



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 01, 2021 -- 6:18 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman (virtual); Mark Humm; Juan Contin; Laura Starr; Edmond LeBlanc; Zade Shamsi-Basha (virtual). Absent: Anthony Marotta, Vice-Chair. Also present were: Debora Slaski, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE Led by Zade Shamsi-Basha.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. August 4, 2021 Regular Meeting Minutes

Motion: M. Humm motioned to approve the August 4, 2021 Regular meeting minutes as presented; J. Contin 2nd.

Vote: Ayes all, unanimous.

CASES:

PROOF OF PUBLICATION

1) PZB 21-00500005 - 701 N Dixie Hwy - Ragtops

PZB 21-00300001 & 21-01300001 - Land Use Map and Zoning Map Amendment - Barton Rd

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: L. Starr-no disclosures to be made; E. LeBlanc and Zade Shamsi-Basha-have no disclosures to be made; G. Rice spoke with Bernard Guthrie regarding Burckle Place and it will not affect his decision. M. Humm spoke over the phone with Bernard Guthrie regarding Burckle Place and it will not influence his decision. J. Contin lives across the street from proposed Burckle Place.

Board Attorney explains disclosures as it relates to the quasi-judicial process. As a Board member is coming to the meeting with some knowledge Board members should provide the name who the conversation was with whether an expert, applicant or person with an opinion on the project and nature of the conversation.

UNFINISHED 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 a seven-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 commonly known as "Burckle Place III."

Staff: E. Sita provides a brief re-cap of the project as presented to the Board earlier this year and explains and shows depictions of changes to the projects. This proposal includes a request for a Residential Urban Planned Development for a seven (7) unit multifamily development; A Major Site Plan and Conditional Use permit. The Right of Way Abandonment request will be presented to the City Commission for consideration and decision. Changes in this revision include: Elevation changes and the re-location of the parking to the north of the site to better re-align with the Major Thoroughfare design guidelines; a decrease in number of units, of note a Planned Development allows for certain codes to be relaxed, in particular the minimum living area. Code requires 900 sq. feet and the proposed is 636 sq. feet. Total combined living area will have 941 square feet. This allows the project to meet the parking requirement. The landscape proposal now includes a predominately native ratio of trees, shrubs and groundcover to address concerns of the Board and residents. Public outreach to the Pineapple Beach and South Palm Park Neighborhood Associations by the applicant occurred from 2020 through February of 2021. The project has been found to be consistent with the City Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, LDR's if approved as a Planned Development, Residential Urban Planned Development Criteria, Community Appearance Criteria, Conditional Use criteria and in general findings as to harmony with the LDR's and protection of public interest.

Agent for the Applicant: David Milledge of Cotleur & Hearing, Senior Project Manager
Applicant: Kerry Dias- COO of the Lord's Place on behalf of Diane Stanley. Introduces Scott Witzel- Facilities Director, John Glidden and Randy Hansen, Architects. Explains this is about transforming lives, not just providing housing. This would include 21 beds (with over half for women over 50). The combination of the older women with younger provides intergenerational support while job training, placement, tutoring and residing in the program for approximately 24 months resulting in a 96% success rate of being re-integrated into society on their own upon completion.

Mr. Milledge: The site is compliant with parking code with seven (7) dwelling units each at 636 square feet. The re-designed site provides greater engagement with Federal Highway with the side load parking, the landscape is overly abundant. Coastal modern style architecture. The floor plan depicts the living area of each unit. The living area of each unit in combination with the combined living area results in a total of 941.4 square feet per unit. This includes common dining, living and kitchen areas. This is the only waiver being sought.

Affected Party Portia Culley: Presentation was helpful and is difficult to go against what they are doing, helping older women who need help. Doesn't believe this is a case of NIMBY, as the town

seems to be more liberal, but believes it should be subject to the same development standards as other developments in the area. Believes the major issues with the previous plan was the parking and the Right-of-Way abandonment. Residents have been parking in the R-O-W for 15 years. Now the R-O-W is not up for consideration. Months ago, was shown a rendering depicting paved parking on the R-O-W for the public, was told by Kerry Dias, the R-O-W was a no-go by the City. Is 'giving away' the R-O-W a foregone conclusion? She does not want to be the one fighting the Lord's Place. Restore parking to those who were using it prior to the City installation of the no parking signs.

Agent for the applicant has no questions of the Affected Party or staff but available for rebuttal. Portia Culley has no questions of staff or agent for the applicant.

Public Comment: Board Secretary states the Board has received a copy of the comments from the August 4 meeting in addition to those received since as well as those received during this meeting. Those comments received since the meeting began are read into the record. All comments will be part of the minutes regardless of multiple comment submittals, those comments to be read or spoken will be limited to 3 minutes.

Board: J. Contin- As an architect who has come before the Boards on multiple occasions has been subject to constraints of City code. Important is the two-story requirement; despite the no parking signs, no vehicles have been towed and people continue to park there indicating a need for parking. Should Sun-Gate redevelop this could happen again as there won't be access unless through the side. Garbage pick-up is noisy as it is adjacent to the apartment complex on the northside and odiferous. The elevation renderings do not fully depict the entire site, excluded is the parking area. Does it meet all major thoroughfare guidelines? **Staff response:** Yes, the parking is side loaded, rear loaded is encouraged. J. Contin suggests the paving of 9th Avenue, would provide some public parking and redesign to place the dumpster in the area. The paving of the Right-of-Way was done across the street. **Staff response:** The R-O-W is the purview of the Public Works Dept.. The square footage of the unit may not allow the application to meet ADA requirements. Z. Shamsi-Basha would like more detail on the communal spaces. Kerry states the concept is to share the communal space, where the therapy occurs, this is where all the programming occurs. Is it truly communal, a shared living room? Not a clubhouse that closes at 10 pm... E. LeBlanc has a question about Condition #7 (the total east elevation). **Staff Response:** That Condition should be stricken, it was met with this re-submittal. E. LeBlanc asks for clarification on the dumpster enclosure, landscape plan and what is the setback from the north property line for the enclosure? **David Milledge:** Concrete block with metal louvered doors. Location, size and materials were approved by Public Works. It appears to be a ten (10) foot setback to the north and five (5) foot from the west. J. Contin questions if it was known there was a 2-story building to the north with people sitting on their terrace? David Milledge notes there is a 2-story building with an open walkway to the north. Approval was received by the professional staff of Public Works for the location, materials and access. Have satisfied the Code requirements for those items. E. LeBlanc questions how the R-O-W functions. Staff clarifies- this segment of the 9th Ave S was never utilized as a road nor does the City intend to pave it and use it as such. It is unimproved and has historically been used for overflow parking, although never intended for the purpose. J. Contin asks if the site would qualify as a Planned Development without the extra square footage to make it over .5 acres? M. Humm- parking is needed everywhere and the City is just giving it away. L. Starr asks where the population will come from? Kerry states the referrals come in many ways, screened to make sure they are appropriate for this program. L. Starr- prison, rehabs? Kerry – neighbors, self-referrals, the county homeless clearing center. Do they have vehicles, are they permitted to have vehicles? Response: Yes, they do. Potentially there could be 21 cars plus staff, and they are allowed visitors. Not everyone

has a vehicle and public transportation is the majority mode. Are there curfews? **Response:** Yes, on-site by a certain time, not in the room. It's supportive housing that the residents agree to. L. Starr is there a reason the larger unit size cannot be met? There would be no reason to prevent another development from asking for the same concession as they would have a clubhouse, kitchen and other common areas. John Glidden: All the residents would be in their room if the spaces was larger. The waiver is needed to accommodate the program that can house the residents hoping to become independent citizens of the community. J. Contin asks about the ADA building codes, fire codes and narrow hallways. John Glidden states the exiting requirements and life safety codes are met. This is not a traditional apartment situation, it is part of the communal process. David Milledge- the parking code has been met and it should not be the burden of the Lord's Place to account for parking deficiencies by other developers or the City as a whole. J. Contin- if the R-O-W was not obtained, would it qualify as a Planned Development? No, the unit size waiver would not be available, waivers and variances are different.

Public Comment: B. Guthrie-827 S. Palmway- If it were approved as a Planned Development, it meets code. The project was re-drawn after the March meeting. It was out of context for the neighborhood. Asks for the new drawings to be submitted for the record as well as a drawing of the R-O-W to the Pineapple Grove area. The 9th Ave abandonment will take away precious parking. The eastern portion of the roadway was paved and marked for parking. The building will be there for decades and resembles prison cells with a congregate area. It could turn into a low-income housing structure.

J. Contin welcomes a better plan that changes the dumpster location, resolves the R-O-W abandonment and parking issue. It's the execution of the plan, not the premise of the Lord's Place. At the last Board meeting they were asked to bring a more amenable plan.

Motion: J. Contin moves to recommend denial of PZB 20-01400036 to the City Commission as the project does not meet the applicable criteria for the following reasons: Parking; Substandard apartment size; not meeting the Major Thoroughfare Design Guidelines with respect to the two-story structure; Motion is amended to include that the dumpster be relocated as much as possible away from the current location; 2nd to the amendment L. Starr.

J. Contin- relocate the dumpster enclosure to the south west side of the site.

M. Humm – against giving away the Right-of-Way.

Z. Shamsi-Basha – the only issue is if the waiver should be granted, the program explains the reason for the size reduction.

E. LeBlanc-Unit size no issue as the program is different, that is what they do. Agrees the dumpster location is at issue.

L. Starr – disagree with the opinions that the unit size is the only issue, it is setting a bad precedent.

Vote: L. Starr Yea; J. Contin Yea; M. Humm Yea; Z. Shamsi-Basha Nay; E. LeBlanc Nay; G. Rice Yea. Motion carries 4/2 to recommend denial to City Commission.

NEW BUSINESS:

A. PZB Project Number 20-00500005: Consideration of a Conditional Use Permit request to establish a Special Interest Dealership use in the Mixed-Use Dixie Highway (MU-Dixie)

at **701 North Dixie Highway**. The request is to establish the proposed use within the current 8,425 square feet commercial building.

Additional Board Disclosures: G. Rice knows the owner of the parcel, Shanon Materio, but it will not influence his decision. M. Humm is a neighbor to the subject parcel.

Staff: D. Slaski presents case findings and analysis. The Special Interest Dealership will house an accessory museum and gallery use for private events or for anyone to visit the establishment during normal business hours. There are 18 parking spaces. Conditions of Approval would limit the private events to 2 per month and no more than 24 per year. No outdoor storage or servicing of vehicles is proposed or allowed. A minor site plan approval is required to improve site appearance to the furthest extent possible.

Applicant: Ty Houck- Has been in the business for 41 years, most recently in the West Palm Beach area; the current property owner has been at this location for 29 years. The memorabilia for purchase will be "things that people don't need". The antique and special interest car collection will also be for sale. Explains the logic behind how many events could be held, how some of the events may be more seasonable. Has utilized a valet service in the past to park the events.

Board: Concerns about limiting the events to 2 per month. E. LeBlanc questions the nearby TOD zoning? It was identified as a potential area for the Coastal link. Board member who has attended an event states it was phenomenal. All agree it could be a nice addition to the area.

Public Comment: None

Motion: L. Starr moves to approve PZB 21-00500005 with staff recommended Conditions of Approval, excluding the limitation on number of events, based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

B. PZB/HRPB 21-00300001 & 21-01300001: City-initiated small-scale Future Land Use Map (FLUM) amendment and Zoning Map amendment (rezoning) on behalf of the PBC School District requesting: (1) a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU, and (2) a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

Staff: E. Sita provided a brief history of the use of the property. This is a corrective action bringing the parcels in to closer alignment with the Land Use.

Applicant: Michael Owens, Senior Planner for PBC School District and James Gavrilos, Administrator of Red Apple Supplies explains the program. It is the signature program. Every teacher may shop at this location twice yearly for supplies without dipping into their own pocket. There is a staff of seven. It is a facility to house supplies. The intent is to eventually serve all 179 schools. This year 63 Title One schools are being served. \$1,100,000 of school supplies were disbursed last year.

Public Comment: Erika Kotala Bell of 1406 Tropical Drive has concerns regarding the use of the alley behind the site and a plan to offset the loss of natural habitat on the property.

Board: L. Starr asks why the alley is needed.

Staff: This is for the Rezoning and Future Land Use Map Amendment only, not a site plan. Palm Beach County School Board Planning Staff can reach out to the neighborhood when a site

plan amendment is brought forward. Currently there are portables on one of the parcels and none of the single-family homes have been demolished. With regard to the northern parcel, a tree disposition plan would accompany any site plan modification.

Motion: M. Humm moves to recommend approval of **PZB 21-00300001 & 21-01300001** for the proposed amendments to the Future Land Use Map and Zoning Map based on the data and analysis in the staff report and the testimony at the public hearing.

Vote: Ayes all, 6/0 unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3-minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS:

ADJOURNMENT: 8:55 PM

Attachment: Public Comment **UNFINISHED BUSINESS: A.** PZB Project Number 20-01400036