



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 03, 2022 -- 6:15 PM**

Board Secretary administered oath of Planning & Zoning Board to the following new members:

Alexander Cull, Evelin Urcuyo and Daniel Walesky.

ROLL CALL and RECORDING OF ABSENCES: Present were: Mark Humm, Edmond LeBlanc (Chair Pro-Tem), Zade Shamsi-Basha, Alexander Cull, Daniel Walesky, Evelin Urcuyo. Absent: Juan Contin. Also present were: 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

The City Public Works Facility site plan will be heard at the September meeting. Item to be continued until that time.

Motion: Z. Shamsi-Basha moves to continue the item to the September 2022 Planning & Zoning Board meeting; E. Urcuyo 2nd.

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. April 20, 2022 Regular Meeting Minutes

Motion: M. Humm moves to accept the April 20, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 2nd.

Vote: Ayes all, unanimous.

June 1, 2022 Regular Meeting Minutes

Motion: M. Humm moves to accept the June 1, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 2nd.

Vote: Ayes all, unanimous.

June 15, 2022 Regular Meeting Minutes

Motion: M. Humm moves to accept the June 15, 2022 Planning & Zoning Board Meeting Minutes as presented; Z. Shamsi Basha 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 within the meeting packet.

- 1) Gifted Kids Therapy & Demand Distribution
- 2) 930 North G Street-Lake Worth Station & Fleet Maintenance (Public Works Facility)

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

Board Attorney discusses the impartiality required to make decisions as a member of a quasi-judicial Board. Disclosures are characterized as demonstrated prejudice/bias for or against a party, direct/indirect monetary gain, prejudgment of the issues prior to hearing the facts on record and ex-parte communications or personal investigations.

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB 22-00500007:** A Blanket Conditional Use requesting approval of several medium and low intensity conditional uses as provided for in LDR Section 23.3-6 located at 409 South Dixie Highway. Gifted Kids Therapy is requesting consideration of the establishment of an applied behavior analysis center designated as an outpatient clinic/medical office use by LDR Section 23.3-6. 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: S. Rodriguez presents case findings and analysis. The request is for a blanket conditional use, to include several types of businesses as proposed by the property owner. By applying for the blanket conditional use for the site, future tenants of certain business types, would not be required to come before the Board for conditional use approval. The applicant is Gifted Kids Therapy applying for an Outpatient Clinic/Medical Use occurring within the 5,420 square foot structure. Ten other types of businesses are included. The uses will run with the land, there are 6 units.

Applicant: Yigsy Lemos for Gifted Kids Therapy.

Property owner: Mr. Zabir Esmail - current tenants include an insurance agency, nutrition center and pet crematory.

Board:

1. Where will refuse pickup be located on property? Is the applicant in agreement with losing two parking spaces to an enclosure? **Response:** The amount of generated refuse is low and will only require individual containers as opposed to the locating of a dumpster. Public services will make the determination if an enclosure would be feasible.
2. Per condition #2a, the operation is restricted to weekdays, should be allowed weekends without coming back before the Board. **Response:** Staff states that as a Medical Office

type business, the supplementary regulations, by code, govern the hours and days of operation. The applicant could apply for a waiver if needed. Applicant states later hours and weekends are not needed.

Motion: Z. Shamsi-Basha moves to approve PZB 22-00500007 with staff recommended Conditions of Approval based upon competent, substantial evidence provided in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 22-00500006: Consideration of a Conditional Use Permit request to establish wholesale/distribution facility use in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North. The request is to establish the proposed use ($\pm 8,000$ square feet) within the current $\pm 34,657$ square foot industrial building.

Staff: S. Rodriguez presents case findings and analysis. Previous site development conditions from 1993 required the drainage/landscape retention area on the NW corner of the property be improved within the year. This did not occur and remains unimproved. The property owner has agreed to provide these improvements at this time. The request before the Board is for a wholesale distribution service. The business supplies convenience stores and gas stations with products and is does not offer any retail services.

Applicant: Chris Curtis, Rezaul Khan- Repacking and supplying their own convenience stores (@100) and gas stations. Normally supplies are loaded onto pickup trucks for delivery between West Palm Beach south through Miami; North to Jacksonville via UPS.

Board: What is the time frame for the site improvement? Does staff have the ability to extend the time frame for the site improvement? **Response:** The owner would receive the enforcement notice, if not completed within the timeframe. A staggered approval could be a solution. The condition could be modified. Board members would like to amend Condition 1. Utilities Water, Sewer, & Stormwater to 6 months to submit a plan for permit with a total of 18 months to completion. **Board:** Are the tenants already conducting business from this location? **Response:** No.

Motion: D. Walesky moves to approve PZB 22-00500006 with staff recommended Conditions of Approval including an amendment allowing for 6 months to apply for a permit and a total of 18 months to complete improvements; this based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing; 2nd E. Urcuyo.

Vote: Ayes all, unanimous.

C. PZB Project Number 22-00900002 (Ordinance 2022-15): Consideration of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "Lake Worth Station" located at 930 N G Street to construct a 5-story, 81 dwelling unit mixed use development with 39 multi-family units proposed to qualify as workforce housing and office space. The sustainable bonus request is for additional density and height. The property is zoned Transit Oriented Development – East (TOD-E).

Staff: E. Sita presents case findings and analysis. Explains reasons for the many application types. The color palette has been updated since the one provided within the meeting packet to a lighter toned palette. A Planned Development application allows innovative development techniques on the part of the developer through incentives. This can be in the form of a relaxed or waived code requirements i.e. reduction of side setback which will allow for a more substantial landscape buffer. The second request is the reduction in square footage for a one-bedroom unit

from 600 square feet to 584 square feet. Higher density is also achieved by providing 39 units of Workforce housing. A table within the staff report shows the base zoning district requirements; what the Planned Development with Sustainable Bonus allows and what is being provided by the applicant. Proposed on-street parking will total 12 spaces. Other off-site improvements are the alley improvement (re-milling and paving) to the east; a sidewalk along the west side of North G Street. Staff explains how the Sustainable Bonus program works with an application for a Planned Development and how the monetary contribution to the trust account with the City performs. The current total incentive value is \$391,350.00. Half of that amount (equating to \$195,675.00) shall be deposited into the fund, the other half is in qualifying improvements.

On-site improvements: Green Building Certification-93K; sidewalk improvement on the west side of North G Street-30K; Installation of a plaza-30K; a public art sculpture-50k; and deed restricted housing units. The combination will exceed the other half of the Incentive Bonus monies. In the event the developer does not provide those public amenities, that amount would also be placed in the fund.

Agents for the owner/applicant: Anna Bella Garcia, Architect; Patricia Ramundo, Engineer

The structure will have available, as part of the mixed-use component, four (4) co-work spaces and meeting space for rent. The 5th floor will feature a BBQ area and recreation space for residents. Floors 2-4 feature identical floor plans with one-bedrooms nearest to the center and larger units on either end. Parapets will be of sufficient height to screen the rooftop mechanical equipment.

Agent for the owner: The architect has intended to respect the owner wishes with regard to the color palette and changes to the original renderings.

Board: Questions and concerns about the turning motions from the project onto 10th Ave N.

Response: The opening allows for right in right out only. There is no alleyway access from the project thus prohibiting drivers from the project utilizing the alley to proceed west on 10th Ave N. Staff explains the traffic motions are examined by city engineer. **Agent:** There is a channelized island in 10th Ave N preventing a left motion into the project.

Staff: Workforce housing is a PBC program. Units are deed restricted until the City program is adopted in the near future. Workforce Housing is defined 80-140% of county median income @ 70K for a household of four. The Mid is not deed restricted, most affordable nice unit. Low range rent (1 bedroom) is approximately \$1,035-1380; moderate \$1380-\$1725.

Owner: The potential tenants will be compared to the County table for income categories to see how they meet the qualifying parameters for any unit. They will present tax returns, payroll statements, if a couple it is a combined calculation. **Board:** Is it by lottery? **Response:** No, first come first serve. **Board:** Has a mural been considered? **Agent for the owner:** It is difficult considering the orientation of the building to the road frontage, the long side is not as visible and would be very up-close. **Board:** Is it required since LULA is approving the sculpture, must they choose from a local artist? **Staff:** Staff and Board do not dictate who the artist should be, a recommendation may be made however there may not be a local sculpture who creates commercial grade outdoor sculptures. **Board:** Inquiries regarding landscaping. **Agent for the owner Andres Montero, Landscape Architect:** The landscape requirements have been met and exceeded. All trees are native and only a few palms are non-native. There is an existing Live Oak on site that will be retained. The majority groundcover will be native grasses. **Board:** Are the parking spaces assigned? No, of the 98 spaces the tandem spaces will be assigned to the 2-bedroom units; the EV spaces will be assigned. **Board:** Why was the unit size diminished? **Response:** Due to unit configuration, the amount was less than 3%. **Board:** Concerns with

project being 5-story as opposed to what's allowed by right. **Response:** The Planned Development (PD) in functioning as a zoning district, provides for the height to go to 68.75 feet but the proposal is for 54 feet 10 inches.

Public Comment: Katherine Cleary, 1017 North H St has concerns with the lack of parking, traffic congestion and accidents in the area. States parking is crazy due to businesses that do not have enough parking for their businesses.

Steve Sprague, Tuppens Marine-1032 N G St has concerns about the parking and how can the parking for so many units can be accommodated without harming local business in the area. Believes its not a safe place for families near the railroad and the 5-story height will be an eyesore.

Board: Query as to whether the category mix can be changed. The County requires 25% of the workforce units be available in each category. Developer has restricted themselves to the 3 lowest categories. Recommendation the re-arrangement for the low category have 10 units available rather than 9.

Owner: The table is instituted by Palm Beach County. If people do not apply for the lower category, the developer is obligated to offer or fill the lower categories, rent down rather than up. The developer will not leave a unit vacant for a period of time. The cost of rent will increase over time. There is a deed restriction in effect already for thirty years. It took six months to proceed through the PB County workforce housing process. A five (5) story building was designed that included workforce housing. The developer believed a seven (7) story structure would be too intense for the site, as a result a five (5) story structure was designed. Should the developer elect to withdrawal this proposal, the parcel can support, by right, a three (3) story structure with 65 market rate units and 102 parking spaces.

Motion: A. Cull moves to recommend approval of PZB 22-00900002 (Ordinance 2022-15) to the City Commission with the amendment to Exhibit B decreasing the mid-range workforce housing units available from 10 to 9 and increasing the low range category inventory from 9 to 10. E. Urcuyo 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The annual organizational meeting will be held next month electing the Board Chairman and Vice-Chair.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: Board members welcome the newly appointed Board members. Questions about when the Comprehensive Plan will be updated. Erin defines the role of the Board. As a designated Local Planning Agency, they will provide a recommendation to the City Commission. Staff usually does a LDR "clean-up". If the Board would like a LDR or policy change that would be brought to the attention of the City Commission. The City Commission decides if that is a change they would be willing to review. RE: Residential Parking only possible? Existing non-conformities are allowed to remain until some action triggers a change, it is vested. The Florida Building code is different from the LDR's. A residential parking permit process may be on the City Commission radar.

ADJOURNMENT: 8:33 PM