



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, DECEMBER 06, 2023 -- 6:02 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Daniel Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Henry Pawski; Juan Contin, Chair. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

Staff requested a re-ordering of the agenda to hear Item D under New Business (project 23-00000021) first. **Motion:** M. Humm moved to approve the agenda as re-ordered, H. Pawski 2<sup>nd</sup>. **Vote:** Ayes all, unanimous

**APPROVAL OF MINUTES:**

- A. October 4, 2023 Meeting Minutes **Motion:** M. Humm moved to approve the October meeting minutes as presented, D. Mathews 2<sup>nd</sup>. **Vote:** Ayes all, unanimous.

**CASES:**

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

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

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** No disclosures were made by any Board member.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. **PZB Project Number 23-00500018, 23-00600004, & 23-00600005:** A conditional use permit for the establishment of a cellar management company designated as specialty storage and specialty retail uses with accessory classes and tasting events by LDR Section 23.3-6 and two (2) alcohol beverage distance waivers to allow package sales and on-site consumption for the property located at 500 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

**Staff:** A Fogel the requested uses are for specialty storage, specialty retail with accessory classes and tastings. The waivers are for package sales, including occasional deliveries to clients, and on-site consumption.

**Board:** Was there a required mailing? **Response:** Yes, as required by Code the notifications were mailed, advertised in the local paper and site signs were posted.

Regarding the protected areas, is the reason for the waiver due to those protected areas within the 500 feet? **Response:** Due to the small size, density of the City and proximity to those protected areas, most requests involve a waiver. **Board:** Will it be just wine?

**Applicant:** Max Catucci- The license will allow for beer onsite however the primary business is cellar storage of wine, not retail. They will be introducing wines that the clients can purchase and add/round out their private collection. The public will be permitted however the events are more of a private, concierge event; clients showcasing/tasting of private stock for friends, clients will be facilitated by the applicant.

**Public Comment:** Bernard Guthrie- believes it to be a welcome addition to the business community along Dixie Hwy with plenty of parking and well maintained premises.

**Motion:** Z. Shamsi-Basha moves to approve PZB 23-00500018 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Motion:** D. Mathews moves to recommend approval of PZB 23-00600004 with staff recommended Conditions of Approval to the City Commission based on the data and analysis in the staff report and the testimony at the public hearing; Z. Shamsi-Basha 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Motion:** M. Humm moves to approve PZB 23-00600005 based on the data and analysis in the staff report and the testimony at the public hearing; H. Pawski 2<sup>nd</sup>,

**Vote:** Ayes all, unanimous.

**B. PZB Project Numbers 23-00500017 & 23-01400019:** A Major Site Plan Amendment and Conditional Use Permit request for two (2) accessory outdoor storage use areas totaling ±6,350 square feet. 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 presents case analysis. Originally developed as Borden's Dairy for local milk distribution. The site is now occupied by Palm Beach Trim specializing in interior and exterior ornamental millwork. The eleven (11) containers are utilized for excess material storage. The containers, in two outdoor storage areas, were placed on the site several years ago. Setbacks must be maintained. For traffic circulation, the elimination of seven parking spaces was proposed by staff and agreed to by the applicant; it will not affect overall parking requirements.

**Architect:** Deborah Nichols – 755 Newark Street West Palm Beach -This is an inherited problem from previous owner. Requesting to work with staff regarding Condition 1.a.- removal of unpermitted gravel and replacement with living ground cover.

**Staff:** This would be part of the Minor Site Plan modification process. A recalculation of the impermeable surfaces may or may not show overage of impermeable surfaces. If over, the gravel would need to be replaced with living ground cover. Should the re-calculation show the impermeable coverage is over, the Condition could be modified to read: Remove existing gravel if necessary in order to comply with Land Development Regulations.

**Board:** In an industrial area, grass or mulch would not make sense for permeable purposes. Due to a code citation, it's a question of volume. As an architect the limitations of the site should be known.

**Architect:** Not looking to the future, just to resolve the Code Compliance issues.

**Board** question about the table showing square footage limitation of accessory structures.

Staff confirms that some of the containers will need to be removed in order to achieve the maximum limitation of 1,000 square feet. Currently the proposed square footage of the containers is 2,080 square feet.

**Public Comment:** None

**Motion:** D. Walesky moves to approve PZB 23-00500017 & 23-01400019 with staff recommended Conditions of Approval, with modification of Condition #1.a to read: Remove existing gravel if necessary in order to comply with Land Development Regulations and replace with living ground cover; based on competent substantial evidence in the staff report and the testimony at the public hearing; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. PZB Project Number 21-01100001:** Consideration of a final plat map application for the Cloisters Phase IV project, located at 508, 510, and 530 South Federal Highway. The subject site is located within the Mixed Use – Federal Highway (MU-FH) zoning district and has a future land use designation of Mixed Use – East (MU-E).

Staff: A. Fogel presents case analysis. This is the last phase of the site allowing for the 15 fee-simple lots approved in 2019. The plat has been reviewed by the City's SPRT, Director of Community Sustainability; and a consultant surveyor for compliance with Florida Statutes and City Land Development Regulations.

**Agent for the owner** – Dan Ryan 3450 S. Ocean Blvd. Palm Beach – The owner does not want to develop it right now. Is not selling lots, it will become part of the HOA.

**Motion:** Z. Shamsi-Basha moves to recommend approval to the City Commission for PZB 21-0110000, a final plat for the Cloister Phase IV project, with staff recommended Conditions as the proposal meets the applicable criteria based on the data and analysis in the staff report; D. Walesky 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**D. PZB Project Number 23-00000021:** Request by the City of Lake Worth Beach Leisure Services for the approval of a two (2) murals located on the south and east façades of the Palm Beach County Fire Rescue (PBCFR) Station 91 at 1020 Lucerne Avenue. The subject site is zoned Public (P) and has a future land use designation of Transit Oriented Development (TOD).

Staff: S. Rodriguez explains the request for the Mural on the south side which will pay homage to the first Lake Worth Fire Department. The East façade will identify the station and fire trucks. The artist has worked with several high profile clients. Pillar III of the Strategic Plan is implemented by inspiring arts and culture through city events and programs.

**Board:** No questions, generally in favor of the mural

**Public Comment:** None

**Motion:** H. Pawski moves to approve PZB 23-00000021 for two murals as conditioned. The application meets the mural criteria based on the data and analysis in the staff report; D. Mathews 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** The January meeting will be held the third week of January rather than the first Wednesday.

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

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 6:42 PM