

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING
QUASI-JUDICIAL HEARING RE: THE BOHEMIAN
BY TELECONFERENCE
TUESDAY, JUNE 9, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell (absent for the roll call, arrived at 6:14 PM), Omari Hardy (absent for the roll call, arrived at shortly thereafter) and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: led by Commissioner Herman Robinson.

NEW BUSINESS:

- A. Ordinance No. 2020-08 - Approve the establishment of a mixed use urban planned development for The Bohemian.

Mayor Triolo announced that Ordinance No. 2020-08 – Establishment of a Mixed Use Urban Planned Development for the Bohemian was a quasi-judicial hearing. She asked City Attorney Goddeau to read the ordinance by title.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-08 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 1017 LAKE AVENUE, 101 SOUTH EAST COAST STREET, AND A PORTION OF 202 SOUTH EAST COAST STREET CONSISTING OF APPROXIMATELY 2.0359 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT – EAST (TOD-E) AND ARTISANAL INDUSTRIAL (AI) ZONING DISTRICTS WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM AND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A MIXED USE URBAN PLANNED DEVELOPMENT CONSISTING OF 200 RESIDENTIAL UNITS, A 3,619 SQUARE FEET COMMERCIAL STRUCTURE, AND A FIVE STORY PARKING GARAGE; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mayor Triolo stated that this was the first reading of an ordinance to establish a mixed use urban planned development pursuant to section 23.3-25 of the City's Land Development Regulations. She announced that it was the first quasi-judicial hearing on this petition. She asked if the Commissioners had any ex parte communications, personal investigations, or campaign contributions to disclose.

Commissioner Robinson said that he had spoken to the developers.

Vice Mayor Amoroso stated that he had spoken to the developers.

Mayor Triolo stated that she had spoken to the developers about the Mid.

Mayor Triolo said that the Commission would take evidence, testimony and public comment on the proposed mixed use urban planned development. She stated that all those giving testimony should raise their right hands and be sworn-in.

Deborah Andrea, City Clerk, swore in all those giving testimony.

Mayor Triolo asked the Director for Community Sustainability or designee, to give the department presentation.

William Waters, Community Sustainability Director, said that there was a slide presentation for consideration of a request by Jeffery Burns of Affiliated Development on behalf of 1017 Lake Ave, LLC for consideration of a Development of Significant Impact, Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit, Sustainable Bonus Program Incentive, and Transfer of Development Rights Incentive to construct a transit-oriented, mixed-use, multifamily development at 1017 Lake Avenue, 101 South East Coast Street, and 201 South East Coast Street. He explained that a Development of Significant Impact was required for a development with over 100 residential dwelling units, which were reviewed by the City Commission and against additional technical review criteria, a Mixed Use Urban Planned Development to construct a transit-oriented, mixed-use, multifamily development, a Major Site Plan for the development of a new mixed-use building in excess of 7,500 square feet, a Sustainable Bonus Program Incentive to increase the floor area ratio (FAR) to a maximum of 3.975, to grant an additional 30 units per acre, and to increase the maximum height to seven stories (82.5 feet). He said that the sustainable bonus allowed for the incentives in exchange for the incorporation of sustainable design features, community-based improvements, and overall design excellence, that there was a Conditional Use Permit to establish a mixed-use master plan greater than 7,500 square feet inclusive of a five-story parking garage and a Transfer of Development Rights Incentive for an additional 10 units per acre. He stated that there would be some regulation exceptions due to the size and layout of the site, which was very long and narrow. He reported that staff recommended approval as the project was consistent with the Comprehensive Plan, the Strategic Plan, the Major Thoroughfare Design Guidelines, the City's LDRs and the specific standards for all conditional uses.

Commissioner Hardy stated that he had had many conversations with the parties and had received campaign contributions.

Commissioner Maxwell said that he not had any conversations with the parties since the project was presented previously.

Mayor Triolo announced that the applicant would give a ten-minute presentation under the City Commission's rules.

Mr. Burns said that the project had been presented for funding and would now be for land use. He stated that the process was moving very smoothly and thanked Mr. Waters and his staff. He said that many projects had been scrapped because of the pandemic. He explained that the Bohemian would be different from the Mid; it would be tailored to urban dwellers who would have the City's amenities at their doorsteps. He iterated that there were challenges due to the shape of the land. He stated that there would be a garage for both the tenants and a public aspect for the Public Private Partnership. He said that there would be a single-story commercial structure on Lake Avenue to allow for a set back into the building and a pedestrian plaza with café seating. He expressed hope that there would be repurposing of the vacant industrial buildings in the area when the Bohemian opened. He said that the units would be smaller and more affordable with the amenities right below. He stated that the average renter would spend money near where they lived, which would have a positive affect on the Downtown area.

Mayor Triolo asked if any affected parties or members of the public wished to make comments.

City Clerk Andrea stated that there were no public comment cards.

Mayor Triolo asked if City Staff had any questions for the applicant.

Mr. Waters said that he did not.

Mayor Triolo asked if the applicant had any questions for City Staff.

Mr. Burns said that he did not.

Mayor Triolo asked if any Commissioners had any questions for staff or the applicant.

1. Vice Mayor Amoroso asked about the conditional uses. He expressed concern about the drainage and asked if anything would be done to address the issue. He asked how many elevators would be on site and if there would be covered walkways because of rainy weather.

Mr. Waters replied that there were conditions related to public services, water and sewer to be met before the Certificate of Occupancy were issued.

Brian Arnold, Civil Engineer and Project Manager from WGI, stated that there would be an exfiltration trench for storage and water quality treatment. Brian Shields, Civil Engineer and Water Utility Director replied that the site already had adequate drainage.

Mr. Burns said that there would be two elevators and there would be a drop off near the building, but no covered walkways near the retail space.

2. Commissioner Hardy spoke in favor of the project. He asked staff about East Coast Street becoming a one-way street.

Mr. Waters replied that there was a grant application with the Transportation Planning Authority regarding making East Coast Street one way and H Street one way to improve street access.

Commissioner Hardy asked about the size, rental prices and the financing of the apartments, if they adhered to the minimum dwelling space size and how many years the rent would be stabilized for workforce housing.

Mr. Burns responded that the one-bedroom units would be between 500-600 square feet at \$1200-1350 and the two bedrooms would be 800 to 1035 square feet for \$1700-\$1800. He said that they were in the process of negotiating a contract with a home builder in the County for workforce housing; 55 of the 200 units would meet the housing requirements of the County for thirty years.

Commissioner Hardy requested weighting the two bedrooms for the AMI and asked for a commitment.

Mr. Burns stated that the building would have a mix of people, but the transfer would have its own set of requirements mandated by the County.

Commissioner Hardy asked if the separate building would be on a separate parcel and asked about the impact fees.

Mr. Burns replied that it would be one parcel and that the impact fees would be approximately \$1.4 million. He said that the project would cost \$50 million.

3. Commissioner Robinson asked how much the residents would spend downtown and what Transfer Development Rights (TDRs) would be left afterwards. He asked if there was a regulation for the allowable number of each size apartment.

Mr. Burns replied that their average tenant spent \$30,000 in the downtown areas.

Mr. Waters said that there would be over a million of TDRs left after the Bohemian project and there was no regulation about how many of each size apartment would be allowed.

Commissioner Robinson opined that the City should be like Fort Lauderdale and other surrounding cities. He expressed concern about the risk on the City's part, about the area and that there would be more small one bedroom apartments in the building. He said that the project would be subsidized by developers who did not want workforce housing in their own projects. He asked about moving the project more towards the east.

Mr. Burns said that they would not invest \$50 million if they did not believe the project would do well.

Mr. Waters replied that the sidewalk would be moved further east to make it look as though the parking lot was further away.

Commissioner Robinson asked if there had been conversations with the property owners on the street regarding East Coast Street becoming one way.

Mr. Waters stated that Public Works had spoken to the property owners about the development and the potential change in the traffic pattern.

Jamie Brown, Public Works Director, explained that the TPA project would include transitioning H Street to one way northbound and East Coast Street to southbound. He said that there had been a traffic study done to ascertain the best routing.

Commissioner Robinson asked if there was an incentive for the developer to use Lake Worth Beach (LWB) businesses or any incentives for solar.

City Attorney Goddeau replied that there was a provision to encourage the developer to use Lake Worth Beach businesses.

Mr. Waters replied that the project would take advantage of a revenue stream from the Electric Utility.

4. Vice Mayor Amoroso thanked the developers for gambling on LWB.
5. Mayor Triolo expressed excitement about the project. She asked if any of the recommendations from the Commissioners could be incorporated into the design. She said that there should be a conversation about the parking garage and asked City Attorney Goddeau if there would be an issue if any Commissioner had a conflict of interest.

City Attorney Goddeau stated that the Commissioner would have to disclose a conflict of interest and recuse him/herself.

6. Commissioner Hardy asked if there was a commitment from the City for the garage.

Mr. Waters replied that there was a commitment in the previously approved Letter of Intent.

Commissioner Hardy asked what the financial impact would be to add additional elevator shafts and if the parking was angled.

Mr. Burns replied that many units would be lost; similar buildings did not have issues with the elevators. He said that the new elevators were quicker and would be on different sides of the building, and the parking would be angled.

Mayor Triolo asked if staff or the applicant had any further comments or rebuttal evidence to present.

Mr. Waters replied that there were no further comments.

Mayor Triolo announced that the public hearing portion was now closed. She asked if there was a motion on the petition for the mixed use planned development district.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve Ordinance No. 2020-08 and schedule the public hearing and second reading on June 30, 2020.

Mayor Triolo stated that there was a motion and second and asked if there was any discussion.

Commissioner Robinson spoke in favor of having a successful project, but said that he was not in favor of the current project.

Commissioner Hardy stated that he was very much for the project, which would positively impact the City with property taxes and spending from the residents as well as catalyzing future projects in the area. He said that the project would target a different demographic.

Mayor Triolo thanked the developers and said that downtown started in the traffic circle.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Hardy. NAYS: Commissioner Robinson.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to adjourn the meeting at 7:27 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.