



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 03, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman (Virtual); Anthony Marotta, Vice Chair; Mark Humm, Daniel Tanner, Laura Starr, Robert Lepa, Juan Contin. Also present were: Alexis Rosenberg, Senior Community Planner; Andrew Miller, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; Susan Garrett, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by R. Lepa

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA No re-ordering of agenda.

APPROVAL OF MINUTES:

A. January 6, 2021 Regular Meeting Minutes

January 27, 2021 Meeting Minutes

February 3, 2021 Regular Meeting Minutes

Motion: A. Marotta moved to approve the Minutes as presented; R. Lepa 2nd.

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.

1) Lake Worth Herald Publications

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 20-01400036: A request by Cotleur & Hearing, a land development firm, on behalf of The Lord's Place, Inc. for consideration of a Residential Urban Planned

Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of an eight-unit multi-family residence at 825 South Federal Highway, 827 South Federal Highway, and a portion of 9th Avenue South, within the Mixed Use – Federal Highway (MU-FH) zoning district. The subject properties PCNs are 38-43-44-27-01-021-0140 and 38-43-44-27-01-021-0160.

Staff: A. Rosenberg presents case findings and analysis, the proposed project will be a one-story building composed of eight (8) multi-family units (three (3) bedroom one bath each) along with a counseling room, common area kitchen and dining room. Thirteen (13) parking spaces will be provided. Burckle Place III is intended to assist a total of 24 women, half over the age of 55 will be prioritized with the remaining half for those under 55 years of age. The applicant states this is not a transient facility but rather a shelter for transition from homelessness to an independent self-sufficient lifestyle by providing support services. Staff is recommending the Board recommend approval to the City Commission. Several conditions of note are to increase the dumpster enclosure size and provide a secure bike rack for eight (8) bicycles. The project is generally consistent with the City's Comprehensive Plan and Strategic Plan. Mixed Use Federal Highway (MU-FH) zoning is intended for low-density multi-family residential development. Landscape buffering and screening is provided along with security perimeter fencing and two gates onsite. There will be overnight security personnel. The massing of the building presents some concerns for staff. It does not apply best practices according to the Major Thoroughfare Design Guidelines. Generally, the immediate area has two two-story structures. The applicant justifies this by indicating the proposed is on the edge of the zoning district, it provides a good transition. The applicant also applied for three (3) waivers pertaining to the parking, minimum living space and dumpster enclosure size.

Applicant Presentation: David Milledge and Diana Stanley give a broad overview of successes at various locations citing percentages of previous residents who remained housed and self-sufficient. They do remain on the tax roll and are serious about being good neighbors. Regarding the requested waivers: mention is made of the possibility of the transit van and bike rack swap; state the reduction in unit size encourages activity in the common area and Public Services agreed to the smaller dumpster size.

Affected Party: Portia Culley- As her property of 14 years has not appreciated at all, she has concerns about the impacts of the project. As a single female, believes their mission is good and that a good neighbor abides by the rules which includes placing parking in the rear and revising the façade to appear as a two-story structure. Believes the R-O-W abandonment is the most egregious by setting precedent allowing for other vacant lots to take R-O-W's. Presents a slideshow with examples of dumpsters in various conditions, believes other Lord's Place sites are not maintained. Recently no parking signs have popped up on the R-O-W. Questions the idea that 9th Ave North and the R-O-W is not utilized as is evidenced by parking in the location.

Other Affected Parties: Adam Peters-Not in Attendance-902 S. Federal Hwy #4-A written statement expressing concern the project should adhere to the Design Guidelines with regard to height being reflective of surrounding homes; parking to be located in the rear or side of the structure; building on 9th Ave South will clog parking for residents and hotel guests. It allows emergency and utility access and if utilized for parking will pose safety and security concerns. Requests that the parking waiver not be granted, nor the minimum living space waiver or dumpster waiver. Supports the Lords Place concept but believes the construction would be against the residents who purchased homes in the area, code is in place to help the community move forward, not fall behind.

Jonas King-Holzsager – 814 S Federal Hwy. The parking is an issue, could build a two-story building.

Jerald Swain – 902 S Federal Hwy #8-parking is a concern and will cause an undue hardship.

Public Comment: Jennifer Rodriguez for Sun Gate Motel. Regarding the abandonment, has concerns about the use of the unpaved 9th Ave South and there will be one less exit from the alleyway. The alleyway south of the site has a lot of debris. When it rains there is flooding on the unimproved portion of the R-O-W. Understands the proposal and would like the neighbors thoughts taken into consideration prior to a decision.

Board Secretary: Read comments received from the following property owners within the 400-foot courtesy notice radius:

Bernard Guthrie 823 S Palmway-Preliminary presentations did not provide a site layout but did dispel the argument of it becoming a homeless shelter/soup kitchen. Some of the big flaws that are contrary to city guidelines and parking requirements. The area is congested with the 9th Avenue Right-of-Way being used as overflow parking for the townhouse community and motel to the south. The abandonment of the street will cause parking problems where none currently exist. Due to the number of potential residents and staff, the parking requirement is conservative and does not account for friends and family visitors. Any overflow will now end up in the surrounding neighborhoods. A solution would be to reduce the number of units or go 2-story which would blend better and allow for more parking. The dumpster location should be changed so the 2nd floor apartments to the north do not have to overlook the enclosure. Development guidelines have been painstakingly crafted to protect all and should be evenly applied without exception.

Charles Phillips – 526 S Palmway- Although a noble endeavor, the location is not suitable as illustrated by the number of waivers requested. Approval will result in additional parking load on the neighborhood as well as a decline in quality of life for the residents. Disagrees with the prohibition of parking in the 9th Ave Right-of-Way parking and the construction of a new project with a parking deficit and encroachment on the neighbors.

Robert Collins – 802 S Federal Hwy – Parking issues are of concern with different unknown cars parking in front his home exiting the car and walking north and south to and from S. Federal Hwy and South Palmway.

Deborah Tobias-902 South Palmway- Opposes the waivers and abandonment and cites the lack of nearby transportation stops as a problem for future residents.

Brendon Lynch – 920 S Lakeside Dr – Opposes the parking variance and abandonment of the 9th Ave R-O-W. A project of this nature should be well inside all City code and Ordinances. Believes in property rights but states the project will not be paying property tax. Variances should be reserved to incentivize the types of projects the City would like. Consideration should be given to what a future owner may do. It is not possible to say the project will bring problems of crime, prostitution and theft.

The following comments are from Lake Worth Beach residents not within the 400-foot courtesy noticing radius:

Michael Allison – 1232 S Palmway – Having previously lived at 602 S Federal Hwy has noticed an improvement in street conditions on S. Federal Hwy from 6th Ave. S to 18th Ave. South. Credits staff, commission and PBSO however notes there has been no new construction since 2005. Recognizes the importance of the mission of the Lords Place, does

not believe this is the right location. Disagrees with the waiver requests. Would like to see another quality residential development in the area.

Geoffrey Mintz – 1311 S Palmway-Opposes the granting of waivers. Has witnessed what happens to neighborhoods when psychologically challenged individuals with no ties to the neighborhood wander the streets. Mentions drug use at South Palm Park and residents becoming upset when unknown people park in front of their homes.

Joseph Patton- 1420 S Palmway – States it is unfair to the residents in the area to build a homeless shelter as there are already addicts, homeless, transient housing and by the week motels. Its not fair to encourage sober homes, homeless shelters and treatment facilities.

Ken Efinger-102 16th Ave South -Does not want more transient housing. Already seeing increased prostitution since a lull in the early days of COVID-19. Advises against the waivers, questions the code on how many unrelated persons can live together with shared common areas.

Roberta Millman-Ide – 6 Lakeside Palms Ct-Disagrees with the parking waiver request and that there is no nearby public transportation. Questions where the vehicles parked on the unpaved Right of Way will park at night. Disagrees with the dumpster location.

Cory Metzler – 219 North L Street- Points to Coconut Walk townhomes and that many of the garages are used for everything but housing a vehicle. His 90-year old mother cannot find a parking space.

Maura Hennessey-1031 North M Street-Disagrees with the parking waiver request and disregarding code has consequences.

The following public comment is from Josh Andreacci, tenant at 811 S Federal Hwy.- Disagrees with the parking waivers and the abandonment of 9th Ave and the Right-of-Way. Believes the developer should provide for adequate parking instead of utilizing the abandonment for extra square footage, improve the roadway and move the parking to the rear of the property.

Tommy Grinis – no address given-no property ownership found – City doesn't need another halfway house.

Larry Boytano – no address given-no property ownership found - Objects to the parking in the front, living space size and proper size dumpsters for the parcel. Rather than paving the unimproved street and providing sidewalks, the Lord's Place is proposing taking over that portion of the street for their own use. In being a good neighbor, they should realize many residents use that area for parking.

Applicant: David Milledge: To staff- Many of the comments were regarding the Design Guidelines. Should it not be the code to which they adhere rather than the Guidelines which 'encourages' the parking to the side or rear? The only code requirement is screening. **Staff:** Major Thoroughfare Design Guidelines are a part of the code but are guidelines to be adhered to as feasible. Massing was less than staff had requested but this was the applicant's preferred layout based upon operational needs. Donaldson Hearing has no questions of staff or affected parties at this time.

Affected party Portia Culley states Diana Stanley spoke in a community outreach meeting that they did not have the money to build a two-story building. It does not become the responsibility of the neighborhood to accommodate them via waivers. Don't say you are a good neighbor if you aren't acting in that fashion.

Affected party Candi and Jonas King Holzsager – The burden should be on the developer to meet the requirements. There are guidelines in place and if they are not being met, the project shouldn't be approved.

Applicant in Conclusion: David Milledge - Urban planned development does allow for the relaxation of code requirements through the waiver process. The height and massing are a nice transition as the height is 19 feet, only one foot different from neighboring properties, the dumpster is within an enclosure and will remain closed with exception of pickup, it is consistent with code as relates to location. The garbage seen in the photos is not produced by this vacant lot. Electric utilities are accessed through the alley to the rear of the property. They are not looking to increase parking deficiencies nor are they responsible for the deficiencies of other developments. Would be agreeable to some of the parking alternatives such as a transient vehicle spot and bike racks. Drainage will be improved; clarifies that there will be one adult person per bedroom; each unit with 3 bedrooms.

Diana Stanley emphasizes it is not an emergency shelter, it is a housing program for women. Recognizes the issues with sober homes but states they run a tight, clean program. 'Neighborly' can be defined in many ways, visit any Lord's Place facility and one would be happy to live nearby.

Donaldson Hearing states parking area is fully concealed and they engage the street. the waivers can be eliminated by utilizing the bike racks and the transit bus. Believes property values will increase with the improvement of the site.

Board Deliberation:

R. Lepa – Has been to Joshua's Place and appreciates the great work of the Lord's Place. Has questions and concerns about the parking. How many staff members will be onsite? **Response:** Diana Stanley states many of the programs offered will not take place at this location. There will be about 2.5 employees. Each unit has 3 bedrooms and each bedroom has one woman. Also, of concern is no transportation. **Response:** Diana Stanley states the residents can walk to the Dixie Hwy bus stop, also the van will help with transportation. Since 1982 the Lords Place has operated 19 locations. How many have been owned and sold? **Response:** None.

David Milledge: Currently the site plan shows 13 actual parking spaces, required is 16 which leaves a deficiency of 3 with bike and transit van making up for the deficiency.

R. Lepa-in asking about the density, the massing and parking. Why can the parcel not have a 2- story structure, which would allow for more parking? If in the future the parcel were to be sold and repurposed, the density could easily double.

Diana Stanley- As half of the population would be 50 years and older, an elevator would be required for a two-story facility. Easy accessibility to what they need. The parking in the front was also intended to be a buffer helping the residents to feel safe. This meeting will allow the Lord's Place to go back and absorb the needs of the community, none of this was done non-chalantly, we can have conversations how to meet in the middle.

R. Lepa - Are the future residents from PBC in general or Lake Worth Beach? **Response:** From Palm Beach County. If they were to vacate the premises as the structure was built with a specific purpose in mind, would they be willing to demolish the buildings?

J. Contin – Lives across the street, and is trying to remain neutral. Likes what the Lord's Place does. However there hasn't been one positive remark from the community which indicates there are issues. This is an opportunity to do something really nice. Because of the

cost, this is the reason it is laid out the way it is. The burden is being borne by the neighborhood. The massing is more than staff was looking for; taxes, he is glad they are paying taxes, but that could change in the future. The City spent a lot of money to craft the Major Thoroughfare Design Guidelines. The applicant retains talented architects and cannot understand why they cannot get to be where they should be with regard to design.

M. Humm – The Lord’s Place does good work but is not working with the neighborhood, cannot understand how it progressed this far.

D. Tanner – What is the density permitted by right on that size parcel? **Response:** A. Rosenberg – permitted by right 20 D.U. (dwelling units) per acre, they applied for 8. As a Residential Urban Planned Development, they could have up to 13 units. They are under the density and under the maximum allowed number of residents per unit.

D. Tanner: Why doesn’t it fit within the allowable footprint? **Response:** D. Milledge - the Urban Planned Development requires ½ acre; the right-of-way abandonment was required to gain the Urban Planned Development to seek the waivers. This size building and parking were only possible with the waivers, obtaining the R-O-W rather than the cost of going vertical.

D. Tanner: How much square footage is being gained with the abandonment? Discussion ensues regarding how much buildable space is acquired through the abandonment versus whether it could fit within the confines of the existing parcel.

E. Sita: The City is not planning on improving the R-O-W and there is a plan to abandon that part in its entirety. Although vehicles are being parked there, it is an unpaved surface and not an approved parking lot; vehicles have been towed from there. Continuing to do so is at their own risk.

D. Tanner: What would the applicant be willing to do to help mitigate their impact on the neighborhood?

D. Stanley: What is the middle of the road to have the Board look favorably at the project?

J. Contin: Pineapple Village has been asked to develop the street, provide sidewalks and improve the R-O-W. The subject R-O-W should be developed by the developer, look to the other side (east) of Federal Highway as an example. There are about 10 parking spaces.

D. Milledge: Not much can be done about parking and the R-O-W is necessary to facilitate the parking and the building. Regarding not using the abandonment, it would exacerbate the parking issue.

D. Tanner: The Board may be more inclined to consider a variance for the parking, allowing for more offsite parking. By developing the R-O-W and maintaining the building within the confines of the parcel, it would be a neighborly compromise.

W. Waters: Any on street parking, adjacent to the property line, in an improved R-O-W could be counted toward required parking. This could amount to up to 5 spaces possibly more.

L. Starr: Will there be staff on premises? **Response:** Yes. Regarding security, would that not require an additional parking space? **Response:** Potentially. Diana Stanley states there will be leadership there for evening/nighttime protection, it depends on the definition of “security”. How many other Burckle Places are there in the City? **Response:** 2; with a total of 23 total residents. Have you ever had properties where living space was added after construction? **Response:** No, this is not about cramming people in, its about improving their life. For this site there could be 13 units, what would prevent the applicant from doing that? **Response:**

David Milledge- site constraints would require coming before the Board again. For Staff: who would receive the balance of the R-O-W? **Response:** The balance would be conveyed to Sungate Motel. Is there a fence around the property? **Response:** Yes, aluminum slatted fence. Would it go along the abandonment area? **Response:** Yes, on the property line. David Milledge: Once the Right-of-Way is abandoned, it is owned outright and it can be built on. L. Starr: When was the parcel purchased? **Response:** August 2019. Was it contemplated at that time that you would be able to acquire the R-O-W? **Response:** No, once it was purchased and design was underway it was realized. Was it represented (to the Lord's Place) that you could get the property? **Response:** No, there was no falsehood from staff or representation from anyone, that never happened. We thought that if we could get that we could really create what we want. So, it was known at the time that you might need to get that (abandonment)? **Response:** That's a bit presumptuous. As the design took shape it became obvious that it would be advantageous to have the property, the R-O-W.

J. Contin: As taxes have only been paid for one year, do you have the opportunity to not pay taxes in the future years after acquisition? **Response:** D. Stanley: Knowing the Lord's Place Board, they do not operate in that fashion, they are an honorable organization. Have paid taxes on Burckle Place I and unsure about Burckle Place West. It will be put in the pro-forma. It doesn't have to be done but they choose to pay the taxes.

W. Waters: 704 S Dixie paid a total of \$13K in taxes for 2020. 711 North J Street, 2012- non-profit exemption when purchased. It was already built and a community residence. The new project has remained on the tax roll and that stipulation was a part of the approval.

A. Marotta: The following items were discussed: Security, taxes, parking, the R-O-W abandonment, which is only brought about by the requesting of waivers. Public works was initially against the smaller enclosure but have since agreed. What is the benefit to the City to give away the property? What does an applicant have to part with to get that?

W. Waters: Public property cannot be sold, per Florida Statute it is given away equally to adjacent properties. It adds to the tax base (as it now becomes taxable property).

L. Starr: When was it designated abandoned?

W. Waters: The process is a Notice for Abandonment will proceed to the City Commission for consideration in tandem with the two readings for the Urban Planned Development.

L. Starr: Where is it stated the city cannot be paid for the abandonment?

W. Waters: It is by Florida Statute. The City has previously completed 11 or 12 right-of-way abandonments.

Board Attorney: Susan Garrett will provide additional information regarding that Florida Statute.

W. Waters: It is not 'property' until given away. A Right-of-Way is in the public realm and has no value until given away. If it were property with an associated property control number that would be different.

A. Marotta: Are there other examples of R-O-W abandonments that were necessary to make a project feasible?

W. Waters: Starbucks, TD Bank, Dunkin Donuts and the alley abandonment that allowed for the Lucerne.

G. Rice: An added benefit to the City and taxpayers is that the maintenance does not have to be performed by the City.

G. Rice: Everything is under-parked in South Florida, South Floridians have a love affair with the auto. The homeless issue is not just Lake Worth Beach, and it is not Lake Worth Beach's responsibility to provide housing for everyone (including those in greater PBC). The Lord's Place is an impressive organization and they do change people's lives. They own five (5) properties in Lake Worth Beach. Doesn't care for the looks, it's a throwback to the 50's and 60's on US One from Key West to Maine. Although an elevator costs, the Lord's Place does have the wherewithal to raise the funds and provide one, he understands the value of an elevator.

A. Marotta: The Lord's Place is a very reputable organization; also sits on a Board for a homeless charity. Comments from the public centered on design issues. The project has the most requested waivers since he has been on the Board and feels it should go back to the drawing board to address those concerns expressed during this meeting.

L. Starr: Go back to the drawing board. If it were to come back before the Board, it would good to know the outcome of the abandonment request, if it was approved or not.

W. Waters: The process for an abandonment is as follows: Notice of Abandonment (1st reading) and 2nd reading for the Abandonment (2 readings). Those will be scheduled at the same time as the development hearing. It would be known at the time of first reading if it would be successful or fail.

D. Tanner: No additional comment.

J. Contin: The approval would set a bad precedent with so many waivers. We have Major Thoroughfare Design Guidelines; Delray Beach finally got it correct as they too have many major thoroughfares.

M. Humm: No additional comment.

R. Lepa: Appreciates what the Lord's Place does and supports the mission but it has presented too many waivers. He is 60+ and climbs stairs, the other half are younger so the cost of an elevator does not play into his consideration. That could be worked out. Parking in the front or rear is also a non-issue but the abandonment doesn't seem right and he cannot support it. Despite the comments regarding drugs and prostitution, he knows they are not the types of tenants the Lord's Place would have.

Motion: J. Contin moves to recommend denial of PZB 20-01400036 and associated applications for the following reasons: The project does not meet the criteria for the following reasons:

for taking of the R-O-W (right of way), parking requirements, reduction in living space area and dumpster; R. Lepa 2nd.

Amendment suggested by A. Marotta, that the project is not compatible with the Major Thoroughfare Design Guidelines. J. Contin accepts the suggested amendment within his motion and R. Lepa 2nd amendment.

Vote: J. Contin-Y; D. Tanner-Y; R. Lepa-Y; L. Starr-Y; M. Humm-Y; A. Marotta-Y; G. Rice-Y.

Motion: 7/0; motion to recommend denial passes unanimously.

B. PZB Project Number 20-01400047: A request by WGI, an engineering and land development firm, on behalf of Prospect Real Estate Group, LLC for consideration of a Residential Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program to allow the construction of 230-unit multi-family development at the northwest corner of 10th Avenue North and

Boutwell Road, within the Mixed Use – West (MU-W) zoning district. The subject properties PCNs are 38-43-44-20-01-026-0010; 38-43-44-20-01-004-0030; 38-43-44-20-01-004-0060; 38-43-44-20-01-004-0080; 38-43-44-20-01-004-0120; 38-43-44-20-01-004-0130; and 38-43-44-20-01-004-0010.

Staff: A. Rosenberg presents case findings and analysis. There was a previously approved site plan that expired. The seven parcels totaling 6.39 acres will be home to six (6) residential buildings and a clubhouse/mailroom. Proposed are 230 units. Of the 379 parking spaces 280 will be standard size, 82 compact size and 13 in the form of bicycle racks. Electric vehicle charging stations will service 15 spaces. Based upon analysis the proposed development meets the City Comprehensive Plan and Strategic Plan. Staff recommends approval with Conditions as attached to the staff report.

Agent for the applicant: Lindsay Libes of WGI-The density is now more than was previously approved but continues to be less than is allowed to be on the site. The site plan shows it is more intense toward the center of the property with a tot lot, dog park and pool clubhouse. There will be one entrance and exit, which does not include the emergency access. There is a 10-foot buffer along 10th Ave N and a five (5) foot buffer elsewhere. A six (6) foot high post and panel wall will be along the northerly perimeter extending south to Keast Lane. The previous project was to be phased as is not the case this time.

Board: J. Contin inquires if there are any variances. **Response:** No, everything proposed is by right under RPD (Residential Planned Development), according to code. What was the motivation for the re-design? **Response:** Site circulation was difficult and that it was to be constructed in phases. Drainage has also been moved underground, this is why there aren't any retention ponds on-site. What is the mix of apartment sizes? **Response:** 104 one-bedroom units; 117 two-bedroom units; and 9 three-bedroom units. Were there any issues with traffic? **Response:** Juan Ortega states they have concurrency now. J. Contin states it fits the area. L. Libes states the wall to the north will be installed in the earliest part of construction. M. Humm questions anticipated date for breaking ground. **Response:** As soon as it receives commission approval and permits are obtained. The previous property owner was not committed to the phasing. Is there a Contractor on board at this time? **Response:** Yes, BCC Construction, a minority woman owned business. What is the going rate? The owner states they manage their own money do not have to raise the money unlike developers do, it is family owned business and they have the funds to put the shovel in the ground. \$1700- \$1800 for the 2-bedroom units and \$1,500 per month for the 1-bedroom units R. Lepa also inquires about the traffic. **Response:** Juan Ortega states currently they have concurrency with no restrictions, all ingress and egress movements are okay. Should the County mandate right-in/right-out they will do it. R. Lepa questions the mathematics of the number of units, possible number of drivers and parking spaces. L. Starr asks where over 100+ cars will be parking with a deficit of parking? **Owner Response:** Many working young do not own cars, they travel by ride share and Uber. L. Starr: If the rent is \$1700- \$1800 per month, how is it possible those people don't have cars especially if the majority are 2-bedroom units. **Response:** L. Libes states it meets code requirements. R. Lepa asks if more spaces can be created? **Response:** Only at the expense of the amenities provided on site, taking away from green space and adding more pavement. L. Starr inquires as to how the extra 24 feet in height was obtained? **Staff response W. Waters** explains the height is just over half of what could be achieved through the Sustainable Bonus Incentive Program combined with an RPD in the Mixed-Use West zoning district. A. Marotta points out there will be fewer peak trips than Single-Family which would be permitted by right. M. Humm asks if the bus stop is still there on 10th Ave North? **Response:** It is still in existence. W. Waters

speaks to the right of way dedications being made for the improvement of 10th Ave North. G. Rice mentions unlike years ago, teens now are waiting four-five years beyond what was the norm (16 years old) to acquire a driver license; that ride sharing and Uber has changed the nature of auto ownership market (in younger generations). L. Starr asks for clarification about the setbacks and the dedication of the widened 10th Ave North. **Response:** This is considered in the site plan. The building line will be 28 feet, even after the fifteen (15) foot R-O-W dedication. L. Starr: of the 379 parking spots, are the bike racks and electrical vehicles stations subtracted from the count or inclusive? **Response:** They are included in the count, even if it is a charging station, it is still a parking space, it isn't a dedicated parking spot, the City requires electric charging station parking spots (15). J. Contin asks about the wall on the northern boundary south to Keast Lane and the boundary of the plaza. L. Libes states the entire property is fenced and gated. L. Starr asks if there are other projects completed by the owner. **Response:** Navish Chawla-About 40 ongoing projects currently a 355-unit project in Orlando is just nine months from completion. Other projects include condos in Bradenton, two projects in Palm Bay, 400 units in Jacksonville, Salt Lake City and a large West Palm Beach project currently in site plan review.

Public Comment: None

Motion: R. Lepa moved to recommend approval of PZB 20-01400047 to the City Commission with staff recommended Conditions of Approval as the project meets the applicable criteria based on the data and analysis in the staff report; M. Humm 2nd. The motion was amended by R. Lepa and M. Humm 2nd to include the revised Conditions regarding the unity of title, the six foot wall and from Lake Worth Drainage District the rip rap on the E-4 canal as read into the record by the planner.

Vote: 6/1 motion carries; L. Starr dissenting due to possible insufficient parking.

C. PZB Project Number 20-01400050: A request by Janet Rosa for consideration of a Major Site Plan, Conditional Use, and Sustainable Bonus Incentive Program to construct a triplex at 1332 South L Street within the Mixed-Use Dixie Highway (MU-DH) zoning district, PCN # 38-43-44-27-01-064-0010.

Staff: A. Meyer presents case findings and analysis. The proposed triplex features large unit sizes of @2,500 square feet and individual garages. The applicant will improve the northern half of 14th Ave S. and a portion of the alleyway in cooperation with Public Services so that each driveway has paved access and a pedestrian walkway for the rear unit. A minimalist and modernist architectural style is featured. Conditions include the centering of the windows over the garage on the middle unit. The elevations show a textured stucco while the renderings depict extensive use of tile; the applicant should present the tile as depicted in the rendering. As the proposed height of the building exceeds code as does the FAR, the applicant has chosen to participate in the Sustainable Bonus Incentive Program (SBIP) through the payment in lieu of fee to the City trust account.

Public Comment: None

Architect for the Applicant: Albert Jackman of James Drago Architect – increased landscaping and increased the drainage with exfiltration pipe beneath the driveways. The renderings are without the landscaping. Building materials are horizontal wood planking (ceramic tile). The elevation shown is not the correct rendering.

Board: R. Lepa questions whether permeability has been met? **Response:** It was met at just under 65%. M. Humm would like to see the new renderings as he believes the building to be lacking in attractiveness. J. Contin asks about the curb cut and sidewalk improvement,

whether it is CBS or wood structure. Discussion about the tile work and the awnings. A. Marotta would like to know whether or not the windows will be centered or not? Receiving the new renderings is critical to accessing the project. L. Starr asks about the width of the garage door opening and driveway. **Response:** The garage door opening and driveway are of equal width with room for 2 cars inside the garage. J. Contin inquires about the size of sidewalk in the R-O-W. Staff clarifies public works did not require a sidewalk on that unimproved segment of road, public works be added on 14th Ave South. J. Contin can't imagine a curb cut can be made without a sidewalk in place. Believes there should be a sidewalk because with a paved road, people will be parking and walking. Does not like the alignment of the doors shown on the south elevation on both ends of the building. Applicant agrees to cut the doors down to 2'8". L. Starr- are there existing sidewalks in the neighborhood? **Response:** City staff confirms there is a sidewalk along South L Street. R. Lepa states the road is gravel with bollards.

Motion: R. Lepa moved to table Item C on the agenda, giving applicant time to email staff additional information (new renderings) requested by Board, until after Item D PZB/HRPB 21-03100001 is heard; G. Rice 2nd.

Vote: Ayes all, unanimous.

Item D on the agenda, proposed Ordinance 2021-01 is now heard.

D. PZB/HRPB 21-03100001 (Ordinance 2021-01): Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the City does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes.

Staff: E. Sita briefly explains the items undergoing changes through Ordinance 2021-01 which include:

Definitions: Includes new use take-out establishments definition and modifications to existing definitions.

Quasi-judicial proceedings: Alignment with F.S, to allow for one continuance for all affected parties (time to prepare by hiring legal representation and consultants). Time limitations exist within Florida Statutes for items to be heard within 180 days. One continuance per project for all affected parties.

Use table revisions: Instituting take-out establishments within the Use tables and modification of the review processes for several uses including truck/van rentals, museums, school of the arts, art and photography gallery.

Take-out establishments: Retail and restaurant development standards and review standards.

Board: J. Contin -It is beneficial for the quasi-judicial proceedings clarification to be included, one continuance should be sufficient for all parties.

Public Comment: None

Motion: M. Humm moves to recommend approval for adoption of Ordinance 2021-01 to City Commission; R. Lepa 2nd.

Vote: Juan Contin - aye; Daniel Tanner – aye; Robert Lepa – aye; Laura Starr – aye; Mark Humm – aye; Anthony Marotta – aye; Greg Rice – aye

Motion carries unanimously.

RETURN to Item C for further action.

The applicant attempted to provide revised elevations to staff for Board to view however staff did not receive the email and Board members made the decision to continue Item C to a date certain of April 7, 2021 enabling the applicant and ultimately staff and Board to receive the requested renderings.

Public Comment: None

Motion: G. Rice moves to continue item C PZB 20-01400050 to a date certain of April 7, 2021. M. Humm 2nd.

Vote: Juan Contin-aye; Mark Humm-aye; Anthony Marotta-aye; Robert Lepa-aye; Daniel Tanner-aye; Laura Starr-aye; Greg Rice-aye. Motion passes unanimously.

PLANNING ISSUES:

A. 2021 Election of Board Chair & Vice-Chair

Due to the late hour, this item postponed until the April 7, 2021 Board meeting.

PUBLIC COMMENTS (3-minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: Concerns over projects that are coming before the Board with missing information. Staff will relay the information that Board is not amenable to receiving changed or missing information at the time of the meeting.

G. Rice mentions the Gulfstream Hotel press conference held this past week and is hopeful it will stay on track.

ADJOURNMENT: 10:25 PM