



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, OCTOBER 19, 2022 -- 6:03 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chairman; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Alexander Cull; Daniel Walesky, Vice-Chair. Evelin Urcuyo arrived 6:05 pm. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:** None

**APPROVAL OF MINUTES:**

A. September 7, 2022 Regular Meeting Minutes

**Motion:** M. Humm moves to approve the September 7, 2022 meeting minutes as presented;  
A. Cull 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.

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** D. Walesky knows Tim Carey from working with him on a different project.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

A. **PZB Project Number 22-00500008:** A Conditional Use Permit (CUP) request for Sunbelt Rentals at 1800 Aragon Ave for the establishment of an equipment rental facility designated as an equipment rental and leasing use (high Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses) by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use

designation of Industrial (I). The project is being processed concurrently with a minor site plan amendment to address new landscaping and accessory outdoor storage.

**Staff:** S. Rodriguez presents case findings and analysis. As the proposal is consistent with the City of Lake Worth Beach Land Development Regulations, the Comprehensive Plan, and Strategic Plan staff is recommending approval with Conditions. The minor site plan is reviewed after the approval of the Conditional Use. This allows staff to implement the Conditions such as landscaping

**Agent for the Applicant-Josh Nichols-**The business is for commercial rental of flooring polishers and cleaners. Typically there are two (2) vehicles and two (2) trailers for deliveries to the client. Landscaping will be reviewed, approved and added to the site per the minor site plan modification.

**Board:** J. Contin inquires about the cleaning of the equipment upon return from the client and whether that is being addressed through Public Services or Water Utilities; will there be sufficient dumpsters to accommodate any waste that is generated.

**Agent for Applicant:** Believes one dumpster will be sufficient for the site.

**Board:** Add a Condition to task City Engineers to review at time of minor site plan the cleaning of equipment upon return from the client including water runoff.

**Motion:** D. Walesky moves to approve PZB 22-00500008 based upon competent substantial evidence in the staff report and in the testimony at the public hearing; A. Cull 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. PZB Project Number 22-00500013:** A conditional use permit request for Mint Dentistry at 1114 North Dixie Highway for the establishment of an ±5,400 square foot dental office (outpatient clinic/medical office use). The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

**Staff:** S. Rodriguez presents case findings and analysis. The lot has been vacant for 6-7 years. Staff is recommending approval with conditions. A Unity of Title between the parcels is a Condition of Approval as well as landscape improvements and recorded shared parking agreement. The applicant is proposing interior changes to include 15 patient spaces, no exterior improvements are being proposed. The property is currently in Code Compliance for violations. Public Works is proposing the improvement of the alley, thus encouraging the turn movement into the alley rather than exit through the community (further on J Street). Only trash bins may be required rather than a dumpster. As they have a medical waste pickup and office waste.

**Agent for the Applicant:** Andrea Cortez- The interior will be fully remodeled, the existing interior will be demolished. They have had other offices with off-site shared parking agreements.

**Board:** Parking spaces may be lost to landscaping; concerns are expressed with regard to the traffic pattern and parking movements.

**Motion:** D. Walesky moves to approve PZB 22-00500013 based upon competent substantial evidence in the staff report and testimony at the public hearing; E. LeBlanc 2<sup>nd</sup>

**Vote:** Ayes all, unanimous

**C. PZB Project Number 22-01500004:** Request by Romi DiRoberto of Happy Car Sales for consideration of a Variance to allow a fence to be setback a minimum 5 feet from the front property line at 821 South Dixie Highway. LDR Section 23.4-4 requires that fences on commercial properties be set back to the minimum building setback line of 10 feet.

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- The use is a non-conforming use and as such the variance will not run with the land but only until time of re-development and non-conformity ceases. Additional landscape installations are required.

**Board:** Will the lot be re-stripped? Response- that has already occurred through the permit process. Will lighting be improved? Response- No, it is sufficient.

**Business Owner- Rich Emke-** The property has had three break-ins within a short period of time. The bollards were installed as a result and a chain link fence. The applicant found out shortly thereafter the chain link was not allowed. Preference it to not move the fence back into the sales area. As there isn't enough stacking or queueing distance onto the site from Dixie Hwy, the solution is a folding metal gate/fence.

**Motion:** A. Cull moves to approve PZB 22-01500004 to install approximately 300 linear feet of aluminum fencing and gate setback five (5) feet from the property line, with staff recommended conditions. The application meets the criteria based upon data and the analysis in the staff report.

**Vote:** Motion carries 5/2; E. LeBlanc and M. Humm dissenting for the following reasons: there is not a real hardship for setback on a fence and not wanting to set a precedent.

**D. PZB Project Number 22-01400020:** A major site plan, conditional use permit and sustainable bonus requests for the property located at 2202 Lake Worth Rd to construct a 4 story, ±99,800 sf indoor self-storage facility. The sustainable bonus request is for an additional 2-stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

**Staff:** E. Sita presents case findings and analysis. Mural requires separate application and Board presentation. Required parking is 15 spaces and the applicant has provided 24. The eastern portion of the property will receive landscaping to buffer residential units in unincorporated Palm Beach county as per FPL "Right tree in the Right place" publication. The buffer falls within a utility easement. The applicant has proposed medium size, mature native trees. Although two (2) live oaks and three (3) sabal palms are proposed to be removed, no mitigation is required due to onsite replacement. The Substantial Bonus value equates to \$374,250.00. The applicant will provide half the incentive value to the City account and the other half shall be in the form of a mural, sculpture, enhanced landscaping and Florida Green Building certification.

**Agent for Applicant:** Tim Carey- the applicant owns and operates his properties; they never build and run. Rosemurgy is a family owned business founded in 1977 Trying to make it unlike most self-storage facilities with unique contemporary architecture with articulation on all facades. Undercover parking in case of rain. Truck rentals will not be included within this approval process. Green certification being sought. The proposed mural and sculpture at the southwest corner of property along with generous landscaping throughout the site is intended to enhance the pedestrian experience and streetscape.

**Board:** Questions regarding the residential areas to the east on Buffalo Street were answered once discovered that one individual owned all the parcels. The area is still in unincorporated Palm Beach County. Annexation is an outstanding topic as it is an area covered within the Interlocal agreement. Is the Sustainable Bonus Program and height being revised?

**Staff:** Staff explains, in this case the Planned Development regulations do not apply. This is a Tier one Sustainable Bonus which allows this two-story height. Tier 2 requires CC approval. TOD and MU-West is intense commercial and only allowed west of I-95. Any tier above Tier one would only be a recommendation to the City Commission.

**Public Comment:** None

**Motion:** A. Cull moves to approve PZB 22-01400020 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and testimony at the public hearing; J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**D. Ordinance 2022-20:** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.

**Staff:** E. Sita Education Foundation on Barton Road – realized in the process of the rezoning that the request was for a warehouse use. Technically it was not allowed which is ironically counter to what Public district zoning uses currently include. For example, Community Centers were not included. at the direction of City Commission Explains the intent is to remove from the use tables the columns entitled “P, Pros, and C”. The text remains within the Land Development Regulations. Additionally, if all uses in those zoning districts require Conditional Use approval, the review by public hearing will be more stringent and publicly advertised than if by Administrative approval by staff. It will improve the efficiency of the review and increase scrutiny of city uses on city property.

**Motion:** E. LeBlanc moves to recommend to the City Commission approval/adoption of Ordinance 2022-20; D. Walesky 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

**E. Ordinance 2022-21 (PZHP 22-03100006):** Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.312 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools.

**Staff:** This amendment would be to reduce the side setback for accessory structures and pools to lots greater than 50 feet allowing for flexibility with placement on the lot. It will help with pool equipment setback. Will also benefit ADU’s Accessory Dwelling Units in certain zoning districts.

**Chairperson:** The flexibility to move a smaller structure around on any lot increases but changing the primary structure setback would encompass many more code and urban issues.

It allows for greater landscape buffers and more parking but would caution to speak with PBC Fire with regard to separation issues.

**Board:** Question as to whether is was also considered for the primary structure? **Response:** No. Why would it not apply to new construction? It is understood how it would work for existing sites but would like it to include new construction. Would like to modify the code as other cases heard tonight prior to this change interpreted the code. This is the chance to modify the code.

**Staff:** The Board may recommend changes to the Commission but they are not decision makers with matters pertaining to the Land Development Regulations. Typically the Commission directs staff to consider changes, not the other way around. Staff suggests that if it is important to the Board, they could recommend to Commission they would like the scope of this Ordinance to include primary structure setbacks, it would be at the pleasure of the Commission if they would want to include that as part of the Ordinance.

Some Board members are not in favor of this change at this time; others would like to have a workshop to discuss changes to LDR's. If City Commission is not ready to consider changes to certain topics, the workshop would be for naught.

**Motion:** D. Walesky moves to recommend to the City Commission approval/adoption of Ordinance 2022-21; A. Cull 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

**PLANNING ISSUES:** Planning and Zoning Board will be on December 14 as there will be no HRPB meeting on the 14<sup>th</sup>, the January meeting will be the 3<sup>rd</sup> Wednesday. There will be two Planning & Zoning Board meetings in November, the first and third Wednesdays.

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

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** Board members suggest the Vice-Chair bring a list of items to the next meeting that the Board could determine what they might like to workshop.

Staff: In response to the aggregation of land, it's clear that more land allows for easier planning as all new construction involves parking, drainage, waste containment and landscaping.

**ADJOURNMENT:** 8:07 PM