



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 03, 2023 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Daniel Walesky, Vice-Chair; Evelyn Urcuyo; Mark Humm; Edmond LeBlanc. Absent: Juan Contin; Zade Shamsi-Basha; Alexander Cull. Also present were: 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

Deletion of New Business Item C. Applicant withdrew the application.

APPROVAL OF MINUTES:

A. April 5, 2023 Meeting Minutes

Motion: E. Urcuyo moves to approve the April 5, 2023 minutes as presented; D. Walesky 2nd.

Vote: Ayes all, unanimous

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath of testimony to those applicants wishing to speak.

PROOF OF PUBLICATION – provided in the meeting packet.

- 1) 1327 Central Terrace
1974 Lake Worth Rd
1734 12th Avenue North
Ordinance 2023.06

WITHDRAWALS / POSTPONEMENTS -Item C New Business has been withdrawn by the applicant.

PUBLIC HEARINGS:

BOARD DISCLOSURE- None

NEW BUSINESS:

- A. PZB Project Number 23-00600002:** Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer

residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Staff: S. Rodriguez presents case findings and analysis. Separation distance is located ± 930 linear feet from the nearest community residence, as such this is the reason for the waiver.

Board: Discussion regarding measurement points. **Staff response:** The measurement methodology is in the Statute. Discussion regarding the timing sequence of existing Community Residence vs this application. **Staff response:** In 2017 the applicant requested a signoff for ACHA licensing to allow the community residence. At that time they did not apply for a business license nor receive licensing by AHCA. The lapse allowed another residence to become established at within the 1,000 foot radius.

Public Comment: Patricia Pineda- 1722 12th Ave N- driving too fast; children in the neighborhood; Miguel (spouse) states there is weird activity. Random cars day and night at the house, scent of weed, speeding. Family oriented street.

2 additional comments provided to the Board members- neither were in favor of approval of the waiver and referred to the single-family character of the neighborhood.

Board: Question of why the applicant is not present. **Staff:** Applicant was expected.

Board: Question of what type of business is a Type I Community Residence. **Staff Response:** Statutory regulation for ADA protected classes of persons (i.e. Elderly, Disabled); Type I is supportive housing, Assisted Living, but not rehabilitation. A goal could be for re-integration of persons back into the fabric of a regular family neighborhood. Question about whether AHCA, upon renewal, performs a inspection of the premises.

Board: Would prefer to have the applicant present to respond to remaining questions. Board members have concerns since hearing negative public comments and that they may be already in operation without City licensing according to neighbor testimony.

Staff: Although Board cannot select which category of ADA protected class they wish to approve, they may take into consideration the public comments that they may already be operational and not operating in a manner consistent with a Single Family residential character.

Motion: E. Urcuyo moves to continue to May 24, 2023 meeting; D. Walesky 2nd.

Vote: 3/1 in favor of continuance, M. Humm dissenting. Motion carries.

B. PZB Project Number 23-00500002: Major Site Plan, Conditional Use Permit, and Variance requests for the establishment of a 100-foot high monopole tower at 1327 Central Terrace. The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and analysis. The request is found to be in compliance with the City of Lake Worth Beach Land Development Regulations (LDR's), Strategic Plan, and Comprehensive Plan, staff is recommending approval of the request with Conditions.

Applicant: Michael Hahn- Hahn Tower Inc.- The tower has been on the scope of carriers for over eight (8) years, just difficult to find a willing landowner at the correct location. Various other locations in the City were evaluated for suitability. It will cover many people and is at the best location to do so. The height is 96 feet with a 4-foot lightning rod to bring the total height to 100 feet. Improvements to the site are also planned. The carriers will co-locate at 10-foot increments on the tower, this is the reason for the 96-foot tower. Dish, AT&T, Verizon and T-Mobile are some of the tenant carriers.

Staff: Concerns of radio emissions are governed by the Telecommunications Act and pre-empts local law.

Public Comment: Christine Kowalski of 208 14th Ave N. made emailed comment and was not in favor of any approval. Upon her request Staff provided the paperwork to register as an affected party, however no response was received.

Motion: E. Urcuyo moves to approve PZB 23-00500002 with Conditions based upon competent, substantial evidence provided in the staff report and in the testimony at the public hearing; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

WITHDRAWN

C. PZB Project Number 23-00600001: Consideration of a distance waiver to allow a pinball and/or game room to be located at 1974 Lake Worth Road within nine hundred (900) feet from the nearest boundary of a parcel of real estate having situated upon it a school, church, library, public park, playground or recreation facility or another pinball and/or game room. The property is zoned Mixed Use – West (MU-W) and has a future land use designation of Transit Oriented Development (TOD).

D. Ordinance 2023-06: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on all lot sizes, to provide for new standards for street walls, and to expand and clarify the waiver provisions.

Staff: E. Lenihan reads the Ordinance by Title. E. Sita explains this is a typical “clean up” Ordinance. Repetitive, similar requests leads staff to examine the LDR’s and if the need for an amendment exists. A brief synopsis of the changes are as follows:

Reduced Side setbacks according to lot size; defining of pawn shops; street wall definition and regulations for redevelopment of non-conforming properties; changeable message signage; waiver process clarification and expansion of limited, specific Land Development Regulations; definition revisions to lodging types; driveway material options for certain zoning districts; inconsistencies with maximum secondary (accessory) dwelling unit size and minimum setback requirements for mechanical systems of existing residential structures.

Board: Discussion of waiver process and secondary accessory dwelling unit.

Motion: E. LeBlanc moves to recommend adoption of the Ordinance 2023-06 to the City Commission with the striking of Exhibit I b.3.(a) that portion of line 707 beginning at, **“for the purpose... and ending with accommodation for accessibility”** on line 708; D. Walesky 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: Staff advised Board of the upcoming agendas which may include up to nine items and may require an additional meeting to accommodate those items in a timely fashion. The May 24 meeting will include the Property Rights Element adoption into the Comprehensive Plan.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:14 PM