



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JULY 19, 2023 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were – Juan Contin, Chair; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Daniel Walesky. Absent: Evelin Urcuyo; Alexander Cull. Also present were – Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney (virtual); Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. June 7, 2023 Regular Meeting Minutes

Motion and Vote to accept the June 7, 2023 minutes as presented; 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) PZB 23-00500010 - 1622 North Federal Hwy
- PZB 23-00500006 - 326 South H Street
- PZB 23-01500007 - 212 16th Ave North
- PZB 23-01500003 - 1901 12th Ave South
- PZB 22-01400019 - 1432 North Dixie Hwy
- PZB 23-00600003 - 2505 North Dixie Hwy

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE – J. Contin discloses he is the architect of record for New Business PZB 23-01400019 and will recuse himself.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 23-0000009: Request by Robert Cartagine for the approval of a mural located on the south façade of the building at 920 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: A. Fogel – This mural will be installed with printable vinyl adhesive with UV protection rather than painted. The mural meets the Strategic Plan; Comprehensive Plan and Land Development Regulations. Conditions include removal of the QR code to ensure there will be no commercial message contained on the mural. The mural removal agreement is always required.

Applicant: Signage will be a separate permit.

Board: Is there a warranty on the material?

Applicant: It is a 3-M product with a seven-year (7) lifespan, Envision Print Film; non-PVC film; Green Guard Gold certified; LEED-4 credits.

Motion: Z. Shamsi-Basha moves to approve PZB 23-0000009 with staff recommended Conditions based upon data and analysis in the staff report and E. Leblanc 2nd

Vote: Four Ayes, 1 Nay; M. Humm dissenting. Motion carries.

B. PZB Project Number 23-00500010: A conditional use permit request for a ±3,404 square foot Medical Office (outpatient clinic/medical office use) located at 1622 North Federal Highway. The subject property is zoned Mixed Use – Federal Highway and has a Mixed Use – East (MU-E) future land use designation.

Staff: S. Rodriguez presents case findings and analysis. Group counseling and therapy will be offered at the location. The use meets the Comprehensive Plan, Strategic Plan and LDR's.

Applicant: Fernando Capetillo-would like to apply for the business license as soon as possible. Would like to proceed with the license prior to the completion of a minor site plan and building permit. Would like the timing to be more lenient.

Staff: The reason is in the past applicants have filed for a business license without completing or complying with the other conditions such as a building permit after which they ended up before the magistrate with a code violation.

Board: Is there other work to the structure involved? **Response:** No just painting. Since there appears to be a bit of landscape work it may involve a landscape architect.

Staff: They could come in for a landscape permit by itself. The minor site plan should be in progress

Motion: E. Leblanc moves to approve PZB 23-00500010 with conditions based upon competent substantial evidence in the staff report and in the testimony at the public hearing except a minor site plan application shall be required prior to the issuance of a business license to install a new refuse enclosure and to install new landscaping to reduce nonconformities with the landscape code; D. Walesky 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 23-00500006: A conditional use permit request for a ±2,622 square foot Minor Vehicular Service and Repair use located at 326 South H Street. The subject property is zoned Artisanal Industrial (AI) and has an Artisanal Mixed Use (AMU) future land use designation.

Staff: S. Rodriguez presents case findings and analysis. Staff explains that minor auto repair is for service only requiring a day or less, such as oil change, tire rotate etc.; drop in the morning, pick up in the evening with no body work, transmission or engine changeout.

Applicant: Sergio Molina- there won't be any major repairs occurring at this site. Understands the concerns with parking in the streets and overnight parking.

Board: Some Board members appreciate the site has sufficient off-street parking and yet no vehicles can remain overnight in the parking lot.

Public Comment: Elbert Ramirez – against the approval as the use in a Mixed-Use zoning district could potentially impact those properties wanting to improve their properties to residential or mixed uses. There are also safety concerns created by vehicles parked in the street; disputes the claim this will be minor auto repair.

Motion: D. Walesky moves to approve PZB 23-00500006 with staff recommended Conditions based upon competent substantial evidence in the staff report and testimony provided at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous.

D. PZB Project Number 23-01500003: Consideration of a waiver to allow a new ground changeable copy sign for an institutional use at 1901 12th Avenue South. The property is zoned Single-Family Residential (SF-R) and has a Single-Family Residential (SF-R) future land use designation.

Staff: A. Fogel presents case findings and analysis. The size of the sign is not changing, it is vested. The waiver process is required as the site is not on a major thoroughfare. A recent Ordinance change allows for the waiver process outside major thoroughfares.

Art Sign Company: The proposal is for LED changeable message on the two-sided sign. The digital messages are more modern in style. The current sign is illuminated on both sides. Faces the lake and not toward any homes; based upon Kelvins, and can be adjusted from dusk to dawn as well as recognizing daylight savings time changes. The neighborhood is accustomed to the lit sign already. The technology sends error messages to the proprietary company who in return advises the sign company the modules are in need of changing. The initial installation comes with 4 extra modules. There is a seven year warranty.

Board: Is the proposed sign to be two-sided? Are the signs facing any homes or only the lake? Discussion regarding dwell time for messages; how bright the messages are; how are the messages currently changed? 12th Avenue is different from Lake Osborne Rd. which is a “collector road”.

Staff: Modernization is inevitable as the technology on other existing changeable signs is obsolete. The size of the changeable copy can be lessened as well as the brightness.

Public Comment: Matthew Portilla – 1301 Cochran Drive- Against the approval as he lives next door and estimates the sign has never provided any valuable information.

Ramsay Stevens – 618 South K Street- Against the approval of an electric sign in a residential neighborhood as the decision will eventually come to impact other neighborhoods.

City Attorney: Although the public comment may be considered, the message/content on the sign cannot be regulated.

Motion: D. Walesky moves to approve PZB 23-01500003 with staff recommended Conditions of Approval including the following amendments/additions: 1. The changeable copy sign only be installed on the face fronting Lake Osborne Drive; 2. The changeable copy sign be turned off two (2) hours after sunset and be turned on one (1) hour prior to sunrise; 3. The minimum dwell time be increased to 10 minutes; as it meets the waiver criteria based on the data and analysis in the staff report; Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

E. PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: A. Fogel presents case findings and analysis. Includes package beer and wine which is typical of grocery stores. The use requires a 500-foot minimum distance from protected uses such as churches, schools, parks and libraries as well as other establishments vending alcoholic beverages. Within this same plaza, Family Dollar recently received the same approval. An existing pizzeria at this location is also licensed for on-site consumption of beer.

Agent for the Applicant-Catherine Valdes- Presidente operates 40 stores from Homestead to Orlando; In addition to maintaining the state guidelines for cashiering of alcohol purchases, the store requires Driver License information entry into the store computer files /register. Within the stores a typical area would be the 16x20 foot coolers with some pallets. The total represents approximately 5% of gross floor area.

Board: Would like confirmation there would be no hard liquor sales. Staff states it is a 2Aps license which does not permit that type of sale. What relevance is it that the restaurant serves beer when there are multiple restaurants side by side selling beer and wine? Staff: Restaurants with 50%+ sale of food are not considered bars. Wanted to show other sites within the plaza selling alcohol.

Considering that grocery stores have evolved, shall staff continue to ask for waivers for grocery stores vending package alcohol? or is it agreed that, and provided that, it is an accessory use within a grocery store, the waiver request would no longer be needed? Lastly, what percentage of total floor use would be acceptable?

Motion: Z. Shamsi-Basha moves to recommend approval of PZB 23-00600003 to the City Commission based upon the data and analysis in the staff report and the testimony at the public hearing; M. Humm 2nd.

Vote: Ayes all, unanimous

Considering that grocery stores have evolved, shall staff continue to ask for waivers for grocery stores vending package alcohol? or is it agreed that, and provided that, it is an accessory use within a grocery store, the waiver request would no longer be needed? Lastly, what percentage of total floor use would be acceptable?

Staff: Several full package stores in close proximity can create external situations.

Reorder the agenda to maintain quorum for the last item, the Chair is recusing himself from Item G.

G. PZB Project Number 22-01400019: A major site plan and sustainable bonus incentive program request to construct a mixed-use building containing commercial space and 4 residential units. The sustainable bonus incentive program request is for an additional story (3 stories total). The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and analysis.

Agents for the Applicant: Faten Almosawi and Kevin Fernandez of Contin Architecture - The property was vacant. Worked with staff on parking and refuse and landscape buffer.

Staff: It is a challenging site as it is not a big site. Ultimately no variances were required.

Board: Explain the refuse area. The area is enclosed by a wall (rollouts will be used) and precluding any restaurant on site.

Motion: M. Humm moves to approve PZB 22-01400019 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and testimony at the public hearing; E. Leblanc 2nd.

Vote: Ayes all, unanimous. Chair Juan Contin abstained from the vote and was not present in the chambers for the presentation or vote. Staff reiterates that he has not spoken to staff or represented any portion of the project to staff. Contin professional staff/associates brought forth the project and represented the project through the course of review and vote.

Z.Shamsi-Basha departs dais at 7:54 PM

F. PZB Project Number 23-01500007: A request by Peter Heidmann for consideration of a variance to allow a pool (accessory structure) within the front yard at 212 16th Avenue North. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: A. Fogel provides case analysis and reviews variance criteria. Code does not allow the siting of an accessory structure between the primary structure and the street. Considering the 20-foot front setback and a rear setback of less than three (3) feet, this lot would meet the criteria 1 and 3. Criteria #2 is met in that it is a reasonable expectation to have a pool at a single-family home in South Florida. Criteria #4 is met as it is not injurious to the public welfare.

Board: Fence is not shown on the plan and what is the required height. **Staff:** Four feet in front can go to the property line and the height is correct for the safety.

Applicant: Prefers the vegetation within boundaries the front yard for privacy and will most likely add additional on the south side; also considering a masonry wall on west side of driveway

Public Comment: None

Motion: E. Leblanc moves to approve PZB 23-01500007 with staff recommended Conditions as it meets the variance criteria based on the data and analysis in the staff report. M. Humm 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: Comprehensive Plan Property Rights Element is being transmitted to the DEO State of Florida. City Commission. LDR's are scheduled to have a second reading by City Commission on August 15.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:07 PM