



**AGENDA**  
**CITY OF LAKE WORTH BEACH**  
**PLANNING & ZONING BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, MAY 01, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:**

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:**

- A. [March 6, 2024 Meeting Minutes](#)  
[April 3, 2024 Meeting Minutes](#)

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS**

**PROOF OF PUBLICATION**

- 1) [2141 10th Ave N](#)  
[3 18th Ave S](#)

**WITHDRAWALS / POSTPONEMENTS**

**CONSENT**

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. [Consideration of a variance to allow an electronic gate to be set back 5 feet from the front property line at 3 18th Avenue South. The subject site is zoned Single Family Residential \(SFR\) and has a future land use designation of Single Family Residential \(SFR\).](#)
- B. [Consideration of a Conditional Use Permit for the establishment of a ±9,000 square foot laser adapted dry shooting range designated as indoor commercial recreation and accessory training facility uses located at 2141 10th Avenue North, Suite 1. The property is zoned Mixed Use - West \(MU-W\).](#)

**PLANNING ISSUES:**

**PUBLIC COMMENTS** (3 minute limit)

**DEPARTMENT REPORTS:**

**BOARD MEMBER COMMENTS:**

**ADJOURNMENT:**

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**NOTE:** ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

**Note:** One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, MARCH 06, 2024 -- 6:23 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were- Juan Contin, Chair; Dan Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Hank Pawski, Evelin Urcuyo. Also present – Scott Rodriguez, Asst. Director for Planning & Preservation; William Waters, Director for Community Sustainability; Glenn Torcivia, City Attorney; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

**Motion:** M. Humm moves to re-order agenda items New Business A then B to be heard first, followed by Unfinished business Item B then Item A.

**Vote:** Ayes all, unanimous.

**APPROVAL OF MINUTES:**

A. February 7, 2024 Meeting Minutes

**Motion:** H. Pawski moves to approve the February 7, 2024 meeting minutes as presented; M. Humm 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) 16 South Dixie Hwy  
1200 North G Street

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**UNFINISHED BUSINESS:**

**B. 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:** Elizabeth Lenihan reads the Ordinance Title.

**Staff:** William Waters – clarifies the Ordinance is brought forth by the City. This is coming out of a future negotiated settlement of a FLUEDRA proceeding. The applicant presentation will be heard after Item B, unfinished business.

Seventeen years ago the City collaborated with a potential purchaser to annex the parcel into the City. It was an Opinion lawsuit. More recent discussions (6-7 years ago) about what could resolve the suit, one option was to allow Townhouses (fee simple) in the SFR zoning district. Globally it would only be allowed in a Residential Urban Mixed-Use Planned Development requiring a minimum ¼ acre and not exceeding 5 acres. Location and size could vary. The Historic Preservation Board will also hear the item as it is a legislative recommendation to the City Commission. Points to consider: Where should they be allowed? what should the minimum acreage be? Between ¼ acre and 5 acres? how many units? should affordable housing have more stipulations regarding planned developments?; how would townhomes be defined (tiny homes, quad homes, patio homes, quadplex, villa homes)?

**Board:** H. Pawski -Established setbacks mean a lot to the neighborhood. The decrease of minimum living area and the fact that it will or can affect the whole city causes him to disagree. D. Walesky – In the broad sense he is against the LDR as proposed. Questions the Future Land Use overlap with the SFR and SF-TF 14 zoning districts.

**Staff:** The overlap area is not a large area, the SFR and SF-TF 14 zoning districts increased in size (2013) whereas the multi-family (MF20 and MF30) decreased. A map could be created showing where the overlap exists. Are there any thoughts on the suggested points?

**Board:** Perhaps a Charette would help further understanding and implications of the Ordinance. Discussion on building type (multi-family with one owner) versus fee simple townhome which is SFR according to code.

**Staff:** The Board may vote:

- to continue to date certain;
- recommend denial to City Commission,
- table without date certain and predicated on a workshop;
- Vote to recommend with consideration of the points given.

**Motion:** D. Walesky moves to table PZB 23-00900001 to a date uncertain requesting a joint workshop with HRPB and City Commission including overlay maps; M. Humm 2<sup>nd</sup>.

**Public Comment:**

Tom Voss - 3280 Cynthia Ln – against, don't change rules on existing neighborhoods.

Phil Milhaski –3360 Lake Osborne Dr - vote no it doesn't fit the area.

Jill Karlin – 2381 Sunset Ave- a great development but not for the neighborhood. The best location for growing mangos. 3 farm buildings remain.

**Board Attorney Elizabeth Lenihan** – Reminder that the public comment is for the Ordinance only , not a specific property. The Public is to speak for two (2) minutes only; speak only on the Ordinance and not off topic to the site plan.

David Simms-715 North L Street -Urges to not change the zoning from Single-Family to Townhouses. Keep it single family.

Peggy Fisher- 508 -North A Street- bought into a SFR district 16 years ago. Not appropriate and amend the motion for a workshop to a special meeting so the public may participate. Residents east and west of Dixie are equally important.

Mariette Adam de Villiers- 5820 Lake Osborne Dr. -Opposed to amendments even though progress is inevitable, it should be thoughtful. Infrastructure is strained, traffic is too much. The public should be involved in the settlement agreement. Ordinance proposals should be explained to neighborhood.

George Adams 3320 Lake Osborne Dr.– Impact the underserved, impact the charm of quintessential South Florida. Public should be more involved.

Scott Lee – Attorney for the affected party Murray Hills. Believes the settlement agreement does nothing more than require consideration of the applications, not accept them. Suggests it could be spot zoning. Suggests the Board recommend denial to the City Commission.

Bill Yates-3120 Cynthia Ln102 – If approved that would make it a by-right development. The residents don't even have a voice.

John Rentfrow –3280 Lake Osborne Dr.- Developers could purchase 3 or 4 single family homes and build townhomes.

James Pelligrino-3200 Lake Osborne Dr.- Spot zoning is never good, changes the character of the neighborhoods, density. That's how the elders voted on it.

Joe Egly – 2880 Lake Osborne Dr. – Don't delay, vote and deny today.

Ruth Lynch 2802 Lake Osborne Dr. – Does not meet the Land Development requirements, townhomes are not single family homes. Please deny.

Jane Schumacher 3402 Lake Osborne Dr – The Ordinance should be tailored so that a developer cannot take advantage of other incentives such as those offered by the affordable housing program.

John Lynch 2802 Lake Osborne Dr.- Anything other than 4-5 homes per acre should be denied as well as any other high density proposal.

Tony Vivona 2920 Lake Osborne Dr. – Just build Single family homes.

**Board:** D. Walesky moves to amend the motion to recommend denial.

**Interested Party:** Chris Raley -The current land use of the vacant parcel is Medium Density Residential (MDR), it is surrounded by Murray Hills at 30 units to the acre on three sides. Has an understanding of the relationship and intensity on the northern boundary versus the other three sides, wanted to provide a transition. Other options include 20 units per acre; 14 units per acre and 7 units per acre which doesn't require an Ordinance change. It would be in line with the Future Land Use. Site Plan is a compromise at 10 units an acre.

**Board:** Original seconder, M. Humm, does not second the amended motion.

**Change of motion fails.**

**Vote on Original Motion:** Ayes 3 / Nays 4 Motion to table PZB 23-00900001 to a date uncertain requesting a joint workshop with HRPB and City Commission including overlay maps denied. 4/3

**Motion:** D. Walesky moves to recommend denial of Ordinance 2024-03 to the City Commission; E. Urcuyo 2<sup>nd</sup>.

**Vote:** 5/2 (M. Humm, J. Contin dissenting) Motion carries to recommend denial.

**Board Member Henry Pawski – recuses himself from the proceedings and leaves the room.**

**A. 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 Attorney:** Elizabeth Lenihan reads the Ordinance Title.

**City Attorney:** Requests Board Disclosures, in addition to Mr. Pawski's recusal.

Z. Shamsi- Basha visited the area and saw the signs, spoke with a resident. He can remain impartial.

E. Urcuyo was in the neighborhood canvassing for the election and was approached and can be impartial.

M. Humm visited the site, and had a citizen call, can remain impartial.

**The Board Secretary** administered the oath to those affected parties wishing to give testimony. After which she states: "As you testify, state your name and address for the record. If you represent a party please also state who you represent."

**Chair Juan Contin** states under quasi-judicial rules: City staff will speak first followed by the Applicant then the Affected parties 1. Scott Lee; 2. Suzanne Ciocci 3. Nicoletta Louis and Kevin Starkey. Questions will be held until after presentations. Affected party presentations are limited to 10 minutes each.

**Staff Presentation:** S. Rodriguez presents case findings and analysis. This is a continuation of the January 17, 2024 meeting. The applicant held a community outreach meeting on November 14, 2023 at Lake Osborne Church and again on March 1, 2024 meeting the LDR requirement.

The proposal provides for nine two-story buildings with 42 townhouses on a 4.17 acre parcel. The exterior finishes include wood, brick and stucco in a contemporary presentation. Parking would require 52 spots, the application is proposing 102. If trees cannot be mitigated, the project will pay into the Tree Canopy Restoration Fund. The total Sustainable Bonus amount is \$227,789.26 of which ½ half would be paid into the City fund and the balance of value shall be provided through proposed, qualified on-site improvements or additional payments to the City. The applicant is also seeking Florida Green Building Code Certification which may include the following qualified improvements: a dog park, workout pavilion and green features such as bioswales, solar panels, rain tanks, rooftop gardens, solar hydro panels, EV charging stations.

The applicant has chosen to utilize the Transfer of Development Rights Program, which according to value added (density) and payable to the City fund is \$49,461.80. For additional density the applicant has chosen to participate in the Affordable Workforce Housing Program by deed restricting 7 units as income restricted units and which allows an increase of 1.36 d.u. per acre. The proposal meets the requirements of the Comprehensive Plan, the Strategic Plan and Land Development Regulations, staff is recommending approval.

**Applicant:** Chris Raley 1:25:14 – Introduces himself and associates, he also provides a brief synopsis of his professional credentials. Surrounded by MF-30 518 condos of Murray Hills and @ eight single family homes immediately adjacent to the parcel, which are still in the county. Sellers purchased the parcel in 2006. In 2018 the City revised and updated the future land use map, the comp plan, the parcel was returned to Medium Density Residential allowing for 20 units per acre but no zoning was provided.

His original intent was to apply under SF-TF 14 (up to 14 units per acre) with 42 dwelling units. With the recommended denial of Ordinance 2024-03, the intent continues to be the provision of 42 townhomes. An application under the SF-TF 14 zoning district will not require an Ordinance and existing MDR Land Use allowing up to 20 units, the proposal will continue to be 42 units equating to 10.5 units per acre. No workshop will be required.

Maximum building height is 30 feet, they are proposing 28 feet; required parking is 53 they are providing 102; partnered with electric utilities on solar power as well as charging stations. The proposal is at 20 % maximum lot coverage which is half of the maximum allowed 40 %; driveways will be permeable, only the street, which will be dedicated back to the City, will be impermeable. Biochar will assist/ with retention eliminating the current runoff in cooperation with SFWMD. Indicates there have been 4 meetings with the communities dated 8.31.2021, 3.8.2022, 11.14.2023, 12.11.2023 with the Murray Hills attorney Scott Lee, 3.1.2024 as well as 350 email communications.

**Affected Party (Murray Hills) Attorney:** Scott Lee of Cohen Norris Wolmer- Wrong project, wrong place, wrong developer. The settlement agreement does not bind the City to the approval of this project only that the City will consider the application; Burt Harris Act could happen. Murray Hills never joined into the settlement agreement. The impacts are: it would wedge into the neighborhood, the topography is not taken into consideration; trees will be removed so how can it be characterized as sustainable? If trees capture carbon, how can that be? There is wildlife, and it provides privacy. The wall is aged and the

removal of the trees may impact the wall and drainage issues will be a problem. Cites the eggshell skull doctrine. He has received no assurances of being named as an additional insured. These will be rental units and renters are not vested in the well-being of the neighborhood nor do they care about maintenance. Maintains this is a false narrative, how will they convert to homeownership? There will be no assistance with credit, no obligation to sell, no financing provided and no incentives to assist with the purchase. The applicant stated it is his first Sustainability project. Does he have the wherewithal to see it through? Over time there will be sustainable infrastructure to be replaced and who will be responsible?

**Affected Party:** Susanne Cioci -not present.

**Affected Party:** Nickoletta Loulis - presents a topographical aerial from 1949. Portends a neighborhood can be a planned development even though it doesn't have a gate and has single-family homes. A development should not be put inside a development. Sunset Drive is the major way out of the neighborhood. Questions the traffic trips per day. What about the archeological significance as well as environmental protections for burrowing owls and gopher tortoises?

**Board:** Question about the only access/egress on Sunset Drive. **Response:** The traffic study was approved by PBC, updated twice and supports up to 80 units; there are three other ways to get to 6<sup>th</sup> Ave South. It is a pathway to homeownership and can help with rebuilding one's credit scores. The rental option is available to people who need assistance, this is a for-sale product. This is the first Sustainable community not just a sustainable building, it is the first sustainable community in the United States. The trees being removed are dead and are no longer absorbing carbon; when they die they give off carbon.

**Board:** Renters do love their home and give passive income to property owners. Why hasn't he sought out other properties? **Response:** This proposal was presented to him with the future land use of MF- 20; 42 units was a better solution as it relates to the settlement agreement than a higher allowed density. There would be less open space if single family homes were provided. The nine buildings are effectively equivalent to 9 homes however there is less impermeable ground. Applicant will pay for the pre-permit inspection of the wall. He may need to construct a wall on his property, depending on the result of the inspection. The existing wall, at 60 years old seems to be substantial. The blocks for the townhomes are limestone not CBS and not as heavy; the slabs are monolithic. An easement could be provided to Murray Hills for maintenance of their wall.

**Board Attorney:** Requests Mr. Raley what his intent is with regard to the application being heard now in light of the denied Ordinance. **Response:** Will not be able to make that determination at this moment. Doesn't believe it's right for this one project to affect the whole City.

### **Public Comment on Site Plan**

Anthony Vivona – 2920 Lake Osborne Dr#201 – Will a decision be made without resident input?

Daniel Morrisette – 3120 Cynthia Ln #202 – Lives 8 feet from the wall, loss of privacy and devaluation; children playing and throwing rocks for the fun of it. It is a traditional single family neighborhood.

Vita Mazza – 3200 Lake Osborne Dr#104 – Traffic is difficult now with the construction at 6<sup>th</sup> Ave S. Won't be able to cross the street.

Joe Egly 2880 Lake Osborne Dr – The City Commission will have to decide if they want to run the risk of increasing the tax base or de-annex, it will be up to the courts.

Jill Karlin 2381 Sunset Dr- Traffic studies during street closures is not accurate. Inappropriate place for the development. Murray Hills is 32 feet lower than the proposed development.

Jean Sengstacken 2960 Cynthia Ln#210 – There is no 30-foot buffer around all of the walls. Lightening strikes when you lie. Could you help with the traffic and setback. Why does everything need to be maximized?

Gaeten St. Hilaire 3200 Lake Osborne Dr#103- Losing the street serenity is biggest concern.

John Rentfrow 3280 Lake Osborne Dr#109 – Traffic on one road with Amazon, USPS, UPS, moving trucks just parked in the road not to mention if an emergency vehicle that need to arrive.

James Pelligrino 3200 Lake Osborne Dr - A negative effect on the wall, 700 lbs per square feet added weight. Murray Hills lives in harmony with the single-family houses. Suggests the lights from the new units will be invasive no matter how many trees and shrubs are added.

HOA president of – Murray Hills is a retirement community as it is a peaceful area. The developer has no experience in developing environmentally friendly projects. Removal of trees and roots poses a danger.

Remi Barrette 3322 Cynthia Ln#112 - With climate change will come torrential rains. The area acts as a sponge thanks to the exotic plants and lovely trees to be replaced with a large paved area. The water will flow to Murray Hills producing mudslides ultimately devaluing their properties.

JoAnn Gillies- 719 Sunset Dr- Change the zoning to Single Family (SFR-7) don't compare this to Murray Hills, there will be only one entrance and exit through Sunset Drive single family structures.

Thomas Vos – 3280 Cynthia Ln – wrong project wrong place.

Gunnar Malm 3240 Lake Osborne Dr#103 – Looked at retaining wall, it is currently out of plumb by seven inches. New units will be added into the retaining wall setbacks. The short walls would be impacted. The structural study should take place prior to approving the layout.

Maureen Hughes 3160 Lake Osborne Dr#108 – There area offers nothing as far as services, no walkability. Explains the affordability of the proposed homes, mortgages and mortgage payments, monthly incomes, and minimum wages. Setting people up to be house poor.

Yvonne Harmon 2840 Lake Osborne Dr.#203- Concerns with elevation, density in a small constricted area. Concerns with bio-char; egress and ingress if there is an emergency is also a concern.

Phil Milhalski – Not a good fit, situate it closer to bus lines. Shouldn't be higher than the single-family homes.

Mike Atchison Snowden Dr. – Has come to love the neighborhood, ask for a new traffic study after completion of several roadway projects.

Mariette Adam de Villiers 5820 Lake Osborne Dr – the project does not fit the site, architecture, density, safety concerns. No incentives should be provided. What about the animals on the site.

David Sims- 715 North L St - single egress not appropriate.

Jason LoPiccolo 2024 Collier Ave – Egress can be through Collier Ave but the street is narrow. When the bridge on 6<sup>th</sup> Ave S opens traffic will be backed up to Congress.

Aaron Thum 2201 Collier Ave – Has concerns about the egress and ingress in the single-family neighborhood. The traffic impact is less in Murray Hills. Should be no more than 5 units per acre.

Stephanie LaRoche 2960 Cynthia Ln #111 – has a fifteen foot setback to the highest retaining wall and the second retaining wall is closer than that. Drainage and runoff was a problem when the developer of her building was still present.

Susan Boneschansker 3000 Lake Osborne Dr#206 – The existing neighborhood was never designed for this type of development. Looked up the 3 pillars of sustainable construction which are environmental, social and economic impacts. Developer will move on once the project is complete.

Robert Feero – 3280 Lake Osborne Dr – Cannot find any development by the applicant. The proposal contains all hot topic sustainable practices. SCG does not have any experience.

Karen Risch – 2960 Cynthia Ln- The buildings will loom over her unit. Currently no noise, plenty of peace and quiet. Noise, trash, 80 + people and pets. The HOA rules will change once he leaves.

Karen Dares 3360 Lake Osborne Dr – Shocked that the applicant has no experience building a sustainable communities. Does not want to be at the forefront of experimentation, not guinea pigs. Land could be utilized in many other ways. Believes it to be a rental community, renters do not have the same pride of ownership because they are not owners.



Michael Hoagland 3360 Lake Osborne Dr – It is necessary for the City to grow, but does not believe it is the right project at this place and time.

**Board Secretary** states the following have presented written letters to Planning & Zoning prior to the meeting which are part of the record. Here they speak for themselves again.

Catherine Cargill, Jane Schumacher, Ruth Lynch, John Lynch.

**Commissioner Sarah Malega thanks the Board members for their time and patience.**

George Adams – Reviewed the staff report published online, disagrees with the analysis provided by staff and various departments according to LDR's.

Bill Yates -3120 Cynthia Ln102 – Disagrees with analysis provided in staff report according to the Land Development Regulations.

**Board Secretary** gives brief synopsis of those letters provided to Planning & Zoning Board prior to the meeting which are part of the record and who do not wish to speak for themselves (see attached pdf)

Public Comment is closed.

**Applicant:** An archeological study was conducted. Traffic study was completed after Covid and considered the fact that the bridge was under construction. The study is based on history and future. Mr. Raley states nothing will be found on him as he is not a general contractor but a builder and real estate developer.

**Staff** – William Waters – Should the zoning go to SF-TF 14 it would come to the Board as a Major Site Plan and Conditional Use, not as a Planned Development and without any Ordinance. For public understanding, a by-right development with SFR zoning could support 28 single-family homes at the location with a setback of five feet from the wall. A by-right project would not come before the Board, there would be no public comment. The development as proposed is about 40 % as large as what could be there as a by-right development.

**Board:** No further questions and comments.

**Motion:** D. Walesky moves to recommend denial PZB 23-00900001 (Ordinance 2024-02); Z. Shamsi-Basha 2<sup>nd</sup>.

**Staff:** If applicant withdraws the application, it would not go to City Commission.

**Vote:** Ayes all, unanimous.

## **NEW BUSINESS:**

### **Heard First**

- A. PZB Project Number 24-00500001:** A conditional use permit request for a ±1,791 square foot medical office located at 16 South Dixie Highway. The subject property is zoned Downtown (DT) and has a Downtown Mixed-Use (DMU) future land use designation.

**Staff:** S. Rodriguez presented case findings and analysis.

**Public Comment:** None

**Motion:** Z. Shamsi-Basha moves to approve PZB 24-00500001 with staff recommended Conditions of Approval, amending Condition # 8 to include a recommended parking plan; based on competent substantial in the staff report and in the testimony at the public hearing; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

- B. PZB Project Number 23-01400002:** A conditional use permit request to establish a daycare and elementary school greater than 7,500 square feet located at 1200 North G Street. The subject property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

**Staff:** S. Rodriguez presents case findings. Conditional Use request to expand the day-care use in Building 1 and establish an elementary school, remove indoor storage, and add an office. Building 2 will remain the same with the existing day-care facilities. Required site improvements such as parking and landscaping will be addressed through the minor site plan process. Approval will terminate an existing 1990's parking variance.

**BOARD DISCLOSURE:** No Board disclosure for New Business Item B.

**Applicant:** Miguel Perez; Eliecer Vallejo; Daniel Ruiz- Designer for the owner

**Board:** E. Urcuyo questioned the use of the office as a real estate office. Mr. Vallejo states he will be using the office for that business, his daughter is a Real Estate broker. Questions about the minor site plan modification process will address many of the topics discussed.

**Public Comment:** None

**Motion:** E. Urcuyo moves to approve PZB 23-01400002 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and in the testimony at the public hearing; D. Walesky 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** A series of Land Development Regulation changes are forthcoming. Affordable Housing, ADU Ordinance. Gulfstream Hotel will be closing in the next week. Two pending projects coming in the next few months encompassing approximately 275 dwelling units.

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

**DEPARTMENT REPORTS:** Phase II of design work to improve security and access for staff at 1900 2<sup>nd</sup> Ave N. was approved by City Commission. The construction may not reach completion until 2025.

**BOARD MEMBER COMMENTS:** D. Walesky inquires about Granite company. Staff met with the applicants and a site plan amendment may be in progress.

**ADJOURNMENT:** 10:30 pm

**From:** [kathy alm](#)  
**To:** [Planning and Zoning](#)  
**Subject:** March 1, 2024 meeting RE: Amendment to permit townhouses on "Sunset Drive"  
**Date:** Thursday, February 29, 2024 2:18:42 PM

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**Caution:** *This is an external email. Do not click links or open attachments from unknown or unverified sources.*

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We have lived at 2106 Mark Drive for 45 years.

We are very happy here but **very upset** at the thought of the above amendment being permitted! Our neighborhood has consisted of single family homes since before we moved here in 1978! I am sure the MAJORITY of home owners here feel it should remain that way!!!

Why ruin our quiet community with so many extra units contributing to a lot of extra traffic which we DO NOT NEED???? 42 units times most likely 2 people with cars could likely be 84 vehicles coming in and out of our peaceful community every day!!! It makes no sense to me except for the fact that SOMEONE is going to make a lot of money with this development to the detriment of us single family homeowners!

Sincerely,  
The Alm Family

**From:** [Bill - Musgrave](#)  
**To:** [Planning and Zoning](#)  
**Subject:** Digital Public Comment Card - Advisory Board Submission - Bill-Musgrave  
**Date:** Sunday, March 3, 2024 1:57:01 PM  
**Attachments:** [PCC -Bill-Name \(Last\) 3.6- Topic of Agenda Item on which you want to speak 12}.pdf](#)

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<b>Which Board Meeting is this Comment For?</b>
Planning and Zoning Board
<b>Meeting Date</b>
03/06/2024
<b>Comment Topic</b>
Sunset Property
<b>Name</b>
Bill Musgrave
<b>Email</b>
<a href="mailto:billmusgrave@aol.com">billmusgrave@aol.com</a>
<b>Address</b>
2920 Lake Osborne Drive, 102 Lake Worth Beach, FL 33461 United States <a href="#">Map It</a>
<b>Testimony Consent</b>
<input type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
<b>How would you like to participate?</b>
I would like the city to read my comments below
<b>Comments to be read into record</b>
I oppose this project for several reasons, but particularly because:  1. The developer has no experience building a project like this. The city and Murry Hills should not be his guinea pigs. 2. Does the developer have the financial wherewithal to successfully complete and manage this project for the long term. We have not been shown that he does. 3. Is it in the city's best interest to do business with a developer who would bully the city with threats of law suits if he doesn't get his way. That's not the kind of business arrangement I could feel good about or defend to my constituents. For these, and the many other objections you have heard tonight, I urge the board to deny approval of

the Sunset Property development.

**Sherie Coale**

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**From:** Brian McDowell <deppurpleshirts@gmail.com>  
**Sent:** Tuesday, February 20, 2024 7:05 PM  
**To:** Planning and Zoning  
**Subject:** Sunset Property Development

**Caution:** This is an external email. Do not click links or open attachments from unknown or unverified sources.

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Good evening,

I am an owner/resident in the Murry Hills Condominium Association community. I am aware that Chris Raley (SCG Florida) has acquired the property located at 826 Sunset Drive and is seeking approval for the zoning of this property. His intent is to build 42 single family townhouses on this site.

When I was searching for a home to purchase as part of my retirement, five years ago I found the Murry Hills community. The setting was ideal - bordered by John Prince Park on one side, and by 826 Sunset Drive (containing two houses) on the other sides. Here was a community where I could find the quiet enjoyment necessary to achieving my retirement plans.

Chris Raley/SCG wants to take that away from me. Please deny the request for zoning this property. Mr. Raley and SCG can look for a better location to plan and build their workforce housing/rent-to-own development. Murry Hills is a 50 year old retirement/55+ community with 518 owners. Aren't our needs greater?

Thank you,

Brian McDowell

Catherine Cargill

3320 Lake Osborne Drive - Apt. 102  
Lake Worth Beach, FL 33461-5955  
**Phone:** 617-415-3296  
**E-Mail:** cathcarg@gmail.com

City of Lake Worth

JAN 19 2024

Building Division

January 13, 2024

Mr. William Waters  
Community Sustainability Director  
City of Lake Worth Beach  
1900 2<sup>nd</sup> Avenue North  
Lake Worth Beach, FL 33461

Dear Director Waters,

I am a resident of Murry Hills. My 517 neighbors and I are long-standing Lake Worth Beach taxpayers, utility users and patrons of our community's many stores, restaurants and amenities.

We **strongly oppose** the proposed development on the Sunset property adjacent to our community for many reasons. Among them:

The 42 proposed units will tower above our community, causing a loss of privacy, light pollution, trash, noise and other disruptions to our quiet, 55+ community.

The proposed buildings will threaten the integrity of a critical retaining wall that protects many of our homes and common buildings, thus affecting the safety of our residents and the value of our investments.

The proposed development will, for all intents and purposes, be a rental community *not* a "pathway to ownership" as the developer suggests. Rents of \$3,500 per month and purchase prices of over

\$450,000 are not consistent with the developer's claims of providing "affordable" housing.

The spot zoning of the property is inconsistent with the residential nature of the surrounding neighborhoods.

The developer has never built a "sustainable" community as he is proposing. We also question his financial wherewithal to build and maintain the property for many years to come, thus diminishing the value of our community over time.

Murry Hills residents have been good neighbors and taxpayers of Lake Worth Beach for three generations. We love our city and appreciate the quality leadership of our city staff and elected officials who have preserved the unique atmosphere and character of Lake Worth Beach.

In this spirit of neighborliness and community preservation, we strongly urge the city to **please** deny the Sunset Property development project. Your acknowledgement and response to my letter is greatly anticipated.

Respectfully,



Catherine Cargill  
cathcarg@gmail.com



## Sherie Coale

---

**To:** Scott Rodriguez  
**Subject:** RE: Sunset Property Project

Dear Mr. Rodriguez,

I am a resident of Murry Hills. I first came here in 2003 to visit my parents and in 2015 bought my own place and cared for them until they died in 2018 and 2021. My 517 neighbors and I are taxpayers and patrons of our community's many stores, restaurants and amenities.

We strongly oppose the proposed development on the Sunset property adjacent to our community for many reasons. Among them:

- \* The 42 proposed units will tower above our community, causing a loss of privacy, light pollution, trash, noise and other disruptions to our quiet, 55+ community.
- \* With only one parking place per home, there will surely be at least an additional 42 cars added to our streets, and more if they have company or additional drivers.
- \* Having only one ingress/egress is extremely dangerous—should emergency vehicles or something else ever block that one entrance, then what? Sprinklers will not take care of that situation.
- \* The proposed buildings will threaten the integrity of a critical retaining wall that protects many of our homes and common buildings, thus affecting the safety of our residents and the value of our investments. The water runoff alone will be devastating.
- \* The proposed development will, for all intents and purposes, be a rental community not a “pathway to ownership” as the developer suggests. Rents of \$3,500 - \$4,000 per month and purchase prices of over \$450,000 are not consistent with the developer's claims of providing “affordable” housing.
- \* The spot zoning of the property is inconsistent with the residential nature of the surrounding neighborhoods.
- \* The developer has never built a “sustainable” community as he is proposing. We also question his financial wherewithal to build and maintain the property for many years to come, thus diminishing the value of our community over time.

Murry Hills residents have been good neighbors and taxpayers of Lake Worth Beach for three generations. We love our city and appreciate the quality leadership of our city staff and elected officials who have preserved the unique atmosphere and character of Lake Worth Beach.

In this spirit of neighborliness and community preservation, we strongly urge the city to please deny the Sunset Property development project. Your acknowledgement and response to my email is greatly anticipated.

Respectfully,

Catherine Cargill  
3320 Lake Osborne Drive  
Apartment 102  
Lake Worth Beach, FL 33461

617-415-3296

**From:** [Christopher - Gatesman](#)  
**To:** [Planning and Zoning](#)  
**Subject:** Digital Public Comment Card - Advisory Board Submission - Christopher-Gatesman  
**Date:** Tuesday, March 5, 2024 11:25:11 AM  
**Attachments:** [PCC -Christopher-Name \(Last\) 3.6- Topic of Agenda Item on which you want to speak 12}.pdf](#)

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<b>Which Board Meeting is this Comment For?</b>
Planning and Zoning Board
<b>Meeting Date</b>
03/06/2024
<b>Comment Topic</b>
Zoning Concern
<b>Name</b>
Christopher Gatesman
<b>Email</b>
<a href="mailto:chris.gatesman@gmail.com">chris.gatesman@gmail.com</a>
<b>Address</b>
2920 Cynthia Lane Building 17, Apt 205 Lake Worth Beach, FL 33461 United States <a href="#">Map It</a>
<b>Testimony Consent</b>
<input type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
<b>How would you like to participate?</b>
I would like the city to read my comments below
<b>Comments to be read into record</b>
<p>Although we are concerned about the Sunset Property on many different levels, I will focus my comments to the imposition of spot zoning in our neighborhood.</p> <p>We have lived at this address since 2003 and very much enjoyed the surrounding, one-story single-family homes that make up our neighborhood. If this property were to continue to honor this designation, we would welcome the development of these 4 acres. However, this plan does not honor the integrity of our neighborhood. The building of 42 units that would tower above its surrounding neighbors should not be permitted to go forward. This proposed development is completely out of character and would bring with it traffic congestion and safety concerns that cannot be ignored.</p>

With a plan that provides this development with one ingress and egress; we are very concerned about how this will meet emergency vehicle access to these units and what possible harm might occur to adjacent homes.

Assuming there could be as many as two or three vehicles per residence, how will this impact this small development and all of us who are living near it? This could easily be 100 or more additional vehicles in our neighborhood.

Murry Hills has significant retaining walls build at the edge of this proposed development. We are all very concerned about the possible compromise to the integrity of these walls if the Sunset Property should be approved.

These proposed structures built above the retaining walls around Murry Hills will tower above us. This will have a significant impact on the privacy we currently enjoy here in our homes. If the planning and zoning board would honor a one-story single family home plan for this property, most all of our concerns would be resolved.

We ask you to represent the residents who currently live around these 4 acres and approve a plan that is consistent with the design we have enjoyed here for multiple generations.

**From:** [William Waters](#)  
**To:** [Diane Barrette](#)  
**Cc:** [Sherie Coale](#); [Scott Rodriguez](#)  
**Subject:** RE: Comment for Sunset Project  
**Date:** Wednesday, March 6, 2024 9:26:37 AM  
**Attachments:** [image001.png](#)

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Good morning and your comment will be added to the record. Please note that according to PAPA data and Google mapping, most of the Murry Hills Condominium development is two story buildings. Thank you.

**William Waters, AIA, NCARB, LEED AP BD+C, GGP, ID, SEED  
Community Sustainability Director**



City of Lake Worth Beach  
1900 Second Avenue North  
Lake Worth Beach, FL 33461  
V: 561-586-1634  
[wwaters@lakeworthbeachfl.gov](mailto:wwaters@lakeworthbeachfl.gov)  
[www.lakeworthbeachfl.gov](http://www.lakeworthbeachfl.gov)

**Departmental Operating Hours**

Monday – Friday 8:00 am – 4:00 pm

**“We are LAKE WORTH BEACH. A hometown City that is committed to delivering the highest level of customer service through a commitment to integrity, hard work and a friendly attitude. We strive to exceed the expectations of our citizens, our businesses, our elected officials and our fellow employees.”**



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**From:** Diane Barrette <didibarrette@gmail.com>  
**Sent:** Wednesday, March 6, 2024 9:21 AM  
**To:** William Waters <wwaters@lakeworthbeachfl.gov>  
**Subject:** Comment for Sunset Project

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Lake Worth, 03-06-2024

Good morning,

My name is Diane Barrette from Murry Hills, building 16. I am in **opposition of the Sunset Development** that could harm our safety, quality of life and value our condo that we bought 2011.

Dropping a 42 units multi story townhouse development in a traditional single-family neighborhood is spot zoning that our city should avoid. The neighborhood surrounding and Murry Hills are classic one-story homes, owned and maintained by people who care about their community. The proposed development would be out of character with the neighborhood and surely bring traffic congestion and other nuisance to the area.

On the other hand, drainage from the project development onto Murry Hills and specially my condo, at 4 feet of the small wall, is currently an issue during heavy rains and storms. The addition of pavement from this project will exacerbate this issue.

For these reasons, I **ask the city to refuse any zoning** changes and to reject the Sunset Development.

Thanks to take my comment in consideration.

*Diane Barrette*

Diane Barrette

2840 Cynthia Lane, 16-111

Lake Worth, Fl 33461

**From:** [Dorothy - Brindle](#)  
**To:** [Planning and Zoning](#)  
**Subject:** Digital Public Comment Card - Advisory Board Submission - Dorothy-Brindle  
**Date:** Tuesday, March 5, 2024 12:13:39 PM  
**Attachments:** [PCC -Dorothy-Name \(Last\) 3.6- Topic of Agenda Item on which you want to speak 12}.pdf](#)

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<b>Which Board Meeting is this Comment For?</b>
Planning and Zoning Board
<b>Meeting Date</b>
03/06/2024
<b>Comment Topic</b>
826 Sunset Drive Townhouse Project
<b>Name</b>
Dorothy Brindle
<b>Email</b>
<a href="mailto:dorothyb358@gmail.com">dorothyb358@gmail.com</a>
<b>Address</b>
702 Sunset Drive Lake Worth Beach, FL 33461 United States <a href="#">Map It</a>
<b>Testimony Consent</b>
<input type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
<b>How would you like to participate?</b>
I would like the city to read my comments below
<b>Comments to be read into record</b>
My name is Dorothy Brindle. I've been living at 702 Sunset Drive for 44 years. I STRONGLY object to this development because of the increase in traffic and noise with the many cars, trucks and garbage collection vehicles. We have a lot of speeding cars now, we don't need anymore. And there is only one road going off and on the property

**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} - SAM -  
SMITH**



{Topic of Agenda Item on  
which you want to  
speak:12}

**WHICH BOARD MEETING IS THIS  
COMMENT FOR?**

Planning and Zoning Board

**MEETING DATE**

03/06/2024

**COMMENT TOPIC**

Unfinished Biz - B - Ordinance 2024-03

**NAME**

Sam Smith

**EMAIL**

[samstersmithy@yahoo.com](mailto:samstersmithy@yahoo.com)

**ADDRESS**

109 north palmway  
Lake Worth Beach, FL 33460  
United States

**TESTIMONY CONSENT**

Consent not given.

Do you swear and affirm the testimony you are about to give will be the truth,  
the whole truth and nothing but the truth?

**HOW WOULD YOU LIKE TO  
PARTICIPATE?**

I would like the city to read my comments below

**COMMENTS TO BE READ INTO RECORD**

I am very much against this proposed ordinance permitting townhome complexes in residential areas that are zoned single family. The proposed ordinance would be a major zoning change which would negatively impact current residents and homeowners who bought single family homes in neighborhoods that are presently zoned as single family. To do that would harm current residents who relied on single family home zoning when they purchased their homes. Putting large complexes (or even small ones) of townhomes in the middle of single family zoned historic homes would negatively impact those of us who live here and would greatly harm the character of our neighborhoods. Please reject this proposal.

George Adams  
3320 Lake Osborne Dr #201  
508 245 3415

I strongly disagree with 2024-03. Specifically:

- This update will impact the **underserved of the community**. I believe this will displace a significant part of the **marginalized community** in Lake Worth Beach as the more affordable properties where they are currently living will be transformed into unaffordable townhouses. And those who are displaced will add an additional burden to the city housing crisis. This zoning update has the potential to make our housing situation worse not better, by **displacing the underserved currently living in our community**.
- **Impact the Lake Worth Beach Architectural charm and culture**. Many communities like those found on Lake Osborne Dr run the risk of being transformed into rows of Townhouses, destroying the classic **Old South Florida Architecture** that has been so well preserved in Lake Worth Beach.
- **Litigation risks**. In my view, the city leadership should expect lawsuits from both developers wanting to create townhouses and residents desiring the status quo if this item is passed. In my view, this updated zoning law provides opportunities for developers to **litigate townhomes into unwanted areas of the city**.



Lake Worth February / 28 / 2024

City of Lake Worth

Good evening Ladies and Gentlemen...

My name is Helene Bergeron Darveau from MurryHills, 2960 Cynthia Lane.

My Condo is barely 6 Feet from the wall. A two stories high housing on top of an already High Wall, will affect directly our privacy.

The proposed structure will also look down on our community pool and recreation areas , reducing the enjoyment and privacy of our amenities.

Any work by heavy machinery will weaken that Wall and endanger our safety and reduce the value of ours units.

The proposed development will bring traffic congestion and added noise to our surroundings and is out of phase with the single-family neighborhood in the area.

Thank you for listening my fears.....

Helene Bergeron Darveau

Good evening ladies and gentlemen,

My name is Fernande Frechette, 2920, Lake Osborne Dr., enjoying the tranquility of Murry Hills. My husband, Serge Coté and I are in opposition of the Sunset Development that could harm our safety, quality of life and value our condo.

Due to the ground elevation of the Sunset property, the proposed townhouses will, in effect, tower almost five stories above where we live. The development will hover over Murry Hills casting long shadows all times of the day. In addition, it is necessary to add an important pollution by the added light, by the noise, the waste and the belongings stored outside the units will be constant annoyances.

These factors will lessen the value of our homes and the quality of life we have enjoyed over many years. For these reasons, I ask the Planning and Zoning Commission to refuse any zoning changes and to reject the Sunset Development.

Serge Coté, Fernande Fréchette

March 02/06/2024

January 21, 2024

MR. WILLIAM WATERS  
COMMUNITY SUSTAINABILITY DIRECTOR  
CITY OF LAKE WORTH BEACH  
1900 2ND AVENUE NORTH  
LAKE WORTH BEACH, FL, 33461

RECEIVED

JAN 24 2024

City of Lake Worth Beach  
Building Division

Please, also, forward this correspondence to all planning and zoning board members.

Lake Worth Beach Planning and Zoning board, before making any decisions regarding the proposed Sunset project at 826 Sunset Drive, Lake Worth Beach, I encourage you to do 2 things:

First, drive to the end of Sunset Drive and just imagine 100 people coming and going out of one small entrance into the surrounding quiet neighborhood.

Secondly, drive into the Murry Hills condo community and take a look at the approximately 14 foot retaining wall and see how close it is to our residential units.

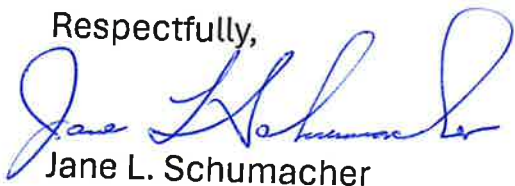
The construction activity could potentially apply pressure to this wall that was never intended, and observe the height differential that the new structures would impose.

Also, approving zoning for this project as an SR7 with 27 townhouses is a totally different presentation than the 42 townhouses proposed.

I believe this property is best suited to 1 – 8 single family homes.

Please give a lot of thought and consideration to the fact that 42 townhouses on this property is not the best use of this property and will have a devastating impact to the surrounding communities.

Respectfully,



Jane L. Schumacher

Murry Hills Condo  
3402 Cynthia Lane, Unit 201  
Lake Worth Beach, FL 33461  
301 752 5777

January 15, 2024

Melissa Ann Coyne,

My name is Jane Schumacher and I am a resident of Murry Hills for 8 years. I and my 517 neighbors are long-standing Lake Worth Beach taxpayers, utility users and patrons of our community's many stores, restaurants and amenities.

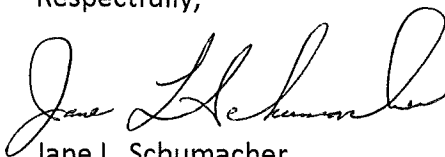
We strongly oppose the proposed development on the Sunset property adjacent to our community for many reasons. Among them:

- The 42 proposed units will tower above our community, causing a loss of privacy, light pollution, trash, noise and other disruptions to our quiet, 55+ community.
- The proposed buildings will threaten the integrity of a critical retaining wall that protects many of our homes and common buildings, thus affecting the safety of our residents and the value of our investments.
- The proposed development will, for all intents and purposes, be a rental community not a "pathway to ownership" as the developer suggests. Rents of \$3500 per month and purchase prices of over \$450,000 are not consistent with the developer's claims of providing "affordable" housing.
- The spot zoning of the property is inconsistent with the residential nature of the surrounding neighborhoods.
- The developer has never built a "sustainable" community as he is proposing. We also question his financial wherewithal to build and maintain the property for many years to come, thus diminishing the value of our community over time.

Murry Hills residents have been good neighbors and taxpayers of Lake Worth Beach for three generations. We love our city and appreciate the quality leadership of our city staff and elected officials who have preserved the unique atmosphere and character of Lake Worth Beach.

In this spirit of neighborliness and community preservation, we strongly urge the city to deny the Sunset Property development project. Your acknowledgement and response to our letter is greatly anticipated.

Respectfully,



Jane L. Schumacher  
Murry Hills Condo  
3402 Cynthia Lane, Unit 201  
Lake Worth Beach, FL 33461  
301 752 5777

**From:** [Scott Rodriguez](#)  
**To:** [Sherie Coale](#)  
**Subject:** RE: Sunset Property  
**Date:** Friday, February 23, 2024 4:47:32 PM

---

But we need to submit this as part of the record, right? Do we read it at the meeting?

Scott Rodriguez, AICP, GGEP  
Assistant Director, Planning & Preservation  
Community Sustainability Department

City of Lake Worth Beach  
1900 Second Avenue North  
Lake Worth Beach, FL 33461  
T: 561-586-1705  
[smrodriguez@lakeworthbeachfl.gov](mailto:smrodriguez@lakeworthbeachfl.gov)  
[www.lakeworthbeachfl.gov](http://www.lakeworthbeachfl.gov)

Departmental Operating Hours  
Monday – Friday 8:00 am – 4:00 pm

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-----Original Message-----

From: Sherie Coale <[scoale@lakeworthbeachfl.gov](mailto:scoale@lakeworthbeachfl.gov)>  
Sent: Friday, February 23, 2024 4:45 PM  
To: Scott Rodriguez <[smrodriguez@LakeWorthBeachfl.gov](mailto:smrodriguez@LakeWorthBeachfl.gov)>  
Subject: RE: Sunset Property

Luckily it's not your decision but that of the Board of city residents.

Sincerely,

Sherie C Coale  
Executive Secretary - Department for Community Sustainability

City of Lake Worth Beach  
1900 2nd Ave North  
Lake Worth Beach, FL 33461

V: 561-586-1687  
V: 561-586-1633  
[scoale@lakeworthbeachfl.gov](mailto:scoale@lakeworthbeachfl.gov)

www.lakeworthbeachfl.gov

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-----Original Message-----

From: Scott Rodriguez <smrodriguez@LakeWorthBeachfl.gov>

Sent: Friday, February 23, 2024 4:42 PM

To: Sherie Coale <scoale@lakeworthbeachfl.gov>

Subject: FW: Sunset Property

FYI

Scott Rodriguez, AICP, GGEP  
Assistant Director, Planning & Preservation Community Sustainability Department

City of Lake Worth Beach  
1900 Second Avenue North  
Lake Worth Beach, FL 33461  
T: 561-586-1705  
smrodriguez@lakeworthbeachfl.gov  
www.lakeworthbeachfl.gov

Departmental Operating Hours  
Monday – Friday 8:00 am – 4:00 pm

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-----Original Message-----

From: john.hoogstrate jonixllc.com <john.hoogstrate@jonixllc.com>

Sent: Friday, February 23, 2024 4:38 PM

To: Scott Rodriguez <smrodriguez@LakeWorthBeachfl.gov>

Subject: Sunset Property

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Scott-

I am a resident of Murry Hills and have several concerns with regard to the development of the Sunset property.

1. The initial height of the grade is 50' above sea level. Two story townhouses would add 30' to this. Plantings on the roofs would essentially add another story making the total height 95' above sea level.

It is my understanding that because of the proximity of the airport to this property, both the FAA and the county government need to be aware of this development even though it is below the 200' threshold. Has this occurred?

2. Zoning shows that the property is zoned NZ (Not Zoned). In keeping with the current surrounding zoning, if zoning is changed, it ought to reflect the intent of the current surrounding zoning. Townhouses by definition would tower over the existing ranch style homes in the area making a once desirable neighborhood not so desirable.

3. Water runoff management for a project of this size can be challenging, not only once finished, but during construction. Stripping the land of vegetation during construction will only exacerbate the runoff challenges. Weather is predictable, but impacts from poorly managed runoff can be unpredictable. If runoff becomes an issue, Murry Hills, being lower than the proposed development, will feel the brunt of the mismanagement.

4. One ingress/egress into a forty two unit townhouse development seems underestimated and troublesome. A scenario can be imagined where simultaneous events occur blocking the ingress/egress while at the same time requiring emergency response within the development. I would expect that insurance coverage premiums for the individual units would take into account this issue, perhaps causing some insurers to back away from issuing policies.

5. The character of the Sunset property, once disturbed, can never be put back to its current, original condition. Let's think about that for a moment. A green space, hosting local wildlife and absorbing large quantities of rainfall will cease to exist. Aquifers used for lawn irrigation systems that rely on that absorption could be affected.

These are some of my concerns with regard to the Sunset property. Lake Worth needs to look inward, carefully understanding that this is a precedent setting decision. I would expect that there are several developers watching this with great interest. Your decision on this issue will reverberate through Lake Worth for many, many years to come.

Sincerely-

John Hoogstrate  
3080 Lake Osborne Drive  
Apt 107  
Lake Worth, Florida 33461

JR Hoogstrate JR  
(603) 852-6870

**Sherie Coale**

---

**To:** William Waters  
**Subject:** RE: Sunset Property

---

**From:** Ruth Lynch <[ruthbeachwalker@hotmail.com](mailto:ruthbeachwalker@hotmail.com)>  
**Sent:** Wednesday, February 28, 2024 6:00:37 PM  
**To:** Melissa Coyne <[mcoyne@lakeworthbeachfl.gov](mailto:mcoyne@lakeworthbeachfl.gov)>  
**Subject:** Sunset Property

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My name is John T. Lynch DVM owner of Lake Osborne Animal Clinic, 1502 Lake Osborne Drive, Lake Worth and residence at 2802 Lake Osborne Drive, Lake Worth. I've been a resident of Lake Worth since 1976. I'd like to express my opinion concerning the Sunset Property in Lake Worth. I'm opposed to the development of 42 townhouses in a quiet single family residence neighborhood. The added traffic to Sunset Drive would be overbearing. Entrance to 6<sup>th</sup> Avenue South from Sunset Drive is already treacherous, added high volume traffic would exacerbate the problem. Please, do not consider any high density to the Sunset Property.

Thank you,

John T. Lynch DVM



**From:** [Jorma - peltola](#)  
**To:** [Planning and Zoning](#)  
**Subject:** Digital Public Comment Card - Advisory Board Submission - Jorma-peltola  
**Date:** Tuesday, March 5, 2024 9:28:25 PM  
**Attachments:** [PCC -Jorma-Name \(Last\) 3.6- Topic of Agenda Item on which you want to speak 12}.pdf](#)

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<b>Which Board Meeting is this Comment For?</b>
Planning and Zoning Board
<b>Meeting Date</b>
03/06/2024
<b>Comment Topic</b>
PZB PROJECT NUMBER 23-00900001 (ORDINANCE 2024-02)
<b>Name</b>
Jorma peltola
<b>Email</b>
<a href="mailto:mr.peltola@gmail.com">mr.peltola@gmail.com</a>
<b>Address</b>
3362 Cynthia Lane Apt 104 Lake Worth, FL 33461 United States <a href="#">Map It</a>
<b>Testimony Consent</b>
<input type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth
<b>How would you like to participate?</b>
I would like the city to read my comments below
<b>Comments to be read into record</b>
<p>It is my understanding that Sunset Holdings LLC is working with the City of Lake Worth to build nine, 2-story townhomes encompassing 42 condominium units to the referred Sunset Property. This is only feasible through changes from the current Medium Density Residential (MDR) land-use to that of a Single Family Residential (SF-R) zoning with special provisions &amp; amendments that allow this high dwelling density construction to otherwise single-family residential zoning category.</p> <p>While the undersigned understands the demands and needs for new housing for the local workforce, such developments should include necessary restrictions and compatibility standards to conform with the abutting neighborhood and residential areas.</p>

Pending City decisions to favor proposed development will impact Murry Hills in a number of concerning and critical ways. These include:

**Topographical differences.** Substantial elevation differences, approximately 50 feet, exist between Sunset Drive townhouses and many Murry Hills buildings. Such differences in very close proximity will lead to unavoidable non-harmonious development. More specifically, 2-story Sunset Property townhouses will be built very close to Murry Hills property line and Retainer Wall thus creating towering, shadowing and tunneling effects that are difficult to mitigate with plants, pushes and trees from either property.

**Residential Privacy.** As noted above, these elevation differences between Sunset and Murry Hills structures close to property line will diminish residential privacy not just in private homes but also Murry Hills common and recreational areas - swimming pool and deck areas for example.

**Retainer Wall.** The ability of the existing, 1960 built retainer wall that separates Murry Hills from the Sunset Drive Property to withstand new development plans is highly questionable. The impact of removing surface vegetation, deep root trees, use of heavy excavation equipment and weight of new building structures could cause walls to break. Retainer wall was not built for such a purpose. Breakage or collapse could have disastrous consequences for both properties.

**Property Values/Rental vs. Ownership.** Ownership tends to attract buyers that invest time and effort to keep properties in good and sound order. This would enhance property values at Sunset Drive and adjacent communities.

Thus, in conclusion, I am opposing the referred Sunset Drive Development that proposes development of 42 dwelling units; instead, I would support zoning changes that are characterized by lower building density per acre, single-family, single-story homes wherein qualitative development standards would be better met with the adjacent neighborhoods,

William Waters  
Community Sustainability Director  
[wwaters@lakeworthbeachfl.gov](mailto:wwaters@lakeworthbeachfl.gov)

Raymond and Susan Ludwig  
3402 Cynthia Lane  
Building 23 Unit 110  
Lake Worth Beach FL 33460

March 5, 2024

Re: Opposition to the current plan for the Proposed Sunset Development (Project) on Lake Osborne Drive.  
Public Hearing March 6 at 6:00pm

Dear Mr. Waters,

I read these clips from an article in the Palm Beach post quoting you on Lake Worth Beach in 2019 and I could not agree more. As a result I am opposed to this project as presented.

A city of 18 neighborhoods, to be exact. They're the building blocks of the community, each with a distinct identity of its own, from the architecture of its homes to the challenges its residents face. The strength of the city, William Waters, director for community sustainability said, resides within the neighborhoods.

**“What may be really bad in one neighborhood is not a problem in another neighborhood,” Waters said.** “So having a better understanding and a closer relationship with the neighborhood and what their expectations are ... will be very helpful, because then we can actually be successful and make a difference in their eyes. Because it is their neighborhood.”

**This project to utilize your quote” is really bad for one neighborhood”, Murry Hills, which were largely built in the 70’s. I believe my building, the last (23) was built in 1983.** My grandfather moved to Lake Worth to N E Street in 1972 and my brother still maintains his house today.

My name is Ray Ludwig. My wife Susan and I are the owners of Unit 110 in Building 23 in Murry Hills. I have owned this unit since February 2002. My building is right next door to the Proposed Sunset Project and will have an adverse impact on my living conditions. The construction alone will be disruptive for years, and I am not getting any younger. Let me start by saying I am not one to stymie reasonable growth, but this project is outside that scope for the planned location. I am confused some about the current zoning which I hear is single family. That does line up with most of the neighborhood along the lake drive. I am told that two story town houses are considered single family homes. That seems like a stretch from conventional planning.

I am sure you have taken the time to visit or plan to visit Murry and its proximity to the Project. The Project will tower over the Murry condos with the lower townhouse position on the same level as the roof of my building, 23. And I read of rooftop gardens? Lighting? Also the retaining wall which is original, will be compromised. I hear the contractor won't get a study for the wall.

The privacy factor to my unit and many others, as well as, the Pool and Recreation areas will be eliminated. These areas are what makes Murry Hills a special neighborhood community. There is always an events happening. I love Murry Hills. We will lose our quality of life, all 518 units.

**To quote you again:**

“So having a better understanding and a closer relationship with the neighborhood and what their expectations are ... will be very helpful, because then we can actually be successful and make a difference in their eyes. Because it is their neighborhood.”

Perfectly said, Murry Hills is our Neighborhood.

**There are a list of concerns outside of what I have described above, some notable:**

The Project will not be over 55 limited, noise pollution will impact our community.

The Project will not have initial owners or perhaps ever owned. This will lead to the lack of property upkeep.

100 cars plus, pets and children packed into a 3-4 acre parcel? Will they be parking along Lake Osborne drive? Appears to be Spot Zoning?

I am an animal and nature lover and that location I have noted over the years is home to many small animals and helps greatly with drainage in the area. A natural wind block.

I can't find anything for Chris Reilly at SCG Construction that's a comparable project.

We have had recent safety and security issue, this won't ease the situation of the residents

We have a history at Murry, many multi-generation owners. My mother was in my unit until she died in September. I am retiring this year to Murry, but that may change. I don't need 2-3 years of chaos next door.

In closing, I ask that you deny the necessary permits for this project as designed. We have over 1000 residents that have made their home at Murry Hills. To completely upend the neighborhood is just not what Lake Worth Beach is noted for. I have always loved this place since my first visit in 1974 as a teenager. I thank you for taking the time to read this and give this Project the proper oversight and scrutiny it deserves. It can't go forward at designed.

Sincerely,

Raymond Ludwig  
23-110 Murry Hills  
518-281-3194©

## Sherie Coale

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**From:** Rhonda - Ragen <ksullivan@lakeworthbeachfl.gov>  
**Sent:** Wednesday, February 28, 2024 10:06 AM  
**To:** Planning and Zoning  
**Subject:** Digital Public Comment Card - Advisory Board Submission - Rhonda-Ragen  
**Attachments:** PCC -Rhonda-Name (Last)\_3.6- {Topic of Agenda Item on which you want to speak\_12}.pdf

**Caution:** This is an external email. Do not click links or open attachments from unknown or unverified sources.

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### Which Board Meeting is this Comment For?

Planning and Zoning Board

### Meeting Date

03/06/2024

### Comment Topic

Sunset Property Development

### Name

Rhonda Ragen

### Email

[kendrastropicalgifts@aol.com](mailto:kendrastropicalgifts@aol.com)

### Address

3160 Lake Osborne Drive  
#111  
Lake Worth Beach, FL 33461  
United States  
[Map It](#)

### Testimony Consent

I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth

### How would you like to participate?

I would like the city to read my comments below

### Comments to be read into record

As a condo owner in Murry Hills I think that developing the Sunset property into townhouses is unsafe, will cost area single home as well as Murry Hills condo residents additional cost and uncomfortable living conditions for the following reasons.

- 1) The small area streets are unfit for this much additional traffic and will create a hazard for area residents especially in a hurricane evacuation.
- 2) Since there are one hundred year old trees on the Sunset property the roots to be removed will cause a settling and rain/ mud runoff problem to Murry Hills residents. The wall that is currently there won't hold up to building or townhouses.
- 3) The Sustainable Construction Group has done no prior townhouse projects per their website so they have no experience in

building this development.

In addition Murry Hills doesn't allow dogs per their rules for safety, barking and comfort of owners and Sunset townhouses plan to have a dog park.

The above items will also cause an increase in insurance for area single family and Murry Hills owners which has recently been increased by FL state new condo rules.

**From:** [Historic Preservation](#)  
**To:** [William Waters](#); [Scott Rodriguez](#)  
**Cc:** [Sherie Coale](#)  
**Subject:** FW: Historic 826 Sunset Drive home and property  
**Date:** Tuesday, February 27, 2024 11:05:51 AM  
**Attachments:** [image002.png](#)

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Annie Greening, GGEP  
Senior Preservation Planner | Community Sustainability Department



City of Lake Worth Beach  
1900 Second Avenue North  
Lake Worth Beach, FL 33461  
V: 561-586-1703  
[agreening@lakeworthbeachfl.gov](mailto:agreening@lakeworthbeachfl.gov)  
[www.lakeworthbeachfl.gov](http://www.lakeworthbeachfl.gov)

### **Departmental Operating Hours**

Monday – Friday 8:00 am – 4:00 pm

**“We are LAKE WORTH BEACH. A hometown City that is committed to delivering the highest level of customer service through a commitment to integrity, hard work and a friendly attitude. We strive to exceed the expectations of our citizens, our businesses, our elected officials and our fellow employees.”**

CITY OF LAKE WORTH BEACH E-MAIL DISCLAIMER:

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from local officials regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

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**From:** Ruth Lynch <ruthbeachwalker@hotmail.com>  
**Sent:** Tuesday, February 27, 2024 10:52 AM  
**To:** Historic Preservation <historicpreservation@LakeWorthBeachfl.gov>  
**Subject:** Historic 826 Sunset Drive home and property

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We want to bring to your attention that a 1923 historical clapboard home on 4 acres at 826 Sunset Drive on the highest point of the ridge overlooking Lake Osborne in the Lake

Osborne Heights neighborhood is at risk of being torn down. This is an amazing home, a 2 story clapboard with wrap around porch and a separate workshop/garage. Few people are aware of the existence of this historical gem. There are many old furnishings and tools/equipment. This unique and historical home is worth preserving and the artifacts worth saving for Lake Worth history. A developer is presenting at the March 6th Planning & Zoning Board meeting requesting high density zoning development. Please research this property for its value to you and Lake Worth. Your attention and assistance are requested on behalf of our neighborhood and Lake Worth history.

Thank you. Ruth & John Lynch



## Sherie Coale

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**Subject:** RE: Please Vote No on Sunset Property

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From: Ruth Lynch <ruthbeachwalker@hotmail.com <mailto:ruthbeachwalker@hotmail.com> >  
Sent: Wednesday, February 28, 2024 6:32:11 PM  
To: Melissa Coyne <mcoyne@lakeworthbeachfl.gov <mailto:mcoyne@lakeworthbeachfl.gov> >  
Subject: Please Vote No on Sunset Property

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To: Melissa Coyne, City Clerk Lake Worth Beach

Reasons to Vote No on Sunset Property

### Character

I live in the Lake Osborne Heights neighborhood and have enjoyed this wonderful quiet community for 20 years. Our homes were built between the 1950's and 1970's around the original Sunset property which was built in 1923. Any development of this land beyond single family home is simply out of character with the Sunset neighborhood.

### Geography

The 826 Sunset Drive property is unique in that it is located on the highest point of a remnant ridge at 50 feet that drops off steeply on 3 sides to the Murry Hills neighborhood at 14 feet. Due to the geography, any large or heavy development would be unsafe to the stability of the ridge and surrounding homes.

### Access

The only property entrance is through a single driveway between two existing homes, which severely limits safe access in and out. Emergency vehicles would have difficulty navigating the small loop road design.

### Unproven

This developer lacks a proven record with no previous developments and has no proof that his sustainability designs will work. Please do not experiment with our neighborhood.

### Traffic

Due to a flawed traffic study executed during the pandemic we have no idea how dramatic the proposed development will increase traffic at our already dangerous spot east of the bridge where we enter 6th Avenue South.

### Deny

This project negatively affects us all.  
On behalf of all my wonderful neighbors, please move to deny any high-density zoning beyond single family homes.

Thank you for all you do for Lake Worth Beach,

Ruthie Lynch

# PUBLIC COMMENT CARD - ADVISORY BOARD - {AGENDA SECTION:10} - RYAN - OBLANDER



{Topic of Agenda Item on  
which you want to  
speak:12}

<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Planning and Zoning Board
<b>MEETING DATE</b>	03/06/2024
<b>COMMENT TOPIC</b>	Ordinance 2024-03
<b>NAME</b>	Ryan Oblander
<b>EMAIL</b>	<a href="mailto:lwb@oblender.33mail.com">lwb@oblender.33mail.com</a>
<b>ADDRESS</b>	1702 N A ST Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> I swear and affirm the testimony I am about to give will be the truth, the whole truth and nothing but the truth Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	<p>I have witnessed the drastic change of the single family neighborhood over time by the overdevelopment of these townhouse projects within the city limits of eastern Fort Lauderdale. Increases in traffic, street parked vehicles, over occupancy, tenant turnover with mattresses and contents on the curb every week, stresses on city, school and emergency services, neighbor disputes, and a decrease in privacy, especially with the height that these buildings allow with reduced setbacks. Developers would assemble lots and demolish houses block by block just to build new projects, pocket the money, rinse and repeat, and the single family owners next door could do little if anything about it except watch their neighborhood slowly deteriorate in quality and character. I am against this proposed amendment.</p>

Date: March 6, 2024

To: Lake Worth Beach Planning and Zoning Board  
Re: PZB Project Number 23-00900001 (Ordinance 2024-02)  
(826 Sunset Drive Proposal)

Dear Planning Board Members

My name is Bill Yates. My spouse, Terri, and I have owned a condominium at 3120 Cynthia Lane since 2017, and it has been in my family for approximately 20 years. We oppose this Development for the reasons which I enumerate below. We strongly encourage this Board to deny the instant request. Our opposition to this proposal is based upon the plan to densely develop an environmentally sensitive lot where the risks to current homeowners exceed the proposed benefits to the city. It is indisputable that no benefits accrue to the current residents of Murry Hills, or the Sunset Drive neighborhood should this matter be approved.

Sunset Drive is not a **by-right development**. Accordingly, this matter is subject to public review in conformance with state statutes, rules, and local ordinances and codes. Townhomes are not currently permitted in Lake Worth Beach in the Single Family Residential (SF-R) zoning district.

On page 4 of the Planning and Zoning Board report, dated January 17, 2024, it states in part; "The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the city." The report concluded that the proposed development is consistent with the Comprehensive Plan, Strategic Plan, and land development regulations (LDRs). That finding, in my view, is badly flawed and unsupported by the facts.

Section 23.1 - 3 of Lake Worth Beach land development regulations (LDR) states in part that the purpose of the LDR is to implement the comprehensive plan of the City pursuant to F.S. 163 for the protection and promotion of the safety, health, comfort, morals, peace, prosperity, appearance, and general welfare of the city and its inhabitants. The morals element is not applicable in this instance.

The proposed development does not protect and promote the safety, health, comfort, peace, prosperity, appearance and general welfare of the city and its inhabitants. Let us look at these elements:

**Safety:** The 4.017 proposed development lot sits higher than the floor of my second story condominium. This mass of land is held back from my building by a fourteen-foot-tall retaining wall which is only six feet and four inches from the east side of my home. The retaining wall is a mere eight inches thick and exists on three sides of the lot, but at varying heights. No one is certain whether the retaining wall can survive the forces of the proposed development, nor can we forecast the extent to which this project presents a threat to our personal safety and/or property.

In researching Environmental Protection Agency (EPA) guidelines, I came upon a note that if a property to be developed is located on a hill even the most careful precautions may be insufficient to prevent

storm water runoff. The EPA for Florida notes that one precautionary step developers may consider is phasing the development so that the disturbance to the land is initiated in sections to mitigate the potential for damage to adjacent downhill properties. In this instance the developer has proposed a single-phase development which increases the risk of storm water runoff and damage to Murry Hills residents. The threat of chemical pollution through storm water runoff is particularly concerning because this property was used as a small farm during a time that DDT and other dangerous and currently banned chemicals were used for insect and weed control. We do not know what tearing up the trees and digging foundations will bring to the surface.

The number of vehicles that are forecast to be parked on this lot (over one hundred) and the single residential street (Sunset Drive) serving as the sole ingress and egress present significant safety concerns, including.

1. Fire and health risks to all residents of the proposed townhomes, Murry Hills, and to families living in the adjacent single family detached residences if emergency vehicles are unable to have unfettered access in the case of a health or fire emergency. The risks of fire damage are particularly concerning to Murry Hills residents as these proposed townhomes will tower over existing Murry Hills condominiums due to the height of the lot and their two-story construction.
2. The risks to children at play when construction vehicles begin pouring through what is currently a quiet Sunset Drive neighborhood. Even upon completion of the project increased car and truck traffic will present health and safety risks to children and families in the Sunset Drive neighborhood due to the decision to build a dense project on the innermost lot in the neighborhood.

**Health:** Since this property is up to approximately thirty feet above Murry Hills, storm water runoff will impact Murry Hills. Dirt, chemicals, oil, antifreeze, and other unknown contaminants resulting from current soil conditions, construction disturbance and equipment, and from over one hundred town home vehicles plus delivery trucks, moving vans, and maintenance vehicles that drip oil, gasoline, antifreeze, or other poisonous fluids which will invariably contribute to storm water runoff pollution.

The potential negative health impacts to children, and families are discussed in bullets one (1), and two (2), above in the **Safety** narrative.

**Peace:** This proposed project presents a major disruption to the peace of the adjacent neighborhoods.

For residents of Murry Hills the proposed project introduces light and noise pollution, changes views from beautiful trees and flowering shrubs to buildings towering over our community. It introduces a level of fear and risk to our lives regarding the ability of the retaining wall to withstand the forces of development and the ability of the developer to prevent storm water runoff.

For our detached single family home neighbors on the north side, town home vehicles must pass through the existing neighborhood while leaving and returning which when combined with additional traffic from moving trucks, delivery vehicles and maintenance vehicles will forever change the current peaceful Sunset Drive area.

**Prosperity:** The extent to which the prosperity of the current residents will be negatively impacted is unknown. However, the negative risks are identifiable for well over five hundred homeowners in Murry

Hills and adjacent neighborhoods. These negative risks include lower property values and the expense of dealing with:

- Failure of the perimeter retaining wall which sits on three sides of the building lot for Murry Hills residents.
- Storm water runoff carrying dangerous chemicals to downhill adjacent properties, with the possibility of ending up in Lake Osborne,
- Increased truck and automobile traffic through a currently quiet residential neighborhood,
- Town homes located close to property borders towering over existing condominiums, and
- A permanent loss of privacy to Murry Hills residents as well as an increase in noise and light pollution.

There are no beneficial risks to the residents of Murry Hills or to the detached single-family homeowners. The development will not increase property values, will not reduce traffic, will not reduce noise levels, improve health and safety, or enhance the general welfare. There are simply no benefits.

**Appearance:** I have no objection to the proposed appearance of the townhomes. However, I do object to the appearance of the project on the chosen lot. The site-plan pushes town home buildings to the edges of the 4.017- acre lot. Because the base height of the lot is already approximately two stories in height above Murry Hills, the townhomes will tower over the existing Murry Hills condominiums. This will dramatically change the views of the residents of Murry Hills in addition to introducing noise, and light pollution as well as disrupting the privacy of our residents. Town home residents will look down on the porches and into bedrooms of condominium units.

**General welfare of the City and its inhabitants:** It is a fact that approval of this project will bring additional tax dollars into the city, but at what cost to current taxpayers. There are over five hundred taxpayers in Murry Hills alone. Due to our fifty-five or older rules, we present the city with tax revenues, but not school cost burdens. We dine out frequently, attend the art shows, movies, theater, and unique events throughout the City and Palm Beach County. We spend our retirement dollars and contribute to the economic vitality of Lake Worth Beach. How would approval of this project enhance our general welfare? It does not. In fact, the converse is true. It victimizes us.

In conclusion: I think Mr. Chris Raley has presented the city with an exciting proposal, but not for the lot in question. The negative risks associated with locating the proposed project on this lot far exceed the value in additional taxes to be realized. Accordingly, I am requesting that the Board deny this request.

Sincerely

A handwritten signature in black ink that reads "WR Yates". The signature is written in a cursive, flowing style.

William R (Bill) Yates  
3120 Cynthia Lane  
Lake Worth Beach, FL 33461  
Mobile: 410-739-7630

cc:

Mayor Betty Resch

Commissioner Sarah Malega

Commissioner Christopher McVoy

Commissioner Kim Stokes

Commissioner Reinaldo Diaz

**From:** [TERRIEL](#)  
**To:** [Planning and Zoning](#)  
**Subject:** Comments on Sunset Drive Proposal  
**Date:** Wednesday, March 6, 2024 11:22:45 AM

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RE: PZB Project Number 23-00900001

How would you feel?

If you were a grandmother who spent many decades working, many times working more than one job, raising children, and helping raise grandchildren. You have had a good life and looked forward to retirement. In 2017 You find an ideal setting, quiet, peaceful, and affordable. You risk a good portion of your savings on a condominium home in Murry Hills, a wonderful place to spend your remaining years. The condominium is all that you hoped for. Your balcony porch overlooks the Sunset Drive property which contains flowering shrubs and mature trees. It affords both privacy and opportunities to view birds and flowering plants in a peaceful setting. Your condominium is separated from the property by a tall retaining wall that is as close as six feet and four inches from your porch.

And then you are told:

The lot adjacent to your porch has a purchaser... someone one who will take away the privacy, the beauty, and the peace. Instead, there will be a two plus story townhome building looming over your condominium, close to the wall. The mature trees will be torn out at an unknown cost to the integrity of the wall, and at risk for storm water runoff. You learn that the developer advised Murry Hill COA directors that the wall is not his concern. What if the wall succumbs to the pressure of the excavating, the soil disturbances, tree removal, weight of the buildings, road, and vehicles? Are the Murry Hills residents safe? Who will protect our existing Murry Hill community from the potential devastating effects of a development on an environmentally sensitive lot? Does the developer have experience with building on comparable sensitive landscapes? My fear is our sanctuary will be no more. Our safety could be at risk. Our way of life here will be altered irreparably.

Why are so many buildings (9) and units (42) proposed on a small four (4) acreage lot? Why in this quaint neighborhood would you build something that is towering over the existing ranch and condominium style homes? It will be a great intrusion on the privacy and peacefulness of so many of the existing residences. Like so many of the residents at Murry Hills I request that the proposed development plan for this property be denied, and instead the City adhere to the land use designation (SF-R), and instead permit a limited number of detached single family

homes to be constructed per current City guidelines and in conformance with the ROLO neighborhood.

How would you feel?

Terriel Yates  
3120 Cynthia Lane  
Lake Worth, Florida

Sent from [Mail](#) for Windows



**PUBLIC COMMENT  
CARD - ADVISORY  
BOARD - {AGENDA  
SECTION:10} - SAM -  
SMITH**



{Topic of Agenda Item on  
which you want to  
speak:12}

<b>WHICH BOARD MEETING IS THIS COMMENT FOR?</b>	Planning and Zoning Board
<b>MEETING DATE</b>	03/06/2024
<b>COMMENT TOPIC</b>	Unfinished Biz - B - Ordinance 2024-03
<b>NAME</b>	Sam Smith
<b>EMAIL</b>	<a href="mailto:samstersmithy@yahoo.com">samstersmithy@yahoo.com</a>
<b>ADDRESS</b>	109 north palmway Lake Worth Beach, FL 33460 United States
<b>TESTIMONY CONSENT</b>	<input checked="" type="checkbox"/> Consent not given. Do you swear and affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth?
<b>HOW WOULD YOU LIKE TO PARTICIPATE?</b>	I would like the city to read my comments below
<b>COMMENTS TO BE READ INTO RECORD</b>	I am very much against this proposed ordinance permitting townhome complexes in residential areas that are zoned single family. The proposed ordinance would be a major zoning change which would negatively impact current residents and homeowners who bought single family homes in neighborhoods that are presently zoned as single family. To do that would harm current residents who relied on single family home zoning when they purchased their homes. Putting large complexes (or even small ones) of townhomes in the middle of single family zoned historic homes would negatively impact those of us who live here and would greatly harm the character of our neighborhoods. Please reject this proposal.



Marie Adam de Villiers	5820 Lake Osborne Dr	Against	N - Unincorporated	Lake Osborne Estates -Traffic is bad; Progress should be thoughtful. Not dense townhome developments.
George Adams	3320 Lake Osborne Dr	Against		Displace many underserved people. Impact the charm of South Florida neighborhood.Public needs to be aware.
<b>SCOTT LEE</b>	<b>Attorney for Murray Hills</b>			The settlement agreement does not obligate the City to approve an Ordinance change. Suggests spot zoning.
Bill Yates	3120 Cynthia Ln #201	Against	Y- PT No Homestead	Concerned as presented without common knowledge. It could pass without consulting with residents. Do it in the daylight.
John Rentfrow	3280 Lake Osborne Dr #109	Against	Y - PT No Homestead	If approved, Developers could buy several single family homes and build townhomes.
James Pellegrino	3200 Lake Osborne Dr #101	Against	Y	Concerned with spot zoning; density; changing the character of neighborhood. That's how the elders voted.
Joe Egly	2880 Lake Osborne Dr #108	Against	Y- PT No Homestead	Respect the wishes of everyone here, don't delay and vote no.
Ruth Lynch	2802 Lake Osborne Dr	Against	N - Unincorporated	Doesn't meet LDR's; Townhomes are not Single Family Homes
Jane Schumacher	3402 Lake Osborne Dr	Against	Y	Other incentives such as those offered by Affordable Housing should not be available.
John Lynch	2802 Lake Osborne Dr	Against	N - Unincorporated	Any proposal less than 4-5 homes per acre should be denied as well as other high density proposals
Anthony Vivona	2920 Lake Osborne Dr #201	Against	Y	Just build single family homes
Chris Raley				MDR is the Future Land Use, this is why the Ordinance is being proposed. Surrounded by 30 units to the acre. The City brought forward the Ordinance.

**Spoke on Planned Development**

Anthony Vivona	2920 Lake Osborne Dr #201	Against	Y	Will a decision be made without resident input?
Daniel Morissette	3120 Cynthia Ln #202	Against	Y- PT No Homestead	Lives 8 feet from the wall, loss of privacy and devaluation; children playing and throwing rocks for the fun of it. It is a traditional single family neighborhood
Vita & Saverio Mazza	3200 Lake Osborne Dr #104	Against	Y- PT No Homestead	Traffic is difficult now with the construction at 6 <sup>th</sup> Ave S. Won't be able to cross the street.
Joe Egly	2880 Lake Osborne Dr	Against	Y- PT No Homestead	The City Commission will have to decide if they want to run the risk of increasing the tax base or de-annex, it will be up to the courts.
Jill Karlin	2381 Sunset Ave	Against	Y	Traffic studies during street closures is not accurate. Inappropriate place for the development. Murray Hills is 32 feet lower than the proposed development
Gene Sengstacken	2960 Cynthia Lane #210	Against	Y - PT No Homestead	There is no 30-foot buffer around all of the walls. Lightening strikes when you lie. Could you help with the traffic and setback. Why does everything need to be maximized?
Gaetan St-Hilaire	3200 lake Osborne Dr. #103	Against	Y- PT No Homestead	Losing the street serenity is biggest concern.
John Rentfrow	3280 Lake Osborne Dr	Against	Y -PT No Homestead	Traffic on one road with Amazon, USPS, UPS, moving trucks just parked in the road not to mention if an emergency vehicle that need to arrive.
James Pellegrino	3200 Lake Osborne Dr	Against	Y	A negative effect on the wall, 700 lbs per square feet added weight. Murray Hills lives in harmony with the single-family houses. Suggests the lights from the new units will be invasive no matter how many trees and shrubs are added.
President of HOA	3280 Lake Osborne Dr #102	Against	Y	Murray Hills is a retirement community as it is a peaceful area. The developer has no experience in developing environmentally friendly projects. Removal of trees and roots poses a danger.
Remi Barrette	3322 Cynthia Ln #112	Against	Y - PT No Homestead	With climate change will come torrential rains. The area acts as a sponge thanks to the exotic plants and lovely trees to be replaced with a large paved area. The water will flow to Murray Hills producing mudslides ultimately devaluing their properties.
JoAnn Gillies	719 Sunset Dr	Against	Y	Change the zoning to Single Family (SFR-7) don't compare this to Murray Hills, there will be only one entrance and exit through Sunset Drive single family structures

Tom Voss	3280 Cynthia Ln	Against	Y- PT No Homestead	wrong project wrong place.
Gunnar Malm	3240 Lake Osborne Dr #103	Against	Y - PT No Homestead	Looked at retaining wall, it is currently out of plumb by seven inches. New units will be added into the retaining wall setbacks. The short walls would be impacted. The structural study should take place prior to approving the layout.
Maureen Hughes	3160 Lake Osborne Dr #108	Against	Y	There area offers nothing as far as services, no walkability. Explains the affordability of the proposed homes, mortgages and mortgage payments, monthly incomes, and minimum wages. Setting people up to be house poor.
Yvonne Harmon	2840 Lake Osborne Dr #203	Against	Y- PT No Homestead	Concerns with elevation, density in a small constricted area. Concerns with bio-char; egress and ingress if there is an emergency is also a concern.
Phil Michalski	3360 Lake Osborne Dr #111	Against	Y - PT No Homestead	Not a good fit, situate it closer to bus lines. Shouldn't be higher than the single-family homes.
Mike Atchison	913 Snowden Dr	Against	Y	Has come to love the neighborhood, ask for a new traffic study after completion of several roadway projects.
Mariette Adam De Villiers	5820 Lake Osborne Dr	Against	N - Unincorporated	the project does not fit the site, architecture, density, safety concerns. No incentives should be provided. What about the animals on the site.
David Sims	715 North L Street	Against	Tenant	single egress not appropriate.
Jason LoPiccolo	2024 Collier Ave	Against	Y	Egress can be through Collier Ave but the street is narrow. When the bridge on 6 <sup>th</sup> Ave S opens traffic will be backed up to Congress.
Aaron Thum	2201 Collier Ave	Against	Y	Has concerns about the egress and ingress in the single-family neighborhood. The traffic impact is less in Murray Hills. Should be no more than 5 units per acre.
Stephanie LaRoche	2960 Cynthia Lane #111	Against	Y - PT No Homestead	has a fifteen foot setback to the highest retaining wall and the second retaining wall is closer than that. Drainage and runoff was a problem when the developer of her building was still present.
Susan Boneschansker	3000 Lake Osborne Dr #206	Against	Y- PT No Homestead	The existing neighborhood was never designed for this type of development. Looked up the 3 pillars of sustainable construction which are environmental, social and economic impacts. Developer will move on once the project is complete.
Robert Feero	3280 Lake Osborne Dr#102	Against	Y	Cannot find any development by the applicant. The proposal contains all hot topic sustainable practices. SCG does not have any experience
Karen Risch	2960 Cynthia Lane #204	Against	Y - PT No Homestead	The buildings will loom over her unit. Currently no noise, plenty of peace and quiet. Noise, trash, 80 + people and pets. The HOA rules will change once he leaves
Karen Dares	3360 Lake Osborne Dr #201	Against	Y - PT No Homestead- BL active	Shocked that the applicant has no experience building a sustainable communities. Does not want to be at the forefront of experimentation, not guinea pigs. Land could be utilized in many other ways. Believes it to be a rental community, renters do not have the same pride of ownership because they are not owners.
Michael Hoagland	3360 Lake Osborne Dr #101	Against	Y	- It is necessary for the City to grow, but does not believe it is the right project at this place and time.
George Adams	3320 Lake Osborne Dr #201	Against	Y - PT No Homestead	Reviewed the staff report published online, disagrees with the analysis provided by staff and various departments according to LDR's.
Bill Yates	3120 Cynthia Ln #102	Against	Y - PT No Homestead	Disagrees with analysis provided in staff report according to the Land Development Regulations.
Rheena Balan	913 Snowden Dr	Against	Y	
Carol Michalska	3360 Lake Osborne Dr #111	Against	Y - PT No Homestead	details too vague; how much will the rent be? How can that allow renters to build toward downpayment?
Audrey Voss	3280 Cynthia Ln	Against	Y- PT No Homestead	too much density for small area; concerned about run-off
Eddy Ramirez	2029 Collier Ave	Against	N- Unincorporated	Wildlife living there;negative effect on property value. If it would be for SFR it would be different.

Eddy Ramirez	2029 Collier Ave	Against	N- Unincorporated	42 units will bring high volume traffic; kids playing in the street-unsafe
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**MINUTES**  
**CITY OF LAKE WORTH BEACH**  
**PLANNING & ZONING BOARD MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, APRIL 03, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chair; Mark Humm; Zade Shamsi-Basha; David Mathews; Daniel Walesky, Vice-Chair; Henry Pawski; Evelin Urcuyo. Also present: Scott Rodriguez, Asst .Director for Planning & Preservation; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

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

D. Walesky moved to approve the agenda as presented; M. Humm 2<sup>nd</sup>. Ayes all, unanimous.

**APPROVAL OF MINUTES:** None

**CASES:**

**SWEARING IN OF STAFF AND APPLICANTS** Not required as it is a legislative item not quasi-judicial.

**PROOF OF PUBLICATION** Provided in the meeting packet.

- 1) Ordinance 2024-05 - Affordable Workforce Housing Program  
Ordinance 2024-06 - Spring 2024 LDR

**WITHDRAWLS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None required as the items being heard are legislative not quasi-judicial in nature.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. Ordinance 2024-05:** Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 2 "Administration," Division 3 "Permits," Section 23.2-39 "Affordable/Workforce Housing Program" to provide minor changes for clarity to the Affordable/Workforce Housing Program Tiers.

**Board Attorney:** Reads the Ordinance Title for Workforce Housing.

**Staff:** William Waters – The City Commission has been asking how to incentivize and increase Affordable Housing within the City. Accessory Dwelling Units (ADU) are one method. This is a revision to the existing Ordinance with regard to the 15% bonus currently available. The 15% rarely creates an entire unit and the Comprehensive Plan does not allow rounding up to the next full unit. The CRA has

also suggested that with multiple lots of record each lot could receive an extra unit. The Floor Area Ratio (FAR) is still pertinent nor do other zoning restrictions change. The units would continue to be deed restricted. The City currently provides more dedicated affordable housing than most municipalities and Palm Beach County in the past thirteen years. There are upwards of 200 additional units currently in process or entitled through Live Local. There are an additional 50-60 units through Habitat for Humanity, Adopt-a-Family, Housing Renaissance with ownership opportunities.

**Board:** What type of square footage is required? **Response:** A Studio apartment can be 340 square feet; 510 square feet - 1 bedroom; 800 square feet - 2-bedroom; and 1000 square feet - 3-bedroom unit.

Discussion of FAR, Accessory dwelling units, underlying land use of Single-Family residential.

**Public Comment:** Chris Eichmann – 809 N. Palmway- how does the rounding-up apply to the parking ratio? **Response:** All other codes apply.

**Motion:** D. Walesky moves to recommend approval of Ordinance 2024-05 with additional recommendation that it not be applied to Single Family residentially zoned districts with underlying Single Family Land Use., H. Pawski 2<sup>nd</sup>.

**Vote:** 6/1 motion carries. E. Urcuyo dissenting.

**B. Ordinance 2024-06:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

**Board Attorney:** Reads the Ordinance Title.

**Staff:** S. Rodriguez -Strike line 10034 regarding Historic Preservation.

**Board:** Questions regarding contesting of the demolition of non-contributing SF structures. Florida Statutes only exemptions granted to Key West and Palm Beach.

Explanation of Open Air Operations for Exhibit M- display areas. It is duplicated in Code. Signage code will address sandwich boards. The only place they will be allowed will be Lake and Lucerne Avenues which coincidentally creates ADA issues.

The correlation between overhang and lot coverage. Would recommend the three-foot overhanging eave maintaining a three feet setback and not encroaching on the property line.

Fence height – The natural grade is hard to determine on previously filled lots, now defined as the average between the two lots. This will prevent a neighbor from being negatively affected by a wall height that is ultimately higher than 6 feet depending on the amount of fill. Any fill higher than 30 inches (which may require a railing (plus 42 inches) brings the total to six feet. As an example, the average of 30 inches would be 15 inches plus 30 inches of fill plus 42 inch railing.

String lights – Currently not allowed except under Major Thoroughfare Guidelines in Downtown. This may be changing due to the numerous Holidays and allowing those lights in backyards.

**Public Comment:** None

**Motion:** Z. Shamsi-Basha moves to recommend adoption of Ordinance 2024-06 with the added recommendation of the change to Exhibit O Historic Preservation- (strike line 10034 and to maintain the three-foot setback to any overhanging eave) (Exhibit A); E. Urcuyo 2<sup>nd</sup>,

**Vote:** Ayes all, unanimous.

**C. Ordinance 2024-07:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-Units” to provide minor changes to the development standards for Micro-Units.

**Staff:** W. Waters -Section C – Discussion of evolution of micro units in the City. The change is a proposal to reduce the commercial/personal service and retail component of a project to 10 % or 2,500 square

feet of the gross area of the project. As currently written it is not economically feasible. Two projects may submit plans should this change occur.

**Board:** The number of units should be reduced to less than 20 perhaps 10 units. Discussion of the minimum square footage of the area dependent upon the size of the project. The common shared area is not being reduced with this Ordinance. Mixed- Use districts can also support residential only projects.

**Staff:** When the Ordinance was written, there was concern among those sitting commissioners that it would encourage sub-standard housing and lead to Section 8 housing and occupancy levels would not be followed. That changed with a new commission that was more open to the need for affordable housing. The commercial space rental rate (which is higher) is what is attractive to developers, this would help with subsidizing the construction of the micro-units (which have a lower rental rate).

**Public Comment:** None

**Motion:** D.Walesky recommends adoption of Ordinance 2024-07 with revisions to Line 54 (A) from 20 to 10 units and adding into section (C) that "If a project does not provide a mix of uses, the interior shared common area shall be at least 20 percent". M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** Sunset Properties have pulled the application. Gulfstream initial permit documents were received. There is the thought and hope the Groundbreaking will coincide with Historic Preservation month of May. Live Local will maintain the Industrial area designation.

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

**DEPARTMENT REPORTS:** Budget for 2025 is submitted. Take a look at the upcoming meetings in April and May and stay informed.

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 7:20 PM



Legal Notice No. 49531

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, May 1, 2024, at 6:00 pm** or soon thereafter to consider the following application.

**PZB Project Number 24-01500002:** Consideration of a variance by Peter and Louise Silberstein to allow an electronic gate to be set back 5 feet from the front property line at 3 18th Avenue South. The property is zoned Single Family Residential (SFR) and has a Single Family Residential (SFR) future land use designation. PCN # 38-43-44-34-05-000-0120.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

**Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing.** Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Planning and Zoning Board (PZB) to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov).

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
April 18, 2024

Legal Notice No. 49530

**PLEASE TAKE NOTICE** that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, May 1, 2024 at 6:00 pm** or as soon thereafter to consider the following application.

**PZB Project # 24-00500002:** A request by The Ainsworth Group for consideration of a Conditional Use Permit to allow an indoor commercial recreation and accessory training facility to be located at 2141 10th Avenue North. PCN # 38-43-44-20-01-032-0010. The property is located within the Mixed-Use-West zoning district and has a Mixed-Use West (MU-W) Future Land Use (FLU) designation.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

**Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing.** Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov).

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email [pzoning@lakeworthbeachfl.gov](mailto:pzoning@lakeworthbeachfl.gov) no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald  
April 18, 2024

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-01500002:** Consideration of a variance to allow an electronic gate to be set back 5 feet from the front property line at 3 18<sup>th</sup> Avenue South. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Meeting Date:** May 1, 2024

**Owners/Applicants:** Peter and Louise Silberstein

**Address:** 3 18<sup>th</sup> Avenue South

**PCN:** 38-43-44-34-05-000-0120

**Size:** 0.3352 acre / ± 16,200 sf

**General Location:** Eastern end of 18<sup>th</sup> Avenue South

**Existing Land Use:** Vacant

**Current Future Land Use Designation:** Single Family Residential (SFR)

**Zoning District:** Single Family Residential (SFR)

**Location Map**



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. The proposed variance request is not consistent with the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending denial of the proposed variance.

## PROJECT DESCRIPTION

The applicants, Peter and Louise Silberstein, are requesting a **variance** for an electronic gate to be set back five (5) feet from the front property line at 3 18<sup>th</sup> Avenue South. The subject site is a single-family zoned property located at the eastern end of 18th Avenue South. The lot is currently vacant, though the applicants have expressed that they intend to build a single-family residence. The subject site is surrounded by single-family zoned properties to the north, south, and west, while the east side borders the intracoastal waterway.

## COMMUNITY OUTREACH

As of publication, staff has received one (1) public comment in opposition to the proposal.

## BACKGROUND

The subject site is a ± 16,200 square foot vacant residential lot. Below is a timeline summary of the residential property based on City records:

- October 22, 2012 – received a building permit to rehab a sewer lift station
- January 30, 2018 – received a building permit to install a seawall with kayak launch
- March 20, 2024 – applicant applied for a variance for electronic gate
- April 19, 2024 – a search of the City’s database shows that there are no active code cases

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is *“intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household.”*

**Analysis:** The parcel is currently vacant, and the applicant has provided preliminary plans for the construction of a new single-family residence. The variance being sought does not alter or affect the future land use designation. As such, a formal consistency review of the strategic plan and comprehensive plan is not applicable to a proposal of this scale.

### Consistency with the City’s Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City’s LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved or denied. The applicant’s justification statement is included in **Attachment A**.

**Analysis:** The proposed electronic gate location conflicts with development requirements in the City’s Zoning Code, specifically placement of electronic gates for single-family and two-family residential uses.

Based on LDR Section 23.4-4(d)(4)(C), electronic gates shall be located a minimum of 25 feet from the property line/right-of-way to prevent stacking of automobiles into the public right-of-way. The applicant is requesting a variance to allow an electronic gate to be set back 5 feet from the front property line.

Required by Code	Proposed
<p><i>Electronic security gates and keypad/call boxes shall be located a minimum of twenty-five (25) feet from the property line/right-of-way to prevent stacking of automobiles into the public right-of-way. The minimum stacking distance may be increased in the event the city engineer determines traffic safety so requires. Such increase shall be based on a gate queuing analysis performed by a certified traffic engineer to be provided by the applicant.</i></p>	<p>An electronic gate setback 5' from the front (west) property line.</p>

**Section 23.2-26(b) Variances, Required findings for approval:**

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the application against this section which the analysis outlined as follows:

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of the action of the applicant.

**Analysis:** The property 3 18<sup>th</sup> Avenue North is a platted lot of record that is adjacent to the intracoastal waterway. A property adjacent to a body of water is somewhat unusual within the City but is typical of properties along the eastern edge of the City, including the immediate neighbors of 3 18<sup>th</sup> Avenue South. Based on the Palm Beach County Flood Map, the subject site is within the Coastal High Hazard Area (High Risk – VE) Flood Zone. Due to their proximity to the intracoastal waterway, most properties near or east of Federal Highway are within an identified flood zone. The applicants contend that the required 25-foot setback for electronic gates is not sufficient for the site due to the property's location within a flood zone, necessitating adherence to the Base Flood Elevation (BFE) for new structures. However, BFE height regulations do not alter fence placement requirements. As the circumstances of 3 18<sup>th</sup> Avenue South generally apply to nearby lands and the proposed gate location would be a result of the action of the applicant, the requested variance does not meet the intent of this criterion. **Does not meet criterion.**

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.

**Analysis:** While fencing and gates are a reasonable expectation for single-family properties, the installation of a gate in the proposed configuration is not required for reasonable use of land as a single-family residence. Strict application of the LDRs would require electronic gates to be set back a minimum of 25 feet from the front property line. Based on the applicants' submitted site plan, the required 25-foot setback could be accommodated without alterations to the proposed house or driveway. Furthermore, the proposal could be revised to utilize a manual gate, which would not have any minimum setback requirements from the front property line. **Does not meet criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building

**Analysis:** As discussed above, the proposed variance is not required for reasonable use of the land. Alternative gate configurations could comply with the regulations in the LDRs without necessitating a variance, either by complying with the required electronic gate setback or by changing the proposal to a manual gate. **Does not meet criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

**Analysis:** In 2013, the City adopted new Land Development Regulations through Ordinance 2013-34, which included regulations for the location of electronic gates due to potential issues with traffic and vehicle stacking. The subject variance request is contrary to the intent of the fence and gate regulations. Further, the preliminary site plan for 3 18<sup>th</sup> Avenue South indicates the proposed electronic gate will be set back 5 feet from the front property line and will be set back 6 feet from the southern side property line, which may create conflicts with ingress/egress to both the subject site and adjacent south property. **Does not meet criterion.**

#### CONCLUSION AND CONDITIONS

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b). The applicants have not established by competent and substantial evidence that the proposed variance is consistent with any of the required review criteria, including that a hardship be established related to the circumstances of the property and that the strict application of the LDRs would deprive the property owners of reasonable use of the land. As the circumstances of the subject lot are typical for waterfront properties in Lake Worth Beach, a hardship was not established related to the property's circumstances. As alternative gate type and/or placement options are available that would comply with the Land Development Regulations, the proposed variance is not required for reasonable use of the land. Therefore, staff is recommending that the Planning and Zoning Board not approve the proposed variance based on the data and analysis in this report.

#### BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 24-01500002 for a variance to the minimum setback distance to allow the proposed placement of an electronic gate set back 5 feet from the front property line at 3 18<sup>th</sup> Avenue South. The project does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** PZB Project Number 24-01500002 for a variance to the minimum setback distance to allow the proposed placement of an electronic gate set back 5 feet from the front property line at 3 18<sup>th</sup> Avenue South. The application meets the variance criteria for the following reasons [Board member please state reasons].

**Consequent Action:** *The Planning & Zoning Board's decision will be the final decision for the variance. The applicants may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Application Package (survey, site plan, and supporting documents)

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-00500002:** Consideration of a Conditional Use Permit for the establishment of a ±9,000 square foot laser adapted dry shooting range designated as indoor commercial recreation and accessory training facility uses located at 2141 10<sup>th</sup> Avenue North, Suite 1. The property is zoned Mixed Use - West (MU-W).

**Meeting Date:** May 1, 2024

**Property Owner:** Finski, LLC. & Neptune Docks, LLC.; CCB Investors Assets Management, LLC.

**Applicant:** Scott J. Weiner, The Ainsworth Group

**Address:** 2141 10<sup>th</sup> Avenue North (Suite 1)

**PCN:** 38-43-44-20-01-032-0010

**Size:** 2.6395-acre site / 31,092 square-foot building (±9,000 square-foot use area)

**General Location:** South side of 2000 Block on 10<sup>th</sup> Ave N

**Existing Land Use:** Commercial/Retail/Personal Service

**Current Future Land Use Designation:** Mixed-Use - West (MU-W)

**Zoning District:** Mixed-Use - West (MU-W)

Location Map



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit uses are consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 5 and 6 of this report.

## PROJECT DESCRIPTION

The applicant, Scott J. Weiner on behalf of The Ainsworth Group, LLC., is requesting a Conditional Use Permit for a ±9,000 square-foot indoor commercial recreation and accessory training facility. Laser Defense is a Dry Fire Shooting Gallery which uses a combination of software with audio, video, and laser simulated guns that do not require live ammunition. The business model is a software entertainment and real world simulated practice laser adapted recreational shooting gallery. There will be 20-30 projector bays. The request would include the installation of two ADA bathrooms with a water fountain and construction of approximately 30 drywall separation bays within the space located at 2141 10th Avenue North, Suite 1.

The use will be located at the south side of the existing structure. The property is zoned Mixed-Use West (MU-W) and has a Future Land Use designation (FLU) designation of Mixed-Use West (MU-W). The proposed uses are a high-intensity commercial and personal service type uses that are anticipated in the MU-W zoning district. No site improvements to the structure or parking areas are proposed as part of the subject request. The proposed hours of operation may vary depending on the season and business operations but generally are from 8AM to 8PM, 6-7 days per week. The business will have 4-6 employees (one employee per projector bay with a general manager).

A high intensity indoor commercial recreation and accessory training facility is allowed in the MU-W zoning district with the approval of a Conditional Use Permit (CUP).

## COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

## BACKGROUND

**Existing Development:** The existing building on the site was constructed in 1982. The 31,092 square-foot structure currently has a total of 14 tenant spaces ranging from 800 to 14,000 square feet with approximately 150 off-street parking spaces.

**Addressing:** The parcel historically has had several addresses. The site has a main address through the Palm Beach County (PBC) Property Appraiser's office and the city's internal business activity management software called Naviline [Enterprise Resource Planning (ERP) and Utility Billing (UB) system]. The main address is 2121 10<sup>th</sup> Avenue North.

**Land Use:** There are numerous active business licenses for uses located at the site. The site has a history of being occupied by different commercial, retail, and service uses. The current 9,000 square-foot bay does not have an active business license.

Active Business Licenses within 2107-2141 10<sup>th</sup> Ave N:

- Punto Rojo II, Inc. – Restaurant – 2107 10<sup>th</sup> Ave N
- Los Angeles Income Tax Services – Income Tax Service – 2111 10<sup>th</sup> Ave N
- Avon By Kaylani, Inc. – Retail Stock – 2113 10<sup>th</sup> Ave N
- Easy Reach Chiropractic, LLC. – Business Office – 2121 10<sup>th</sup> Ave N

- Finski, LLC. & Neptune Docks, LLC. & CCB Investors – Commercial/Industrial – 2121 10<sup>th</sup> Ave N
- Rainbow of Life Behavior Health Center, LLC. – Business Office – 2121 10<sup>th</sup> Ave N
- Brighter Minds Behavioral Health Center – Business Office – 2121 10<sup>th</sup> Ave N
- Easy Reach Physical Therapy & Rehab, Inc. – Business Office – 2121 10<sup>th</sup> Ave N
- Mon Scorpion Group, LLC. – Business Office – 2121 10<sup>th</sup> Ave N
- Los Compadres, Corp. – Restaurant – 2123 10<sup>th</sup> Ave N
- Amazulu Transport, Inc. – Business Office – 2125 10<sup>th</sup> Ave N
- M & Y Nails and Beauty Salon, LLC. – Beauty Salon/Shop/Salon – 2127 10<sup>th</sup> Ave N
- Elim Temple Church of God, Inc. – Charitable Organization – 2129 10<sup>th</sup> Ave N
- Ministerio Evangelistico “La Gran Cosecha,” Inc. – Meeting Hall – 2133 10<sup>th</sup> Ave N
- Iglesia Pentecostes Restaurados Por El Espiritu – Meeting Hall – 2137 10<sup>th</sup> Ave N
- Zion Watchmen, Inc. – Meeting Hall – 2139 10<sup>th</sup> Ave N
- A.R. Williams Air Conditioning – Contractor – 2141 10<sup>th</sup> Ave N

**Code Compliance:** There are no open code compliance cases on the property.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – West (MU-W). Per Policy 1.1.1.6, the MU-W FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas west of I-95. The distinguishing characteristic of the MU-W land use area is that it allows higher-intensity uses as well as higher height limits along the City’s western thoroughfares. The proposal would allow for the establishment of a high intensity indoor commercial recreation and accessory training facility use within a mixed-use building along one of the City’s Major Thoroughfares, 10<sup>th</sup> Avenue North. Therefore, the proposal can be deemed consistent with the intent and desired uses for the MU-W FLU.

The City’s Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. The proposed indoor commercial recreation and accessory training facility uses will activate a tenant space which is currently vacant, and therefore it will help stimulate the economy and will contribute towards the City’s tax base and sustain or increase jobs as recommended under Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit to establish an indoor commercial recreation and accessory training facility use at the subject location is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive Plan and Strategic Plan.

### Consistency with the Land Development Regulations

Per LDR Section 23.3-18, the MU-W mixed use district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city’s western thoroughfares. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

**Analysis:** The proposed indoor commercial recreation and accessory training facility uses are appropriate for this zoning district. These uses are located adjacent to compatible uses and along a major thoroughfare. These uses will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors.



The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

**Section 23.2-29.a), Conditional Use Permits:** *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

**Section 23.2-29.b), Approval Authority:** *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

**Analysis:** A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

**Section 23.2-29.c), General Procedures:** *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

**Staff Analysis:** The structure on the property was constructed in the 1980's. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the Land Development Regulations is applicable (LDR Section 23.5-3). The existing nonconformities related to impermeable surfaces and building setbacks are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs on the following data and analysis:**

**Section 23.4-10.f)2.A., Exceptions (Off-street Parking).** *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

**Staff Analysis:** The request is for new uses without increasing the existing building floor area; therefore, additional parking spaces are not required. The proposed use will accommodate approximately 20-30 projector bays with one vehicle per bay not including staff. The projector bays will be assigned by appointment in increments of 30 minutes to an hour in length of time. An additional seven (7) parking spaces may be needed for staff parking. Anticipated parking will be around 20-25 spaces per day. The existing site has 31,092 square feet of multiple-use tenants. The site currently has approximately 150 parking spaces (147 standard and three (3) ADA) and will be able to accommodate parking during operating hours.

**Signage:** Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

**Section 23.6-1. - Landscape regulations:** *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping" consistent with this section including a landscape strip ten (10) feet in depth.*

**Analysis:** In 2021 and 2022, the site had obtained approval for a conditional use permit (CUP) and an administrative use permit (AUP). As part of the development orders, landscape plans and permits were submitted and approved by the City. Staff is proposing a condition on the subject CUP to ensure minimum maintenance requirements of the approved landscape plan are met per LDR Section 23.6-1(d).

No modifications to the building or site are proposed as part of this conditional use. However, the Major Thoroughfare Design Guidelines state that mixed-use development should “protect the pedestrian and enhance the pedestrian environment and scale” and “ensure compatibility between adjacent uses, especially residential.” Although the requested use is at the rear of the site, conditions of approval are being proposed to maintain the right-of-way landscape buffer on the north property line and the south property line adjacent to the existing mobile home park. The conditions will ensure that the pedestrian environment along the major thoroughfare promotes compatibility of the entire site.

### **Findings for Granting Conditional Uses**

*Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:*

#### ***Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.***

**Staff Analysis:** The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. An indoor commercial recreation and accessory training facility uses are anticipated uses in the Mixed-Use - West (MU-W) zoning district. The proposed uses will not result in less public benefit, nor will they result in more intensive development than anticipated in the zoning district in the comprehensive plan.

#### ***Section 23.2-29.e) Specific findings for all conditional uses.***

**Staff Analysis:** The proposed conditional uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire, and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff has added a condition for additional landscaping provisions to ensure adequate screening is continuously provided.

#### ***Section 23.2-29.g) Additional requirements.***

**Staff Analysis:** As of the date of this report, there are no active code compliance cases for the subject property.

## **CONCLUSION AND CONDITIONS**

The MU-W district is intended to provide for the establishment and expansion of a broad range of office and commercial uses, including moderate intensity and higher intensity commercial, hotel/motel and medium-density multiple-family residential development along the city's western thoroughfares. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2-29. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

### **Planning & Zoning, and Landscaping**

1. Landscaping shall be subject to minimum maintenance requirements per LDR Section 23.6-1(d).
2. This Conditional Use Permit (CUP) shall require the owner to apply for a business license within twelve (12) months from the date of the approval. Failure to apply within that timeframe shall render the approval null and void in accordance with Section 23.1-11.

3. All activities at 2141 10<sup>th</sup> Avenue North, Suite 1, shall occur indoors and shall not occur in the parking lot or any exterior areas.
4. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the required Business License for the business. This approval only applies to this address, 2141 10th Avenue North, Suite 1, and will not constitute approval for any new location or unit.
5. The proposed use may require a change of occupancy for the tenant space to comply with the Florida Building Code. Contact the Building Division and Fire Reviewer directly regarding the change of use. Please note, their review may require improvements to the building (e.g. ADA bathroom). If required, these improvements must be permitted and completed prior to the issuance of business license(s).
  - Peter Ringle (City of Lake Worth Beach - Building Official): Office Phone: 561-586-1786 | Email: [pringle@lakeworthbeachfl.gov](mailto:pringle@lakeworthbeachfl.gov)
  - Pamela Summers (PBC Fire Rescue): Office Phone: 561-616-7023 | Email: [psummers@pbcgov.org](mailto:psummers@pbcgov.org)
6. All new business signage requires a building permit and shall conform to LDR Section 23.5-1 requirements.
7. All noise shall be reasonably confined to the interior of the space and excessive noise shall not be permitted outside of the premises.

#### Electric Utilities

1. If any changes are proposed to the electric services, the electric utility will request all voltage and load calculations. A riser diagram must be included in the electric plans for the permit to be approved.
2. For a 3-phase service, a CT cabinet is needed for the meter if the services are over 200 amps.

#### BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 24-005000002 with staff recommended conditions for a **Conditional Use Permit** request to establish an *indoor commercial recreation and accessory training facility* at 2141 10th Avenue North, Suite 1, based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 21-005000009 for a **Conditional Use Permit** request to establish an *indoor commercial recreation and accessory training facility* at 2141 10th Avenue North, Suite 1. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

**Consequent Action:** *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

#### ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey/site plan, floor plan, and supporting documents)

### ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	<b>In compliance</b>
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	<b>In compliance</b>
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	<b>In compliance</b>
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	<b>In compliance</b>
Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	<b>In compliance</b>
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	<b>In compliance</b>
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	<b>In compliance</b>
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	<b>In compliance</b>
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a</i>	<b>In compliance</b>

*demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.*

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

<b>Section 23.2-29.g) Additional requirements.</b>	<b>Analysis</b>
1. <i>Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.</i>	<b>In compliance</b>
2. <i>Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless request for amendment of conditions is part of the current conditional use permit application.</i>	<b>In compliance as conditioned</b>