



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, JANUARY 17, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were- Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Evelin Urcuyo; Henry Pawski.

Also present: Scott Rodriguez, Asst. Director for Planning & Preservation; William Waters, Director of Community Sustainability; Elizabeth Lenihan, Board Attorney; Glen Torcivia, City Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

A. December 6, 2023 Regular Meeting Minutes

**Motion** by M. Humm to accept the December 6, 2023 Regular Meeting Minutes as presented; D. Mathews 2<sup>nd</sup>. **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) Sunset Drive and 923 North E Street

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** – D. Walesky, Vice-Chair, recuses himself due to partnership with applicant development team for New Business Item A.; H. Pawski recuses himself from New Business Items B. and C. as he resides at the complex which has filed as an affected party not in favor of the project-conflict of interest.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Numbers 23-0140022 and 23-0050020:** A major site plan and conditional use permit to construct a multi-family development containing 9 dwelling units. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

**Daniel Walesky leaves the Chambers for the duration of the presentation and vote.**

**Staff:** S. Rodriguez presents case findings and analysis. It is consistent with the Comprehensive and Strategic Plan and the Land Development Regulations.

**Applicant:** Nestor Rivera 1027 S Palmway - business office located 1106 North G St.. He does 99 % of his business within the City limits, raised his family here and has lived in the City since 2008.

**Board:** What is the reason for one egress and one ingress? **Response:** Interior traffic flow. PBC Fire Rescue, a reviewer the plan, has included Conditions. **Board:** Please explain why the site data table reflects the minimum the living area of the one bedroom unit as 600 however the plan shows 512 square feet. **Response:** During the Site Plan review process the applicant requested a reduction in the size of the one-bedroom unit and proposed a variance. Staff suggested the units could be re-classified and constructed as studios/efficiencies allowing for a lesser square footage than one-bedroom units.

**Applicant:** Is agreeable to all conditions of approval suggested in the staff report with the exception of Planning & Zoning Condition #4 and would request that it be a recommendation rather than requirement.

**Staff:** It is a typical comment for projects consistently added to Conditions.

**Applicant:** Intends to provide the system but would like it to be a recommendation instead of a requirement.

**Board:** The cameras can be helpful and not terribly expensive. In favor of the security aspect. Anyone can sue for anything but the benefit outweighs the possibility.

**Applicant:** The cost is not the issue, rather a concern, if the system/power is down, and there is a requirement to have a system, should something happen during that time a lawsuit is possible.

**Board:** Most members are in favor of retaining the requirement.

**Public Comment:** None.

**Motion by** Z. Shamsi-Basha to approve PZB 23-01400022 and 23-00500020 based upon competent substantial evidence in the staff report and in the testimony at public hearing; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Henry Pawski leaves the Chambers for the duration of the presentation and vote.**

**B. PZB Project Number 23-00900001 (Ordinance 2024-02):** A request for a Residential Only Mixed-Use Urban Planned Development, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, Transfer of Development Rights, and Zoning Map Amendment for the project commonly referred to as "Sunset Drive," at 826 Sunset Drive to construct nine (9) townhouse residential structures that are 2-stories in height with a total of 42 dwelling units.

**Board:** As a preliminary matter, there is request to continue the case as presented by the affected parties. First the Board Attorney will speak, followed by the affected parties and then the applicant.

**Board Attorney:** By City code, a request for a continuance made by affected parties must be granted; it would be to a date certain of March 6, 2024 and accomplished with a motion. The Board can hear from the affected parties and take public comment prior to the motion to continue.

Board prefers to hear it all at one time.

Board Attorney states the hearing should be opened to public comment at this time.

**Public Comment:**

James Pellegrino 3200 Lake Osborne Dr #101- The zoning is not clear, why would there be spot zoning in a SF-7? Nothing like it in the area and very sedate community.

Catherine Cargill – 3320 Lake Osborne Dr.#102 – The added homes above her pool will cause the retaining wall to collapse. The runoff will be devastating. At \$3,000 per month, it is not affordable. One way in or out, the parking spaces are small.

Jane Schumacher – 3402 Cynthia Dr. #201 - Concerned with the retaining wall and proposed height towering over the condos with a drastic effect on the community. Quiet, sedate community, over 55 years old community and concerned with the way it is being developed.

Gunner Malm – 3240 Lake Osborne Dr.#103 – Not enough thought given to the retaining wall and impact the buildings will have on the surrounding neighborhood. The weight on the soil at @700-800 lbs. per square foot would necessitate an additional 8-9 feet of soil, creating added stress on the wall.

George Adams – 3320 Lake Osborne Dr. #201 – Would be concerned to work in the area and have employees near the wall during construction. The wall is old and the integrity is unknown. With only one egress and ingress it could be a concern for safety.

Bill Musgrave – 2920 Lake Osborne Dr. #102 – Proud of the quality of life and character of the community. The proposal is the antithesis of that. The addition of 3-story townhouses on top of the existing elevation will be akin to high rises looking down on the community.

Daniel Morissette – 3120 Cynthia Lane #202- Concerned with the wall and the 10-foot proximity to his unit. Believes that in the event of a collapse, the ensuing losses via lawsuits will be tremendous.

William Yates - 3120 Cynthia Lane #201 – The area is a quiet residential area, he lives six feet from the wall and has concerns about structural integrity and runoff.

Jason Lopiccio 2024 Collier Ave - Unincorporated– Nearby roadway improvements are not going to help the neighborhood. It's not fair to put rental units there and change the neighborhood. The traffic will be ridiculous.

Comments from the following persons were provided to the Board prior to the meeting and attached to these minutes.

**Susanne Cioci – Comments as previously submitted to staff and Board as affected party.**

**Amy Mihelich 2032 Collier Ave Unincorporated – Comments as previously submitted to staff and Board.**

**Matthew Portilla Online Portal– 1301 Cochran Dr. – Comments as previously submitted to staff and Board.**

James Pellegrino- Very few units are shuttered with 250 full time residents. During the neighborhood meeting the developer did not want to Bond the wall as it belongs to Murray Hills.

Karen Dares 3360 Lake Osborne Dr -Rental property – Her children are anxious to inherit and likes the community the way it is. Doesn't want the dust, rats and snakes.

**Motion:** M. Humm moves to continue PZB 23-00900001 (Ordinance 2024-02) to the March 6, 2024 Planning & Zoning Meeting; Z. Shamsi-Basha 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. Ordinance 2024-03:** Consideration of an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.

**Board Attorney:** Reads the Ordinance Title

**Board:** H. Pawski states although the Board Attorney has advised New Business Item C does not relate to any particular property, he wishes to be recused, as the applicant for the LDR change has been initiated by the developer.

**Staff:** Although the applicant is the developer the resulting Land Development Regulation will be applicable to other properties.

**Henry Pawski leaves the Chambers for the duration of the presentation and vote.**

**Staff:** This is a Board recommendation to City Commission for a change in the Land Development Regulations.

**Board:** D. Walesky is not in support of this change. Believes it is not appropriate to allow townhomes in SFR within a Planned Development. Z. Shamsi Basha- questions as it would be within a Planned Development, would that be the buffer between the Single-Family residential units?

**William Waters:** It could only happen within a Planned Development. Board, should they choose to recommend, increase the minimum area for a Planned Development as well as exclude locations within the City. 65% of the City is Single Family Residentially zoned.

**Board:** Can it be tabled for further investigation? Board Attorney advises it has nothing to do with the other continued item.

**W. Waters:** The LDR review could be continued to date certain of March 6 meeting. It would be possible to meet in a Joint Workshop with the Historic Preservation Board, in order to make a cohesive recommendation to the City Commission. If needed, it could be further continued on March 6, 2024.

**Motion:** D. Walesky moves to continue **Ordinance 2024-03** to March 6, 2024; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** Board Attorney reminds all Board members of the implications of a continuance and ex-parte communications.

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

**DEPARTMENT REPORTS:** W. Waters introduces Scott Rodriguez as the newly promoted Assistant Director of Planning & Preservation replacing Erin Sita.

The City Commission approved the Open Space and Recreation Master Plan at the January 16, 2024 meeting. One feature will be increased Tree Canopy within the City not on City property.

The Mobility Plan update will be heard on January 22, 2024 followed on February 6 with an update of the Carbon Neutrality Plan which incidentally is the 1<sup>st</sup> in Florida and possibly the first in the Southeast United States. The consultant will also be working again on the Neighborhood Plan.

**BOARD MEMBER COMMENTS:** Chair Juan Contin mentions he is one of seven architects being honored on Tuesday in Tallahassee through the Citizen Architect program for working in local government and schools.

**ADJOURNMENT: 7:30 PM**