the developer will pay water and sewer services. Other amenities include washer and dryer in each unit; cameras and key card access enhance security for residents.

Public Comment: None

The neighborhood outreach meeting resulted in some suggestions but was not met with any objection. The house remaining in the middle of the parking along South H Street would have received all the required mailed notices. Additional notices will be sent prior to the City Commission readings. Would still like to acquire the property.

Board Member Daniel Walesky recuses himself from the Board discussion and vote.

Board: A question about the allocation. **Response:** If received it will be 100%. Palm Beach County could have between 1-4 applications so odds are 25% of obtaining the financing should there be four applications. If not acquired this year, they may re-apply next year. Several elements are favorable for the allocation including the walkability, amenities such as the game room and activity room. Phase I will have 95 dwelling units, they do not want to leverage too high as that could result in no allocation.

A question about the fee waiver requests. **Response:** This would be at the discretion of the City Commission. Prior to the City Commission change enacted several years ago requiring one half of the fee due be paid into a City fund, projects only provided on-site improvements that qualified them for the Sustainable Bonus Program, there was no requirement to pay the fee.

In Phase I there will be enough room for an activity room and game room. Phase II will allow more indoor amenities such as a billiards room, fitness room, game room, activity room, arts and crafts.

A question regarding the rezoning **Response:** Portions of the property are already TOD-East, this will bring the remaining parcel into the same zoning district which is necessary for the Residential Planned Development and financing.

What happens if Phase II never happens? **Response:** The Conditions of Approval provide for that scenario and the Site Plan would still function.

Will pets be allowed? Yes, up to 20 pounds.

Motion: E. Urcuyo moves to recommend approval of PZB 23-0100001 (Ordinance 2023-17) rezoning, to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

Motion: Z. Shamsi-Basha moves to recommend approval of PZB 23-0100001 (Ordinance 2023-18) Future Land Use, to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous.

Motion: E. Leblanc moves to recommend approval of PZB 23-0100001 (Ordinance 2023-16) Planned Development, with staff recommended Conditions of Approval based upon the competent substantial evidence provided in the staff report and testimony at the public hearing; Z. Shamsi-Basha 2nd.

Motion amended, prior to vote, to include "The applicant shall maintain Phase II greenspace provided Phase II has not commenced construction after Certificate of Occupancy is issued for Phase I." Second by original seconder.

Vote: Ayes all, unanimous

Daniel Walesky abstained from voting for three items.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: Thank you to Edmond Leblanc for his service on the Planning & Zoning Board; re-appointment to the Historic Resources Preservation Board.

BOARD MEMBER COMMENTS: Question regarding the City Commission Quarterly update. Staff mentions the format has changed, no presentations by a Board members, staff will provide a summary of number of applications and types of applications. The next report is due in October. Question regarding the status of the L&M project. Staff states until there is a submittal, it is not in our process. When submitted, it will be heard through the Historic Resource Preservation Board.

ADJOURNMENT: 7:54 pm